



# Idaho State University

## POLICIES AND PROCEDURES

### Leave of Absence for Faculty and Staff

#### ISUPP 3070

#### *POLICY INFORMATION*

**Policy Section:** *Human Resources*

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

**Responsible Executive (RE):** AVP of Human Resources

**Sponsoring Organization (SO):** *Human Resources*

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#### **I. INTRODUCTION**

Classified staff, non-classified staff, and faculty of Idaho State University as identified in ISUPP 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 their 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 their 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 their management team and ISU Human Resources (HR) and to provide updates as to their status and intent to return to work as is appropriate to the circumstances and the type of leave.
- B. HR 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 HR 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 HR 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 HR 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 3050 *Categories of Employees*, may be eligible for the following types of leave based on employee classification and other eligibility criteria.

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 and student employees who are hired to work less than five (5) months, regardless of number of hours worked per week.

Medical, pharmacy, and dental residents are not eligible for types of leave detailed below, other than paid parental leave, or Family Medical Leave (FMLA) which is outlined in ISUPP 3010 *Family and Medical Leave*. Other than paid parental leave and FMLA leave, leave options for residents are outlined in residency program manuals and contracts.

A. Leaves With Compensation

1. Vacation Leave

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

- a. Non-classified employees, who are not overtime-eligible under the Fair Labor Standards Act (FLSA), including faculty on full-time, twelve (12)-month contracts who meet the criteria set forth in Idaho Code §67-5303(j) earn vacation 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 vacation leave until the employee's use of vacation leave reduces the accrual below the maximum.

Non-classified employees in positions that are overtime eligible under FLSA earn vacation 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 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 vacation 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)	.06923	5.5 Hours	288 Hours
31,201 or More	.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 vacation leave, as they are expected to take leave during breaks in the academic cycle.
- d. Employees are required to obtain approval from their supervisor prior to the use of vacation leave. Supervisors should approve, modify, or deny vacation leave requests with reasonable consideration for the employee's needs and preferences, while balancing the business needs and efficient operations of the unit.
- e. Vacation Leave Use Limitations
  - i. Vacation leave cannot be taken in the same pay period in which it is earned.
  - ii. Vacation 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 vacation 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 vacation 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 their designee, the employee shall be permitted to use accrued vacation leave or temporarily work remotely with supervisor approval to cover the period of absence from work.
  - v. If an employee on approved vacation leave becomes ill, sick leave cannot be substituted. If illness or injury prevents the employee from returning to work after the approved vacation 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 vacation leave. Supervisors may grant exceptions to this expectation if necessary to keep employees from reaching maximum vacation leave accrual limits.
  - vii. Provided the employee is not on approved FMLA leave, classified staff, 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 vacation 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 vacation 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 vacation 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 vacation 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). Should the start date for the new position be an ISU-observed, paid holiday, the hiring department shall offer to start the employee as of the last available workday before the holiday to ensure no break in service occurs. (Example: departments shall start an employee's first day working on the Friday prior to a Monday ISU-observed holiday.) The accrued vacation 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 vacation leave (not sick leave) will be paid to the employee on their final paycheck following the normal payroll cycle. Vacation leave payout is calculated on the employee's normal rate of pay in effect on the date of separation. The date of separation is determined to be the last day worked for ISU (e.g., the separation date cannot be a date where vacation/sick leave was utilized) unless the employee is separating while on FMLA leave or utilizing vacation leave prior to retirement.
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 a qualifying family member's medical appointment, serious illness, disability, or for bereavement.

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, vacation 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 vacation 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 employee's normally scheduled work week.
  - v. Provided the employee is not on approved FMLA leave, classified staff, 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.

- vi. Per section IV.A.2.e. of this policy (below) if an employee is unable to return to their regular work duties (with or without accommodation) after twelve (12) weeks, the employee will be medically laid off. Employees may not use leave without pay, or time spent in a light or alternate duty position, unless approved by Disability Services, to extend the medical layoff date.
- e. Employees off work due to their own, or a family member's, illness or injury are required to keep their supervisor (or HR if on approved FMLA) informed as to their health status and intent to return. During that time, sick leave or other accrued leaves may be used.
  - i. Required Health Care Provider Notes: During the employee's medical leave, ISU may require updated physicians' statements regarding the employee's expected date of return to work.
  - ii. Employee Unable to Return to Work: If an employee is unable to return to their regular work duties (with or without accommodation) after twelve (12) weeks, the employee will be medically laid off.

Employees may not use leave without pay, or time spent in a light or alternate duty position, unless approved by Disability Services, to extend the medical layoff date.
- f. Patterns of excessive absences can negatively impact individual performance 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.
- g. 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). Should the start date for the new position be an ISU-observed, paid holiday, the hiring department shall offer to start the employee as of the last available workday before the holiday to ensure no break in service occurs. (Example: departments shall start an employee's first day working on the Friday

prior to a Monday ISU-observed holiday.) The accrued sick leave liability will become the financial responsibility of the receiving agency or department.

- h. 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). The date of separation is determined to be the last day worked for ISU (e.g., the separation date cannot be a date where sick leave was utilized) unless the employee is separating while on FMLA leave.
  - i. 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 vacation 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 worked more than two weeks in current benefited role; and
  - iii. Have exhausted all of their accrued paid leave (vacation leave, sick leave, and compensatory time, if eligible); and
  - iv. Not have exceeded the maximum of one-hundred and sixty (160) hours of received donated leave per fiscal year; and
  - v. 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. A serious illness is defined as an illness, injury, impairment, or physical or mental condition outlined in ISUPP 3010, section IV.B.3, or due to workplace illness restrictions associated with vulnerable populations (i.e. staph infection and providing direct care services). ISU may require a medical certification to support the request.
- b. To donate leave, an employee must:
  - i. Be eligible to accrue vacation or sick leave;
  - ii. Maintain an accrual balance of at least eighty (80) hours of sick or vacation leave; and



- iii. Transfer a minimum of four (4) hours, in four (4) hour increments, up to a maximum of eighty (80) hours of either sick or vacation leave (or combination of both) per fiscal year.
  - c. Donated 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 will remain in the donating employee's leave accrual balance until used.
  - 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 HR 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. June 19 (Juneteenth)
  - vi. July 4 (Independence Day)
  - vii. First Monday in September (Labor Day)
  - viii. Fourth Thursday in November (Thanksgiving)
  - ix. Fourth Friday in November (the day after Thanksgiving)
  - x. December 24, or other designated date during ISU winter closure

xi. December 25 (Christmas)

xii. December 31, or other designated date during ISU winter closure

- 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. To accommodate planning for academic calendars, some holidays are different from those specified in Idaho State code or in Idaho State Board of Education policy.
  - 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. Non-classified employees that must work an above-mentioned holiday due to departmental need may take an alternative day off.
  - 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 vacation 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 vacation leave or compensatory time, the employee 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 vacation leave during any holiday closure.
5. Administrative Leave with Pay

After consulting with their respective management chain and HR, 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 their 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 vacation 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 HR 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 ISUPP 4030 *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 their 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, vacation leave, or compensatory time in lieu of workers' compensation benefits provided by law. Moreover, an employee cannot waive their 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 they are 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. Bereavement Leave

- a. 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. The use of up to five (5) days of sick leave shall be authorized when the employee's attendance is required or desired because of the death of a family member in accordance with section IV.A.2.b of this policy. The five (5) days do not need to be consecutive; however, must be used during the 12 months following the death. If an employee needs more than five (5) days, ISU may require additional documentation, may require the employee to utilize other accrued leaves, or may need to discuss FMLA leave with the employee.
- b. If an employee needs time off to attend to legal responsibilities related to probate or court proceedings following a death in the family, the employee must use other accrued leave balances prior to the employee receiving leave without pay.

#### 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, they 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 their 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 vacation leave, compensatory time, or request leave without pay by notifying their supervisor and HR.
- c. When an employee is summoned by proper judicial authority to serve on a jury, the employee 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 their 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 their same or similar position upon their 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 vacation leave and/or compensatory time during the deployment period. The employee must provide a written request to their 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.
- d. 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.
- e. 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 their 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 vacation leave or compensatory time off where applicable.

## 14. Religious Leave

Employees requesting reasonable accommodations for religious reasons shall file a request with the Office of Equity and Inclusion. Such leave shall be charged to the employee's accrued vacation leave or compensatory time off.

## 15. Paid Parental Leave

Eligible employees of Idaho State University 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 leave is to enable employees to care for and bond with a newborn, newly adopted child, or newly placed child in foster care or kinship care.

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, adoption, or foster care or kinship placement of a child, will be counted toward the twelve (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 twelve (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 twelve (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, (this does not include the adoption of a new spouse's child) 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.
- v. Be an individual actively approved to provide foster care or kinship placement and have an active and ongoing role in parenting the child in their care.

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, adoption, or foster care or kinship placement of a child that must be used within twelve (12) weeks after the birth, adoption, or foster care or kinship placement 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 or adoptions within twelve (12) months 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, adoption, or foster care or kinship placement 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 twelve (12) weeks of the birth, adoption or foster care or kinship placement 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. Eligible spouses who both work for the University will each receive a maximum of eight (8) weeks of Paid Parental Leave that must be used within twelve (12) weeks of the birth or adoption of the child.
  - iv. 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.
  - v. 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.
  - vi. 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 thirty (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 (10) business days of the employee knowing of the need for leave.
  - ii. Employees are required to provide legal documentation of the birth, adoption, or foster care or kinship placement of a child within thirty (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, a legal document establishing adoption, or a legal document establishing foster care or kinship placement. Situations where legal documents cannot be provided within the required timeframe or a reasonable time thereafter, 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 five (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 twelve (12) weeks after the birth, adoption, or foster care or kinship placement 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, adoption, or foster care or kinship placement of a child, will be counted toward the twelve (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, adoption, or foster care or kinship placement of a child, will be counted toward the twelve (12) weeks of FMLA leave per a 12-month period.
  - iii. Unpaid Leave. Unpaid leave may be considered in accordance with FMLA and other applicable federal and state laws. Employees requesting unpaid leave in accordance with applicable federal and state laws shall follow procedures outlined in section IV.B.1.b. of this policy.
  - 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, adoption, or foster care or kinship placement of a child eight (8) weeks prior to the resumption of their active appointment, will be eligible for four (4) weeks of paid parental leave, as four (4) weeks of paid leave eligibility remains in the twelve (12) week period since the birth or adoption.

vii. Other Leave Types

1. If a holiday occurs while an employee is on paid parental leave, that day, will be coded to holiday pay and will not count towards the employee's paid parental leave benefit or FMLA hours.
2. 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. Effects of Separation on Leave

- i. Upon separation of an employee's employment with ISU, they will not be paid for any unused paid parental leave for which they were 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.

f. Paid Parental Leave for Faculty

Faculty receive the same paid parental leave benefits as all other employee categories and are governed by the above listed criteria for leave. Faculty are entitled to relief from all employment duties during paid parental leave.

i. Coordination of Duties

The faculty member shall work with the department chair or other appropriate academic administrator to develop a plan for parental leave that meets both the needs of the faculty member and the University.

1. All arrangements for teaching or service replacements throughout the semester are the responsibility of the department head or other appropriate academic administrator, and shall not be delegated to the faculty member utilizing parental leave. However, faculty members are responsible for making leave arrangements for research obligations administered by a non-ISU entity, such as an external grant.

2. When on continuous leave of absence, a faculty member shall not be expected to participate in any University teaching, research, or service obligations. However, this stipulation does not govern other obligations administered outside of a faculty member's standard University contractual obligations.
  3. Use of this benefit shall not adversely affect the faculty member's standing or base salary.
  4. The faculty member shall not be required to carry more than a normal load before or after the leave. A faculty member must not be required to "make-up" for a paid parental leave.
- ii. Returning Mid Semester

Continuity of instruction and the potential for disruption to student learning shall be a consideration in how faculty are reintegrated into the teaching of classes upon return from parental leave. Faculty returning from parental leave after the semester has commenced shall not be required to assume the primary responsibility for teaching classes/courses for the remainder of the semester, unless it is mutually agreed upon by the returning faculty member and the department. Faculty may resume teaching responsibilities after the semester has commenced with the approval of the department chair and in cases where disruption to students and faculty would be limited, such as late-start courses or co-teaching models.

When reintegrating a faculty member back into teaching responsibilities may be disruptive, returning faculty who are excused from primary teaching responsibilities are still expected to resume a full workload in other appropriate non-classroom work for the remainder of the semester. Faculty shall work with their supervisor to determine appropriate workload duties and expectations for the remainder of the semester. Alternate duties may include but are not restricted to: course development, mentorship, scholarly work, student advising, research and other professional service, including departmental and University service, as appropriate.

- iii. Qualifying Events While Off-Contract

As detailed above in section IV.A.15.d.vi, faculty on 9, 10, or 11-month contracts are eligible for paid parental leave once they resume their active appointment status, for the remaining balance of time that remains in the twelve (12) weeks since the qualifying event.

iv. Tenure Clock

In accordance with ISUPP 4020 *Promotion and Tenure*, the birth, adoption, or foster care or kinship placement of a child is recognized as an exceptional case in which faculty members may petition for an extension of the timeline for tenure. Full details of the petition process are available in ISUPP 4020.

B. Leaves Without Compensation

1. Personal Leave Without Pay

At the discretion of the management chain, and due to exceptional circumstances, an employee may be granted personal leave without pay when leadership determines that such leave will not have an adverse effect upon the business needs of the unit.

Employees seeking leave without pay due to the employee's own personal health circumstances, disability, pregnancy, or pregnancy-related conditions covered under federal and state law must engage with ISU Disability Services Office (or the Title IX Office in regard to pregnancy or pregnancy-related conditions) prior to completing and submitting their request for leave.

The request for personal leave without pay must be in writing, submitted through the *Personal Leave Without Pay Request Form* available on the Human Resources website, 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 also requires approval by the President.

Approval by the respective Vice President and President is unnecessary if the leave without pay is due to a reasonable accommodation approved by ISU Disabilities Services, to workers' compensation leave, in accordance with ISUPP 3010 *Family and Medical Leave Policy*, 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 vacation leave and/or compensatory time before commencing leave without pay. An employee is required to exhaust accrued sick leave, if applicable.
- 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).
- d. During leave without pay, the employee's premiums and/or eligibility for medical, dental, and life insurance may be impacted. Depending on the hours worked in a pay period during which the leave without pay is taken, an employee may be responsible for all or a part of the employee and/or employer portion of their premiums. If an employee is unable to cover the cost of the premium(s), the employee will become ineligible for their respective plan coverage. Employees should contact Human Resources for more information.

## 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 their same or similar position upon their 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.

- a. 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.
- b. 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 ISUPP 3010 *Family and Medical Leave Policy*. 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**

- A. Idaho Code § 59-1603 Nonclassified State Officers and Employees, Conformity With Classified Positions
- B. Idaho Code § 59-1606 Nonclassified State Officers and Employees, Vacation Time
- C. Idaho Code § 67-5303 (j) Personnel System, Application to State Employees for Officers and Teaching Staffs of State Educational Institutions
- D. Idaho Code § 67-5333 Personnel System, Sick Leave
- E. Idaho Code § 67-5334 Personnel System, Vacation Time
- F. Idaho Code § 67-5338 Personnel System, Red Cross Disaster Services
- G. Idaho Code § 67-5343 Personnel System, Leave of Absence for Organ Donation
- H. IDAPA 15.04.01 Rules of the Division of Human Resources and Idaho Personnel Commission, Rule 240, Sick Leave
- I. 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 and Medical Leave Act (FMLA)
  4. Section 5 – Special Leaves
  5. Section 6 – Leave Donations
  6. Section 10 – Paid Parental Leave
- J. Idaho State Board of Education Governing Policies and Procedures – Human Resources
  1. Section E. Policies Regarding Classified Employees
  2. Section F. Policies Regarding Non-classified Employees

- 3. Section G. Policies Regarding Faculty
- 4. Section I. Leaves – All Employees
- K. ISUPP 3010 *Family and Medical Leave Policy*
- L. ISUPP 3050 *Categories of Employees*
- M. ISUPP 4020 *Promotion and Tenure*