**Section 420.340 Continuous Service**

a) Definition:

1) Continuous service is the uninterrupted period of service from the date of original appointment to State service or to service in any other system participating in the Retirement Systems Reciprocal Act [40 ILCS 5/20], except as provided in subsection (f).

2) Employees who have accrued continuous service in State service or who have accrued continuous service in a position covered by the Retirement Systems Reciprocal Act, and who have been transferred to or who have accepted an appointment to a position in the Office of the Secretary of State, shall be given credit for the earlier service to the extent determined by the Director of Personnel or required by law.

3) Intermittent and permanent part-time employees shall accrue continuous service on a prorated basis, determined by the number of hours worked per year.

b) Interruptions in Continuous Service: Continuous service shall be interrupted by:

1) Resignation; provided, however, that continuous service will not be interrupted by resignation when an employee is employed in another position in State service within 4 calendar days after resignation;

2) Discharge; provided, however, that continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Merit Commission, or under other administrative review process, or by the court;

3) Termination because an employee has not been reemployed within one year after layoff.

c) Deductions from Continuous Service: Except as provided in subsection (e), the following shall be deducted from, but not interrupt, continuous service:

1) Time away from work for leaves of absence without pay totaling more than 30 days in any 12 month period;

2) Time away from work because of disciplinary suspensions totaling more than 30 days in any 12 month period;

3) Time away from work because of layoff.

d) Veterans' Continuous Service:

1) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 4 years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or similar position on making an application to the Department of Personnel within 90 days after separation from active duty, or after release from hospitalization continuing after discharge but for not more than one year. The employee must provide evidence of satisfactory completion of training and military service when making application and must be qualified to perform the duties of the position.

2) Subject to the provisions of Section 420.310(f), a veteran who returns to service with the Office of the Secretary of State after having been granted a leave of absence from provisional status shall be required to pass the same or similar examination for his/her position within 90 days.

3) Trainees who have not previously done so and whose training was interrupted by military leave shall be required to qualify, if necessary, in an examination in the trainee class before granted allocation or noncompetitive promotion to a higher class.

e) Accrual and Retention of Continuous Service During Certain Leaves: During an educational, military, national service, disaster services, family leave (pursuant to Section 420.645), Family and Medical Leave (FMLA), disability leave, service connected disability leave or leave to accept a temporary, provisional, or emergency assignment in another class, an employee shall retain and accrue continuous service, provided an appropriate application to return is made pursuant to the requirements specified elsewhere in this Part.

f) Limitation on Continuous Service: Temporary and emergency employees employed after May 24, 1977 shall not accumulate continuous service except as provided in the State Employee Vacation Time Act [5 ILCS 360], unless the status is acquired as the result of taking a leave of absence to accept a temporary or emergency assignment.

(Source: Amended at 36 Ill. Reg. 12125, effective July 16, 2012)