

**EXECUTIVE BRANCH AGENCY POLICY  
SECTION 5: SPECIAL LEAVES**

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**5A. General Information**

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

**5B. Leave of Absence without Pay (LWOP)**

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

5B1. Use and Approval of LWOP. All LWOP must be approved by a supervisor. In addition, any LWOP in excess of one week must be approved by the appointing authority. Unless prohibited by workers compensation, family medical leave, disability, or other statewide leave policies, the appointing authority has discretion on whether the employee is required to exhaust all other applicable types of accrued leave before commencing leave without pay.

5B1a. [LWOP and Worker's Compensation Absences] Supervisor and/or appointing authority approval are not required for employees absent from work due to a work-related illness or injury to be unpaid. The decision to use accrued sick and/or vacation balances in this situation is the employee's.

5B2. Credited State Service Hours. Employees on LWOP do not earn credited state service hours.

5B3. LWOP and Medical Insurance Coverage. Contact the Department of Administration, Group Insurance for further information.

## **5C. Military Leave - (Federal Active Duty)**

Employees who are members of the U.S. Armed Forces or the National Guard that receive federal military orders requiring them to be absent from work, shall be entitled each calendar year to one hundred twenty (120) hours of paid military leave (MLT). 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.

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter upon prolonged federal active duty with the military will be returned to their same or similar position upon their return from such leave. A copy of the orders is required to take military leave, and a copy of the discharge papers is required upon returning from said leave.

5C1. Amount of Leave. Such employees, regardless of whether they work full-time or part-time, are entitled to one hundred twenty (120) hours of military leave with pay in one (1) calendar year.

5C2. Use of other accrued leave. During federal military deployment, the employee will be in a state employment status of 'Inactive With Pay'. Therefore, the employee may elect to use Vacation (VAC) and/or Compensatory Time (CPT) during the deployment period. The employee must provide a written request to their supervisor prior to the use of such time.

5C3. Benefits for Employees. Employees who are members of the U.S. Armed Forces or the National Guard who are called to federal active duty will receive regular employee benefits for thirty (30) calendar days after departure.

The agency will pay for the State's portion of the health insurance premiums during those thirty (30) calendar days; the employees will be responsible for their portion. Employees called for federal active duty shall, upon their return to state employment, receive credited state service hours for their regularly-scheduled hours that they missed while on federal active duty.

5C4. Flexible Leave. Employees in reserve programs often have an option on dates for annual training exercises. Appointing Authority may request the employee to select dates which will least interfere with the agency's objectives. If the employee has a choice, it shall be the employee's responsibility to discuss it with his/her supervisor and the military unit and to accept such dates.

## **5D. Military Leave - (State Active Duty)**

Any probationary, provisional, or permanent employee who voluntarily, or upon demand, leaves a position to enter state active duty with the Military Division will be granted military leave without pay, and will be returned to their same or similar position upon their return 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.

5D1. Inability to Use Accrued Leave. State employees that are called to state active duty will remain in a state employment status of 'Active'. No earnings will be reported for the employee during the deployment period. (Only time worked as state active duty will be coded via Idaho Military Division). Because the employee continues to be an active State of Idaho employee during the state active duty and the State of Idaho is the employer, the employee is not eligible to use any paid leave from the original employing agency during the state active duty deployment period.

5D2. Accrual of Credited State Service. Employees on state active duty will accrue credited state service for time worked with the Military Division.

## **5E. Organ and Bone Marrow Donation Leave**

Employees are not required to take sick leave when donating an organ or bone marrow. Employees may take a maximum of thirty (30) working days of paid leave if they are donating a body organ, and a maximum of five (5) working days of paid leave if they are donating bone marrow. (Ref. I-Time code "DNO")

To receive "DNO" leave, employees must provide a physician's note indicating whether the leave is for bone marrow or organ donation and the expected duration of the leave. (Ref. Idaho Code § [67-5343](#))

Supervisors are responsible for monitoring the total number of days of DNO leave taken by their respective employees.

## **5F. Administrative Leave with Pay**

An Appointing Authority may grant administrative leave with pay under the following conditions:

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

## **5G. Court and Jury Services**

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

5G1. Connected with Official State Duty. When an employee is subpoenaed or required to appear as a witness in any judicial or administrative proceeding in any capacity connected with official state duty, he or she shall not be considered absent from duty. The employee shall not be entitled to receive compensation from the court. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee shall be reimbursed by his or her respective department in accordance with department travel regulations.

5G2. Private Proceedings. When an employee is required to appear as a witness or a party in any proceeding not connected with official state duty, the employee shall be permitted to attend. The employee may use accrued leave or leave without pay.

5G3. Jury Service. When an employee is summoned by proper judicial authority to serve on a jury, he or she shall be granted a leave of absence with pay (JUR) for the time which otherwise the employee would have worked. The employee shall be entitled to keep fees and mileage reimbursement paid by the court in addition to salary. Expenses in connection with this duty are not subject to reimbursement by the state.

## **5H. Miscellaneous Leave**

An employee attending non-job related training, performing civic duties, or other similar activities can use earned leave time to cover the period of absence from work.

5H1. Leave for Job Interviews: Internal. Time spent interviewing for other positions within the employee's Agency is considered time worked. Time spent traveling to and from interview appointments within their Agency is not considered time worked unless approved by the Appointing Authority.

5H2. Leave for Job Interviews: External. Time spent interviewing for positions outside the employee's Agency is not considered time worked and the employee is required to use appropriate accrued leave or leave without pay to cover the period of absence from work.

## **5I. Election Leave**

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

## **5J. Religious Leave**

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

## **5K. Red Cross Disaster Services Leave**

Employees who have been certified by the American Red Cross as disaster service volunteers shall be granted up to one hundred twenty (120) hours of paid leave in any twelve month period to participate in relief services pursuant to Section 67-5338, Idaho Code.

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