**Section 250.120 Seniority**

a) Accumulation of Seniority

1) After the completion of the probationary period, the status employee's seniority shall date from the beginning of the probationary period. Seniority is accumulated on the basis of hours in a pay status exclusive of overtime. Seniority may be accumulated in certain types of non-pay status under specified conditions as provided for in subsections (f), (g), (h) and (j).

2) Seniority, once earned in a class, is retained during any period of continuous employment:

A) Except as provided for in lesser units in accordance with subsection (k)(2).

B) Except an employee does not retain seniority in any class from which he/she has been demoted because of unsatisfactory performance or for disciplinary reasons.

b) Retention of Seniority. Seniority accrued in a class is retained for that class for purposes of retreat rights even though an employee accepts a position in another class outside of the promotional line.

c) Seniority Lists. Each employer shall maintain a public and current seniority list that includes the names of all status employees in each class in order of their seniority.

d) Ties in Seniority Lists

1) If two or more employees have the same seniority, their names shall be placed on the seniority list in the order of their scores in the examination for the position; i.e., the person with the highest score shall be first, next highest second, and continuing in descending order of their scores. Seniority between employees who receive the same score on the examination shall be determined in accordance with years of service at the place of employment, then in accordance with date of application for employment.

2) If two or more employees have the same seniority in the same lesser unit, subsection (d)(1) shall apply.

e) Accumulation of Seniority, or Service, in Promotional Line. Seniority or service in a higher class in a promotional line may be added to seniority or service earned in a lower class in the same line to compute total seniority or service in the lower class. Seniority earned in a class shall be counted toward seniority in a lower class in the same promotional line even though the employee may not have served in the lower class. Seniority or service earned in a lower class in a promotional line may not be added to seniority or service earned in a higher class in the same line to compute total seniority or service in the higher class.

f) Accumulation of Seniority during Disability. Subject to limitation imposed by subsection (h), employees accrue seniority while on leave of absence for disability, as defined in Section 250.110(b)(3) and for an occupational or work-related disability that becomes the subject of payment of income benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Workers' Occupational Diseases Act [820 ILCS 310], a State self-insurance program, or other appropriate authority.

g) Accumulation of Seniority during Authorized Absence without Pay. An employee shall accrue seniority during approved leaves of absence without pay, not exceeding a total of 30 work days within any calendar year.

h) Accumulation of Seniority during Layoff Status. An employee continues to accrue seniority during layoff occasioned by a break in the academic calendar or during any other layoff period, not in excess of 30 consecutive work days.

i) Accumulation of Seniority during Suspension. Employees do not accrue seniority while on suspension.

j) Accumulation of Seniority during Military Service

1) A status employee accrues seniority during leave for military service until the date of separation from active military service and for 90 calendar days after separation, if the separation is under conditions other than dishonorable.

2) An employee whose name has been certified and who has not completed the probationary period at the time of approval for leave for military service shall continue to accrue seniority in his/ her classification for the entire time of leave for military service until the date of separation from active service and for 90 calendar days after separation, provided the employee meets the following conditions:

A) the separation from active military service is under conditions other than dishonorable;

B) reemployment occurs in a position of the same class in which employed at the time of leave for military service; and

C) the probationary period is satisfactorily completed in the class upon reemployment.

k) Effect of Lesser Units on Seniority

1) Lesser units, for purposes of determining seniority, may be approved by the Merit Board, provided two-thirds of the status employees within the class involved in the approval of the lesser unit shall agree to the creation of the lesser unit. A lesser unit can be disestablished only by agreement (i.e., election) of two-thirds of all status employees in the class at the place of employment (subject to subsequent approval by the Merit Board).

2) A status employee who accepts a position in a different lesser unit relinquishes seniority acquired in the previous lesser unit, but cannot be required to serve another probationary period, providing there is no change in class.

3) An employee in a lesser unit who accepts a temporary assignment in another lesser unit during a period of layoff does not accrue seniority in the latter unit.

l) Effect of Vacation Time on Seniority at Time of Separation. At the time of separation, seniority shall be accrued only through the period of actual service to the employer. Payment for earned vacation time shall not be included in the seniority computation.

m) Restoration of Seniority after Retirement. If a retired employee is reemployed within 60 days after retirement, seniority earned up to the effective date of retirement shall be restored.

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)