



**DEPARTMENT OF HUMAN RESOURCES
CITY OF CHICAGO**

**CITY OF CHICAGO
VICTIMS ECONOMIC SECURITY AND SAFETY ACT LEAVE POLICY**

Effective Date: January 1, 2018

Policy Statement

This policy provides procedures for when City of Chicago employees may need to take time off due to domestic or sexual violence. The City of Chicago is committed to full compliance with the Victims Economic Security and Safety Act (“VESSA”), which provides employees unpaid 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.

Overview

All employees of the City of Chicago are eligible to take VESSA leave. The City of Chicago will grant employees who are victims of domestic or sexual violence or who have a family or household member who is a victim of domestic or sexual violence up to four (4) weeks of paid leave and an additional eight (8) weeks of unpaid leave under VESSA, for up to twelve (12) weeks during any rolling twelve (12) month period to address issues arising from domestic or sexual violence. City of Chicago employees are entitled, on return from leave, to be restored to the position held when the leave commenced or to an equivalent position with equal pay, benefits, and other conditions of employment. The City of Chicago will protect the confidentiality of information provided as part of a VESSA leave.

Procedures

I. Eligibility

All employees of the City of Chicago are eligible to take VESSA leave beginning on the first day of employment. City of Chicago 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.

II. Notification/Request for Leave

- a. Notification must be provided at least forty-eight (48) hours in advance of 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 department's human resources liaison.
- c. In addition to the completed Leave Request Form, an employee must submit documentation to the department's human resources liaison which must consist of one or more of the following:
 - (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 department acquires knowledge that an employee's absence may be for a VESSA-qualifying reason, the department's human resources liaison should immediately notify the Department of Human Resources. The leave tentatively may be designated as VESSA leave pending the employee's completion of the Leave Request Form and tendering of required documentation.

III. Leave

- a. An eligible employee who has complied with notification and documentation requirements will be granted upon documented need up to four (4) weeks of paid and an additional eight (8) weeks of 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, as appropriate in light of the eligible reasons impacting the employee.
- c. Employees on VESSA leave are expected to be reasonably responsive to and communicate with their supervisor and department during the leave. Employees are required to provide the documentation outlined in Section II c. above for absences.
- d. An employee seeking additional leave time beyond the twelve (12) week period allowed under VESSA shall submit a request to the department's human resources liaison to obtain some other form of leave, such as a personal leave of absence or medical leave.
- e. During VESSA leave, the City of Chicago shall maintain benefits on the same conditions 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 leave pursuant to VESSA, an employee will not accrue additional vacation or sick time. During the eight (8) weeks of unpaid VESSA leave, an employee may use accrued sick time for his/her own illness. Accrued vacation and Personal Days also may be used during the eight (8) weeks of unpaid VESSA leave for the employee or an employee's family or household member.
- g. If the VESSA leave also qualifies for FMLA leave, the leaves may run concurrently, pending further review by the Department of Human Resources.
- h. During VESSA leave, an employee shall continue to accumulate seniority in accordance with an applicable collective bargaining agreement and/or the City of Chicago Personnel Rules.

IV. Return 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.

V. 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 avail him/herself of the interactive process by first submitting a written request using the VESSA Reasonable Accommodation Request Form detailing the specific reasons to the department's human resources liaison. Any such request for a reasonable accommodation shall be made promptly. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.
- c. An employee has an affirmative obligation to assist and work with the City in determining, if reasonable, an appropriate accommodation pursuant to VESSA that does not pose an undue burden on the City.

Contact Information

- **Employees who have questions about this Policy should contact:**
 - Their departmental human resources liaison, or
 - The Department of Human Resources at 312-744-4224
- **Domestic Violence Help Line**
Phone: 1-877-863-6338, TTY: 1-877-863-6339
- **Resource information for victims of domestic violence** is available on the City of Chicago website at:
http://www.cityofchicago.org/city/en/depts/fss/provdrs/dom_violence.html
- **City of Chicago Employee Assistance Program**
Phone: 1-312-744-9711; TTY: 1-877-744-5035