



**CHICAGO PARK DISTRICT**

# Victims' Economic Security and Safety Act Policy (VESSA)

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# I. Purpose

This Victims' Economic Security and Safety Act Policy (the "Policy") provides procedures for when Chicago Park District ("Park District") Employees may need to take time off due to Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence. The Park District is committed to full compliance with the Victims' Economic Security and Safety Act ("VESSA"), 820 ILCS 180, which provides Employees unpaid leave to seek services, assistance, safety or legal remedies to address Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence directed at themselves or at a Family or Household Member. This Policy is meant to follow the state law, as may be amended from time to time. If there is such a time when this policy conflicts with state law, state law controls.

# II. Overview

All Employees of the Park District are eligible to take VESSA leave. The Park District will grant Employees who are victims of Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence or who have a Family or Household Member who is a victim of Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence unpaid leave under VESSA, for up to twelve (12) weeks during any rolling twelve (12) month period to address issues arising from Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence.

Park District Employees are entitled, on return from leave, to be restored to the position held when the leave commenced or to an equivalent position with equal pay, benefits, and other conditions of employment. The Park District will protect the confidentiality of information provided as part of a VESSA leave.

# III. Definitions

**Crime of Violence:** Any conduct proscribed by Articles 9, 11, 12, 26.5, 29D, and 33A of the Illinois Criminal Code of 2012 or a similar provision of the Criminal Code of 1961, in addition to conduct proscribed by Articles of the Criminal Code of 2012 referenced in other definitions in this Section.

**Domestic Violence:** Abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, by a Family or Household Member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

**Employee:** Individuals who are employed by the Park District, whether part-time, full-time, or

seasonally.

**Family or Household Member:** A spouse or party to a civil union, parent, grandparent, child, grandchild, sibling, or any other person related by blood or by present or prior marriage or civil union, other person who shares a relationship through a child, or any other individual whose close association with the Employee is the equivalent of a family relationship as determined by the Employee, and persons jointly residing in the same household.

**Gender violence:** Gender violence includes:

(A) one or more acts of violence or aggression satisfying the elements of any criminal offense under Illinois law that are committed, at least in part, on the basis of a person's actual or perceived sex or gender, regardless of whether the acts resulted in criminal charges, prosecution, or conviction;

(B) a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of any criminal offense under Illinois law, regardless of whether the intrusion or invasion resulted in criminal charges, prosecution, or conviction; or

(C) a threat of an act described in item (A) or (B) causing a realistic apprehension that the originator of the threat will commit the act.

**Park District:** The Chicago Park District.

**Sexual Violence** and **Sexual Assault** include any conduct proscribed by: (A) Article 11 of the Criminal Code of 2012 (except Sections 11-35 and 11-45); (B) Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or (C) a similar provision of the Criminal Code of 1961.

**Stalking:** Any conduct proscribed by the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 12-7.3, 12-7.4, and 12-7.5.

## IV. Procedures

### A. Eligibility

All Employees of the Park District are eligible to take VESSA leave beginning on the first day of employment with the Park District. Park District Employees may request VESSA leave for absences for the following reasons related to Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence for the Employee or the Family or Household Member who is a victim:

1. To seek medical attention for, or recovering from, physical or psychological injuries caused by Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence to the Employee or the Employee's Family or Household Member;
2. To obtain services from a victim services organization for the Employee or the Employee's Family or Household Member;
3. To obtain psychological or other counseling for the Employee or the Employee's Family or Household Member;
4. To participate in safety planning, temporarily or permanently relocating, or take other actions to increase the safety of the Employee or the Employee's Family or Household Member from future Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence or ensure economic security;
5. To seek legal assistance or remedies to ensure the health and safety of the Employee or the Employee's Family or Household Member, including preparing for or participating in any civil, criminal, or military legal proceeding related to or derived from Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence;
6. To attend the funeral or alternative to a funeral or wake of a Family or Household Member who is killed in a Crime of Violence;
7. To make arrangements necessitated by the death of a Family or Household Member who is killed in a Crime of Violence; or
8. To grieve the death of a Family or Household Member who is killed in a Crime of Violence.

## B. Notification/Request for Leave

1. Notification must be provided within forty-eight (48) hours in advance of intention to take leave unless not practicable. If an Employee cannot provide advance notice, the Employee must submit the request within a reasonable period after the absence.
2. To request leave, an Employee must submit a completed VESSA leave request form and related documents to [leaves@chicagoparkdistrict.com](mailto:leaves@chicagoparkdistrict.com).
3. In addition to the completed leave request form, an Employee must submit the following documentation to Human Resources at [leaves@chicagoparkdistrict.com](mailto:leaves@chicagoparkdistrict.com):
  - a) documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought;
  - b) a police report; court, or military record;

- c) a death certificate, published obituary, or written verification of death, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency documenting that a victim was killed in a Crime of Violence,
- d) other corroborating written evidence of the need for leave.

Failure to provide the required documentation may result in delay or denial of leave.

- 4. The Employee shall choose which document to submit, and the Park District shall not request or require more than one document to be submitted during the same 12-month period leave is requested or taken if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of the violence.
- 5. Failure to provide the required or sufficient documentation may result in delay or denial of leave.
- 6. If a supervisor acquires knowledge that an Employee's absence may be for a VESSA-qualifying reason, the supervisor should immediately notify the Department of Human Resources. The leave tentatively may be designated as VESSA leave pending the Employee's completion of the Leave Request Form and tendering of required documentation.

## C. Leave

VESSA leave may be taken in a block of time, on an intermittent basis, or in the form of a reduced work schedule, as appropriate in light of the eligible reasons impacting the Employee.

- 1. An Employee who has complied with notification requirements will be granted upon request, an unpaid, job-protected leave for up to twelve (12) weeks in a twelve (12) month period if the Employee or a member of the Employee's Family or Household is a victim of Domestic Violence, Gender Violence, Stalking, Sexual Violence or any other Crime of Violence.
  - a. For circumstances outlined in Section IV(A)(1)-(5) above, an Employee can take up to twelve (12) weeks unpaid leave in a rolling twelve (12) month period.
  - b. For circumstances outlined in Section IV(A)(6)-(8) above, an Employee can take up to two (2) weeks unpaid leave. These two (2) weeks unpaid leave must be taken within sixty (60) days after the Employee receives notice of the death of the Family or Household Member who is killed in a Crime of Violence. This benefit may not be used in addition to any bereavement leave.

2. Employees on VESSA leave are expected to be reasonably responsive to and communicate with their supervisor and department during the leave. Employees may be required to provide documentation outlined in sub-section IV(B)(3) of this Policy for absences.
3. An Employee seeking additional leave time beyond the twelve (12) week period allowed under VESSA shall submit a request to the Department of Human Resources to obtain some other form of leave, such as a personal leave of absence or medical leave.
4. During VESSA leave, the Chicago Park District shall maintain benefits on the same conditions as if the Employee is working. An Employee shall continue to pay the Employee's portion of insurance benefit premiums if the Employee wishes to continue coverage during the VESSA leave.
5. If an Employee is on VESSA leave in a no-pay status, the Employee contribution must be paid to the Park District via check each pay period to maintain insurance coverage for medical, dental, vision and life insurance only.
6. Employees will also be held responsible for making payments each pay period for any other voluntary or involuntary payroll deductions, garnishments, or any other deduction typically taken from a check to the Park District. Failure to make the payments will cause the Employee's coverage to be suspended or cancelled. If an Employee fails to return from leave as required, the Employee shall reimburse the Park District health insurance premiums paid on their behalf.
7. While on unpaid leave pursuant to VESSA, an Employee will not accrue additional vacation or sick time. An Employee may, but is not required to, use any accrued allowable paid leave during VESSA leave.
8. If the VESSA leave also qualifies for leave under the Family and Medical Leave Act ("FMLA"), the leaves may run concurrently, pending further review by the Department of Human Resources. For Employees on VESSA leave who are also eligible for FMLA leave, VESSA leave time is not in addition to the FMLA entitlement when the reason for VESSA leave also qualifies under FMLA, but depletes the FMLA entitlement when used. An Employee who may have exhausted all available leave under FMLA, for a purpose other than that which is available under VESSA, remains eligible for leave under VESSA.
9. During VESSA leave, an Employee shall continue to accumulate seniority in accordance with an applicable collective bargaining agreement and Chicago Park District Personnel Rules.

## D. Return from Leave

1. Following a return from a VESSA leave, the Employee will be reinstated to their former position or an equivalent position with the same pay, benefits, and conditions of employment, unless the Employee is unable to perform the essential functions of their former job with or without reasonable accommodation as required by law.
2. If an Employee does not return to work when the VESSA 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 effective on the first scheduled workday that is missed following the expiration of the VESSA leave.

## E. Reasonable Accommodation

1. Within the provisions of VESSA, a reasonable accommodation will be made for an Employee when there are limitations resulting from circumstances that relate to being a victim of Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence; or a Family or Household Member being a victim of Domestic Violence, Sexual Violence, Stalking, Gender Violence, or any other Crime of Violence
2. An Employee seeking a reasonable accommodation pursuant to VESSA shall avail themselves of the interactive process by first submitting a written request using the VESSA Request Form detailing the specific reasons to the Department of Human Resources. Any such request for a reasonable accommodation shall be made promptly. Any exigent circumstances or danger facing the Employee or their Family or Household Member shall be considered in determining whether the accommodation is reasonable.
3. An Employee has an affirmative obligation to assist and work with the Park District in determining, if reasonable, an appropriate accommodation pursuant to VESSA that does not pose an undue burden on the Park District.

## IV. Confidentiality

The Park District will protect confidentiality of information provided as part of a VESSA leave or accommodation. All information provided to the Park District, including any statement of the Employee or any other documentation, record, or corroborating evidence, and the fact that the Employee has requested or obtained leave or an accommodation, shall be retained in the strictest confidence by the Park District, except to the extent that disclosure is:

1. Requested or consented to in writing by the Employee; or

2. Otherwise required by applicable federal or State law.

## IV. Resources

Please contact your Human Resources Manager if you have questions regarding the requirements, or your rights and responsibilities under the Victims' Economic Safety and Security Act at 312-742-5220.

### **Additional Contact Information**

**Domestic Violence Help Line:** Phone: 1-877-863-6338, TTY: 1-877-863-6339

**Chicago Park District Employee Assistance Program (EAP):** 1-800-EAP-5071

**Resource information for victims of domestic violence** is available on the City of Chicago website at:

[http://www.cityofchicago.org/city/en/depts/fss/cprovdrs/dom\\_violence.html](http://www.cityofchicago.org/city/en/depts/fss/cprovdrs/dom_violence.html)

# Victims' Economic Security and Safety Act (VESSA) Request Form



<b>Employee Name:</b>	<b>Employee ID#:</b>
<b>Address</b> (include city, state & zip code):	
<b>Telephone Number:</b>	<b>Email:</b>
<b>Region &amp; Park:</b>	<b>Job Title:</b>

## REASON FOR LEAVE REQUESTED

<input type="checkbox"/> Domestic violence, sexual violence, stalking, gender violence, or crime of violence of <b>employee</b>
<input type="checkbox"/> Domestic violence, sexual violence, stalking, gender violence, or crime of violence of <b>employee's family or household member</b>
Name of individual: _____ Relationship to employee: _____

## REASON FOR LEAVE REQUESTED (SELECT ALL THAT APPLY)

<input type="checkbox"/> Seek medical attention for, or recovery from, physical or psychological injuries caused by domestic, sexual, or gender violence to the employee or employee's family or household member.	<input type="checkbox"/> Participate in safety planning, temporarily or permanently relocate, or take other actions to increase health and safety and to ensure economic sustainability of the employee or the employee's family or household member.
<input type="checkbox"/> Obtain victim's services, psychological or other counseling, or legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil, criminal, or military legal proceeding related to or derived from domestic, sexual, or gender violence.	<input type="checkbox"/> To attend the funeral or alternative to a funeral or wake of an employee's family or household member killed in a crime of violence, make arrangements necessitated by the death of a family or household member killed in a crime of violence, or grieve the death of a family or household member killed in a crime of violence.

## EXPECTED DURATION / TYPE OF THE REQUESTED LEAVE (SELECT ONE)

<input type="checkbox"/> <b>Continuous leave:</b> Start Date: _____ Return Date: _____
<input type="checkbox"/> <b>Leave will be taken intermittently.</b> Anticipated first date: _____
<input type="checkbox"/> <b>Request for reduced work hours:</b> If you are requesting an alternative work schedule or reduced work hours, please describe below:

## REASONABLE ACCOMMODATION:

Reasonable accommodations will be made for employees when there are limitations resulting from circumstances that relate to the employee being a victim, or the family or household member of an employee being the victim of domestic violence, sexual violence, stalking, gender violence or any other crime of violence. If you are seeking a reasonable accommodation, please describe it below.
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# Victims' Economic Security and Safety Act (VESSA) Request Form



Along with this form, you **MUST SUBMIT** at least one of the following:

- Documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought.
- A police, court, or military report.
- A death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency, documenting that a victim was killed in a crime of violence.
- Other corroborating written evidence of the need for leave.

## RIGHTS AND RESPONSIBILITIES

- VESSA provides an employee 12 workweeks of unpaid leave during any 12-month period.
- The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take leave, if possible.
- FMLA certifications (if eligible) must be completed and submitted for time taken due to a serious health condition.
- Any leave (paid or unpaid) designated as VESSA leave that also qualifies as FMLA will count towards an employee's 12-week FMLA entitlement.
- Employees may use available paid sick, vacation, and/or other leave time during the leave.
- While on leave in a no pay status, employees are required to pay for the cost of health insurances.
- Periodically, employees may be required to report to Human Resources their status and intent to return to work.
- If an employee fails to return from this leave after the termination or expiration of the leave, the employee may be subject to disciplinary action, including discharge.

## ACKNOWLEDGMENT

I certify that I read, understand and agree to comply with the requirements and responsibilities stated within this form.

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**Employee Name**

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**Employee Signature**

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**Date**

**Return this form to Human Resources**

**Fax:** 312.747.6268

**email:** leaves@chicagoparkdistrict.com

**mail:** Chicago Park District - HR, 4830 S. Western Ave., Chicago, IL 60609