

SECTION: PERSONNEL

SUBJECT: LEAVE POLICY

Background The purpose of this policy is to define the leave policy for employees.

Point of Contact: Human Resource Services

Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy:

Date of approval by LCSC authority

Date of State Board Approval N/A

Date of Most Recent Review: 11/98

Summary of Major Changes incorporated in this revision to the policy: The FMLA policy has been updated due to federal changes that are effective January 16, 2009. Links to the state leave policies have also been incorporated into this policy.

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Policy Statement:

Lewis-Clark State College provides leave benefits to eligible employees in accordance with those leave benefits offered by the State of Idaho.

1. Eligible Employees:

- A. Employees who work 20 hours or more per week and are expected to work for at least five consecutive months are eligible for leave benefits. Students who work 20 hours or more per week, but whose employment is predicated on student status are not eligible for participation in retirement and therefore ineligible to receive all other benefits except those required by law.
- B. Adjunct faculty who teach the equivalent of at least 24 credits per year are eligible for leave benefits.

2. Vacation Leave

- A. LCSC adheres to Statewide Policy, Section 2, Vacation Leave http://dhr.idaho.gov/Portals/14/Documents/HRInfo/PolicyFiles/Section2_Vacation_Policy10102008.pdf which states “eligible employees will earn vacation leave and be

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eligible to take vacation leave in accordance with Idaho Code §§ [67-5334](#), [59-1603](#) and [59-1606](#).”

- B. Vacation leave may be accrued and accumulated as follows, unless amounts in excess of the permitted accumulations have been expressly authorized in writing by the appointing authority during unusual or emergency situations. Faculty members on academic-year appointments of eleven (11), ten (10), or nine (9) months do not earn vacation leave. Classified, salaried non-exempt and exempt employees earn vacation leave at the following rates:

Classified & Salary Non-Exempt Employees:

Years of Service	Accrual Rate	Maximum Accrual
1 – 5 years	.04615 x hours per pay period	192 hours
6 – 10 years	.05769 x hours per pay period	240 hours
11 – 15 years	.06923 x hours per pay period	288 hours
16+ years	.08077 x hours per pay period	336 hours

Exempt Employees:

Years of Service	Accrual Rate	Maximum Accrual
No minimum	.09231 x hours per pay period	240 hours

- B. Vacation leave shall not accrue to any employee on any kind of leave of absence without pay, suspensions without pay, layoff, or when working overtime.
- C. Vacation leave may be used only when approved by the supervisor.
- D. Vacation leave is transferable from department to department only to the extent it is accrued and accumulated.
- E. Vacation leave shall not be earned, accrued or accumulated during any pay period in which the maximum accruals and accumulations provided in this section have been met, without express written approval of the appointing authority.
- F. Vacation leave not taken shall be compensated for at the time of separation only to the extent accrued and accumulated, subject to the maximums allowed in this section.
- G. Regularly scheduled days off and officially designated holidays falling within a period of vacation time shall not be counted against vacation leave.

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- H. Vacation leave shall not be taken in advance of being earned and may not be taken in the same pay period in which it is earned.
- I. State employees may donate accrued vacation leave to an eligible State employee for use as paid sick leave. [Ref. Idaho Code § 67-5334(g)]
http://dhr.idaho.gov/Portals/14/Documents/HRInfo/PolicyFiles/2Section6_Leave_Donation_Policy.pdf

3. Sick Leave Benefits

- A. LCSC adheres to Statewide Policy Section 3, Sick Leave,
http://dhr.idaho.gov/Portals/14/Documents/HRInfo/PolicyFiles/Section3_Sick_Leave_policy093008.pdf 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.

Employees described in 1.0 of this section as eligible for benefits may accrue sick leave. Sick leave shall be used only in cases of actual illness or disability or other medical or health reasons of the employee or immediate family member. Employees may take sick leave for the death or funeral of an immediate family member.

- B. Sick leave shall accrue at the rate of .04615 x hours worked per pay period.
- C. Sick leave shall accrue without limit and shall be transferable from department to department. Sick leave shall not accrue while the employee is on any kind of leave without pay, suspension without pay, layoff, or when working overtime. Sick leave shall accrue while the employee is on approved sick leave with pay, vacation leave, and military leave with pay.
- D. All accrued sick leave shall be forfeited at the time of separation and the employee shall not be reimbursed for sick leave at the time of separation. If an employee returns to credited state service within 3 years of separation, all sick leave credits accrued at the time of separation shall be reinstated.
- E. Regularly scheduled days off and officially designated holidays falling within a period of sick leave shall not be counted against sick leave.
- F. Sick leave may not be taken in advance of being earned. If an absence for illness or injury extends beyond the sick leave accrued to the employee, the employee may be granted leave without pay.

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- G. In cases where absences for sick leave exceed three (3) consecutive working days, the appointing authority may require verification by a physician or other authorized practitioner.

4. Family Medical Leave Benefits

LCSC adheres to Statewide Policy, Section 4: Family and Medical Leave Act (FMLA) Leave, <http://dhr.idaho.gov/LinkClick.aspx?fileticket=42t7CqmobdA%3d&tabid=1034>. An employee must meet both of the following criteria in order to be eligible for FMLA leave:

- A. The employee must have been employed with the State of Idaho for at least twelve months. The twelve months do not have to be continuous employment. Similarly, the twelve months do not have to be all with one agency. Employees who were on the payroll for any part of a week (even just one day) will be credited with a full week toward their total. This includes part-time and temporary workers; and
- B. The employee must have worked at least 1,250 hours during the twelve month period immediately preceding the leave. This 1,250 hours must be hours worked; it does not include paid vacation or sick time, nor periods of unpaid leave during which other benefits (i.e. a group health plan or worker's compensation) continued to be provided by the employer.
- C. The following are qualifying reasons for taking FML:
- (1) For incapacity due to pregnancy, prenatal medical care or child birth;
 - (2) To care for the employee's child after birth, or placement for adoption or foster care;
 - (3) To care for the employee's spouse, child or parent who has a serious health condition; or
 - (4) For a serious health condition that makes the employee unable to perform the employee's job.
- D. General Conditions:
- (1) Spouses who are both employed at LCSC are entitled to a total of twelve (12) weeks of leave (as opposed to twelve weeks each) for the birth or adoption of a child or for the care of a sick family member.
 - (2) When need for leave is foreseeable, such as the birth or adoption of a child or planned medical treatment, the employee must provide 30 days notice prior to the effective date of the leave.

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- (3) Employees may be required to supply medical certification to support a request for leave because of a serious health condition of either the employee or family member. LCSC may, at its own expense, request a second and, if necessary a third opinion.
- (4) In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work. The employee will also be required to provide a written release from the health care provider upon his or her return to work.
- (5) An employee may take intermittent leave or may work a reduced schedule under the FMLA. Such arrangements are subject to supervisory approval unless they are medically necessary.
- (6) Upon return from FML, employees will be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms. For the duration of FML, the employee's health insurance will remain active provided the employee pays his/her share of the premium. If an employee does not return to work after taking FML, LCSC may recover the costs of insurance premiums paid on the employee's behalf.
- (7) Additional information on the Family Medical Leave Act can be found on the Department of Labor website at <http://www.dol.gov/federalregister/PdfDisplay.aspx?DocId=21763>

5. Other Leave Benefits

- A. LCSC follows the leave guidelines as set forth in Statewide Policy, Section 5, Special Leaves
http://dhr.idaho.gov/Portals/14/Documents/HRInfo/PolicyFiles/2Section5_special_leave.pdf
- B. Sabbatical Leave – see Sabbatical Leave Policy 2.114.