LEAVE POLICIES FOR ALL EMPLOYEES

PREAMBLE: This section describes the various kinds of leaves that are available for all UI employees. (See section 3720 for Sabbatical Leaves limited to faculty members.) This section and the following one were original parts of the 1979 Handbook. The most substantive changes since that time have been the addition (under Governor Andrus) and subsequent deletion (under Governor Batt) of service leave for children at school and changes to subsection L that reflect changes in federal regulations. In 2002 extensive changes were made to subsection K that reflected Regent policy and current practices. In 2008 extensive changes to this policy were approved following many years of committee work involving Faculty and Staff Affairs, General Counsel, and Human Resources and a new section M was added on servicemember family leave due to a federal law change. In July 2010 a section R was added to address the Fiscal Year 2010 Furlough and in July 2011 section R was removed and a new policy, FSH 3450, was created to address employment actions such as temporary furloughs. Unless explicitly noted, the text is as of July 1996. Further information is available from Human Resources (208-885-3609). [ed. 7-97, 7-05, rev. 7-98, 7-02, 2-08, 7-10, 7-11]

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A. GENERAL

A-1. The university (hereinafter referred to as university) strives to offer leave programs that are both comprehensive and flexible to meet employee needs. Leave with or without pay is extended to employees under a variety of circumstances described below. Exceptions may be granted in special circumstances [R; APM 55.09, 55.07, 55.38; FSH 3120, 3720 and 6230] [ed. 2-08, 7-10]

A-2. The term “leave” refers to an employee’s absence from duty. Each leave type as contained in this policy discusses circumstances in which such an absence may be continued with pay when leave accruals are available or when leave is approved without pay. Certain types of leave may require or provide options to take one leave concurrent with another. For example, sick and annual leave may be taken or may be required to be taken concurrently with other types of leave. All leaves are subject to approval.

A-3. Unless otherwise noted, for purposes of this policy, “immediate family member” includes: your spouse, your child, parent, brother, sister, grandparent, and these same relationships of a spouse, by marriage, adoption, or foster arrangement. An immediate family member may also include an individual who has assumed a similar relationship to those above, other than the relationship of spouse*, and for whom the employee or the individual has had financial

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responsibility for the other. An immediate family member also may include any individual who is a qualified dependent under IRS regulations. The university reserves the right to request documentation establishing financial responsibility or qualifying status as an IRS dependent.

*Due to the 2006 “marriage amendment” to the Idaho Constitution the university, despite the wishes of the Faculty Senate, is unable to include domestic partnerships. [ed. 1-10]

A-4. Separation from employment or the term terminating employee refers to an employee’s separation from all employment.

A-5. A break in State of Idaho service is defined as job termination that is separated by at least three (3) business days prior to re-employment with the university or any other State of Idaho employer.

A-6. Full and part-time employees are eligible for some or all leaves discussed in this policy.

a. Benefit-eligible employees are those who hold a board-appointed position [FSH 3080] and are employed at least half time or greater.

b. Individuals who are employed at least half time or greater as temporary help (TH) and who are expected to complete five (5) months or more of continuous university service and are eligible to participate in the Public Employers Retirement Plan for Idaho (PERSI) are eligible for limited benefits, including annual leave, sick leave and pay for holidays on which they do not work [FSH 3090].

A-7. Leave may not be taken in advance of accrual and may not be taken in excess of 80 hours in a pay period. [rev. 7-15]

A-8. Leave may not be taken on an employee’s first day of employment. If an employee is unable to report for work on their specified first day of employment; employment will not begin until the first day that the employee reports for active duty.

A-9. All employees, including faculty and exempt employees, are responsible for recording all leave taken on bi-weekly time reports and complying with the terms of leave policies, including, but not limited to:

a. completing application for leave and providing medical evidence and other requested information;

b. abiding by any and all return-to-work restrictions; and

c. returning to work following expiration of approved leave.

Failure to uphold these responsibilities may result in absence without approved leave. Eligibility to preserve employment may be affected and/or the employee may be subject to disciplinary action, up to and including termination from employment as provided in appropriate university policies [FSH 3910, 3920 and 3930].

A-10. Employees who are exempt from overtime accrual or payments may be absent from work for approved periods of less than ½ work day without charge to sick or annual leave. Sick, annual or other paid time off must be charged in ½-day increments when ½ day of work or more is not performed, except when alternative work has been performed in conjunction with an approved flexible schedule.

Employees who are not exempt from earning overtime accrual or payments shall record all approved absences in 1/4-hour increments, except when time loss has been made up through an approved flexible schedule.

A-11. Absent written agreement to the contrary, an eligible employee typically earns credit toward retirement plan vesting (see your PERSI, IORP or federal retirement plan document for details) and earns annual and sick leave accruals during the portion of any leave that is paid, except that sick and annual leave do not accrue during terminal leave [J], or in some circumstances during administrative leave [H-5]. An employee typically will not be given such credit for any periods of unpaid leave.
A-12. No break in service will occur during any approved paid or unpaid leave for the purposes of determining eligibility for retiree health benefits.

A-13. Departmental administrators are responsible for approving and ensuring the reporting of leave, via Banner, taken by the employees in their respective units. For procedures regarding reporting and monitoring leave see APM 55.08. The Banner system and Human Resources records are the official university leave records. [ed. 7-10]

A-14. Human Resources is responsible for coordinating requests and reviewing compliance with all types of leave other than sick, annual and medical appointment leave discussed in this section. [APM 55.09] [ed. 7-10]

B. ANNUAL LEAVE.

B-1. Employees receive annual leave based on their classification of employment. [FSH 3080]

a. Classified Employees on full-time fiscal-year appointments accrue annual leave based on hours worked at the rate of approximately 3.7 hours bi-weekly for the first five full years of service, with a maximum accumulation of 192 hours; 4.6 hours bi-weekly up to 10 years of service, with a maximum accumulation of 240 hours; 5.5 hours bi-weekly up to 15 years of service with a maximum accumulation of 288 hours; and 6.5 hours bi-weekly for more than 15 years of service with a maximum accumulation of 336 hours. [RGPP II.E.3; FSH 3080; APM 55.08 and 55.09] [ed. 7-10]

b. Faculty on full-time fiscal-year appointments and exempt employees, including postdoctoral fellows, accrue annual leave at the rate of 7.4 hours bi-weekly and may accumulate a maximum of 240 hours. [RGPP II.F.3, FSH 3080, APM 55.09] [ed. 7-10]

c. Faculty who hold academic-year appointments do not accrue annual leave. Their periods of obligation and leave are governed primarily by the academic calendar, subject to stipulation by the employee’s dean. [FSH 3120] [ed. 7-10]

B-2. Annual leave for classified and exempt appointment of less than 100% full-time, but equal to or greater than half-time, is accrued based on hours worked and at a rate based on the employee’s classification [B-1]. No annual leave is accrued for less than half-time service.

B-3. Temporary employees who are eligible for PERSI accrue annual leave beginning on the first day of employment in an eligible position at a rate of .0462 times hours worked within each bi-week, however leave is not earned until the benefit qualification period has been satisfied.

Annual leave for qualified temporary employees accrues, but is not earned until the employee has worked at least 20 hours per week and for a period of at least five (5) months (the benefit qualification period). Approval to use accrued, but unearned annual leave may be approved by the employee’s supervisor under special circumstances. However, in the event that accrued annual leave is taken before it is earned and the employee also voluntarily separates or is terminated for cause before annual leave is earned, the value of unearned annual leave taken will be withheld from pay, other earning or payments or must otherwise be repaid to university.

Leave Accrual Example:
Annual leave accrues based only on hours worked.
62 hours worked times .0462 results in 2.90 hours of accrual and may accumulate to a maximum of 192 hours.

B-4. Annual leave accrual is temporarily suspended when the accumulation reaches the maximum allowance. Once the leave accumulation drops below the allowed maximum, accruals resume.

B-5. Employees eligible for overtime earn overtime based on only hours worked. There is no overtime accrual based on annual leave, sick leave, compensatory time, holidays or any other paid time off.
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B-6. Annual leave continues to accrue while on any paid leave, except that annual leave does not accrue on hours of compensatory time used; during terminal leave [K]; during academic transitional leave [J] or for temporary employees who accrue annual leave based only on hours worked.

B-7. At the employee’s option, accrued annual leave may be used during any approved leave that could otherwise be taken as sick leave. [RGPP II.I.2.b.]

B-8. Annual leave must be scheduled in advance and requested in writing by the employee. Annual leave may not be taken without the supervisor’s written approval. Both the employee’s vacation preference and business needs of the unit must be considered in establishing mutually agreed periods of leave [APM 55.09]. [ed. 7-10]

a. Supervisors are responsible for coordinating and approving requests for annual leave of all employees in their respective units.

b. An employee on approved annual leave, who becomes eligible to use sick leave through unforeseen events, may use sick leave in lieu of annual leave with approval from his/her supervisor. Documentation to support the use of sick leave may be required.

B-9. Leave balances are paid to employees upon separation (i.e. resignation, retirement layoff, non-renewal, termination) from all State of Idaho employment [IC 67-5334]. Leave balances are transferred from the university to other State of Idaho employers when the university employment ends and a new position is accepted with any State of Idaho employer when there is no break in state service [A-5]. However, the university reserves the right to require an employee to exhaust some or all annual leave prior to any job or employment separation.

Employees separating upon the expiration or termination of a grant will be required to use annual leave before the last day of employment.

In the event of an employee’s death, payment is made to his or her estate.

The effective date of the employee’s separation is the last day on which he or she reports to work for the university, unless the Assistant Vice President (AVP) for Human Resources or designee has approved a written request for alternative termination arrangements that are in the best interests of the university.

A termination extended through the use of accrued annual leave must be approved in advance, in writing, by the AVP for Human Resources or designee and unit administrator and shall be treated as terminal leave. [J and APM 50.20]

In the event that an academic administrator transitions from a position eligible for annual leave to a faculty position in which annual leave does not accrue, balances should be exhausted prior to the start of the new appointment. Leave balances that cannot be used will be carried forward. If not used, the balance of unused annual leave will be paid at the time of separation of all State of Idaho service. Carry forward of annual leave balances exceeding eighty (80) hours must be approved in advance by the AVP for Human Resources, or designee.

B-10. Any individual, regardless of type of appointment, with an annual leave balance who transfers or who is reassigned to another unit within the university may be required to exhaust all existing annual leave prior to starting the new assignment.

B-11. Payment in lieu of annual leave taken for any reason other than separation from employment is granted only by exception or under other special circumstances within the business needs of the university.

B-12. Eligibility requirements for annual leave for temporary help (TH) can be found in FSH 3090.
C. SICK LEAVE.

C-1. Employees that work at least 40 hours in a bi-weekly pay period for at least five (5) consecutive months accrue sick leave. Accrual is approximately 3.7 hours bi-weekly for full-time service. [FSH 3090 C]

C-2. Sick leave accumulation for half-time but less than full-time service is accrued proportionately based on hours worked and earned at the rate of .0462 for each hour worked.

C-3. Sick-leave may be accumulated without limit.

C-4. Sick leave cannot be taken in advance of accrual. If, at the end of a bi-weekly pay cycle, absences exceed sick leave accumulation, the hours will be charged to compensatory time first, if available, and then to annual leave. If there is no leave accumulation, time will be unpaid. If sick leave or other types of paid leave are available for an approved absence of any duration, time-off must be taken using available paid leave and may not be taken as unpaid leave, unless such absence has been approved as a personal leave [N] without pay in accordance with the guidelines of this policy [ed. 2-08].

C-5. Sick leave continues to accrue while on any paid leave, except for hours of compensatory time used; during terminal leave; and/or during academic transitional leave [I].

C-6. Sick leave may not be used in lieu of annual leave, except when the conditions of B-8. b. above have been met.

C-7. Sick leave may be taken only as follows:

a. Illness of Employee. An employee’s own illness, injury, or parenting childbirth (see FSH 3210 E) that prevents the employee from performing his or her assigned duties, or in the event of exposure to contagious disease if, in the opinion of responsible authority, the health of others would be jeopardized in the work place.

b. Illness of an Immediate Family Member. When the illness or injury of an immediately family member as defined in [A-3] of this policy requires the attendance of another, the employee may use his or her own available sick leave.

c. Death of an Immediate Family Member. In the event of a death of an immediate family member as defined in [A-3] of this policy; up to fifteen (15) days of sick leave may be used immediately following the event, but can be extended if there are special circumstances. The unit administrator and the AVP for Human Resources or designee may approve an extension of leave for up to a total of thirty (30) days of sick leave.

d. Death of a Family Member. Sick leave usage for the death of a family member other than a member of the immediate family as defined in [A-3] of this policy is limited to a maximum of five (5) days of sick leave immediately following the event.

e. Medical Appointments. Personal or family appointments for medical, dental, optical treatment or examination, or meeting with an Employee Assistance Program professional, including time for travel to and from such appointments. An employee is allowed up to two hours of time off per month for such appointments without charge to sick leave provided satisfactory arrangements have been made with the employee’s supervisor. If the employee has absences totaling more than two hours in a month, such absences must be reported and charged to sick leave. There is no carryover balance from month-to-month.

f. Parenting/Adoption. All employees are entitled to use sick leave for parenting/adoption and follow the same leave use and benefits as described under E. Parenting Leave regardless of meeting Family Medical Leave Act (FMLA) eligibility requirements.
fg. Organ Donation. Full- and part-time benefit eligible employees may use up to five (5) days of sick leave for bone marrow donation and may use up to thirty (30) days of sick leave to serve as a human donation organ donor during an approved family medical [L] or personal leave [N]. [ed. 2-08]

C-8. Attendance at work is a job requirement for all positions at the university. Excessive absenteeism can affect job performance. Supervisors have the right to set attendance standards and require medical evidence to support absences that exceed these standards. Absences that occur during approved family medical leave [L] are exempt from these requirements.

C-9. The federal Family Medical Leave Act of 1993 (FMLA) was adopted as law to protect the best interest and job security of employees. The university may initiate family medical leave (FML) and will apply FML concurrently with sick leave when the employee’s own illness, work-related injuries, or an illness of a family member is covered by FML. In these circumstances, sick leave must be used before unpaid FML is taken [L-2].

C-10. An employee may be eligible for FML after three (3) consecutive days of sick leave, unpaid or other absence [L-4] and may initiate a request for FML at any time prior to an absence which they suspect may qualify. However, the university may also initiate FML and will typically take steps to determine if an absence qualifies as FML when an employee has missed five (5) consecutive workdays or longer by providing the employee with an absence questionnaire and FML application. A failure to comply with a request to complete the absence questionnaire and/or the FML application (if applicable) may result in absence without pay and/or disciplinary action, up to and including dismissal from employment as provided in relevant university policies [FSH 3910, 3920 and 3930].

C-11. Employees transferring without a break in service from a qualified Idaho state agency or from the university to another state agency will be credited with their accrued sick leave by the receiving agency. All unused sick leave is forfeited when an employee is separated from state service. No compensation is made for such unused leave, except as provided in C-12 in the case of employees who are retiring from the university. If an employee returns to state service or to the university within three (3) years after separation, sick leave forfeited at the time of separation will be reinstated.

C-12. Employees who retire and then return to work at the university may not be entitled to reinstatement of sick leave balances. In this instance, only the unused portion of sick leave that was converted at the time of retirement [C-13 and FSH 3730 C] to pay for retiree health benefits may be reinstated for employees who separate for retirement purposes and later return to work at the university.

C-13. An employee who retires under the eligibility conditions for retirement or disability retirement as stated in FSH 3730 may apply a pre-determined amount of unused sick leave accrued since July 1, 1976, as payment for continued coverage under the university retiree health program. [FSH 3730, APM 55.39] [ed. 7-10]

D. HOLIDAYS.

D-1. The university is closed at least eleven (11) holidays each fiscal year. [3460 F-2]

D-2. Board-appointed employees [FSH 3080] and temporary help employees participating in PERSI [FSH 3090] are eligible to receive holiday pay. [ed. 2-08]

D-3. Benefit-eligible employees [A-6.a.] who are employed full time (87.5 percent or greater) receive holiday pay based on eight (8) hours for each holiday. An employee who works a compressed work schedule to include more than eight (8) hours each day, such as four (4) ten-hour workdays in one week, will still receive only eight (8) hours of holiday pay. With supervisor approval, the employee may make up the difference between their regular hours of work and the holiday pay for that day (two [2] hours in this example) through a flexible work schedule within the same work week [FSH 3460], or may use accrued compensatory time or annual leave, or take the time as unpaid.

D-4. Benefit-eligible employees [A-6.a.] who are employed at least half time but less than full-time, are entitled to receive holiday pay, pro-rated based on the average number of hours scheduled each week. The number of
hours scheduled on a routine basis (not the hours worked in the week in which the holiday falls) is divided by five (5) days. For example:

20 hours per week / 5 = 4 hours of holiday pay
25 hours per week / 5 = 5 hours of holiday pay
30 hours per week / 5 = 6 hours of holiday pay

**D-5.** The university embraces diversity and recognizes that our workforce is derived from many diverse cultures to include many different religious preferences. An individual may be absent from work to observe a religious holiday consistent with his or her own religious beliefs and practices when the day is not consistent with the university’s official holidays, provided advance notice is given. Pay for these absences are as follows:

a. Benefit-eligible employees may use their accrued compensatory time or annual leave to receive pay for an observed religious holiday that is not an official university holiday.

b. Employees who are not benefit-eligible, or who do not have compensatory or annual leave available, may observe the holiday without pay; or, with advance supervisory approval, employees may make up the hours in the same work week [FSH 3460].

**D-6.** Benefit-eligible employees are entitled to holiday pay while they are on other approved paid leave, or during any portion of paid or unpaid family medical leave.

**E. PARENTING LEAVE. [add. 7-15]**

**E-1.** Employees who meet FMLA eligibility requirements (see FSH 3710 M-3) are entitled to 12 weeks of job protected leave with continuation of group health insurance coverage within 12 months of the birth, adoption, or foster placement of a son or daughter. All Parenting Leave allowed under this Section E is considered Family Medical Leave.

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable” of self-care because of a mental or “physical disability” at the time of the FMLA leave request.

**E-2.** If both parents are employees of the university each is entitled to take the same amount of parenting leave as allowed for a single employee.

**E-3.** Employees can choose to use a combination of accrued paid leave or unpaid leave. However, employees must first use accrued sick leave (see FSH 3710 M-2) before going on leave without pay. The remainder of the job protected leave will be unpaid, unless the employee chooses to use a combination of accrued annual leave, or compensatory time.

**E-25.** Employees are encouraged to familiarize themselves with FMLA guidelines before requesting or granting Parenting Leave. “Fact Sheets” that explain FMLA (numbers 28 through 28M) may be found on the United States Department of Labor Wage and Hour Division website. The Parenting Leave described in this section E. is intended to encompass the University’s obligation to provide Family Medical Leave under the federal Family Medical Leave Act for the birth or placement of a son or daughter for foster care or adoption as described in sub-sections M-1.a and M-1.b of this policy. Parenting Leave under this Section E. may exceed the requirements and benefits for the Family Medical Leave described under sub-sections M-1.a and M-1.b of this policy, but Parenting Leave must, at a minimum, comply with the requirements of the Family Medical Leave Act as set out in Section M of this policy.

**E-65.** Leave may not be used for both foster care and adoption consecutively if foster placement leads to that adoption of the son or daughter.

**E-26.** Alternate or reduced work schedules are addressed in FSH 3710 M-13 b.

**E-87.** See FSH 3710 R-1 for exceptions to University leave policies.
F. MILITARY LEAVE. [ren. 7-15]

F-1. Faculty and staff, regardless of whether or not they hold a fiscal-year or academic-year appointment are eligible for leave of up to fifteen (15) working days in a twelve (12) month period for active duty or military training. Leave for State of Idaho military duty or training is limited to fifteen (15) days within a calendar year. Employees who are in board-appointed positions [FSH 3080] are eligible for paid military leave. When called to active duty or training, the university will pay the difference between military pay received from the U.S. or State government, but cannot duplicate pay. This is accomplished by full pay during an approved military leave. The employee must provide documentation of military pay received during leave, within ninety (90) days of return from leave or upon earlier job separation. The employee is required to repay to the university any amount which exceeds their regular base pay for the same period. Unpaid military leave may be requested if the employee knows their military pay will exceed their university pay. Annual and sick leave credit towards length of service for retirement plan, and other vesting will continue to accrue during the fifteen (15) working days of military leave and eligibility for employee health benefits will continue whether military leave is requested with or without pay. An employee at their own option may instead request annual leave on the same basis as any other vacation or other time off and if approved, may use annual leave and retain full military pay. [APM 55.09 and 55.38] [ed. 7-10]

F-2. Any employee who is called to active duty and/or is required to serve more than fifteen (15) working days is eligible for up to five (5) years of military leave. Eligibility for employee health coverage will continue at a minimum through the first thirty (30) calendar days of service while on an approved military leave. The employee will be required to pay the employee share of the health care costs, as well as the costs for his/her dependents.

F-3. An employee may use annual leave and/or accrued compensatory time for military service and continue to receive pay and benefits before commencement of military leave.

F-4. Military leave beyond the first fifteen (15) working days is generally granted without pay and benefits. Health care coverage will end for the individual who is called to active duty after the first thirty (30) days of service. However, coverage for his/her dependents may continue for up to an additional six (6) months, provided that the employee has made arrangements with Benefit Services to pay the full cost of coverage, on at least a monthly basis. In this instance, any other coverage provided by U.S. military programs will be primary.

F-5. When on military leave or when his/her dependents are not eligible for coverage elsewhere, the employee or his/her dependents, individually or as a family, may be eligible to continue health care coverage through COBRA.

F-6. An employee may elect to continue group life insurance benefits in effect for the employee or his/her dependents on the date the employee is called to active duty for a maximum period of thirty (30) days. However, the employee must self-pay the full cost, based on rates and eligibility rules afforded to others who are actively at work. Benefits from these programs generally exclude losses resulting from participation in a military organization or from an act of war. An employee may also have the right to life insurance portability or conversion to an individual life insurance policy following termination of benefits in the group plan.

F-7. Upon reinstatement, the employee’s health plan will resume as if their employment had not been interrupted.

F-8. In accordance with state and federal law, an employee upon return will be reinstated to his/her former position or a comparable position without loss of seniority, status or pay rate provided the employee returns with an honorable discharge and within five (5) years from departure date from the university.

   a. In some situations, re-employment may not be possible, such as when there has been a significant change in circumstances, if re-employment would impose an undue hardship on the university or department, or if the person’s employment was temporary in nature, such as positions that are grant-funded for a specific duration and/or temporary help (TH) positions.
1. If the returning employee's skills need upgrading to meet the requirements for a prior or promoted position, the university will make reasonable efforts to refresh or update these skills unless such efforts would create undue hardship for the university.

2. When an employee with a service-related disability is not qualified to perform the essential functions of his/her job after the university has made reasonable efforts to accommodate the disability, the employee may be placed in another position of comparable pay, rank, and seniority.

b. Employees returning from military leave must provide the university with written timely notification of intent to return to their position. The university may require documentation that the person’s application for reemployment is timely and that the person’s discharge from uniformed services was under honorable conditions. University procedures will follow the applicable state and federal law, including but not limited to the Uniformed Services Employment & Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4333, enforced by Department of Labor’s Veterans’ Employment & Training Services (VETS) (www.dol.gov/vets.)

F-9. Retirement benefit contributions are suspended while the employee is on unpaid military leave. Upon reinstatement after military leave, reenrollment in the retirement plan will be immediate.

a. Credited state service continues during military leave as though no break in employment has occurred.

b. The employee may elect to make up any employee contributions missed during an approved military leave. Such contributions must be paid into the plan within a period not to exceed three (3) times the length of the military leave, up to a maximum of five (5) years.

c. The university will contribute the regularly scheduled match contributions for any employee make-up payments made in connection with an approved military leave.

d. For purposes of determining eligibility for retiree health coverage, military leave will not count as a break in service provided that re-employment occurs within the parameters of this policy. Further, an employee will receive university service credit for purposes of determining eligibility under the Retiree Health Program [FSH 3730] during the fifteen (15) days of approved paid military leave; however, the employee will not receive service credit for purposes of determining eligibility under the Retiree Health Program [FSH 3730] for any unpaid military leave.

F-10. The university will not discharge an employee without cause, as that term is defined by federal USERRA regulations, who is reinstated under the provisions of the USERRA and has served thirty-one (31) to one hundred and eighty (180) days without cause for six (6) months following reinstatement. If the length of military service was more than one hundred and eighty (180) days, but less than five (5) years, the employee will not be discharged without cause for one (1) year following reinstate-ment.

E-11. This policy is intended to comply with applicable state and federal laws, including the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. To the extent that any provision of this policy is ambiguous and/or contradicts the Act or any other law, the applicable law or Act will prevail.

G. LEAVE FOR COURT REQUIRED SERVICE AND VOTING. [ren. 7-15]

G-1. Any employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency will be granted leave. Benefit-eligible employees will be granted leave with pay, except as provided below in F-2. Travel expenses in connection with this duty are not subject to reimbursement by the university. [RGPP II.I.5.a.2; APM 55.09] [ed. 7-10]

G-2. An employee must request annual leave or personal leave without pay for the following:

a. appearing as a party in a non-job-related proceeding involving the employee;
b. appearing as an expert witness when the employee is compensated for such appearance; or

c. appearing as a plaintiff or complainant, or as counsel for a plaintiff or complainant, in a proceeding in which
the Board of Regents or any of its institutions, agencies, school or office is a defendant or respondent. [RGPP
II.15.a.]

G-3. Polling places are typically open extended hours and absentee voting is widely available. However,
employees who are unable to vote outside of scheduled hours will be allowed time off to vote. If available, an
employee may use accrued annual leave, compensatory time or, if approved in advance, may be able to make up
time lost to vote within the same work week [FSH 3460] through a flexible work schedule. Otherwise, time off
will be approved, but unpaid.

H. LEAVE FOR CAMPAIGNING FOR OR SERVING IN PUBLIC OFFICE. [ren. 7-15]

H-1. The president approves requests for leaves of absence for the purpose of campaigning for or serving in public
office [RGPP II. 15.c.]. See FSH 6230 E for provisions concerning leave for campaigning and serving in public
office.

H-2. It is the Board of Regent’s intent that state salary not be duplicated to an employee serving as a member of the
Idaho Legislature. Any leave for serving as a member of the Idaho State Legislature will be unpaid when the
Legislature is in session [RGPP II.15.c.2.]. Certain benefits may continue during the unpaid leave; however, the
employee must pay the full cost of coverage.

I. ADMINISTRATIVE LEAVE. [ren. 7-15]

I-1. Administrative Leave is leave with pay and benefits. An employee will continue to receive pay and leave
accruals in accordance with their regular rate and maintain eligibility for other benefit programs. (Terminal
leave (J) and academic transitional leave (I) are not considered administrative leave.)

I-2. At the discretion of the president or his/her designee, an employee may be granted administrative leave when the
state or the university will benefit as a result of such leave. [RGPP II.15.d; 3470 B] [ed. 7-10]

I-3. Examples of circumstances that may qualify an employee for administrative leave are volunteer fire fighters
attending class off campus, official delegates to the annual general convention of Idaho Public Employees’
Association, and members of state or local committees, such as the Human Rights Commission, attending official
meetings.

I-4. With the approval of the president or designee, an administrator may also use administrative leave to remove an
employee from the workplace (for example during an investigation or to mediate an employee relations issue), if
approved in advance by Human Resources. The President’s Office or Provost’s Office, as appropriate must be
notified.

I-5. In all cases involving administrative leave with a duration that is more than one bi-week, an electronic personnel
action form (EPAF) must be processed. When leave is less than one full bi-week, hours attributed to administrative
leave shall be coded as “ADL” on the time/leave record and in the payroll system.

I-6. In the absence of a written agreement to the contrary, an employee on administrative leave must be available for
recall to work during regular university business hours in the event that the employee’s services are required or he/she
is otherwise requested to return to work.

I-7. Under certain circumstances, the university may require the use of accrued annual leave and/or compensatory
time.

J. ACADEMIC TRANSITIONAL LEAVE. [ren. 7-15]
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J-1. Academic transitional leave may apply when an academic administrator steps down from his/her administrative appointment and assumes a faculty appointment. The purpose of academic transitional leave is to prepare the employee for a new faculty appointment. Transition leave is not available in the event of transition from academic faculty to an administrative appointment. Academic transitional leave is granted at the discretion of the university, must be approved by the provost, and approved by the president or designee.

J-2. There is no accrual of annual leave during the period of academic transitional leave. All other benefits and leave accruals are provided on the same basis as afforded to similarly situated employees in a faculty job classification. Annual leave balances should be exhausted prior to a new academic faculty appointment. Leave balances that cannot be used will be carried forward. If not used, the balance of unused annual leave will be paid at the time of separation of all State of Idaho service. Carry forward of annual leave balances exceeding eighty (80) hours must be approved in advance by the AVP for Human Resources or designee.

K. TERMINAL LEAVE. [ren. 7-15]

K-1. Terminal leave is paid leave received by a terminating employee in lieu of wages at the employer’s discretion. An example of terminal leave is leave paid to an employee who is not completing the term of his/her contract at the request of the employer. Sick and annual leave is not accrued during the terminal leave period. Time toward length of service for retirement vesting and eligibility for university retiree health benefits [FSH 3730] will continue. The duration of terminal leave is determined at the discretion of the university.

K-2. During terminal leave, health benefits continue for an employee and his/her covered family members on the same basis as employees of the same classification who are actively at work. The employee’s share of all health care contributions, including employee and dependent medical/dental, supplemental life, and/or any other costs of coverage, will be withheld from the employee’s pay. Upon separation from employment, the employee and/or his/her covered family members, as a family or individually, may have rights to medical/dental coverage through COBRA.

K-3. The university may require the use of accrued annual leave and/or compensatory time during the terminal leave period or may pay out some or all accrued, but unused balances at the time of termination.

L. SHARED LEAVE. [ren. 7-15]

L-1. University employees who earn annual leave may donate annual leave hours to shared leave. Shared leave may be donated to a shared leave pool or to the benefit of a specific eligible recipient. See FSH 3710 L-5 below and APM 55.07 C-3 for conversion of donated leave to shared leave. [ed. 7-10, rev. 7-15]

L-2. Eligibility. Benefit eligible employees, including academic year faculty who do not accrue annual leave, are eligible to receive shared leave. [rev. 7-15]

a. Qualifying Events. If any benefit-eligible employee [A-6. a.] who has a health condition [L-2.a.1] or whose immediate family member [A-3] has such a condition and the employee is required to take time away from work, and has exhausted all leave, the employee may apply for shared leave when time away from work is a qualified absence as described below (L-2.a.1) but will not be compensated by paid leave or wage replacement programs such as disability and workers’ compensation benefits.

1. The health condition of the affected individual must be certified by a competent health care provider to be considered as acceptable evidence by the university, and qualify as a serious health condition as defined by family medical leave [M] to include a need resulting from human organ or bone marrow donation. This provision applies only to the acceptable medical conditions of family medical leave. An employee need not meet the service and other requirements of family medical leave to be considered as an absence eligible for shared leave.

2. An applicant for shared leave who has used his or her own annual leave for purposes other than attending to a medical condition that is known to create potential for an extraordinary need for leave
typically is not eligible for leave from the shared leave pool. Under extraordinary circumstances, such an applicant may request an exception to receive shared leave from directed donations. [ren. 7-15]

3. Shared leave that is donated from the shared leave pool is intended for use by employees who intend to return to work. An applicant who wishes to receive shared leave and otherwise meets the criteria of the program and does not intend to return to work may apply for shared leave; however, shared leave in this instance is available only from donations directed specifically to that one recipient. [ren. 7-15]

b. Prerequisites. An employee must have used all other available leave such as sick leave, annual leave, and compensatory time to qualify as a recipient of shared leave.

c. Disability Income. To be eligible for shared leave for the employee’s own medical condition, employees must first apply for wage replacement benefits that may be available through workers’ compensation or disability coverage. Once such benefits begin eligibility for shared leave benefits end. However, an otherwise eligible employee may use shared leave while satisfying the waiting period or after exceeding maximum disability periods for income replacement programs.

L-3. Donating Shared Leave.

a. Employees who have an accrued annual leave balance may donate to shared leave regardless of their funding salary source. Donations may be made to the shared leave pool and accessed by any eligible recipient or donated directly to a specific shared leave recipient. [rev. 7-15]

b. Shared leave donations are restricted to direct donation when the donor’s annual leave balance is less than forty (40) hours from the maximum leave accumulation limit. In this instance only, the amount of leave actually used by the recipient will be deducted from the donor’s account before any balance is taken from the shared leave pool. Donated leave not used by the recipient will be returned to the donor’s account or forfeited if the maximum accrual has been reached. Donors can choose to designate any unused direct donations to be added to the general shared leave pool. [ed. 7-11]

c. Leave donations made for a specific individual will be drawn from donors’ accounts based on a first-received basis. The first donation request received by Benefit Services will be processed before a second donation from other recipients or before hours are withdrawn from the shared leave pool. Donations will be drawn from the donor’s annual leave account as the time is transferred and used by the recipient. No leave donation in excess of the recipient’s shared leave needs will be taken, unless contributions to the shared leave pool also have been authorized, except as noted above in section b., when donations to the shared pool are restricted.

d. Leave donations may be made in any amount of not less than ½-hour (.50) increments.

e. Shared leave donations may not cause the donor’s annual leave balance to fall below forty (40) hours at the time the donation is processed, unless the donor is terminating active employment from the University. Donors should be aware that any shared leave not used by the intended recipient will be returned to the Shared Leave Pool, not returned to the donor(s). [rev. 7-15]

L-4. Shared Leave Benefits.

a. Maximum Benefit. The maximum shared leave benefit is limited to four (4) working weeks of leave within a rolling twelve (12) month period. Shared leave hours that are granted will be reflective of the employee’s regular percentage of appointment.

b. Shared leave requests are reviewed and granted by the Director of Benefit Services or designee in accordance with this policy. Applicants awarded shared leave will be notified in writing; if the request is denied, the reason(s) for denial shall also be stated in writing. The requestor may appeal a denied request for shared leave. Appeals must be made in writing to the AVP for Human Resources within thirty (30) days
L-5. Funding and Conversion.

a. Donation Conversion. Hours of donated shared leave are multiplied by the hourly rate of the donor; that amount is recorded as a deposit to the shared leave pool or the directed recipient’s account and subtracted as hours from the donor’s annual leave balance.

b. Recipients Conversion. The recipient’s hours of shared leave need are multiplied by the recipient’s hourly rate and subtracted from the shared leave pool.

Sick leave is a liability that is funded only through base salary. Funding for a full year of base salary is provided for most positions. If an employee is absent without pay the department typically has received funding for the duration of the employee’s full appointment and would achieve salary savings as a result. The only exceptions would apply to those working from certain special funding sources or who hire a temporary replacement during the period of unpaid leave. Consequently, the department of the employee who will receive shared leave is responsible for funding the pay the employee will receive during leave from shared leave donations.

c. Donors may donate annual leave regardless of their salary-funding source. The department or sponsored research project gains the hours the employee would have taken for annual leave when their employee makes a donation.

M. FAMILY MEDICAL LEAVE.

M-1. Family medical leave may be requested by an eligible employee for the following reasons:

a. the birth of a son or daughter of the employee and/or in order to care for such son or daughter; [rev. 7-15]

b. the placement of a son or daughter with the employee for adoption or foster care; [rev. 7-15]

c. to care for an immediate family member as defined in [A-3] of this policy with a serious health condition as defined in [M-5] of this policy;

d. because of the employee’s own serious health condition [M-5]; or

e. to serve as a human organ or bone marrow donor.

The entitlement to leave under subparagraphs (a) and (b) of this section M-1 for a birth or placement of a son or daughter is encompassed in the Parenting Leave described in Section E, of this policy. All leave taken under Section E, Parenting Leave shall be considered Family Medical Leave [add. 7-15]

M-2. Family medical leave and/or servicemember family medical leave is leave without pay. However, when the absence also qualifies for the use of sick leave, if available, sick leave must be used first in conjunction with family medical leave before any period of unpaid absence. Once sick leave has been exhausted or when the type of absence does not qualify for the use of sick leave, the entire absence or remainder of the approved family medical leave will be unpaid, unless the employee chooses to use any combination of compensatory time, annual leave, or shared leave (if eligible; L). [rev. 2-08]

M-3. Eligibility. All if the benefit-eligible employees qualify for FMLA benefits from the first date of employment, has been employed by the university for a minimum of twelve (12) months and has worked at least 1250 hours during the previous twelve (12) month period prior to the requested leave, the employee is eligible for family medical leave. [rev. 7-15]
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M-4. Length of Leave. A maximum of up to twelve (12) weeks or a total of 480 hours of family medical leave may be granted to eligible full-time employees during a rolling twelve (12) month period. Eligible part-time employees may be granted up to twelve (12) working weeks of leave or a total number of hours consistent with their regular work schedule within a twelve (12) week period. (i.e. 20 hours per week x 12 weeks = 240 hours). The period is measured from the date the employee last used/exhausted family medical leave or became employed by the university to the date leave is to begin. Family medical leave may be taken on a continuous, intermittent, or reduced-hour basis. [rev. 7-15]

M-5. Definitions. [rev. 7-15]

a. “Serious health condition” is defined as an illness, injury, impairment or physical or mental condition that involves any period of incapacity or treatment connected with in-patient care (i.e. overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such in-patient care; continuing treatment by a health care provider, which includes any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) due to a health condition (including treatment for or recovery from) lasting more than three (3) consecutive days; and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

1. treatment two (2) or more times by or under the supervision of a health care provider; or one treatment by a health care provider with a continuing regimen of treatment; or
2. pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
3. chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g. asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
4. permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
5. absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g. chemotherapy or radiation treatments for cancer).

M-6. Health benefits continue during family medical leave on the same basis as for any similarly situated employee who is actively at work, regardless of whether the employee is using other forms of accrued leave or taking leave unpaid. The employee’s share of cost for health coverage is the amount that is typically payroll-deducted for the employee’s own coverage and/or coverage for his/her dependents. The employee is responsible for payment of these amounts during leave. Payroll deductions will be continued for any portion of the leave that is paid. During any portion of leave when no pay is received, the employee must make arrangements to self-pay these amounts. Retirement plan contributions, accruals for sick and annual leave and credit toward vesting are suspended during unpaid portions of family medical leave.

M-7. All qualified absences, including those due to a work-related injury, will be considered as family medical leave.

M-8. If there are reasonable circumstances to support that an employee’s absence qualifies as family medical leave, the university has the right to classify such absence as family medical leave.

M-9. When the need for family medical leave is foreseeable, an employee must request an application for family medical leave at least thirty (30) days in advance of the need for leave. Application assistance is available from Benefit Services. When events are not foreseeable, employees must provide as much notice as is possible. Application for family medical leave after a return from absence is not recommended; rights to preserved employment and benefits may be adversely affected. In any event, absent extraordinary circumstances, an employee may not claim an absence as a qualified family medical leave event unless done so within the first two (2) days of return from an absence.

M-10. When leave is taken for personal illness or to care for an immediate family member with a serious health condition, leave may be continuous or intermittent and may include a reduction in hours worked. For intermittent
leave, the employee must provide certification from the health care provider caring for the employee and/or family member stating the leave must be taken intermittently. Employees needing intermittent leave must attempt to schedule their leave so as not to disrupt university operations. The university reserves the right to assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

M-11. Employees on family medical leave are required to provide documentation to Benefit Services as requested, including intent to return to work. During leave, the university may require an employee to re-certify the medical condition that caused him/her to take leave. A return-to-work release from the health care provider is required before an employee absent due to his or her own serious health condition may return to work.

M-12. Family medical leave requests for medical treatment or care giving requires certification from the health care provider documenting medical necessity.

M-13. Family medical leave requests for parenting must be approved in advance and completed within twelve (12) months of the birth, adoption, or foster care placement of a child.
   a. Shared leave (if granted) may be used for the disability period related to childbirth. [rev. 7-15]
   b. Intermittent leave or reduced work schedule requests for parenting may not be granted, or may be cancelled by the university with thirty (30) days written notice, based on business needs of the university.

M-14. Family medical leave taken by two (2) university employees to care for a family member who has a serious health condition consists of a maximum twelve (12) weeks of leave for each employee. Family medical leave for parenting is addressed in FSH 3710 E. [rev. 7-15]

M-15. If the university obtains information from a credible source, such as the workers’ compensation authority, disability carrier, or a medical practitioner, that alters, changes, casts doubt, or fails to support continued leave or the leave application, the university has the right to:
   a. revoke leave;
   b. not grant leave;
   c. require new evidence to support the leave request;
   d. require the employee to return to work if the leave is not substantiated; and/or
   e. when appropriate under applicable employee discipline policies [FSH 3910, 3920, and 3930], take disciplinary action, up to and including dismissal.

M-16. Upon return from family medical leave, employees will be assigned to their same or similar position with equivalent pay and status with or without reasonable accommodation, as appropriate, in accordance with the Americans with Disabilities Act. Job reassignment must be coordinated with Employment Services and approved by the AVP for Human Resources or designee. The university has no obligation to restore employment to temporary hourly (TH) or other employees if the employment term or project is over and the university would not otherwise have continued employment.

M-17. Family medical leave is not intended for individuals who do not plan to return to work. An employee who applies for and is granted family medical leave and fails to return to work for at least thirty (30) days upon the expiration of their family medical leave period may be obligated to repay the costs of health coverage provided by the university during any portion of family medical leave. If the university is notified that the employee does not intend to return to work, the family medical leave period will terminate immediately and the employee will be separated from employment on that date. Medical, dental and under some circumstances Health Care Spending Accounts may be continued through the Consolidated Omnibus Budget Reconciliation Act (COBRA). Options for life insurance portability or conversion may also be available. Job separation under these circumstances
will result in a lump sum payment of annual leave and/or compensatory balances. In addition, the employee will no
longer have a right to restoration to the same or equivalent position. The employee is responsible for contacting
Employment Services to arrange for an exit interview.

N. SERVICEMEMBER FAMILY AND MEDICAL LEAVE. The federal Family and Medical Leave Act
(FMLA) now entitles eligible employees to take leave for covered family member’s service in the Armed Forces
(Servicemember Family and Medical Leave) in two instances. This section of the policy supplements the above
family medical leave policy and provides general notice of employee rights to such leave. Except as stated below, an
employee’s rights and obligations to servicemember family and medical leave are governed by the general family
medical leave policy. [add. 2-08, ren. 7-15]

N-1. Definitions: The following definitions are applicable to this section of the policy.

a. “Eligible employee” is a spouse, son, daughter, parent, or for purposes of caring for a family member,
the next of kin of a covered family member.
b. “Next of kin” is the nearest blood relative of a family member who is in the Armed Forces.
c. “Covered family member” means any family member who is a member of the Armed Forces, including a
member of the National Guard or Reserves, regardless of where stationed and regardless of combative
activities.

N-2. Leave Entitlement: Eligible employees are entitled to take servicemember family and medical leave for
any one, or for a combination of the following reasons:

a. Any “qualifying exigency” (as defined by the Secretary of Labor) arising out of the fact that the spouse,
or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or
order to active duty in the Armed Forces in support of a “contingency operation,” and/or
b. To care for a covered family member who has incurred an injury or illness in the line of duty while on
active duty in the Armed Forces, provided that such injury or illness may render the covered family
member medically unfit to perform duties of the family member’s office, grade, rank or rating.

N-3. Duration of servicemember family and medical leave:

a. When leave is due to a qualifying exigency: an eligible employee may take up to 12 work weeks of leave
during any 12-month period.
b. When leave is to care for a covered family member: an eligible employee may take up to 26 workweeks
of leave during a single 12-month period to care for the covered family member. Leave to care for a
covered family member, when combined with other qualifying family medical leave may not exceed 26
weeks in a single 12-month period.
c. Concurrent leave: servicemember family and medical leave runs concurrent with other leave entitlements
provided under federal, state and local law.

O. PERSONAL LEAVE. [ren. 2-08, 7-15]

O-1. Any employee not covered by another university leave type within this policy may request a personal leave of
absence.

O-2. Personal leave is leave without pay and without benefits. However, the supervisor may require the use of sick,
a nnual or any other type of accrued leave if the absence qualifies and leave is available. Personal leave may be
taken with pay and benefits when other paid leave such as annual leave is taken concurrently. In rare
circumstances, leave may be approved without pay, with continued benefits, but only when approved as an
exception and only when doing so meets the business needs of the university. Hiring units are responsible for
funding the benefits under these circumstances. [APM 55.38] [ed. 7-10]

O-3. Reasons for requesting a personal leave may include, but are not limited to, religious, personal, and
educational matters or for extension of any leave when all other leaves have been exhausted.
**O-4.** All requests for personal leave must be made to the supervisor in writing. A leave of three (3) working days or less can be approved by the supervisor and are recorded by the timekeeper on the employee’s time record as LWB. The president or his/her designee (i.e., provost) must approve a personal leave which exceeds three (3) working days. Personal leave is not guaranteed and is granted on a case-by-case basis, with the approval of the supervisor and the unit administrator, based on the business needs of the university.

**O-5.** The president or designee (i.e. provost) may grant personal leave without pay with or without benefits for a period of up to one (1) calendar year, with extensions not to exceed a total of three (3) successive calendar years [RGPP II.I.5.c.1]. Consideration is given to such requests on an individual basis in the light of the reason for which it is requested, whether it is leave with or without paid benefits and the effect that granting it will have on the employee’s unit or program.

**O-6.** When a personal leave of absence is granted, the university assures reinstatement of the individual to a position of similar status and pay, but only to the extent that such position continues to exist and would have continued to exist had no leave been taken. Return to work in the same job within the same department is not promised.

**O-7.** During personal leave without pay an employee is not eligible for holiday pay, the accrual of sick or annual leave, or the use of medical appointment leave, and may not be granted any other type of leave of absence such as family medical or military leave until the employee has first returned to work under active status and otherwise qualifies for such leave.

**O-8.** An employee who has received approval from the president or his/her designee for a personal leave without pay without paid benefits may continue to contribute toward and receive the benefits of the institution’s insurance and retirement programs, if the laws, rules, regulations, policies and procedures governing the administration of such insurance and retirement programs permit. [RGPP II.I.5.c.3]. Employees should consult Benefits Services for more detailed information on how personal leave without pay will impact their benefits and their rights to continue coverage through COBRA and life insurance conversion or portability. [APM 55.09 and 55.38] [ed. 7-10]

**O-9.** Employees who are granted a personal leave of absence without pay are responsible for making arrangements with Benefit Services, before the leave begins, for the continuation or discontinuation of benefits. Also, they should call Benefit Services on their return to active status to make sure that any benefits that had been discontinued are reinstated or to adjust for changes that occurred while they were on leave. [APM 55.38] [ed. 7-10]

**O-10.** Personal leave is not intended as a vehicle to continue benefits for periods when employees are not working due to academic or seasonal work schedules or for a reduction in hours.

**P. EXTENDED FAMILY MEDICAL LEAVE.** [ren. 2-08, 7-15]

**P-1.** Extended family medical leave (EFML) extends job protection and health benefits beyond the expiration of family medical leave. EFML is intended for the following:

- **a.** Individuals who plan to return to work and have a prognosis to support return to work with assumption of full duties and responsibilities of their position, with or without reasonable accommodation, within a total absence period of no more than twelve (12) consecutive months; or

- **b.** Individuals who do not have an acceptable prognosis to return to work, but whose absence qualifies for the use of sick leave and who have an unused sick leave balance upon the expiration of family medical leave.

**P-2.** EFML and other options for an employee’s return to work following an approved family medical leave must be coordinated through Benefit Services, approved by the supervisor, and are granted at the discretion of the university, but are not guaranteed. EFML may not exceed nine (9) consecutive months. [ed. 2-08]

**P-3.** Acceptable medical certification and/or other documentation to support a prognosis for return to work must accompany all requests for EFML. If acceptable medical certification and/or other documentation are not
provided, notice of contemplated job action to separate the employee from employment at the expiration of family medical leave may be served upon the employee if all sick leave has been exhausted.

P-4. If there is not a prognosis to return to work as defined above [O-1], notice of contemplated action for job separation will be issued. However, if the employee has a remaining sick leave balance and his/her condition qualifies for the use of sick leave, employment and EFML leave will be extended through the earlier of:

a. the date in which all sick leave will be exhausted; or
b. expiration of six (6) months of accumulated leave, measured from the date in which leave was first granted for the same condition.

All sick leave is forfeited upon separation from employment, except as provided in O-6, or as provided in (Idaho State Code 53-4001) rights to reinstate sick leave upon return to work for any State of Idaho agency. [ed. 2-08]

P-5. Sick and all other available paid leave must be used concurrently with and taken first before any period on unpaid leave during EFML. EFML is leave with benefits but without pay, unless accrued sick or annual leave or compensatory time is used.

P-6. An employee with a sick leave balance who separates from employment upon the expiration of EFML and qualifies as a disabled retiree, or as a retiree eligible for any tier of university retiree medical coverage that requires retiree cost sharing, may convert a predetermined amount of the unused sick leave to pay for the retiree’s share of the cost for their own university medical coverage. [FSH 3730]

P-7. Health benefits will continue during an approved EFML in the same manner afforded to any employee of the same classification who is actively at work.

a. The employee must make arrangements to self-pay his/her share of employee and dependent benefit costs during any portion of EFML that is unpaid.

b. Sick leave, annual leave, holiday pay and credited service hours toward vesting of annual leave accruals and retirement are not continued during any portion of leave that is unpaid.

c. Short and/or long-term disability wage replacement payments and/or actively at work provisions for death and other benefits provisions within PERSI and similar contracts refers to an employee being actively at work (employed and not on leave) on the date in which the disability has first begun. An employee whose condition began before taking a leave of absence and who has qualified or met the conditions in accordance with provisions set by the carrier will continue to receive benefits and/or remain eligible for such benefits during Extended Family Medical Leave, and/or upon separation from employment if unable to return to work. [Refer to Disability and Retirement Plan Handbooks www.hr.uidaho.edu/benefits]

P-8. Employees who have been granted EFML are required to provide documentation to support progressive medical improvement. Medical certification and other documentation may include temporary restrictions of duties and/or periods of part-time work restrictions must be approved by Human Resources and the hiring authority, and must intend and attempt to phase an employee back to work to a level of full assumption of job duties, with or without reasonable accommodation.

P-9. During EFML, the university may require reasonable periodic re-certification and updates regarding the employee’s medical condition, prognosis for improvement, and fitness for duty. A release to return-to-work from the health care provider is required before an employee may return to work. The university, at its own expense, may require medical pre-screening for return to work in a position that includes pre-employment medical pre-screening to ensure the safety and fitness for prescribed job duties before an employee is allowed to return to work with or without restriction of job duty.

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P-10. When an employee’s own medical condition or restriction is expected to be chronic, or when the condition fails to progressively improve, notice of contemplated action and job separation or accommodation of disability under ADA should be explored.

P-11. If at the expiration of the EFML period the employee is still unable to perform the essential duties of his/her position with or without reasonable accommodation, the university has the right to separate any employee from employment and/or to end EFML and begin job separation when the medical prognosis ceases to support a return to work within EFML limits. [FSH 3910, 3920 and 3930]

Q. LEAVE FOR PROFESSIONAL IMPROVEMENT. [ren. 2-08, 7-15]

Q-1. Leave for professional improvement is paid leave with benefits for the purpose of participating in professional development programs or experiences for an extended period of more than two (2) weeks to attain or enhance a skill set that will result in a mutual benefit to the both the university and the employee.

Q-2. Members of the faculty who hold the rank of instructor or above, exempt employees, and classified staff are encouraged to participate in programs of professional improvement. (Tenured faculty may also be eligible for sabbatical leave and should refer to FSH 3720.) Generally, on the recommendation of an applicant’s administrative supervisor, and with the approval of the dean/director and the provost/vice president, professional improvement leave may be granted under the following conditions (individual departments may have additional requirements and restrictions):

a. To participate in this plan, the faculty or staff member must have completed four (4) years of service before the time the leave is to begin.

b. Generally, at least two (2) years of service must intervene between a sabbatical leave and a leave for professional improvement or at least five (5) years of service must intervene between a leave for professional improvement and a subsequent request for the same type of leave.

Q-3. The employee requests professional improvement leave with pay by submitting a letter of application to the supervisor at least three (3) months before the leave is to begin. The letter should address the professional development to be derived from the leave, what activities (i.e. research, writing, experience, etc.) will be involved to achieve the professional goals, the duration of the leave, the level of support requested, and the source of funds, if known.

Q-4. Persons granted leave under this policy are expected either to return to the active service of the university for at least one academic or other full work year after completion of the leave, or are required to repay the money received from the university for the period of professional improvement leave granted.

Q-5. The employee must submit a report to the supervisor, the dean/director, and the provost/president regarding his or her developmental experience upon return to active work status.

Q-6. The employee may request approval to use accrued annual leave and to have an equal amount of administrative leave with pay granted to permit his or her participation in a program of professional improvement.

R. EXCEPTIONS. [ren. 2-08, 7-15]

R-1. Exceptions to these policies may be considered to the extent that such an exception is not contrary to state and federal laws, the Board of Regent policies and procedures, and are considered in the best interest of the university. The respective unit administrator, the AVP for Human Resources or designee, and the president or designee as required, can grant exceptions. A request for exception must be submitted and approved by the supervisor and forwarded to the AVP for Human Resources for further consideration of all approvals.