

## CITY OF CHICAGO BEREAVEMENT LEAVE POLICY

Effective Date: April 1, 2025

### Policy Statement

This policy defines when City employees may take a leave following the death of a covered family member under the requirements of City policy (“City Paid Bereavement Leave”), the Illinois Family Bereavement Leave Act (“Family Bereavement Leave”, “FBLA”), and the Child Extended Bereavement Leave Act (“Child Extended Bereavement Leave”, “CEBLA”). All bereavement leave will be administered in conjunction with applicable federal and state laws.

### I. Applicability

This policy applies to all City of Chicago employees. The City’s Paid Bereavement Leave is available to all non-represented employees and those employees in unions who have adopted this policy. To the extent that an employee is covered by a collective bargaining agreement with provisions that provide other leave of absence rules and benefits which are different than those described in this policy, the provision of the collective bargaining agreement shall govern.

An employee is eligible for City’s Paid Bereavement Leave at the time of employment. An employee is eligible for Family Bereavement Leave if they have been employed with the City for at least twelve (12) months before taking leave and worked at least 1,250 hours during the 12-month period immediately preceding the leave. An employee is eligible for Child Extended Bereavement Leave if they are a full-time City employee who has worked for the City for at least two (2) weeks.

### II. Definitions

- A. “Assisted reproduction” means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation.
- B. “Child” means an employee’s son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.
- C. “Covered family member” means an employee’s child, spouse, domestic partner, sibling, parent/stepparent, grandparent, grandchild, or spouse’s parent.
- D. “Domestic Partner” used with respect to an unmarried employee, includes either:
  - 1. the person recognized as the domestic partner of the employee under any domestic partnership or civil union law of a state or political subdivision of a state; or
  - 2. an unmarried adult person who is in a committed personal relationship with the employee, who is not a domestic partner as described in paragraph (1) to or in such a relationship with any other person, and who is designated to the employee’s employer by such employee as that employee’s domestic partner.

### III. Paid Leave

#### A. Paid Bereavement Leave

Leave with pay as a result of the death of an immediate family member may be granted to employees following the death of a member of the immediate family. If the deceased resided or passed in Illinois,

Wisconsin, Iowa, Missouri, Kentucky, Indiana, or Michigan, then the employee shall be entitled to a maximum of three (3) consecutive workdays. If the deceased resided or passed in a state not listed in the previous sentence, or in another country, and the employee is traveling from Illinois to that state or country for bereavement purposes, the employee shall be entitled to a maximum of five (5) consecutive workdays. For the purposes of this paid leave, an “immediate family member” means the employee’s child, spouse, sibling, parent/stepparent, grandparent, grandchild, spouse’s parent, sibling-in-law, child’s spouse, the employee’s court appointed legal guardian, and a person for whom the employee is a court appointed legal guardian. Paid Bereavement Leave is to be taken within the first sixty (60) calendar days following the death of the immediate family member. Employees may not take multiple paid bereavement leaves due to the death of the same immediate family member.

Where applicable, employees may elect to use the City’s Paid Bereavement Leave concurrent to the first 3 or 5 consecutive workdays of approved Family Bereavement Leave or Child Extended Bereavement Leave. Additional paid options for bereavement include the elected use of available accrued vacation time, compensatory time, and/or personal days in accordance with the department’s normal established work rules.

#### B. Paid Parental Leave

In the event leave is due to stillbirth or the loss of the employee’s child shortly after delivery, the absence period related to the employee’s own recovery from delivery may be covered under the City’s [Paid Parental Leave](#) policy. The documentation and policy provisions of the Paid Parental Leave policy will apply. If an employee does not wish to receive Paid Parental Leave, they may still take IL Family Bereavement Leave, either unpaid or paid using concurrent benefit time.

### **IV. Unpaid Leave**

#### A. Family Bereavement Leave

Employees eligible for Family Bereavement Leave may receive up to two (2) weeks or ten (10) workdays of unpaid leave for one of the following reasons:

1. To attend the funeral or alternative to a funeral of a covered family member;
2. To make arrangements necessitated by the death of the covered family member;
3. To grieve the death of the covered family member; or
4. To be absent from work due to a miscarriage, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption match or an adoption that is not finalized because it is contested by another party, a failed surrogacy agreement, a diagnosis that negatively impacts pregnancy or fertility, or a stillbirth

Family Bereavement Leave is to be taken within the first sixty (60) calendar days following the date on which the employee receives notice of the death of the covered family member or the date on which an event listed under reason 4 occurs. Family Bereavement Leave may be taken on a continuous, intermittent, or reduced schedule basis.

In the event of the death of more than one covered family member in a 12-month period, an eligible employee is entitled to up to a total of six (6) weeks of Family Bereavement Leave during the 12-month period. Family Bereavement Leave does not create a right for employees to take unpaid leave time that

exceeds the unpaid leave time allowed under, or that is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993.

#### B. Child Extended Bereavement Leave

Employees eligible for Child Extended Bereavement Leave may receive up to twelve (12) weeks of unpaid leave if the employee experiences the loss of a child by suicide or homicide. Employees who use leave under the Child Extended Bereavement Leave Act because of the death of a child may not take leave under the Family Bereavement Leave Act due to the death of the same child.

Child Extended Bereavement Leave is to be completed within one year after the employee notifies their department of the loss. Child Extended Bereavement Leave may be taken on a continuous, intermittent, or reduced schedule basis. However, intermittent and reduced schedule leave must be taken in increments of no less than four (4) hours. Child Extended Bereavement Leave does not extend the maximum period of leave to which an employee is entitled under the federal Family and Medical Leave Act of 1993 or under any other paid or unpaid leave provided under federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan.

### V. **Procedures**

#### A. Requesting Leave

1. To request bereavement leave, eligible employees must notify their department's HR Section at least forty-eight (48) hours prior to the start of the leave. To the extent 48 hours' notice is not reasonable and practicable, the employee must notify the HR Section as soon as possible.
2. Employees requesting leave for bereavement of a family member must provide at least one of the following forms of documentation to verify the need for leave:
  - i. a death certificate;
  - ii. a published obituary; or
  - iii. written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. For Child Extended Bereavement Leave, documentation must include the cause of death.
3. If the employee is traveling from Illinois to a non-contiguous state, or another country, for bereavement purposes, the employee will additionally be required to provide proof of travel to that state or county in order to receive the 5 consecutive days of paid bereavement time.
4. Proof of travel to non-contiguous states or a foreign country may include, but is not limited to, verification of airfare, train or bus travel, hotel or other accommodation booking confirmations, and receipts for goods and/or services. The employee may choose what form of proof to provide to their department. However, the proof of travel must include the following information:
  - i. Date of travel, accommodations, or goods/services rendered must include dates within the 5 consecutive workdays requested for paid bereavement time.
  - ii. Destination or location of accommodations/goods/services rendered must be within a non-contiguous state or foreign country.
5. For leave resulting from an event listed under reason 4 of Family Bereavement Leave, reasonable documentation should not indicate which event the employee or the employee's spouse or domestic partner, or surrogate has experienced but shall include either:

- i. A form, provided by the Illinois Department of Labor and available on the City's intranet and public-facing website, to be filled out by a health care practitioner who has treated the employee or the employee's spouse or domestic partner, or surrogate, for an event listed under reason 4, or
  - ii. Documentation from the adoption or surrogacy organization that the employee worked with related to an event listed under reason 4 certifying that the employee or their spouse or domestic partner has experienced an event listed under reason 4.
6. Continuous leaves totaling more than ten (10) calendar days must be reported to the Department of Human Resources. A Request for Leave of Absence form will additionally be required from the employee or their department.
7. All documentation for bereavement leave is due within fifteen (15) calendar days of the employee's expiration of leave.
- i. If an employee fails to provide sufficient documentation within the 15 calendar days, the leave will be denied until complete and sufficient documentation is received.
  - ii. Denied dates do not carry protection and may be subject to discipline up to and including discharge, a full reduction in benefits, and a denial of use of any paid time during the denied dates.

**B. During Leave**

- 1. Employees are expected to remain reasonably communicative during approved leave, though they are not expected to perform substantive work while on any leave of absence.
- 2. If an employee needs to request an extension of their bereavement leave, they must notify their HR Section at least two (2) business days prior to the expiration of the originally requested leave. To the extent 2 business days' notice is not reasonable and practicable, the employee should provide notice as soon as possible.

**C. Return From Continuous Bereavement Leave**

- 1. The first regularly scheduled workday after the expiration of leave is the scheduled return date. Employees must return to work on that date unless they have requested and been granted an extension of their leave. Failure to report to work on the schedule return date without a requested or approved extension may result in discipline up to & including discharge.
- 2. Should an employee wish to return to work prior to the expiration of their leave, they must notify their department's HR Section within at least two (2) business days prior to their intended early return date.

**VI. Use of Benefit Time**

- A. Employees may, but are not required to, use their available accrued benefit time (sick, vacation, personal, etc.) concurrent to approved Child Extended Bereavement Leave or Family Bereavement Leave. The elected use of benefit time must also fall within the scope of the City's normal policies & procedures governing the approval of benefit time.
- B. Employees who use their available accrued benefit time concurrent to their approved leave will be paid their regular salary and will accrue continuous service time and additional benefit days while on paid status.
- C. Unless otherwise indicated in this policy, employees may use their available accrued benefit time in 15-minute blocks of time or more so long benefit time is used concurrently with their requested or approved intermittent or reduced schedule bereavement leave.

- D. Employees on any unpaid leave of more than 30 days will not accrue continuous service time.
- E. Any month in which the employee was paid for at least 50% of the time shall be credited for purposes accruing vacation leave based on years of continuous service.
- F. Sick leave is granted on the first day of the month to any employee who is in a paid status.
- G. Substituting paid leave for unpaid Family Bereavement Leave or Child Extended Bereavement Leave counts towards an employee's leave entitlement and does not expand that entitlement.

## **VII. Related Laws and Policies**

### **A. Family and Medical Leave**

The Family and Medical Leave Act of 1993 ("FMLA") may apply to employees who either suffer serious health conditions related to bereavement, or who provide care to FMLA-covered family members suffering serious health conditions related to bereavement. Employees who notify their department of the need for leave may have their absence additionally designated as FMLA leave. If bereavement leave runs concurrent to approved FMLA for an employee's own condition (including pregnancy, maternity, and related conditions), the employee must adhere to the established procedures outlined in the City's FMLA policy.

### **B. Disability, and Pregnancy, Childbirth and Related Conditions**

Employees who believe that they require a reasonable accommodation due to their own disability related to bereavement may request an accommodation pursuant to the City of Chicago Reasonable Accommodation Policy and/or the City of Chicago Reasonable Accommodation Policy Regarding Pregnancy, Childbirth, and Related Conditions.

### **C. Victims' Economic Security and Safety Act (VESSA)**

In the event leave is to grieve a family or household member who is killed in a crime of violence, employees may additionally be covered under the City's Victims' Economic Security and Safety Act ("VESSA") policy. The documentation and policy provisions of the VESSA policy will apply.

## **VIII. Healthcare Benefits**

### **A. Paid Leave**

While on an approved paid leave of absence for any leave type specified in this policy, the employee's participation in healthcare benefits (e.g., medical, dental, vision, and/or health care flexible spending account coverage, if any) will continue on the same basis for the duration of such paid leave and the employee's regular payroll deductions will continue at the active employee rate (with respect to medical, dental, and/or vision coverage) and at the level in effect prior to such leave with respect to health care flexible spending account coverage.

### **B. Unpaid Leave**

While on an approved unpaid leave of absence for any leave type identified in this policy that is not also an FMLA leave of absence, the employee may, but is not required to, continue participation in any medical, dental, and/or vision coverage in which the employee was enrolled immediately prior to the start of the leave, provided that the employee pays the direct pay rate (as determined by the City), which includes both the amount that the employee normally would pay and a portion of the cost normally borne by the City.

Employee premium payments must be made on a monthly basis on the first of every month. The City may cancel the employee's coverage retroactive to the beginning of the period for which a payment was due if the employee fails to make any payment when due.

During an approved unpaid leave of absence for any leave type identified in this policy, if the employee was contributing to a Health Care Flexible Spending Account at the time that the leave commences, the employee's existing election with respect to this account will remain in effect during and after the leave. Accordingly, the employee will be required to pay back the amount of missed contributions upon return to employment through payroll deductions, unless the City and the employee mutually agree to an alternative arrangement.

C. More Information

For more information about the cost of healthcare coverage, visit the City's Chicago Benefits Office website at [www.cityofchicago.gov/benefits](http://www.cityofchicago.gov/benefits). The cost may change annually or as stipulated in the employee's Collective Bargaining Agreement.

**IX. Restoration to Position**

- A. Employees on approved leave will be restored to the same position or an equivalent position at the conclusion of the leave with the same pay, benefits, and other employment terms and conditions. The position either will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.
- B. This policy does not entitle any employee to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave.
- C. Pursuant to the Salary Resolution, Section B (7), any absence from City service on leave without pay for periods of excess of 30 days shall be deducted in computing continuous service. This provision applies to bereavement leaves unless the terms of a Collective Bargaining Agreement provide otherwise.
- D. An employee who fraudulently obtains leave from the City is not protected by this policy's job restoration provisions. In addition, the City will take all available appropriate disciplinary action up to and including discharge, a full reduction in benefits, and a denial of use of any paid benefit time.

**X. Confidentiality and Recordkeeping**

Records and documents relating to medical certifications, medical histories, and/or genetic information of the employee or the employee's family members should be maintained in separate files and treated as confidential medical records. These records should not be placed in the employee's personnel file.

**XI. Statutory Guidelines**

- A. The terms of this policy are to be construed according to the definitions and guidelines of the Family and Medical Leave Act of 1993 (29 C. F. R. Part 825 et. Seq), the Illinois Family Bereavement Leave Act (820 ILCS 154), the Child Extended Bereavement Leave Act (820 ILCS 156/), and the Victims' Economic Security and Safety Act (820 ILCS 180/1).

- B. The City prohibits interference or retaliation against an employee for exercising their rights under applicable federal and state laws. Similarly, the City prohibits misconduct, abuse, or fraudulent activity on the part of an employee in requesting, certifying, or taking leave.
- C. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City asks that employees not provide any genetic information when responding to a request for medical certification regarding their own serious health conditions under this policy. “Genetic information” as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.
- D. There is an exemption to GINA’s limitation on the disclosure of family medical history when an employee requests a leave of absence under the FMLA due to a family member’s serious health condition. In such situations, all information necessary to make the medical certification form complete and sufficient under the FMLA should be provided.

## **XII. Forms**

The Department of Human Resources shall maintain the following forms on its intranet website:

- 1. *Family Bereavement Leave Act 10(a)(4) Leave form***
- 2. *Request for a Leave of Absence (PER-73-A) form***