

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

Effective Date: March 1, 2024

I. Policy Statement

This policy provides procedures for when City of Chicago employees may need to take time off due to domestic violence, sexual violence, stalking, gender violence, or any other crime of violence. The City of Chicago is committed to full compliance with the Illinois Victims' Economic Security and Safety Act (“VESSA”), which provides employees unpaid leave to seek service, assistance, safety, or legal remedies to address domestic violence, gender violence, stalking, sexual assault, or any other crime of violence directed at themselves or at a family or household member.

II. 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 violence, sexual violence, stalking, gender violence, or any other crime of violence or who have a family or household member who is a victim of domestic violence, sexual violence, stalking, gender violence, or any other crime of 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 a rolling twelve (12) month period to address issues arising from domestic violence, sexual violence, stalking, gender violence, or any other crime of violence. The City of Chicago will grant employees with a family or household member who is killed in a crime of violence up to two (2) weeks or ten (10) working days, whichever is less, of unpaid leave related to the death of a family or household member who is killed in a crime of 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.

III. Definitions

- A. "Crime of violence" means any conduct proscribed by Articles 9, 11, 12, 26.5, 29D, and 33A of the Illinois Criminal Code of 2012 or a similar provision of the Criminal Code of 1961, in addition to conduct proscribed by Articles of the Criminal Code of 2012 referenced in other definitions in this Section.
- B. "Domestic violence" means abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986.
- C. "Family or household member" means a spouse or party to a civil union, parent,

grandparent, child, grandchild, sibling, or any other person related by blood or by present or prior marriage or civil union, other person who shares a relationship through a child, or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee, and persons jointly residing in the same household.

- D. "Gender violence" means: (A) one or more acts of violence or aggression satisfying the elements of any criminal offense under the laws of this State that are committed, at least in part, on the basis of a person's actual or perceived sex or gender, regardless of whether the acts resulted in criminal charges, prosecution, or conviction; (B) a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of any criminal offense under the laws of this State, regardless of whether the intrusion or invasion resulted in criminal charges, prosecution, or conviction; or (C) a threat of an act described in item (A) or (B) causing a realistic apprehension that the originator of the threat will commit the act.
- E. "Sexual violence" and "sexual assault" include any conduct proscribed by: (A) Article 11 of the Criminal Code of 2012 (except Sections 11-35 and 11-45); (B) Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or (C) a similar provision of the Criminal Code of 1961.
- F. "Stalking" means any conduct proscribed by the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 12-7.3, 12-7.4, and 12-7.5.

IV. Procedures

A. 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:

- i. To seek medical attention for, or recover from, physical or psychological injuries caused by domestic violence, sexual violence, gender violence, stalking, or any other crime of violence to the employee or the employee's family or household member;
- ii. To obtain victim's services, psychological or other counseling, or legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil, criminal, or military legal proceeding related to or derived from domestic violence, sexual violence, gender violence, stalking, or any other crime of violence;
- iii. To participate in safety planning, temporarily or permanently relocate, or take other actions to increase health and safety or to ensure economic security of covered persons; or

- iv. To attend the funeral or alternative to funeral or wake of a family or household member killed in a crime of violence, make arrangements necessitated by the death of a family or household member killed in a crime of violence, or grieve the death of a family or household member killed in a crime of violence.

B. Notification/Request for Leave

- i. 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.
- ii. To request leave, an employee must first submit a completed VESSA Leave Request Form and related documents to the department's human resources liaison.
- iii. 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, a member of the clergy, a health care provider, or other professional from whom assistance has been sought;
 - (2) a police report, court, or military record;
 - (3) a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency, documenting that a victim was killed in a crime of violence; or
 - (4) other corroborating written evidence of the need for leave.

The employee shall choose which document to submit, and the department shall not request or require more than one document to be submitted during the same 12-month period leave is requested or taken if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of the violence. Failure to provide the required documentation may result in delay or denial of leave.

- iv. 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.

C. Leave

- i. 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, gender violence, stalking, sexual assault, or any other crime of violence.

- ii. Where leave is related to the death of a family or household member who is killed in a crime of violence, an eligible employee who has complied with notification and documentation requirements will be granted upon documented need up to two (2) weeks or ten (10) working days, whichever is less, of unpaid leave job-protected leave in a twelve (12) month period.
 - (1) If an employee is also entitled to take unpaid bereavement leave under the Illinois Family Bereavement Leave Act as a result of the death of the victim, leave taken for this purpose shall be in addition to the total twelve (12) weeks of VESSA entitlement.
 - (2) If an employee is not entitled to unpaid bereavement leave under the Illinois Family Bereavement Leave Act as a result of the death of the victim, leave taken for this purposes shall be deducted from, and is not in addition to, the total twelve (12) weeks of VESSA entitlement.
 - (3) Employees may be entitled to up to three (3) or five (5) days of paid, continuous bereavement time pursuant to the City of Chicago bereavement policy and concurrent to approved VESSA leave for this reason.
- iii. 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.
- iv. 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 sub-section B, iii above for absences.
- v. 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.
- vi. 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.
- vii. 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 their 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.
- viii. If the VESSA leave also qualifies for FMLA leave, the leaves may run concurrently, pending further review by the Department of Human Resources.
- ix. 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.

D. Return From Leave

- i. Following a return from a VESSA leave, the employee will be reinstated to their 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 their former job with or without reasonable accommodation as required by law.
- ii. 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.

E. Reasonable Accommodation

- i. 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 violence, gender violence, stalking, sexual assault, or any other crime of violence or a family or household member being a victim of domestic violence, gender violence, stalking, sexual assault, or any other crime of violence.
- ii. An employee seeking a reasonable accommodation pursuant to VESSA shall avail themselves 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 their family or household member shall be considered in determining whether the accommodation is reasonable.
- iii. 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.

F. Confidentiality

The City of Chicago will protect the confidentiality of information provided as part of a VESSA leave or accommodation. All information provided to the City, including any statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave or an accommodation, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

- i. requested or consented to in writing by the employee; or
- ii. otherwise required by applicable federal or State law.

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