

	COOK COUNTY BUREAU OF HUMAN RESOURCES	
FAMILY MILITARY LEAVE POLICY (NON-FMLA)		
Approved: April 30, 2018	Effective: May 3, 2018	Page 1 of 5

A. OVERVIEW

The Illinois Family Military Leave Act, 820 ILCS 151/1, *et seq.*, provides eligible employees with up to 30 days of unpaid family military leave during the time federal or state deployment orders lasting longer than 30 days are in effect, provided that such employee has exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave granted to the employee, except sick and disability leave. The number of days of leave provided under the Illinois Family Military Leave Act because the employee’s spouse or child is called to military service is reduced by the number of days of Qualifying Exigency Leave provided under the Family Medical Leave Act (“FMLA”) and further detailed in the County’s FMLA Policy. 29 USC § 2601, *et seq.*

Cook County (“County”) provides eligible employees with up to 30 days of unpaid Family Military Leave during the time federal or state deployment orders are in effect, provided that such employee has exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave granted to the employee, except sick and disability leave. In addition, the County provides eligible employees taking part in a variety of military duties with employment-related protections and benefits under this policy.

B. PURPOSE

To provide the policy and procedures that are to be followed in order to request Family Military Leave.

C. INTENT

This policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all previous policies and/or memoranda that may have been issued from time to time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a specific provision in the Personnel Rules, the provision(s) in this policy shall take precedence.

D. SEVERABILITY

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

E. JURISDICTION

The Bureau of Human Resources (“BHR”) is authorized to develop and issue policies for the effective management of Cook County employees, pursuant to Section 44-45 of the Cook County Code of Ordinances.

	COOK COUNTY BUREAU OF HUMAN RESOURCES	
FAMILY MILITARY LEAVE POLICY (NON-FMLA)		
Approved: April 30, 2018	Effective: May 3, 2018	Page 2 of 5

F. AREAS AFFECTED

This policy applies to all County employees in Departments in the Offices under the President and/or covered by the Cook County Employment Plan.

G. NONDISCRIMINATION

Cook County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, statute or ordinance, as provided in Section 44-53 of the Cook County Code of Ordinances.

H. EMPLOYEE AND MANAGEMENT RESPONSIBILITIES

The County’s BHR Leave Coordinator (or designee) will monitor County practices to ensure compliance with, and answer questions concerning, the information presented in this policy. If a department manager/supervisor acquires knowledge that an employee’s absence may be for a Family Military Leave or Military Service Leave-qualifying reason, he or she should immediately notify the BHR Leave Coordinator.

I. POLICY AND PROCEDURES

Cook County provides eligible employees with up to 30 days of unpaid Family Military Leave during the time federal or state deployment orders are in effect, provided that such employee has exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave granted to the employee, except sick and disability leave.

1. ELIGIBILITY

An employee who is the spouse, parent, child, or grandparent of a person called to military service lasting longer than 30 days pursuant to state or federal deployment orders, and who has exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave granted to the employee, except sick and disability leave, is eligible for leave under this policy, provided the employee: (1) has been employed by the County for at least 12 months; and (2) has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

- a. *Months Worked.* Only hours worked within seven (7) years of the date of the leave request are counted for eligibility purposes. Employment beyond the seven-year period is counted only if the break in service is: (i) due to an employee’s fulfillment of military obligations, or (ii) governed by a written agreement.
- b. *Hours Worked.* To calculate the hours an employee has worked, only actual hours worked are counted. Absences, including paid or unpaid leave (such as vacation, holidays, sick leave, FMLA leave, lay-off, suspension, furlough, administrative leave,

	COOK COUNTY BUREAU OF HUMAN RESOURCES	
FAMILY MILITARY LEAVE POLICY (NON-FMLA)		
Approved: April 30, 2018	Effective: May 3, 2018	Page 3 of 5

or leave of absence) are not counted in determining whether an employee has been employed by the County for at least 1,250 hours during the preceding 12-month period immediately preceding the commencement of the leave. For veterans and military service personnel, all periods of absence from work due to, or necessitated by, the Uniformed Services Employment and Re-employment Rights Act of 1994 (“USERRA”) covered service, count toward the 1,250 hours worked requirement. 38 U.S.C. §§ 4301–4335.

- c. *Entitlement.* Each time an eligible employee requests to take leave, the BHR Leave Coordinator will compute the amount of leave the employee has taken under this policy during the 12-month period immediately preceding the commencement of the leave and subtract it from the 30 days of available leave; the balance remaining is the amount the employee is entitled to take at that time. Notwithstanding the above, the number of days of Family Military Leave provided to spouses or parents of individuals called to military service shall be reduced by the number of days of Qualifying Exigency Leave provided under FMLA.

2. BASIS

County employees may request Family Military Leave as the spouse, parent, child, or grandparent of a person called to military service lasting longer than 30 days with the State or United States pursuant to the orders of the Governor or the President of the United States.

3. CONDITIONS

- a. Family Military Leave may be taken in a block of time, on an intermittent basis, or in the form of a reduced work schedule. Where able, the employee shall consult with the employer to schedule the leave so as to not unduly disrupt the departments operations.
- b. *Communication.* Employees on Family Military Leave are expected to be reasonably responsive to the BHR Leave Coordinator, their supervisor and/or department head during the leave.
- c. *Health Insurance.* Employees on Family Military Leave shall continue to pay health benefits payroll contributions in order to maintain health coverage.
- d. *Holidays.* Employees on Family Military Leave will receive holiday pay, provided that (1) the holiday falls on a day that the employee is typically scheduled to work, and (2) the employee is not absent for a full week in which a holiday falls.
- e. *Seniority.* Employees on Family Military Leave shall not accrue seniority during the leave, unless otherwise provided by the applicable collective bargaining agreement and/or the County’s Personnel Rules.

	COOK COUNTY BUREAU OF HUMAN RESOURCES	
FAMILY MILITARY LEAVE POLICY (NON-FMLA)		
Approved: April 30, 2018	Effective: May 3, 2018	Page 4 of 5

4. REQUIREMENTS

- a. *Notice.* The employee shall give the BHR Leave Coordinator, at least 14 days advanced notice of the intended date upon which the Family Military Leave will commence if leave will consist of five (5) or more consecutive work days. Employees taking Family Military Leave for less than five (5) consecutive days shall give the BHR Leave Coordinator, advanced notice as soon as is practicable.
- b. *Request.* The employee shall designate an absence in the Cook County Time and Attendance (“CCT”) System as Family Military Leave related, or submit a completed Family Military Leave Request Form to the BHR Leave Coordinator, in order to request Family Military Leave. A sample Family Military Leave Request Form is contained in Appendix A.
- c. *Certification.* The employee shall submit certification from the proper military authority to verify the employee's eligibility for the Family Military Leave requested.
- d. *Approval.* The Family Military Leave request will be pending until approved (or denied) by the BHR Leave Coordinator. The BHR Leave Coordinator will notify the employee's department of the leave's approval/denial and duration, if known.

5. RETURN TO WORK (REINSTATEMENT)

- a. Following a return from the Family Military Leave period allowed, the employee will be reinstated to their former position or an equivalent position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment.
- b. An employee seeking additional leave time beyond the Family Military Leave period allowed shall submit a request to the BHR Leave Coordinator to obtain some other form of leave, such as a personal leave of absence or FMLA leave, if eligible, in accordance with the applicable policies and procedures.
- c. If an employee does not return to work when the Family Military Leave expires and has not been approved for an additional leave of absence or other reasonable accommodation as required by law, employment may be terminated in accordance with the County's Personnel Rules.

J. RESOURCES

General information and available resources may be obtained by contacting the BHR Leave Coordinator, the County's Employee Assistance Program (EAP) or respective Personal Support Program.

K. CONFIDENTIALITY

Cook County maintains confidentiality of information, to the extent required by applicable law.



COOK COUNTY BUREAU OF HUMAN RESOURCES

FAMILY MILITARY LEAVE POLICY (NON-FMLA)

Approved: April 30, 2018

Effective: May 3, 2018

Page | 5 of 5

APPENDIX A

FAMILY MILITARY LEAVE REQUEST FORM



COOK COUNTY BUREAU OF HUMAN RESOURCES
FAMILY MILITARY LEAVE REQUEST FORM

Check one: New Leave of Absence: Amendment of Original Request: Extension of Leave:

Employee's Name (Last, First, MI): _____

Employee ID #: _____ Position Title: _____

Department Name: _____ Supervisor's Name: _____

Home Address (Street, City, Zip): _____

Home Email Address: _____ Home Phone #: _____

Best Contact Phone/Email/Address while on Leave: _____

Reason for Leave: Child: <input type="checkbox"/> Parent: <input type="checkbox"/> Grandparent: <input type="checkbox"/> Spouse: <input type="checkbox"/>
Last Day of Work: _____ Leave Start Date: _____ Leave End Date: _____
Documentation Provided: <input type="checkbox"/> Military Orders <input type="checkbox"/> Other: _____ _____
If documentation cannot be provided at this time, explain: _____ _____ _____
I anticipate returning to work on: Date: _____ Time: _____

By my signature, I certify that this information is true, correct and complete to the best of my knowledge. I further acknowledge that I have read and understand the Cook County Family Military Service Leave Policy.

Employee Signature: _____ **Date:** _____

