**Section 420.800 Vacation**

a) Eligibility:

1) All employees in pay status shall earn vacation time. Employees in emergency or temporary status shall not earn vacation time unless on leave of absence to accept an emergency or temporary appointment.

2) Eligible employees shall earn vacation time in accordance with the following schedule:

A) From the date of hire until the completion of 5 years of continuous service – 10 work days per year of employment.

B) From the completion of 5 years of continuous service until the completion of 9 years of continuous service – 15 work days per year of employment.

C) From the completion of 9 years of continuous service until the completion of 14 years of continuous service – 17 work days per year of employment.

D) From the completion of 14 years of continuous service until the completion of 19 years of continuous service – 20 work days per year of employment.

E) From the completion of 19 years of continuous service until the completion of 25 years of continuous service – 22 work days per year of employment.

F) From the completion of 25 years of continuous service until the completion of 30 years of continuous service – 25 work days per year of employment.

G) From the completion of 30 years of continuous service – 30 work days per year of employment.

3) Vacation time may not be taken in increments of less than one hour at a time, but, in conjuction with the first one hour increment, may be taken in additional 15 minute increments. Permanent part-time and intermittent employees may use vacation time in 15-minute increments. Earned vacation time may be taken any time after the initial 6 month probationary period and shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned, except as provided by subsection (b)(2).

4) Vacation time earned, except by intermittent and permanent part-time employees, shall be computed in work hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance, the earned vacation time will be rounded to the nearest quarter hour.

5) Prorated Vacation for Intermittent and Permanent Part-Time Employees: Intermittent and permanent part-time employees shall earn vacation in accordance with the schedule set forth in subsection (a)(2) on a prorated hourly basis determined by a ratio, the numerator of which shall be the hours in pay status each month and the denominator of which shall be the normal working hours for that month. Vacation computed on an hourly basis may be used in hourly increments.

6) Computation of vacation time of employees who have interrupted service qualifying for credit as defined in Section 420.340 shall be determined as though all previous service is continuous with present service.

b) Vacation Schedule and Loss of Earned Vacation:

1) In establishing vacation schedules, the department shall consider both the employee's preference and the operating needs of the department. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which it was earned. If an employee does not request and take accrued vacation within the 24 month period, vacation earned during that calendar year will be lost unless the provisions of subsection (b)(2) apply.

2) If an employee is to lose earned vacation time in accordance with subsection (b)(1), and was unable to use that time due to operational needs, the vacation time scheduled for loss may be retained by the employee for up to 24 additional months if approved by the Personnel Director.

c) Vacation Scheduling:

1) All eligible employees shall request the scheduling of vacation time at least 2 weeks in advance, or in accordance with the scheduling provisions established by their department director. Supervisors shall grant requested times unless a bona fide work-related reason exists for denial.

2) When two or more employees simultaneously request the same vacation period and not all of them can be excused for the same period, the request of the employee with the greatest amount of continuous service shall be honored.

d) Vacation − Unit Closing: The Department of Personnel may suspend the operation of any work unit or position, workload permitting, for the purpose of vacation.

e) Vacation Benefits on Death of Employee:

1) Upon the death of an employee, the person or persons specified in Section 14a of the State Finance Act [30 ILCS 105/14a] shall be entitled to receive, from the appropriation for personal services available for payment of the employee's compensation, the sum for any accrued vacation period to which the employee was entitled at the time of death.

2) The sum shall be computed by multiplying the employee's daily or hourly rate by the number of days or hours of accrued vacation due.

f) Payment in Lieu of Vacation:

1) Upon separation of employment by means of resignation, retirement, indeterminate layoff, or discharge, and if the employee is not employed in another position in State service within 4 calendar days after separation, an employee is entitled to be paid for any vacation earned but not taken or forfeited pursuant to subsection (b) or the Secretary of State Pay Plan. No other payment in lieu of vacation shall be made except as provided by subsection (e).

2) The payment provided in subsection (f)(1) shall not be deemed to extend the effective date of separation by the number of days represented by the payment.

3) The payment provided in subsection (f)(1) shall be computed by multiplying the number of hours of accumulated vacation by the employee's hourly rate or as determined with Section 420.330 (Intermittents).

4) The payment provided in this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.

(Source: Amended at 35 Ill. Reg. 4278, effective March 1, 2011)