

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

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SUBJECT: SICK LEAVE

CATEGORY: HUMAN RESOURCES

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**Policy**

The purpose of this policy is to establish guidelines and procedures for the accumulation and disposition of sick leave. Employees earn sick leave and are eligible to take sick leave in accordance with Idaho Code, Division of Human Resources (DHR) rules, and other state and federal laws and regulations.

A predictable and reliable level of performance is an essential function of all positions. It is therefore the policy of the Idaho Department of Juvenile Corrections (IDJC) provides guidance to its employees on the expectations and responsibilities for accumulation and use of sick leave.

**Operating Procedures**

I. Employee Responsibilities

Maintaining predictable and reliable performance is an essential to accomplish the objectives of the IDJC and it is the employee's obligation to report to work on time and as scheduled. The IDJC Leadership Team understands that employees are susceptible to illness and may be responsible for the care of others which can result in the necessary use of sick leave.

- A. It is the responsibility of the employee to follow call off procedures for their work location, including notifying their supervisor immediately, or as soon as possible thereafter, in the event of sickness or injury which prevents the employee from reporting for duty.
- B. Notifying your supervisor of an absence does not automatically approve the use of sick leave. It provides the supervisor with information to use in determining whether there is a need to adjust the schedule to ensure adequate coverage.
- C. Sick leave can be used by eligible employees with an accrued balance for unscheduled absences provided the criteria for use of sick leave is met. Unscheduled absences (excluding absences covered under protected leave categories) may be used to address dependability and job performance concerns.

II. Eligibility

Employees shall earn sick leave and be eligible to take it in accordance with sections 67-5333, 59-1603, 59-1605, Idaho Code and IDHR Rule 240. Employees must qualify as eligible for benefits in order to accrue sick leave. Ineligible employees include:

- A. Employees who regularly work less than 20 hours per week; or
- B. Employees who are in non-pay status (i.e. on unpaid leave of absence); or
- C. Temporary employees who are hired to work less than five months, regardless of number of hours worked per week; or
- D. Any other employees ineligible per DHR rules.

An employee who is originally not expected to work five months, who regularly works 20 or more hours per week, but who works beyond five months, is entitled to receive sick leave benefits retroactively in accordance with accrual rates.

### III. Accrual

- A. Sick leave shall accrue at the rate of .04615 hours per hour worked or paid (with the exception of paid compensatory leave).

Employees taking compensatory time off do not earn sick leave for those hours taken because it was accrued when the compensatory time was earned.

For Example:

An employee works Monday through Wednesday and is on vacation Thursday and Friday. The employee codes ACT (time worked) for Monday, Tuesday and Wednesday, VAC (vacation time taken) for Thursday, and CPT (compensatory time taken) for Friday. The employee would earn sick leave for the time coded Monday through Thursday but not Friday while on paid compensatory leave.

	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL
ACT		8	8	8				24
VAC					8			8
CPT						8		8
								40

To calculate sick leave accrual in any one pay period, take the number of hours paid (Excluding compensatory time taken) and multiply by 0.04615. For example, an employee who works 80 hours in a pay period earns 3.7 hours of sick leave (calculated by multiplying 80 by 0.04615).

- B. Sick leave accrues without limit.

### IV. Use of Sick Leave

- A. Sick leave may be used only in cases of the employee's actual illness or disability or other health reasons necessitating the employee's absence from work. In addition, an employee may use sick leave, when needed, for a family member's medical appointments, serious illness, disability, or death, and for a funeral in the family. Eligibility to use sick leave includes self, spouse, child, foster child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage, or legal guardian.
- B. When possible, employees are expected to plan time away from work by notifying the supervisor in advance of the absence. In the event that an employee anticipates being absent from work for more than three consecutive work days due to the

employee's own medical condition, a family member's medical condition, or the birth or adoption of a child, the employee will inform the supervisor or designee of the need for extended leave. Supervisors will notify Human Resources (HR) of the expected absence for assistance with this process, including Family Medical Leave, short-term disability, temporary hires, return-to-work issues, etc.

- C. Sick leave will be used in conjunction with FMLA if the criteria for FMLA is met. Employees on FMLA must use any permissible available accrued paid leave concurrently with FMLA. In addition, employees must exhaust accrued vacation leave, sick leave and compensatory time prior to taking leave without pay.
- D. Limitations on sick leave use
  - 1. Employees may not use sick leave for time off due to adoption or foster care placement unless the child has a medical condition requiring care
  - 2. Sick leave cannot be used in lieu of vacation leave
  - 3. If an employee exhausts accrued sick leave, the employee must use other accrued leave balances prior to the employee receiving leave without pay.
  - 4. Sick leave cannot be taken in the same pay period in which it is earned.
  - 5. 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, then works nine hours per day on Tuesday through Friday, the employee's timesheet should be coded as follows:

	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL
ACT			9	9	9	9		36
SIC		4						4
								40

- E. Use Parameters for Executive Employees Only. Employees designated as Executive shall not use accrued sick leave in less than half-day increments. For example, if an executive employee works for six hours and takes the remainder of that day off due to a qualifying illness, no accrued sick leave is used. Conversely, if an Executive employee works for two hours and takes the remainder of the day off due to a qualifying illness, then six hours of accrued sick leave is used.
- F. Managing Sick Leave. Patterns or excessive absences can negatively impact individual performance and IDJC services. Supervisors are encouraged to use the Unscheduled Absences form (provided by HR) as a tool to track scheduled and unscheduled leave.
  - 1. Consistent with the provisions of the ADA and the FMLA, a supervisor, immediate manager, or designee may investigate when an abuse of sick leave (which may include the use of FMLA) is suspected. Sick leave abuse includes, but is not limited to:
    - a. A pattern of unscheduled absences that have a negative impact on the job requirements and/or the efficient operation of the work unit;
    - b. A pattern of scheduled or unscheduled absences that coincide with a day off from work or a weekend;

- c. Any employee who is on approved sick leave and is found to be working at another job; and
  - d. Using sick leave for purposes other than reasons allowed.
- 2. When a supervisor, immediate manager, or designee suspects that an employee is abusing or has abused sick leave (which may include the use of FMLA), that person may investigate. The investigation may include, but is not limited to:
  - a. Gathering facts;
  - b. Reviewing and comparing attendance and other records;
  - c. Interviewing the employee, coworkers, or others; and
  - d. Identifying patterns of scheduled and unscheduled absences.
- 3. As a part of the fact gathering process, the supervisor, immediate manager, or designee may require a statement from the employee's medical practitioner to verify whether the employee has or had a medical condition necessitating the absence. Because the employee has a right to confidentiality, the supervisor, immediate manager, or designee will not ask the medical practitioner to provide a medical diagnosis.
- 4. If the supervisor, immediate manager, or designee is able to confirm that the employee abused the use of sick leave, the supervisor, immediate manager, or designee will develop a plan to address the abuse. Sick leave abuse will be subject to corrective or disciplinary action up to and including termination.

#### V. Inability to Return from Medical Leave

Employees off work due to their own or a family member's illness or injury are required to keep the IDJC informed as to their health status and intent to return. During that time period, sick leave or other accrued leaves will be used.

- A. **Required Medical Practitioner Notes.** During the employee's medical leave (which may include the use of FMLA), the IDJC may require updated medical practitioner's statements regarding the employee's expected date of return to work.
- B. **Employee Unable to Return to Work.** If an employee is unable to return to regular work duties (with or without accommodation) after 12 weeks or after exhausting accrued sick leave, whichever is longer, the employee may be medically laid off.
- C. Employees may not use leave without pay, FMLA, or time spent in light or alternate duty positions to extend the medical layoff date.

#### VI. Effect of Transfers on Accrued Sick Leave

The accrued sick leave balance transfers with employees when they transfer from one state agency to another.

#### VII. Effect of Separation on Accrued Sick Leave

- A. When employees leave state service, all accrued and unused sick leave will be forfeited, except as provided in Idaho Code (i.e., separation due to retirement).
- B. If an employee returns to credited state service within three years of separation, all sick leave forfeited at time of separation will be reinstated.

VIII. Sick Leave Balance Usage for Health Premiums upon Retirement

Upon separation from state employment by retirement, an employee's unused sick leave earned after July 1, 1976 shall be reported by the employer to the public employee retirement system. A sum equal to one-half (1/2), or the maximum amount allowed in statute, whichever is the lesser, of the monetary value of such unused sick leave (see table below), calculated at the rate of pay for such employee at the time of retirement, as determined by the retirement board, shall be transferred from the sick leave account and shall be credited to such employee's retirement account.

Such sums shall be used by the Idaho public employee retirement board to pay premiums, as permitted by and subject to applicable federal tax laws and limits, for such health, dental, vision, long-term care, prescription drug and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account.

Credited Hours of State Service	Estimated Years of State Service	Minimum Hours of Sick Leave Needed to Receive Maximum Sick Leave Entitlement	Maximum Allowable Sick Leave Hours
0–10,400	5	480	240
10,401–20,800	5–10	960	480
20,801–31,200	10–15	1080	540
31,201 and over	15 and over	1200	600

Reference: [Glossary of Terms and Acronyms](#)

*Family Medical leave Act*

*Americans with Disabilities Act*

*Sections: 67-5333, 67-5339, 59-1603, and 59-1605, Idaho Code*

*DHR Rules: 240, 241, 242, 243, 244*

*Desk Manual(s):*      *None*

*Related Policies:*      [Americans with Disabilities Act \(ADA\)](#) (301)  
                                 [Work Schedules](#) (348)  
                                 [Hours of Work and Rest Breaks](#) (349)  
                                 [Time Records and Reporting](#) (350)  
                                 [Family and Medical Leave Act \(FMLA\) Leave](#) (352)  
                                 [Attendance, Absenteeism and Tardiness](#) (361)  
                                 [Temporary Modified Duty/Return to Work Program](#) (373)  
                                 [Special Leaves](#) (334)

*Related Forms:*      *Unscheduled Absences (HR Form)*