

At the beginning of the employment year, all non-certificated employees of this district, who regularly work twenty (20) hours or more per week, and all certificated employees, who work half-time or more per week, will be entitled to sick leave with full pay of one (1) day for each month of service in which they work a majority portion of that month, as projected for the employment year. Employees who work more than twenty (20) hours per week, but less than full-time, will have the sick leave prorated by the full-time equivalent (FTE) worked.

## **DEFINITIONS**

“Employment year” begins July 1 and continues through June 30 of the following year.

“Immediate family” means the employee’s spouse and children residing in the employee’s household.

“Month of service” means the individual employee’s monthly work schedule for which they are hired to work.

“Public education entity” means community colleges, public school districts, public charter schools and the Idaho digital learning academy.

"State educational agency" means the following state agencies and educational institutions supervised by the Idaho state board of education:

- (a) Boise state university;
- (b) Idaho state university;
- (c) University of Idaho;
- (d) Lewis-Clark state college
- (e) Eastern Idaho technical college;
- (f) Idaho public television;
- (g) The division of vocational rehabilitation;
- (h) The division of career technical education;
- (i) The office of the state board of education; and
- (j) The department of education.

“Substitute employee” means an employee who works on an as-needed basis and who is not given a regular work schedule.

## **CALCULATION OF SICK LEAVE**

Sick leave will be calculated pursuant to the employee’s “month of service,” as projected at the beginning of the employment year. If it is projected that the employee will work a majority portion of the hours for which he/she is normally scheduled during any given month, he/she will be entitled to sick leave for that month. Sick leave benefits will not be credited for those months in which the employee is not projected to work a majority portion of his/her month of service. Nothing in this

policy guarantees approval of the granting of sick leave. Each request will be considered in accordance with this policy and the needs of the district.

Certificated Employees: Sick leave for certificated employees will be calculated by the day, or percentage thereof, as defined in the individual employee's contract. Additional sick leave may be provided to certificated personnel when the negotiated agreement between the district and the local education organization so specifies.

Non-Certificated, Full-Time Employees: Non-certificated, full-time employees who are scheduled to work forty (40) hours per week, twelve (12) months per year, will be credited sick leave at the rate of one (1) eight-hour day per month of service. Non-certificated, twelve (12) month employees who work less than full-time, but more than twenty (20) hours per week, will be credited sick leave at a rate calculated proportionate to the average hours worked per day.

Non-Certificated, School-Year Employees: Non-certificated employees who work less than full-time, but more than twenty (20) hours per week, will be credited sick leave at a rate calculated proportionate to the average hours worked per school day for the months of September through June.

Substitute Employees: Sick leave for substitute employees, who work more than twenty (20) hours per week, will be projected by reviewing the hours typically worked in a particular job category. The total number of hours worked during the prior year in the particular job category will be divided by the total number of employees employed in that job category. The superintendent or designee may adjust the projection as necessary to account for anticipated changes in hours to be worked in a substitute status.

**NOTICE OF CREDITED SICK LEAVE**

Each employee will be credited sick leave for the employment year, and notified of the sick leave benefits to which he/she is entitled, at the beginning of the employment year, or first day of employment if employment commences during the employment year.

**MEDICAL DOCUMENTATION**

To protect the district against malingering and false claim of illness, an employee may be required to provide proof of illness, when deemed appropriate, at the discretion of the superintendent or designee. The superintendent or designee may require proof of the employee's ability to return to work following an illness.

**ACCRUAL OF UNUSED SICK LEAVE**

Unused sick leave will accrue from year to year, or as otherwise provided in the negotiated agreement, as long as an employee remains continually in the service of this district. In no event will the board compensate an employee for unused sick leave.

Any new employee of this district who was employed by another public education entity or state educational agency during the year immediately preceding, or within (3) school years immediately preceding if termination was due to a reduction in force, will be credited with that individual's accrued sick leave.

. This policy does not prohibit the board from approving retirement severance pay. Upon retirement of an employee, any accrued unused sick leave shall be reported to the public employee retirement system.

**MISUSE OF SICK LEAVE**

Employees are expected to use sick leave for sickness suffered by the employee or his or her immediate family. Misuse of sick leave is cause for disciplinary action, up to and including termination.



**LEGAL REFERENCE:**

Idaho Code Sections

33-1216 through 33-1218 – Sick Leave

Family and Medical Leave Act (FMLA)

29 USC Section 2654

58 CFR 31812 through 31839

Porter, et al. v. Bd. of Trustees, Preston School District No. 201, 105 P.3d 671 (Idaho 2004).

**ADOPTED: March 10, 2008**

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