

Part 4. Personnel Policies

Section VI. Benefits/Compensation/Personnel Files

D. General Leaves (Updated **07/0503/08**)

1. Leaves With Compensation

a. Annual Leave

(1) Nonclassified employees on twelve(12)-month contracts and meeting the criteria set forth in Idaho Code § 67-5303(j) earn annual leave at the equivalent rate of two (2) days per month or major fraction thereof of credited state service. A twelve(12)-month employee may accrue leave up to a maximum of 240 hours. An employee who has accrued the maximum will not be credited with any further leave until the employee's use of annual leave reduces the accrual below the maximum.

(2) Classified employees earn leave at the rate set forth in Title 67, Chapter 53, Idaho Code as set forth below.

(3) Employees otherwise nonclassified but not occupying a position meeting the criteria set forth in Idaho Code § 67-5303(j), on twelve(12)-month contracts earn annual leave at the rate established by the Board and pursuant to Title 67, Chapter 53, Idaho Code as set forth below.

(4) Classified Leave Accrual Vacation leave is accruable according to the following schedule [based on full-time twelve(12)-month employment]:

(a) One (1) to five (5) years employment, twenty-four (24) days maximum accrual, accrued at the rate of 3.696 hours each biweekly payroll period.

(b) Six (6) to ten (10) years employment, thirty (30) days maximum accrual, accrued at the rate of 4.616 hours each biweekly payroll period.

(c) Ten (10) to fifteen (15) years employment, thirty-six (36) days maximum accrual, accrued at the rate of 5.54 hours each biweekly payroll period.

(d) Fifteen (15) years employment and over, forty-two (42) days maximum accrual, accrued at the rate of 6.46 hours per pay period.

Vacation should be scheduled according to the work requirements of each department with reasonable consideration given to the needs and desires of the employee. Vacation that is taken in excess of leave time earned will be treated as leave without pay.

(5) Faculty members on academic-year appointments of eleven (11), ten (10), or nine (9) months do not earn annual leave.

(6) Nonclassified employees appointed to less than full-time positions earn annual leave on a proportional basis dependent upon the terms and conditions of employment.

b. Sick Leave

(1) All employees accrue sick leave as provided for in Title 67, Chapter 53, Idaho Code, and the rules of the Idaho Division of Human Resources and Personnel Commission.

(2) Sick leave is to be used only in cases of actual sickness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desirable because of serious illness, disability, or death in the immediate family.

(3) At the employee's option, annual leave may be used in lieu of sick leave.

(4) Sick leave may also be used by an employee for temporary disabilities, including pregnancy, which prevent the employee from performing assigned duties. If accrued sick leave and accrued annual leave have been exhausted by an employee, leave without compensation may be granted for a reasonable period of time.

Leave for maternity purposes shall be treated as any other short-term disability. The employee's physician shall be considered the sole authority in determining the disability period insofar as compensable sick leave is concerned. Leave preceding and following the time the employee is disabled shall be leave without pay unless the employee elects to use accrued vacation leave.

(5) An employee may use accrued sick leave for the purpose of providing care of immediate family members or close relatives residing with the employee.

c. Shared Leave Procedure (10/06)

In accordance with Idaho Code § 67-5334, State employees are able to transfer accrued vacation leave to any eligible state employee for use as paid sick leave when that employee or an immediate family member suffers from a serious illness that necessitates absence from work without pay.

(1) Procedure Statement

It is the intent of Idaho State University that benefit eligible employees have the opportunity to designate the transfer of accrued vacation leave to a specific eligible employee or to make a transfer to the Shared Leave Account.

(2) Scope

This opportunity applies to all benefit eligible faculty and staff of the University.

(3) Procedure

(a) Eligibility to Transfer Vacation Leave

(i) Be eligible to accrue vacation leave.

(ii) Cannot reduce accrual balance below eighty (80) hours.

(b) Transfer a minimum of four (4) hours, in four (4) hour increments, with a maximum of forty (40) hours of accrued vacation leave per fiscal year.

Any transferred vacation leave that is unused by the receiving employee will not be credited to that employee's leave balance, but will be placed in the Shared Leave Account.

Priority for transferring leave will be given to those employees who are at the maximum level of accrual and, therefore, do not accrue additional leave until some is taken or donated.

(c) Eligibility to Receive Vacation Leave

(i) Be eligible to accrue sick leave.

(ii) Have exhausted all accrued sick leave, vacation leave, compensatory time, and earned administrative leave.

(iii) Be suffering from or have a family member suffering from a serious illness or injury, necessitating the employee's absence from work for five (5) or more consecutive days.

(d) A Serious Illness is Defined as:

(i) Any period of incapacity or treatment connected with in-patient care in a hospital, hospice, or residential medical-care facility.

(ii) Any period of incapacity requiring absence from work for more than five (5) calendar days that also involves continuing treatment by a health care provider.

(iii) Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in an extended period of incapacity of more than five (5) days.

(e) The receiving employee may receive a maximum of 160 hours of donated leave per fiscal year.

(f) Medical certification of the receiving employee may be required.

(4) Confidentiality

Names of donors and receivers will be kept confidential and will not be provided without authorization.

(5) Procedure to Transfer Vacation Leave

(a) Contact the ISU Office of Human Resources to transfer vacation leave to either an individual or to the leave account.

(b) Complete a Voluntary Leave Transfer form and submit it to the ISU Office of Human Resources to insure the employee meets the eligibility requirements.

(c) If the request is to transfer leave to an employee of another state agency, the ISU Office of Human Resources will verify receiving agency approval before ISU approval is given.

(6) Procedure to Request Transferred Leave

(a) An eligible employee who wishes to receive leave will submit a Leave Request form to the ISU Office of Human Resources. Payroll will review the request to insure that the eligibility requirements have been met and will notify the employer.

(b) If the leave account does not have a sufficient leave balance to accommodate the request, the ISU Office of Human Resources will communicate to the campus community that donations are being sought. The name of the receiving employee will not be released without his/her permission.

(c) The receiving employee's department will assume financial responsibility for all transferred leave used by the receiving employee.

(7) Record Keeping

The ISU Office of Human Resources will monitor individual transfers and maintain records. These records and all requests to transfer or receive leave will be kept separate from the employee's personnel files.

(8) Time Frame

The completed and approved Leave Request form and Voluntary Leave Transfer form must be received in the ISU Office of Human Resources two weeks prior to the effective date of the transfer, unless the event is a bona fide emergency.

d. Workers' Compensation Leave

(1) In the event of a disability incurred on the job and covered by workers' compensation, the employee is given the choice of either (a) entering a period of leave without compensation and receiving workers' compensation to which the employee is entitled; or (b) using a portion of accrued sick leave to supplement workers' compensation benefits to maintain his or her regular salary, provided that the combined total of workers' compensation and sick leave benefits does not exceed one hundred percent (100%) of the salary to which the employee would otherwise be entitled.

(2) An employee cannot be required to use accrued sick leave, annual leave, or compensatory time in lieu of workers' compensation benefits provided by law. Moreover, an employee cannot waive his or her rights to compensation under the workers' compensation law, and therefore cannot accept accrued leave or other benefits in lieu of workers' compensation to which he or she is entitled.

e. Funeral Leave

Sick leave shall be used when the employee's attendance is required or desired because of death and funeral in the immediate family or close relative. Vacation leave may be used after sick leave is exhausted. (Rev. 6-96)

f. Leave for Court Required Service

(1) An employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency will be granted leave with pay and any jury or witness fees may be retained by the employee.

(2) An employee must request annual leave or leave without compensation for:

(a) appearing as a party in a non-job-related proceeding involving the employee;

(b) appearing as an expert witness when the employee is compensated for such appearance; or

(c) appearing as a plaintiff or complainant, or as counsel for a plaintiff or complainant, in a proceeding in which the Board or any of its institutions, agencies or school is a defendant or respondent.

g. Military Leave

Leave for the purpose of military service shall be in accordance with applicable state and federal law.

(1) An employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Idaho National Guard is granted military leave with compensation normally for a maximum of fifteen (15) working days in one (1) calendar year. Military leave does not affect annual or sick leave accrual or compensatory time off overtime.

(2) An employee who leaves his or her position either voluntarily or involuntarily for temporary active military duty in excess of fifteen (15) working days must be granted military leave without compensation after expiration of the normal fifteen (15) day leave provision. An employee returning from military leave without compensation after being relieved or discharged from military duty must, upon application, be reemployed in his or her former position or comparable position without loss of seniority, status, or pay rate.

h. Health Related Appointments

During a day worked, an employee shall be allowed up to two (2) hours for an occasional appointment without charge to sick leave for personal or family-member health related appointment for examination or treatment. When the treatment is ongoing, sick leave or flextime shall be used at the discretion of the supervisor.

i. Holidays

A holiday is a day of exemption from work granted to employees and for which they are compensated as if they had actually worked.

(1) The following days are recognized by statute and the Board:

- January 1 (New Year's Day)
- Third Monday in January (Martin Luther King, Jr. Day/Human Rights Day)
- Third Monday in February (Presidents' Day)
- Last Monday in May (Memorial Day or Decoration Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- Second Monday in October (Columbus Day)
- November 11 (Veterans Day)
- Fourth Thursday in November (Thanksgiving)
- December 25 (Christmas)

(2) In addition, any day may be designated by the President of the United States or the Governor of Idaho for a public fast, Thanksgiving, or holiday.

(3) In the event that a holiday occurs on a Saturday, the preceding Friday is recognized as a holiday. If a holiday falls on a Sunday, the following Monday is recognized as a holiday.

Some years the academic calendar schedules classes for Columbus Day and Veteran's Day. In exchange three substitute days are designated. One is the Friday after Thanksgiving, the remaining two are scheduled to coincide with Christmas and New Years. Classified employees who earn time and one half for working holidays are expected not to work those substitute days unless it is an institutional necessity that they work. Nonclassified employees and classified employees whose position are administrative, executive or professional are credited with two substitute days for working the two holidays. They have the option to work one of the two holidays. They have the option to work one of the substitute days rather than use vacation. Those who choose to work should make arrangements with their supervisors and time sheets should clearly stipulate whether or not the employee worked or used vacation.

j. "Immediate Family/Close Relative"

For purposes of this section, "immediate family" means the employee's spouse, parent, step-parent, guardian, brother, sister, mother-in-law, father-in-law, child, or stepchild. "Close relative" means the employee's grandmother, grandfather, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, first cousin, or grandchild.

2. Leaves Without Compensation

a. Application for Leave

Any employee may apply for a leave without compensation. A leave without compensation is granted at the discretion of the President. The initial grant of a leave without compensation may be for a period of up to one (1) calendar year. Extensions of such a leave for one (1) year at a time may be granted by the President not to exceed a total of three (3) successive calendar years.

b. Leave for Serving as a Member of the Idaho Legislature

An employee who is elected or appointed to the Idaho State Legislature must be placed on leave without compensation during such time as the Legislature is in session. The employee must forego duplication of salary paid by the State while the Legislature is in session.

c. Benefits While on Leave Without Compensation

An employee who has received approval from the President for a leave without compensation may continue to contribute toward and receive the benefits of any State or University insurance and retirement programs, if the laws, rules, regulations, policies and

procedures governing the administration of such insurance and retirement programs permit.

d. Family Medical Leave

(1) The Family Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one (1) year and for 1,250 hours over the previous twelve (12) months. The twelve (12) months during which FMLA leave may be taken is calculated on a rolling basis, measured backward from the date FMLA leave is used.

(2) Reasons for Taking Leave:

Unpaid leave must be granted for any of the following reasons:

- (a) To care for the employee's child after birth, or placement for adoption or foster care;
- (b) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- (c) Or, for a serious health condition that makes the employee unable to perform the employee's job.
- (3) At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

(4) Advance Notice and Medical Certification:

The employee may be required to provide leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- (a) The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- (b) An employer may require medical certification to support a request for leave because of a serious health condition, and may require a second or third opinion (at the employer's expense) and a fitness for duty report to return to work.

(5) Job Benefits and Protection:

- (a) For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- (b) Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

(c) The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(6) Unlawful Acts by Employers:

FMLA makes it unlawful for employer to:

(a) Interfere with, restrain, or deny the exercise of any right provided under FMLA;

(b) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

(7) Enforcement

(a) The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

(b) An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

If an employee does not return to work following leave for a reason other than: (1) continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse Idaho State University for the complete cost of health insurance premiums paid on the employee's behalf during his/her leave.

3. Faculty Leaves of Absence Without Pay

Leaves of absence without pay may be awarded to faculty members for a variety of purposes beneficial to the University, including professional development. When approved, such awards are made without risk of loss of employment. Longevity and accrual of time for promotion and/or tenure are matters of negotiation at the time of application for the leave. The privileges normally extended to the faculty member during his/her employment by the University may continue throughout the approved leave of absence. These include the following:

a. Privileges Related to Longevity and/or Salary

(1) Longevity for tenure.

- (2) Longevity for promotion.
- (3) Longevity toward the longevity raises leaves for professional development only.
- (4) Receiving normal yearly cost of living or across the faculty raises.
- (5) Eligibility to receive merit and equity salary adjustments granted during the leave of absence.

b. Privileges Related to Fringe Benefits

Faculty, like other University employees, who have received approval for a leave without compensation may continue to receive the benefits of any state or institutional insurance programs, if the laws, rules, regulations, policies, and procedures governing its administration permit.

The faculty member may be required to pay the health insurance portion of benefit expenses usually contributed by the University during this period. However, at its discretion, the University may choose to continue all or part of its contribution, depending on the specific nature of the leave. Normally the University will continue full payment of its portion during leaves of absence awarded for purposes of professional development.

c. Privileges Related to the Faculty Member's Identity with the University

The faculty member may:

- (1) Identify himself/herself as an Idaho State University member in publications, speeches, etc.;
- (2) Represent the institution at professional conferences, on professional boards, etc;
- (3) Maintain a campus mailing address, an office (if space is available), and use of facilities for University-related professional purposes.