**Section 303.148 Family Responsibility Leave**

a) An employee who wishes to be absent from work in order to meet or fulfill responsibilities, as defined in subsection (f), arising from the employee's role in his or her family or as head of the household will normally, upon request and in the absence of another more appropriate form of leave, be granted a Family Responsibility Leave (FRL) for a period not to exceed one year. Employees shall not be required to use any accumulated benefit time prior to taking FRL. Such request shall not be unreasonably denied. The agency head will consider whether the need for the FRL is substantial, whether the action is consistent with the treatment of other similar situations and whether the action is equitable in view of the particular circumstances prompting the request.

b) Any request for FRL shall be submitted in writing by the employee not less than 15 calendar days in advance of the leave unless such notice is precluded by emergency conditions and shall state the purpose of the leave and the expected duration of absence.

c) FRL shall be granted only to a permanent full-time employee, except that an intermittent employee shall be non-scheduled for the duration of the required leave. An employee in temporary, emergency, provisional or trainee status shall not be granted FRL.

d) "Family responsibility", for purposes of this Section, is defined as the duty or obligation perceived by the employee to provide care, full-time supervision, custody or non-professional treatment for a member of the employee's immediate family or household *under circumstances temporarily inconsistent with uninterrupted employment in State service* [20 ILCS 415/8c(5)].

e) "Family" has the customary and usual definition for this term for purposes of this Section, that is:

1) group of 2 or more individuals living under one roof, having one head of the household and usually, but not always, having a common ancestry, and including the employee's spouse or civil union partner;

2) the natural relation of the employee, even though not living in the same household, as parent, sibling or child; or

3) adoptive, custodial and in-law individuals when residing in the employee's household or any relative or person living in the employee's household for whom the employee has custodial responsibility or persons living in the employee's household who are financially and emotionally dependant on the employee when the presence of the employee is needed, but excluding persons not otherwise related of the same or opposite sex sharing the same living quarters but not meeting any other criteria for family.

f) Standards for granting a Family Responsibility Leave are:

1) to provide nursing (breastfeeding) and/or custodial care for the employee's newborn infant, whether natural born or adopted;

2) to care for a temporarily disabled, incapacitated or bedridden resident of the employee's household or member of the employee's family;

3) to furnish special guidance, care or supervision of a resident of the employee's household or a member of the employee's family in extraordinary need of that guidance, care or supervision;

4) to respond to the temporary dislocation of the family due to a natural disaster, crime, insurrection, war or other disruptive event;

5) to settle the estate of a deceased member of the employee's family or to act as conservator, if so appointed, when providing the exercise of those functions precludes the employee from working; or

6) to perform family responsibilities consistent with the intention of this Section but not otherwise specified.

g) The agency shall require substantiation or verification of the need by the employee for FRL. The substantiation or verification shall be consistent with and appropriate to the reason cited in requesting the leave, such as:

1) a written statement by a physician or medical practitioner licensed under the Medical Practice Act of 1987 [225 ILCS 60] or under similar laws of Illinois or of another state or country or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means. The verification shall show the diagnosis, prognosis and expected duration of the disability requiring the employee's presence;

2) written report by a social worker, psychologist, or other appropriate practitioner concerning the need for close supervision or care of a child or other family member;

3) written direction by an appropriate officer of the courts, a probation officer or similar official directing close supervision of a member of the employee's household or family; or

4) an independent verification substantiating the need for FRL.

h) FRL shall not be renewed; however, a new leave shall be granted at any time for any reason consistent with subsection (f) other than that for which the original leave was granted.

i) If an agency has reason to believe that the condition giving rise to the given need for FRL no longer exists during the course of the leave, it should require further substantiation or verification and, if appropriate, direct the employee to return to work on a date certain.

j) Failure of an employee, upon request by the employing agency, to provide required verification or substantiation is cause, with due notice, for termination of the leave.

k) FRL shall not be used for purpose of securing alternative employment. An employee, during FRL, may not be gainfully employed full time, otherwise the leave shall terminate.

l) Upon expiration of an FRL or, prior to expiration, by mutual agreement between the employee and the employing agency, the agency shall return the employee to the same or similar position classification that the employee held immediately prior to the commencement of the leave. If such a position is not available, the employee will be subject to layoff in accordance with 80 Ill. Adm. Code 302.Subpart J (Voluntary Reduction, Transfer and Layoffs).

m) Nothing in this Section shall preclude the reallocation or abolition of the position classification of the employee during FRL, nor shall the employee be exempt from 80 Ill. Adm. Code 302.Subpart J by virtue of FRL.

n) The State shall continue payment of its portion of employee and dependent health and dental insurance premiums for up to 6 months while an employee is on a Family Responsibility Leave consistent with the Federal Family and Medical Leave Act of 1993 (29 USC 2601 et seq.) and subsections (f)(1), (2) and (3) of this Section. For leaves defined by subsections (f)(4), (5) and (6) of this Section, the State shall not continue payment of its portion of employee and dependent health and dental insurance premiums.

(Source: Amended at 36 Ill. Reg. 16200, effective November 1, 2012)