

Idaho Department of Correction 	Standard Operating Procedure Human Resource Services	Control Number: 206.07.01.003	Version: 1.5	Page Number: 1 of 8
		Title: Special Leaves		Adopted: 2-18-2010 Reviewed: 8-13-2010

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BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY STATEMENT NUMBER 206

Attendance, Work Hours, Leaves, and Workers' Compensation

POLICY DOCUMENT NUMBER 206

Attendance, Work Hours, Leaves, and Workers' Compensation

DEFINITIONS

Compensatory Time (Comp-time): Overtime that is unpaid and become hours that accumulate in an earned leave balance for the employee to take time off work with pay at a later date.

Full-time Employee: An employee who is scheduled to work a 40 hour work week in an assigned full-time position. For law enforcement (L) coded positions (e.g., correctional and probation and parole officers), this is an employee who is scheduled to work 160 hours in a 28 consecutive day period.

Manager: An employee appointed to manage, direct, and control a designated work unit. Managers include division chiefs, deputy division chiefs, facility heads, deputy wardens (or second-in-commands), district managers, designated lieutenants, program managers, or any appointed unit manager.

Overtime: Hours worked on holidays, and hours worked in excess of 40 hours in a set work week. For law enforcement (L) coded positions (e.g., correctional and probation and parole officers), overtime is hours worked in excess of 160 hours in a 28 consecutive day period. Excluded are hours such as traded time and occasional or sporadic work that is specifically excluded under federal law.

Scheduled Absence: An absence that is known, requested, and approved in advance within acceptable time lines by the employee's supervisor (or designee).

Unscheduled Absence: An absence that occurs suddenly and is taken without advance notification or approval (e.g., an unplanned illness, the failure to report to work as scheduled, tardiness, an on-the-job accident, leaving a post early, abandoning a post or job, being placed on leave without pay due to an investigation, etc.).

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Work Week: A period of seven consecutive days beginning 12:01 a.m. Sunday and ending 12:00 p.m. Saturday.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish guidelines, procedures, and expectations for managers, supervisors, and employees regarding special leaves (administrative, bone marrow or organ donation, jury duty, leave without pay, military, and Red Cross disaster service) for eligible employees of the Idaho Department of Correction (IDOC).

SCOPE

This SOP applies to all IDOC employees.

RESPONSIBILITY

Director of Human Resource Services (HRS)

The director of HRS is responsible for providing guidance and interpretation to fulfill the expectations of this SOP.

Managers

Managers (or designees) are responsible for:

- Planning work schedules
- Ensuring that supervisors (or designees) and employees perform their duties as directed
- Ensuring that employees are adhering to the rules, guidance, and procedures provided herein

Supervisors

Supervisors (or designees) are responsible for:

- Managing work schedules, leave accruals, and timesheet authorization
- Training employees and enforcing the rules, guidance, and procedures provided herein

Employees

Employees are responsible for:

- Reporting to work on time as scheduled
- Being prepared to work
- Accurately reporting their work and leave time on timesheets
- Complying with the rules, guidance, and procedures provided herein

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GENERAL REQUIREMENTS

1. Leave without Pay (LWOP)

LWOP may be for one day or a fraction thereof, or an extended absence during which an employee is not paid. This SOP includes restrictions when considering LWOP, such as:

- All LWOP will be approved by the employee’s immediate manager (or designee) as defined in this SOP.
- Unless prohibited by workers’ compensation laws, Family and Medical leave Act (FMLA) leave, disability, or IDOC and/or statewide leave policies, the employee’s immediate manager (or designee) has the discretion to require the employee to exhaust all applicable accrued leaves prior to taking LWOP.

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LWOP and Work-related Illness or Injury

When an employee is absent from work due to a work-related illness or injury (see SOP [206.07.01.005](#), *Workers' Compensation*), he may not be required to take LWOP. The decision to take LWOP or use paid leaves (see SOP [206.07.01.002](#), *Paid Leaves*) in this situation is the employee's.

LWOP and Credited State of Idaho Service Hours

Employees on LWOP do not earn credited State of Idaho service hours.

LWOP and Medical Insurance Coverage

Employee medical benefits are managed by the Office of Group Insurance and can be obtained by visiting the State of Idaho's Department of Administration website or by contacting HRS for assistance.

2. Military Leave for Employees Called to Federal Active Duty

An employee who is a member of the U.S. Armed Forces or the National Guard and who receives military orders requiring him to be absent from work to support federal authority, will be authorized paid military leave when he submits a copy of his military orders, which sets forth the dates of required military service. Each period of absence must be supported by military orders or copies of other documentation on file in the employee's military unit headquarters.

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter prolonged federal active duty will be returned to his same or a similar position upon his return from federal active duty as stipulated in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 USC 4312), provided the employee complies with related USERRA requirements. A copy of the military orders is required to take paid military leave, and a copy of the discharge papers (e.g., DD 214, Certificate of Release or Discharge from Active Duty) is required upon returning from federal active duty.

Note: When taken, paid military leave will be coded in the State of Idaho's online time entry system (I-time) as military leave taken (MLT).

Amount of Leave

Employees who receive military orders requiring them to be absent from work to support federal authority as described above, will be entitled to 120 hours of paid military leave each calendar year, regardless of whether they work full-time or part-time.

Entitlements for Part-time Employees

- Those normally scheduled to work three days per week for eight hours each day are entitled to eight hours of military leave for three days per week for a maximum of 120 hours of paid military leave.
- Those normally scheduled to work three days per week for 12 hours each day are entitled to 12 hours of military leave for three days per week, for a maximum of 120 hours of paid military leave.
- Those normally scheduled to work five days per week for four hours each day are entitled to four hours of military leave per day for five days per week for a maximum of 120 hours of paid military leave.

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Use of other Accrued Leave

While on federal active duty, an employee will be placed in a State of Idaho employment status of 'inactive with pay'. Therefore, an employee may elect to take accrued vacation and/or accrued compensatory time (comp-time) during the federal active duty period. The employee must provide a written request to his supervisor (or designee) prior to the use of such time.

Note: When taken, vacation will be coded in I-time as vacation leave taken (VAC) and comp-time will be coded as comp-time taken (CPT).

Regular Employee Benefits

When called to federal active duty, an employee will receive regular employee benefits for 30 calendar days after his departure. During those 30 calendar days, the IDOC will pay for the State of Idaho's portion of the employee's health insurance premiums, and the employee will be responsible to pay for his portion.

Upon the employee's return from federal active duty **and** to IDOC employment, he will receive credited State of Idaho service hours for regularly scheduled hours that he would have earned had he not been called to federal active duty.

Flexible Leave

Employees in reserve programs often have an option on dates for annual training exercises. An employee's immediate manager (or designee) may request that the employee selects dates for annual training that will least interfere with the IDOC's objectives. If the employee has a choice, it will be the employee's responsibility to discuss it with his supervisor (or designee) **and** military unit **and** to accept the dates that are most appropriate for scheduling needs.

3. Military Leave for Employees on State Active Duty

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter state active duty with his State of Idaho military division will be granted military LWOP. A copy of the employee's military orders will be required to take military LWOP. Upon the employee's return from state active duty **and** to IDOC employment, he will be returned to his same or similar position. A copy of the employee's discharge papers (e.g., NGB 22, Report of Separation and Record of Service) will be required upon returning from state active duty.

Paid Leave during State Active Duty Deployment Period

Employees who are called to state active duty will remain in a State of Idaho employment status of 'active'. No earnings will be reported for the employee during the deployment period. Only time worked with the State of Idaho military division will be coded in I-time via the military division. Because the employee continues to be an active IDOC employee during the state active duty period, the employee is not eligible to use any paid leave from the IDOC during the state active duty deployment period.

Accrual of Credited State of Idaho Service Hours

Employees on state active duty will accrue credited State of Idaho service hours for time worked with the State of Idaho military division.

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4. Organ and Bone Marrow Donation Leave

An employee will be provided a maximum of 30 working days of paid leave if he donates a body organ, and a maximum of five working days of paid leave if he donates bone marrow.

Note: When taken, time off to donate an organ or bone marrow will be coded in I-time as an organ donation (DNO).

In order to take time off to donate an organ or bone marrow, employees must provide a physician's note indicating the type of donation and the employee's expected length of absence or date of return to work. (See Idaho Code, Section 67-5343.)

Supervisors (or designees) are responsible for monitoring the total number of DNO days taken by an employee **and** ensuring that only one incident is allowed.

5. Paid Administrative Leave

The director of the IDOC, in consultation with the director of HRS and the applicable division chief, may grant paid administrative leave under the following conditions:

- When the employee is being investigated
- When the employee is in the due process procedure of a disciplinary action
- When the governor, manager, or designees declare an IDOC facility closed or inaccessible because of severe weather, civil disturbances, loss of utilities, or other disruptions
- When a manager (or designee) deems it necessary due to an unusual situation, emergency, or critical incident that could jeopardize IDOC operations, the safety of others, or could create a liability situation for the IDOC
- When approved in advance by the governor (or designee)

Note: Paid administrative leave must be coded in I-time as administrative leave taken (ADT).

6. Court and Jury Services

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

Connected with Official State Duty

When an employee is subpoenaed **or** required to appear as a witness in any judicial or administrative proceeding that is connected with his official State of Idaho duties, the employee will not be considered absent from work. The employee will not be entitled to receive compensation from the court. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee will be reimbursed by the IDOC in accordance with State of Idaho travel policies.

Note: State of Idaho travel policies are governed by the State of Idaho's Board of Examiners and can be obtained by visiting the State of Idaho's Office of the State Controller website.

Private Proceedings

When an employee is required to appear as a witness or a party in any proceeding that is not connected with his official State of Idaho duties, the employee will be permitted to

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attend. However, the employee must exhaust his applicable accrued leaves (e.g., vacation and/or accrued comp-time) prior to taking LWOP.

Jury Service

When an employee is summoned by proper judicial authority to serve on a jury, he will be granted paid jury duty leave for time which otherwise the employee would have worked. The employee will be entitled to keep fees and mileage reimbursement paid by the court in addition to salary. Expenses in connection with jury service are not subject to reimbursement by the State of Idaho.

Note: Paid jury duty leave must be coded in I-time as jury duty (JUR).

7. Miscellaneous Leave

An employee attending approved non-job-related training, performing civic duties, or other similar activities, can use applicable accrued leaves (e.g., vacation and/or accrued comp-time) to cover the time absent from work.

8. Leave for Job Interviews

Time spent interviewing for positions both within and outside of the IDOC will be managed in accordance with policy 207, *Examinations, Interviews, and Training During Work Hours*.

9. Election Leave

The employee's immediate manager (or designee) will make reasonable leave accommodations to allow the employee to vote. When taken, the time off will be charged to the employee's applicable accrued leaves (e.g., vacation and/or accrued comp-time).

10. Religious Leave

The employee's immediate manager (or designee) shall make reasonable accommodations to an employee's need for leave for religious observances. When taken, the time off will be charged to the employee's applicable accrued leaves (e.g., vacation and/or accrued comp-time).

11. Red Cross Disaster Services Leave

An employee who has been certified by the American Red Cross as a disaster service volunteer will be provided a maximum of 120 hours of paid leave in any 12-month period to participate in relief services. (See Idaho Code, Section 67-5338.)

Note: Such relief services must be performed in Idaho or a state bordering Idaho.

REFERENCES

Department Policy 207, *Examinations, Interviews, and Training During Work Hours*

Idaho Code 67-5338, *Red Cross Disaster Service*

Idaho Code 67-5343, *Leave of Absence for Organ Donation*

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 250, *Special Leaves*

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Standard Operating Procedure [206.07.01.002](#), *Paid Leaves*

Standard Operating Procedure [206.07.01.005](#), *Workers' Compensation*

State of Idaho, Department of Administration (www.adm.idaho.gov)

State of Idaho, Office of the State Controller (www.sco.idaho.gov)

United States Code, Title 38, Part III, Chapter 43, Subchapter II, Section 4312,
Reemployment Rights of Persons who serve in the Uniformed Services

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