**Section 650.150 Leaves of Absence**

a) Medical Leaves

1) Medical leaves of five facility business days or less do not require medical documentation; however, the vendor is responsible for ensuring that a trained replacement is operating at the facility.

2) Medical leaves over five days will be granted only if the vendor provides medical documentation to the Supervisor prior to the leave, except in emergency (e.g., personal or family illness, death of family member). The documentation shall consist of a statement from the attending physician explaining the vendor's medical condition and verifying the need for a leave and the length, if known. In the event of a medical emergency that precludes advance notice to the Supervisor, documentation of the illness must be provided to the Supervisor within 15 days after the emergency occurred. Leaves may not end until a medical statement is received by the Supervisor stating that the vendor's return to work is not medically contraindicated.

3) Medical leaves shall be granted for no more than one year. If after six months the vendor is unable to return to the facility, additional verification shall be obtained from a physician. If after one year a vendor is unable to return to the facility, an inventory of property and stock shall be made and the facility reassigned as provided in Section 650.90.

4) When a medical leave is granted, the vendor has the option of retaining management of the facility or temporarily transferring the management of the facility to DHS-DRS, subject to the following:

A) If the vendor retains management of the facility, he or she will receive the net income from the assigned facility during the leave of absence. The replacement person must be approved by the Supervisor or designee.

B) If the vendor chooses to temporarily transfer management of the facility, an inventory of facility property and stock shall be taken at the time that the medical leave begins, and a temporary person will be assigned to the facility by DHS. Any profits or losses accrue to or are covered from set aside.

5) Should a vendor, due to a medically verifiable reason, be unable to make a decision regarding the operation of his or her facility, the supervisor, using best business judgment, will assign a temporary replacement person for the period the vendor is unavailable, not to exceed 6 months, after which the provisions of subsection (a)(3) take effect. Operation of the facility will be returned to the vendor when a physician's written verification is received stating that the vendor is able to make a decision regarding operation of the facility and that the vendor is able to return without limitations that would impede the vendor's ability to manage and operate the facility. If the physician's written verification states the vendor has limitations, but is able to return to manage and operate the facility with reasonable accommodations, then a request for such accommodations will be reviewed by the Business Enterprise Program for the Blind and a determination will be rendered. Under no circumstances shall the reasonable accommodation be an individual who acts as a permanent replacement for the vendor in the management and operation of the facility.

b) Personal Leaves

1) A vendor may take up to a total of 15 days of personal leave in any one calendar year.

A) If a vendor takes up to four consecutive days of personal leave at one time, prior notification to the Supervisor is not required. However, the vendor must provide a trained replacement person.

B) If a vendor takes more than four consecutive days of personal leave at any one time, five days prior notification to the supervisor is required. The vendor shall provide a trained replacement person.

C) A vendor may not take more than 15 days of personal leave in any one calendar year, unless the vendor obtains prior written approval of the Supervisor. The vendor shall provide a trained replacement person.

2) Notification to a supervisor regarding personal leave shall contain the name of the trained replacement and, when possible, a telephone number and address where the vendor can be located during the leave.

3) The supervisor has the right to negotiate a different starting date for the leave based on the availability of a trained replacement.

4) During a personal leave, the vendor shall retain management of his or her location and its net income.

5) The replacement selected by the vendor shall be reviewed by the supervisor, based upon the replacement's abilities to manage the facility as demonstrated by previous experience, and also meet the stipulations of the facility contract. If the supervisor has questions about the replacement person, he or she shall discuss them with the vendor.

6) If the vendor fails to return to the facility upon completion of the leave or fails to obtain prior approval from the supervisor for an extension, DHS will attempt to contact the vendor by telephone. If no response is received by the second business day, the provisions of Section 650.110(f)(1) shall become effective.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)