

IDAHO STATE UNIVERSITY
POLICIES AND PROCEDURES (ISUPP)
Leave of Absence Policy for Faculty and Staff
ISUPP 3070

POLICY INFORMATION

Policy Section: *Human Resources*

Policy Title: *Leave of Absence Policy for Faculty and Staff*

Responsible Executive: *Human Resources Director*

Sponsoring Organization: *Office of Human Resources*

Dates: Effective Date: *January 12, 2015*

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I. INTRODUCTION

Classified staff, non-classified staff, and faculty of Idaho State University as identified in ISUPP No. 3050, Categories of Employees, may be eligible for a variety of leaves of absence from the workplace, with or without compensation. This policy provides information and guidance to employees and managers regarding the types of leave available to employees and the procedures to apply for, and/or record various types of approved leave.

II. POLICY STATEMENT

Classified staff, non-classified staff, and faculty of Idaho State University may be eligible for paid or unpaid leaves of absence from the workplace in accordance with section IV of this policy. Faculty and staff in need of a leave of absence from the workplace must seek approval from his/her respective management chain for the leave as appropriate to the circumstances and type of leave needed. An employee who does not have approval for a leave of absence and/or who is absent from work due to circumstances not described in section IV of this policy may be subject to disciplinary action up to, and including termination of employment.

III. AUTHORITY AND RESPONSIBILITIES

- A. Classified staff, non-classified staff, and faculty are responsible to know and understand their options for leave in accordance with this policy. It is the responsibility of the employee to inform his/her management team of the need for a leave of absence as soon as is practical and appropriate for the circumstances. While on an approved leave of absence in accordance with this policy, it is the responsibility of the employee to maintain communication with his/her management team and the Office of Human Resources and to provide updates as to his/her status and intent to return to work as is appropriate to the circumstances and the type of leave.
- B. The Office of Human Resources is responsible for maintaining this policy and assisting departments and employees with the review of leave eligibility and options. It is also the responsibility of the Office of Human Resources to orient new employees and provide up-to-date information to employees and managers regarding general leave options.

- C. All levels of the management chain are responsible for contacting the Office of Human Resources if any information or policy clarification information is needed with regard to an employee leave of absence. Supervisors, Department Heads, and Department Chairs are responsible for maintaining communication with an employee who is on a leave of absence, and for keeping their management team and the Office of Human Resources informed as to the status and intent of the employee to return to the workplace.

IV. PROCEDURES TO IMPLEMENT

Classified staff, non-classified staff, and faculty as defined in ISUPP No. 3050, Categories of Employees, may be eligible for the following types of leave based on employee classification and other eligibility criteria.

A. Leaves With Compensation

Some employees are ineligible for leaves with compensation, such as, A) employees who regularly work less than 20 hours per week; B) employees who are in non-pay status, (i.e. on unpaid leave of absence); or C) temporary employees who are hired to work less than five (5) months, regardless of number of hours worked per week.

1. Annual Leave, (Vacation Leave)

Eligible employees will earn annual leave and be eligible to take annual leave in accordance with Idaho Code §§ 67-5334, 59-1603 and 59-1606.

- a. Non-classified employees, including faculty on full-time, twelve (12)-month contracts who meet the criteria set forth in Idaho Code §67-5303(j) earn annual leave at the rate of 7.4 hours each biweekly pay period, or equivalent rate for benefits eligible, non-classified part-time positions, 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.

Notwithstanding the preceding paragraph, non-classified employees in positions that are overtime eligible under the Fair Labor Standards Act, (FLSA), earn annual leave in accordance with, and subject to, the maximum leave accruals in Section 67-5334, Idaho Code, as described in section IV.A.1.b of this policy, unless said employees are otherwise grandfathered or exempted in accordance with SBOE policy Section II.F.3.

- b. Classified employees or FLSA non-exempt employees otherwise non-classified but not occupying a position meeting the criteria set forth in Idaho Code §67-5303(j) earn annual leave at the rate set forth in Title 67, Chapter 53, Idaho Code as set forth in the following table:

Hours of Credited State Service	Accrual Rate Per Hour	Accrual Rate per Pay Period for Full-Time Classified Staff	Accrual Limit
0-10,400 (0-5 years full time)	.04615	3.7 Hours	192 Hours

10,401-20,800 (6-10 years full time)	.05769	4.6 Hours	240 Hours
20,801 – 31,200 (10-15 years full time)	.06923	5.5 Hours	288 Hours
31,201 or More (15 years or more full time)	.08077	6.5 Hours	336 Hours

- c. Faculty members on academic-year appointments of eleven (11), ten (10), or nine (9) months do not earn annual leave.
- d. Employees are required to obtain approval from their supervisor prior to the use of annual leave. Supervisors should approve, modify, or deny annual leave requests with reasonable consideration for the employee’s needs and preferences, while balancing the business needs and efficient operations of the unit.
- e. Annual Leave Use Limitations
 - i. Annual leave cannot be taken in the same pay period in which it is earned.
 - ii. Annual leave may not be utilized if it will result in pay in excess of the employee’s normally scheduled workweek.
 - iii. Employees may elect to charge time off work due to illness to accrued annual leave rather than to accrued sick leave. However, in the event an employee is ill and has no accrued sick leave, other accrued leave balances, including annual leave, must be used prior to the employee receiving leave without pay, unless the employee is on approved Family and Medical Leave or is absent from work due to a work-related illness or injury.
 - iv. If an employee is unable to report to work because of severe weather, road, or other related conditions, and the work facility has not been declared closed or inaccessible by the President or his/her designee, the employee shall be permitted to use accrued annual leave to cover the period of absence from work.
 - v. If an employee on approved annual/vacation leave becomes ill, sick leave cannot be substituted. If illness or injury prevents the employee from returning to work after the approved annual leave/vacation period, sick leave may be reported at that time.
 - vi. Employees and supervisors are encouraged to charge available compensatory time during a period of absence prior to using annual leave. Supervisors may grant exceptions to this expectation if necessary to keep employees from reaching maximum annual leave accrual limits.
 - vii. Non-classified staff and 12 month faculty who are ineligible for compensatory time and overtime and who are designated as Exempt in accordance with the Fair Labor Standards Act are not required to use

accrued annual leave in less than half day increments. For example, based on an eight (8) hour day, if an Exempt employee works for six (6) hours, and receives authorization to take the remainder of that day off, the decision to use annual leave is at the employee's discretion. Conversely, if an Exempt employee works for two (2) hours, and is then authorized to take six (6) hours of leave that day, then six (6) hours of annual leave shall be reported. All Exempt employees are expected to receive prior authorization to be absent from work or leave during regular work hours as appropriate to the respective management chain.

- f. An employee's accrued annual leave transfers with the employee when transferring from one State agency to another or from one internal ISU department to another, provided there is no break in service, (Saturday and Sunday are not considered to be a break). The accrued annual leave liability will become the financial responsibility of the receiving agency or department.
- g. When an employee separates from ISU with a break in service, all accrued annual leave will be paid to the employee on his/her final paycheck following the normal payroll cycle. Annual leave payout is calculated on the employee's normal rate of pay in effect on the date of separation.

2. Sick Leave

Employees shall earn sick leave and be eligible to take sick leave in accordance with Idaho Code §§ 67-5333, 59-1603, 59-1605, and IDHR Rule 240.

- a. Sick leave shall accrue at the rate of 3.7 hours each biweekly pay period for full-time faculty and staff. Benefits eligible part-time faculty and staff will earn a proportional sick leave accrual based on total hours worked. Employees earn sick leave while on paid leave with the exception of when an employee is on compensatory time off. Sick leave accrues without limit.
- b. Use of sick leave is restricted to cases of the employee's actual illness or disability or other health reasons necessitating the employee's absence from work or Employee Assistance Program (EAP) appointments. In addition, an employee may also use sick leave when needed to attend to a family member's medical appointments, serious illness, disability, or death and funeral in the family. Eligibility to use sick leave includes illness, disability, or other health reasons involving self, spouse, child, foster child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage or legal guardian, (Ref. IDHR Rule 240.03).
- c. When possible, employees are expected to plan health-related absences away from work by notifying their supervisor in advance. When scheduling a routine doctor's appointment or planned medical procedure, an employee's supervisor should be consulted for staffing and planning purposes. Employees must use available paid leave for these circumstances, (i.e. sick, annual leave, or compensatory time).

d. Sick Leave Limitations

- i. Employees may not use sick leave for time off due to adoption or foster care placement unless the child has a health condition requiring care at time of placement.
- ii. Sick leave cannot be used in lieu of annual leave. If an employee exhausts accrued sick leave, the employee must use other accrued leave balances prior to the employee receiving leave without pay (unless the employee is on approved Family and Medical Leave or absent due to a work-related illness or injury).
- iii. Sick leave cannot be taken in the same pay period in which it is earned.
- iv. Sick leave may not be utilized if it will result in pay in excess of the employees normally scheduled work week.
- v. Non-classified staff and faculty who are ineligible for compensatory time and overtime and who are designated as Exempt in accordance with the Fair Labor Standards Act are not required to use accrued sick leave in less than half day increments. For example, based on an eight (8) hour day, if an Exempt employee works for six (6) hours, and leaves the workplace due to qualifying illness, the decision to use sick leave is at the employee's discretion. Conversely, if an Exempt employee works for two (2) hours, and then leaves the workplace due to a qualifying illness for six (6) hours of leave that day, then six (6) hours of sick leave shall be reported. All Exempt employees are expected to report sick leave related absences in a timely manner to their respective managers.

e. Patterns of excessive absences can negatively impact individual and departmental performance. Therefore, a supervisor who suspects an employee is abusing sick leave may, (Ref. IDHR 240.07):

- i. Require the employee to provide a health care provider's note, justifying the absence; or
- ii. Investigate an employee's suspected sick leave abuse and address any misuse or abuse as necessary.
 1. Any employee using sick leave that is found to be working at another job, and/or otherwise misusing sick leave, shall be subject to disciplinary action up to and including dismissal.

f. An employee's accrued sick leave transfers with the employee when transferring from one State agency to another or from one internal ISU department to another, provided there is no break in service, (Saturday and Sunday are not considered to be a break). The accrued sick leave liability will become the financial

responsibility of the receiving agency or department.

g. When an employee separates from ISU with a break in service, all unused sick leave will be forfeited, except as provided in Idaho Code § 67-5333, (separation due to retirement).

h. Reinstatement of forfeited sick leave occurs if an employee returns to credited state service within three (3) years of separation, [Ref. Idaho Code § 67-5333(1c)].

3. Shared Leave Donations

With appointing authority approval, State employees may donate accrued annual leave to an eligible State employee for use as paid sick leave, [Ref. Idaho Code § 67-5334(g)].

a. To receive donated leave, an employee must:

- i. Be eligible to accrue sick leave; and
- ii. Have exhausted all of their accrued paid time off; and
- iii. Be suffering from a serious illness or disability, or have a family member with a serious illness, disability, or death and funeral in the family necessitating the employee's absence from work in accordance with section IV.A.2.b of this policy; and
- iv. Not have exceeded the maximum of one-hundred and sixty (160) hours of received donated leave per fiscal year.

b. To donate leave, an employee must:

- i. Be eligible to accrue annual leave;
- ii. Maintain an accrual balance of at least eighty (80) hours; and
- iii. Transfer a minimum of four (4) hours, in four (4) hour increments, up to a maximum of eighty (80) hours being donated per fiscal year.

c. Donated annual leave will be converted to sick leave on a one-hour to one-hour basis and will be paid out at the receiving employee's current salary. Any unused leave that has been donated to an employee will remain in the receiving employee's sick leave accrual balance until used. Any unused leave cannot be returned to the donating employee.

d. The organizational unit of the receiving employee will assume the financial responsibility for all donated leave used by the receiving employee.

e. The names of employees' donating time will be kept private and will not be provided to the employee who receives the donated leave unless otherwise

disclosed by the donating employee. This confidentiality is intended to preclude repercussions for employees who do not donate leave as well as for those employees who choose to donate. The nature of the serious illness or injury, causing the employee to request and receive donated leave will also be kept confidential.

f. Employees in need of donated leave hours or employees who wish to donate leave hours should contact the Office of Human Resources to complete necessary leave request or leave donation forms.

4. 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.

a. The following days are recognized by statute and the State Board of Education as Holidays:

- i. January 1 (New Year's Day)
- ii. Third Monday in January (Martin Luther King, Jr. Day/Human Rights Day)
- iii. Third Monday in February (President's Day)
- iv. Last Monday in May (Memorial Day or Decoration Day)
- v. July 4 (Independence Day)
- vi. First Monday in September (Labor Day)
- vii. Second Monday in October (Columbus Day) – see paragraph d
- viii. November 11 (Veterans Day) – see paragraph d
- ix. Fourth Thursday in November (Thanksgiving)
- x. December 25 (Christmas)

b. 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.

c. 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.

d. Most years the academic calendar schedules classes for Columbus Day and Veteran's Day. In exchange, three (3) substitute days are designated by the President's Office each year. One is the Friday after Thanksgiving; the remaining two (2) are scheduled to coincide with Christmas and New Year's. 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. Non-classified employees and classified employees who do not earn time and one half for working holidays, such as those whose positions are designated as Exempt in accordance with the Fair Labor Standards Act are credited with two (2) substitute days for working the two (2) holidays. Those employees have the option to work one (1) of the two (2) holidays or use accrued annual leave. Those employees who choose to work should make arrangements with their supervisors and time entry should clearly stipulate whether or not the employee worked or used annual leave on the substitute holiday.

e. The President's Office reserves the right to close the campus and/or administrative offices during certain breaks in the academic calendar such as the holiday break. When this occurs, employees are expected not to work during the campus closure and report the use of annual leave and/or compensatory time, unless otherwise communicated by the Office of the President. If an employee would like to work during the campus closure as opposed to using annual leave or compensatory time, he/she must receive approval from the respective management chain based on the business needs of the unit. Those employees who are authorized to work should make arrangements with their supervisors and time entry should clearly stipulate whether or not the employee worked or used annual leave during any holiday closure.

5. Administrative Leave with Pay

After consulting with their respective management chain and the Office of Human Resources, a Dean or Department Head may grant paid administrative leave under the following conditions:

- a. When the employee is under investigation;
- b. When required in Administrative Rules of the Idaho Division of Human Resources or ISU Policies and Procedures, such as times when the employee is exercising the due process procedures of a potential disciplinary action, or completing probationary termination proceedings;
- c. When the President or his/her designee declares a facility or campus closed or inaccessible because of severe weather, civil disturbances, loss of utilities, or other disruptions;
 - i. Those employees not required or allowed to work due to a facility or campus closure shall be authorized administrative leave with pay to cover regularly scheduled hours of work during the declared closure. Employees will be compensated at their normal rate of pay for the scheduled shift with no reduction of accrued leave, unless the employee was on a previously approved leave of absence. In such a case, the previously approved type of leave shall apply. Employees that do not work at the designated facility or campus that has been impacted by a closure shall report to work as normal. For occasions other than a declared facility or campus closure, the usage of

accrued annual leave shall be approved for those employees who are unable to report to work or who decide for personal safety reasons that they are not able to report to work due to inclement weather, or similar circumstances.

- ii. When a situation arises during the work day and a closure is declared that results in an early release of employees, the resulting time off shall be charged to administrative leave with pay.

d. When such leave is in the best interest of the institution and approved in advance by the President.

Deans and department heads shall consult with the Office of Human Resources anytime a need for administrative leave arises so that the leave can be properly approved by the respective management chain and documented as appropriate to the circumstances for payroll processing.

6. Faculty Sabbatical Leave

See governing SBOE policy Section II.G.3.c and Academic Affairs Policy, Faculty Sabbatical Leave.

7. Workers' Compensation Leave

a. In the event of 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.

b. 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 benefits to which he or she is entitled.

c. Employees and Supervisors who have questions regarding workers' compensation benefits and procedures and/or have a need to file related reports should contact the Office of Risk Management.

8. Funeral Leave

The use of sick leave shall be authorized when the employee's attendance is required or desired because of death and funeral of a family member in accordance with section IV.A.2.b of this policy.

9. Court and Jury Services

- a. When an employee is subpoenaed or required to appear as a witness in any judicial or administrative proceedings in any capacity connected with official state duty, he or she shall not be considered absent from duty. The employee shall not be entitled to receive compensation from the court. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee shall be reimbursed by his or her respective department in accordance with ISU travel regulations.
- b. When an employee is required to appear as a witness or a party in any proceeding not connected with official state duty, the employee shall be permitted to attend. The employee may use accrued annual leave, compensatory time or request leave without pay by notifying his/her supervisor and the Office of Human Resources.
- c. When an employee is summoned by proper judicial authority to serve on a jury, he or she shall be granted a leave of absence with pay for the time which otherwise the employee would have worked. The employee shall be entitled to keep fees and mileage reimbursement paid by the court in addition to salary. Expenses in connection with this duty are not subject to reimbursement by ISU.

10. Military Leave – (Federal Active Duty)

Employees who are members of the U.S. Armed Forces or the National Guard that receive federal military orders requiring them to be absent from work, shall be entitled each calendar year to one hundred twenty (120) hours of paid military leave (MLT). Military leave with pay will be authorized when the employee submits a copy of his/her federal orders from the appropriate military jurisdiction, which sets forth the dates of required military service. Each period of absence must be supported by orders or other documentation on file in the employee's military unit headquarters.

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter upon prolonged federal active duty with the military will be returned to his/her same or similar position upon his/her return from such leave. A copy of the orders is required to take military leave, and a copy of the discharge papers is required upon returning from said leave.

- a. Such employees, regardless of whether they work full-time or part-time, are entitled to one hundred twenty (120) hours of military leave with pay in one (1) calendar year.
- b. During federal military deployment, the employee will be in a state of employment status of 'Inactive With Pay'. Therefore, the employee may elect to use annual leave and/or compensatory time during the deployment period. The employee must provide a written request to his/her supervisor prior to the use of such time.
- c. Employees who are members of the U.S Armed Forces or the National Guard who are called to federal active duty will receive regular employee benefits for thirty (30) calendar days after departure.

ISU will pay for the State's portion of the health insurance premiums during those thirty (30) calendar days; the employees will be responsible for their portion. Employees called for federal active duty shall, upon their return to state employment, receive credited state service hours for their regularly-scheduled hours that they missed while on federal active duty.

- d. Employees in reserve programs often have an option on dates for annual training exercises. Management may request the employee to select dates which least interfere with business needs of ISU. If the employee has a choice, it shall be the employee's responsibility to discuss flexibility options with his/her supervisor and the military unit and to accept such dates.

11. Red Cross Disaster Services Leave

Employees who have been certified by the American Red Cross as disaster service volunteers shall be granted up to one hundred twenty (120) hours of paid leave in any twelve month period to participate in relief services pursuant to Section 67-5338, Idaho Code. Such relief services must be in Idaho or a state bordering Idaho.

12. Organ and Bone Marrow Donation Leave

Employees are not required to take sick leave when donating an organ or bone marrow. Employees may take a maximum of thirty (30) working days of paid leave if they are donating a body organ and a maximum of five (5) working days of paid leave if they are donating bone marrow (DNO).

To receive DNO leave, employees must provide a physician's statement indicating whether the leave is for bone marrow or organ donation and the expected duration of the leave. (Ref. Idaho Code §67-5343).

Supervisors are responsible for monitoring the total number of days of DNO leave taken by their respective employees.

13. Election Leave

Managers shall make reasonable accommodations to an employee's need for leave to vote. Such leave shall be charged to the employee's accrued annual leave or compensatory time off where applicable.

14. Religious Leave

Managers shall make reasonable accommodations to an employee's need for leave for religious observances. Such leave shall be charged to the employee's accrued annual leave or compensatory time off.

15. Paid Parental Leave

In accordance with the Families First Act, Executive Order 2020-003, eligible employees of Idaho State University may use up to eight (8) weeks of paid parental leave due to the birth or adoption of a child, effective July 1, 2020.

Paid parental leave shall run concurrently with leave under the Family Medical Leave Act, (FMLA – ISUPP 3010), as applicable. Any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or adoption of a child, will be counted toward the 12 weeks of available FMLA leave. An employee will be eligible for paid parental leave even if the employee has otherwise exhausted their FMLA time prior to the birth of the child. If an employee becomes eligible for FMLA while on paid parental leave, the employee must apply for and use FMLA.

a. Eligible employees must meet the following criteria:

- i. have been employed with the State of Idaho for at least 12 months during the past seven (7) years (the 12 months do not need to be consecutive); AND,
- ii. have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date of the birth or adoption; AND,
- iii. Be a benefit-eligible employee (work more than 20 hours per week and be expected to be employed for more than five months)

In addition, employees must meet one (1) of the following criteria:

- i. Be a new parent by childbirth; OR,
- ii. Be the new adoptive parent of a child under the age of 18, OR
- iii. Be a parent of a child born by a surrogate mother; OR
- iv. Be an individual seeking to adopt a child after the birth of that child, but the adoption has not yet been finalized.

b. Use and Compensation of Leave

- i. Eligible employees will receive a maximum of eight (8) weeks (320 hours of full-time employees) of paid parental leave for the birth or adoption of a child that must be used within 12 weeks after the birth or adoption of a child. Eligible employees working less than full-time will receive a pro-rated portion of paid parental leave corresponding to the percentage of hours they normally are scheduled to work.
- ii. An employee may not receive more than eight (8) weeks of paid parental leave in a rolling 12-month period. Multiple births within twelve months or adoptions do not increase the length of paid parental leave.

Employees may use paid parental leave continuously for eight (8) weeks or as a predefined reduced work schedule as long as it is used within 12-weeks of the birth or adoption of the child. Employees may not use parental leave intermittently, unless approved by their department. If approved, intermittent paid parental leave must be used within 12 weeks of the birth or adoption of the child.

This provision does not bar individuals under the fourth qualifying reason when the adoption is not finalized, for whatever reason. Adoptive parents are not entitled to use more than eight (8) weeks of

paid parental leave in a rolling 12-month period, but are exempt from the continuous leave requirement if the adoption is not final.

- iii. Each week of paid parental leave is compensated at one-hundred percent (100%) of the employee's salary at the time of the leave. Paid parental leave will be paid on regularly scheduled pay dates.
 - iv. ISU will maintain all benefits for employees during paid parental leave in accordance with any other paid leave such as paid vacation leave or paid sick leave. Employees will accrue Credited State Service (CSS) while on paid parental leave. If an employee taking paid parental leave is in probationary status, the employee's probation may be extended by the equivalent number of CSS hours as taken during the leave.
 - v. Paid parental leave may not be donated to another State employee.
- c. Request and Approval to Use Paid Parental Leave
- i. Employees must provide at least 30 days' notice prior to taking paid parental leave, when foreseeable. Notice shall include the anticipated start date and expected duration of the leave. In situations where advance notice is not practicable, the employee shall notify the department as soon as feasible. As soon as feasible would ordinarily mean the employee provides verbal notification to the department within ten business days of the employee knowing of the need for leave.
 - ii. Employees are required to provide legal documentation of the birth or adoption of a child within 30 days of the birth or adoption or as soon as it becomes available. The employee's name must be included as a legal parent on the birth certificate, a legal document establishing paternity, or legal document establishing adoption. Situations where legal document cannot be provided at the time of birth or adoptions, or within the required timeframe, will be considered on a case-by-case basis by HR.
 - iii. ISU HR will provide a determination to the employee regarding their request to use leave within 5 business days of the request for leave.
 - iv. Paid parental leave may not be utilized if it will result in excess of the employee's normally scheduled workweek. For example, if a full-time employee plans to work a reduced schedule, but then works in excess of what was planned, the employee is required to reduce the number of parental leave hours used during that workweek. That unused paid parental leave can still be used within 12 weeks after the birth or adoption of a child.
 - v. Employees shall record the time as Paid Parental Leave, (PPL), in standard biweekly time reporting with ISU Payroll.
- d. Use in Conjunction with Other Leave Types
- i. **Family and Medical Leave Act.** Paid parental leave shall run concurrently with leave under the FMLA as applicable. Any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or adoption of a child, will be counted toward the 12 weeks of available FMLA leave per a 12-month

- period. An employee will be eligible for paid parental leave even if the employee has otherwise exhausted their FMLA time. If an employee becomes eligible for FMLA while on paid parental leave, the employee must apply for and use FMLA.
- ii. **Accrued Leave Benefits.** Employees may utilize accrued sick, vacation and compensatory leave in accordance with those respective policies. Any leave taken under Paid Parental Leave falls under the definition of circumstances qualifying for leave due to the birth or adoption of a child, will be counted toward the 12 weeks of FMLA leave per a 12-month period.
 - iii. **Unpaid Leave.** Unpaid leave will be considered in accordance with FMLA and other applicable federal and state laws.
 - iv. **Short-term Disability.** Employees should contact the State Office of Group Insurance or ISU HR for information about short-term disability benefits.
 - v. **Donated Leave.** Employees are not eligible to receive donated leave while they are receiving paid parental leave but are eligible if paid parental leave is exhausted or not otherwise available.
 - vi. **Qualifying Event During Seasonal Break in Appointment.** Eligible partial-year employees who experience a qualifying event during a seasonal break in their appointment (such as faculty or staff on 9, 10, or 11 month appointments), are eligible for paid parental leave once they resume their active appointment status, for the remaining balance of time that remains in the 12 weeks since the qualifying event. For example, a partial year employee that has a birth or adoption of a child 8 weeks prior to the resumption of their active appointment, will be eligible for 4 weeks of paid parental leave, since 4 weeks of paid leave eligibility remains in the 12 week period since the birth or adoption.
 - vii. **Other Leave Types.**
 - a. If a holiday occurs while an employee is on paid parental leave, such day, will be coded to holiday pay and will not count towards the employee's paid parental leave benefit or FMLA hours.
 - b. If the employee is on paid parental leave when the University authorizes paid administrative leave due to inclement weather and/or an office closure, that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.
- e. Effect of Separation on Leave
- i. Upon separation of an employee's employment with ISU, he or she will not be paid for any unused paid parental leave for which he or she was eligible.
 - ii. If an employee transfers to another state agency while on paid parental leave, the employee shall be eligible to use the remaining hours available to them at their new agency.

B. Leaves Without Compensation

1. Personal Leave Without Pay

At the discretion of the management chain, an employee may be granted personal leave without pay when such leave will not have an adverse effect upon the business needs of the unit. The request for personal leave without pay must be in writing and be approved at all levels of the management chain, including the respective Vice President or comparable senior executive any time the leave without pay exceeds one (1) work week in length. Approval for personal leave without pay that is equal to or greater than four (4) work weeks in length requires approval by the President. Approval by the respective Vice President and President is unnecessary if the leave is due to workers' compensation leave, in accordance with ISUPP No. 3010 Family Medical Leave, and/or if the leave is required by State or Federal law. The written request for personal leave without pay must establish reasonable justification for the approval of the request. Such leave, while rare, may be considered by the management chain for professional improvement, continuing education, or personal reasons with the following conditions:

- a. An employee is required to exhaust accrued annual leave and/or compensatory time before commencing leave without pay.
- b. The management chain approving the leave of absence without pay assumes full responsibility for providing for the employee's return to the same position or to a comparable position in terms of pay, status, and responsibilities.
- c. The initial granting of leave without pay may be for a period of up to one (1) calendar year. Extensions of such 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, (Ref. SBOE Governing Policies and Procedures, Section II.I.5.c Leave Without Pay).

2. Idaho Active Duty Military Leave

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter state active duty with the Idaho Military Division will be granted military leave without pay, and will be returned to his/her same or similar position upon his/her return from such leave. A copy of the orders to take military leave, and a copy of the discharge papers is required upon returning from said leave.

- b. State employees that are called to state active duty will remain in a state employment status of 'Active'. No earnings will be reported for the employee during the deployment period; only time worked as state active duty will be coded via Idaho Military Division. Because the employee continues to be an active State of Idaho employee during the state active duty and the State of Idaho is the employer, the employee is not eligible to use any paid leave from ISU during the

state active duty deployment period.

c. Employees on state active duty will accrue credited state service for time worked with the Idaho Military Division.

3. 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.

4. Disability and Family Medical Leave

See Family and Medical Leave Policy, No. 3010. Leave for Disability and Family Medical leave shall be in accordance with applicable state and/or federal law.

5. Benefits while on Leave Without Compensation will be subject to the governing plan documents and policies as managed by the State of Idaho, Idaho State Board of Education and Idaho State University. An employee who has received approval for a leave without compensation may continue to contribute toward and receive the benefits of related programs if permitted by the laws, rules, regulations, policies and procedures that govern the administration of such benefit programs.

V. Related Laws, Rules, and Policies

B. ISU Policies and Procedures, Categories of Employees Policy No. 3050

C. ISU Policies and Procedures, Family and Medical Leave Policy No. 3010

D. Idaho State Board of Education Governing Policies and Procedures, Section II. Human Resources Policies and Procedures,
http://www.boardofed.idaho.gov/policies/ii_policy.asp

1. Subsection E. Policies Regarding Classified Employees
2. Subsection F. Policies Regarding Nonclassified Employees
3. Subsection G. Policies Regarding Faculty
4. Subsection I. Leaves – All Employees

D. Idaho Code § 67-5334 Personnel System, Vacation Time

E. Idaho Code § 59-1603 Nonclassified State Officers and Employees, Conformity With Classified Positions

F. Idaho Code § 59-1606 Nonclassified State Officers and Employees, Vacation Time

G. Idaho Code § 67-5303 (j) Personnel System, Application to State Employees for Officers and Teaching Staffs of State Educational Institutions

- H. Idaho Code § 67-5333 Personnel System, Sick Leave
- I. Idaho Code § 59-1605 Nonclassified State Officers and Employees, Sick Leave Computation
- J. Idaho Code § 67-5338 Personnel System, Red Cross Disaster Services
- K. Idaho Code § 67-5343 Personnel System, Leave of Absence for Organ Donation
- L. IDAPA 15.04.01 Rules of the Division of Human Resources and Idaho Personnel Commission, Rule 240, Sick Leave
- M. Idaho Division of Human Resources Executive Branch Agency Policies, <https://dhr.idaho.gov/statutes-rules-and-policies/>
 - 1. Section 2 – Vacation Leave
 - 2. Section 3 – Sick Leave
 - 3. Section 4 – Family & Medical Leave Act (FMLA)
 - 4. Section 5 – Special Leaves
 - 5. Section 6 – Leave Donations
 - 6. Section 10 – Paid Parental Leave

<p>PRESIDENTIAL CERTIFICATION Approved by Kevin Satterlee Date: <u>12/2/2020</u> President, Idaho State University</p>
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