

**Idaho Department of  
Juvenile Corrections  
Administrative  
Policy/Procedure**

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**SUBJECT: SPECIAL LEAVES**

**CATEGORY: HUMAN RESOURCES**

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**Policy**

In addition to sick and vacation leave benefits, other miscellaneous leave benefits may be available to employees to use in accordance with Idaho Code, Division of Human Resource Rule, and other state and federal laws and rules.

These leaves include:

- Employee Requested Leave of Absence without Pay (LWOP),
- Military Leave,
- Organ and Bone Marrow Donation Leave,
- Administrative Leave with Pay,
- Court and Jury Leave,
- Leave for Job Interviews/Voluntary Training and Activities,
- Election Leave,
- Religious Leave, and
- Red Cross Disaster Services Leave.

It is therefore the policy of the Idaho Department of Juvenile Corrections (IDJC) to outline these special leaves and to provide the guidelines to employees regarding the use of each.

**Operating Procedures**

- I. Employee-Requested Leave of Absence without Pay (LWOP)
  - A. A leave without pay may be one day, a fraction thereof, or an extended absence during which an employee is not paid.
  - B. Request, Approval and Use of LWOP: Typically, employees must exhaust accrued leave balances prior to being placed on LWOP. An employee must request LWOP in writing and must establish a reasonable justification for approval. All LWOP must be approved by the employee's supervisor. Any LWOP in excess of one week must be approved by the IDJC Director and such leave should not have an adverse effect upon the agency.
  - C. Except under special circumstances, employees must exhaust accrued leave balances prior to being placed on LWOP. Employees on a period of service in the uniformed services may choose to use accrued vacation, compensatory time, on call time, or LWOP.

1. LWOP and Worker's Compensation Absences: Supervisor and/or Director approvals are not required for employee absences from work due to a work-related illness or injury to be unpaid. Employees must use accrued leave balances in conjunction with Worker's Compensation.
2. Credited State Service Hours: Employees on LWOP do not earn credited state service hours.
3. LWOP and Medical Insurance Coverage: Employees should contact the IDJC Human Resource Office or the Department of Administration, Group Insurance, for further information about maintaining insurance coverage during LWOP.

## II. Military Leave (Federal Active Duty)

- A. Employees who are members of the U.S. Armed Forces or the National Guard who receive federal military orders requiring them to be absent from work shall be entitled each calendar year to 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.
- B. 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 returned to the same or similar position upon return from such leave, unless dishonorably discharged. A copy of the orders is required to take military leave and a copy of the discharge papers is required upon return.
- C. Amount of Leave: Such employees, regardless of whether they work full-time or part-time, are entitled to 120 hours of military leave with pay in one calendar year.
- D. Use of other accrued leave: During federal military deployment, the employee will be in a state employment status of 'Inactive With Pay' (IM for Military Inactivation). This status means the employee may elect to use accrued Vacation (VAC) and/or Compensatory Time (CPT) during the deployment period. The employee must provide a written request to the supervisor prior to the use of such time.
- E. 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 30 calendar days after departure. The agency will pay for the state's portion of the health insurance premiums during those 30 calendar days; 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.

- F. Flexible Leave: Employees in reserve programs often have an option on dates for annual training exercises. The IDJC Director 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 their supervisor and the military unit and to accept such dates.

### III. Military Leave (State Active Duty)

- A. 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 the same or similar position upon return. A copy of the orders is required to take military leave and a copy of the discharge papers is required upon return.
- B. Inability to Use Accrued Leave: State employees who 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.
- C. Accrual of Credited State Service: Employees on state active duty will accrue credited state service for time worked with the Military Division.

### IV. Organ and Bone Marrow Donation Leave

- A. Employees are not required to take sick leave when donating an organ or bone marrow. Employees may take a maximum of 30 working days of paid leave if they are donating a body organ and a maximum of five working days of paid leave if they are donating bone marrow. (I-Time code "DNO")
- B. 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.
- C. Supervisors are responsible for monitoring the total number of days of DNO leave by their respective employees.

### V. Administrative Leave with Pay

The IDJC Director or designee may grant administrative leave with pay under the following conditions:

- A. When the employee is being investigated;
- B. When the employee is in the due process procedure of a disciplinary action;
- C. When the Governor, Director, or their designee declares a Department facility closed or inaccessible because of severe weather, civil disturbances, loss of utilities, or other disruptions, or authorizes early release of employees;

- D. When the Director or designee deems it necessary due to an unusual situation, emergency, or critical incident that could jeopardize agency operations, the safety of others, or create a liability situation for the agency; or
- E. When approved in advance by the Governor.

## VI. Court and Jury Services

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

- A. **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, they 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 their respective department in accordance with department travel regulations.
- B. **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 is required to use appropriate accrued leave prior to using LWOP.
- C. **Jury Service:** When an employee is summoned by proper judicial authority to serve on a jury, they 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. The employee must provide the Jury Summons to their supervisor as documentation. Refer to Time Records and Reporting (350) policy/procedure for additional information.

## VII. Leave for Job Interviews/Voluntary Training and Activities

- A. **Voluntary Training/Activities:** An employee attending non-job-related training, performing civic duties, or other similar activities, must use appropriate accrued leave to cover the period of absence from work.
- B. **Leave for Internal Job Interviews:** Time spent interviewing for other positions within IDJC is considered time worked. Time spent traveling to and from interview appointments within IDJC is not considered time worked unless approved by the Director.
- C. **Leave for External Job Interviews:** Time spent interviewing for positions outside IDJC is not considered time worked and the employee is required to use appropriate accrued leave prior to using LWOP to cover the period of absence from work.

## VIII. Election Leave

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

IX. Religious Leave

The IDJC shall make reasonable accommodations for 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.

X. Red Cross Disaster Services Leave

A. Employees who have been certified by the American Red Cross as disaster service volunteers shall be granted up to 120 hours of paid leave in any 12-month period to participate in relief services.

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

*Reference:* [Glossary of Terms and Acronyms](#)  
*Uniformed Services Employment and Reemployment Rights Act (USERRA)*  
<http://www.dol.gov/vets/usc/vpl/usc38.htm>  
*State Controller's Office*  
*Division of Human Resources Executive Branch Agency Policies, Section 5*  
*Division of Human Resources and Idaho Personnel Commission Rules, IDAPA*  
*15.04.01.124 and 250*  
*Sections 46-216, 65-508, Idaho Code (Military Leave)*  
*Section 67-5343, Idaho Code (Marrow/Organ Donation)*  
*Section 67-5338, Idaho Code (Red Cross Disaster Services)*

*Desk Manual(s):* *None*

*Related Policies:* [Work-related Employee Injury or Illness \(375\)](#)  
[Vacation Leave \(355\)](#)  
[Sick Leave \(353\)](#)  
[Family and Medical Leave Act \(352\)](#)  
[Hours of Work and Rest Periods \(349\)](#)

*Related Forms:* *None*