

# MONTANA

## BOARD OF INVESTMENTS

## BOARD ADOPTED POLICY

POLICY NUMBER: 30.110

EFFECTIVE DATE: October 26, 2022

TITLE: Leave Policy for Board Staff

SUPERSEDES: New

BOARD ADOPTION: October 26, 2022

REVIEWED:

### I. Purpose

The purpose of this Policy is to establish policy governing staff leave benefits for those employees exempt from policy under Sections 2-18-103, 104, and 601(6), MCA.

### II. Leave Policy

#### A. Annual (Vacation) Leave

1. Annual leave is paid at the employee's regular rate of pay at the time the leave is taken.
2. Annual leave is earned from the first day of employment and is credited at the end of each pay period. However, employees are not eligible to use accrued annual leave until they have been continuously employed for a period of six (6) calendar months.
3. The rate of annual leave earned is defined in Section 2-18-612, MCA.
4. Annual leave may be accumulated to two (2) times the eligible accrual rate per calendar year. Excess annual leave is not forfeited if:
  - a) Used by March 31 of the following calendar year, or
  - b) The employee requested to use the excess annual leave and management denied the request. In this case, the employee will have until the end of the calendar year to use the excess annual leave before it is forfeited.
5. Employees shall use excess annual leave before using any accrued exempt compensatory time.
6. The Executive Director may deny the use of annual leave if it would result in the accrual of exempt compensatory time.
7. Absences due to illness may not be charged against an employee's annual leave balance unless approved by the employee.
8. Employees who separate from the Board, shall receive cash compensation at their regular rate of pay for any unused annual leave balance unless:
  - a) The employee has not met the six (6) month waiting period,
  - b) The termination was for reasons reflecting discredit on the employee as provided in Section 2-18-617, MCA,
  - c) The employee is a member of a VEBA plan and the agreement requires a contribution of unused annual leave, or
  - d) The employee voluntarily donates all or part of the unused leave to the Sick Leave Fund.

#### B. Disaster and Emergency Leave

The Executive Director may grant leave in the event of a disaster or emergency as outlined in Section 2-18-627, MCA.

#### C. Exempt Compensatory Time

1. Employees in exempt positions may accrue one-half (1/2) hour of exempt compensatory time for each one-half (1/2) hour in regular hours over forty (40) hours in a work week.
2. Hours in excess of forty (40) regular hours in a work week spent by an employee traveling, training, or attending conferences, lectures, or meetings may be credited as exempt

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compensatory time as approved by the employee's supervisor.

3. Exempt compensatory time will be earned and recorded in one-half (1/2) hour increments. A note stating the reason for the exempt compensatory time must be included on the timesheet.
4. Employees may take accrued exempt compensatory time as paid time off as approved by their supervisor. If the interest of the Board requires the employee's attendance, the Board's interest overrides the employee's interest to use exempt compensatory time.
5. Employees with excess annual leave must use the excess annual leave before using accrued exempt compensatory time.
6. Employees may accrue up to one thousand (1000) hours of exempt compensatory time.
7. Employees with five (5) years of continuous service with the Board at time of separation from the Board, will be paid up to five hundred (500) hours of accrued exempt compensatory time at their rate of pay at the time of separation.
8. Employees with ten (10) years of continuous service with the Board at time of separation from the Board, will be paid up to one thousand (1000) hours of accrued exempt compensatory time at their rate of pay at the time of separation.
9. Years of service are calculated from the time this policy was adopted by the Board or an employee's hire date in an exempt position with the Board, whichever is later.

#### D. Family Medical Leave (FMLA)

1. FMLA will be managed according to U.S. Department of Labor regulations.
2. The Board uses the twelve (12) month period measured forward from the date of the employee's first FMLA leave usage to track the twelve (12) months leave period.
3. Use of some paid leave may be required.

#### E. Holidays

1. Employees in exempt positions shall receive holiday benefits for legal state holidays. Legal state holidays are defined in Section 1-1-216, MCA.
2. The holiday benefit is described below:
  - a) Employee receives the recognized holiday off with pay at the employee's regular rate.
  - b) Holiday benefits shall not exceed eight (8) hours per holiday.
  - c) The Executive Director may require an employee to work on a holiday or the day it is observed. If required to work the holiday, such as when markets are open, the employee will receive the holiday pay and record the hours worked on the timesheet.
3. To be eligible for holiday benefits, an employee must be in a pay status the last regularly scheduled working day before the holiday and first regularly scheduled working day following the holiday.

#### F. Jury Duty and Witness Leave

1. The Executive Director shall grant employees leave to serve as a juror or as a witness when properly subpoenaed or summoned in accordance with Section 2-18-619, MCA.
2. When properly subpoenaed or summoned, employees have two options. They may choose to:
  - a) Use accrued annual or exempt compensatory time, or
  - b) Receive regular pay while on approved jury duty or witness leave.
3. Employees who choose to use accrued paid leave may keep all payments and allowances provided to them for their service as a juror or witness.
4. Employees who choose regular pay must forward all payments and allowances received to the Board when received.

#### G. Leave of Absence Without Pay

1. The Executive Director may approve leaves of absence without pay for employees on a case-by-case basis.
2. FMLA requirements take precedence if leave without pay is concurrent with FMLA leave benefits.

#### H. Maternity and Parental Leave

1. Maternity leave is an unpaid leave of absence available to female employees for temporary

disability because of pregnancy and delivery.

2. Parental leave is an unpaid leave of absence not to exceed fifteen (15) working days available to birth or adoptive fathers. Parental leave is available to birth fathers immediately following a child's birth or adoption.
  3. Employees may use accrued sick or other paid leave concurrently with maternity or parental leave.
  4. Maternity leave or parental leave will run concurrently with FMLA for employees who qualify for FMLA benefits. FMLA leave requirements take precedence.
- I. Military Paid Leave
1. Employees who are members of the Montana nation guard, organized or unorganized reserve corps, or military forces of the United States and have six (6) months of continuous employment, are eligible for paid military leave.
  2. Qualifying employees accrue one hundred twenty (120) hours of paid military leave each calendar year.
  3. Qualifying employees can carry unused military leave into the next calendar year but cannot accrue more than two hundred forty (240) hours.
  4. Unused military leave is not paid to an employee when they separate from employment.
- J. Paid Time for Health Care and Benefits Division Sponsored Events
1. The Executive Director shall consider reasonable requests for paid time for employees to attend health screenings, benefit presentations, and benefit trainings.
  2. Events such as Spring fitness, Hunter's Challenge, and Healthy for Life programs are excluded.
- K. Sick Leave
1. Sick leave is paid at the employee's regular rate of pay at the time the leave is taken.
  2. Sick leave is earned from the first day of employment and is credited at the end of each pay period. However, employees are not eligible to use accrued annual leave until they have been continuously employed for a period of ninety (90) calendar days.
  3. The rate of sick leave earned is defined in Section 2-18-618, MCA.
  4. Sick leave is not limited on the amount an employee may accrue.
  5. Employees may not accrue exempt compensatory time and use sick leave in the same work week.
  6. The Executive Director may require employees to use sick leave concurrently with FMLA, maternity, or parental leave.
  7. Abuse of sick leave is cause for dismissal and forfeiture of accrued sick leave.
  8. Employees who separate from the Board, shall receive cash compensation at their regular rate of pay for one-quarter (1/4) of any unused sick leave balance unless:
    - a) The employee has not met the ninety (90) day waiting period,
    - b) The termination was for abuse of sick leave,
    - c) The employee is a member of a VEBA plan and the agreement requires a contribution of unused sick leave, or
    - d) The employee voluntarily donates all or part of the unused leave to the Sick Leave Fund.