University of Idaho
2016-2017 FACULTY SENATE AGENDA
Meeting #19

3:30 p.m. - Tuesday, February 28, 2017
Paul J. Joyce Faculty-Staff Lounge & Skype for Business
Order of Business

I. Call to Order.

II. Minutes.
   - Minutes of the 2016-17 Faculty Senate Meeting #18, February 21, 2017 (vote)

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.

VI. Committee Reports.

   Faculty Affairs/Senate Leadership/Committee on Committees: (vote)
   - FS-17-045: FSH 3710 – Leave Policy (Nelson)
   - FS-17-046: FSH 1640.xx – Faculty and Staff Policy Group (Hrdlicka)

VII. Special Orders.
   - Immigration (Brandt/Evans)

VIII. Unfinished Business and General Orders.

IX. New Business.

X. Adjournment.

Professor Liz Brandt, Chair 2016-2017, Faculty Senate

Attachments: Minutes of 2016-2017 FS Meeting #18
FS-17-045, 046
Immigration Resolution
University of Idaho  
Faculty Senate Meeting Minutes  
2016-2017 Meeting #18, Tuesday, February 21, 2017

Present: Adekanmbi, Anderson (Mike), Anderson (Miranda), Barbour, Berven, Boschetti, Brandt, Brewick, Brown, Cannon (Boise), Caplan, Chung, Crowley (w/o vote), Donohoe, Fisher, Folwell, Godfrey (Coeur d'Alene), Ostrom (Idaho Falls), Hrdlicka, Johnson, Nicotra, Wilson, Payant, Pregitzer, Sixtos, Vella, Wiencek (w/o vote), Wright. Absent: Markuson, Morrison. Guests: 9

The Chair called meeting #17 to order at 3:30. A motion (Folwell/Johnson) to approve the minutes from February 14th passed without objection.

Chair’s Report: Chair Brandt sought approval of a nominating committee for the soon to be vacant Faculty Secretary position. The proposed committee would be Provost Wiencek along with Senators Jody Nicotra, Andrew Brewick, Patrick Hrdlicka and Annette Folwell. The membership of this committee was approved without objection. Chair Brandt announced that the next University Faculty Meeting would be on May 2nd at 3:00. The formal announcement for the UFM will be coming out next week after the Jazz Festival. She also announced that the group working on an immigration statement is meeting at 9:00 on Friday morning in the Joyce Lounge. Chair Brandt reminded everyone that one week from today faculty must make their “spread pay” election. If a selection is not made, they will default to standard pay. She suggested that Senators might send a reminder to this effect to their colleagues. Finally, there is still a need for a Senator to serve on BAG. This committee meets the 2nd Wednesday of the month at 1:30. Chair Brandt acknowledged that she was now reduced to begging someone to volunteer. (Note: Apparently, begging did not succeed and Chair Brandt gallantly agreed to finish this year’s term on BAG).

Provost’s Report: Provost Wiencek stated that he was currently in negotiation with one of the finalists for the dean of Science. He hoped that he would have some positive news regarding this search in the near future. The Provost noted that an internal search for a dean for the College of Graduate Studies has been launched and there is an ongoing search for a vice provost of Academic Initiatives. The Provost commented on the SBOE meeting last week. We had three new academic initiatives come to the Board for approval.

- Film and TV Studies
- Medical Sciences
- First year of the Law Program in Boise.

The Board unanimously approved all three of these programs.

The Provost encouraged all faculty and staff to watch the video on program prioritization shown last week at the Senate. Everyone should go to the polling tool to provide feedback. One department (English) has already provided feedback. The Provost was asked about the million-dollar deficit in the athletic department and what we were planning to do about it. The Provost noted that in his appearance at the Senate last fall, Athletic Director Spear provided data suggesting that a deficit might be on the way. The Provost stated that the athletic department
had accumulated a surplus in the past and had been given permission to draw the surplus down. This year the football program did not play in as many big money games. In addition, there is a cap on the percentage of student fees that can go to the athletic department. The Board has asked for more detail on how the university plans to account for this deficit. It is not readily apparent what impact the move to FCS will have on the budget.

**FS-17-041 (UCC-17-020a) Natural Resources: Changing Name of Department.** This proposal seeks to change this department name from Rangeland Ecology and Management to Rangeland Conservation. Chair Brandt recognized Professor Morgan to speak to the proposal. Professor Morgan stated that the name change is designed to increase enrollment. It was felt that the focus on conservation and wildlife habitat will attract more students.

A question asked whether the removal of the reference to ecology would narrow rather than broaden the area of study. A related question was asked about whether there used to be a program with this title. Professor Morgan did not think the name change was narrowing the area of study and did not know if this title had been used before. The proposal passed without objection.

**FS-17-042 (UCC-17-034a) CALS: Secondary Teacher Certification.** Chair Brandt recognized introduced Professor Meyer to discuss this change. Professor Meyer explained that there was once a major of this nature. This proposal does not bring back the major, but seeks to institute a teacher certification program within the Family and Consumer Science program. Senator Cannon suggested that there was a demand for this program, and would increase as currently employed teachers in this area retire. The proposal passed unanimously.

**FS-17-043 (UCC-17-034b) Education: Teaching Minor in Literacy.** This proposal seeks to include a K-12 Literacy endorsement for elementary and secondary teacher education. Senator Cannon stated that there was a strong interest in obtaining this endorsement among teachers and prospective teachers. The proposal passed unanimously.

**Report on Animal Control.** Chair Brandt welcomed Vice President Dan Ewart back to discuss this report on “nuisance animal management”. Vice President Ewart stated that he was reporting on the new policies related to animal control on campus. He noted that the report has taken a while to develop because of the numerous UI sites around the state. He wanted to emphasize that the policy states that if an animal is not bothering anything we will leave it alone. If an animal does become a risk to health and safety, it might be necessary to trap the animal. While we have the capacity to trap animals, the basic policy will be to let licensed contractors do the trapping. However, if the UI must trap an animal, we will then turn it over to Moscow Animal Control. The UI will not euthanize nuisance animals and will ask those we contract with to make this a last resort. Vice President Ewart stressed that there was a distinction between nuisance animals and animals involved in research. Research animals are covered under a different set of policies. An annual report on these issues will be provided and Mr. Ewart noted that he has had meetings with groups like Animal Control and the Humane Society. These groups have been instrumental in developing the new policies. Overall, he felt these discussions have helped clarify the capabilities of each organization.
Chair Brandt stated that since the new policy has been announced, it is imperative that the APM be amended. Vice President Ewart stated that these revisions were ready to go.

A Senator asked about the use of traps on campus and Mr. Ewart said that this was sometimes necessary. For example, we are currently having a problem with beavers. A question was raised about feral cats and who would make the decision about whether they constituted a risk. Mr. Ewart stated that such a determination would be made by Facilities. If there were no risks, the cats would be left alone. He did remind everyone that there was an APM that prohibited feeding of wildlife. There was some discussion of how this was enforced. It was noted that enforcement is usually pretty informal.

**Final Exam Formula:** Chair Brandt invited Registrar Heather Chermak and Associate Registrar Dwaine Hubbard to discuss the final exam schedule. They wondered what questions the Senate had. A Senator asked about starting exams at 7:30 in the morning. Starting this early raised questions about how well students functioned at this hour, as well as possible concerns about weather related problems at that hour in December. It was pointed out that there is research suggesting that cognitive functioning is not at its peak early in the morning.

There was a discussion of why there was a gap in the final schedule between 5-7 in the evening. The gap at that hour was apparently for dinner and would be use as a space in resolving conflicts. Several Senators suggested that if that gap was shortened or eliminated, the testing periods could start later in the morning. A Senator wondered if students with children would be affected by such a change? It was pointed out that starting at 7:30 might also produce problems for students with families. There was a general discussion of the pros and cons of having a longer exam period.

While no precise resolutions were offered, there did appear to be a widespread desire to reconsider the early morning start time by shortening the gap between 5-7.

**Adjournment:** The Chair thanked the Registrar’s Office for considering some of the options discussed. At this point she entertained a motion (Folwell/Fisher) to adjourn at 4:25. The motion passed unanimously.

Respectfully submitted,

Don Crowley, Faculty Secretary &
Secretary to the Faculty Senate
POLICY COVER SHEET
(See Faculty Staff Handbook 1460 for instructions at UI policy website: www.webs.uidaho.edu/uipolicy)

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<td>Chapter &amp; Title:</td>
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All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to apm@uidaho.edu or fsh@uidaho.edu respectively.

*Note: If revision/deletion request original document from apm@uidaho.edu or fsh@uidaho.edu, all changes must be made using “track changes.”

Originator(s):
(Please see FSH 1460 C)

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<tr>
<td>Brandi Terwilliger</td>
<td>September 13, 2016</td>
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<tr>
<td>Telephone &amp; Email:</td>
<td>885-3008</td>
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<tr>
<td>Policy Sponsor:</td>
<td>Wes Matthews</td>
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<td>Policy Coordinator</td>
<td>Wes Matthews</td>
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<td>Telephone &amp; Email:</td>
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Reviewed by General Counsel

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<td>Name &amp; Date: Debra Ellers; August 2016</td>
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I. **Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

Slight revisions to clarify intent of changes from 2015 and 2016 as well as minor clerical changes and contradictions within.

II. **Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have?

None

III. **Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.

These changes should have no impact on APM 55.07 and APM 55.09

IV. **Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

ASAP

If not a minor amendment forward to: __________________________

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UI FACULTY-STAFF HANDBOOK
CHAPTER THREE:
EMPLOYMENT INFORMATION CONCERNING FACULTY AND STAFF
July 2016

3710

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 practice. 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 service member 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. In 2015 and 2016 many changes were put in place to comply with federal regulation changes on family medical leave, a new section on Parenting Leave was added, and to allow employees more flexibility in leave use. Unless explicitly noted, the text is as of July 1996. Further information is available from Human Resources (208-885-3638). [ed. 7-97, 7-05, rev. 7-98, 7-02, 2-08, 7-10, 7-11, 7-15, 7-16]

CONTENTS:
A. General
B. Annual Leave
C. Sick Leave
D. Holidays
E. Parenting Leave
F. Military Leave
G. Leave for Court Required Service and Voting
H. Leave for Campaigning for or Service in Public Office
I. Administrative Leave
J. Academic Transitional Leave
K. Terminal Leave
L. Shared Leave
M. Family Medical Leave
N. Service member Family and Medical Leave [add. 2-08]
O. Personal Leave
P. Extended Medical Leave
Q. Leave for Professional Improvement
R. Exceptions

A. GENERAL.

A-1. The University of Idaho (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 [see R below; APM 55.09, 55.07, 55.38; FSH 3120, 3720 and 6230] [ed. 2-08, 7-10, 7-16]

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 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 Employees 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. Exempt employees (full-time FLSA) who work at least four (4) hours in a day will be paid regular pay for the full day. If they work fewer than four (4) hours, the difference will be charged to the appropriate accrued leave. If the employee is on approved intermittent Family and Medical Leave (FML) they must report each hour missed. [ed. 7-16]

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
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. Attendance at work is a job requirement for all positions at the university. Excessive absenteeism can affect job performance. Supervisors may set reasonable attendance standards, and the employee may be subject to disciplinary action.

A-14. 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.

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]

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]

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]

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 .04625 times hours worked within each bi-week, however leave is not earned until the benefit qualification period has been satisfied. [ed. 7-16]

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 uneearned 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 uneearned 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 .04625 results in 2.90 hours of accrual and may accumulate to a maximum of 192 hours. [ed. 7-16]
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.

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. See E-3: Parenting Leave for the requirement to use sick leave prior to use of annual leave. [RGPP II.1.2.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].

  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. Documentation to support the use of sick leave may be required. [rev. 7-16]

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 funded on grants or contracts are expected to use all earned annual leave during the appointment before expiration of the grant(s) or contract(s). Employees separating employment upon the expiration or termination of a grant or contract, will be required to use annual leave before their last day of employment. [rev. 7-16]

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 Human Resources has approved a written request for alternative termination arrangements that are in the best interests of the university. [ed. 7-16]

A termination extended through the use of accrued annual leave must be approved in advance, in writing, by Human Resources and unit administrator and shall be treated as terminal leave. [J and APM 50.20][ed. 7-16]

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 Human Resources. [ed. 7-16]

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. (Available to UI employees listed in A-6 (a) and A-6 (b) as described in Section C)

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 .04625 for each hour worked. [ed. 7-16]

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. [ed. 2-08, rev. 7-16]

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 [J]. [ed. 7-16]

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 or Serious Medical Condition of Employee. An employee’s own illness, injury, or childbirth; or an illness, injury, or childbirth 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. [rev. 7-16]

b. Illness or Serious Medical Condition of an Immediate Family Member. When the illness, injury, or childbirth of an immediate 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 Human Resources may approve an extension of leave for up to a total of thirty (30) days of sick leave. [ed. 7-16]

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.

f. 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.

fg. Parenting/Adoption. All eligible employees are entitled to use sick leave for parenting/adoption as provided in E. Parenting Leave. [rev. 7-16]
UI FACULTY-STAFF HANDBOOK
Chapter III: EMPLOYMENT INFORMATION CONCERNING FACULTY AND STAFF
Section 3710: Leave Policies for All Employees

by. 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 organ donor during an approved family medical [M] or personal leave [O]. [fed. 2-08, 7-16]

C-8. Attendance at work is a job requirement for all positions at the university. Excessive absenteeism can affect job performance. Supervisors may set reasonable attendance standards. Documentation may be required to be submitted to Human Resources to support absences. Absences that occur during an approved family medical leave [M] are exempt from these requirements. [rev. 7-16]

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 [M-2]. [ed. 7-16]

C-10. An employee may be eligible for FML after three (3) consecutive days of sick leave, unpaid or other absence [M-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 a medical certification form and FML application. A failure to comply with a request to complete and return the medical certification form and the FML application, if applicable, within a reasonable period of time, may result in absence without pay and/or disciplinary action, up to and including dismissal from employment (see FSH 3910, 3920 and 3930). [rev. 7-16]

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 may qualify. 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. (Available to UI employees listed in A-6 (a) and A-6 (b) as described in Section D)

D-1. The university is closed at least eleven (11) holidays each fiscal year. [FSH 3460 F-2] [ed. 7-16]

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-32. 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-43. 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-54. 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:

- 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.
- 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-65. 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] (Available to UI employees listed in A-6 (a) who also meet the specific eligibility criteria as described in Section E)

E-1. Definitions.

a. “Parenting” is defined as the period of bonding that occurs within the first twelve (12) months of the birth, adoption or foster placement of the child in the family and ends twelve (12) months after. An employee who has given birth may be eligible for family and medical leave related to child birth disability and may continue leave followed by a period of parenting which begins at the expiration of the disability of the birth mother and/or child if applicable.

b. 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. [rev. 7-16]

E-2. All university Employees who are eligible to receive sick leave are eligible for Parenting Leave on or after (i) 180 days from their date of hire. Employees must also successfully complete any applicable initial probationary period or (extension thereof) to be eligible; or (ii) the date of successful completion of their initial probationary period, whichever is later. Eligible employees 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. [rev. 7-16]

E-32. If both parents are employees of the university and eligible for FMLA leave under Section M, each is entitled to take the same amount of parenting leave as allowed for a single employee. Only one employee is entitled to parenting leave if both parents, as employees, have not met FMLA eligibility requirements as stated in M-3. [rev. 7-16]

E-34. Employees can choose to use a combination of accrued paid leave or unpaid leave. First, employees must use accrued sick leave (see FSH 3710 M-2). However, when the combination of the employee’s remaining sick leave, plus any additional accrued paid leave that may be available to the employee falls below 80 hours, then the employee may elect to use unpaid leave for parenting. However, employees must first use accrued sick leave (see FSH 3710 M-2) and then any accrued annual leave or compensatory time provided however at such time as the employee’s total available leave falls below 80 hours the employee may elect to use unpaid leave for parenting; they have in excess of 80 hours before going on leave without pay. [rev. 7-16]
E-54. Parenting Leave should be applied for through Benefit Services. When the need for Parenting Leave is foreseeable, an employee must request an application at least thirty (30) days in advance of the need for leave. When events are not foreseeable, employees must provide as much notice as is possible. If an employee is eligible for FMLA leave under Section M, 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. [rev. 7-16]

E-65. Health benefits continue during Parenting 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 Parenting Leave. [add. 7-16]

E-76. Upon return from Parenting Leave, employees will be assigned to their same or similar position with equivalent pay and status. [add. 7-16]

E-82. Leave may not be used for both foster care and adoption consecutively if foster placement leads to that adoption of the son or daughter. [ren. 7-16]

E-98. Alternate or reduced work schedules are addressed in FSH 3710 M-13 b. [ren. 7-16]

E-910. See FSH 3710 R-1 for exceptions to university leave policies. [ren. 7-16]

F. MILITARY LEAVE. When an employee goes on military leave it is not considered a break in service. [Available to all UI employees as described in Section F1] [ren. & rev. 7-16]

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 one hundred twenty (120) hours per calendar year for active duty or military training. Employees who are in board-appointed positions [FSH 3080] are eligible for full pay while on 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. 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 according to the applicable plan documents. Instead of taking military leave, an employee may request annual leave on the same basis as any other vacation or other time off and if approved, retain full military pay. [APM 55.09 and 55.38] [ed. 7-10, rev. 7-16]

F-2. Any employee who is called to active duty and/or is required to serve more than one hundred twenty (120) hours 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. [ed. 7-16]

F-3. An employee may choose to use annual leave and/or accrued compensatory time for military service and continue to receive pay and benefits at any time. [rev. 7-16]

F-4. Military leave beyond the first one hundred twenty (120) hours 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 and are subject to the applicable benefits based on the university’s current Summary Plan Document at the time of reinstatement: contact Benefit Services. [ren. 7-16]
F-5. 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. [rev. & ren. 7-16]

F-6. Upon reinstatement to active university employment, the employee’s health plan will resume as if their employment had not been interrupted. [ren. & rev. 7-16]

F-7. 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. [ren. 7-16]

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 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-8. Retirement benefit contributions are suspended while the employee is on unpaid military leave when the one hundred twenty (120) hours per F-1 have been exceeded. Upon reinstatement to active university employment after military leave, reenrollment in the retirement plan will be accomplished in accordance with the plan documents. [ren. & rev. 7-16]

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-9. 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. [ren. 7-16]
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G. LEAVE FOR COURT REQUIRED SERVICE AND VOTING. [ren. 7-16] (Available to all UI employees as described in Section G)

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 G-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; 7-16]

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.I.5.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. 7-16] (Available to UI employees as described in Section H)

H-1. The president approves requests for leaves of absence for the purpose of campaigning for or serving in public office [RGPP II. I.5.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.I.5.c.2.]. Certain benefits may continue during the unpaid leave; however, the employee must pay the full cost of coverage.

I. ADMINISTRATIVE LEAVE. [ren. 7-16] (Available to all UI employees as described in Section I)

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 (K) and academic transitional leave (J) are not considered administrative leave.) [ed. 7-16]

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.I.5.d; FSH 3470 B] [ed. 7-10, 7-16]

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.

I-8. Administrative Leave with Pay. When the president or designee makes a decision to close, cancel classes, or postpone the opening the university, employees will be authorized Administrative Leave with pay. When approved, employees will enter hours as follows for emergency closure days:

- [TH] Temporary Help (PERSI-eligible only) – enter hours regularly scheduled but not worked due to the closure under the Administrative Leave code, up to 8 hours.
- Classified – enter hours not worked due to closure under the Administrative Leave code, up to 8 hours.
- Exempt & Faculty – enter hours not worked, if over 4, due to closure under the Administrative Leave code, up to 8 hours.

J. ACADEMIC TRANSITIONAL LEAVE. [ren. 7-16] (Available to all UI employees as described in Section J)

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 Human Resources. [ed. 7-16]

K. TERMINAL LEAVE. (Available to all UI employees as described in Section K) [ren. 7-16]

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. 7-16] (Available to employees listed in A-6 (a) subject to specific eligibility criteria described in Section L)
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. If an employee is only eligible for benefits under the Patient Protection and Affordable
Care Act (PPACA) they do not qualify for shared leave. [rev. 7-15, 7-16]

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. [rev. 7-16]

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 use all other available leave such as sick leave, annual leave, and
compensatory time to qualify for shared leave. If an employee receives shared leave during the first year of their
employment with the university, and does not return to active service for at least thirty days after completion of
their leave, they may be expected to repay the compensation they received, unless this requirement is waived by
the president, or his/her designate. [rev. 7-16]

c. Disability Income. To be eligible for shared leave for the employee’s own medical condition that is expected
to last longer than thirty days, employees must first apply for wage replacement benefits that may be available
through disability coverage. In cases of job-related injuries, employees must first apply for wage replacement
through workers’ compensation. 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. Shared leave cannot be claimed when time away will be
paid through wage replacement programs such as disability and workers’ compensation benefits. [rev. 7-16]

L-3. Donating Annual Leave to Shared Leave Pool. [ed. 7-16]

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. 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 at the time it is transferred and used by the recipient (see
conversion below in L-3.b). No leave donation in excess of the recipient’s shared leave needs will be taken.
c. Leave donations may be made in any amount of not less than ½-hour (.50) increments. [ren. 7-16]

d. 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). 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, ren. 7-16] [add. 7-16]

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 granted will be prorated based on employee’s FTE. [ren. 7-16]

b. Recipients of shared leave from the shared leave pool will receive the benefit on a first-come, first-serve basis as the pool balance must not fall below zero dollars. If funds are unavailable from the shared leave pool, the recipient would be required to solicit direct donations. [add. 7-16]

c. Shared leave requests are reviewed and granted by Benefit Services 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 Human Resources within thirty (30) days from the date of denial and must reference the applicable sections of policy and reasons why there is disagreement. Human Resources will respond to appeals within thirty (30) days. [ren. & ed. 7-16]

L-5. Funding and Conversion.

a. Funding for a full year of base salary is provided for most positions. A department typically has received funding for the duration of the employee’s full appointment. If an employee is absent without pay, the department 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 employee’s pay during leave from shared leave donations. [ren. & rev. 7-16]

b. Conversion for donations. Hours donated by an employee are calculated at the donor’s hourly rate and converted to dollars that will be distributed to the recipient using the recipient’s hourly rate. Direct donations donors should be aware that if the conversion value from donated hours is greater than the intended recipient uses, any unused dollars will go into the Shared Leave Pool. [add. 7-16]

M. FAMILY MEDICAL LEAVE. [ren. 7-15] (Available to all UI employees subject to specific eligibility criteria described in Section M)

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, ed. 7-16]

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. Parenting Leave taken under Section E by an employee who is also eligible for Family Medical Leave shall be counted as Family Medical Leave to the full extent of the employee’s eligibility for Family Medical Leave at the time the leave is taken. Parenting Leave that falls outside of the requirements of the Family Medical Leave Act does not count against an employee’s Family Medical Leave entitlement. [add. 7-15, rev. 7-16]

M-2. Family medical leave and/or service member family medical leave is generally leave without pay. However, see Section E above for specialized provisions in the case of parenting leave. In addition, when the absence is not for parenting but also qualifies for the use of sick leave, if available, employees may choose to use any combination of paid leave before going on leave without pay to reduce their total balance to 80 hours. 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. However, if an employee has more than 80 hours of accumulated annual leave or compensatory time, they must use those hours first before going on leave without pay. Employees may choose to use any combination of compensatory time or annual leave before going on leave without pay to reduce their total balance to 80 hours. [rev. 2-08, 7-16]

M-3. Eligibility. If the employee 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. This eligibility requirement does not apply to eligibility for Parenting Leave under Section E. [rev. 7-15]

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).
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6. “parenting” is defined as the period of bonding that occurs within the first twelve (12) months of the birth, adoption or foster placement of the child in the family and ends twelve (12) months after. An employee who has given birth may be eligible for family and medical leave related to childbirth disability and may continue leave followed by a period of parenting which begins at the expiration of the disability of the birth mother and/or child if applicable. See Parenting Leave E for non-FMLA parenting leave.

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 intermitently. 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 Human Resources. 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. SERVICE MEMBER FAMILY AND MEDICAL LEAVE. The federal Family and Medical Leave Act (FMLA) now entitles eligible employees to take leave for covered family members’ service in the Armed Forces (Service member 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 service member 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.
d. A “covered veteran” is an individual who was a member of the armed forces (including a member of the National Guard or reserves) and was discharged or released under conditions other than dishonorable at any time during the 5-year period before the first date the eligible employee takes FMLA leave to care for the covered veteran.

1. An eligible employee must begin leave to care for a covered veteran within 5 years of the veteran’s active duty service, but the “single 12-month period” may extend beyond the 5-year period. [add. 7-16]

N-2. Leave Entitlement: Eligible employees are entitled to take service member 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, or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty 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. [rev. 7-16]

c. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the armed forces) and manifested itself before or after the member became a veteran and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the armed forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; or

2. A physical or mental condition for which the covered veteran has received a U.S Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

3. A physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the U.S Department of Veteran’s Affairs Program of Comprehensive Assistance for Family Caregivers. [add. 7-16]

N-3. Duration of service member 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: service member 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] [Available to UI employees listed in A-6 (a) and A-6 (b) as described in Section O]

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, annual 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.1.5.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.1.5.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 MEDICAL LEAVE. [ren. 2-08, 7-15, ed. 7-16] [Available to all UI employees subject to specific eligibility criteria described in Section P]

P-1. Extended medical leave (EML) extends job protection and health benefits beyond the expiration of family medical leave. EML is intended for the following: [ed. 7-16]
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. EML and other options for an employee’s return to work following an approved family medical leave must be coordinated and approved through Benefit Services, in consultation with the supervisor, and are granted at the discretion of the university, but are not guaranteed. EML may not exceed a total absence period of twelve (12) consecutive months. [ed. 2-08, rev. 7-16]

P-3. Acceptable medical certification and/or other documentation to support a prognosis for return to work must accompany all requests for EML. 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. [ed. 7-16]

P-4. If there is not a prognosis to return to work as defined above [P-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 EML 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 P-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 EML. EML is leave with benefits but without pay, unless accrued sick or annual leave or compensatory time is used. [ed. 7-16]

P-6. An employee with a sick leave balance who separates from employment upon the expiration of EML 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] [ed. 7-16]

P-7. Health benefits will continue during an approved EML in the same manner afforded to any employee of the same classification who is actively at work. [ed. 7-16]

   a. The employee must make arrangements to self-pay his/her share of employee and dependent benefit costs during any portion of EML that is unpaid. [ed. 7-16]

   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 Medical Leave, and/or upon separation from employment if unable to return to work. [Refer to Disability and Retirement Plan Handbooks http://www.uidaho.edu/human-resources/benefits] [ed. 7-16]
P-8. Employees who have been granted EML 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. However, restrictions of job duties and/or 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. [ed. 7-16]

P-9. During EML, 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. [ed. 7-16]

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 EML 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 EML and begin job separation when the medical prognosis ceases to support a return to work within EML limits. [FSH 3910, 3920 and 3930][ed. 7-16]

Q. LEAVE FOR PROFESSIONAL IMPROVEMENT. [ren. 2-08, 7-15] (Available to faculty with instructor rank or above, exempt employees and classified staff as described in Section Q)

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, Human Resources, 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 Human Resources for further consideration of all approvals. [ed. 7-16]
POLICY COVER SHEET
(See Faculty Staff Handbook 1460 for instructions at UI policy website: www.webs.uidaho.edu/uipolicy)
[3/09]

Faculty/Staff Handbook [FSH] □ Addition ■ Revision* □ Deletion* □ Emergency
Minor Amendment □
Chapter & Title: FSH 1640.XX- Faculty/Staff Policy Group

Minor Amendment □
Chapter & Title:

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to apm@uidaho.edu or fsh@uidaho.edu respectively.

*Note: If revision/deletion request original document from apm@uidaho.edu or fsh@uidaho.edu, all changes must be made using “track changes.”

Originator(s): Senate Leadership, Liz Brandt Chair
(Please see FSH 1460 C)
Name Date
ebrandt@uidaho.edu

Policy Sponsor: (If different than originator.)
Name Date
Reviewed by General Counsel X Yes ____ No Name & Date: Kent E. Nelson 2/21/17
Staff Council approved Jan. 11th, edits approved.
Faculty Affairs approved, Brian Ellison Chair, bellison@uidaho.edu on Jan. 30, edit approved.
Committee on Committees approved. Feb. 8th.

I. Policy/Procedure Statement: Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

A new senate committee to provide a better working communication between Staff Affairs and Faculty Affairs on mutually related policies that affect each, as well as provide a forum to work out last second compromises before a policy proceeds to Senate.

II. Fiscal Impact: What fiscal impact, if any, will this addition, revision, or deletion have?
None

III. Related Policies/Procedures: Describe other policies or procedures existing that are related or similar to this proposed change. FSH 1640.42 – Faculty Affairs

IV. Effective Date: This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: ____ Staff Council Jan. 11 with edits ______
Track # ___________
Date Rec.: ___________
Posted: t-sheet ______
h/c ______
web ______
Register: ______
(Office Use Only)
A. FUNCTION.

A-1. To review non-academic policies and procedures (other than minor amendments, see FSH 1460 B-2) that affect both faculty and staff and that reside in the Faculty-Staff Handbook and/or Administrative Procedures Manual.

A-2. To ensure that both Faculty Affairs and Staff Council are informed, the chair of FSPG will communicate regularly with the chairs of Faculty Affairs and Staff Leadership.

A-3. To address and possibly resolve any perceived problems before forwarding proposed policies and procedures to Faculty Senate, the committee is encouraged to seek assistance from, or request meetings with the policy sponsor (see FSH 1460 B-6), general counsel, or others as necessary.

B. STRUCTURE. Three faculty, three staff, and the Faculty Secretary/Policy Coordinator, or his/her designee. A broad representation of faculty and staff across the university is expected and who are seen as leaders among their peers. A current member of Faculty Affairs and Staff Council is desirable, if possible. The chair of this committee will be selected from one of the six voting members.

1640.42
FACULTY AFFAIRS COMMITTEE (FAC)

A. FUNCTION.

A-1. To conduct a continuing study of salaries, professional problems, welfare, retirement options and benefits (including 403b plans), and working conditions of faculty members.

A-2. To call the attention of the Faculty Senate or the president, as appropriate, to matters concerning faculty affairs in any college or other unit that the committee believes should be of concern. [ed. 7-09]

A-3. To serve as a “court of first point of first contact involving questions of instance” in matters of dispute involving the interpretation and application of policies affecting the welfare of faculty members, e.g., such as promotion and tenure.

A-4. To cooperate and make joint recommendations with the Staff Affairs Committee for the solution of problems common to the faculty and the staff.

B. STRUCTURE. Nine faculty members, not more than two of whom are departmental administrators (administrators above the departmental level are not eligible for membership on this committee).
The University of Idaho issued a statement of support to its noncitizen students, faculty, and staff on January 30, 2017. To effectuate this statement of support and ensure the University of Idaho is a safe and welcoming environment for our entire UI community regardless of citizenship, the University of Idaho Faculty Senate hereby reaffirms and urges the University Administration to reaffirm the following principles:

1. The University of Idaho welcomes all members of its community, including those born abroad. We remain committed to the core values of inclusion and diversity from which we have always drawn great strength and to respecting the dignity of each individual—regardless of race, color, religion, national origin, sex, sexual orientation, gender identity/expression, age, disability or veteran status. Faculty Staff Handbook 3200

2. The University is dedicated to providing all students with access to higher education. That unqualified support extends to our foreign-born students as well. FSH 3200 and 4330

3. A safe and welcoming environment for students, faculty, and staff and their families on campus facilitates the physical safety and emotional well-being that is essential to a student's ability to achieve academically and to an employee's ability to succeed at their job. FSH 3170.

4. To ensure that our University campus is safe and welcoming for all members of the UI community, we must adopt policies that protect student's information and integrity on campus in accordance with local, state, and federal law. FSH 2600.

To fulfill the principles above, the University of Idaho Faculty Senate urges the University Administration to affirm and adopt the following policies:

1. The University will continue to admit students consistent with its nondiscrimination policies so that undocumented students will be considered for admission under the same criteria as U.S. citizens or lawful permanent residents.

2. With the exception of the mandatory reporting requirements within the Student and Exchange Visitor Program (SEVP) and other visas, all requests by immigration officials and other law enforcement agents for information regarding students or their families will be directed to the Office of General Counsel.

3. Consistent with the protections of educational records under federal law, no confidential student records or employment files will be released to federal immigration enforcement officials without a valid judicial warrant, subpoena or court order, unless authorized by the student or required by law. This includes, but is not limited to, immigration status, citizenship status, place of birth, or other personally identifiable information of any student. Students will be notified of any subpoena prior to complying with the order and disclosing information unless otherwise required by law.2

3.4. Consistent with existing policy, no confidential employment records for faculty or staff will be released to immigration officials or other law enforcement without a subpoena or other court order. FSH 3170 B.4

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1 This policy is a reaffirmation of the requirements already set forth in the Family Education Rights and Privacy Act (FERPA). 20 U.S.C. § 1232g.

2 See 20 U.S.C. § 1232g(b)(1)(J)
4.5. The University will not voluntarily grant access to property owned and controlled by the University to federal immigration officials for enforcement purposes unless required by judicial order.

5.6. In order to encourage cooperation between members of the UI Community and campus security in maintaining a safe environment on campus, campus security will not stop and investigate a student or a faculty or staff member based on his or her suspected immigration status, and campus security will not document an individual’s immigration status in their records.

6.7. Further, campus security will not undertake joint efforts with local, state or federal law enforcement agencies to investigate an individual for violations of federal immigration law. This includes campus security not detaining individuals or assisting immigration agents or local law officials in arrests of members of the UI community based on civil immigration violations and administrative warrants.

7.8. The University will not cooperate with any federal effort to create a registry of individuals based on any protected characteristics such as religion, national origin, race, or sexual orientation.

In addition to affirming and adopting the principles and policies above, the Faculty Senate supports the following investments—implementation steps to meet the growing demands and concerns of noncitizen students, faculty, and staff on campus:

1. Seeking to limit the type of information that the University considers “directory information” which could be disclosed without a student’s consent.

2. Training students on their rights to restrict access to their personal information under FERPA as well as its exceptions and allowing them to make changes to the information they choose to restrict.

3. Ensuring that all faculty, staff, administrators, and other employees will be trained on how to respond to requests for information from immigration officials consistent with this policy and FERPA.

4. Making available to members of the UI community information on the areas of campus that are not open to the public, including classrooms during scheduled class time and dorm rooms, and would therefore require judicial warrants for law enforcement to access. Mapping the restricted areas of the campus and sharing that information with students to ensure the fullest protection of students’ privacy and clear boundaries for the purposes of current immigration policy which directs officers not to enforce immigration law on school property absent emergency circumstances.

5. Preparing an implementation plan defining partnerships with community organizations and training and support for campus employees to ensure rapid response and effective coordination and report back to the Faculty Senate.

6. Assigning an administrative office the responsibility for counseling noncitizen faculty, staff and students on their educational, employment, psychological, and legal situations.

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3 This policy does not interfere with any mandatory on-site visits by Student and Exchange Visitor Program (SEVP) officials regarding initial certification or re-certification of the College/University to enroll foreign exchange. 22 C.F.R. § 62.

4 This policy reflects the voluntary nature of entering into agreements with federal immigration enforcement as set forth in the Immigration and Nationality Act. 8 U.S.C. § 1357(g)(9).
7. Ensuring that all faculty, staff, administrators, and other employees will be trained on how to implement this policy and rights pertaining to noncitizen students.