

**GOVERNORS STATE UNIVERSITY
BOARD OF TRUSTEES**

REGULATIONS

Issued July 12, 1996

With Amendments adopted by the Board on March 13, 1998; September 11, 1998; June 17, 2005; April 16, 2010; February 24, 2012; October 12, 2018; August 30, 2019; December 10, 2021; June 10, 2022; and October 21, 2024.

SECTION II. EMPLOYEES

A. General

1. Coverage

This Section II. Applies to all faculty, administrative and/or professional employees who are not civil service employees (collectively, “administrative”), civil service, and other employees of the Board of Trustees of Governors State University unless otherwise provided by these Regulations, by law, or by the terms of a collective bargaining agreement. The employment of the President of the University is subject solely to the employment contract between the President and the Board of Trustees of Governors State University.

2. Equal Opportunity and Affirmative Action

In accordance with applicable statutes and regulations, Governors State University is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, ancestry, sex, religion, age, physical or mental disability, marital status, veteran status, sexual orientation, gender identity, gender expression, or any other factor unrelated to professional qualifications, and will comply with all applicable federal and state statutes, regulations, and orders pertaining to nondiscrimination, equal opportunity, and affirmative action.

3. Pregnant Workers and Workers with Related Conditions

- a) Governors State University will comply with statutory and regulatory requirements of the Pregnant Workers Fairness Act (PWFA), 42 USC §§ 2000gg *et seq.*, and the Providing Urgent Maternal Protections (PUMP) for

Nursing Mothers Act, 29 USC § 218d, as they may be amended from time to time.

- b) The President shall develop policies and procedures to implement, monitor and document the University's programs put into place to ensure compliance with the PWFA and PUMP Act, which shall take effect upon approval by the President.

4. **Authority to Employ**

- a) **Position Authorization**

The Board of Trustees is the employer of all faculty, administrative, civil service, and other employees of Governors State University. Faculty, administrative, civil service, and all other positions shall be authorized by the President or designee.

- b) **Appointments**

All appointments and promotions shall be made by the President, except as otherwise provided herein.

- i. **Major Administrative Appointments**

The President shall inform the Board of the appointment, promotion, resignation, retirement, or other event concerning the employment of a Provost, Vice President, and Dean as soon as possible after the event.

- ii. **Regular Appointments**

Regular appointments are tenured faculty, faculty serving in probationary status on tenure track, other faculty designated as regular appointments, administrative positions not designated as temporary positions, and civil service positions not designated as temporary positions. The President or designee is authorized to make such appointments in accordance with Board Regulations as necessary and justified by prudent financial management.

- iii. **Adjunct Appointments**

The President or designee is authorized to make adjunct faculty appointments as necessary and in accordance with Board Regulations and Human Resources processes. Adjunct appointees will be appointed on an annual or semester basis and will not be eligible for tenure.

iv. Visiting Appointments

The President or designee is authorized to make visiting faculty appointments to approved positions in accordance with Board Regulations as necessary and justified by prudent financial management. Visiting appointments shall be made for persons employed outside the university or on temporary leave from such employment or retired from such employment. Visiting appointments shall be for a specific period of two years or less. There shall be no presumption of renewal or extension of visiting appointments. Visiting faculty shall not be eligible for tenure.

v. Civil Service Appointments

The Board of Trustees is designated by statute as the employer for all its appointments which are subject to the rules and regulations of the State University Civil Service System of Illinois (SUCSS) and for those positions deemed non-status positions pursuant to the rules and regulations of SUCSS (i.e., "900 hour workers"). The Board has authorized the President or designee to appoint Civil Service personnel to authorized positions. All Civil Service employees of Governors State University are employed in accordance with the provisions of the State University Civil Service Act, 110 ILCS 70/, as it may be amended from time to time, and the rules of the University Civil Service System Merit Board (Merit Board), and are entitled to all the rights and subject to all the requirements contained therein.

vi. Procedures

The President shall develop procedures for the appointment (including acting appointment) of faculty, administrative, civil service, and other employees. The procedures shall contain such provisions as are necessary and appropriate and shall be: (a) consistent with the Board's delegation of authority in Section II(A)(4)(b); (b) consistent with the Board's commitment to affirmative action and nondiscrimination in employment practices; and (c) consistent with the Board's policy on participation in University governance.

c) Resignations

The President or designee may officially accept resignations and retirements tendered by employees.

d) Academic Ranks, Promotion, and Related Titles

- i. The academic ranks that shall be conferred within Governors State University are: professor, associate professor, and assistant professor. These faculty employees shall be categorized as probationary/tenure-track or tenured. Recommendations for award of tenure shall be presented by the President to the Board for approval. The creation, elimination, or modification of the categories of appointment specified in this section require Board approval.
- ii. In addition to the above academic ranks, the university is authorized to make other academic appointments to positions utilizing additional and related titles (e.g., Lecturer, Senior Lecturer, Instructor). These faculty employees shall be categorized as non-tenure track.

e) Position Administration

- i. The University shall use recruitment practices aimed toward identifying, securing, and maintaining equitable representation and toward seeking full utilization of minorities and women in all organizational units and job classifications. The university shall also maintain affirmative action policies and procedures consistent with state and federal legal requirements which shall provide for the fair, impartial, and equal treatment of applicants for employment and promotion. The President or designee will administer internal promotion/applicant processes as well as external search procedures for vacant positions. Position design, reorganization processes, titles, and compensation practices will be administered in accordance with University needs as determined by the President or designee.
- ii. Title changes, consistent with changes in scope of assigned responsibilities or internal promotions can be implemented subject to approval by the President.
- iii. The President shall develop procedures and guidelines regarding the use of search committees to fill positions, which shall take effect upon approval by the President.

f) Pre-Employment Background Checks

- i. Purpose of Regulation
In an effort to provide a safe and secure environment for all students, employees and visitors at the University; to safeguard the University's integrity, property and resources; and to help ascertain suitability for

employment, the University has established the following Regulation for conducting pre-employment background checks for all new hires. The University will implement this Regulation in a manner that is consistent with employee legal rights and the University's Mission and Values.

ii. Scope of Regulation

This Regulation applies to all prospective employment applicants, employment applicants, new hires, and re-hires (collectively, "New Hires"), but not to internal applicants for new jobs, regardless of a New Hire's intended position at the University.

Under this Regulation, pre-employment background checks (collectively, "Background Checks") may include, but may not necessarily be limited to, any of the following types of verifications and checks if applicable to an intended position at the University:

- (a) Social Security Verification: validates the applicant's Social Security number, date of birth and former addresses.
- (b) Prior Employment Verification: confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire. This verification will be run on the past two employers or the previous five years, whichever comes first.
- (c) Personal and Professional References: calls will be placed to individuals listed as references by the applicant.
- (d) Educational Verification: confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- (e) Criminal History: includes review of criminal convictions and probation.
- (f) Motor Vehicle Records: provides a report on an individual's driving history in the state requested. This search will be run

when driving is an essential requirement of the position.

- (g) Credit History: confirms candidate's credit history. This search will be run for positions that involve management of funds and/or handling of cash or credit cards.

iii. Background Check Practice

- (a) Pre-Employment Background Check Requirement.

Offers of employment made to prospective New Hires will be contingent upon the results of a criminal background check and other applicable pre-employment Background Checks.

- (b) Background Check Procedure

University Background Checks are conducted by the Human Resources Department as post-offer/pre-employment screenings upon acceptance of a contingent offer of employment (an "Offer") by a New Hire. All Background Checks will be performed in compliance with the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681b.

The Human Resources Department, in consultation with the various University administrative departments and Colleges as appropriate, shall maintain guidelines and/or procedures, as well as best practices, for conducting Background Checks. Such guidelines and procedures shall include, at a minimum, a list of which types of Background Checks are applicable to each position in the University, consistent with job descriptions and applicable Federal and State law.

The University may revoke any Offer to an individual who does not consent to applicable Background Checks.

iv. Use of Background Check Results

- (a) Results of the Background Checks run on a New Hire will be reviewed by a designated Human Resources representative, who will notify the hiring manager of same. The University may revoke any Offer if the Background Checks' results represent an unacceptable level of risk in relation to the job responsibilities of the New Hire's intended position at the

University or if the Background Checks reveal the individual lacks requisite qualifications, thus not supporting a reasonable hiring decision.

- (b) In accordance with relevant State and Federal law, if an individual's criminal Background Check results indicate that the individual has a criminal record, the University will conduct an individualized assessment, which will include an opportunity for the individual to explain or provide additional information. A criminal record will not automatically exclude an individual from being considered for employment, as consideration is given to such factors as, but not limited to, the nature and seriousness of the underlying offense/conduct, the relatedness of the offense/conduct to the position being sought, the length of time that has elapsed since the conviction/end of sentence/conduct and demonstrated rehabilitative efforts.

v. Confidentiality

All records obtained through Background Checks will be maintained in accordance with record retention and other applicable policies and procedures established by the University. Records obtained through Background Checks shall be deemed confidential and maintained in a secured, access-restricted file, separate from an employee's regular personnel file, with access limited to only those University agents who have a need to review or utilize those records in fulfilling their responsibilities under this Regulation.

5. Labor Relations

- a) Authority for the negotiation, administration, and coordination of all collective bargaining agreements and overall responsibility for labor relations activities is delegated by the Board of Trustees to the President.
- b) No collective bargaining agreement shall be effective or implemented until first ratified by the certified employee representative and then approved by the Board of Trustees.

- c) All collective bargaining agreements shall be signed by the Chair and Secretary of the Board of Trustees or, where appropriate, by the President who shall sign such instruments on behalf of the Chair and Secretary.

6. Reassignment and Termination

a) Reassignment

Employees at the University may be reassigned by the President without notice in advance. The President shall consult with and obtain the approval of the Board of Trustees prior to the reassignment of a Provost or Vice President. Employees, other than employees with a temporary appointment (including employees whose appointment is supported by grant or contract funds), who are reassigned shall receive written notice of any reduction in monthly compensation as follows:

- i. In the first year of employment at the University not less than one month prior to the effective date of reduction in monthly compensation; and
- ii. In the second or subsequent year of employment at the University not less than two months prior to the effective date of reduction in monthly compensation.

b) Termination

- i. Consistent with the Governors State University Law, 670/15-45, the Board has authority to terminate employees for good cause or, in the case of a Civil Service Employee, for just cause (110 ILCS 70/36o), which authority is hereby delegated to the President and which authority may be delegated by the President to a delegate.
- ii. A civil service employee shall not be demoted, removed, or discharged after such employee's probationary period except in accordance with the State University Civil Service Act, 110 ILCS 70/, as it may be amended from time to time, and related Merit Board rules.
- iii. Termination of University employees shall require a pre-termination review by the Department of Human Resources and General Counsel.

- c) **Severance Pay**
 - i. Upon termination and within the University's sole discretion, an employee may be offered severance pay based on the individual circumstances of the termination provided the employee signs a separation agreement which, among other things, shall include a release of all potential claims to the fullest extent allowed by law. Severance pay may not be offered to an employee terminated for misconduct as defined by the Government Severance Pay Act (5 ILCS 415/5(1)).
 - ii. Any severance pay provided to any at-will or contractual university employee shall be subject to the provisions of the Government Severance Pay Act, as same may be amended from time to time (5 ILCS 415 *et seq.*), including, but not limited to, the requirement that severance pay may not exceed an amount greater than twenty (20) weeks of compensation.

B. Appointment Administration

1. Job Descriptions

A description shall be prepared for each administrative position, including Chairpersons, in the University, except for the position of President, and for each civil service and other positions. The President shall develop guidelines for the preparation, review, modification, and maintenance of position descriptions, which shall take effect upon approval by the President.

2. Administrative Organization

An organization chart of the administrative structure shall be prepared and maintained for the University.

3. Educational Requirements

The President shall develop a policy concerning the educational requirements necessary for appointment to faculty, including temporary appointments. All educational requirements shall be fulfilled by study in an accredited institution of higher education. The policy and/or any changes shall become effective when approved by the President.

The policy shall include the following provisions and such other provisions as are necessary and appropriate:

- a) The minimum educational requirements necessary for appointment;

- b) Any exceptions to the minimum requirements.

4. **Flexible Hour Positions**

The President is authorized to develop policies and procedures to implement flexible hour positions consistent with Governors State University Law, 110 ILCS 670/15-100, which shall take effect upon approval of the President.

C. Conditions of Employment

1. **General Obligations and Administrative Rules**

All employees are expected to comply fully with all applicable state and federal laws, policies, regulations, and decisions of the Board of Trustees, and policies, regulations and decisions promulgated by the President or designee.

2. **Outside Employment**

- a) An employee's participation in outside employment must be consistent with the employee's obligation to the Board as the primary employer and is subject to such conditions as may be imposed by federal or state law or the terms of a collective bargaining agreement. The President shall establish guidelines concerning outside employment.
- b) Faculty must have prior written approval of the President, or a designee, to perform research or provide consulting services to nongovernmental agencies. (University Faculty Research and Consulting Act, 110 ILCS 100/ et seq.).

3. **Employees Licensed to Practice Law**

Employees of the Board who are licensed to practice law may not represent any person or entity in any litigation, administrative proceeding, or other matter (other than proceedings conducted pursuant to Board or University regulations or procedures or a collective bargaining agreement to which the Board is a party) in which the Board, the University, or other employees of the Board are adverse parties.

4. **Drug-Free Workplace**

- a) **Purpose of Regulation**
The Board has adopted this Regulation to inform all University employees, both faculty and staff, about the adverse effects of drug and alcohol abuse; to set standards of conduct and disciplinary and legal sanctions related to such use or abuse; and to advise them regarding available counseling and rehabilitation services, with the intent of fully complying with any current or

future requirements, regulations, or interpretations developed related to all relevant applicable State and Federal laws and regulations, including but not limited to the federal Drug- Free Schools and Communities Act Amendments of 1989 and the federal Drug- Free Workplace Act of 1988.

b) Standards of Conduct

- i. All employees are prohibited from the unlawful possession, use, sale, manufacture, or distribution of controlled substances, including illicit drugs and alcohol, on University premises or property, possession of drug paraphernalia, marijuana, or alcohol on University premises or property, or the abuse of alcohol on University premises or property or in connection with any University activity. All employees are required to be fit for duty during their entire work schedule. This means that employees must be able to perform their jobs in a safe, secure, productive, and effective manner. Employees who are not fit for work may present a safety hazard to themselves, to other employees, to students, to the University, and to the public.
- ii. The passage of the Illinois Cannabis Regulation and Tax Act, effective January 1, 2020, which legalizes recreational use of marijuana and certain activities related to the use of marijuana in the State of Illinois, does not affect the University's prohibition of marijuana on University property or premises or in connection with any University activity. Marijuana is still an illicit controlled substance under federal law, and therefore, is prohibited under the provisions of this Regulation.
- iii. This Regulation does not prohibit employees from the lawful use and possession of prescribed medications. Employees are responsible for consulting with their doctors about a medication's effect on their ability to work safely and must promptly disclose any restrictions to their supervisor. Employees are not required to disclose underlying medical conditions that have caused the need for the prescribed medication(s).
- iv. If any applicable collective bargaining agreement includes provisions related to drug and alcohol testing, the provisions in the collective bargaining agreement shall control over this Regulation.

- v. As a supplement to this Regulation, the President or designee shall compile, publish, and distribute additional information relating to the health risks associated with the use of illicit drugs and abuse of alcohol and the applicable legal sanctions for unlawful possession or distribution of illicit drugs and alcohol.

c) Testing

- i. In appropriate circumstances, an employee may be required to be examined at a health center, hospital, urgent care facility, or clinical laboratory, in order to determine the employee's fitness to perform assigned duties and responsibilities. Testing is required if a supervisor and second observer reasonably suspect the employee of using or being under the influence of alcohol or drugs while they are working, on University premises, or operating University vehicles. If an employee is suspected of being under the influence the following steps must be taken:
 - (a) The supervisor will obtain confirmation from a second observer and complete a "Reasonable Suspicion" form to be produced and distributed under the President's direction.
 - (b) Once completed, the supervisor will immediately contact the University's "Designated Representative," appointed by the President or President's designee, of the Human Resources Department for next steps to be taken with employee.
 - (c) Upon receiving the completed Reasonable Suspicion form, the Human Resources Department will enter the drug screen request into the HireRight ordering system and provide the screening scheduling information with collection site instructions to the employee.
 - (d) The Human Resources Department will provide the screening scheduling information to the employee to carry with them for immediate processing at the designated collection site.
 - (1) The supervisor will arrange transportation for the employee (via cab or car service).
 - (2) The Human Resources Department should contact the

Department of Public Safety immediately in the event that an employee who is suspected of being under the influence attempts to operate a motor vehicle.

(3) The supervisor or Human Resources Designated Representative will inform the employee not to return to work until cleared by the Human Resources Department.

- ii. Testing is also required when an employee causes or contributes to accidents which seriously damage University property or result in an injury requiring emergency medical treatment away from the scene of the accident. To the extent possible, the same steps outlined above should be followed in those post-accident situations.
- iii. The University reserves the right to require employees to undergo psychological/psychiatric evaluation and treatment, as well as tests for illegal drugs or alcohol. Employees who refuse to comply with recommended evaluations may be disciplined up to and including discharge. An employee may be disciplined (up to and including termination) for violation of this Regulation in the absence of a test, based on other evidence, including, but not limited to, observed conduct and symptoms.
- iv. Employees who refuse to cooperate in required tests will be treated as if they failed the test.
- v. Employees who return to work after testing positive for being under the influence of drugs or alcohol in the workplace will be subject to random testing.

d) Confidentiality

- i. Employees required to participate in reasonable suspicion drug testing, or post-accident testing, shall be sent or driven to a health center, hospital, urgent care, or clinical laboratory and directed to provide a specimen. They should never be allowed to drive themselves. If they leave the site in their vehicle, the local police should be called by the employee's supervisor or Human Resources.
- ii. Specimens shall be collected by trained technicians, using approved testing devices, which are regularly calibrated and capable of producing printed results that identify the employee. Employees may provide split specimens and may provide specimens in private unless they appear to be submitting altered, adulterated, diluted, or

substitute specimens. Collected specimens shall be sent to a certified laboratory and tested for evidence of amphetamines, barbiturates, cocaine, marijuana, opiates, phencyclidine, benzodiazepines, methadone, and propoxyphene use. There shall be a chain of custody from the time specimens are collected through testing and storage.

- iii. The collection site and/or lab shall transmit positive drug tests results to a HireRight Medical Review Officer ("MRO") who shall offer persons with positive results a reasonable opportunity to establish that their results are caused by prescribed medicines or lawful substances. The University will also receive a copy of the drug test results. Persons with positive test results may also ask the MRO to have their split specimen tested at the employee's or applicant's own expense. Such requests must be made within three (3) working days of notice of test results. If the second test fails to find any evidence of drug use in the split specimen, the employee will be treated as passing the test.

e) **Disciplinary Sanctions**

- i. The first violation by an employee of the standards of conduct cited in this Regulation may result in:
 - (a) disciplinary suspension from work without pay for thirty (30) days; and
 - (b) required participation in an approved drug abuse and/or alcohol abuse treatment or rehabilitation or re-entry program; and
 - (c) where appropriate, referral for prosecution; and
 - (d) possible termination of employment under applicable Board Governing Documents, University policies, statutes, employment contracts, or collective bargaining agreements.
- ii. The second violation by an Employee of the standards of conduct cited in this Policy may result in:
 - (a) termination of employment under applicable Board Governing Documents, University policies, statutes, employment contracts, or collective bargaining agreement; and

(b) where appropriate, referral for prosecution.

- f) Drug-Free Awareness Program and Counseling, Treatment, Rehab, or Re-Entry Programs
 - i. Drug abuse and/or alcohol abuse assessment, counseling and referral to treatment or rehabilitation or re-entry programs are available to employees through the University's Employee Assistance Program. The Employee Assistance Program counselor will assist employees in identifying the appropriate services/facilities available to them under the employee's medical insurance plan. The counselor will also assist employees with entry into the program and monitor progress. Such employees may be required to document that they are successfully following prescribed treatment and required to take and pass follow-up tests.
 - ii. The foregoing shall not be construed as an obligation on the part of the University to retain an employee on active status throughout the period of rehabilitation if it is appropriately determined that the employee's current use of alcohol or drugs prevents such employee from performing their duties or whose continuation on active status would constitute a direct threat to the property or safety of others. Such employees shall be afforded the opportunity to use available accumulated paid leave or take an unpaid leave of absence, at the employee's option, pending treatment.
- g) Reporting Obligations
Every employee must notify HR within five (5) calendar days if he or she is convicted of a criminal drug violation.
- h) Confidentiality
Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided by the collection site and/or lab shall be kept confidential and maintained in secure files separate from normal employee personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may be disclosed where relevant when related to a grievance, charge, claim or other legal proceeding initiated by or on behalf of the employee. Information related to a covered employee's conviction of a criminal drug violation will be reported within ten (10) days, if and as required by the Drug-Free Workplace Act.

i) Definitions

For purposes of this Section II(C)(4)(i), the following definitions apply:

- i. “University premises” or “University property” includes, but is not limited to all buildings, offices, facilities, grounds, parking lots, places and vehicles owned, leased or managed by the University.
- ii. “Illegal drugs” means substances whose use or possession is controlled by applicable law, but which are not being used or possessed under the supervision of a licensed health care professional. While the University will not penalize an employee solely for his or her status as a registered qualifying patient under the Illinois Compassionate Use of Medical Cannabis Program Act, or similar law, any employee who is a registered qualifying patient is nevertheless required to comply with this Regulation and is subject to discipline up to and including termination for violations of this Regulation.
- iii. “Refusal to cooperate” means to obstruct the collection process, to submit an altered, adulterated or substitute sample, or to fail to promptly provide specimen(s) for testing when directed.
- iv. “Under the influence of alcohol” means having a blood alcohol concentration of .04 or more and/or actions, appearance, speech or bodily odors which reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- v. “Under the influence of drugs” means a confirmed positive test result for illegal drug use. However, the University reserves the right to terminate the employment of any employee who is suspected of being impaired or under the influence of cannabis. A determination of suspected cannabis impairment will be based on when the employee manifests specific, articulable symptoms while working of decreased or lessened performance of the duties or tasks of the employee’s job or position, including symptoms of the employee’s speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment, or the disregard for the safety of the employee or others.

j) Distribution of Regulation

A copy of this Regulation, along with a copy of the supplemental, additional information prepared in accordance with Regulations Section II(C)(4)(f), will be distributed annually to all employees via electronic mail. As new employees are hired thereafter, a copy of this Regulation and supplemental,

additional information will be supplied to each of them with the appointment letters/contracts at the time of hire. This Regulation and the supplemental, additional information will also be posted on the University's website for reference.

Any amendment of, or supplement to, this Regulation will be distributed and posted as mentioned as soon as practicable after such amendment or supplement becomes effective.

k) Review of Regulation

- i. The University's evaluation plan for its drug and alcohol abuse prevention program will include quantitative and naturalistic approaches to assess the success of the program to meet its stated goals and to comply with applicable law.
- ii. To assess Regulation and program effectiveness, the University will collect and evaluate data in the following areas:
 - (a) Number of drug and alcohol related referrals for counseling,
 - (b) Number of drug and alcohol related disciplinary sanctions imposed,
 - (c) Number of drug and alcohol related incidents recorded by the University Public Safety Department,
 - (d) Number of employees participating in University-sponsored drug and alcohol related workshops and seminars.

A naturalistic evaluation approach will be used to evaluate incidence of illicit drug and alcohol abuse. This evaluation will include the aforementioned data tracking system as well as an analysis of the environmental conditions and events which enhance and/or support the usage by an employee.

This process will enable the University to more effectively make the necessary changes/modification in its preventive program.

l) No Creation of Rights

This Regulation does not, and may not be interpreted to, create any rights for

any person or entity other than the University. Nothing in this Regulation may be construed as altering the employment relationship between the University and any employee. Application of progressive discipline pursuant to this Regulation to employees who serve at-will is discretionary and does not affect the at-will status of any such employee.

D. Benefits

1. Eligibility

The benefits described in this Section are available to faculty, administrative, civil service, and other employees, subject to the eligibility requirements stated in these Regulations. In the instance where there is a conflict between these Regulations and an employee collective bargaining agreement, the collective bargaining agreement will prevail.

2. Holidays

- a) Holidays recognized by the Board shall be New Year's Day, day before or day after New Year's Day, Martin Luther King, Jr.'s Birthday, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, day after Thanksgiving Day, Christmas Day, and day before or day after Christmas Day.
- b) The University will be closed, except for necessary operations, on the foregoing holidays. Eligible employees will be excused with regular pay on said holidays unless otherwise determined by the President.
- c) Eligible employees who are required to work on an observed holiday shall be granted, by mutual agreement between the employee and the University, paid time away from work equivalent to the number of hours worked on the holiday.
- d) Employees with full-time status, provisional, apprenticeship, trainee, or temporary appointments, except prevailing rate craft employees and those employees covered by collective bargaining agreements, will be excused on the observed day of each of the aforementioned holidays. Such employees with less than full-time appointments shall be eligible for holiday pay on a pro-rated basis. All other employees, except for prevailing rate craft employees and employees covered by collective bargaining agreements, will be excused without pay.

- e) Holidays which fall on a Saturday shall be observed on the preceding Friday; holidays which fall on a Sunday shall be observed on the following Monday.

3. **Administrative Closures**

The President may close the University for administrative purposes as determined within the President's discretion.

4. **Sick Leave Bank**

The University may establish a system for participation in a University sick leave bank pursuant the Illinois Sick Leave Bank Act, 5 ILCS 400/ *et seq.*, as it may be amended from time to time. The policy and procedures related thereto shall take effect when approved by the President.

5. **Leaves of Absence**

a) General Provisions

- i. The President shall develop procedures and guidelines to implement, monitor and document the University's leave programs outlined in this Subsection II(D)(5), which shall take effect upon approval by the President.
- ii. It is a violation of these Regulations to threaten to take or take any adverse action against employees who exercise or attempt to exercise their rights under these Subsection II(D)(5) Regulations, oppose practices which the employees believe violate these Regulations or applicable State or federal law, or support the exercise of rights of another to exercise rights under these Regulations.
- iii. Use of leave under these Subsection II(D)(5) Regulations shall not be considered a negative factor in any employment action that involves evaluating, promoting, disciplining, or counting paid leave under a no-fault attendance policy.
- iv. Employees taking leave under these Regulations shall give reasonable notice of their intent to take leave where the reasonableness of the notice shall be judged by the circumstances giving rise to the request. Employees taking leave under these Regulations shall not be required to find coverage for the period of their leave.

- v. Except for PLAWA leave (defined below), the University may request reasonable documentation to support a request for leave under these Subsection II(D)(5) Regulations.
 - vi. Leave under these Subsection II(D)(5) Regulations does not accumulate from fiscal year to fiscal year (i.e., it does not “carry over” if unused). Leave that is accrued but not used by the end of the fiscal year is forfeited; employees will not receive compensation for forfeited time. Employees will not be compensated for accrued but unused upon separation of employment for any reason, such as resignation, retirement, or termination.
 - vii. Employees who take leave under these Subsection II(D)(5) Regulations should confer with the University about the timing, frequency, or duration of leave unless otherwise provided herein. Employees taking military leave are not required to accommodate the University’s needs regarding the timing, frequency, or duration of leave.
 - viii. Eligibility requirements for leave under these Section 5 Regulations vary depending on the type of leave, as set forth below.
- b) Paid Leave for All Workers Act
- i. Governors State University will comply with statutory and regulatory requirements of the Illinois Paid Leave for all Workers Act, 820 ILCS 192/ *et seq.*, as it may be amended from time to time (PLAWA).
 - ii. All employees are eligible for PLAWA leave unless they are (i) student employees or (ii) temporary employees working less than two consecutive calendar quarters with no reasonable expectation that they will be rehired the following year. New employees shall be credited with 40 hours of PLAWA leave upon hire and will become eligible to take PLAWA leave 90 days after the commencement of their employment.
 - iii. At the start of each University fiscal year, all eligible employees shall be credited with 40 hours of paid PLAWA leave. Subject to applicable law and the terms of this Regulation, leave may be taken in increments as low as two (2) hours per day. For employees whose scheduled workday is less than two (2) hours per day, a scheduled workday is the minimum increment of time. PLAWA leave will not run concurrently with FMLA leave (defined below).

- iv. PLAWA leave may be taken for any reason of the employee's choosing. Employees are not required to provide a reason for taking PLAWA leave and the University will not require documentation supporting the requested leave. If the requested leave is foreseeable, the employee shall give the University seven (7) calendar days' notice of that leave by notifying their supervisor and, if accessible, making a request via the University's electronic timekeeping software. If the requested leave is not foreseeable, the employee shall give the University such notice as is practicable after learning of the need for leave by notifying their supervisor via email or other communication, and later documenting the leave in the University's electronic timekeeping software if accessible.
 - v. An employee may choose whether to use paid PLAWA leave provided prior to using any other leave. PLAWA leave shall not be charged or otherwise credited to an employee's paid time off bank or employee account.
- c) Family Medical Leave Act Leave/Military Caregiver Leave
- i. Governors State University will comply with statutory and regulatory requirements of the federal Family Medical Leave Act of 1993, 29 USC § 2601 *et seq*, as amended from time to time (FMLA), as modified by the Illinois Governors State University Law, 110 ILCS 670/15-230.
 - ii. To be eligible for FMLA leave, employees must: (1) have worked for Governors State University for at least 12 months, although time worked need not be consecutive; (2) worked at least 1,000 hours in the 12 months preceding commencement of the leave; and (3) be employed at a worksite that has 50 or more employees within 75 miles of the worksite.
 - iii. If eligible, employees may take up to 12 or 26 weeks of family or medical leave, whichever is applicable (as explained below), within the relevant 12-month period defined below. While employees are on FMLA leave, the University will maintain the employees' group health insurance coverage at the same level and under the same circumstances as when they were actively working. On returning from approved FMLA leave, employees have the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law.
 - iv. Conditioned on applicable law and U.S. Department of Labor Rules and Regulations, eligible employees may take **up to 12 weeks** of unpaid FMLA leave in a 12-month period, which is measured using a

"rolling" method that is measured backward from the date the employee uses any FMLA leave, for any of the following reasons:

- (a) the birth of a child and in order to care for that child (leave to be completed within one year of the child's birth);
 - (b) the placement of a child with the employee for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);
 - (c) to care for a spouse, child, or parent of the employee with a serious health condition;
 - (d) to care for the employee's own serious health condition, which renders that employee unable to perform any of the essential functions of that employee's position; or
 - (e) a qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).
- ix. If agreed by the University, an employee may take leave under Subsection II(D)(5)(c)(iv)(a) and (b) intermittently or on a reduced schedule. Leave under Subsection II(D)(5)(c)(iv)(c), (d) and (e) may be taken intermittently or on a reduced schedule if medically necessary.
- v. Employees may take **up to 26 weeks** of unpaid FMLA leave in a single 12-month period, beginning on the first day that they take FMLA leave to care for a spouse, child, parent, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).
- (a) Military caregiver leave is available for only a single 12-month period during an employee's employment with the University.
 - (b) Employees taking military caregiver leave are entitled to a combined total of 26 weeks for leave in a 12-month period; they are not eligible to take an additional 12 weeks of leave under Subsection II(D)(5)(c)(iii) above during the same 12-month period as when military caregiver leave is taken.
- vi. FMLA leave is unpaid. Employees will be required to substitute any accrued and unused vacation/paid time off/sick days/personal days, except PLAWA leave, for unpaid FMLA leave as described below:
- (a) If employees request leave because of a birth, adoption, or foster care placement of a child, parental leave (if available) will be first substituted for unpaid family/medical leave and run concurrently

with FMLA leave, followed by any other accrued and unused paid leave, such as vacation or sick leave, which shall run concurrently with FMLA leave.

- (b) If employees request leave because of their own serious health condition, or to care for a covered relative with a serious health condition, any accrued paid leave will be substituted for any unpaid family/medical leave and run concurrently with FMLA leave.
- (c) The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100% of the employee's salary. FMLA leave runs concurrently with other types of leave, for example, accrued vacation time that is substituted for unpaid FMLA leave and any state family leave laws, to the extent allowed by state law.

d) Parental Leave

- i. Subject to the approval of Human Resource Department and the conditions of this Regulation, twenty-five (25) paid workdays are provided to eligible employees for continuous parental leave for the birth or adoption of a child or assuming the responsibility for a foster child. Except as otherwise provided herein, paid parental leave is in addition to whatever other leave (e.g., sick or vacation) the eligible employee has. Parental leave shall be utilized within 12 months of the date of birth or adoption or placement of the child and will run concurrently with FMLA leave. Requests for parental leave shall be submitted to the Department of Human Resources FMLA coordinator for processing at least thirty (30) days prior to the leave commencing when such leave is foreseeable. If the date of birth or adoption or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. Parental leave may be taken intermittently only with the advanced approval of the University.
- ii. To be eligible for parental leave, employees must meet the eligibility requirements for FMLA leave and not otherwise be eligible for parental leave pursuant to a collective bargaining agreement. Employees who are eligible for parental leave under a collective bargaining agreement are subject to terms of that collective bargaining agreement.

- e) Victims' Economic Security and Safety Act Leave
- i. Governors State University will comply with statutory and regulatory requirements of the Victims' Economic Security and Safety Act, 820 ILCS 180 *et seq.*, as it may be amended from time to time (VESSA).
 - ii. Subject to applicable law and the terms of this Regulation, eligible employees may take up to twelve (12) weeks unpaid leave if they are a victim of domestic violence, sexual violence, gender violence, or any other crime of violence (collectively, "Crime(s) of Violence") or their family or household member whose interests are not adverse to the employee as it relates to the crime is a victim of a Crime of Violence for the purposes set forth here. Leave may be taken if the employee or employee's family or household member is addressing a Crime of Violence by:
 - (a) seeking medical attention for, or recovering from, physical or psychological injuries caused by a Crime of Violence to the employee or the employee's family or household member;
 - (b) obtaining services from a victim services organization for the employee or the employee's family or household member;
 - (c) obtaining psychological or other counseling for the employee or the employee's family or household member;
 - (d) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future Crimes of Violence or ensure economic security;
 - (e) seeking 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 Crime of Violence;
 - (f) attending the funeral or alternative to a funeral or wake of a family or household member who is killed in a Crime of Violence;
 - (g) making arrangements necessitated by the death of a family or household member who is killed in a Crime of Violence; or
 - (h) grieving the death of a family or household member who is killed in a Crime of Violence.

- iii. Leaves of absence pursuant to Subsection (ii)(f), (ii)(g) or (ii)(h) of this Section are limited to ten (10) workdays, which must be completed within sixty (60) days of the employee receiving notice of the death. If leave is taken under Subsection (ii)(f), (ii)(g) or (ii)(h) of this Section by an employee who also is entitled to leave under the Family Bereavement Leave Act (see below), the leaves shall run consecutively, provided that the overall leave does not exceed the unpaid leave time allowed under the FMLA.
- iv. Employees shall give at least 48 hours' notice of their intent to take leave under VESSA, unless such notice is impracticable in which case the employee shall give notice that is reasonable before or after beginning leave.

f) Bereavement Leave

- i. Governors State University will comply with statutory and regulatory requirements of the Family Bereavement Leave Act, 820 ILCS 154/ et seq. and the Child Extended Bereavement Leave Act, 820 ILCS 156/ et seq., as they may be amended from time to time.
- ii. All employees may take up to three (3) days with pay per occurrence in the event of the death of the employee's spouse, domestic partner as defined by rules set forth by the Illinois Department of Central Management Services, parent, step-parent, mother- or father-in-law, child, step-child, sibling, step-sibling, brother- or sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, or member of the employee's immediate household. Paid bereavement leave must be taken within five (5) workdays days of the employee receiving notice of the event giving rise to leave. At the employee's option, paid bereavement leave may run concurrently with unpaid bereavement leave described in Subsection (f)(iii) below, if available, or not. Paid bereavement leave may be taken in a single continuous period or intermittently in increments of no fewer than four (4) hours.
- iii. Except as provided below in Subsection II(D)(5)(f)(v) and (vi), all employees shall be entitled to use a maximum of 2 weeks (10 workdays) of unpaid bereavement leave to:
 - (a) attend the funeral or alternative to a funeral of an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent ("covered family member");
 - (b) make arrangements necessitated by the death of the covered family member;

- (c) grieve the death of the covered family member; or
- (d) be absent from work due to:
 - (1) a miscarriage;
 - (2) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure;
 - (3) a failed adoption match or an adoption that is not finalized because it is contested by another party;
 - (4) a failed surrogacy agreement;
 - (5) a diagnosis that negatively impacts pregnancy or fertility; or
 - (6) a stillbirth.
- iv. Except as provided in II(D)(5)(f)(vi) below, unpaid bereavement leave must be completed within 60 days after the date on which the employee receives notice of the death of the covered family member or the date on which another event giving rise to leave occurs.
- v. In the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of 6 weeks of unpaid bereavement leave during the 12-month period.
- vi. In the event of the death of an employee's child (including biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis) by suicide or homicide, the employee may take up to 12 weeks of unpaid bereavement leave within 12 months after the employee notifies the University of the loss, which may be taken in a single continuous period or intermittently in increments of no fewer than 4 hours.
- vii. This Regulation does not create a right to take more leave than would be available to an eligible employee under the FMLA (although employees need not meet the eligibility requirements for FMLA leave to take bereavement leave). Unpaid bereavement leave of longer duration than set forth above may be approved under special circumstances by the President.
- viii. An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to federal, State, or local law, a collective

bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under this Subsection. The University may not require the employee to substitute available paid or unpaid leave for leave provided under this Subsection.

- ix. The University may require reasonable advance notice of the employee's intent to take a bereavement leave of absence, unless providing such notice is not reasonable and practicable. The University may request reasonable documentation to support a bereavement leave request.
- x. Leaves beyond these amounts may be approved under special circumstances by the President. However, such additional leave will normally be charged to applicable paid leave benefits.

g) Military Leave

- i. Governors State University will comply with statutory and regulatory requirements of the Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61/ et seq, as it may be amended from time to time (ISERRA), and the federal Uniformed Services Employment and Reemployment Rights Act under Title 38 of the United States Code, as it may be amended from time to time (USERRA).
- ii. Except as otherwise provided herein, with appropriate notice under the circumstances, all employees are entitled to military leave to perform "active service," as defined by statute, which includes all forms of active and inactive duty regardless of voluntariness including, but not limited to, annual training, active duty for training, initial active duty training, overseas training duty, full-time National Guard duty, active duty other than training, State active duty, mobilizations, and muster duty.
- iii. Temporary employees employed briefly with no reasonable expectation that employment will continue for a significant period are not eligible for reinstatement of employment after a military leave.
- iv. The right to reinstatement shall terminate in accordance with applicable law, including but not limited to where the employee's separation from service was with a dishonorable or bad conduct charge or disqualifying discharge.
- v. Employees on military leave shall be credited with the average performance rating or evaluation received for the three (3) years immediately before leave, or the rating that the employee received for the period immediately prior to military leave, whichever is higher.

- vi. All employment rights shall be extended to all employees on military service leave, unless otherwise stated.
- vii. Time spent on military leave shall be counted when computing seniority and service requirements for promotion eligibility or any other benefit of employment, except this paragraph does not apply to probationary periods.
- viii. Vacation, sick, educational or other similar leave shall continue to accrue while on military leave.
- ix. Health plan benefits shall continue, except the University's share of the full premium and administrative costs shall continue to be paid by the University for active duty.
- x. Unless a statutory exception applies, the right to reinstatement to employment terminates in accordance with applicable law for employees on military leave for a cumulative period of five (5) years, unless the University's circumstances have so changed as to make reemployment within five (5) years impossible or unreasonable. Employees who are unqualified to perform their prior role due to a disability and cannot be accommodated absent undue burden shall be entitled to reinstatement in accordance with applicable law.
- xi. During periods of military leave for annual training for employees who are members of a reserve component, employees shall continue to receive full compensation for up to 30 days per calendar year. Military leave for purposes of receiving concurrent compensation may be performed nonsynchronously.
- xii. Except as otherwise provided herein, during periods of military leave for active service for employees who are members of a reserve component, employees shall receive differential compensation in accordance with the law, meaning the difference between the pay received from military service and the pay the employee would otherwise have earned from the University if not on military leave, which shall be calculated on a daily basis in accordance with applicable law.
- xiii. Employees may elect to use accrued vacation, annual, or similar leave with pay in lieu of differential compensation during any period of military leave.
- xiv. For voluntary active service, differential compensation is limited to 60 workdays per calendar year. There is no limit to differential compensation for involuntary active service.

- xv. For active service without pay, differential compensation shall not be paid.
- h) Family Military Leave
- i. Governors State University will comply with the statutory and regulatory requirements of the Family Military Leave Act, 820 ILCS 151/ et seq., as it may be amended from time to time.
 - ii. Eligible employees are those employees who have been employed by the University for at least 12 months and have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.
 - iii. Subject to applicable law and the terms of this Regulation, upon appropriate notice of at least fourteen (14) days if the intended leave will consist of 5 days or more of consecutive workdays or such notice as is practicable if less than 5 consecutive workdays, eligible employees may take up to 30 days unpaid leave if the spouse, parent, child, or grandparent of that employee is called to military service lasting longer than 30 days with the State or the United States pursuant to the orders of the Governor or the President while deployment orders are in effect.
 - iv. The number of days provided to an eligible employee under this Regulation because a spouse or child is called to military service shall be reduced by the number of days of leave, if any, taken under the FMLA because of any qualifying exigency arising out of the fact that the employee's spouse or child is on covered active duty as defined in that Act (or has been notified of an impending call or order to covered active duty) in the Armed Forces.
 - v. Eligible employees shall not take family military leave unless the employee has first exhausted all accrued vacation, personal, compensatory or other leave except sick and disability leave.
- i) Civil Air Patrol Leave
- i. Governors State University will comply with statutory and regulatory requirements of the Illinois Civil Air Patrol Leave Act, 820 ILCS 148/ et seq. as it may be amended from time to time. "Civil air patrol leave" means leave requested by an employee who is a member of the civilian auxiliary of the U.S. Air Force.
 - ii. Eligible employees for civilian air patrol leave consist of those employees who have been employed by the University for at least twelve (12) months and who have worked for at least 1,250 hours of service during the 12-month period immediately preceding commencement of the leave.

- iii. Upon appropriate notice of at least fourteen (14) days if the intended leave will consist of 5 days or more of consecutive workdays or such notice as is practicable if less than 5 consecutive workdays, eligible employees may take 30 days of unpaid civil air patrol leave. Eligible employees may, but need not, choose to use accrued vacation leave, personal leave, compensatory leave, sick or disability leave, or any other leave available to them if they wish to remain in paid status during civil air patrol leave.
- iv. An eligible employee taking civil air patrol duty leave is entitled to be restored to the position held prior to taking the leave with equivalent seniority status, employee benefits, pay, and other conditions of employment, unless circumstances unrelated to taking protected leave exist that preclude reinstatement.
- v. An eligible employee taking civil air patrol duty leave is entitled to maintain their health insurance benefits at the employee's expense during leave.

j) School Visitation Leave

- i. Governors State University will comply with statutory and regulatory requirements of the School Visitation Rights Act, 820 ILCS 147/ et seq., as it may be amended from time to time.
- ii. Eligible employees consist of those who (1) have worked for the University for at least six (6) consecutive months preceding the request for leave and (2) work an average number of hours per week equal to at least one-half the full-time equivalent position in the University's job classification system or policy.
- iii. With appropriate notice under the circumstances of at least seven (7) days absent an emergency, eligible employees may take up to eight (8) hours unpaid leave during any school year, which may be taken in increments of up to four (4) hours per occurrence, to attend school conferences, behavioral meetings, or academic meetings related to the employee's child if the conference or meeting cannot be scheduled during nonwork hours. Eligible employees must first exhaust all accrued vacation leave, personal leave, compensatory leave and any other leave except sick or disability leave before taking school visitation leave.

k) Court Service

- i. Governors State University will comply with statutory and regulatory requirements of the Illinois Jury Act, 705 ILCS 305/4.1, as it may be amended from time to time.

- ii. An employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency who is scheduled to work during the time that he/she is called, shall be granted leave with pay for the time spent serving on the jury or testifying and any jury or witness fees may be retained by the employee, provided that no employee shall be given leave with pay for:
 - (a) Appearing as a party in a non-GSU employment related proceeding involving such employee;
 - (b) Appearing as an expert witness when the employee is compensated for such appearance; or
 - (c) Appearing as a plaintiff or complainant in a proceeding in which the Board or the University is a defendant or respondent.

Time off shall be granted without regard to the shift the employee is scheduled to work. For example, an employee scheduled to work the night shift shall be given time off the night shift to attend jury duty during the day.

l) Emergency Leave

- i. If an emergency arises (such as a severe snowstorm, tornado, riot, etc.) in which the safety, health, or welfare of employees is a matter of concern, the President may order employees to absent themselves from work with pay.
- ii. Civil Service employees ordered to absent themselves from work under such circumstances shall not lose seniority because of such absence.
- iii. Employees not excused from work under such circumstances who fail to report for work as scheduled may be denied compensation for such absence.

m) Extended Sick Leave

The President of the University may grant an employee sick leave with full pay for a period not to exceed 60 calendar days, if the employee: (i) has completed at least three full years of service at the University; (ii) has exhausted all sick leave benefits; (iii) is a participant in the State Universities Retirement System; and (iv) is entitled to and has applied for disability benefits under the State Universities Retirement System.

- n) Compulsory Disability Leave
- i. If the President of the University believes an employee is unable to perform assigned duties due to illness or injury, the President may inform the employee in writing of the basis for such belief and require the employee to obtain a medical examination by a doctor chosen and paid for by the University or by a doctor chosen and paid for by the employee who is acceptable to the President. Refusal of an employee to submit to a medical examination may result in suspension of the employee or other disciplinary action. The doctor shall submit an opinion to the President as to whether the employee (i) has a physical or mental condition which constitutes a health or other hazard to the employee, fellow employees, or others with whom the employee may come in contact; or (ii) has a physical or mental condition which prevents the employee from performing the duties required by the position of employment. A copy of the doctor's opinion shall be given to the employee. At the employee's discretion and expense, a second medical opinion may be obtained for consideration by the President.
 - ii. If the medical evidence indicates that the employee (i) has a physical or mental condition which constitutes a health or other hazard to the employee, fellow employees, or others with whom the employee may come in contact; or (ii) has a physical or mental condition which prevents the employee from satisfactorily performing the duties required by the position of employment, the President may place the employee on compulsory disability leave. The President shall notify the employee in writing of the duration of the compulsory leave period. Any earned leave credits shall be used during the compulsory leave period. That portion of the compulsory disability leave, if any, which is not covered by earned leave credits shall be without pay.
 - iii. After expiration of one-half of the compulsory disability leave period, the employee may upon prior notice to the President, and at the employee's expense, seek a medical opinion from a doctor acceptable to the President as to the ability of the employee to return to work. If the opinion indicates the employee is able to return to work, the employee may return to work at a time mutually agreed upon between the employee and the University.
 - iv. If, in the opinion of a doctor chosen and paid for by the University or of a doctor chosen and paid for by the employee who is acceptable to the

President, an employee is unable to return to work at the end of a compulsory disability leave, the President may (i) extend the leave without pay; (ii) request the employee's resignation; or (iii) terminate the employee's employment.

- o) **Other Leave Programs**
The President may establish other leave programs that do not add to the leave or conflict with the leave benefits in collective bargaining agreements or in the Board of Trustees Regulations.

6. Benefits While on Compensated Leave

- a) An employee eligible for such leave shall earn vacation leave and sick leave while on compensated leave other than educational leave or administrative leave.
- b) An employee on compensated leave may continue to contribute toward and receive the benefits of any State or Board insurance program and may continue to contribute toward and receive retirement credit in the State Universities Retirement System if the laws, rules, regulations, policies, and procedures governing the administration of such insurance programs or the State Universities Retirement System so permit.
- c) Upon return to the University from a compensated leave, an employee's salary shall be adjusted to reflect nondiscretionary increases which the employee would have received if not on leave.

7. Failure to Return to Work Following the Expiration of an Approved Leave of Absence

If an employee fails to return to work following the expiration of an approved leave absence and has not submitted a request to extend the leave which includes documentation to support the extension within five days of the expiration of the approved leave, the University will consider that the employee to have voluntarily resigned his/her position and will so notify the employee.

8. Retirement

Employees are subject to the statutes and rules governing the State Universities Retirement System.

9. Tax Deferred Retirement Plan

- a) It shall be the policy of the Board of Trustees to, in its discretion, sponsor the Governors State University Tax Deferred Annuity Plan in which eligible employees may participate.
- b) Plan Administration: This plan shall be administered by the President who shall have authority to prescribe guidelines, procedures, rules and regulations consistent with Section 403(b) of the Internal Revenue code of 1986, as amended "the Code", whereby eligible employees of the University may enter into agreement with the University to elect to receive, in lieu of salary or wages, benefits which are tax deferred under the Code. Governors State University is the Plan Sponsor and Plan Administrator and as such, reserves the right, in its sole discretion to amend, change or terminate this plan as permitted by law.

10. Tuition Reduction Benefits

- a) It shall be the policy of the Board of Trustees to, in its discretion, make available to each eligible employee now or hereafter employed, the opportunity to participate in a Tuition Reduction Plan that exempts the employee from tuition and certain fees.
- b) The specific benefits available to University employees, if approved, are described in Section II(E)(7) for faculty and administrative employees and in Section II(F)(7)(f) for Civil Service employees of these Regulations, and the tuition waiver provisions, if any, of applicable collective bargaining agreements.
- c) Benefit Administration: This benefit shall be administered by the President who shall have the authority to prescribe guidelines, procedures, rules and requirements consistent with a tax-exempt tuition reduction provision under the Internal Revenue code, where employees of the University may obtain tuition and certain fee waivers on a tax-exempt basis. The Board of Trustees of Governors State University, in its sole discretion, reserves the right to amend, change or terminate the benefits under this program.
- d) Employee Dependents: Governors State University provides a partial tuition waiver benefit for certain dependents of eligible employees subject to the provision and limitation of the Governors State University Law, 110 ILCS 670/15-90. Dependents under the age of twenty-five of eligible employees

shall receive a fifty percent (50%) reduction of the tuition for undergraduate education at any Illinois state university named in the Act for a period not to exceed four years. Fees and charges other than tuition are not included in this waiver.

E. Faculty and Administrative Employees

1. Coverage

This Subsection II(E). applies to all faculty and administrative employees of the University unless otherwise provided by these Regulations, by law, or by the terms of a collective bargaining agreement.

2. Salaries and Compensation

- a) The President shall develop guidelines for the initial and continuing salaries and salary increases of administrative employees.
- b) The President shall develop policies concerning salaries for Chairpersons. The policies and any changes shall become effective when approved by the President.
- c) The salary of any individual becoming a member of the faculty after relinquishing an administrative position shall be determined on the basis of such individual's qualifications as a faculty member.

3. Administrative Employees with Faculty Rank

The following provisions shall apply to administrative employees with faculty rank (including Chairperson) and shall not apply to employees covered by a collective bargaining agreement.

- a) An administrative employee may retain faculty rank in a department (or equivalent academic unit) in which it has previously been granted by the University. Furthermore, an administrative employee may be granted faculty rank at the time of appointment or subsequent thereto or may be promoted in faculty rank if such employee satisfies the educational requirements established pursuant to Subsection II(B)(3) above and faculty rank or promotion is recommended by the appropriate department/division (or equivalent academic unit), the Dean, and Provost and approved by the President.
- b) An administrative employee with faculty rank previously granted tenure by the Board shall retain such tenure, which shall not be transferred from one department

(or equivalent academic unit) to another except by approval of the Board upon recommendation by the President after consultation with the departments (or equivalent academic units) involved.

- c) At the time of initial employment by the University, an administrative employee whose preceding employment included faculty rank and tenure may be granted tenure only if so recommended by the department (or equivalent academic unit), the Dean, the Provost, and the President and approved by the Board.
- d) Except for a Chairperson, who shall be eligible for tenure as provided in Subsection II(E)(3)(e) below, an administrative employee with faculty rank but without tenure shall not be eligible for tenure during the period that such employee occupies an administrative position.
- e) Chairpersons shall be eligible for consideration for tenure during their term of service as Chairperson if they hold at least the rank of Assistant Professor and meet the following requirements:

- i. Educational Requirements

A Chairperson shall be eligible for consideration for tenure if the employee meets the educational requirements established by the University for tenure for faculty employees covered by a collective bargaining agreement.

- ii. Years of Service

- (a) Except as provided in Subsection II(E)(3)(e)(iii)) below, a Chairperson may not apply for tenure before the employee's sixth probationary year of employment at the University.

- (b) A Chairperson who has no previous full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year one at the time of initial appointment.

- (c) A Chairperson who has one year of prior full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year two at the time of initial appointment.

- (d) A Chairperson who has two years of prior full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year three at the time of initial employment.
 - (e) A Chairperson who has three or more years of prior full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year four at the time of initial appointment.
 - (f) A Chairperson may elect to be placed in a lower-numbered probationary year by written notification to the Provost by the close of the first academic term following such employee's initial appointment.
- iii. Consideration for Tenure on the Basis of Exception
- (a) A Chairperson who does not satisfy the educational requirements of tenure established pursuant to Subsection II(F)(3)(d)(i) or the years of service requirement specified in Subsection II(F)(3)(d)(ii) above may apply for consideration for tenure in his/her fourth, fifth, or sixth year of full-time service at the University on the basis of exceptional teaching/performance of primary duties, research/creative activity, or service.
 - (b) A Chairperson who applies for consideration for tenure as an exception to the educational requirements or years of service requirements shall present evidence in support of his/her claim for an exception.
- iv. Tenure for Chairpersons shall not be acquired automatically by length of service. Tenure shall be granted and may be acquired only by specific action of the Board after receipt of a specific recommendation of the President. Tenure shall be in an academic department/division or equivalent unit.
- v. The performance of a Chairperson during the entire term of employment shall be considered by the Board in determining whether to grant tenure.
- vi. An eligible Chairperson must apply to the Dean of such employee's college (or equivalent unit) prior to the commencement of the tenure process in order to be considered for tenure. In the event that an eligible Chairperson does not submit an application for tenure in the sixth probationary year,

such employee shall receive a terminal contract for the next subsequent academic year.

vii. Removal from Office

In appropriate circumstances, removal of a Chairperson from office may be initiated by vote of a 2/3 majority of all probationary and tenured faculty members of the department/division, or by the Dean of the College after consultation with members of the department/division and the Provost. The final decision with respect to removal of a Chairperson shall be made by the President. In the event of removal from office, a Chairperson shall be entitled to return to such employee's department/division to assume faculty responsibilities at such employee's then-current faculty rank. The President shall establish guidelines concerning the removal of a Chairperson from office. The guidelines shall ensure due process for the incumbent Chairperson.

4. Sick Leave and Vacation

a) Temporary Appointments

- i. A faculty member hired specifically for a full-time non-tenure track position shall, during the first fiscal year of such appointment, earn non-cumulative sick leave at the rate of 10 days per year (credited to the employee at the beginning of the appointment), shall be eligible for paid holidays, bereavement leave, and leave for court required service. Such employee shall not receive any benefit for unused sick leave at the end of the fiscal year or at the end of the appointment, whichever is earlier. If such appointment is at least half-time but less than full-time, the employee shall be eligible to receive the benefits listed in this paragraph on a pro-rated basis.

ii.

- (a) A faculty member hired specifically for a full-time non-tenure track position, who is appointed to said position for more than one consecutive fiscal year, shall be eligible for paid holidays, bereavement leave, and leave for court required service.

- (b) In addition, effective at the beginning of the second consecutive fiscal year of such appointment, such employee shall become eligible for educational benefits, shall earn non-cumulative sick leave at the rate of one day per month of appointment (credited to the employee at the beginning of the fiscal year), and, if employed on a 12-month basis, shall (i), if such appointment is supported less than 50% by grant or contract funds, earn vacation leave as specified in paragraph (b) below or (ii), if such appointment is supported at least 50% by grant or contract funds, earn non-cumulative vacation leave credited at the rate of two days per month. Such employee shall not receive any benefit for unused sick leave or non-cumulative vacation leave at the end of the fiscal year or at the end of the appointment, whichever is earlier.
- (c) If the foregoing appointment is at least half-time but less than full-time, the benefits listed in this subparagraph (ii) shall be provided on a pro-rated basis, and the employee shall not become eligible to earn the benefits listed in subparagraph (b) above until the beginning of the third consecutive fiscal year of such appointment.
- (d) Part-time faculty employees paid on a per-course basis and employees with appointments for less than half-time shall not be eligible for any benefits described above.

b) Permanent Appointment

i. Vacation Leave

Employees with 12-month appointments shall earn vacation leave at the rate of two days per month during each month, or major fraction thereof, of service in pay status. Employees with less than 12-month appointments shall earn no vacation leave. Vacation leave may be accrued up to a maximum of 48 days. An employee who accrues the maximum will, except as provided below, earn no further vacation leave until the employee's use of vacation leave reduces the accrual below the maximum. An employee who is required to work on a special assignment may, at the discretion of the President, be permitted to earn up to 12 days of vacation leave beyond the maximum of 48 days. Such additional vacation leave must be used within 12 months after the employee completes work on the special assignment.

Subject to applicable State law, if an employee leaves the service of the institution for any reason, including death, a lump sum payment will be granted for the amount of vacation accrued as of the last day of work.

ii. Sick Leave

- (a) The University reserves the right to require acceptable evidence of illness, injury, or disability before allowing any sick leave benefits.
- (b) Any employee who is (or expects to be) absent from employment shall notify the appropriate University supervisor immediately, and, in cases where the absence will be for more than three days, the employee shall notify the supervisor of the anticipated length of absence so that arrangements can be made for the employee's duties to be assumed during said absence.
- (c) An employee, while in pay status, shall earn non-cumulative sick leave at the rate of ten days per year of employment, which shall be credited to the employee at the beginning of the employment year, starting with the first year of employment. Such non-cumulative leave shall not be carried forward into the next fiscal year.
- (d) An employee, while in pay status, shall earn cumulative sick leave at the rate of 1.5 days per month. An employee may accrue cumulative sick leave up to a maximum of 300 work days. An employee who accrues the maximum will earn no further sick leave until the employee's use of sick leave reduces the accrual below the maximum. In accordance with the Illinois State Finance Act, 30 ILCS 105/14a(f), sick leave earned after December 31, 1997 shall not be eligible for compensation at termination. Sick leave earned prior to January 1, 1984 shall not be eligible for compensation at termination.
- (e) Sick leave may be used for injury or illness of an employee, including temporary disability or illness caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom, which prevents the employee from performing assigned duties.

- (f) Deductions of sick leave shall not be made during any Board approved holiday. One day of sick leave shall be deducted for each day an employee is absent because of injury or illness. No more than five days of sick leave shall be deducted in any one calendar week.
- (g) Upon termination of employment, and provided the employee is not reemployed at the same place of employment within 30 calendar days, an employee, or such employee's estate, shall be entitled to a lump sum payment for accrued sick leave earned between January 1, 1984 and December 31, 1997. The lump sum payment for accrued sick leave shall be computed as the product of the employee's daily rate of compensation and one-half of the lesser of the following: (i) the number of days, or fractions thereof, of cumulative sick leave earned by the employee, in accordance with paragraph d) above, minus any days, or fractions thereof, of cumulative sick leave used by the employee; or (ii) the number of days, or fractions thereof, of cumulative sick leave earned by the employee in accordance with paragraph d) above between January 1, 1984 and December 31, 1997.
- (h) Noncumulative sick leave days shall be used first, and cumulative sick leave days shall be used in the following order:
 - (1) Days accrued through December 31, 1983;
 - (2) Days accrued after December 31, 1997;
 - (3) Days accrued between January 1, 1984 and December 31, 1997.

An employee who has received a lump sum payment for accrued sick leave and who, within two years, is reemployed by the Board may, if separated in good standing, have such employee's accrued sick leave restored if, within 30 days after commencement of such reemployment, the employee repays said lump sum payment to the Board for the benefit of the location at which accrued sick leave is restored. For each day of sick leave to be restored, the employee shall repay the gross amount such employee was paid for one day of accrued sick leave. An employee may have part or all of such

employee's accrued sick leave restored in this manner; however, if the employee does not make any such repayment to the Board, such employee shall not be entitled to have any such sick leave so restored.

5. Educational Leave

Employees shall have the right to apply for an educational leave after having completed a period of five years of service at the University. Requests for leave shall be submitted in writing by the employee to such employee's unit/department head. If the unit/department head approves the request, it shall be forwarded to the appropriate Vice President for consideration. If recommended by the Vice President, the request shall be submitted to the President for approval together with the written recommendation of the unit/department and the Vice President.

- a) Applications for education leave may be approved for the following purposes:
 - i. Study and research, including related travel;
 - ii. Creative work in the employee's field of endeavor.
- b) The employee shall, prior to the granting of educational leave, enter into a written agreement with the Board that, upon the termination of such leave, the employee will return to service for a full year and that, in default of completing such service, will refund, unless excused therefrom by the President for reasons satisfactory to the President, an amount equal to such proportion of salary received while on leave as the amount of service not actually rendered as agreed bears to the whole amount of service agreed to be rendered. No such refund shall be necessary should the employee be terminated prior to the completion of the service agreed upon.
- c) An educational leave shall not be awarded more than once in every seven years, and educational leave time shall not be cumulative.
- d) Salary payments during educational leave shall be: one-half pay if leave is granted for a full year; full pay if leave is granted for one-half year.
- e. The maximum number of educational leave units that may be used during each fiscal year at the University shall be one unit for each twenty-five full-time faculty

and administrative employees who are not covered by a collective bargaining agreement or major fraction thereof. Each unit so derived shall generate twelve half-pay months or six full-pay months of educational leave.

6. **Leave Without Salary**

- a) An employee may apply for a leave without salary. Ordinarily, such leave may be granted only after the employee has completed at least two consecutive years of full-time service at the University.
- b) A leave without salary may be granted at the discretion of the President following a determination that the employee intends to return to service at the end of such leave. The initial grant of a leave without salary may be for a period of up to one calendar year. The leave may be extended upon the agreement of the President for a period of up to two successive calendar years.

7. **Educational Benefits**

- a) An employee may enroll in the University for a maximum of two courses, or six credit hours, whichever is greater, in any one academic term with exemption from the payment of tuition and fees. The fees which will be waived include registration, application fees, credit evaluation fees, admission fees, activity fees, graduation fees, and textbook rental fees. In addition, service fees, such as those imposed to secure revenue for bond retirement, will be waived. Each faculty or administrative employee who wishes to enroll for credit must file with the department head, program coordinator, or other immediate supervisor a statement outlining the extent and goals of the proposed program of studies. That individual will forward the statement with recommendations to the appropriate dean or director for final approval. Approval by the employee's dean or director is a prerequisite for enrollment in any course. Faculty who hold the rank of assistant professor or higher may take graduate courses but may not be admitted to or enrolled in a program leading to a graduate degree in the same program area or department in which they instruct.
- b) So long as required by each Illinois state university's respective governing statute, children of employees who have been employed for an aggregate period of at least 7 years may receive 50% tuition waivers for undergraduate education at any campus under such Illinois state university's governance. To be eligible to receive a partial tuition waiver, the child of an employee (i) must be under the age of 25 at the commencement of the academic year during which the partial tuition waiver is

to be effective, and (ii) must qualify for admission under the same admissions requirements, standards and policies which such university applies to applicants for admission generally to its respective undergraduate colleges and programs. An eligible applicant who has continued to maintain satisfactory academic progress toward graduation may have such applicant's partial tuition waiver renewed until the time as 4 years of undergraduate partial tuition waiver benefits have been expended.

- c) The natural, adopted, foster, and step-children and the spouse of an employee who dies while in service shall be entitled to a waiver of tuition and fees up to and including the baccalaureate degree at Governors State University. Should both parents be employees, the death of one parent makes the child eligible for the waiver. Children of a deceased employee who is divorced shall be eligible for a waiver of tuition and fees if such employee had been contributing to their support at the time of death.
- d) An employee who has retired from the University may enroll in the University for a maximum of one course, or three credit hours, whichever is greater, in any one academic term with exemption from the payment of tuition and such fees as may be waived in accordance with paragraph (i.) above.

8. Administrative Leave

- a) In the event that any President, Vice President (including Associate or Assistant Vice President), or administrative officer holding the title of Dean, Associate or Assistant Dean, Department Head or Division Chairperson hired on or before July 1, 2025, elect to terminate employment in those positions, they shall be eligible, upon approval by the Board (following recommendation of the President) to receive six months' leave at full pay or twelve months' leave at half pay if they meet all the following criteria at the time of retirement:
 - i. They do not continue in a tenured teaching appointment;
 - ii. They have been in one or more of the aforementioned positions for a period of at least ten years prior to retirement; and
 - iii. They have not had a sabbatical or educational leave during the ten years immediately preceding retirement.

- b) Individuals employed in positions specified in paragraph (a) above may be afforded continued employment as follows:
- i. Vice Presidents who hold faculty rank but not tenure who elect to terminate employment in those positions in accordance with paragraph (a) above may, upon recommendation by the President and approval by the Board, be reassigned on a year-to-year basis to teaching positions in the department (or equivalent academic units) in which they hold rank, if any, with the approval of the departments (or equivalent academic units) involved. Approval of the departments (or equivalent academic units) involved shall not be required for Vice Presidents holding tenure immediately prior to termination of employment in an administrative position.
 - ii. Administrative officers holding the title of Dean, Associate or Assistant Dean, Department Head or Division Chairperson, Director, Registrar, or Business Manager who elect to terminate employment in those positions in accordance with paragraph (a) above may, upon recommendation by the President and approval by the Board, be reassigned on a year-to-year basis to teaching positions in the departments (or equivalent academic units) in which they hold rank, if any, or to other positions for which they are qualified, with the approval of the departments (or equivalent academic units) involved. Approval of the departments (or equivalent academic units) involved shall not be required for Vice Presidents holding tenure immediately prior to termination of employment in an administrative position.
 - iii. Administrative officers holding the title of Dean, Associate or Assistant Dean, Department Head or Division Chairperson who elect to terminate employment in those positions in accordance with paragraph (a) above may, upon recommendation by the President and approval by the Board, be reassigned on a year-to-year basis to teaching positions in the departments (or equivalent academic units) in which they hold rank, if any, or to other positions for which they are qualified, with the approval of the departments (or equivalent academic units) involved. Approval of the department (or equivalent academic units) involved shall not be required for Deans, Associate or Assistant Deans, Vice Deans, Department/Division Chairs holding tenure immediately prior to termination of employment in an administrative position.

F. Civil Service Employees

1. Coverage

This Subsection F. applies to all civil service employees of the Board unless otherwise provided by these Regulations, by law, or by the terms of a collective bargaining agreement.

2. Work Week

a) The standard work week (exclusive of unpaid meal periods) for all full-time employees shall consist of 37 ½ hours per week, except for those classifications maintaining 24-hour per day operations including, but not limited to, Security and Plant Engineers, for which the standard work week shall consist of 40 hours per week.

b) Any change in the standard work week for represented full-time employees shall require approval of the President.

3. Work Schedules and Shift Assignments

A schedule of work days and shift assignments shall be maintained for each civil service employee. Work day schedules and shift assignments may be changed to meet operating conditions and needs of the University upon reasonable notice to the Civil Service employees affected.

4. Performance Evaluation

The University shall develop a performance evaluation program for employees consistent with these Regulations and the statutes and rules governing the State University Civil Service System. The programs and any changes shall become effective when approved by the President. Each performance evaluation program shall include the following elements and such other elements as are necessary and appropriate:

a) A description of the evaluation structure;

b) An identification of the roles and responsibilities of employees and supervisors;

c) A statement of job related criteria for performance evaluation; and

d) A description of the employee appeal procedure with respect to recommendations or decisions made pursuant to a performance evaluation.

5. Grievance Procedure

- a) The University shall establish a grievance procedure for the resolution of employee grievances. An employee may file a grievance when a dispute arises concerning the interpretation or application of these Regulations and/or policies established by the University. Each grievance procedure shall contain the following elements and such other elements as are necessary and appropriate:
 - i. Provisions for informal resolution;
 - ii. Formal procedures for filing a grievance; and
 - iii. Provisions for a formal decision of the Director of Human Resources and an appeal by the employee of that decision.
- b) The decision made at the conclusion of the appeal shall be final and binding, and shall be consistent with these Regulations.
- c) If an employee seeks resolution of the grievance in any other forum, whether administrative or judicial, or pursuant to a grievance procedure under a collective bargaining agreement, the Director of Human Resources shall have no obligation to process the grievance under the procedure established in accordance with this regulation.
- d) An employee grievance committee may be established for the purpose of advising the Director of Human Resources on employee grievances.
- e) The grievance procedures described above and any changes therein shall become effective when approved by the President.

6. Employee Discipline Program

- a) The University shall develop and maintain an employee discipline program specifying reasonable rules of conduct, descriptions of inappropriate behavior, and corrective disciplinary measures. Each program shall contain the following elements and such other elements as are necessary and appropriate:
 - i. Rules of conduct with examples of unacceptable behaviors;
 - ii. The following levels of disciplinary action:

- (a) Oral reprimand;
 - (b) Written reprimand;
 - (c) Suspension and/or Administrative Leave;
 - (d) Discharge.
 - iii. An employee appeal procedure.
- b) The discipline programs described above and any changes therein shall become effective when approved by the President.

7. Employee Benefits

a) Limitations and Eligibility

Except as otherwise indicated for prevailing wage rate groups, employee benefits shall be made available to employees in status positions, including, for the purposes of this paragraph, employees in appointments designed to qualify employees for status in the class, i.e. learner, trainee, apprentice, and, where appropriate, provisional. Civil Service employees in other types of non-status appointments will not be extended employee benefits under this paragraph except that employees with temporary appointments shall be eligible for holiday pay in accordance with paragraph c. below. An employee with a full-time appointment shall be eligible to receive the benefits specified in this paragraph. An employee whose appointment is at least half-time but less than full-time shall be eligible to receive such benefits on a pro-rated basis. An employee whose appointment is for less than half-time shall not be eligible for benefits under this paragraph, except that such an employee shall be eligible for holiday pay in accordance with paragraph c. below on a pro-rated basis.

b) Vacation Leave

- i. Non-exempt employees, as defined by Fair Labor Standards Act criteria, shall earn vacation leave in accordance with the following schedule:

<u>Years of Service Completed</u>		<u>Rate Earned/Hr. of Pay Status</u>	<u>Equiv. Days Per Year</u>
At Least	Not More Than		
0	3	.0462	12
3	6	.0577	15
6	9	.0692	18
9	14	.0808	21
14		.0962	25

- ii. Exempt employees, as defined by Fair Labor Standards Act criteria, shall earn vacation leave in accordance with the following schedule:

<u>Years of Service Completed</u>		<u>Leave Days Earned Per Year</u>
At Least	Not More than	
0	3	25
3	6	26
6	9	27
9		28

- iii. Beginning October 1, 1972, where there has been a break in service, the service year shall be determined by the addition of all previous periods of State service with a SURS employer which qualified for earning of vacation leave.
- iv. An employee who leaves the service of the University for any reason, provided that the employee is not reemployed within 30 calendar days at the same place of employment, shall receive pay for vacation leave to the extent of any accrued balance as of the date of separation from service. No vacation leave will be available or payable for employees whose service is terminated prior to the completion of the probationary period.
- v. Except as provided below, an employee may not accumulate more than two times the appropriate annual level of vacation leave. Upon reaching this maximum, vacation leave will cease to be earned except as the accumulation is reduced. An employee who is required to work on a special assignment may, at the discretion of the President be permitted

to earn up to 12 days of vacation leave beyond the maximum provided above. Such additional vacation leave must be used within 12 months after the employee completes work on the special assignment. Extra pay in lieu of vacation leave will not be allowed. Observed holidays that occur during the approved vacation leave shall not be charged against vacation leave. Leaves for vacation purposes shall be arranged with due regard for the operational needs of the university and shall require supervisory approval.

- vi. Vacation leave shall not be taken during the probationary period, except for good cause and upon approval of the employer representative.
- vii. Subject to applicable State law, if an employee leaves the service of the institution for any reason, including death, a lump sum payment will be granted for the amount of vacation accrued as of the last day of work.

c) Holidays

- i. Employees with full-time status, provisional, apprenticeship, trainee, or temporary appointments, except prevailing rate craft employees and those employees covered by collective bargaining agreements, will be excused on the observed day of each of the aforementioned principal and supplemental holidays. Such employees with less than full-time appointments shall be eligible for holiday pay on a pro-rated basis. All other employees, except for prevailing rate craft employees and employees covered by collective bargaining agreements, will be excused without pay.
- ii. For employees who work other than a Monday through Friday work schedule, the calendar date on which a principal holiday falls shall be considered the holiday for purposes of receiving premium pay if work is performed on that date, in which case premium pay will not apply to work performed on the date the principal holiday is observed by the University. If departmental needs permit, employees may be granted the calendar holiday off with full pay instead of the observed holiday in which case premium pay will not apply to work performed on the observed holiday.

- iii. Prevailing rate craft employees will be excused for all holidays designated in their area agreements and shall be compensated as stipulated and in accordance with provisions contained in said area agreements for said holidays.
- iv. Prevailing rate craft employees shall have the option of charging any unpaid area agreement holiday to vacation leave which they have available on holidays on which they are excused.
- v. Employees covered by a collective bargaining agreement shall be granted paid holidays in accordance with the express terms of that agreement.
- vi. In the event that work is required on any University-observed holiday compensation shall be determined as follows:
 - (a) Employees who are eligible for holiday pay shall receive straight time pay for the holiday, plus compensation at the rate of time and one-half for hours worked or, by mutual agreement between the employee and employer representative, shall be credited with compensatory time equal to one and one-half times the number of hours worked.
 - (b) Employees who are not eligible for holiday pay shall be compensated at the rate of time and one-half for hours worked, or, by mutual agreement between the employee and the employee's unit head, shall be credited with compensatory time equal to one and one-half times the number of hours worked.
 - (c) Exempt employees, as defined by Fair Labor Standards Act criteria, who are required to work on an observed holiday shall be granted, by mutual agreement between the employee and the employee's unit head, paid time away from work equivalent to the number of hours worked on the holiday.

- (d) Prevailing rate craft employees shall be compensated in accordance with the terms of their area agreement for holidays designated in the area agreement.
- vii. To be eligible for holiday compensation, employees must be on the active payroll on their last scheduled work day preceding the observed holiday and their first scheduled work day following the observed holiday, unless they are absent on such day(s) for good cause and such absence is approved by the employee's supervisor.

d) Sick Leave

- i. An employee in a status position shall earn credit for sick leave with full pay at the rate of 0.0462 hours of sick leave for each hour in pay status, equivalent to one regular work day for each completed calendar month of service or twelve regular work days per year.
- ii. A status employee who fails to complete a full month of service shall have sick leave credit pro-rated for the shortened period of that month.
- iii. There shall be no limit in the amount of sick leave which may be accumulated.
- iv. The university reserves the right to require acceptable evidence of illness, injury, or disability before allowing any sick leave benefits. Any employee who is (or expects to be) absent from employment shall notify the appropriate university supervisor immediately, and, in cases where the absence will be for more than three days, the employee shall notify the supervisor of the anticipated length of absence so that arrangements can be made for the employee's duties to be assumed during said absence.
- v. An employee whose employment or reemployment by the University commences within two years after termination of his or her employment by an employer covered by the State Universities Civil Service System shall, if separated in good standing, be allowed to transfer his or her accrued sick leave to the University, provided that such employee has not received a lump sum payment for accrued sick leave. If such employee has received a lump sum payment for accrued sick leave,

only accrued sick leave which was earned before January 1, 1984 or after December 31, 1997 may be transferred; credit for accrued sick leave which was earned between January 1, 1984 and December 31, 1997 shall be governed by paragraph (vi.) below.

vi.

- (a) Upon termination of employment at the University and provided the employee is not reemployed at the University within 30 calendar days, an employee, or such employee's estate, shall be entitled to a lump sum payment for accrued sick leave earned between January 1, 1984 and December 31, 1997.
- (b) The lump sum payment for accrued sick leave shall be computed as the product of the employee's daily rate of compensation and one-half of the lesser of the following: (i) the number of days, or fractions thereof, of sick leave earned by the employee, in accordance with paragraph (i.) above, minus any days, or fractions thereof, of sick leave used by the employee; or (ii) the number of days, or fractions thereof, of sick leave earned by the employee in accordance with paragraph (i.) above between January 1, 1984 and December 31, 1997. Sick leave days shall be used in the following order:
 - (1) Days accrued through December 31, 1983;
 - (2) Days accrued after December 31, 1997;
 - (3) Days accrued between January 1, 1984 and December 31, 1997.
- (c) An employee may waive payment for all or part of his/her eligible accrued sick leave (one-half of the employee's accumulated and unused sick leave earned between January 1, 1984 and December 31, 1997) by executing an appropriate waiver form prior to termination of employment.
- (d) An employee who has received a lump sum payment for accrued sick leave from an employer covered by the State Universities Civil Service System and who, within two years, is employed or reemployed by the Board may, if separated in good standing, have

his or her accrued sick leave restored if, within 30 days after commencement of such employment or reemployment, the employee pays said lump sum payment to the Board for the benefit of the location at which accrued sick leave is restored. For each day of sick leave to be restored, the employee shall repay the gross amount he or she was paid for one day of accrued leave. An employee may have part or all of his or her accrued sick leave restored in this manner; however, if the employee does not make any such payment to the Board, he or she shall not be entitled to have any such sick leave so restored.

- vii. An employee may use accumulated sick leave only when the employee is prevented from performing assigned duties because of illness, injury, or temporary disabilities or illness caused or contributed to by pregnancy, or is obtaining medical or dental consultation or treatment, or for special circumstances stipulated under the Bereavement Leave provision of these Regulations.
- viii. Unless approved in writing by the employee's unit head, sick leave requested during a work stoppage may be denied and the absence from work treated as unexcused.

e) Leave of Absence

Requests for leave of absence without pay for reasons other than disability (including but not limited to leaves of absence without pay for advanced study), upon recommendation of a supervisor, may be granted by the employee's department head after vacation leave is reduced to not more than five days. Each request will be considered on the basis of its individual merits and the operational needs of the department/unit. The department head may waive the above vacation reduction requirement when it is determined to be in the best interests of the employer to do so.

f) Educational Benefits

- i. Tuition and fee waivers shall be granted by each state university in Illinois to status Civil Service employees of the University. The following credit hour maxima shall apply to employees who enroll in courses at the University:

	<u>Academic Term</u>	<u>Annual</u>
Full-time employee	6 c.h.	18 c.h.
$\frac{3}{4}$ time employee	4 c.h.	12 c.h.
$\frac{1}{2}$ time employee	3 c.h.	9 c.h.

These maxima are employee benefit limitations and do not apply to enrollment in approved work-related training programs, the purpose of which is to improve service. The fees which will be waived by the Board include registration, application fees, credit evaluation fees, admission fees, activity fees, graduation fees, and textbook rental fees. In addition, service fees, such as those imposed to secure revenue for bond retirement, will be waived by such universities for an employee of the university granting the waiver. For employees who enroll in courses at state universities in Illinois outside the university, the credit hour maxima and fees which will be waived will be determined by the institution in which such employees enroll.

- ii. Employees are encouraged to enroll in courses having scheduled class hours outside their scheduled work hours. For courses held during the employee's work schedule, the employee may be excused to attend classes subject to a maximum of 4 clock hours per week or the number of clock hours required to attend one course, whichever is greater. Requests for excused absences to attend classes must be submitted to the supervisor for approval prior to enrollment and request for waiver of tuition. When such approval is granted, employees shall "make-up" time at the discretion and approval of the supervisor by (i) working outside of regularly scheduled hours during the work week in which the excused absence occurs, or (ii) deducting the time spent in class from the employee's accumulated vacation leave. Daily overtime compensation shall not be earned for make-up time worked under (i.) above.
- iii. The natural, adopted, foster, or step-children and the spouse of any status employee under full-time employment (including employees on sick leave or compulsory disability leave) who dies while in service at the University shall be entitled to a waiver of tuition and fees (as defined in paragraph (i.) above) up to and including the baccalaureate degree at the University. Should both parents be full-time employees,

the death of one parent shall make the child eligible for the waiver of tuition and fees. Children of a divorced employee are eligible for waiver of tuition and fees if such employee was contributing to their support at the time of death.

- iv. An employee who has retired from the University shall be eligible for a waiver of tuition and fees at the University as specified in paragraph (i.) above for one-half time employees.

g) Overtime Compensation

- i.
 - a) Except as provided in subparagraph (f)(2) above, employees in non-negotiated classifications that are covered by the overtime provisions of the Fair Labor Standards Act will be compensated at time and one-half either in cash or by allowing compensatory time off, for all time in a work week in excess of the number of hours of work comprising an established full-time daily or weekly work schedule. Employees shall not receive overtime compensation on both a daily and weekly basis for the same work time.
 - b) For the purpose of computing overtime, paid benefit time for which work is not performed shall count as time worked in any work week.
- ii. For employees paid on a prevailing rate basis, the number of hours before daily and/or weekly overtime is payable, and the rate of overtime pay will depend on the number of hours and the rate being paid locally pursuant to the appropriate multi-employee area agreement.
- iii. For employees in a negotiated classification, overtime payment shall be in accordance with the provisions of the applicable collective bargaining agreement.
- iv. Employees in position that are exempt from the overtime provisions of the Fair Labor Standards Act shall work as required by their position.

G. Other Employees

For employees of the Board other than faculty, administrative, and civil service employees, the President shall develop guidelines concerning appointment, benefits, and other conditions of employment.

H. Acknowledgement

With gratitude, certain materials in this Regulation were informed by or adapted from the Northern Illinois University Board of Trustees' Regulations Section II: Faculty and Administrative Employees (available at <https://www.niu.edu/board/regs/sectionii.shtml> (last visited Aug. 5, 2024)).