

House Bill452 (HB452) removed the 90 cap for accumulation of sick days. This policy has been updated to reflect the change in HB452 and also include definitions for a public educational entity and state educational agency that qualify for the transfer of accrued sick leave.

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.

“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.

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 13 days per year or as assigned by the Board of Trustees.

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 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.

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.

In no event will the board compensate an employee for unused 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.



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 15, 2006

AMENDED: January 28, 2015, January 25, 2017