

SECTION: 3.0 PERSONNEL
SUBJECT: LEAVE POLICY

Title: 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: N/A

Date of approval by LCSC authority: September 11, 2024

Date of State Board Approval: N/A

Date of Most Recent Review: September 11, 2024

Summary of Major Changes incorporated in this revision to the policy: Updates have been made to this policy due to DHR policy changes regarding bereavement and donated leave. Broken links have been updated.

1. Policy Statement

Lewis-Clark State College (LC State) 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](#), [59-1603](#), [59-1605](#), [IDHR Rules](#) 230 – 250, and Idaho Division of Human Resources [Policies](#).

2. Eligible Employees

- A. Employees who work twenty (20) hours or more per week and their term of employment is expected to exceed five (5) continuous months are eligible for leave benefits.
- B. Some employees are ineligible for leave, such as:
 - i. Employees who regularly work less than twenty (20) hours per week
 - ii. Employees who are in non-pay status (i.e. on unpaid leave of absence)
 - iii. Temporary employees who are hired to work less than five (5) months, regardless of number of hours worked per week
 - iv. Students who work more than twenty (20) hours per week, but whose employment is predicated on student status
 - v. Adjunct faculty

3. Vacation Leave

- A. LC State adheres to Statewide Policy, Section 2, [Vacation Leave](#) which states “eligible employees will earn vacation leave and be eligible to take vacation leave in accordance with Idaho Code §§ [67-5334](#), [59-1603](#), [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 employees earn vacation leave at the following rates:

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i. Classified Employees:

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

ii. 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](#) for specific policy information.
- G. State employees may donate accrued vacation leave to an eligible state employee for use as paid sick leave. [Ref. [Idaho Code § 67-5334\(g\)](#)]

4. Sick Leave Benefits

- A. LC State 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 for bereavement leave.

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- C. Bereavement leave is a qualifying event that allows an employee time off to deal with grief and/or other arrangements such as a funeral after the death of a family member. Employees may take up to five (5) days of sick leave after a qualifying event. The five (5) days do not need to be consecutive; however, must be used during the 12 months following the death.
- D. 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.
- E. Sick leave shall accrue at the rate of .04615 x hours worked per pay period and accrues without limit.
- F. **Managing 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:
 - i. require the employee to provide a doctor's note justifying the absence; or
 - ii. investigate an employee's suspected sick leave abuse and address any misuse or abuse as necessary.
- G. 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.
- H. When an employee leaves state service, all accrued and unused sick leave will be forfeited, except as provided in Idaho Code 67-333 (separation due to retirement).
- I. If an employee returns to credited state service within three (3) years of separation, and is rehired into a benefited position, all sick leave forfeited at time of separation will be reinstated for the employee to use.

5. 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, or 480 hours of unpaid, job protected leave in a 12-month period for:
 - i. For a qualifying serious health condition of the employee or a qualifying family member;
 - ii. The birth or placement of a child for adoption or foster care;
 - iii. To bond with a child within the first year of the child's birth or placement; and
 - iv. For specific purposes to family members of qualifying military service members.
- B. The FMLA permits an employer to require their employees to use their eligible accrued paid leave concurrently with FMLA Leave. As such, the state requires employees on approved FMLA to utilize their accrued paid leaves, which includes sick, vacation, and compensatory time, for some or all of the FMLA leave period.
- C. An employee must meet the following criteria to be eligible for FMLA:
 - i. They must have been employed with the State of Idaho (State) for a total of at least twelve (12) months. The 12 months do not have to be continuous employment. Similarly, the 12 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.

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- ii. The employee must have worked at least 1,250 hours of service during the 12-month period immediately preceding the leave. These 1,250 hours must be hours worked, and do not include paid vacation or sick time, nor periods of unpaid leave during which other benefits (i.e. worker's compensation) continued to be provided by the employer.
- D. To qualify for FMLA leave, the employee must meet eligibility criteria, must submit an [FMLA Leave Request](#) to HRS, 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, LC State will designate the employee's absence as FMLA leave (as appropriate).
- E. LC State adheres to [Statewide Policy, Section 4: Family and Medical Leave Act](#).
- F. 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 goes into unpaid status, he or she must arrange to pay the employee's portion of health and dental insurance premiums. 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.
- G. An employee who is returning from FMLA leave may be required to provide a "Fitness for Duty" certification from their medical provider.
- H. 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.
- I. Use of FMLA leave cannot be counted against the employee for any disciplinary action regarding attendance.
- J. 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.

6. Other Leave Benefits

- A. LC State follows the leave guidelines as set forth in Statewide Policy, Section 5, Special Leaves.
- B. In accordance with the Families First Act, Executive Order 2020-003, eligible State of Idaho employees within the executive branch may use up to eight (8) weeks of paid parental leave due to the birth, adoption, or foster care or kinship placement of a child. The purpose of this policy is to enable the employee to care for and bond with a newborn, newly adopted child, or a foster child. Paid parental leave shall run concurrently with leave under the Family and Medical Leave Act (FMLA), as applicable. Any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth, adoption, or foster care or kinship placement 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. Refer to DHR's Paid [Parental Leave policy](#).
- C. Sabbatical Leave – see Sabbatical Leave [Policy 2.114](#).

7. Donated Leave

- A. State employees may donate accrued vacation or sick leave to an eligible state employee for use as paid sick leave.
- B. To receive [donated leave](#), an employee must:
 - i. be eligible to accrue sick and vacation leave; and

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- ii. have exhausted all of their accrued leave balances; and
 - iii. be suffering from a serious illness or disability, have a family member with a serious illness or disability; death and funeral in the family necessitating the employee's absence from work; and
 - iv. not receive more than the maximum of one-hundred and sixty (160) hours of donated leave (vacation and sick combined) per fiscal year.
- C. An employee may donate vacation and/or sick leave. For each donating request, an employee:
- i. must donate a minimum of four (4) hours;
 - ii. may only donate if his or her sick or vacation leave balance exceeds eighty (80) hours;
 - iii. in no event shall transfer an amount of accrued leave that would result in an accrued balance of less than eighty (80) hours;
 - iv. must choose vacation or sick leave for each donation form and may not include both vacation and sick on a single request; and
 - v. cannot donate more than a total of eighty (80) hours of vacation and sick leave, combined.

The names of employees' donating time should not be provided to the employee who receives the donated leave. This confidentiality is intended to preclude any repercussions for employees who do not donate leave as well as for those who do donate. The underlying reason causing the employee to request and receive donated leave will also be kept private; this information will not be shared with other employees who are being asked to donate leave.