**Section 303.165** **Family Military Leave**

a) An employee who is the current spouse, civil union partner, parent, child or grandparent of a person called to military service lasting longer than 30 days with a state or the United States, pursuant to the order of the Governor or the President, who wishes to be absent from work in order to meet or fulfill responsibilities arising from the employee's role in his or her family or as head of the household, is eligible to request up to 30 days of unpaid Family Military Leave (FML) during the time the State or federal deployment orders are in effect.

b) The leave shall be granted to an employee who has been employed for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

c) Any request for FML shall be in writing by the employee submitted not less than 14 calendar days in advance of the intended date the FML will commence if the leave will consist of 5 or more consecutive workdays. Employees requesting FML for less than 5 consecutive workdays shall give as much advance notice as is practicable. When able, the employee shall consult with the employer to schedule the leave so as not to unduly disrupt the operations of the employer.

d) Except in cases of emergency, FML shall be taken in full day increments only. The employee will be required to document the reason for the emergency nature of the need for leave in writing within two days after the employee's return to work.

e) The employee shall provide certification from the proper military authority to verify eligibility for the FML requested.

f) An employee shall not be eligible to take FML unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave, equivalent earned time, maternity/paternity leave, and any other time away from work with pay. Exceptions to this exhaustion requirement are sick leave, disability leave and unpaid leave under the Federal Family and Medical Leave Act of 1993 (29 USC 2601 et seq.).

g) Upon expiration of the FML, the employee is entitled to be restored to the position held by the employee when the leave commenced or to an equivalent position. These restoration rights do not apply if the employer establishes that the restoration is denied due to conditions unrelated to the employee's exercise of rights under the Family Military Leave Act [820 ILCS 151].

h) An intermittent employee shall be nonscheduled for the duration of the required leave.

i) This leave will not extend to any type of appointment that is 6 months or less in duration.

j) Time utilized under the Family Military Leave Act is not deducted from an employee's continuous service, vacation accrual or seniority date.

(Source: Added at 36 Ill. Reg. 8661, effective May 30, 2012)