

PROCEDURE 2.33.0: VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

Leave policy

Illinois employees may take unpaid leave under the Victims' Economic Security and Safety Act (VESSA) to seek assistance in response to an act or threat of domestic violence, sexual assault or stalking. You may take this leave to seek services for a victim of domestic or sexual violence if the victim is:

1. Yourself
2. A covered family member (spouse, child, parent, other person related by blood or present or prior marriage, other person who shares a relationship through a child)
3. A household member who's currently residing with you.

VESSA leave isn't allowed, however, if the employee's interests regarding the violent act are adverse to the victim's interests. The employee may take leave for a child who's a victim if that child is under age 18, or if 18 years or older, the child is mentally or physically disabled and incapable of self-care. You're eligible to take up to 12 weeks of unpaid VESSA leave within any 12-month period and be restored to the same or an equivalent position upon your return from leave.

Reasons for leave

You may take VESSA leave to obtain assistance or services for a victim for the following purposes:

1. To seek medical attention for, or recover from, physical or psychological injuries caused by the domestic or sexual violence.
2. To obtain services from a victim services organization.
3. To obtain psychological or other counseling.
4. To participate in safety planning, seek temporary or permanent relocation, or take other actions to increase the safety of the victim from future domestic or sexual violence or ensure economic security.
5. To seek legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any legal proceeding related to or resulting from domestic or sexual violence.

If you misrepresent facts to be granted a VESSA leave, you'll be subject to immediate termination.

Notice of leave

You must give the college at least 48 hours prior notice, unless providing advance notice isn't practicable under the particular circumstances. If you're unable to provide advance notice, you must provide notice when you're able to do so, within a reasonable period of time after the absence. Failure to provide the required notice may result in treatment of the absences as unexcused.

Certification

Employees requesting VESSA leave must provide proper certification for all absences. The certification must show that:

1. The victim for whom the leave is requested is the employee, a covered family member or a covered household member.
2. The victim was subjected to an act or threat of domestic or sexual violence.
3. The leave is to seek assistance for a purpose covered by the Act. The employee must provide two types of written documentation as certification:
 - a. A sworn statement by the employee showing that the leave qualifies for a purpose covered by VESSA.
 - b. Written documentation from the source from whom assistance was sought or who could otherwise verify the nature of the leave, such as documentation from:
 - i. A representative of a victim services organization, an attorney, member of the clergy, or a medical or other professional, from whom the employee has sought services on behalf of a covered victim to address domestic or sexual violence or the effects of the violence.
 - ii. A police or court record, or (c) other corroborating evidence.

It's the employee's responsibility to ensure the college receives the proper certification. If the college doesn't receive adequate certification within a reasonable time period after it's requested, or if the certification doesn't confirm a VESSA-qualifying purpose, the employee's absences will be treated according to the college's attendance standards.

Reporting while on leave

You may be required to contact your supervisor on a regular basis regarding the status of your leave and your intention to return to work.

Leave is unpaid

VESSA leave is unpaid leave. You may choose, however, to use any accrued paid time off that would otherwise apply to the circumstances of the leave. For instance, if the leave was for you, because you're temporarily disabled due to domestic or sexual violence, you may use any accrued sick time for that portion of the leave. You may use accrued vacation or other personal

time for any of the purposes allowed under the Act. The substitution of paid leave time for unpaid leave time doesn't extend the 12-week leave period.

Medical and other benefits

During an approved VESSA leave, the college will maintain your health benefits, as if you continued to be actively employed. If paid leave is substituted for unpaid leave, the college will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium during the leave. Your group healthcare coverage may cease if you fail to make timely payments of your share of the premiums. If you don't return to work at the end of the leave period, you may be required to reimburse the college for the cost of the premiums paid by the college for maintaining coverage during your unpaid leave, unless you cannot return to work because of the continuance, onset or recurrence of domestic or sexual violence, or other circumstances beyond your control. If that is the case, you'll be required to produce written certification to confirm the circumstances beyond your control.

Vacation, sick time or other benefits won't accrue while on unpaid VESSA leave. You'll remain entitled to all of your benefits that accrued prior to your leave, however.

Intermittent and reduced schedule leave

VESSA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). If leave is unpaid, the college will reduce your salary based on the amount of time actually worked.

Other applicable leaves

VESSA leave will run concurrently with any other applicable leave. For instance, leave taken under VESSA, which also qualifies under the Family and Medical Leave Act (FMLA), will be simultaneously designated as both VESSA and FMLA leave. Likewise, absences for which an employee receives sick time or short-term disability benefits for a purpose covered under VESSA will be designated as VESSA leave.

Returning from leave

If you wish to return to work at the expiration of your leave, you're entitled to return to your same position or to an equivalent position with equal pay, benefits and other terms and conditions of employment, subject to any applicable exceptions. However, you have no greater right to reinstatement or other benefits and conditions of employment than if you had not taken leave. You must return to work immediately after the expiration of your approved VESSA leave to be reinstated to your position or an equivalent position.

If you take leave because of your own medical or psychological condition, you must provide medical certification that you're fit to resume work, according to the college's usual policies.

Reasonable accommodation in the workplace

The college will consider making reasonable accommodations to an employee or job applicant for a known limitation resulting from domestic or sexual violence, unless the accommodation would cause the college an undue hardship. If you're an otherwise qualified individual who can perform the essential functions of your job, but need such an accommodation, the college may provide an adjustment to the job structure, workplace facility, work requirements, or your telephone number, seating assignment or physical security of your work area in response to a need covered by VESSA. The college will also consider a request for transfer, reassignment or modified schedule if needed due to a known limitation caused by an act or threat of domestic or sexual violence. Other safety measures may also be appropriate. Any employee covered by VESSA may make a request for leave or for a reasonable accommodation to Human Resources.

Confidentiality

The college will maintain your written certifications and other documentation regarding any requests for VESSA leave in a confidential file. The college will not disclose the nature of your leave other than to those specific persons who need to know to ensure you receive your VESSA rights.

No retaliation

The college strictly forbids any of its employees, managers or other representatives from discriminating, retaliating or otherwise treating an employee unfavorably for requesting or taking VESSA leave or exercising any other rights under VESSA. If you feel you've been denied your VESSA rights, or if you feel you've been treated unfavorably for having exercised any VESSA rights, you should immediately report such action to Human Resources or the Title IX coordinator. The college will investigate your concerns and take corrective action if it determines that someone has violated the college's VESSA policy.

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