

Chicago Public Schools Policy Manual

Title: VICTIMS ECONOMIC SECURITY AND SAFETY ACT (VESSA) LEAVE

Section: 513.8

Board Report: 19-0123-PO1

Date Adopted: January 23, 2019

Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board of Education of the City of Chicago ("Board") amend the Victims Economic Security and Safety Act ("VESSA") Leave Policy.

PURPOSE: To establish eligibility criteria and terms and conditions for ("VESSA") leaves for all employees of the Board of Education. This policy provides procedures for when Board of Education employees may need to take time off due to domestic or sexual violence. The Board of Education is committed to full compliance with the Victims Economic Security and Safety Act ("VESSA"), which provides employees up to twelve (12) weeks of leave to seek service, assistance, safety or legal remedies to address domestic violence, stalking or sexual assault directed at themselves or at a family or household member.

POLICY TEXT:

I. Overview

The Chief Executive Officer or designee shall grant an eligible employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence up to twelve (12) weeks total during any rolling twelve (12) month period to address issues arising from domestic or sexual violence in accordance with this policy. The Chief Executive Officer or designee may establish additional procedures for leaves as necessary for the efficient administration of this policy. All employees of the Board are eligible to take VESSA leave. Board employees are entitled, on return from the VESSA leave, to be restored to the position held when the VESSA leave commenced or to an equivalent position with equal pay, benefits, and other conditions of employment. The Board will protect the confidentiality of information provided as part of a VESSA leave.

II. Eligibility

All employees of the Board are eligible to take VESSA leave beginning on the first day of employment. Employees may request VESSA leave for absences for the following reasons related to domestic or sexual violence:

- A. To seek medical help and recover from physical or psychological injuries caused by domestic or sexual violence, as defined in Section 10(6) of VESSA and Section 103 of the Illinois Domestic Violence Act of 1986, to the employee or employee's family or household member;
- B. To obtain victim's services, psychological or other counseling, and legal assistance or remedies, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or
- C. To participate in safety planning, temporarily or permanently relocate, or take other actions to increase health and safety or to ensure economic sustainability of covered persons.

III. Notification/Request for Leave

- A. Notification must be provided at least forty-eight (48) hours in advance of an employee's intention to take leave unless not practicable. If an employee cannot provide advance notice, the employee must submit the request within a reasonable period after the absence.
- B. To request leave, an employee must first submit a completed VESSA Leave Request Form and related documents to the Talent Office.
- C. In addition to the completed VESSA Leave Request Form, an employee must submit the following documentation to the Talent Office:
 - 1. documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought;
 - 2. a police report;
 - 3. a court order of protection; or
 - 4. other corroborating written evidence of the need for leave.

Failure to provide the required documentation may result in delay or denial of leave.

- D. If a school, network office, or department acquires knowledge that an employee's absence may be for a VESSA-qualifying reason, the Talent Office, Absence and Disability Unit should be notified immediately at 773-553-4748. The leave tentatively may be designated as VESSA leave pending the employee's completion of the VESSA Leave Request Form and tendering of required documentation.

IV. Leave Entitlement

- A. An eligible employee who has complied with notification requirements will be granted upon request, an unpaid, job-protected leave for up to twelve (12) weeks in a twelve (12) month period if the employee or a member of the employee's family or household is a victim of domestic violence, stalking or sexual assault. Family and household members are defined as a spouse, parent, son, daughter, and persons jointly residing in the same household.
- B. VESSA leave may be taken in a block of time, on an intermittent basis, or in the form of a reduced work schedule.
- C. An employee on VESSA Leave is expected to be reasonably responsive to and communicate with the employee's supervisor and the Talent Office during the leave. The employees may be required to provide documentation for absences.
- D. An employee seeking additional leave time beyond the twelve (12) week period allowed under VESSA shall submit a request to the Talent Office to obtain some other form of leave, such as a personal leave of absence or medical leave.
- E. During VESSA leave, the Board shall maintain benefits as if the employee is working. An employee shall continue to pay the employee's portion of insurance benefit premiums if the employee wishes to continue coverage during the VESSA leave.
- F. While on unpaid portion of the leave pursuant to VESSA, an employee will not accrue additional vacation or sick time. Accrued vacation and paid holidays will also be accounted for during any VESSA leave for the employee or an employee's family or household member.
- G. If the employee also qualifies for FMLA, the leaves may run concurrently.

- H. During VESSA leave, an employee shall continue to accumulate seniority in accordance with an applicable collective bargaining agreement Rules.

V. Return to From Leave

- A. Following a return from a VESSA leave, the employee will be reinstated to his/her former position or an equivalent position with the same pay, benefits, and conditions of employment, unless the employee is unable to perform the essential functions of his/her former job with or without reasonable accommodation as required by law.
- B. If an employee does not return to work when the VESSA leave expires and has not been approved for an additional leave of absence or other reasonable accommodation as required by law, employment may be terminated effective on the first scheduled workday that is missed following the expiration of the VESSA leave.

VI. Reasonable Accommodation

- A. Within the provisions of VESSA, a reasonable accommodation will be made for an employee when there are limitations resulting from circumstances that relate to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence.
- B. An employee seeking a reasonable accommodation pursuant to VESSA shall utilize the interactive process by first submitting a written request to the Chicago Public Schools Equal Opportunity Compliance Office (EOCO) using the reasonable workplace accommodation request form under the Americans with Disabilities Act (ADA). The employee requesting the accommodation has an affirmative obligation to engage in an interactive process with EOCO to identify an appropriate accommodation. Any such request for a reasonable accommodation shall be determined and made in a timely manner in accordance with VESSA.
- C. The Chief Executive Officer or the Chief Talent Officer are authorized to approve reasonable accommodations requested under this policy. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered by the Chief Executive Officer or the Chief Talent Officer in determining whether the accommodation is reasonable. The Board recognizes that certain extraordinary exigent circumstances relating to domestic or sexual violence may warrant a temporary or permanent waiver from the Board's Residency Policy. In such a case, the Chief Executive Officer or the Chief Talent Officer shall notify the Board President or the Board Chief of Staff of the exigent circumstances that justify a waiver of the Residency Policy prior to granting the waiver as a reasonable accommodation.

Amends/Rescinds: Amends 17-1206-PO5
Cross References:
Legal References: 820 ILCS 180/1 et seq.