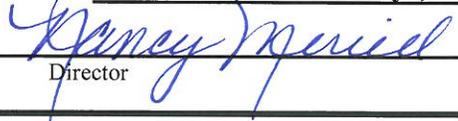


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**IDAHO DEPARTMENT OF PARKS AND RECREATION
POLICY AND PROCEDURES MANUAL**

PROCEDURE TITLE: Leave Time: Holidays, Vacation, Sick, Special, Unauthorized

APPROVALS:


Director

HUMAN RESOURCES
Policy Owner

1.0 HOLIDAYS

1.1 Observed:

1. As set by the Idaho Legislature, following are the ten (10) officially observed State holidays in Idaho.

January 1		New Year's Day
January	(Observed 3rd Monday)	Martin Luther King, Jr/ID Human Rights Day
February	(Observed 3rd Monday)	President's Day
May 31	(Observed last Monday)	Memorial Day
July 4		Independence Day
September	(Observed 1st Monday)	Labor Day
October 11	(Observed 2nd Monday)	Columbus Day
November 11		Veteran's Day
November	(Last Thursday)	Thanksgiving
December 25		Christmas

2. If the holiday falls on a Saturday, the preceding Friday shall be the observed holiday.
3. If the holiday falls on a Sunday, the following Monday shall be the observed holiday.
4. The observed holiday will be used to calculate holiday pay.

1.2 Holiday Leave and Alternative Schedules

1. Employees may not be paid more than eight (8) hours of holiday pay per holiday.
2. Supervisors who have staff on alternative schedules need to adjust the employee's work schedule during a holiday week so that they have thirty-two (32) covered hours (may include ACT, VAC, SIC, or CPT) and take eight (8) hours (if full-time) as the holiday. Supervisors are asked to adjust work schedules to result in no more than 32 work hours during a holiday week if at all possible to avoid the payment of earned accrued leave (more than 32 covered hours and 8 holiday hours in the same week).
3. Some examples of scheduling options for an employee who works 10 hours, M-Th include:
 1. The employee can switch back to eight (8) hours M-F and take the holiday off.
 2. The employee can work ten (10) hours for three (3) days, and an additional two (2) hours for a total of thirty-two (32) hours and then take the holiday off.
 3. The employee can work ten (10) hours for three (3) days, take two (2) hours COMP or VAC and take the holiday off.
4. Less than full-time employees will receive holiday pay in the same proportion to eight (8) hours that they normally work in a week to forty (40). *Example:* If an employee normally works thirty (30) hours each week, they will be paid six (6) hours of holiday pay.

2.0 CREDITED STATE SERVICE (CSS)

2.1 Credited State service is the number of State service hours earned by each eligible employee.

2.2 CSS is earned on all regular hours worked, any overtime worked (not when taken off) and any vacation or sick leave taken (not when earned).

2.3 Employee CSS is identified on their pay stubs in the section entitled "Leave Accounting."

3.0 VACATION LEAVE

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

3.1 Eligibility:

1. Employees must meet the criteria to qualify as eligible for benefits in order to accrue vacation time.
2. Some employees are ineligible for vacation, such as:
 1. Employees who regularly work less than twenty (20) hours per week, or
 2. Employees who are in non-pay status (i.e. on unpaid leave of absence), or
 3. Temporary (seasonal) employees who are hired to work less than five (5) months, regardless of number of hours worked per week.
3. An employee who is originally not expected to work five (5) months or more, but who does so will be entitled to receive vacation leave benefits retroactively in accordance with the accrual rates within this policy and Idaho Code.

3.2 Accrual

1. Employees earn vacation leave for every hour worked or paid (with the exception of paid compensatory leave). For example, employees earn vacation leave while on paid vacation or paid sick leave, but not while on compensatory time.
2. Employees earn vacation leave at a higher rate with additional hours of State service.
3. There is a limit to the total number of vacation hours an employee may accrue. Once the employee accrues the maximum number of vacation hours, they will not accrue any additional hours until they reduce their accrued balance.
4. Annual leave will not accrue to any employee while on leave-without-pay or suspension or layoff.
5. The Division of Human Resources uses the Fair Labor Standards categories to designate job classifications as:
 1. Covered,
 2. Professional, Administrative, IT (Computer Worker), or
 3. Executive.
6. Both the amount of vacation an employee accrues per qualifying paid hour as well as the total amount of vacation which can be accrued depends on this designation. The following table indicates the amount of vacation accrued per employee designation:

VACATION ACCRUAL RATES AND LIMITS				
Employee Designation	Hours of Credited State Service	Accrual Rate Per Hour	Accrual Rate per Pay Period for Full-Time Employees	Total Accrual Limit
Covered	0 – 10,400	0.04615	3.7 hour	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/IT	0 – 10,400	0.05769	4.6 hours	192 hours
Administrative/Professional/IT	10,401 – 20,800	0.06923	5.5 hours	240 hours
Administrative/Professional/IT	20,801 – 31,200	0.08077	6.5 hours	288 hours
Administrative/Professional/IT	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

NOTE: Contact Payroll or HR if you have a question regarding the designation of your position.

3.3 Use of Vacation Leave

1. Employees must 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 requests, on the basis of work requirements and when it will least interfere with the efficient operation of the work unit.
2. Vacation leave cannot be taken in the same pay period in which it is earned. For example an employee cannot use the 3.7 hours earned during the current pay period until a subsequent pay period.
3. FLSA Designated “Executive” Employees Only: Employees who are designated as “Executive” under the Fair Labor Standards Act (FLSA) are considered salaried employees and are therefore ineligible for overtime. For example, an executive employee who works 8 hours during the day and then attends a meeting that evening for 3 hours is considered to have worked 8 hours that day.
4. “Executive” employees are not required to use accrued vacation in less than half day increments. For example, based on 8 hour day, if an executive employee works for 6 hours and then takes the remainder of that day off, they are considered to have worked the full day. . Conversely, if that executive employee works for 2 hours and takes 6 hours of vacation that day, then 6 hours of accrued vacation leave is used
5. Executive employees who work 40 hours in a workweek should record no leave taken, even if they take more than a half day off on a particular day. For example, an executive employee who works 10 hours per day Monday through Thursday and then takes Friday off would record no leave taken, as 40 hours had been worked for that week.

3.4 Use Limitations

1. Vacation leave may not be utilized if it will result in pay in excess of the employee’s normally scheduled workweek. For example, if a full-time employee plans Friday off, but works nine (9) hours per day on Monday through Thursday of that week, they

would code only four (4) hours on Friday to vacation:

	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL
ACT		9	9	9	9			36
VAC						4		4
								40

- All employees are entitled to use their annual leave to the extent it has been accrued (scheduling that leave is with supervisor approval). If a covered employee has previous six (6) month compensatory time accrued; it will be used *before* annual leave is used. *Exceptions to this are if the employee is at or near their maximum vacation accrual. Then annual leave will be used first to prevent the employee from losing it.* The Payroll Office reserves the right to adjust employee time sheets to comply with this policy.

3.5 Use When Ill

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.)

3.6 Sick While on Vacation

If an employee on approved vacation leave becomes ill, sick leave cannot be substituted unless the employee provides a doctor's note.

3.7 Transfer and Separation

- An employee's accrued vacation leave transfers with the employee when transferring from one State agency to another with no break in service.
- When an employee leaves State service, accrued vacation leave will be paid to the employee in their final paycheck.
- Vacation payout is calculated on the employee's permanent hourly rate of pay on the effective date of separation.

3.8 Exhaustion of Annual Leave

- If annual leave is exhausted during a pay period, any available compensatory time will be used until the employee returns to work.
- If no additional accrued leave time is available, the employee must obtain written approval for leave without pay through their supervisor from the director or designee prior to taking annual leave.
- If an employee goes on leave without pay without written approval from the supervisor, disciplinary action or dismissal may result.

4.0 SICK LEAVE

Employees shall earn sick leave and be eligible to take sick leave in accordance with Idaho Code 67-5333, 59-1603 and IDHR Rule 240.

4.1 Eligibility

- Employees must meet the criteria to qualify as eligible for benefits in order to accrue sick leave. Some employees are ineligible for sick 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 (seasonal) employees who are hired to work less than five (5) months; regardless of number of hours worked per week.
2. An employee who is originally not expected to work five (5) months or more, but who does so will be entitled to receive sick leave benefits retroactively in accordance with the accrual rates within this policy and Idaho Code.

4.2 Accrual

1. All employees earn sick leave at the rate of .04615 hours for each hour worked or paid.
2. Sick leave does not accrue to any employee while taking compensatory time off, on leave without pay or suspension without pay or layoff.
3. To calculate sick leave accrual in any one pay period, take the number of hours paid to you (excluding compensatory time taken) and multiply it by 0.04615. For example:
 1. An employee who works 80 hours in a pay period earns 3.7 hours of sick leave for that 2 week time period ($80 \times 0.04615 = 3.7$).
 2. An employee who works 60 hours in a pay period earns 2.8 hours of sick leave in that 2 week time period ($60 \times 0.04615 = 2.8$).
4. Employees earn sick leave while on paid leave except when taking compensatory time off. There is no maximum accrual of sick leave.

4.3 Use of Sick Leave

1. Sick leave must be earned in a pay period before it is used.
2. When possible, employees are expected to plan time away from work by notifying their supervisor in advance prior to the absence. For example, when scheduling a routine doctor's appointment or planned surgery, an employee's supervisor should be consulted. Employees must use some type of paid leave for these circumstances (i.e. SIC, VAC, CPT)
3. Sick leave must only be used in cases of actual illness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desired because of serious illness, disability, or death and funeral in the family. For purposes of this policy, family means a spouse, child, foster child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage, or legal guardian (Ref IDHR Rule 240.03).
4. Maternity Leave:
 1. Pregnancy, child birth or related medical conditions are generally considered temporary disabilities and are treated as such for sick leave purposes.
 2. Maternity and paternity leave are granted under the same conditions and requirements as other compensable and non-compensable leaves under these rules, including the Family and Medical Leave Act.
 3. The employee's physician is considered the primary authority in determining the disability period insofar as compensable sick leave is concerned.
 4. Maternity and paternity leave preceding and following the time that the person is disabled is leave without pay unless the employee elects to use accrued vacation leave or compensatory time off for overtime.

4.4 Limitations of Sick Leave

1. Employees may not use sick leave for time off due to adoption or foster care

- placement unless the child has a medical condition requiring care.
2. 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).
 3. Sick leave cannot be taken in the same pay period in which it is earned.
 4. Sick leave may not be utilized if it will result in pay in excess of the employee's normally scheduled workweek. For example, if a full time employee calls in sick on Monday and then works nine (9) hours per day on Tuesday through Friday, the employee's timesheet would look like:

	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL
ACT			9	9	9	9		36
SIC		4						4
								40

4.5 Notification

1. It is the responsibility of the employee to notify the supervisor in the event of illness or injury which prevents reporting to work at the appropriate time.
2. Notification shall be made directly to the immediate supervisor within the first hour of regularly scheduled work if at all possible.

4.6 Managing Sick Leave

1. Patterns or excessive absences can negatively impact both individual and the entire work unit's performance. Therefore, a supervisor who questions an employee's use of sick leave may:
 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 issues as necessary. (Ref. IDHR Rule 240.07)
2. In cases where sick leave exceeds three (3) consecutive working days, the employee may be required to furnish the supervisor with written verification from a physician or other authorized practitioner.
3. Misuse of sick leave shall be subject to disciplinary action up to and including dismissal.

4.7 Use Parameters for Executive Employees Only

Employees designated as executive shall not use accrued sick leave in less than half day increments.

1. For example, if an executive employee works for six (6) hours and takes the remainder of that day off due to a qualifying illness, no accrued sick leave is used.
2. Conversely, if an executive employee works for two (2) hours and takes the remainder of the day off due to a qualifying illness, then six (6) hours of accrued sick leave is used.

4.8 Inability to Return from Medical Leave

Employees off work due to their own or a family member's illness or injury are required to keep the agency informed of their health status and intent to return. During that time period, sick leave or other accrued leaves may be used.

4.9 Required Medical Documentation

During the employee's medical leave, the agency may require updated physician's

statements regarding the employee's expected date of return to work.

4.10 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 or after exhausting accrued sick leave, whichever is longer, the employee will be medically laid off. (Ref IDHR Rule 241.02)

4.11 Effect of Transfers on Accrued Sick Leave

Accrued sick leave balances transfer with employees when they transfer from one State agency to another.

4.12 Effect of Separation on Accrued Sick Leave

When employees leave State service, all accrued and unused sick leave will be forfeited, except as provided in Idaho Code 67-5333 (i.e. separation due to retirement).

4.13 Reinstatement of Sick Leave

If an employee returns to credited State service within three (3) years of separation, all sick leave forfeited at time of separation will be reinstated. (Ref Idaho Code 67-5333(1c))

5.0 SPECIAL LEAVES

In addition to sick and vacation leave benefits, other miscellaneous leave benefits may be available to employees.

5.1 Leave of Absence Without Pay (LWOP)

A leave without pay may be one day, or a fraction of a day, or an extended absence during which an employee is not paid. This policy includes applicable restrictions to the use of LWOP.

1. Use and Approval of LWOP

All LWOP must be approved in writing by the employee's supervisor.

1. In addition, any LWOP in excess of one week must be approved by the Department Director. Unless prohibited by worker's compensation, FMLA, disability or other statewide leave policies, the Director has discretion on whether the employee is required to exhaust all other applicable types of accrued leave before taking LWOP.

2. Supervisor's and Director's approval for LWOP are not required for employees absent from work due to a work-related illness or injury. The decision to use accrued sick and/or vacation leave in this situation is the employee's.

2. Credited State Service Hours

Employees on LWOP do not earn credited State service hours.

5.2 Military Leave (Federal Active Duty)

Employees who are members of the US Armed Forces or the National Guard and receive federal military orders requiring them to be absent from work shall be entitled to one hundred twenty (120) hours of paid military leave (MLT) each calendar year. Military leave with pay will be authorized when the employee submits a copy of their federal orders from the appropriate military jurisdiction, which identifies 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 leaves a State position to enter 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.

1. Amount of Leave

Eligible employees, regardless of whether they work full-time or part-time, are entitled to one hundred and twenty (120) hours of eligible military leave with pay in one (1) calendar year.

2. Use of Other Accrued Leave

During federal military deployment, the employee will be in a State employment status of "Inactive with Pay." Therefore, the employee may elect to use vacation (VAC) and/or compensatory (CPT) time during the deployment period. The employee must provide a written request to their supervisor prior to the use of such time.

3. Benefits for Employees

1. Employees who are members of the US 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.
2. The agency will pay the State's portion of the health insurance premiums during those thirty (30) calendar days; the employee will be responsible for their portion.
3. Employees on federal active duty shall receive credited State service hours for their regularly scheduled hours that they missed while on federal active duty. These will be credited upon their return to State employment.

4. Flexible Leave

Employees in reserve programs often have an option on the dates for annual training exercises. The Director may request the employee to select dates which will least interfere with the agency/work unit's activities. If the employee has a choice, it shall be the employee's responsibility to discuss it with their supervisor and the military unit and to accept such dates.

5.2 Military Leave (State Active Duty)

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter State active duty with the 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 is required to take military leave, and a copy of the discharge papers is required upon returning from said leave.

1. Inability to Use Accrued Leave

1. State employees who are called to State active duty will remain in an "Active" employment status.
2. 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).
3. Because the employee continues to be an active State of Idaho employee during this active duty and the State of Idaho is the employer, the employee is not eligible to use any paid leave from the original employing agency during the State active duty deployment period.

2. Accrual of Credited State Service

Employees on State active duty will accrue credited State service for time worked with the Military Division.

5.4 Organ and Bone Marrow Donation Leave

1. 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. (Ref. I-Time code "DNO")
2. To receive "DNO" leave, employees must provide a physician's note indicating whether the leave is for bone marrow or organ donation and the expected duration of the leave. (Ref. Idaho Code § 67-5343).
3. Paid leave for this purpose is limited to one-time bone marrow and one-time organ donor leave per employee.
4. Supervisors are responsible for monitoring the total number of days of DNO leave taken by their respective employees.

5.5 Administrative Leave With Pay

The Director may grant administrative leave with pay under the following conditions:

1. When the employee's actions are being investigated;
2. When the employee is involved in the due process procedure of a disciplinary action;
3. When the Governor, Director, or their designee declare a Department facility closed or inaccessible because of severe weather, civil disturbances, loss of utilities, or other disruptions;
4. When the Director deems it necessary due to an unusual situation, emergency, or critical incident that could jeopardize agency operations, the safety of others, or could create a liability situation for the agency; or
5. When approved in advance by the Governor.

5.6 Court and Jury Services

Employees are permitted and encouraged to participate in the court process.

1. Connected with Official State Duty.

1. When an employee is subpoenaed or required to appear as a witness in any judicial or administrative proceeding in any capacity connected with official State duty, he or she shall not be considered absent from duty.
2. The employee shall not be entitled to receive compensation from the court.
3. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee shall be reimbursed by the Department in accordance with Department travel regulations.

2. Private Proceedings

1. 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.
2. The employee may use accrued leave or approved leave without pay.

3. Jury Service

1. When an employee is summoned by proper judicial authority to serve on a jury, he or she shall be granted a leave of absence with pay (time code: JUR) for the time which otherwise the employee would have worked.
2. The employee shall be entitled to keep fees and mileage reimbursement paid by the court in addition to salary.
3. Expenses in connection with this duty are not subject to reimbursement by the State.

5.7 Miscellaneous Leave

An employee attending non-job related training, performing civic duties, or other similar activities can use accrued leave time (not SIC) to cover the period of absence from work.

1. Leave for Job Interviews: Internal to IDPR

1. Time spent interviewing for other positions within IDPR is considered time worked.
2. Time spent traveling to and from interview appointments within IDPR is not considered time worked unless approved by the Director.

2. Leave for Job Interviews: External to IDPR

Time spent interviewing for positions outside IDPR is not considered time worked and the employee is required to use appropriate accrued leave or leave without pay to cover the period of absence from work.

5.8 Election Leave

Supervisors shall make reasonable accommodations for an employee's need for leave to vote. Such leave shall be charged to the employee's accrued vacation leave or compensatory time off.

5.9 Religious Leave

Supervisors shall make reasonable accommodations to an employee's need for leave for religious observances. Such leave shall be charged to the employee's accrued vacation leave or compensatory time off.

5.10 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 (12) 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.

6.0 UNAUTHORIZED ABSENCE

6.1 Failure to Report to Work

When an employee does not report to work and is not on authorized leave and has not contacted the supervisor, the Department may make the determination that the employee has voluntarily resigned.

6.2 Failure to Return to Work

An employee who has not returned to work after being released by a physician shall be considered as having voluntarily resigned unless leave is approved by the supervisor.