

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: April 29, 2013

Date of State Board Approval N/A

Date of Most Recent Review: 4/2013

Summary of Major Changes incorporated in this revision to the policy: Links to the specific web sites have been updated and hyperlinked; adjusted some wording in the policy to accurately reflect changes in state policy; FMLA changes.

Policy Statement:

Lewis-Clark State College provides leave benefits to eligible employees in accordance with those leave benefits offered by the State of Idaho and in accordance with Idaho Code 67-5333 <https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH53/SECT67-5333/>, 59-1603 <http://legislature.idaho.gov/statutesrules/idstat/Title59/T59CH16/SECT59-1603/>, 59-1605 <http://legislature.idaho.gov/idstat/Title59/T59CH16SECT59-1605/> and IDHR Rules 230 – 250 <http://adminrules.idaho.gov/rules/current/15/150401.pdf>.

1. Eligible Employees:

- A. Employees who work 20 hours or more per week and their term of employment is expected to exceed 5 continuous months are eligible for leave benefits.

Some employees are ineligible for leave, such as:

- a. Employees who regularly work less than 20 hours per week; or
 - 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 months, regardless of number of hours worked per week.
 - d. Students who work more than 20 hours per week, but whose employment is predicated on student status
- B. Adjunct faculty who teach the equivalent of at least 24 credits per year are eligible for leave benefits upon approval of the applicable Academic Dean and Provost.

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2. Vacation Leave

- A. LCSC adheres to Statewide Policy, Section 2, Vacation Leave [http://www.dhr.idaho.gov/PDF documents/Policies/Section 2 Vacation.pdf](http://www.dhr.idaho.gov/PDF_documents/Policies/Section_2_Vacation.pdf) which states “eligible employees will earn vacation leave and be eligible to take vacation leave in accordance with Idaho Code §§ 67-5334 <http://legislature.idaho.gov/idstat/Title67/T67CH53SECT67-5334.htm>, 59-1603 <http://legislature.idaho.gov/idstat/Title59/T59CH16SECT59-1603.htm>, 59-1606 <http://legislature.idaho.gov/idstat/Title59/T59CH16SECT59-1606.htm> and IDHR Rule 230 <http://adminrules.idaho.gov/rules/current/15/150401.pdf> ”
- 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 employees earn vacation leave at the following rates:

Classified Employees:

Vacation Accrual Rates and Limits				
Employee Designation	Hours of Service	Accrual Rate Per Hour	Accrual Rate per Pay Period for Full-Time Employees*	Accrual Limit
Covered	0-10,400	0.04615	3.7 hours	192 hours
Covered	10,401 - 20,800	0.05769	4.6 hours	240 hours
Covered	20,801 - 31,200	0.06923	5.5 hours	288 hours
Covered	31,201 or more	0.08077	6.5 hours	336 hours
Administrative/Professional/Computer Worker	0-10,400	0.05769	4.6 hours	192 hours
Administrative/Professional/Computer Worker	10,401 - 20,800	0.06923	5.5 hours	240 hours
Administrative/Professional/Computer Worker	20,801 - 31,200	0.08077	6.5 hours	288 hours
Administrative/Professional/Computer Worker	31,201 or more	0.08077	6.5 hours	336 hours
Executive	0-10,400	0.09615	7.7 hours	200 hours
Executive	10,401 - 20,800	0.09615	7.7 hours	240 hours
Executive	20,801 - 31,200	0.09615	7.7 hours	288 hours
Executive	31,201 or more	0.09615	7.7 hours	336 hours

*amounts are rounded to the nearest tenth

*To determine your designation, refer to IDHR's website at <http://dhr.idaho.gov/statejobs.html>. Select "Job Descriptions." Find and select your classification within the alphabetical list. At the bottom of the page for your job classification description, the "overtime code" will reflect either: C for "covered", A for "administrative", P for "professional", or E for "executive".

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Professional Staff:

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

- C. Employees are required to obtain approval from their supervisor prior to the use of vacation leave. Supervisors should approve vacation leave with reasonable consideration for the employee's needs and desires, on the basis of work requirements, and when it will least interfere with the efficient operation of the agency.
- D. If an employee is unable to report to work because of severe weather, road, or other related emergency conditions, and the work facility has not been declared closed or inaccessible by the Governor, agency head or his/her designee, the employee shall be permitted to use accrued vacation leave to cover the period of absence from work.
- E. If an employee on approved vacation leave becomes ill, sick leave cannot be substituted. Employee may substitute sick leave if they provide a doctor's note.
- F. Please see State of Idaho Executive Branch Agency Policy Section 2 [http://www.dhr.idaho.gov/PDF documents/Policies/Section 2 Vacation.pdf](http://www.dhr.idaho.gov/PDF%20documents/Policies/Section%20Vacation.pdf) for specific policy information
- G. State employees may donate [http://www.dhr.idaho.gov/PDF documents/Policies/Section 6 Donation.pdf](http://www.dhr.idaho.gov/PDF%20documents/Policies/Section%20Donation.pdf) accrued vacation leave to an eligible State employee for use as paid sick leave. [Ref. Idaho Code § 67-5334(g) <https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH53/SECT67-5334/>]

3. Sick Leave Benefits

- A. LCSC adheres to Statewide Policy Section 3, [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](#).
- B. Sick leave may only be used in 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 self, spouse, child, foster child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage or legal guardian. (Ref. [IDHR Rule 240.03](#))

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- C. Sick leave shall accrue at the rate of .04615 x hours worked per pay period and accrues without limit.
- D. Please see [State of Idaho Executive Branch Agency Policy Section 3](#) for specific policy information regarding sick leave.

Patterns or excessive absences can negatively impact individual performance and the Agency's services. Therefore, a supervisor who suspects an employee is abusing sick leave may: (Ref. [IDHR Rule 240.07](#))

- a. Require the employee to provide a doctor's note justifying the absence; or
- b. Investigate an employee's suspected sick leave abuse and address any misuse or abuse as necessary.
- c. Any employee who is on approved sick leave and is found to be working at another job, or is otherwise misusing sick leave, shall be subject to disciplinary action up to and including dismissal.

4. Family and Medical Leave Benefits

- A. The [Family and Medical Leave Act](#) (FMLA) is a federal law which entitles eligible employees to unpaid, job protected leave, under qualifying circumstances, as follows:

Twelve workweeks of leave in a 12-month period for:

- a. the birth of a child and to care for the newborn child within one year of birth;
- b. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- c. to care for the employee's spouse, child, or parent who has a serious health condition;
- d. a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- e. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty" OR

Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Employees may, at their discretion, elect to use accrued vacation leave, sick leave, and/or compensatory balances concurrently while on FMLA leave (as appropriate).

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- B. To qualify for FMLA leave, the employee must meet eligibility criteria, must submit a [written request](#), and upon return to work must provide a medical release (as appropriate). In the event an employee does not request FMLA leave for time off work for a qualifying health condition, the Agency will designate the employee's absence as FMLA leave (as appropriate).
- C. LCSC adheres to Statewide Policy, Section 4: [Family and Medical Leave Act](#) (FMLA) Leave.
- D. While on FMLA leave, the employee's health and dental benefits will remain unchanged. The employee will remain responsible for their share of the monthly health and dental premiums. If the employee is using sick, vacation or compensatory leave balances to receive a full or partial check while on FMLA leave, the employee's portion of health and dental insurance premiums will be deducted as usual. However, if the employee is not receiving a sufficient paycheck, he or she must arrange to pay the employee's portion of health and dental insurance premiums through the Payroll Office. If the employee does not return to work after FMLA leave for reasons beyond their medical condition, the employer can require the employee to reimburse the State's share of the premiums paid during the employee's FMLA absence.
- E. Upon return from FMLA leave, employees are entitled to be restored to the position they held prior to the FMLA leave, or to be restored in a substantially equivalent position with substantially equivalent benefits, pay, and other terms and conditions of employment.
- F. Additional information on the Family Medical Leave Act can be found on the [Department of Labor](#) website and on the [Family and Medical Leave Act Poster](#) which is posted at each work site location.

5. Other Leave Benefits

- A. LCSC follows the leave guidelines as set forth in Statewide Policy, Section 5, [Special Leaves](#).
- B. Sabbatical Leave – see [Sabbatical Leave Policy 2.114](#).