

CHAPTER 2	SECTION NO.
College Personnel – Personnel General	2.13
REFERENCE	Adopted: January 16, 2018 Reviewed: January 16, 2018; February 3, 2026 Revised: February 3, 2026
2.13.19.11 Victims' Economic Security & Safety Act (VESSA)	

Kishwaukee College Board of Trustees Policy Manual – 2.13.19.11 (VESSA - Page 1 of 4)

Kishwaukee College is committed to full compliance with the Illinois Victims' Economic Security and Safety Act of 2003 (known as "VESSA"), which provides employees of a covered employer unpaid leave to seek service, assistance, safety or legal remedies to address domestic violence, stalking or sexual assault directed at themselves or at a family or household member.

The Victims' Economic Security and Safety Act provides that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence may take up to a total of 12 work weeks of leave from work during any 12-month period to address the domestic or sexual violence.

"Family or household member" is defined to include a spouse or party to a civil union, parent, grandparent, child, grandchild, sibling, or 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.

The Act prohibits Kishwaukee College from discharging or otherwise discriminating against an employee who is a victim of domestic or sexual violence.

An employee may take VESSA leave to:

1. Seek medical attention for, or recovery from, physical or psychological injuries caused by domestic or sexual violence or crimes of violence to the employee or employee's family or household member;
2. Obtain victim services for the employee or employee's family or household member;
3. Obtain psychological or other counseling for the employee or the employee's family or household member;
4. Participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence; or
5. Seek legal assistance to ensure the health and safety of the victim, including participating in court proceedings related to the violence.
6. Attend the funeral or alternative to funeral or wake of a family or household member who was killed in a crime of violence.
7. Make arrangements necessitated by the death of a family or household member who was killed in a crime of violence.
8. Grieve the death of a family or household member who was killed in a crime of violence.

Kishwaukee College Board of Trustees Policy Manual – 2.13.19.11 (VESSA - Page 2 of 4)

An employee who takes leave for reasons 6-8 listed above related to death involving crimes of violence is entitled to a total of two workweeks of unpaid leave (10 workdays), which must be completed within 60-days after the employee receives notice of the death of the victim. However, an employee may still be entitled to additional protected time off under VESSA during the same 12-month period for other qualifying reasons.

Effect of VESSA Leave Under the Family and Medical Leave Act (FMLA)

This Act does not create a right for the employee to take a leave that exceeds the leave time allowed under, or in addition to, the leave time permitted by the Family and Medical Leave Act. For employees on VESSA leave who are also eligible for FMLA leave, VESSA leave time is not in addition to the twelve-week FMLA entitlement. VESSA and FMLA leave time is limited to a total of 12 weeks within the established 12-month period.

Overlap of VESSA Leave with Family Bereavement Leave Act (FBLA)

If an employee is entitled to leave under Family Bereavement Leave Act (FBLA), it does not create a right for the employee to take bereavement leave that exceeds or is in addition to leave to which the employee is entitled under FBLA. If an employee is not entitled to leave under FBLA, leave taken for reasons 6-8 listed above will be deducted from, and is not in addition to, the total amount of leave time to which an employee is entitled. Leave taken for these purposes (reasons 6-8 above) or leave taken under FBLA will not otherwise limit or diminish the total amount of leave time to which an employee is entitled.

Substitution of Paid Leave

VESSA leave is unpaid leave. An employee may choose, however, to use any accrued paid time off which would otherwise apply to the circumstances of the leave. The substitution of paid leave for unpaid leave time does not extend the 12-week leave period.

Reasonable Accommodation

The College will provide reasonable accommodations to an employee “in a timely fashion,” and consider “any exigent circumstances or danger facing the employee or his or her family or household member” in determining whether an accommodation is reasonable.

Notice and Certification Requirements

The employee shall provide the College with at least 48 hours’ advance notice of the employee’s intention to take leave, except in such cases where it is not practicable to provide such notice. If an unscheduled absence occurs, the College may not take action against the employee if the employee provides certification within a reasonable period after the absence.

The College may require certification that VESSA leave is to be taken for one of the purposes enumerated above and that the employee or employee’s family or household member is a victim. An employee may satisfy such a certification requirement by providing a sworn statement of the employee and:

- Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee’s family or household member has sought assistance;
- A police or court record; or
- Other corroborating evidence.

Kishwaukee College Board of Trustees Policy Manual – 2.13.19.11 (VESSA - Page 3 of 4)**Confidentiality**

The College will maintain the confidentiality of all information pertaining to the use of VESSA leave, notice of an employee's intention to take VESSA leave, and certification provided by the employee. The College will not disclose the nature of the employee's leave other than to those specific individuals who need to know in order to ensure the employee receives their VESSA rights.

Employment and Benefits

An employee who takes leave under VESSA shall be entitled, on return from such leave to be restored to the position of employment held by the employee when the leave commenced, or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. The taking of leave under VESSA shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

Kishwaukee College will maintain group health plan benefits during the leave period at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The employee is responsible for making the payment arrangements with the College for the employee's share of the health insurance premiums during this leave period. If an employee fails to return from VESSA leave, the College may recover the premium that the College paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under VESSA. Failure to return from leave under VESSA means the employee fails to return from leave after the period of leave to which the employee is entitled has expired; and the employee fails to return to work for a reason other than the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave, or other circumstances beyond the control of the employee.

Non-Retaliation

The College is prohibited from interfering with, restraining, or denying an employee's attempt to exercise any rights under the Act. Specifically, the College is prohibited from discharging, harassing or otherwise discriminating against any employee with respect to compensation, terms, conditions, or privileges of employment, or retaliating against an employee in any form or manner. If an employee feels they have been denied their VESSA rights or if an employee feels they have been treated unfavorably for having exercised any VESSA rights, the employee should immediately report such action to the Associate Vice President Human Resources. The College will investigate the employee's concerns and take corrective action if it determines that someone has violated the College's VESSA policy.

Employees' personal use of employer-provided electronic devices.

The College: a) shall not fail to hire, refuse to hire, discharge, constructively discharge, harass, discriminate with respect to compensation, terms, conditions, or privileges of employment, or retaliate against an employee in any form or manner because the employee used employer-issued equipment to record domestic violence, sexual violence, gender violence, or any other crime of violence committed against the employee or a family or household member of the employee; b) shall not deprive an employee of employer-issued equipment solely because the employee used or attempted to use the employer-issued equipment to record domestic violence, sexual violence, gender violence, or any other crime of violence committed against the employee or a family or household member of the employee; (c) shall grant an employee access to any photographs, voice or video recordings, sound recordings, or any other digital documents or communications stored on an employer-issued

Kishwaukee College Board of Trustees Policy Manual – 2.13.19.11 (VESSA - Page 4 of 4)

device relating to domestic violence, sexual violence, gender violence, or any other crime of violence committed against the employee or a family or household member of the employee. Nothing in this Section prohibits the College from complying with an investigation, court order, or subpoena for a device, information, data, or documents. Nothing in this Section shall be construed to relieve the employee of obligations to comply with an employer's reasonable employment policies or to perform the essential functions of employment.

Requesting Leave

Any request for VESSA leave must be made in writing, must be for a specified period and must be directed to Human Resources. Requests should include supporting documentation, if such documentation is available (i.e., restraining order, court order, police report, etc.). In emergency situations, documentation may be provided at a later date. The Human Resources department will notify the employee in writing of the decision and will notify the appropriate supervisor of the need for VESSA leave.

Employees covered by a collective bargaining agreement will have this policy administered consistent with their respective bargaining agreement obligations.