**Section 500.320 Leave of Absence**

a) Sick Leave: All employees, excepting those in emergency, intermittent, per diem, or temporary status unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Intermittent employees shall accrue sick leave on a prorated basis. Sick leave may be used for illness, disability, or injury of the employee, appointments with doctor, dentist, or other professional medical practitioner and also may be used for not more than 30 days in one calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family. The Department may require evidence to substantiate that such leave days were used for the purposes herein set forth.

b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave allowed under this Part and shall retain any unused sick leave accumulated prior to the effective date of this Part.

c) Advancement of Sick Leave: An employee with more than two years continuous service whose personnel records warrant it may be advanced sick leave with pay for not more than 10 working days with the written approval of the department head and the Director. Such advances will be charged against sick leave accumulated later in subsequent service. If an employee is terminated prior to repayment of advanced sick days, one day's pay for each day owed shall be retained by the agency or repaid by the employee.

d) Leave for Personal Business:

1) All employees, excepting those in emergency, per diem, or temporary status, shall be permitted 21 hours (or the equivalent 3 working days) of leave for personal business each calendar year with pay. Intermittent employees shall receive leave for personal business on a prorated basis. Such personal days may be used for occurrences or observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons but shall not be used to extend a holiday or annual leave except as permitted in advance by the department head through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of 3 ½ hours (½ day) for each two months service for the calendar year in which hired. Such personal leave may not be used in increments of less than one hour at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

2) Personal leave shall not accumulate from calendar year to calendar year.

e) On-The-Job Injury – Industrial Disease: An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay during the first calendar week of absence without utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be permitted to utilize accumulated sick leave. In the event such service-connected injury or illness becomes the subject of an award by the Industrial Commission, the employee shall restore to the State the dollar equivalent which duplicates payments received as sick leave days and the employee's sick leave account shall be credited with sick leave day equivalents.

f) Leave of Absence Without Pay: Unless otherwise provided in this Part, and with the prior approval of the Director, a department head may grant leaves of absence without pay to employees for periods not to exceed six months, and such leaves may be extended for good cause by the department head for additional six month periods with the Director's approval. No emergency or temporary employee shall be granted a leave of absence except as provided in subsection (e) above.

g) Leaves of Absence – Special: The Director may grant special leaves of absence to employees for purposes of education, attendance at professional or union conventions, or for similar reasons wherein a benefit would accrue to the skills of the work force.

h) Leaves of Absence – Special – Salary: The Director shall determine for each special leave of absence that is approved, whether such leave shall be with or without pay, full or partial.

i) Maternity Absence:

1) Employees shall be granted leaves of absence to cover the period of their pregnancy. The length of such leave shall not exceed six months but may be renewed pursuant to subsection (f) above.

A) A pregnant employee shall inform her immediate supervisor and the Department of Personnel of her condition not later than three months prior to her expected date of delivery and shall present to the Department of Personnel a written statement signed by her physician stating the expected date of delivery.

B) A pregnant employee may continue in regular employment so long as her physician, upon request by the Director, states in writing she is able to perform her normal work assignments.

C) An employee who has been absent because of maternity leave may return to employment as soon as her physician advises the Department of Personnel in writing that she is then able to perform her normal work assignments.

D) If the department head or Personnel Director has reason to believe that the employee is unable to perform her duties, he/she may seek and rely upon the decision of an impartial physician chosen by agreement of the parties. In the absence of agreement of an impartial physician, the Director will select a physician who is to act as an impartial physician.

2) Sick leave may be used to cover periods of absence during pregnancy and convalescence thereafter.

j) Leave to Take Exempt Position: The Director may approve leaves of absence for certified employees who accept appointment in a position which is exempt from Jurisdiction B of the Merit Employment Code. Such leaves of absence may be for a period of one year or less and may be extended for additional one year periods. At the expiration thereof, an employee shall be restored to the same or similar position upon making application to the department with continuous service including the period of such leave.

k) Military, Job Corps, and Peace Corps Leave: Leaves of absence shall be allowed employees who enter military service, the Peace Corps, or Job Corps as provided in Section 500.230(d) and (f) and as may be required by law.

l) Leave For Annual Military Reserve Training or Special Duty:

1) An employee who is a member of a reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia shall be allowed leave with pay not to exceed one full pay period annually without loss of any other accrued benefit.

2) If time required on any of the types of military service covered by this Part exceeds one full pay period in any one fiscal year, the employee shall be granted additional leave without pay by the employing department provided, however, that during periods of active service to meet emergencies as proclaimed by the Governor, the employee shall be granted a leave of absence with pay. Upon receiving the sum paid for such service under the Illinois Military Code, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original agency payroll warrant was drawn. In the event the military pay is greater than the State compensation for the period of emergency call-up, the employee shall retain the military pay and return to the department the amount the agency paid the employee for the period.

3) An employee shall provide the department with certification by the commanding officer of the employee's unit that all leave time was used for the purpose for which granted.

m) Leave For Military Physical Examinations: Any employee drafted into military service shall be allowed up to three days leave with pay to take a physical examination required by such draft. Upon request, the employee must provide the department with certification by a responsible authority that the period of leave was actually used for such purpose.

n) Leave of Absence – Election to Public Office: Employees who are elected to public office shall, upon request, be granted a leave of absence without pay for so long as he/she remains an elected public officer and he/she shall be returned to the same or comparable position from which he/she was on leave providing he/she so requests within 30 calendar days following termination of his/her elected office.

o) Employee Rights After Leave: When an employee returns from a leave of absence of six months or less, the department shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to the commencement of such leave. Except for those leaves granted under subsections (j) and (k) of this Section, when an employee returns from a leave or leaves exceeding six months and there is no vacant position available to him/her in the same class in which the employee was incumbent prior to such leave or leaves commencing, the employee may be laid off without consideration of continuous service and if laid off, the employee's name shall be placed on the reemployment list.

p) Failure to Return: Failure to return from leave within five days after the expiration date may be cause for discharge.

q) Attendance in Court: Any permanent employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect to fulfill such call or subpoena on accrued time off and personal leave and retain the full amount received for such service. Emergency or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received therefor.

(Source: Amended at 21 Ill. Reg. 13294, effective September 15, 1997)