



BOISE STATE UNIVERSITY

University Policy 7620

Time Away from Work

Effective Date

January 26, 2021

Last Revision Date

January 05, 2025

Responsible Party

Human Resources and Workforce Strategy, (208) 426-1616

Scope and Audience

This policy applies to all Boise State University employees.

Additional Authority

- Fair Labor Standards Act (FLSA)
 - 38 U.S.C. 4301-4333
 - 42 U.S.C. 2601
 - 20 CFR 1002
 - PUMP for Nursing Mother's Act ("Pump Act")
 - Idaho Code §§ 2-218, 46-216, 59-1603, 59-1605, 59-1606, 59-1608, 65-508, 67-5302(15), 67-5328, 67-5333, 67-5334, 67-5338, 67-5343
 - IDAPA 15.04.01-124.05, 240, 241, 250
 - Idaho State Board of Education Policy, Sections I.I.E, F, G, I, and P
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1. Policy Purpose

To describe the types of leave available to Benefit-Eligible Employees and outline the required approval and reporting requirements.

2. Policy Statement

Boise State University embraces healthy work-life balance while recognizing the importance for its employees to have regular and consistent attendance at work. Benefit-Eligible Employees receive paid and unpaid leave in accordance with applicable laws, regulations, Idaho State Board of Education and Boise State University policies. Employees are expected to work on all scheduled workdays and during all scheduled work hours.

3. Definitions

3.1 Benefit-Eligible Employee

An employee with a Position Control Number (PCN) reportable to the State Controller's Office who is benefit-eligible, including leave accrual.

3.2 FMLA Leave

Unpaid, job-protected leave authorized under the Family and Medical Leave Act (FMLA).

3.3 Non-Overtime-Eligible Employees

An employee not covered by the federal minimum wage and overtime compensation requirements of the Fair Labor Standards Act (FLSA Exempt). Most Professional Employees are Non-Overtime-Eligible Employees.

3.4 Overtime-Eligible Employees

An employee covered by the federal minimum wage and overtime compensation requirements of the Fair Labor Standards Act. (FLSA Non-Exempt). Classified Employees and some Professional Employees are Overtime-Eligible Employees.

3.5 Workweek

Sunday 12:00 a.m. through Saturday 11:59 p.m.

4. Responsibilities and Procedures

4.1 Leave Reporting

4.1.1 Classified Employees and Overtime-Eligible Employees

A Classified or Overtime-Eligible employee should report their leave in hourly increments using the types of leave described in this policy. For leave of less than one hour, time may be reported down to one-tenth of an hour (6 minutes equals 0.10 in time reporting).

4.1.2 Non-Overtime-Eligible Employees

Most Professional Employees are exempt from the provisions governing Idaho's classified employee personnel system and certain other federal laws. The leave reporting requirements for most Professional Employees are different from the leave reporting requirements required for Classified Employees.

- a. Such employees are not required to report assigned hours worked each week; however, because the University has a bona fide (approved) leave plan, sick and vacation/annual leave reporting is required.
- b. Such employees are expected to work their scheduled workdays and during their scheduled work hours and to generally engage in work for 40 hours a week, if full-time, to meet the needs and expectations of the position and for the benefit of the University.
- c. Such employees must report all Family Medical Leave (FMLA) time taken using the leave reporting system. An employee who is on approved FMLA, including intermittent FMLA, must report each hour missed.
- d. Such employees are not required to use accrued leave in less than half-day increments. For example, based on an eight (8)-hour day, if a non-over-time eligible employee works for six (6) hours and takes the remainder of that day off, the decision to use accrued leave is at the employee's discretion. Conversely, if a non-over-time eligible employee works for two (2) hours and takes the remainder of that day for vacation, then six (6) hours of accrued leave must be reported.
- e. Non-Over-Time Eligible employees who work forty (40) hours a Week should not record vacation/annual leave taken even if they take more than a half-day off on a regularly scheduled workday within the same Workweek.

- f. A supervisor may require such an employee to work a specified or structured schedule to meet the work obligations of their position. Flexibility of the scheduled Workweek is at the discretion of the supervisor. Such an employee must receive prior approval to be absent from work or leave during assigned work hours.
- g. Such employees are not eligible to earn compensatory leave for hours worked in excess of forty (40) per Workweek, nor can any hours worked over forty (40) per Workweek be carried over from one Workweek to the next.

4.1.3 Overtime-Eligible Professional Employees

Some Professional Employees are covered by the federal minimum wage and overtime compensation requirements of the Fair Labor Standards Act (FLSA Non-Exempt). These employees have leave reporting requirements the same as for Classified Employees.

4.2 Conditions for Leave

4.2.1 Bereavement

- a. Bereavement leave allows an employee time off for grief and/or other arrangements, such as a funeral after the death of a family member (family member for purposes of bereavement is defined under section 4.16.2.c).
- b. Benefit-eligible employees may take time off for bereavement using any available accrued leave (excluding legal responsibilities related to probate or court proceedings following a death in the family, which may not be charged to sick leave - see section 4.16.4.e.). An employee may take up to five (5) workdays of accrued compensatory time, sick, or vacation/annual leave after a qualifying event. The five (5) days do not have to be consecutive; however, such days must be used during the twelve (12) months following the death.
- c. An employee may take up to three (3) workdays of accrued compensatory time, sick, or vacation/annual leave for the death of the employee's close family friend or other relative not listed above.
- d. Donated leave under University Policy 7220 (Donated Leave) may be used for bereavement.
- e. A leave of absence without pay may be granted following the request and approval process under section 4.8 - Leave Without Pay, when an employee does not have sufficient accrued leave to use for bereavement.

- f. Additional time beyond five (5) workdays, up to a maximum of thirty (30) workdays, may be approved by the employee's direct supervisor for extenuating circumstances. The additional approved time off will be paid/non-paid as outlined above, depending on the employee's accrued leave balances. The supervisor may require the employee to utilize vacation/annual leave or compensatory time in lieu of sick leave.
- g. The supervisor, in consultation with Human Resources and Workforce Strategy, may request that the employee provide documentation to support their need for bereavement beyond the five (5) workdays. If the employee does not provide the requested documentation, the employee's leave may be denied.

4.2.2 Court or Jury Service

The University encourages all employees to be civically engaged in their community and appreciates that such civic engagement may require an employee to appear in court or serve on a jury. Part-time or Non-Benefit Eligible employees also qualify for time away from work court or jury service, but the hours coded shall be prorated depending on the employee's normal work schedule.

4.2.2.A Participation in Court Related to Official University Duty

- a. An employee who is subpoenaed or required to appear at a judicial or administrative hearing as a witness in any capacity connected to an official University duty will not be considered absent from work. The employee will not be entitled to receive compensation from the court.
- b. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee will be reimbursed according to University Policy 6180 (Travel) and University Policy 6240 (Meals and Refreshments).
- c. An employee who receives a subpoena or summons is required to provide a copy of the subpoena or summons to their immediate supervisor.

4.2.2.B Participation in Court Not Related to Official University Duty

- a. An employee who is subpoenaed to appear as a witness in a capacity that has no connection with official University duty or is required as a party to attend a judicial or administrative hearing in non-job-related litigation will be permitted to attend and use any accrued vacation/annual leave or compensatory time if requested by the employee. If no leave is

requested, the employee will be granted leave without pay. The employee is entitled to keep any fee and/or mileage reimbursement paid by the court.

- b. The employee must immediately notify their supervisor if summoned to court and provide their supervisor with the probable length of absence to assist the University with making scheduling adjustments.

4.2.2.C Jury Duty

- a. An employee who is summoned by proper judicial authority for jury duty will be granted a leave of absence with pay for the time the employee would have otherwise worked. The employee will code their time to the Jury Duty time reporting code.
- b. The employee is entitled to keep fees and mileage reimbursements paid by the court in addition to regular compensation.
- c. Expenses incurred in connection with this duty are not subject to reimbursement by the University.

4.3 Development Release Time

- a. Benefit-eligible employees are allowed four (4) hours per month of release time to participate in development and training activities such as webinars, trainings and workshops, certifications and school work, inter-department development sessions, and job shadowing. Because some developmental opportunities may be more or less than four (4) hours, supervisors should allow flexibility in the use of the four (4) hours. Mandatory department training may count toward the four (4) hours of release time.
- b. To utilize this benefit, an employee must complete and submit the Development Release Time Form to their supervisor in advance of using such time. The developmental opportunities and scheduling for such time are at the discretion of the supervisor. An employee's use of Development Release Time should not interfere with the business needs of the department or unit.
- d. Supervisors must work with their employees on an annual basis to review the employee's Development Release Time usage and should create a professional development plan using the Individual Development Plan (IDP) form.

4.4 Election Leave

The University will make reasonable efforts to accommodate an employee's need for leave to vote where voting cannot be done outside the employee's usual work hours.

4.5 Holidays

Benefit-eligible employees are eligible for paid holidays and receive compensation as if they actually worked. Holiday pay is calculated based on the employee's standard scheduled hours worked.

4.5.1 Recognized Holidays

The following holidays are recognized by Boise State University:

- New Year's Day (January 1)
- Martin Luther King Jr.-Idaho Human Rights Day (third Monday in January)
- President's Day (third Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving Day (fourth Thursday in November)
- The Day After Thanksgiving (fourth Friday in November)
- Christmas Eve (December 24)
- Christmas Day (December 25)
- New Year's Eve Day (December 31)

To accommodate planning for academic calendars, some holidays are different than those specified in Idaho State code or in Idaho State Board of Education policy.

4.5.2 Holidays Falling on Weekends

When a holiday falls on a Saturday, the preceding Friday is recognized as a holiday. When a holiday falls on a Sunday, the following Monday is recognized as a holiday.

4.5.3 Guidelines for Holiday Pay

- a. An employee must receive wages or salary or be on paid leave for the pay period in which the holiday occurs or be on approved FMLA leave to receive the holiday benefit.
- b. At the discretion of the employee's supervisor, an employee working a flexible schedule may be required to return to a regular schedule during a holiday week or otherwise adjust their schedule to keep their paid hours to a maximum of forty (40) hours in any one University Workweek.
- c. A supervisor may adjust an employee's work schedule within the same University Workweek to ensure internal consistency. If an employee's work schedule is not adjusted, and the employee's regularly scheduled hours exceed the paid holiday hours, the employee has the following options:
 - Use accrued vacation;
 - Use accrued compensatory time;
 - Take leave without pay; and/or
 - Work additional hours within the same Workweek with their supervisor's prior approval.

4.5.4 Holiday Pay Calculation

Employees receive holiday pay calculated at 0.20 times the hours normally worked in a Workweek up to a maximum of eight (8) hours.

4.5.5 Working on a Holiday - Overtime-Eligible Employees

Time worked on a holiday is considered overtime. Overtime-Eligible employees who are required to work on the actual or observed holiday will receive their regular compensation, or compensatory time off from duty, at the rate of one and one-half (1 ½) times their regular hourly rate of pay for each hour worked. Compensatory time off may be provided in lieu of paid compensation as determined by the employee's supervisor.

4.5.6 Working on a Holiday for Non-Overtime-Eligible Employees

An employee who is not eligible for overtime but who works on a designated holiday will receive their regular compensation for the Workweek.

4.5.7 Holidays during FMLA Leave Without Pay

If an employee records all hours for a week as FMLA “Leave without Pay,” no hours will be coded on a holiday that falls during that week. Therefore, the holiday hours will not be deducted from the employee’s allowed FMLA Leave.

4.6 Lactation Breaks

- a. All full- and part-time employees, including student employees and Graduate Assistants, are allowed reasonable, paid break times for lactation for up to one year after the birth of a child. An employee who uses break time at work to express milk must be:
 - Completely relieved from duty, or
 - Paid for the break time
- b. Employees approved for Telecommuting under University Policy 7600 are eligible to take lactation breaks on the same basis as other employees.
- c. An employee needing lactation breaks should work closely with their supervisor and Human Resources and Workforce Strategy to develop a written plan, preferably before returning to work after the birth of the child.
- d. Supervisors must respond to any requests for lactation breaks promptly and should keep in mind that the frequency and duration of lactation breaks vary from employee to employee, depending on the needs of the nursing employee and the child. As such, an employee may need a lactation break at a time not optimally convenient for the department or unit. Supervisors are responsible for creating a supportive environment so their employees can adequately manage their lactation needs. A supervisor may not deny an employee a needed break to pump.
- e. When possible, breaks should be scheduled during the employee’s normal break and meal periods and/or when business operations allow. Generally, a 15- to 20--minute break is needed every two (2) to four (4) hours; however, additional time may be needed for:

- Travel to and from the lactation area, if needed (a list of lactation areas is available on the [Human Resources and Workforce Strategy website](#))
 - Retrieval of lactation supplies, such as a pump from a locker
 - Unpacking, setting up, and the efficiency of the employee's pump
 - Cleaning the pump and any attachments, as well as washing hands before and after pumping
 - Storing the milk in a refrigerator or personal cooler
- f. If a lactation room is not within a reasonable distance to the employee's work location and personal office space is not available or desired, the employee should contact Human Resources and Workforce Strategy to identify an appropriate alternative area that is shielded from view and free from intrusion from coworkers and the public. A bathroom, even if private, is not a permissible location for lactation breaks.

4.7 Leave during Facility Closure or Inaccessibility

- a. When a facility is closed or declared inaccessible because of severe weather, civil disturbances, loss of utilities, a declared public health emergency, or other disruptions, affected employees may be authorized administrative leave with pay to cover the scheduled hours of work during the closure or inaccessibility. Refer to University Policy 9120 (Inclement Weather) for more information.
- b. When an emergency situation occurs during the day, the University may authorize early release of employees.
- c. If an employee is required to work during closure, no additional compensation will be awarded due to the closure.

4.8 Leave without Pay

This section does not apply to unpaid leave if the leave is due to FMLA Leave, ADA, military, state legislature service, or Workers' Compensation.

For leave without pay due to FMLA Leave, see University Policy 7230 (Family and Medical Leave). For leave without pay as a reasonable accommodation under the ADA, see University Policy 7570 (Accommodating Disabilities in the Work Environment). For leave without pay due to federal or state active duty military leave, see sections 4.10 and 4.11. For leave without pay for

legislature service, see section 4.9. For leave without pay related to a workplace illness or injury covered under Workers' Compensation Leave, see section 4.21.

4.8.1 Exhausting Paid Leave

Prior to the approval of leave without pay, an employee must exhaust all accrued vacation/annual leave and compensatory time. If the reason for the leave without pay is an allowable use of sick leave, then all sick leave must also be exhausted unless otherwise provided for by law.

4.8.2 Approval Process

Granting leave without pay requests is at the discretion of the President, or designee, based on workload and staffing needs. Approval for leave without pay is not required for an employee absent from work due to a work-related illness or injury.

4.8.3 Leave without Pay for Five (5) Consecutive Working Days or Less

An employee requesting leave without pay for five (5) consecutive working days or less must request and obtain advanced approval from their supervisor.

4.8.4 Leave without Pay in Excess of Five (5) Consecutive Working Days

An employee requesting leave without pay in excess of five (5) consecutive working days must obtain advanced approval, as indicated on the required form, and submit the form to Human Resources and Workforce Strategy noting one or more of the following criteria as the basis for the request:

- Continuing education in a position-related field;
- Professional development (not employment competing with current position);
- Spouse/Partner temporary employment or deployment; or
- Unique employee circumstance (explanation should be provided)

4.8.5 Medical Plan Benefits

- a. During leave without pay, the employee's medical premiums and/or eligibility for health insurance may be impacted. Depending on the hours worked in a pay period during which the leave without pay is taken, an employee may be responsible for all or a part of the employee portion of their medical plan premiums.

- b. If an employee is unable to cover the employee portion of their medical plan premium, the employee will become ineligible for their medical plan coverage. Employees should contact Human Resources and Workforce Strategy for more information.

4.8.6 Credited State Service Hours

Credited State service hours are not earned while an employee is on leave without pay.

4.8.7 Leave Accrual

Vacation/annual and sick leave do not accrue while an employee is on leave without pay.

4.8.8 Returning from Leave

Upon returning from leave without pay, an employee will be placed in the position the employee held prior to the leave; however, if the Dean/Department Director and Vice President/Provost/President, in consultation with Human Resources and Workforce Strategy, determine that placing the employee in that position is not in the University's best interest, or if there is a business need to fill the position, the employee will be placed in a comparable position for which the employee meets the minimum qualifications.

4.9 Legislative Service or Campaigning for Elected Office

An employee who is campaigning to be elected or is appointed to the Idaho State Legislature must be placed on leave without pay during such time as the employee is campaigning or the Legislature is in session. The employee must forego duplication of salary paid by the University while the Legislature is in session.

4.10 Military Leave - Federal Active Duty

- a. The University is covered under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and complies with all USERRA requirements and related federal and State military leave requirements.
- b. An employee who is a member of the U.S. Armed Forces or the National Guard and receives federal military orders requiring them to be absent from work is entitled to paid military leave.
- c. Military leave with pay will be authorized when the employee submits a copy of their federal orders from the appropriate military jurisdiction, which sets forth the dates of required

military service. Each period of absence must be supported by orders or other documentation on file in the employee's military unit headquarters.

4.10.1 Amount of Leave

Regardless of whether the employee works full-time or part-time, the employee is entitled to one hundred twenty (120) hours of paid military leave in a calendar year.

4.10.2 Use of Other Accrued Leave

After the one hundred twenty (120) hours of paid military leave, an employee may elect to use vacation/annual leave or compensatory time off during the deployment period. The employee must provide a written request to their supervisor prior to the use of such leave.

4.10.3 Benefits for Employees

- a. An employee who is a member of the U.S Armed Forces or the National Guard who is called to federal active duty will receive regular employee benefits for thirty (30) calendar days after departure.
- b. The University will pay for the State's portion of the medical plan premiums during those thirty (30) calendar days. The employee is responsible for the employee portion. An employee called for federal active duty will, upon their return to State employment, receive credited state service hours for their regularly scheduled hours they missed while on federal active duty.

4.10.4 Flexible Leave

An employee in a reserve program often has an option on dates for annual training exercises. The University may request the employee to select dates that will least interfere with the University's workload and staffing needs. If the employee has a choice of dates, it will be the employee's responsibility to discuss those dates in advance with their supervisor.

4.10.5 Return from Leave

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter prolonged federal active duty with the military will be placed in a comparable position for which the employee meets the minimum qualifications upon their return from such leave. A copy of the orders is required to take military leave, and a copy of the discharge papers is required upon returning from said leave. The orders and discharge papers should be submitted to Human Resources and Workforce Strategy.

4.11 Military Leave - State Active Duty

Any probationary, provisional, or permanent employee who voluntarily or upon demand leaves a position at the University to enter state active duty with the Idaho Military Division will be granted military leave without pay and will be returned to their same or similar position upon their return from such leave. The employee must provide Human Resources and Workforce Strategy with a copy of their order requiring them to take military leave and a copy of their discharge papers before returning from military leave.

4.11.1 Inability to Use Accrued Leave

A State employee who is called to state active duty will remain in a state employment status of "Active." No earnings will be reported at the University for the employee during the deployment period (Only time worked as state active duty will be coded via Idaho Military Division). Because the employee continues to be an active State of Idaho employee during state active duty, and the State of Idaho is the employer, the employee is not eligible to use any accrued paid leave from the University during the state active duty deployment period.

4.11.2 Accrual of Credited State Service

An employee on State active duty will accrue credited state service for time worked with the Idaho Military Division.

4.12 Organ and Bone Marrow Donation Leave

- a. Paid leave for donating an organ or bone marrow is available to full-time Benefit-Eligible Employees. An eligible employee is not required to take sick or vacation/annual leave when donating an organ or bone marrow.
- b. An employee may take a maximum of thirty (30) working days of paid leave if the employee is donating a body organ and a maximum of five (5) working days of paid leave if the employee is donating bone marrow.
- c. Use of organ and bone marrow donation leave is limited to a one-time donation of bone marrow and a one-time organ donation.
- d. The employee's supervisor is responsible for monitoring the total number of organ or bone marrow donation leave days taken by the employee.

- e. To receive organ or bone marrow donation leave, the employee must provide a healthcare provider's note in advance of the leave indicating whether the leave is for bone marrow or organ donation and the expected duration of the leave.
- f. For purposes of determining credited State service, pay advancement, performance awards, or any benefit affected by a leave of absence for organ or bone marrow donation, the service to the employee is considered uninterrupted by the paid leave of absence.

4.13 Participation in University Organizations

- a. University employees may be granted release time to serve or attend University professional representative organization meetings. These organizations include ACE – Association of Classified Employees; AOP - Association of Office Professionals; and PSA - Professional Staff Association.
- b. An employee must receive supervisor approval prior to using release time to ensure the efficient and effective operation of University business. An employee will be permitted a total of two (2) hours per month of release time from work to attend University professional representative organization meetings.
- c. An employee who is an officer in one of the above organizations will be permitted a total of four (4) hours per month of release time to organize and conduct the business of the organization(s).
- d. Other University organizations desiring approval for release time should submit written requests to Human Resources and Workforce Strategy outlining the goal(s) and purpose of the organization for review and approval by the President.

4.14 Red Cross Disaster Services Leave

- a. A University employee who is a certified disaster service volunteer will be granted paid leave of up to one hundred twenty (120) work hours in any twelve (12) month period to participate in disaster relief services for the American Red Cross. Part-time employees are entitled to leave based on the proportion of a forty (40) hour week that they are normally scheduled.
- b. Such leave will be limited to services related to a disaster of level III or higher upon the declaration of the Governor or the President of the United States. The declared disaster must be in the state of Idaho or a state contiguous to the state of Idaho.

- c. The request must be in writing from an official of the American Red Cross for such employee's services.
- d. Leave for disaster services will be in addition to other paid leave provided to employees.

4.15 Religious Observances Leave

The University will make reasonable efforts to accommodate an employee's need for leave for religious observances. Such leave will be charged to the employee's accrued vacation/annual leave or compensatory time off.

4.16 Sick Leave for Classified and Professional Employees

Faculty sick leave is addressed in University Policy 7260 (Sick Leave - Faculty).

4.16.1 Eligibility

- a. Sick leave is a benefit provided to a Benefit-Eligible Employee for the exclusive purpose of taking time off for qualifying medical reasons in accordance with applicable laws and Idaho State Board of Education and University policies. Classified and Professional Employees must meet the criteria to qualify as eligible for benefits in order to accrue or use sick leave. Some employees are ineligible for sick leave, such as:
 - Employees who regularly work less than 20 hours per week; or
 - Employees who are in a non-pay status (i.e., on unpaid leave of absence); or
 - Temporary employees who are hired to work less than five months, regardless of number of hours worked per week.

4.16.2 Accrual

- a. Sick leave accrues at the rate of 0.04615 hours per hour paid. To calculate sick leave accrual in any one (1) pay period, multiply the number of hours paid (excluding compensatory time taken) by 0.04615. For example, an employee who works eighty (80) hours in a pay period earns 3.692 hours of sick leave (calculated by multiplying 80 by 0.04615).
- b. An employee earns sick leave while on paid leave, except when using paid compensatory time off.
- c. An employee's sick leave accrues without limitation.

4.16.3 Acceptable Use of Sick Leave and Required Notification

- a. University employees are expected to report to work as scheduled or be on one of the University's approved leaves of absence.
- b. An employee must meet the eligibility criteria under this section to use sick leave.
- c. Sick leave may only be used in cases of the employee's actual illness or disability, including pregnancy, childbirth or related medical conditions, or other medical or health reasons necessitating the employee's absence from work; or to attend to a family member's medical appointments, serious illness, disability, or death and funeral in the family (see section 4.2.1 – Bereavement Leave). Family member means a spouse, child, foster child, parent, sibling, grandparent, or grandchild, including the same relation by marriage or legal guardianship.
- d. Other medical or health reasons include Employee Assistance Program (EAP) appointments, visits to doctors, dentists, and other medical providers.
- e. An employee who knows in advance they will be absent from work for medical reasons must provide their supervisor with as much notice as possible, preferably at least forty-eight (48) hours prior to taking sick leave. If an emergency or sudden illness prevents the advance notification, the employee must notify their supervisor as soon as possible.
- f. An employee who uses sick leave for reasons that qualify for job-protected leave under the Family and Medical Leave Act (FMLA) must comply with the FMLA's procedural requirements addressed in University Policy 7230 (Family and Medical Leave).
- g. An employee who is eligible for Workers' Compensation benefits may use accrued sick leave to supplement the Workers' Compensation benefits.

4.16.4 Limitations on Use of Sick Leave

- a. Sick leave cannot be taken in the same pay period in which it is earned.
- b. Sick leave cannot be used for time off due to adoption or foster care placement unless the child has a medical condition requiring care.
- c. Sick leave cannot be used in lieu of vacation leave. If an employee exhausts accrued sick leave, the employee must use other accrued leave balances prior to the employee receiving

leave without pay (unless the employee is on approved Family and Medical Leave or absent due to a work-related illness or injury).

- d. Sick leave may not be utilized if it will result in pay in excess of the employee’s normally scheduled Workweek. For example, if a full-time employee calls in sick on Monday, but then works nine (9) hours per day on Tuesday through Friday, that employee’s timesheet would reflect:

Classified Employee Example:

	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL
Hours Worked			9	9	9	9		36
Sick		4						4
								40

- e. Sick leave cannot be taken for an employee to attend to legal responsibilities related to probate or court proceedings following a death in the family. In such cases, the employee must use other accrued leave balances prior to the employee receiving leave without pay.

4.16.5 Appropriate Use of Sick Leave

- a. Patterns of absences or excessive absences can negatively impact an employee’s performance and the University’s services. A predictable and reliable level of attendance is an expectation of University employees. Abuse of sick leave and/or taking sick leave under false pretenses is a violation of this and other University policies.
- b. Potential indicators of sick leave abuse include but are not limited to frequent or regular sick leave absences, having little or no sick leave accrued, and patterns of use. The employee’s supervisor is responsible for monitoring employee sick leave use and addressing potential abuse situations. A supervisor who suspects an employee is abusing sick leave should contact Human Resources and Workforce Strategy for consultation.
- c. Consistent with the provisions of the Americans with Disabilities Act and the Family and Medical Leave Act, the University may investigate suspected sick leave abuse and take appropriate action.

- d. When sick leave abuse is suspected, or when an employee is absent due to illness or injury in excess of three (3) consecutive working days (outside of an approved FMLA absence or ADA accommodation), a healthcare provider's certificate of justifiable cause for the absence may be required from the employee. A healthcare provider's certification of illness or injury may be required of an employee for periods of less than three (3) consecutive working days whenever the University believes a special investigation of the absence should be made. The healthcare provider's note should be delivered to Human Resources and Workforce Strategy. Refer to University Policy 7530 (Employee Files).
- e. Taking sick leave and working at another job during the assigned work schedule is a violation of this policy.

4.16.6 Effect on Sick Leave upon Transfer

Accrued sick leave transfers with an employee if they transfer to another eligible State agency.

4.16.7 Effect on Sick Leave When an Employee Separates

- a. When an employee separates from University service, all accrued and unused sick leave will be forfeited, except as provided in Idaho Code § 67-5333 (i.e., separation due to retirement). An employee who returns to credited State service within three (3) years of separation and who is rehired into a Benefit-Eligible position will have any unused sick leave forfeited at the time of separation reinstated for the employee to use.
- b. Upon retirement, an employee may be eligible to use a portion of accumulated sick leave to defray the costs of group health, life, and accident insurance. Employees may consult with Human Resources and Workforce Strategy to discuss this option.

4.17 Vacation/Annual Leave for Classified Employees and Other Overtime-Eligible Employees

Vacation/annual leave is a benefit provided to employees for the purpose of rest, relaxation, and tending to personal affairs in accordance with applicable laws, rules of the Division of Human Resources and Idaho Personnel Commission, and Idaho State Board of Education and Boise State University policies.

4.17.1 Eligibility

- a. An employee is not eligible for vacation/annual leave if:

- The employee regularly works less than twenty (20) hours per week; or
 - The employee is in non-pay status (i.e., on unpaid leave of absence); or
 - The employee is hired to work for a term of less than five (5) months, regardless of the number of hours worked per week.
- b. An employee who is originally not expected to work for a term of five (5) months, but then does so, is entitled to receive vacation/annual leave benefits retroactively in accordance with the accrual rates in this policy and Idaho Code.

4.17.2 Accrual

- a. Classified and other Overtime-Eligible Employees earn vacation/annual leave for every hour worked or paid (except not while using compensatory time). For example, an employee earns vacation/annual leave while on paid vacation/annual or paid sick leave.
- b. Vacation/annual leave for Classified and other Overtime-Eligible Employees is accrued and limited as follows:

Vacation/Annual Accrual Rates and Limits		
Hours of Service	Accrual Rate per Hour	Accrual Limit
0-10,400	0.04615	192 hours
10,401-20,800	0.05769	240 hours
20,801-31,200	0.06923	288 hours
31,201 or more	0.08077	336 hours

4.17.3 Use of Vacation/Annual Leave

- a. Classified and other Overtime-Eligible Employees are required to obtain approval from their supervisor prior to the use of vacation/annual leave. The supervisor should approve vacation/annual leave with reasonable consideration for the employee’s needs and desires and the University’s workload and staffing needs.

- b. Vacation/annual leave cannot be taken in the same pay period in which it is earned.
- c. Vacation/annual leave may not be utilized if it will result in pay in excess of the employee’s normally scheduled Workweek. For example, if a full-time employee plans Friday off, but works nine (9) hours per day on Monday through Thursday of that week, the employee’s timesheet would reflect:

	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL
Hours Worked		9	9	9	9			36
Vacation						4		4
								40

- d. An employee may elect to charge time off work due to illness to accrued vacation/annual leave rather than to accrued sick leave. However, in the event an employee is ill and has no accrued sick leave, other accrued leave balances, including vacation/annual leave, must be used prior to the Classified or other Overtime-Eligible Employee receiving leave without pay (unless the employee is absent from work due to a work-related illness or injury).
- e. If a Classified or other Overtime-Eligible Employee is unable to report to work because of severe weather, road, or other related emergency conditions, and the work facility has not been declared closed or inaccessible by the Governor, University or designee, the Classified other Overtime-Eligible Employee will be permitted to use accrued vacation/annual leave to cover the period of absence from work.
- f. If a Classified or other Overtime-Eligible Employee on approved vacation/annual leave becomes ill, they cannot substitute their vacation/annual leave for sick leave unless they provide a note from a healthcare provider to Human Resources and Workforce Strategy.
- g. If an employee has accrued compensatory time off and/or accrued on-call leave, those hours will be applied before vacation/annual leave, except to prevent the employee from reaching the maximum vacation/annual leave accrual limits.

4.17.4 Effect on Accrued Vacation/Annual Leave upon Transfer

A Classified or other Overtime-Eligible Employee's accrued vacation/annual leave transfers with the employee when transferring from one State agency to another with no break in service.

4.17.5 Effect of Separation on Accrued Vacation/Annual Leave

When a Classified or other Overtime-Eligible Employee separates from State service, all accrued and unused vacation/annual leave will be paid to the employee in their final paycheck.

Vacation/annual payout is calculated based on the employee's permanent hourly rate of pay on the effective date of separation.

4.18 Vacation/Annual Leave for Non-Overtime-Eligible Employees

Faculty vacation/annual leave is addressed in University Policy 4410 (Annual Leave - Faculty).

Vacation/annual leave is a benefit provided to Non-Overtime-Eligible Employees in accordance with applicable laws, regulations, Idaho State Board of Education and Boise State University policies.

4.18.1 Eligibility

Under this policy, to qualify as eligible for accruing vacation/annual leave, the employee must be hired to regularly work more than twenty (20) hours per week for five (5) or more consecutive months.

4.18.2 Accrual

Non-Overtime-Eligible Employees earn vacation/annual leave at the equivalent rate of two (2) days per month, or major fraction thereof of credited State service, and may accrue vacation/annual leave up to a maximum of two hundred forty (240) hours. An employee who has accrued the maximum will not earn further leave until the employee's use of vacation/annual leave reduces the accrual below the maximum.

4.18.3 Use of Vacation/Annual Leave

- a. An employee is required to obtain supervisor approval prior to the use of vacation/annual leave. A supervisor should approve vacation/annual leave with reasonable consideration for the employee's needs and desires and the University's workload and staffing needs.
- b. Vacation/annual leave cannot be taken in the same pay period in which it is earned.

- c. An employee whose position is funded through a Sponsored Project Activity (grant funded) may be required to use vacation/annual leave, as determined by the University, within the year in which the leave is earned.
- d. An employee may elect to charge time off work due to illness to accrued vacation/annual leave rather than to use accrued sick leave. However, in the event an employee is ill and has no accrued sick leave, other accrued leave balances, including vacation/annual leave, must be used prior to the Non-Overtime-Eligible Employee receiving leave without pay (unless the employee is absent from work due to a work-related illness or injury).
- e. If a Non-Overtime-Eligible Employee is unable to report to work because of severe weather, road, or other related emergency conditions, and the work facility has not been declared closed or inaccessible by the Governor, University President, or their designee, the employee will be permitted to use accrued vacation/annual leave to cover the period of absence from work, unless arrangements are made with the employee's supervisor for the work to be completed remotely.
- f. If a Non-Overtime-Eligible Employee on approved vacation/annual leave becomes ill, they cannot substitute their vacation/annual leave for sick leave unless they provide a note from a healthcare provider to Human Resources and Workforce Strategy to substantiate the sick leave substitution (see sections 4.15.4 and 4.22).
- g. A Non-Overtime-Eligible Employee's accrued vacation/annual leave transfers with the employee when transferring from one State agency to another with no break in service.

4.18.4 Effect of Separation on Accrued Vacation/Annual Leave

A Non-Overtime-Eligible Employee will receive a lump-sum payout for earned, but unused, vacation/annual leave not to exceed thirty (30) days upon separation from employment. Vacation/annual payout is calculated based on the employee's permanent hourly rate of pay on the effective date of separation.

4.19 Wellness Release Time (BroncoFit)

- a. Benefit-Eligible Employees are allotted sixty (60) minutes of BroncoFit wellness release time per Workweek with supervisor approval. Release time may be requested for on-campus activities and off-campus activities with documentation.
- b. The sixty (60) minutes can be used all at once or divided throughout the week (fifteen (15) minutes for four (4) days a week, thirty (30) minutes for two (2) days a week, etc.).

- c. To utilize this benefit, an employee must complete and submit the [BroncoFit Release Time Form](#) to their supervisor in advance of using such time. The supervisor is encouraged to review the employee's request for wellness release time on an annual basis, or more frequently if needed.

4.20 Work Breaks and Meal Periods for Overtime-Eligible Employees

- a. An Overtime-Eligible Employee working at least an eight (8)-hour shift is allowed two (2) paid work breaks during their shift. Work breaks are limited to a fifteen (15)-minute period and should be scheduled by the supervisor so as not to disrupt the function of the department or unit. All work breaks not taken are forfeited and cannot be accrued or combined and taken for other purposes, such as leaving early.
- b. A part-time employee is allowed one paid fifteen (15)-minute break for every four working hours. All work breaks not taken are forfeited and cannot be accrued to be taken for other purposes such as leaving early.
- c. Generally, an Overtime-Eligible Employee working at least six (6) hours per day should be given a minimum of a thirty (30)-minute unpaid meal period. Working hours and unpaid meal breaks are determined by the supervisor.

4.21 Workers' Compensation Leave

- a. Workers' Compensation (or simply "Workers' Comp") is a form of insurance created to protect employers and their employees in the event of workplace injuries or illnesses. When an employee is injured on the job, Workers' Compensation insurance pays for medical expenses and lost income.
- b. Workers' Compensation is available to all employees. The premium is paid by Boise State University, and there are no out-of-pocket expenses for the employee.
- c. If an injury or illness occurred on the job and is covered by Workers' Compensation benefits, the employee will be given the choice of either (a) entering a period of leave without compensation and receiving Workers' Compensation to which the employee is entitled; or (b) using accrued leave to supplement Workers' Compensation benefits to maintain their regular salary, provided that the combined total of Workers' Compensation and sick leave benefits does not exceed one hundred percent (100%) of the employee's salary to which the employee would otherwise be entitled.

- d. An employee cannot be required to use accrued sick leave, vacation/annual leave, or compensatory time when away from work due to an injury or illness incurred on the job and covered by Workers' Compensation benefits provided by law.
- e. An employee cannot waive their rights to compensation under the Workers' Compensation law and, therefore, cannot accept donated leave or other benefits in lieu of the benefits to which the employee is entitled.
- f. Questions about the University's Workers' Compensation coverage benefits and procedures should be directed to the Office of Risk Management and Insurance at (208) 426-3636 or rmi@boisestate.edu.

4.21 Violations

Violations of this policy may result in warnings or disciplinary action up to and including dismissal from employment.

5. Forms

BroncoFit Release Time Form

<https://www.boisestate.edu/wp-content/uploads/sites/261/2019/04/BroncoFit-Release-Time-Form.pdf>

Development Release Time Request Form

<https://www.boisestate.edu/wp-content/uploads/sites/467/2022/07/Development-Release-Time-Request-Form.pdf>

Leave Without Pay Request Form

<https://www.boisestate.edu/vpfa-university-forms/>

6. Related Information

Office of Risk Management and Insurance

(208) 426-3636 or rmi@boisestate.edu

University Policy 4410 (Annual Leave - Faculty)

University Policy 4420 (Absence from Campus - Faculty)

University Policy 6180 (Travel)

University Policy 6240 (Meals and Refreshments)

University Policy 7220 (Donated Leave)

University Policy 7230 (Family and Medical Leave)

University Policy 7260 (Sick Leave - Faculty)

University Policy 7530 (Employee Files)

University Policy 7570 (Accommodating Disabilities in the Work Environment)

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