

Board Meeting
January 19, 2017

REVISE UNIVERSITY POLICY 10
FOR CIVIL SERVICE STAFF
SICK LEAVE

Action: Revise University policy for civil service staff to Comply with Regulations for the Illinois Employee Sick Leave Act and Executive Order 13706 Federal Contractor Paid Sick Leave.

Funding: No New Funding Required

The University's policy for civil service staff, Policy 10 Sick Leave, was issued on February 5, 1998, and most recently revised on September 9, 2004. On January 1, 2017, the Illinois Employee Sick Leave Act (Public Act 99-0841) and federal Executive Order 13706 Federal Contractor Paid Sick Leave were enacted which impacts provisions to the University's sick leave policies.

Revisions to the University policy are required to comply with the new Illinois Employee Sick Leave Act and the federal Department of Labor Executive Order 13706 Federal Contractor Paid Sick Leave. Most of the provisions 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 University Policy on Sick Leave for Civil Service Staff to comply with the federal and State laws set forth in the attached document.

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.

POLICY 10 SICK LEAVE

University Policy

Employees in trainee, apprentice, learner, provisional, or status appointments will accrue sick leave without limit at the rate of .0462 hours for each hour, exclusive of overtime, that such employees are in pay status.

Accumulated sick leave may be used for illness of, injury to, or need to obtain medical or dental consultation for the employee, the employee's spouse, **civil union partner, domestic partner,** children, parents, **siblings, grandchildren, and grandparents.** "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. Sick leave may also be used for the above reasons for a member of the employee's household. An employee may use sick leave for pregnancy. During the 12-month period immediately 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. The use of accrued sick leave for Family and Medical Leave purposes does not extend the 12-week Family and Medical Leave entitlement.

Sick leave earned before January 1, 1984, and on or after January 1, 1998, shall be noncompensable and shall be used in full before any compensable sick leave earned between January 1, 1984, and December 31, 1997, is used.

Accrued and non-compensated sick leave shall be restored for a former employee who separates from the University in good standing and returns to employment within two (2) years.

Section 14a of the State Finance Act (30 ILCS 105/14a) provides that employees eligible to participate in the State Universities Retirement System or the Federal Retirement System are eligible for compensation at time of resignation, retirement, death, or other termination of University employment for one-half (1/2) of the unused sick leave earned between January 1, 1984, and December 31, 1997. Alternatively, accumulated unused sick leave may be used to increase creditable service in accordance with the rules of the State Universities Retirement System (40 ILCS 5/15-113.4).

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.

The President may issue rules for the administration of sick leave and provisions of the State Finance Act as the President determines to be in the interest of the University.