

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: September 24, 2018

Date of State Board Approval N/A

Date of Most Recent Review: 9/2018

Summary of Major Changes incorporated in this revision to the policy: Links to the specific web sites have been updated and added information for the faculty sick leave policy.

Policy Statement:

Lewis-Clark State College provides leave benefits to eligible employees in accordance with the 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 whose term of employment is expected to exceed 5 continuous months are eligible for leave benefits.

Some employees are ineligible for leave, such as:

- 1) Employees who regularly work less than 20 hours per week; or
- 2) Employees who are in non-pay status (i.e. on unpaid leave of absence); or
- 3) Temporary employees who are hired to work less than five months, regardless of number of hours worked per week.
- 4) Students who work more than 20 hours per week, but whose employment is predicated on student status.

SECTION: PERSONNEL

SUBJECT: LEAVE POLICY

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%20documents/Policies/Section%20Vacation.pdf) which states “eligible employees will earn vacation leave and are 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:**

Hours of Credited State Service (CSS)	Accrual Rate per Hours Worked	Accrual Rate per Pay Period for FT Classified Staff	Accrual Limit
0-10,400 (0 - 5 years at full-time)	.04615	3.7 Hours	192 Hours
10,401-20,800 (6-10 years at full-time)	.05769	4.6 Hours	240 Hours
20,801 – 31,200 (10-15 years at full-time)	.06923	5.5 Hours	388 Hours
31,201 or more (15 + years full time)	.08077	6.5 Hours	336 Hours

- C. Professional staff employees, including faculty on full-time, twelve (12) month contracts who meet the criteria set forth in Idaho Code 67-5303(j) earn vacation at

SECTION: PERSONNEL

SUBJECT: LEAVE POLICY

leave at the rate of 7.4 hours per pay period, or equivalent rate for employees who are benefit-eligible part-time employees, 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.

- D. 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.
- E. 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.
- F. 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.
- G. 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_documents/Policies/Section%20Vacation.pdf) for specific policy information
- H. State employees may donate [http://www.dhr.idaho.gov/PDF_documents/Policies/Section 6 Donation.pdf](http://www.dhr.idaho.gov/PDF_documents/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 <https://dhr.idaho.gov/PDF%20documents/Policies/Section%203%20Sick.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.
- B. The requirements for faculty to use sick leave can be found in LCSC Policy 3.203, Faculty Sick Leave <http://www.lcsc.edu/media/6052460/3203-faculty-sick-leave.pdf>.

SECTION: PERSONNEL

SUBJECT: LEAVE POLICY

- C. 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, <https://adminrules.idaho.gov/rules/current/15/150401.pdf>)
- D. Sick leave shall accrue at the rate of .04615 x hours worked per pay period and accrues without limit.
- E. Please see State of Idaho Executive Branch Agency Policy Section 3, <https://dhr.idaho.gov/PDF%20documents/Policies/Section%203%20Sick.pdf> for specific policy information regarding sick leave.
- F. 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, <https://adminrules.idaho.gov/rules/current/15/150401.pdf>)
 - 1) Require the employee to provide a doctor's note justifying the absence; or
 - 2) Investigate an employee's suspected sick leave abuse and address any misuse or abuse as necessary.
 - 3) 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 work weeks of leave in a 12-month period for:

- 1) The birth of a child and to care for a newborn child within one year of birth.
- 2) 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.

SECTION: PERSONNEL

SUBJECT: LEAVE POLICY

- 3) To care for the employee's spouse, child, or parent who has a serious health condition.
 - 4) A serious health condition that makes the employee unable to perform the essential functions of his or her job.
 - 5) 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
 - 6) 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).
 - 7) Employees may, at their discretion, elect to use accrued vacation leave, sick leave, and/or compensatory balances concurrently while on FMLA leave (as appropriate).
- B. To qualify for FMLA leave, the employee must meet eligibility criteria, must submit a FMLA Leave Request Form, https://dhr.idaho.gov/PDFs/FMLA/FMLA_LEAVE_REQUEST_FORM_Interactive.pdf, 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 <https://adminrules.idaho.gov/rules/current/15/150401.pdf>
- 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

SECTION: PERSONNEL

SUBJECT: LEAVE POLICY

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 <https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf> 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
<https://dhr.idaho.gov/PDF%20documents/Policies/Section%205%20Special.pdf>
- B. Sabbatical Leave – see Sabbatical Leave Policy 2.114.
<http://www.lcsc.edu/media/4237504/2114-sabbatical-leave.pdf>