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Parental and Medical Leave

Sec. 5-248b-1. Definitions

(a) **Family Leave** means an unpaid leave not exceeding a maximum of twenty-four weeks in any two year period granted upon the birth or adoption of a child by an employee, or upon the serious illness of a child, spouse or parent of an employee.

(b) **Medical Leave** means an unpaid leave of absence not exceeding a maximum of twenty-four weeks in any two year period granted upon the serious illness of an employee in addition to existing sick leave benefits.

(c) **Permanent Employee** means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in the unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on the job training program or work experience program.

(d) **Serious Illness** means an illness, injury, impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice or residential care facility or (2) continuing treatment or continuing supervision by a health care provider.

(Effective May 27, 1988)

Sec. 5-248b-2. Procedures for family and medical leave

(a) Any permanent employee seeking a family or medical leave of absence without pay from state service shall submit a request to the appointing authority who shall review this request promptly for conformance with the requirements of Public Act 87-291 and these regulations. The appointing authority shall notify the Commissioner of Administrative Services of action taken.

(b) Family or medical leave shall be for the period of time granted and shall not exceed twenty-four weeks over a two year period. The two year period shall begin with the first day of the family or medical leave and end two years after that date. Any requests for extensions must be submitted and approved in the same manner as the initial request and reported to the Commissioner of Administrative Services.

(c) The position of the employee shall be held for the duration of the leave except that the appointing authority may fill a vacancy created by a leave of absence without pay on a durational basis if the position is being held without the necessity of creating an additional position.

(d) Upon the expiration of the leave of absence, the employee shall be entitled to all accumulated seniority, retirement, fringe benefits and other service credits which the employee had at the commencement of such leave. Such service credits shall not accrue during the period of the leave of absence.

(Effective May 27, 1988)

Sec. 5-248b-3. Family leave—birth

(a) A request to the appointing authority for parental leave for the birth of a child shall include:

(1) A statement of the need for absence from work, the beginning and ending dates of the leave desired and a statement of the intent to return to work upon completion of the leave.

(Effective May 27, 1988)

Sec. 5-248b-4. Family leave—adoption

(a) A request to the appointing authority for family leave for the adoption of a child shall include:

(1) A letter from the adoption agency establishing the date of adoption. Early submission may be made upon receipt of notification of impending adoption to be effective on the actual date of adoption.

(2) A statement of the need for absence from work, the beginning and ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

(Effective May 27, 1988)

Sec. 5-248b-5. Family leave—serious illness of child

(a) A request to the appointing authority for a family leave to care for a seriously ill child shall include:

(1) A statement of need of absence from work to care for the child, the beginning and anticipated ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

(2) A physician's statement of diagnosis and prognosis.

(b) Family Leave for illness of children in the employee's family may not exceed twenty-four (24) weeks in a two (2) year period regardless of the number of children in the family.

(Effective May 27, 1988)

Sec. 5-248b-6. Family leave—serious illness of spouse or parent

(a) A request to the appointing authority for leave to care for seriously ill spouse or parent shall include:

(1) A statement of the need of absence from work to care for the spouse or parent, the beginning and anticipated ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

(2) A physician's statement of diagnosis of the spouse or parent, certification that the medical condition of the spouse or parent is a serious illness as defined in Section 1 of these regulations, and an estimate of the anticipated length of the serious illness of the employee's spouse or parent.

(Effective May 27, 1988)

Sec. 5-248b-7. Medical leave—serious illness of employee

(a) Requests for medical leave because of serious illness of the employee shall include:

(1) The beginning and anticipated ending dates of the leave desired and a statement of the intent to return to work upon completion of the leave if medically able.

(2) A physician's statement of the diagnosis and prognosis of the employee's illness and an estimate of the anticipated period of the illness.

(b) The appointing authority may seek the advice of Health Services for State Employees for verification and/or interpretation of the physician's statements as needed for review of the request for unpaid medical leave.

(Effective May 27, 1988)

Sec. 5-248b-8. Return of employees following leave

(a) Upon expiration of the leave of absence, the employee shall be entitled to return to the position in state service which the employee held at the time the

employee commenced the leave of absence or, if that position is unavailable, to an equivalent position with equivalent pay.

(b) The Personnel Division of the Department of Administrative Services shall endeavor to find other suitable work in state service for an employee who is medically unable to perform the duties of the position in state service which the employee held at the commencement of the leave of absence.

(Effective May 27, 1988)

Sec. 5-248b-9. Reporting of family and medical leave use

(a) On or before April 1st of each year, each appointing authority shall submit a report to the Commissioner of Administrative Services setting forth:

(1) The number of family and medical leaves granted and their duration.

(2) The number of family and medical leaves denied and the reasons for denial.

(3) An assessment of the impact of family and medical leave use on the work of the department, including use of overtime, replacements and other relevant information.

(b) On or before July 1 of each year, the Commissioner of Administrative Services shall report to the General Assembly on the extent of use of leaves of absence, and the impact of such use on state employment.

(Effective May 27, 1988)