

Board Meeting
January 19, 2017

*AMEND THE GENERAL RULES CONCERNING
UNIVERSITY ORGANIZATION AND PROCEDURE*

Action: Amend *The General Rules Concerning University Organization and Procedure* [Article IV, Section 1, (1) and Section 4, b (2)]

Funding: No New Funding Required

Revisions to the *General Rules* are required to comply with the new Illinois Child Bereavement Leave Act, enacted on July 29, 2016, and the Illinois Employee Sick Leave Act (Public Act 99-0841) and federal Executive Order 13706 Federal Contractor Paid Sick Leave, both enacted on January 1, 2017.

The Illinois Child Bereavement Leave Act (Public Act 099-0703) provides eligible employees (must have been at the university for 12 months and have worked 1,250 hours in the prior 12-month period) with up to ten days of unpaid bereavement leave for the loss of a child. If the eligible employee suffers the death of more than one child in a 12-month period, the employee is entitled to take up to six weeks of unpaid bereavement leave in a 12-month period. *General Rules* currently provides for three paid funeral/bereavement days for eligible employees. This Act will extend the University's current policy to include an additional seven days of unpaid leave for eligible employees under the provisions of the Act. Other minor language changes are recommended to

address the Illinois Civil Union Law related to the definition of a “spouse” and to clarify procedures.

Most of the provisions in the new Illinois Employee Sick Leave Act and the federal Department of Labor Executive Order 13706 Federal Contractor Paid Sick Leave are included in our current sick leave policies, with the exception of the following items that include: extending the use of sick leave to employees to care for their siblings, grandchildren, and grandparents; and, granting up to fifty-six hours of paid sick leave for employees performing work on or in connection with a federal contract that is covered by Executive Order 13706 and who are not otherwise eligible for sick leave benefits. Other minor language changes are recommended to address the Illinois Civil Union Law related to the definition of a “spouse”.

The Vice President/Chief Financial Officer and Comptroller recommends approval of the revisions to the *General Rules Concerning University Organization and Procedure* to comply with the State law set forth in the attached documents. The University Senates Conference has indicated that no further Senate jurisdiction is involved.

The Board action recommended in this item complies in all material respects with applicable State and federal laws, University of Illinois *Statutes*, *The General Rules Concerning University Organization and Procedure*, and Board of Trustees policies and directives.

The President of the University concurs.

PROPOSED AMENDMENTS TO THE GENERAL RULES CONCERNING
UNIVERSITY ORGANIZATION AND PROCEDURE

[ARTICLE IV, SECTION 1, (1) AND SECTION 4, b (2)]

ARTICLE IV. EMPLOYMENT POLICIES

General Rules, Article IV, Section 1, (1):

(1) Upon request, an academic staff member shall be granted, without loss of salary, bereavement leave of up to three work days due to the death of a member of his or her immediate family or household, and one work day due to the death of a relative outside the immediate family. Leave beyond these amounts may be approved under special circumstances. However, such additional leave will normally be taken without pay or be charged to accrued vacation. Substantiation of the reason for bereavement leave may be required.

Under the Illinois Child Bereavement Leave Act, employees otherwise eligible for Family and Medical Leave are eligible for an additional seven (7) unpaid days to attend the funeral, or an alternative to a funeral; to make arrangements necessitated by the death of the child; or to grieve the death of the child. Employees may use accrued leave benefits to remain in pay status while taking leave under this Act. The Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time available under FMLA; therefore, employees who have exhausted their 12-week FMLA entitlement may not take the additional seven days under this Act. Leave provided under this Act must be used within 60 days after the employee receives notice of the death of his/her child. If an employee suffers the death of more than one child in any 12-month period, the employee is entitled to take up to six weeks of unpaid bereavement leave in the 12-month period.

"Immediate family" shall be interpreted to be: father, mother, sister, brother, spouse, **domestic partner, civil union partner**, and child of the employee. **If unborn child, gestational age must be 20 or more weeks.** Also included as immediate family are mother-, father-, brother-, sister-, son-, and daughter-in-law, as well as grandchildren and/or grandparents (includes grandparents-in-law). Biological, adopted, foster, legal wards, step or in loco parentis relationships are considered as immediate family under this policy **and for the definition of a child for purposes of the Child Bereavement Leave Act.** "Relative outside the immediate family" shall be interpreted to be: aunt, uncle, niece, nephew, or cousin of the employee. **Great aunt, great uncle, great niece, and great nephew are included in the definition of relative outside the immediate family.** For purposes of application of the Bereavement Policy, relationships existing due to marriage will terminate upon the death or divorce of the relative through whom the

marriage relationship exists. Current marital status will be defined in accordance with Illinois State law.

General Rules, Article IV, Section 4, b (2):

(2) **Academic or Administrative Staff.** Academic and administrative staff members (with the exception of medical residents and postdoctoral research associates) who are participants in the State Universities Retirement System or the Federal Retirement System, and who are appointed for at least 50 percent time to a position for which service is expected to be rendered for at least nine consecutive months, earn sick leave as provided in this subparagraph (2). Medical residents, postdoctoral research associates, SURS annuitants, and other academic and administrative staff members who are not participants in the State Universities or Federal Retirement Systems, and those who are appointed for less than 50 percent time and/or for less than nine consecutive months earn sick leave of 13 work days for each appointment year, no part of which will be cumulative, and the 13 days will be prorated for those on part-time appointments, or on appointments for less than a full appointment year.

Executive Order 13706 requires certain employers who contract with the federal government to provide their employees with up to fifty-six (56) hours (seven workdays) of paid sick leave annually, including for family care and absences resulting from domestic violence, sexual assault and stalking. Accordingly, employees performing work on or in connection with a federal contract that is covered by Executive Order 13706 and who are not otherwise eligible for sick leave benefits will be paid sick leave benefits in accordance with the terms of that Executive Order. The Department of Labor has noted that federal grants are excluded from the coverage of Executive Order 13706, as well as employees who perform work in connection with covered contracts for less than twenty percent (20%) of their hours worked in a particular workweek. The University may limit the amount of paid sick leave employees may accrue under Executive Order 13706 to 56 hours each year, but must permit those employees to carry over accrued, unused sick leave from one year to the next. The University also may limit the amount of paid sick leave employees have accrued to 56 hours at any point in time. Employees entitled to sick leave under Executive Order 13706 may use that leave for an absence resulting from (1) physical or mental illness, injury or medical condition of the employee, (2) obtaining diagnosis, care, or preventative care from a health care provider by the employee, (3) caring for the medical needs of any other individual related by blood or affinity whose close association with the staff member is the equivalent of a family relationship, or (4) domestic violence, sexual assault, or stalking, if the absence is for the purposes of medical care, to obtain additional counseling, seek relocation, seek assistance from a victim services organization, take legal action, or to assist the staff member's child, parent, spouse, domestic partner, or any other individual related by blood or affinity whose close association with the

staff member is the equivalent of a family relationship in engaging in any of those activities.

Under the Public Act 90-65 and actions of the Board of Trustees, one-half of the number of days of unused sick leave earned and accumulated between January 1, 1984 and December 31, 1997, is eligible for payment upon an employee's death, retirement, resignation, or other termination of employment.

Academic or administrative staff members who, on December 31, 1983, had an unused balance of accumulated sick leave, retained the same to a maximum of 180 work days, which may be utilized either (1) for establishing service credit in the State Universities Retirement System; or (2) for sick leave before all sick leave earned and accumulated on or after January 1, 1998 is utilized by the staff member. Unused sick leave earned by an academic or administrative staff member between January 1, 1984 and December 31, 1997, may be accumulated up to a maximum of 240 work days, and upon termination of employment, a staff member may designate the portion of the accumulation (up to one-half) to be paid pursuant to Public Act 90-65, and the remainder thereof will be utilized for establishing service credit in the State Universities Retirement System. Pre-January 1, 1984 and post January 1, 1998, accumulations of sick leave are to be utilized in full prior to the utilization of January 1, 1984 through December 31, 1997, accumulations. Effective January 1, 1998, academic and administrative staff members who are participants (except for medical residents, postdoctoral research associates, and annuitants in SURS or the Federal Retirement System) in the State Universities Retirement System or Federal Retirement System, and who are appointed for at least 50 percent time to a position for which service is expected to be rendered for at least nine consecutive months, will earn sick leave of 12 work days for each appointment year, the unused portion of which shall accumulate without maximum. If these 12 days are fully utilized in any appointment year, up to 13 additional work days will be available for extended sick leave in that appointment year, no part of which 13 days shall be cumulative or eligible for payment. No additional sick leave is earned for a summer appointment. In the case of an appointment for less than a full appointment year, and in the case of a part-time appointment, the 12 days cumulative and the 13 days noncumulative leave shall be prorated.

In the event the 25 days of earned and extended sick leave described above, or any proration thereof, are exhausted in an appointment year, any balance of leave accumulated before January 1, 1984, will be available for use. After that amount is depleted, any balance of sick leave accumulated on or after January 1, 1998 will be used. After that amount is depleted any balance of sick leave accumulated between January 1, 1984, and December 31, 1997 will be used.

No deduction of time from sick leave is made at a time when a staff member is not expected to furnish regular service to the University. Sick leave may be used for illness

of, injury to, or need to obtain medical or dental consultation for the staff member, the staff member's spouse, **civil union partner, domestic partner**, children, parents, **siblings, grandchildren, grandparents**, or members of the household. **“Children” include biological, adopted, foster, stepchildren, legal wards, or those children for which an employee is standing in loco parentis. “Parent” is defined as biological parent, stepparent, parent-in-law, or an individual who stood in loco parentis to the employee.** A staff member may use sick leave for pregnancy. Following the adoption or birth of a child, sick leave may be used for a period of time, not to exceed twelve weeks, to care for that child.

After an academic or administrative staff member has exhausted the 12 days of cumulative earned sick leave, the 13 days of noncumulative extended sick leave in an appointment year, the unused sick leave accumulated before January 1, 1984, the unused sick leave accumulated after January 1, 1998, and the sick leave accumulated between January 1, 1984 and December 31, 1997, and subject to the approval of the president, or chancellor/vice president as appropriate, a staff member who has completed at least three full years of service may be granted noncumulative sick leave with full pay for a period (including the annual and extended leaves and accumulations described above) not to exceed one-half of the staff member's appointment year. (In the case of staff members of university administration offices, the president will act.)

A staff member who within 120 days completes a direct transfer to the University of Illinois from another state agency or employer will receive a credit for the balance of unused and uncompensated sick leave accrued at the state agency or employer from which the employee is transferring. Such transferred sick leave credit will be treated in the same manner as sick leave accumulated by University of Illinois employees prior to January 1, 1984. The transferring staff member will accrue compensable sick leave at the beginning of employment with the University only until December 31, 1997, after which time all sick leave accrued will be noncompensable.

Academic or administrative staff members who return to university employment within two years of an earlier separation from university employment and who upon return are eligible for compensable sick leave under this section shall have restored as sick leave accumulated prior to January 1, 1984, regardless of when it was earned, any sick leave which was not compensated to such individuals or used to establish service credit in the State Universities Retirement System at the time of the prior separation from university employment only until December 31, 1997, after which time all sick leave accrued will be noncompensable.

Reporting on use of sick leave will be made at the unit level and recorded centrally as required.