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Personnel

STATE EMPLOYEE PERSONNEL REGULATIONS

OPR: Mr. Blake Morgan
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SUMMARY OF REVISIONS

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***Forms Prescribed*¹**

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IDNG FORM 52R, PROBLEM SOLVING FORM 105

IDNG FORM 38R, STATE POSITION MANAGEMENT FORM 109

IDNG FORM 17R, MILITARY DIVISION STATE EMPLOYEE PERFORMANCE APPRAISAL FORM.. 111

IDNG 15R, ADVERSE ACTION PROCESS FORM 113

EIS-180, VACATION TRANSFER FORM 119

¹ Forms that are reproducible may be obtained from the State Personnel Manager, via e-mail, when requested.

Chapter 1

GENERAL INFORMATION

1-1. Purpose.

a. This publication contains policies and procedures for administration of the Idaho Military Division Personnel Management System that governs state nonclassified employees. Idaho state law authorizes the Idaho Adjutant General, also known as the Commanding General (CG), to administer a personnel system for the Military Division. For specific clarification as to applicability, consult with the Human Resources Office, State Personnel Branch (HRO/SPB).

b. The Military Division receives federal funding and must maintain a merit system that ensures personnel actions will be accomplished within the parameters of federal merit requirements. The Military Division's Merit System is administered by HRO/SPB. This regulation may be amended, expanded, or rescinded as circumstances warrant. If any discrepancy exists between this regulation and applicable law, the provisions of law will prevail.

1-2. References. Required and related publications and prescribed referenced forms are listed in the attachment section of this publication.

1-3. Definitions. Special terms used in this publication are explained in the attachments.

1-4. Responsibilities.

a. The Commanding General: Establishes policy, and is the final approving authority for position management and resource allocation.

b. Deputy Commanding Generals (DCG's), and Bureau Directors : Responsible for all personnel management actions and coordination with the HRO/SPB for employees within their activities, and for recommending position management actions to the CG.

c. State Resource Office: Confirms availability of state funds to support all proposed or existing requirements for position management or personnel management as coordinated by HRO/SPB.

d. State Program Managers:

(1) Initiate requests to modify organizational structures and positions to meet mission requirements and to improve efficiency and economy.

(2) Submit all necessary Requests for State Personnel Action, (SPB Form 7) and other Forms and documents to fill vacancies, restructure or reclassify positions, eliminate positions, establish new positions, etc., as detailed in this regulation.

(3) Review positions and organizational structures and charts periodically with the HRO/SPB. Provide new proposed organizational charts to HRO/SPB with any recommendation for change, and a current chart with any request for position/classification review.

e. Supervisors:

(1) Advise Managers and the HRO/SPB when the organizational structure or position descriptions are inaccurate, when mission or duties change, or when there are technological changes.

(2) Ensure that incumbents perform the full range of duties and level of responsibility described in their position descriptions.

(3) Inform employees of classification actions affecting them.

(4) Prior to filling a vacancy, review position to determine whether the job can be eliminated, tasks assigned to others, or filled at a lower grade.

f. Human Resources Office, HRO/SPB:

(1) In support of the chain of command, conducts all activities and administrative actions necessary for the implementation of this regulation, including announcing and filling vacancies, verifying position descriptions, classifications, reorganization, organizational changes, Reductions-In-Force, and individual personnel movements and transactions.

(2) Advises the CG and Senior staff, and obtains appropriate approval from the chain of command in accordance with CG policy.

(3) Coordinates employee benefits and entitlements as necessary with appropriate agencies of the state of Idaho.

1-5. General Policy And Guidance.

a. Career Development.

(1) Employees will be maintained in their jobs as long as that job is fully justified, funding is available, and the individual is meeting the requirements of the job.

(2) The Military Division will open job announcements first to military members but will, as required, seek the best qualified from the available population.

(3) No employee should seek to improve their salary simply by enhancing the requirements of their Position Description without an actual change in the requirements of the job. As a rule, a Position Description (PD) is intended to fit within a hierarchical tree that remains somewhat unchanged over time. See Chapter 2, Position Management. The options usually available for improving personal growth or monetary situations are:

- (a) Merit increases, and bonuses. See Compensation, Awards or Incentive Chapters.
- (b) Transfer or promotion to a position that allows for the desired salary and or work.
- (c) Transfer or promotion to a different directorate within the Military Division that provides for the desired salary and, or work.
- (d) Transferring to another state agency that provides for the desired salary and or work.

b. Dress Code.

(1) Military Nonclassified employees wear the appropriate military uniform, in accordance with applicable service directives. No exceptions or variations are authorized to the military regulations which govern the wearing of the uniform. Civilian attire is not authorized, except as allowed by military regulations or as waived in writing by the Commanding General.

(2) Except when waived by the Commanding General, Nonclassified employees are not authorized to wear the military uniform and will wear appropriate civilian attire based on the type of work performed, management directives, and supervisor's guidance. Position descriptions may specify the wear of special clothing with appropriate markings.

(3) Inappropriate attire includes athletic clothing, beachwear, tank-tops, shorts or other items that do not parallel the clothing worn by military members in the workplace. Managers and supervisors will ensure that dress appearance does not create controversy or conflict in the workplace and will take on-the-spot corrective action when required.

(4) Dress down days are not generally authorized. DCG's, and Bureau Directors have approval authority for specific variations and exceptions to the dress code.

c. State Employee Military Compatibility.

(1) General. The CG establishes policy regarding military compatibility to assist and enhance the readiness of the Idaho National Guard. Exceptions to this policy must be approved by the CG on an SPB Form 7, processed through the chain of command and the HRO/SPB.

(2) Responsibilities.

(a) Full-time supervisors ensure that state employees' duty assignments and rank comply with position descriptions and this policy.

(b) Military Commanders coordinate with the full-time chain of command prior to reassigning state employees to new military duty positions when military membership is required.

(c) HRO/SPB administer involuntary separation actions for personnel not in compliance with this policy.

d. Grade Compatibility.

(1) Military grade inversion is not permitted. For positions requiring military membership, the military grade of full-time supervisors must equal or exceed the military grade of personnel supervised.

(2) Position Description Mandatory Requirements. Military Nonclassified employees will maintain the compatibility requirements (i.e., MOS/AFSC) established in the current position description. Failure to meet compatibility requirements will result in processing for separation in accordance with Chapter 9, Voluntary Separations, Resignations & Reductions in Grade or Pay and Loss of Military Membership.

(3) MOS/AFSC requirements may be waived by the CG for Command/Leadership tours.

(4) Grade Compatibility. Military rank and NGA grade guidelines are:

Officers	NGA-10 and above
Warrant	NGA- 7 to NGA-12
Enlisted	NGA-11 and below

e. Safety.

(1) The Military Division is committed to a safe and healthy working environment for all employees, to protect workers and public property from injury or damage. The high cost of injuries and damaged equipment, not to mention the negative impact on mission

accomplishment and employee productivity and morale, make safety a command interest item for all activity managers, supervisors, and employees.

(2) Each employee is responsible to identify and report unsafe procedures or conditions. Supervisors will ensure that employees wear any required protective equipment and that safety rules are observed.

(3) The HRO/SPB is responsible to report accidents involving state employees to the Commanding General. At the discretion of the chain of command, an evaluation may be performed to determine the cause of an accident, to revise procedures and practices, or to recommend appropriate disciplinary action.

f. Equal Opportunity/Discrimination. The Idaho Military Division is committed to providing equal employment opportunity for all employees, applicants for employment, and customers, regardless of race, religion, color, or national origin. Further, discrimination based on the sex, age, or mental/physical handicap of an employee is illegal. Positions requiring military membership in a compatible MOS/AFSC may properly incorporate the military qualifications including gender, age, and physical qualifications for the military position. All commanders, supervisors, and employees are charged with the responsibility to maintain a workplace environment that is free from all forms of illegal discrimination or harassment. See Chapter 8, Equal Employment Opportunity.

1-6. Preparation and use of Request for Personnel Action, SPB Form 7. This form is used by state employees, supervisors and State Program Managers to request actions that affect state employees. Examples of use: request to advertise a position; change funding source; pay changes; supervisor changes; hires; direct appointments; reassignments; promotions; lateral transfers; resignation; retirement. The form must reach the HRO/SPB at least five working days before the effective date. The form is not a reproducible form; it can be obtained by contacting the HRO/SPB

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Chapter 2

POSITION MANAGEMENT

2-1. General. This Chapter defines the position management responsibilities and procedures for state positions in the Idaho Military Division. Position Management refers to the establishment or elimination of positions, the allocation of Full Time Equivalent (FTE) resources, and all supervisory/subordinate and reporting relationships.

2-2. Objectives. Position management procedures are used to create or modify the organizational structure. This structure has been established to maintain a basis for orderly, efficient, economical accomplishment of work and the control of resources. Individual positions are established to support the organizational structure and mission.

2-3. Authority.

a. Efficient economical operation of the Military Division is under the authority of the Commanding General. Legislative (FTE) position caps and rising personnel costs make it increasingly important that human resources be efficiently managed.

b. Existing positions, operational relationships, and (FTE) personnel allocations as defined by organizational charts are controlled by the CG, and administered by the HRO/SPB. The addition or deletion of state positions, and all changes to the existing organizational structure (organizational chart) must be requested through the chain of command to HRO/SPB.

2-4. Responsibilities.

a. The Commanding General establishes policy, and is the final approving authority for position management, i.e., all changes to the organizational chart.

b. Deputy CG's and Bureau Directors are responsible for efficient operations and mission accomplishment.

c. Human Resources Office, HRO/SPB:

(1) Supports the chain of command in the conduct of activities and administrative actions necessary for position management, i.e. requests for the establishment or elimination of positions or modifications to the organizational structure.

(2) Advises the CG and senior staff and obtains appropriate approval from the chain of command for all position management actions in accordance with the CG's policy.

(3) Reviews positions with managers periodically to assure that the position is necessary and to verify subordinate/supervisory relationships.

(4) Assures that positions have proper rating standards with respect to the position description.

d. State Resource Office: Confirms availability of funds to support existing and proposed staff and structure, and advises the chain of command on all proposed changes.

e. State Program Manager:

(1) Initiates requests to modify the organizational structure to meet mission requirements, or improve efficiency and economy. See sections on eliminating a position and establishing a position, within this Chapter.

(2) Verifies that funds are available to support proposed changes.

(3) Review positions and organizational structures periodically with the HRO/SPB.

(4) Ensures personnel are operating under current performance standards within the scope of the appropriate position description.

f. Supervisor:

(1) Advises Managers and the HRO/SPB when organizational structure does not accomplish mission needs.

(2) Reviews all position vacancies to determine whether the duties can be eliminated, assigned to other positions, or filled at a lower grade before requesting to fill a vacancy.

2-5. Eliminating A Position. Positions that become obsolete because of changes in technology, functions, assignments, organizational structures, methods, or workload will be eliminated. Supervisors submit this request on an SPB Form 7, through the chain of command and IDNG Form 38R, State Position Management Form, for staffing and final decision by the CG. Incumbents in positions that are eliminated will either be reassigned to an existing vacancy or processed in accordance with Chapter 10, Reduction-In-Force policy.

2-6. Establishing A Position.

a. The establishment of a new state position is generally coordinated with the elimination of another position. The Military Division uses a Position Description Questionnaire (PDQ) HRO Form 5R, to create the foundation for a PD analyzing the knowledge, skills and abilities of a job. When completed, the form also depicts the amount of know how, problem solving and accountability it takes to perform the job. This form is supplied by the HRO/SPB.

b. Planning a position. Each position must be designed to contribute directly to mission accomplishment, be consistent with similar units and activities, and fit into the organizational structure. The following factors shall be given careful consideration in position design:

- (1) Shortfalls/weaknesses in current unit capability and needs.
- (2) Subordinate and supervisory relationships within the organizational structure.
- (3) Establishing an appropriate supervisory span of control.
- (4) Appropriate allocation of new responsibilities, measuring the impact of the new position on the duties of others.
- (5) Concentrating supervisory duties and work requiring special skills or training into as few positions as possible.

c. Requesting a new position.

(1) New positions are requested based upon known or projected organizational needs or new tasks and technologies. Requests are submitted on an IDNG Form 38R, properly justified in detail with all PCN's, class codes, names, organizational charts, etc., to the HRO/SPB, for staffing, coordination with the chain of command, and decision by the CG.

(2) Positions are reviewed by the HRO/SPB for assignment to a proper pay grade/classification.

(3) Requests for new positions which are pending the availability of necessary FTE resources and funding will be held by HRO/SPB and periodically reviewed for action by the CG.

(4) A copy of the IDNG Form 38R is in the Attachment section of this regulation.

2-7. Position Descriptions and Classification Reviews. The Military Division HRO/SPB is responsible for maintaining the official copies of all state Position Descriptions (PD's). Requests to change PD's must be submitted on an IDNG Form 38R. Requests will include a fiscal impact statement on a SPB Form 2R (SPB Form 2R is available from HRO/SPB). The HRO/SPB will analyze position descriptions utilizing a PD Questionnaire (PDQ, SPB-5R, which is available from HRO/SPB). When changes to existing PD's are needed, the following procedure will be followed:

a. The supervisor will submit an IDNG Form 38R and a SPB-2R, with the PDQ through the appropriate chain of command. If the DCG or Bureau Chief approves the action, the packet will be forwarded to the HRO/SPB for staffing.

b. Upon receipt the HRO/SPB will initiate and monitor the staff review. The HRO/SPB, the Federal Classifications analyst, and the appropriate State Program Manager, are minimum staffing requirements. HRO/SPB will ensure that the completed staff action contains all necessary and relevant staff information. HRO/SPB will annotate for the DCG/Bureau Chief, those areas where the staff is in disagreement.

c. After the staff review is completed, the packet will be forwarded to the CG for approval.

d. Approved package will be sent to HRO/SPB for processing.

2-8. Vacant Positions. When a position becomes vacant due to the incumbent leaving the agency, the HRO/SPB and the appropriate State Program Manager will analyze the vacancy to determine whether it should be filled at the same level, or whether it is still necessary to the mission of the agency. If required, the HRO/SPB will present such findings and recommendations to the CG for final decision.

2-9. Temporary Positions. State Program Managers may request Temporary state of Idaho employees through the HRO/SPB. With the concurrence of the appropriate DCG or Bureau Chief, authority for temporary hires rests with the HRO/SPB. For guidelines on temporary hires, see Chapter 3, Temporary Appointments.

Chapter 3

PERSONNEL MANAGEMENT

3-1. General. This Chapter defines the personnel management policies and procedures for Permanent and Temporary Nonclassified state employees of the Idaho Military Division. Personnel Management refers to position descriptions, classification/grades, hiring, reassignments, and other administrative personnel actions.

3-2. Objectives. Within the existing organizational structure, personnel management actions are accomplished to fill positions and coordinate employee compensation and benefits. These personnel management actions are administered by the HRO/SPB.

3-3. Responsibilities in Personnel Management.

a. DCG's and Bureau Directors: The Commanding General hereby delegates authority for the dismissal/termination of employees to the appropriate DCG's and Bureau Directors. Included also, is approval authority for all other personnel management actions (advertising vacancies, appointments, promotions, reassignments, incentive awards, adverse actions, training, etc.). By law, the CG retains the final approval on the aforementioned personnel actions.

b. Supervisor:

(1) Submit all necessary Requests for State Personnel Action, SPB Form 7, and other forms and documents for actions.

(2) Ensure that the incumbents perform the full range of duties and level of responsibility described in their official position descriptions.

(3) Ensure that the employees have an up-to-date copy of their job standards within 30 days of employment.

(4) Inform employees of actions affecting them.

c. HRO/SPB:

(1) In support of the chain of command, conduct and coordinate all activities and administrative actions necessary to accomplish personnel management functions, including announcing, filling vacancies, and verifying position descriptions, classifications, and individual personnel movements.

(2) Advise DCG's, Bureau Directors, and the chain of command of, and obtain appropriate approval for, personnel actions.

(3) Coordinate employee benefit programs as necessary with agencies of the state of Idaho.

d. State Resource Office: Confirm availability of funds to support appointments, and advise the chain of command on all proposed classification/pay grade changes as requested by HRO/SPB. Maintain pay records and submit pay actions for individual employees.

3-4. Types Of Appointments.

a. Key Appointments/Direct Appointments - Under the provisions of *Idaho Code*, the Commanding General may make appointments to fill key staff positions without formal announcement procedures.

(1) Key Staff positions include the Assistant Adjutants General.

(2) These Appointees are at-will employees who serve at the pleasure of the CG. Their employment may be terminated at any time without any rights of appeal granted other employees under this regulation. All Key Staff Appointments will be approved by the CG on the SPB Form 7.

(3) Direct Appointments - The CG may make non-competitive direct appointments to other positions when the CG determines it is in the best interests of the Military Division to do so. However, these positions do have all the same rights as competitively appointed employees under this regulation.

(4) All positions except Key Staff and direct appointees shall be competitively selected under the provisions of Chapter 4, Merit Placement Plan.

b. Probationary Appointment – All new hires will serve a probationary period to evaluate their work performance and suitability for the position. During this period, supervisors will verify that the individual's education, experience, and performance meet the needs of the job and the organization.

(1) Employees of the Military Division will serve only one probationary period during any continuous period of employment within the Division.

(2) Individuals appointed to permanent positions will serve a probationary period of 12 months.

(3) The supervisor shall present the employee with a copy of the job standards within 30 days of their appointment.

(4) The probationary employee shall not be terminated unless they have job standards in place and have had ample time to perform under such standards. The time is usually 120 days, however, under special circumstances, the Commanding General may waive

the 120 day requirement. Example: The employee is unable or unwilling to perform the duties of the position.

(5) The probationary period must not be interrupted by resignation or dismissal. If an employee changes jobs during the initial probationary period, then the probationary period will start over with the new position.

(6) Prior to the end date of the probationary period, the employee's first-line supervisor will determine whether to retain or not retain the probationary employee. The supervisor must notify the HRO/SPB of this decision at least 30 days prior to the termination of the probationary period. Should the supervisor **not** complete the required performance appraisals as set out below or fail to submit a timely request to terminate, the employee shall attain permanent status by default.

c. Unsatisfactory Probationary Period. An employee who fails to serve satisfactorily during the probationary period must be counseled about deficient performance. If a probationary employee is considered for separation, supervisors must document and submit to the HRO/SPB at least two instances where performance feedback was provided to the employee in writing. Exception: If the employee is not able to complete the probationary period due to illness or position abandonment (of 15 days or longer), the probationary period will be terminated. The HRO/SPB will notify the employee of such termination by registered mail if he/she is not available.

(1) The probationary employee may elect to resign in lieu of termination. Should they not elect resignation he/she shall be terminated before the probationary period ends. This action will be initiated without cause assigned on the personnel forms. The supervisor must submit an SPB Form 7 requesting termination of such probationary period. The HRO/SPB will coordinate the notice of separation to ensure that the employee has received a 15 day advance notice of such separation. Depending on the situation, the supervisor may elect to not have the employee work those 15 days. In any event, the employee shall remain on the payroll for that period.

(2) Probationary employees who are terminated do not have appeal rights under this regulation. Close coordination between supervisors and the HRO/SPB is essential to accomplish timely and proper requirements and exit processing.

d. Satisfactory Probationary Period. Notice of satisfactory service will be documented on the State Employee Performance Appraisal Form, IDNG 17R, and forwarded to HRO/SPB prior to the expiration of the probationary period. The supervisor is responsible to ensure that the performance appraisal is submitted. The IDNG 17R, is included in the Attachment section of these regulations.

e. Permanent Appointment - Permanent Appointment Status is attained by appointees who were selected and appointed to authorized permanent positions and who have satisfactorily completed their a probationary period. An employee in such status cannot

be terminated, except for cause, unless their position is eliminated because of a RIF. Permanent appointments are made in one of the following classifications:

- (1) Military Nonclassified - Positions requiring membership in the Idaho National Guard.
- (2) Nonclassified - Positions not requiring membership in the Idaho National Guard.

These appointment types shall be accomplished on an SPB Form 7, and signed by the CG. All employees shall provide the HRO/SPB with a copy of their Employment Application, SPB-Form 1.

3-5. Reemployment Rights Of State Employees Called For Military Duty.

a. This section refers to the Idaho Military Division's policies and regulatory requirements for personnel who vacate a position, whether voluntarily or involuntarily, to perform military duty under the provisions of Titles 10 or 32, *United States Code*, and who are entitled to reemployment rights under provisions of federal or state law.

b. State employees performing military duty have reemployment rights for a period up to five (5) years from the start of a military tour, to positions in the following order:

- (1) To the position he/she originally vacated, if available and vacant.
- (2) To another vacant position of similar seniority, status, and pay.

c. Requests for Reemployment must be submitted in writing to the HRO/SPB, within 90 days after completion of the military duty tour, or one year if hospitalized or within such longer time period as may, under the circumstances, be granted by federal law. Military Nonclassified employees must meet any appropriate military/compatibility conditions of employment for the position.

3-6. Temporary Appointment.

a. Temporary appointments may be used in the following circumstances:

(1) Positions to be filled for a specified period of time, not to exceed five months worked during any 12-month period. The Commanding General must approve requests for positions that would exceed five months.

(2) Intermittent or seasonal positions, clearly not of a continuing nature.

(3) To cover a permanent employee's absence during an extended period, i.e. short or long-term disability.

b. Additionally, Temporary appointments:

(1) Must be requested through the HRO/SPB.

(2) Will be made from eligibility registers certified by the HRO/SPB to the maximum extent possible. The requirement to hire from a register may be waived by the HRO/SPB on a case by case basis, to allow temporary hires for special skills and situations for which a register is not available.

(3) Must meet the requirements for military membership, if applicable.

(4) May be terminated from their employment at any time without the protection of Reduction-In-Force or adverse action appeal procedures under this regulation.

(5)

ENTITLEMENTS FOR TEMPORARY EMPLOYEES		
Entitlement	Employment Period	
	Less Than Five Months	More Than Five Months
Probationary Period	No	No
Incentive Award	No	No
Within Grade Increase	No	No
Holiday Pay	No	Yes
Workers Compensation	Yes	Yes
Retirement Program	No	Yes
Health Insurance	No	Yes
Group Life Insurance	No	Yes
Vacation	No	Yes
Sick Leave	No	Yes
Military Leave	Yes	Yes
Compensatory Leave	Yes	Yes
Problem Solving Procedure	No	No
Appeal Rights	No	No

c. Temporary Employment From Private "Temp" Agencies. Special requests to hire employees from private "Temporary" agencies to perform work that does not fall under paragraph 3-6, must be forwarded to the HRO/SPB on a purchase requisition. HRO/SPB evaluates the request and, if appropriate, coordinates it with the State Purchasing and Contracting Office. The State Resource Office will review requests to determine whether appropriate funding is available.

3-7. Announcing a Vacancy and Filling a Position. Prior to announcing and filling a vacancy:

a. Supervisors/activity managers request to announce and fill an existing position vacancy with an SPB Form 7.

b. Before a position is announced and filled the HRO/SPB will confirm that the position is properly classified, that funding is available, and that the position is not scheduled to be abolished or changed through reorganization or other management action.

c. See Chapter 4, Merit Placement Plan, for specific responsibilities and procedures.

3-8. Short Term/Long Term Disability. When an employee who has completed the probationary period, is absent because of illness or injury, arrangements to carry on the work of the position may be made by detailing another employee to the position or with a temporary fill. This will be coordinated with the HRO/SPB. For long-term absences, the position shall be declared vacant after six months from the date of disability. The disabled employee's name will be certified to the Military Division's layoff register for twelve months.

Chapter 4

MERIT PLACEMENT PLAN

4-1. General. This Chapter contains the procedures for Merit Placement of Nonclassified state employees of the Idaho Military Division which is administered by the HRO/SPB. It establishes the internal placement promotion process, and details the activities and procedures for filling position vacancies with qualified personnel. The Commanding General is the primary manager of all state positions assigned to the Military Division. All personnel actions affecting these positions require the coordination of the HRO/SPB. The HRO/SPB will ensure that the Commanding General is aware of all personnel actions for which authority has not been delegated. See Glossary for Merit System definition.

4-2. Objectives. This plan establishes policies and procedures for announcing and recruitment of positions. It provides competitive advancement opportunities for employees. Duties and responsibilities of the HRO/SPB and the selecting supervisor are detailed in this regulation.

4-3. Policy.

a. It is the policy of the Commanding General that positions will be filled with the best-qualified individuals available. Every effort will be given to recruit employees of the Military Division for positions that have promotional advancement. In accordance with Chapter 3, Personnel Management, the CG may make direct appointments to management positions without going through the formal announcement process when he determines it is in the best interests of the Military Division to do so.

b. The appointment to regular positions is based solely on merit. Military Nonclassified positions may have specific requirements for military membership, compatibility, and/or military separation as conditions of employment. Additionally, job-related factors such as military requirements may be established as qualifying factors for Military Nonclassified positions.

c. No employee shall work under the immediate supervision of a spouse, child, parent, brother, sister, or someone of the same relationship by marriage.

d. All actions under this plan will be made without discrimination or non-merit reasons. Race, color, politics, gender, religion, age, national origin, marital status, membership or non-membership in an organization, or non-disqualifying physical handicap, except for the applicable military membership requirements for Military Nonclassified positions, will not be used as the basis for personnel decisions under this regulation.

e. Affirmative action will be taken to ensure that local recruitment efforts reach potential employment sources, including qualified minority and female applicants.

4-4. Scope. This plan encompasses permanent positions and applies to supervisory and non-supervisory positions within the Military Division. Appointments to these positions may be through initial appointment, promotion, reassignment, reinstatement, demotion, and lateral transfers.

4-5. Responsibilities.

a. The Commanding General, under the provisions of Idaho Law, is appointed to administer the personnel system of the Military Division. The Commanding General has delegated to the chain of command the responsibility to administer this regulation in accordance with this guidance and applicable directives.

b. The HRO/SPB Manager is responsible to the chain of command to ensure that the requirements of this Merit Placement Plan are carried out. The HRO/SPB Manager will:

- (1) Develop, maintain, evaluate, and revise the program as necessary.
- (2) Ensure compliance with the provisions of this Chapter.
- (3) Provide guidance and assistance to managers and supervisors concerning their responsibilities under this plan.
- (4) Ensure that candidates are properly evaluated and certified for placement.
- (5) Maintain necessary records.

c. Managers and Supervisors will:

- (1) Ensure that employees under their supervision have access to this plan.
- (2) Ensure that personnel actions affected within their areas of responsibility are based on merit, without unlawful discrimination or use of non-merit factors.
- (3) Encourage employees under their supervision to participate in developmental opportunities and to apply for positions for which they might qualify.
- (4) Recommend changes to this plan to HRO/SPB.
- (5) Assure that employees under their supervision who are absent in an approved leave status (military duty, service schools, etc.) are considered for positions for which they are qualified.

4-6. Management's Rights. Recognizing that commanders are accountable for mission accomplishment in the Idaho National Guard, and that positions require the best qualified individuals available, the Military Division retains the right to:

- a. Select, or not select, from among a group of qualified candidates.
- b. Select candidates from eligibility registers.

4-7. Process Confidentiality.

- a. Information relating to individual placement actions or to a candidate will be protected from unauthorized disclosure.
- b. Supervisors and the personnel staff participating in merit placement actions will not disclose the details of their work to unauthorized persons.

4-8. Placement Procedures.

a. Competitive Actions (advertised): The competitive procedures outlined in this plan apply to filling of positions. They provide employees an opportunity for placement/promotion including the following types of merit placement actions.

(1) Appointments, reinstatements, or transfers to vacancies that provide promotion potential.

(2) Filing supervisory positions.

(3) A temporary promotion expected to be for more than 120 days to a higher-graded position or to a position with more promotion potential.

b. Non-competitive Actions (Not advertised): The placement actions indicated below will be accomplished without regard to the competitive procedures of this plan. Circumstances will be fully documented on SPB Form 7, Request for State Personnel Action, for each case.

(1) Voluntary or management-directed reassignments.

(2) Promotion because of new classification standards or the correction of a mis-classification.

(3) Reclassification to a higher grade because of additional duties and responsibilities.

(4) Position changes required by a RIF in accordance with this regulation.

(5) Key and Direct Appointments made by the Commanding General.

(6) Lateral transfer to a vacant position. The individual must meet the mandatory requirements for the vacant position.

(7) Temporary appointments authorized by the HRO/SPB. However, the HRO/SPB may require a competitive announcement to ensure that candidates for the vacancy are the best qualified, and that the Military Division's merit principles are not compromised.

4-9. Position Announcement Procedures.

a. Request To Fill Vacancies. To request that an existing position be filled, the supervisor submits an SPB Form 7, Request for State Personnel Action, to the HRO/SPB.

b. Vacancy Announcement. The vacant position is announced, unless the vacancy is to be filled as a non-competitive action (See Paragraph 4-8(b) or as a Key Staff direct appointment (See Paragraph 3-4(a)). As a minimum, the vacancy announcement will contain the following information:

(1) Title, grade, and salary range of the position.

(2) Type of appointment (Nonclassified or Military Nonclassified).

(3) Military requirements - Officer, Warrant Officer, Enlisted, plus any other qualifying factors such as security clearance, etc. First consideration for vacancies will be given to military members of the Idaho National Guard for Military Non-Classified positions.

(4) Compatibility requirement when necessary, AFSC (ANG) or MOS/(ARNG).

(5) Organizational and geographical location of the position.

(6) Area of consideration.

(7) General position description and specialized Knowledge, Skills, and Abilities (KSA) minimum experience requirements.

(8) Summary of duties and responsibilities.

(9) Special conditions of employment or developmental training, if applicable.

(10) Opening and closing dates and how to apply.

(11) Equal employment opportunity statement.

(12) Knowledge/Skills/Ability (KSA) sheet.

c. Area of Consideration.

(1) The area of consideration for the distribution of announcements will be determined by the HRO/SPB and the supervisor, considering the recommendations of the chain of command to obtain an appropriate pool of qualified candidates. Professional factors, limitations, and compatibility requirements will be

considered in determining the area of consideration. The initial area of consideration can be expanded when the initial area did not produce an adequate number of qualified candidates. The HRO/SPB will be the deciding authority as to whether the register is adequate or inadequate.

(2) The following are standard areas of consideration:

- (a) Full-time permanent employees of the State of Idaho Military Division.
- (b) Current members of the Idaho National Guard.
- (c) Persons eligible for membership in the Idaho National Guard, if military membership is required.
- (d) Other qualified applicants outside the Military Division.

d. Application Procedures. The Employment Application, SPB-1, is the basic document by which the individual's qualification for the position is determined. It must contain an applicant's current and past employment data, military duty assignments, qualifications, credentials, and training. Data from the SPB-1, Employment Application, will be used for evaluation of candidates. The KSA worksheet is required to be submitted with the SPB-1. Applications must be submitted as follows:

- (1) SPB-1's must be received by the HRO/SPB no later than 1630 hours on the closing date specified on the vacancy announcement.
- (2) Applicants not currently commissioned, applying for a position requiring commissioned status, must submit evidence of eligibility for a commission at the time of submitting their application. To continue employment, the commission must be obtained within a specified time or they will be processed for separation IAW Chapter 9, Voluntary Separations, Resignations & Reductions in Grade or Pay and Loss of Military Membership.
- (3) Employees whose absence may preclude them from being able to apply for a vacancy may request in writing that applications be submitted for them by their supervisors or others as deemed necessary by the employee.

4-10. Processing Applications.

a. Selective Placement Factors. The knowledge, skills, and abilities (KSA), or other personal characteristics necessary for satisfactory performance will be determined by the supervisor prior to advertising a position, and will be listed in the vacancy announcement. When used, they are a part of the basic eligibility requirements for the position. A job analysis will be conducted by the HRO/SPB and the supervisor to determine knowledge, skills, and abilities (KSA's) that are relevant for the position.

b. Conditions of Employment. Those professional items which are necessary to perform the duties of the position (i.e. security clearance or education). In addition,

positions may have additional requirements that must be met or maintained for continued retention (i.e. licenses, development training, and military membership). Any mandatory conditions of employment or requirements for continued retention that are established must be included in the vacancy announcement.

c. Security Requirements. An employee is subject to the personal security requirements of the position description as a condition of employment. The HRO/SPB, supervisor, and applicable military personnel office (for Military Nonclassified Positions requiring security clearances) will verify any required security clearance for the assignment.

d. Register of Candidates. Upon the close of an announcement and receipt of all applications, the HRO/SPB will establish a register of the candidates. The register of candidates will be certified to the selecting official in alphabetical order.

e. Selecting Official.

(1) Selecting officials are accountable for their selection and promotion practices. They must ensure that selections/promotions are nondiscriminatory and procedurally correct, with the assistance of the HRO/SPB. Allegations of discrimination because of race, color, national origin, gender, religion, age, or handicap made during any phase of the selection process will be considered under the Idaho National Guard Equal Employment Opportunity program. Allegations of discrimination will be brought immediately to the attention of the HRO/SPB for investigation and resolution.

(2) The selecting official is entitled to select or not select any candidate referred to them. Upon receipt of the Certification of Eligible Candidates, the selecting official:

(a) May make pre-employment inquiries (reference checks), if the applicant has given written consent on the SPB-1.

(b) Will interview candidates. Every reasonable effort should be made to interview all candidates before making a selection. Letters should be written to candidates that cannot be contacted by telephone.

(c) Will check the military compatibility, if applicable, of prospective candidates. The selecting official must inform the candidate that he/she must be militarily compatible with the position to be employed and must remain compatible to retain the employment.

(d) Will comply with Paragraph 4-3(c) regarding restrictions on the employment of relatives.

(e) Will make a tentative selection or, if unable to make a selection, the supervisor will return the Certification of Eligible Candidates to the HRO/SPB with full justification as to why a selection could not be made.

(f) Will document the interview and tentative selection, record the appropriate Disposition Code(s) and remarks on the Register, sign and date the Register, and return it to HRO/SPB for coordination with the appointing authority prior to notifying the candidate.

(g) Initiate SPB Form 7, Request for State Personnel Action, to hire selected candidate.

f. State Program Manager. When a tentative selection has been made by the Selecting Supervisor, the State Program Manager will:

(1) Review that applicable policies and requirements have been followed.

(2) Approve/disapprove the selection, on the SPB Form 7, Request for State Personnel Action.

(3) Notify the HRO/SPB immediately when the selection has been made, if it involves a candidate who is currently working in another state agency. The HRO/SPB will contact the current employer to coordinate the transfer.

(4) Return records to HRO/SPB when selection has been confirmed, to include:

(a) Signed and dated Certification of Eligible Candidates for Employment with disposition codes and remarks.

(b) SPB-1's, Employment Applications.

(5) Coordinate the appointee's effective date of appointment with HRO/SPB for payroll processing, to ensure that there is enough lead time to accomplish necessary pay actions. HRO/SPB will establish pay rate IAW with this regulation.

g. Action by State Program Manager for non-selection.

(1) Inform HRO/SPB that a selection has not been made.

(2) Return all records and documentation to the HRO/SPB within three days of the decision to non-select.

(3) Request assistance from the HRO/SPB with an SPB Form 7, Request for State Personnel Action, to re-advertise the position and to assist in locating additional candidates.

h. DCG or Bureau Director. The Deputy Commanding General or appropriate Bureau Director exercises authority for new permanent hires and promotions, subject to current CG policy. Before a candidate's appointment is official and final, the formal documents must be completed and approved by the appropriate DCG or Bureau Director.

4-11. Placement/Promotion Records.

a. Purpose. HRO/SPB will maintain placement/promotion records to provide a clear record of actions taken and to validate the merit placement program.

b. Duration. All placement records required by this plan and other applicable regulations will be used to fully document placement actions and will be maintained in the HRO/SPB for at least two years. The SPB Form 7, Request for State Personnel Action, will identify the vacancy announcement number for placement actions and will summarize justification for noncompetitive actions.

c. Placement Records Data. For each competitive action processed under this plan, the placement records will include the following:

(1) Copy of the SPB Form 7, Request for State Personnel Action, which will indicate the specific position filled, organization, and location.

(2) Copy of the Vacancy Announcement.

(3) The register and all attachments.

(4) SPB-1, Applications for State Employment.

Chapter 5

ATTENDANCE AND LEAVE

5-1. General. This Chapter outlines the administration of hours of duty and the various types of leaves.

5-2. Basic Workweek and Hours of Duty.

a. The basic workweek is defined as 168 hours (7 days times 24 hours) commencing at 0001 hours each Sunday and ending at 2400 hours the following Saturday. Firefighters, Military Police, and Security Police have varied work periods established by their particular mission demands.

b. The Commanding General will schedule Military Division offices as deemed necessary.

c. The scheduling of employee's attendance may be arranged insofar as adequate staff is maintained for effective transaction of business. For example, the Firefighter work shift is characterized by a continuous 24 hours on duty and 48 hours off duty. Also, Security Police Military Police, and others may be required to work varied shifts.

5-3. Records Management. The State Resource Office, Payroll and Budget Section, will maintain records showing each employee's military leave taken, accrued vacation, sick and compensatory leave current at the end of each pay period, including any unused leave an employee transferred from another agency.

5-4. Eligibility for Leave. Employees shall not be entitled to vacation leave accruals, sick leave accruals, nor holiday pay unless contributions are being made to the Public Employees Retirement System in accordance with rules promulgated by the retirement board. Vacation and sick leave accruals, but not holiday pay, shall be awarded retroactively, if necessary, to the date such employees become eligible for retirement system membership.

5-5. Leave Defaults. When an employee does not have enough accrued sick leave to cover an entire absence that is attributed to an illness, he/she may use accrued compensatory time, earned administrative leave, or accrued vacation leave to the extent of the accruals. *Compensatory time should be taken before accrued vacation leave is taken.* When there is no other leave accrual, the employee shall be placed in leave without pay (LWOP). LWOP must be coordinated with the HRO/SPB to determine how fringe benefits are affected.

5-6. Vacation Leave.

a. Supervisors shall permit each employee to take vacation leave to the extent such leave has accrued. The importance of vacation leave for physical and mental well-being of employees has long been recognized. Vacation leave provides relief from the pressures and tensions of everyday work. Accordingly, vacation leave is to be encouraged in sufficient duration to accomplish this end.

b. Vacation leave must be applied for in advance and may be used only when approved by the supervisor. The employee and the supervisor shall mutually agree upon such time or times when vacation leave will least interfere with the efficient operation of the work flow of the unit, and take into consideration the vacation leave preference of the employee.

5-7. Vacation Accrual.

a. Limitations. Vacation leave shall not accrue to any employee on leave without pay, suspension without pay, or layoff.

b. Maximum accruals. Vacation leave shall not be earned, accrued, or accumulated during any pay period in which the maximum accruals and accumulations provided by this section have been met. For Firefighters, vacation accumulation will be capped based on the following formula:

Number of hours required to work:

$80 \times \text{Idaho Code cap} = \text{Firefighter Cap}$

Example:

$2754 \text{ hours (annual hours for Firefighters)} \div 26 \text{ pay periods} = 106$

$106 \div 80 = 1.3 \times 192 = 250 \text{ for Leave Code AF}$

$1.3 \times 240 = 312 \text{ for Leave Code BF}$

$1.3 \times 288 = 374 \text{ for Leave Code CF}$

$1.3 \times 336 = 437 \text{ for Leave Code DF}$

c. Unusual or Emergency Situations. Vacation leave, if not taken as earned, may be accrued and accumulated beyond regulatory limits during unusual or emergency situations only as expressly authorized in writing by the State Board of Examiners. Such requests will be processed (approved) through the chain of command and forwarded to the HRO/SPB.

d. Part-time or Irregular Employees. Eligible employees who work on a part-time or irregular schedule shall accrue vacation leave in accordance with the rates and provisions of Paragraph 5-8.

5-8. Vacation Accrual Rate. All credited state service shall be counted in determining leave accrual rate regardless of the length of any separation.

Regular Employees			
Leave Code	Length of Service	Maximum Accumulation	
		Hours	Hours Per Pay Period (Rate x Hours In pay Period)
AA	For the first 10,400 hours of credited State Service (under 5 yrs)	192	.04615 (3.7 for 80 hrs)
BA	For the second 10,400 hours of credited State Service (more than 5, less than 10 yrs)	240	.05769 (4.6 for 80 hrs)
CA	For the third 10,400 hours of credited State Service (more than 10, less than 15 yrs)	288	.06923 (5.5 for 80 hrs)
DA	For the period thereafter (more than 15 yrs)	336	.08077 (6.5 for 80 hrs)
VT	Not entitled to vacation, sick, nor holiday pay		

Firefighters			
Leave Code	Length of Service	Maximum Accumulation	
		Hours	Hours Per Pay Period (Rate x Hours In pay Period)
AF	For the first 13,780 hours of credited State Service (under 5 yrs)	250	.04615
BF	For the second 13,780 hours of credited State Service (more than 5, less than 10 yrs)	312	.05769
CF	For the third 13,780 hours of credited State Service (more than 10, less than 15 yrs)	374	.06923
DF	For the period thereafter (more than 15 yrs)	437	.08077

5-9. Charging Vacation Leave.

- a. Vacation leave is charged when taken on a scheduled workday.
- b. Vacation leave shall not be taken in advance of being earned.
- c. Employees compensatory time earned should be taken prior to the use of vacation leave. An exception to this policy is the biweekly accounting period whereby the employee would lose vacation leave by the taking of compensatory time.

d. Employees shall not account for more than their regularly scheduled hours during a one-day work period by the taking of vacation leave or compensatory time earned. The transfer of vacation leave to compensatory time earned in lieu of losing leave when at the maximum accumulation is not allowed.

e. Accrued vacation leave shall not be cashed out unless the employee is separating from state service.

5-10. Transfer Of Vacation Leave.

a. From Another Agency: Vacation leave shall be transferable from another state agency to the Military Division only to the extent that it is earned, accrued or accumulated under state law and the regulations governing such accrual in the transferring agency.

b. Within The Military Division: An employee who is transferred within the Military Division from a Firefighter position to a position with a 40-hour work period cannot transfer more leave credits than the maximum accumulation permitted for a regular employee with the same years of service. The agency will request that the State Board of Examiners allow the Military Division to pay the extra leave off in cash compensation.

5-11. Compensation Of Vacation Leave Upon Separation.

a. Vacation leave not taken shall be compensated at the time of separation.

b. Upon separation from Military Division employment, employees shall receive lump-sum payment for earned but unused vacation leave.

c. Where possible, payment shall be made to the employee on the regular payroll immediately following the employee's separation. In the event of an employee's death, payment for accrued vacation leave shall be made to his/her estate.

5-12. Reinstatement Of Vacation Leave Rate. Former employees reinstated to state service or rehired in state service will accrue vacation leave at the rate in effect for employees with their length of state service.

5-13. Sick Leave.

a. Sick leave shall only be used in cases of actual illness or disability, or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desirable because of serious illness, disability or death in the family. At the employee's option, vacation, compensatory time, or earned administrative leave may be used in lieu of sick leave.

b. It is the responsibility of the employee to notify his/her supervisor as soon as possible in the event of sickness or injury that prevents his/her reporting for duty.

c. If an employee becomes permanently disabled or is unable to return to work after a six (6) month period of absence due to illness or injury, the employee's position shall be declared vacant and the employee's name placed on a departmental layoff register for that classification. HRO/SPB will maintain the layoff register and will submit it along with the regular register of candidates. If the employee has received a full release from his/her doctor, such employee shall be entitled to reemployment to a position in which he/she meets the mandatory requirements, if such position is vacant.

5-14. Accrual of Sick Leave.

a. Sick leave shall accrue without limit, and shall be transferable from agency to agency.

b. Sick leave shall not accrue to any employee on any kind of leave of absence without pay, suspension without pay, or layoff.

c. The rate per hour at which hourly sick leave shall accrue to eligible employees earning credited state service shall be at the rate represented by .04615 times the number of hours worked.

5-15. Charging Sick Leave.

a. Officially designated holidays falling within a period of sick leave will not be counted against sick leave.

b. Sick Leave shall not be taken in advance of being earned.

c. If an absence for illness or injury extends beyond the sick leave accrued to the credit of an employee, such additional time will be charged against other types of leave in the following order:

(1) Compensatory time.

(2) Earned Administrative Leave.

(3) Vacation [at employee's option].

(4) Leave Without Pay for a period not to exceed six months. Coordinate with the HRO/SPB for possible Family and Medical Leave Act (FMLA) benefits.

d. At the request of an employee, sick leave may be granted by the supervisor and charged to the employee's sick leave upon the death of a spouse, child, parent, brother, sister, or other close relative. In the event the employee can not initiate the form, his/her supervisor can initiate the request. Such time will be coded as Family Sick Leave (FMS) on the timesheet.

e. **THIS SECTION IS NOT APPLICABLE – THE MDA BENEFIT IS NO LONGER AVAILABLE.** An employee shall be allowed up to two hours of time per occasional appointment for medical, dental or optical examination or treatment, without the time being charged to sick leave. Such leave shall be coded as MDA on the timesheet. This leave will be denied in cases of misuse. An employee may take family members to similar appointments, in which case the time taken will be charged to the employee's sick leave. Temporary employees who do not earn sick leave are not eligible for this benefit.

5-16. Transfer Of Sick Leave From Another Agency. An employee who transfers to the Military Division from another state agency shall be credited with the amounts of sick leave accrued at the time of transfer.

5-17. Abuse of Sick Leave.

a. It is the responsibility of the supervisor to determine whether absences are properly chargeable to sick leave. A medical certificate may be required by the appropriate supervisor for any duration of sick leave used after the employee has been warned in writing about an excessive use or abuse of sick leave.

b. In cases where absences for sick leave exceed three consecutive working days, the supervisor may require verification by a physician or other authorized practitioner.

5-18. Disposition of Sick Leave Balance.

a. Separation. All accrued sick leave shall be forfeited at the time of separation from state service, and no employee shall be reimbursed for accrued sick leave at the time of separation, except as provided for retirement purposes.

b. Reemployment. A former employee's prior sick leave balance shall be reinstated upon their reemployment if within three years of the most recent employment date with a state agency.

c. Retirement.

(1) Upon separation from state employment by retirement, an employee's unused sick leave hours earned after 1 July 1976 shall be determined, and a sum equal to one-half the monetary value of such unused sick leave, or the maximums in the following paragraph, whichever is the lesser, shall be calculated at the current rate of pay for such employee at time of retirement and shall be credited to the employee's retirement account. Such sums shall be used by the Idaho Public Employees Retirement Board to pay premiums for group health, accident, and life insurance programs as may be maintained by the State.

(2) To determine the monetary value of unused sick leave, the maximum which may be considered shall be: for the first 10,400 hours of credited state service 420 hours; for the second 10,400 hours, 480 hours; for the third 10,400 hours, 540 hours; and thereafter the maximum unused sick leave which may be considered shall be 600 hours.² Upon an employee's death, any unexpended sums remaining in the account shall revert to the sick leave account.

5-19. Workers Compensation. In the event of a disability incurred on the job and covered by State Workers Compensation, the employee shall be given the choice of either

- a. Leave of absence without pay while receiving workers compensation; or
- b. Utilizing a portion of accrued leave to supplement workers compensation to maintain his or her regular salary.

5-20. Other Types Of Leave.

a. The Family And Medical Leave Act (FMLA) The Family And Medical Leave Act of 1993 (FMLA) as administered by the Military Division, provides up to 12 weeks of unpaid, job-protected, leave to eligible employees for certain family and medical reasons. State Military Division employees are eligible if they have worked for the state of Idaho for at least one year, and for 1,250 hours over the previous 12 months. When an employee is on FMLA, the Military Division shall pay the employer share of the medical insurance. For donated Sick Leave, See Chapter 15.

b. Leave of Absence without Pay. Requests for Leaves of absence require the completion of an SPB-Form 7 and coordination with HRO/SPB.

(1) An employee may be granted leave without pay for a specified length of time.

(2) For a leave of absence of one pay period or less, authority to grant such leave shall be vested in those State Program Managers who have been empowered by the

² 10,400 hours equals 5 years of service for full time employees. A state work year is 2080 hrs. (5 yrs. x 2080 hrs = 10,400)

Commanding General to authorize overtime on the time sheet. This shall be coordinated with the HRO/SPB to ensure that the employee's benefits will not be adversely affected.

(3) For a leave of absence of more than one pay period, the request must be on an SPB Form 7, signed by the Commanding General, and forwarded to the HRO/SPB, prior to the taking of leave without pay.

(4) The Commanding General assumes responsibility for providing for the employee's return to the same position or to one comparable in terms of pay, status, and responsibilities.

(5) Employees need not exhaust accrued vacation leave before commencing leave without pay. In the event the employee does not return to state service, but instead separates, lump-sum payment will be provided for unused vacation leave. Payment will be in accordance with Paragraph 5-11.

c. Military Leave without Pay. An employee serving in a permanent position who leaves their position either voluntarily or involuntarily to perform active military duty shall be granted military leave without pay for periods of military duty in excess of that covered by military leave with pay, unless the employee elects to use accrued vacation leave or compensatory leave. Reemployment rights are covered by Paragraph 3-5. Requests for military leave without pay will be processed through supervisory channels using SPB Form 7.

d. Military Leave with Pay.

(1) Employees of the Military Division who are members of the National Guard or who are reservists in the armed forces of the United States who are directed by proper military authority to participate in ordered and authorized active military duty for training under the National Defense Act, shall receive military leave with pay for a maximum period of 120 hours in any one calendar year. Such leave may be used in increments of one hour and does not affect vacation or sick leave or compensatory leave for overtime. A copy of the orders must accompany the time sheet when Military Leave is used for Annual Training, Special Training, ADSW, etc. A copy of the completion certificate, or the LES, must accompany the applicable timesheet, or as soon as practicable, when using Military Leave while in a drill status (IDT, RUTA, SUTA, etc.).

(2) State employees cannot be in a drill status and working at their state job at the same time. Drill hours must be separated from state hours (worked) on the timesheet. See the payroll administrator.

e. State Active Duty. Employees of the Military Division who go on State Active Duty must have an SPB-Form 7 prepared by their supervisor. The Supervisor and the HRO/SPB will need to coordinate such absence to ensure that the employee's benefits receive the least adverse impact.

f. Administrative Leave. At the discretion of the Commanding General, an employee may be placed on administrative leave with pay when the Military Division will benefit as a result of the leave. Administrative leaves granted will be authorized on an SPB Form 7 by the Commanding General.

g. Court and Jury Services Leave.

(1) When an employee is directed by proper authority to appear in or attend court in any capacity in connection with an official state duty, they shall not be considered absent from duty and will not require leave for this purpose.

(a) Expenses (mileage, lodging, meals, and miscellaneous) incurred by a Military Division employee in connection with this duty will be reimbursed by the Military Division in accordance with state travel regulations and procedures.

(b) Any fees or payments received by an employee for appearance in an official capacity will be turned in to the State Resource Office to offset the employees expenses and wages unless such fees are so minimal that it would cost more to recover them than their worth.

(2) When an employee is summoned by proper judicial authority to appear in court as a witness in a capacity other than in connection with their job, they shall be granted a leave of absence without pay for the time required, or may, at their request, be placed in a compensatory or vacation leave status. In this case, the employee shall be entitled to keep fees and mileage reimbursement paid by third party in addition to their regular salary, if in a paid leave status. Expenses incurred by the employee in connection with this duty will not be reimbursed by the State.

(3) Jury Service. An employee who is under proper summons from a court to serve on a jury should be granted court leave of absence with pay for the entire period, from the date stated in the summons on which they are required to report to the court to the time they are discharged by the court, regardless of the number of hours per day or days per week they actually serve on the jury during the period. However, the term of excused absence for jury service does not include time during which the employee is excused or discharged by the court for an indefinite period subject to call by the court or for a definite period in excess of one day.

h. Election Leave. The Commanding General may grant an appropriate amount of time without charge against accrued leave to permit an employee to vote in a primary, general, municipal, school, or special election in those instances where the employee's assigned duties would otherwise interfere with their being able to vote.

i. Religious Leave. Special religious observations that require time off without pay may be arranged by the employee with the Division. The Commanding General will make reasonable accommodations to the employee's needs for such observations.

j. Holiday Leave.

(1) The term "holiday" shall mean any day so designated by the President of the United States or the Governor of this State, for a public fast, thanksgiving, or holiday.

(2) In the event that a holiday occurs on a normal or usual day off of an employee, the employee shall be granted compensatory time. This does not apply to Firefighters who are compensated for holidays worked in their pay differential.

(3) The following are holidays legally recognized by the state of Idaho:

January 1 st	(New Year's Day)
Third Monday in January	(Martin Luther King Day)
Third Monday in February	(Washington's Birthday)
Last Monday in May	(Memorial Day)
July 4 th	(Independence Day)
First Monday in September	(Labor Day)
Second Monday in October	(Columbus Day)
November 11	(Veterans Day)
Fourth Thursday in November	(Thanksgiving)
December 25 th	(Christmas)

k. Earned Administrative Leave (EAL).

(1) Earned Administrative Leave is accrued when an employee accrues over 40 hours in a work week in which they were not actually on the job for 40 hours or more, due a combination of work and approved leave. This does not pertain to firefighters. It also does not apply to law enforcement personnel who have an "L" FLSA code.

(2) EAL shall be granted only to employees who are entitled to compensation for overtime.

(3) EAL balances shall be paid upon transfer or separation. EAL must be taken before comp time or vacation leave.

(4) Except for Firefighters, if an employee is required to perform duties on a holiday, it shall constitute "overtime work".

(5). Part-time employees who work over their budgeted hours, will claim EAL for the extra hours worked, if such hours would cause an over-expenditure of the budget.

(6) Employees who receive a retirement annuity from PERSI cannot work more than half-time. Any work over the half-time hours will be EAL.

l. Educational Leave. Attendance at necessary college courses available during normal working hours may be approved when such course work benefits the work unit.

Time off will be considered on a case by case basis. SPB Form 7 shall be completed and approved by the CG before attendance will be authorized.

5-21. Overtime.

a. Overtime is time worked on holidays and previously approved time worked in excess of 40 hours in a designated 7-day work week. For Firefighter classes, it is time worked in excess of 204 hours in a fixed work period of 27 consecutive days.

b. The Commanding General shall determine the necessity for overtime work on a case by case basis. It will only be authorized for special conditions, must be for work that could not be accomplished during the normal workday. Such overtime must receive prior authorization from the Program Manager, where practicable and shall be on a prescribed form adopted for overtime purposes.

c. See Military Division Travel Regulations regarding compensable time during travel status.

d. Employees exempt from Federal Fair Labor Standards Act (FLSA). Military Division employees who are designated as executive, administrative, or professional as provided in the Federal Fair Labor Standards Act and *Idaho Code* shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the State Board of Examiners during emergency situations. However, these employees shall be allowed compensatory time off on a one-for-one-hour basis. This time is not transferable and shall be forfeited at the time of transfer to another state agency or upon separation from state service. Compensatory time should be taken before accrued vacation leave is taken.

e. Employees Covered by FLSA.

(1) Employees who are not designated as executive, administrative, or professional shall be eligible for cash compensation or compensatory time off from duty for overtime work authorized by the Commanding General or his designated representative in advance of the overtime worked. Compensatory time off shall be earned at the rate of one and one-half hours for each overtime hour worked. Overtime pay shall be calculated at the rate of one and one-half times the employee's regular rate of pay. Compensatory time should be taken before accrued vacation leave is taken.

(2) Compensatory time off for eligible employees which has been earned during any one-half fiscal year (July through December, or January through June), but not taken by the end of the succeeding one-half fiscal year, shall be paid in cash on the first payroll following the close of the succeeding one-half fiscal year.

(3) Employees must use all compensatory time accrued in the prior one-half fiscal year before the end of the succeeding one-half fiscal year. Compensatory time will be forfeited upon separation unless the employee is covered by the Fair Labor Standards

Act. In such case those covered employees shall receive a lump sum payment on the final payroll.

Chapter 6

COMPENSATION

6-1. General.

a. The Commanding General, by law, determines compensation for the Nonclassified employees of the Idaho Military Division. The CG's staff prepares the NGA compensation schedule based upon direction from the CG.

b. Employees of the Military Division are paid from funds appropriated by the Idaho Legislature. Such funds are appropriated to the Commanding General for the state fiscal year beginning July 1 and ending June 30.

6-2. NGA Salary Schedule.

a. The regular NGA compensation schedule is based upon 2080 hours for all employees, except the Firefighters whose hours are calculated at 2754 per work year which takes into consideration extended duty periods and forfeited holiday pay. It is used for normal compensation issues that do not take into consideration, 'Pay Line Exceptions' as described in paragraph 6-2b.

b. Employees shall not be paid at a rate less than the minimum, nor greater than the maximum of the pay grade in their assigned salary range unless their salary has been frozen due to a pay retention as described in Paragraph 6-9, or unless the CG has authorized an exception to their pay grade for recruitment purposes. Copies of the current NGA Salary Schedule can be obtained from the State Resource Office.

6-3. Cost Of Living Adjustments. Cost of living adjustments for state employees are granted to parallel the federal Civil Service general salary schedule, subject to the availability of state funds. If the state legislature does not grant sufficient funds to support the salary adjustment, the Military Division may not be able to match the federal increase.

6-4. Setting Rates of Pay for New Appointees.

a. Applicants selected for competitive appointments with no prior applicable service will start at the minimum step of the grade to which they are being appointed, unless a higher step has been authorized in advance by the Commanding General for highly qualified candidates or for difficult-to-recruit positions.

b. Employees appointed with prior creditable state or federal Civil Service who separated while in good standing may have their pay set according to their highest previous rate in effect at the time of separation from the applicable service. To be eligible, the previous appointment must have been in a similar type position, the

technology for the new position must parallel the previous applicable position, and no more than three years may have elapsed between serving in these positions.

c. The highest previous rate rule does not apply to:

(1) Temporary promotions of any length, when reverting back to permanently assigned position and grade.

(2) Voluntary change to a lower grade for personal reasons.

(3) Involuntary downgrade for cause.

d. The HRO/SPB must verify that the individual is qualified to support a request for the highest previous rate rule, and will confirm the above requirements prior to making a recommendation to the CG.

e. Temporary appointees with prior applicable service, may be re-appointed to the previously held temporary position, above-the-minimum-step, subject to availability of funds.

f. The HRO/SPB will monitor requests for temporary appointments above the minimum step requests for internal equity.

6-5. Pay Periods. Employees of the Military Division are paid biweekly in accordance with established policies and procedures as determined by the State of Idaho, Controller's Office.

6-6. Shift Differential.

a. Policy.

(1) Except for Firefighter classes, shift differential compensation shall be paid if 50% or more of an employee's permanently assigned hours occur between 6PM and 7AM. Leave and holiday hours taken shall be regarded as having been assigned during the same hours that the employee would have worked.

(2) Shift differential compensation shall be paid at the rate of 5%.

(3) Employees who are ineligible for cash compensation for overtime hours worked are also ineligible for shift differential pay.

b. Responsibility.

(1) Managers will ensure that irregular scheduling of employees which results in shift differential is in the best interest of the Military Division and not solely for personal gain. Further, they will include shift differential pay in their budgets although, emergency conditions may require special funding. The Commanding General's concurrence is required prior to the commitment of funds for this purpose.

(2) Supervisors will post schedules for personnel assigned to shifts other than the unit established day shift schedule.

(3) Supervisors shall notify the employee of work schedule changes at least seven calendar days in advance of a schedule change. In emergencies, the seven day notification period may be waived, in which case the employee will be given as much advance notification as conditions permit.

(4) Before a work schedule involving shift differential is established, an SPB Form 7 must be initiated, approved by the chain of command, and forwarded to the HRO/SPB within five working days before the requested effective date. The SPB Form 7 shall be coordinated with the HRO/SPB before such schedule takes effect, to ensure that the pay system can accommodate such change within the requested time frame. If such change is temporary, the timesheet can accommodate shift differential pay in, and of itself. In such case, this must be coordinated with the pay administrator at the State Resources Office.

6-7. Within Grade Increases.

a. Funds permitting, state employees will be granted within grade increases upon completion of the following specified time requirements if their current performance is at the acceptable level.

(1) One year between each step from steps 1 to 4

(2) Two years between each step from steps 4 to 7

(3) Three years between each step from steps 7 to 10

b. If performance is not at the acceptable level, such increase shall be deferred until performance is at the acceptable level. The Military Division performance evaluation form (IDNG Form 17R, State Employee Performance Appraisal), will be used as documentation for awarding or denying in grade increases. A year of service is computed at 2080 hours for non-Firefighters, and 2754 hours for Firefighters. If a supervisor fails to provide the employee an evaluation, the employee shall receive the within grade increase. If a current evaluation is not on file in the Official Personnel Folder (OPF), such period of performance shall be considered as satisfactory.

c. The HRO/SPB will prepare the appropriate employee information forms for within grade increases. Employees may contact the HRO/SPB with questions about pay matters at any time, but should call to schedule an appointment with the HRO/SPB.

6-8. Salary Adjustments.

a. Upward. The salary of an employee who is promoted or reclassified to a position in a higher grade shall receive an increase that exceeds their existing hourly rate by not less than two steps of the grade, or their decimal equivalent, from which they were promoted or reclassified.

b. Downward.

(1) Voluntary. An employee may request a voluntary change to a lower grade at any time, if a position in a lower grade is vacant and the employee meets the mandatory requirements for the lower position. All requests for voluntary change to lower grade must be in writing, signed by the employee, and documented on an SPB Form 7. Pay setting is at the discretion of the CG. The supervisor's recommendation will be considered in determining pay setting in the lower graded position.

(2) Involuntary. If an employee is downgraded by non-performance related management action (e.g. reorganization, reclassification, RIF, etc.), grade retention shall be authorized for a period of two years. Upon expiration of the two-year grade retention period, the employee shall be entitled to pay retention. During pay retention, the employee shall receive no more than 50% of the authorized COLA given to Military Division employees, until such time that the pay line in the lower grade equals that of the employee's current pay.

c. Grade Retention and subsequent pay retention shall not apply to an employee who:

(1) Is reduced in pay for disciplinary reasons, for performance factors, or at the employee's request or,

(2) Does not satisfactorily complete the probationary period.

d. Under Pay Retention, pay is based upon the appropriate pay amount for the new position, and an employee entitled to pay retention is entitled to the rate of pay in the new grade which most closely equals their current rate of pay without resulting in a decrease. When entrance into the new grade falls "between steps", the higher step will be used.

6-9. Discretionary Increase.

a. The Commanding General may award an employee a discretionary increase when circumstances are such that the Military Division will benefit from such an increase.

b. The employee's work need not be meritorious to receive a discretionary increase.

c. Discretionary increases may be awarded for lateral appointments where the volume of work is much greater, organizational changes that cause an employee to be moved to another location, or to address salary inequities, or to correct a salary error. Such awards may be long term (step increase) or one-time cash awards and shall be so stipulated in the remarks section of the personnel form. The forms used for this purpose are SPB Form 7, and/or the Incentive Awards Form, IDNG 18R.

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Chapter 7

EMPLOYEE CONDUCT

7-1. General.

a. Employees are required to maintain high standards of conduct, honesty, and integrity both on and off duty. It is not the intent of this Chapter to list every restriction or requirement imposed by statute, regulation, or other proper authority. The omission or reference to any particular restriction in no way alters the accountability of employees for their conduct, whenever that conduct violates any statute, regulation, or other proper authority to which an employee is subject.

b. Employees of the Military Division must not engage in any activity that would reasonably be interpreted by the people of Idaho as tending to influence, adversely affect, or conflict with the performance of their official duties or bring discredit upon the state of Idaho. Violation of any applicable standard of conduct may be the basis for disciplinary action.

7-2. Standards Of Conduct. Federal and state law and regulations specifically set standards of conduct for several areas, including:

a. Conflict of Interest: Military Division employees shall not profit, directly or indirectly, from public funds under their control. Military Division employees shall not have a private interest in any contract or grant recommended, approved or made by them in their official capacity. Military Division employees must avoid self-dealing in any purchase or sale made in their official capacity. Any Military Division employee having a private interest in any discretionary matter coming before him in the course of his/her official duties, whether the matter be regulatory, adjudicative, contractual, or the formation of public policy, shall not act, but shall withdraw from such interest or activity.

(1) State employees shall not refer any business or client to themselves, where the origin of the relationship arises in their official capacity.

(2) No Military Division employee shall appoint, or otherwise employ for compensation, or recommend for any such appointment or employment, or accept such employment if any blood relative or relative by marriage to the second degree will be placed in a supervisory/subordinate relationship at any level within the same activity in any combination of full-time Military Division employee, Federal Civil Service technician, or Active Guard/Reserve (AGR) status with such employee.

b. Gratuities and Other Benefits: Military Division employees shall never solicit in their official capacity any gratuity or other benefit from any person under any circumstances. Military Division employees shall not accept gratuities or other benefits exceeding a total

retail value of \$100.00 within a calendar year from any person who is subject to their legal jurisdiction or who is likely to become interested in any contract or transaction over which they exercise any discretionary function. Military Division employees are not precluded from accepting from time to time, food or beverages consumed at the time and place of receipt from any person with whom they deal in their official capacity, subject to the limitation of \$100 retail value within a calendar year. These rules apply irrespective of kinship or other relationship with the donor outside of the official status of the Military Division employee and irrespective of the existence of legal consideration for, or legal entitlement to, the gratuity or other benefit. Furthermore, whether or not the employee is, in fact, prejudiced by the gratuity is immaterial in determining the existence of a violation under this Chapter. Nothing herein is intended to prevent appointing authorities from approving participation by their employees in bona fide training or educational programs provided by public or private entities.

c. Transportation and Lodging: Military Division employees shall not accept transportation or lodging from any person who is subject to their jurisdiction or who is or is likely to become interested in any contract or transaction over which they exercise any discretionary function. It shall be the general policy that reimbursable expenses for transportation and lodging of Military Division employees shall be paid by the state of Idaho rather than by another person. This rule does not apply under circumstances where Military Division employees do not have reasonable access to public services or accommodations, when the acceptance of an offer of transportation makes an economical and efficient use of time or transportation and any benefit conferred is trivial or otherwise consistent with the general purpose of this Chapter.

d. Association/Affiliations: All Military Division employees exercising any discretionary function shall make a conscious effort to be aware of possible contact by all segments of Idaho society that have an interest in the exercise of that discretionary function. Military Division employees exercising any discretionary function shall not associate with any one person who has or may have an interest in the exercise of that discretionary function to such an extent as would reasonably be interpreted by the people of Idaho as tending to influence, adversely affect, or conflict with the performance of their official duties.

e. Honorariums: Honorariums shall not be accepted by Military Division employees from Idaho citizens, associations, corporations or governmental entities for appearances or services given in the course of their official duties.

f. Use/Misuse of Government Property: At no time will any employee remove from their place of employment, or other state of Idaho or National Guard facility, any Government property, except when issued on a hand receipt, without the specific written approval of the employee's immediate supervisor or military unit commander. Government property, as used above, includes facilities, equipment, and supplies owned by the United States, the state of Idaho, local city or county governments, or private property entrusted to or used by the state of Idaho, Military Division, Idaho National Guard or any member thereof. Employees are expected to use careful judgment in all situations in keeping government property and personal assets separate. For example, it

would be inappropriate to use any GSA credit cards to purchase goods for personal use. Further, it is absolutely forbidden to place fuel purchased by a GSA credit card into a privately owned vehicle. It is also forbidden to initiate personal long distance phone calls that are charged to the Military Division or the Federal Government.

g. Use of Civilian and Military Titles in Connection with Commercial Enterprises: Employees are prohibited from using their titles or positions in connection with any commercial enterprises or for endorsing any commercial product. Employees not on active duty are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cause situations which are prohibited such as when the use gives rise to an appearance that such an enterprise is sponsored, sanctioned, endorsed, or approved by the National Guard.

h. Courtesy in the Military Division: Employees are required to be courteous in all their dealings with the general public, members of Congress, State Legislators and their coworkers. It is the responsibility of each supervisor to make this requirement known to all employees. It is expected that employees will perform courteously, even if treated discourteously by members of the public or coworkers. However, employees are obligated to refuse to violate law or regulations or to give special advantage not called for by law. Employees should periodically be reminded that, where appropriate, courtesy demonstrated to the public and coworkers may be included as a factor in their performance standards. State employees shall not use their positions to attempt to gain favors from the public or customers of the Military Division. This includes sexual favors and/or other favors that would attempt to attain personal gain.

i. Political Activities: Military Division employees shall avoid participation in public affairs in a manner which would materially compromise their neutrality, efficiency, or integrity in the performance of their official duties.

(1) Military Division employees shall retain the right to:

- (a) Register and vote in any election;
- (b) Express an opinion as an individual privately and publicly on political subjects and candidates;
- (c) Display a political picture, sticker, badge or button when away from the work place and not in uniform;
- (d) Participate in the nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization;
- (e) Be a member of a political party or other political organization and participate in its activities;
- (f) Attend a political convention, rally, fund-raising function, or other political gathering;

- (g) Sign a political petition as an individual;
- (h) Make a financial contribution to a political party or organization;
- (i) Take an active part in support of a candidate in an election;
- (j) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of similar character;
- (k) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by state or local law;
- (l) Be a candidate and hold elective office in any nonpartisan election;
- (m) Take an active part in political organization management; and
- (n) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency, or integrity of the employee's administration of state functions.

(2) No Military Division employee shall:

- (a) Use his/her official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof,
- (b) Directly or indirectly coerce, attempt to coerce, command, or direct any other such officer or employee to pay, lend, or contribute any part of their salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes; or
- (c) Be a candidate and hold elective office in any partisan election.

j. Other Prohibited Activities:

- (1) Misuse of official information.
- (2) Unlawful failure to pay just debts/excessive indebtedness.
- (3) Illegal gambling, betting, and lotteries.
- (4) Engaging in riots or civil disorders.
- (5) Engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the local, state or federal government.

k. Authorized Employee Activities:

(1) Except as otherwise prohibited by law, all Military Division employees may own stock in a public or private corporation, be a trustee to a trust, be a personal representative to an estate, serve as a part-time member of the military reserves or the National Guard, and serve upon a jury if authorized active military duty for training does not preclude such service.

(2) Each employee of the state of Idaho has the right, freely and without fear of penalty or reprisal, to form, join, and assist an employee organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right. There shall be no interference, restraint, coercion, or discrimination practiced within the Military Division to encourage or discourage membership in an employee organization.

7-3. Religious Expression. Management shall not restrict personal religious expression by employees except where the employee's interest in expression interferes with the efficient operation of the workplace. Religious expression shall not intrude upon the legitimate rights of other employees. Additionally, employees are not to use work time to pursue religious agendas. It is permitted for employees to engage one another in religious expression as long as such expression is acceptable to all parties.

7-4. Outside Employment And Extra Compensation.

a. No Military Division employee shall serve as a director, officer or employee of any profit-making corporation or institution without disclosure to and approval by the Commanding General. Such approval shall be granted only if such activity will not adversely affect the performance of the employee's official duties nor create an appearance of impropriety.

b. State employees may occupy offices or positions in nonprofit organizations outside state government service to the extent that it does not interfere with the performance of the employee's official duties in an efficient, mentally and physically alert manner.

7-5. State Employees Contracting With State Agencies As Independent

Contractors. A state employee may contract with a state agency to perform services as long as those services are not an extension of the employee's normal duties. All requests will have to be cleared with the State Resource Office to determine whether they meet legal requirements. The HRO/SPB will coordinate requests with the proper authority at the State Resource Office.

7-6. Dual Employment. There shall be no conflicting hours of work when a Military Division employee is employed by more than one state agency. The employee contemplating an appointment with another state agency shall receive prior approval of their present agency and the agency to which the appointment is sought, prior to beginning duty with the new agency.

Chapter 8

EQUAL EMPLOYMENT OPPORTUNITY AND ILLEGAL DISCRIMINATION

8-1. General: The Idaho Military Division is committed to equal employment opportunity. It is the policy of the Idaho Military Division to provide equal opportunity in employment matters for all employees and applicants. The Military Division prohibits discrimination because of race, color, national origin, religion, gender (sex), age or disability (age-handicap military exception) except in those instances where bona fide occupational qualifications exist. This agency is committed to ensuring that all working environments within the Idaho Military Division are free of any form of unlawful discrimination, including sexual harassment and to promote a positive continuing affirmative employment program. Discrimination is prohibited in all employment actions including, but not limited to, recruiting, hiring, training, promotion, evaluation, transfer, reclassification, and termination.

a. The **State Human Resources Manager** (HRO/SPB) has been designated as the Affirmative Action Manager for Idaho Military Division on state employment issues. The HRO/SPB will monitor all personnel actions to ensure all qualified applicants in the prescribed area of recruitment have an equal opportunity to compete for jobs; and that all employment practices are job-related.

b. The **State Equal Employment Manager** (SEEM)

(1) The SEEM, located in the Human Resource Office, has been designated as the Equal Opportunity Manager for all areas of employment within the Idaho Military Division, including state employees. The SEEM will establish, manage, and administer the state employees EEO discrimination complaint program. The SEEM will document, investigate and attempt to resolve allegations of employment discrimination to include sexual harassment complaints.

(2) The established policies governing Discrimination and Sexual Harassment for the Military Division are as follows. Each employee shall have access to these policies.

(a) Idaho Military Division – *Sexual Harassment Policy* (IDNG-8)

(b) HQ IDNG (ARNG) 690-600/HQ IDNG (ANG) 36-1201, *Discrimination Processing*.

c. Any state employee within the Idaho Military Division who willfully violates the agency's policy of non-discrimination and affirmative action in the agency's personnel practices shall be subject to appropriate disciplinary action, up to and including dismissal, as prescribed by the Commanding General.

d. Any state employee within the Idaho Military Division that feels that he/she has been discriminated against, based on his/her race, color, national origin, religion, gender (sex), age or disability, should report the behavior or incident to the State Equal Employment Manager as soon as possible but not later than **within 45 days** of the alleged discriminatory action.

e. Supervisors are required to annually review the Idaho Military Division, Sexual Harassment Policy with all state employees (i.e. managers, supervisors, and subordinates) to ensure ultimate success of the agency EEO program. All employees are expected to understand the EEO policy's and recognize the accountability it requires of all employees.

8-2. Reporting and/or Filing Discrimination/Harassment Complaints. Any state employee who believes they have been subject to unlawful discrimination or sexual harassment may file a complaint with or the Idaho Human Rights Commission. No employee will be restrained or discouraged from filing a complaint to the Human Rights Commission. If a complaint is filed with SEEM, the complainant will be required to participate in an initial fact-finding interview.

a. In consideration of any person complaining of, or accused of, or otherwise involved in alleged sexual harassment, all investigations and hearings surrounding such matters will be designed and conducted to maintain the privacy of the complainant, witnesses, and the accused party. Supervisors and employees are not to discuss any proceeding or investigation outside an official counseling or investigative meeting. Only persons responsible for investigating and enforcing civil rights matters will have access to confidential communications.

b. State employees within the Idaho Military Division are encouraged to discuss EEO related problems with the SEEM. Any employee aware of, or suspecting the occurrence of work place discrimination or sexual harassment will be expected to report the matter immediately through the most confidential and direct means possible to preserve morale and discipline in the work unit.

8-3. Recording The Incident.

a. Any state employee who believes they have been discriminated against, may file a complaint with the SEEM immediately or **within 45 working days** from the date of the alleged discrimination or harassment. (If filing the complaint with the Human Rights Commission, the timeframe is within 2 years.) Complaints must involve an employment matter subject to the control of the state of Idaho and the Idaho National Guard; and be based on race, color, religion, gender (to include sexual harassment), age, national origin, physical or disability (mental handicap); or be based on retaliation, restraint, interference, or coercion in connection with an equal employment opportunity matter or opposition to an unlawful employment practice under the anti-discrimination laws. At a minimum, the complaint must contain:

(1) **Basis:** A reason, for the complaint. A discriminatory action, specifically, race, color, religion, gender, including sexual harassment, national origin, age or disability, or retaliation.

(2) **Issue:** A brief and clear statement of the act or personnel action that the complainant believes was discriminatory.

(3) **Clarity:** Who was involved, what happened, where the discrimination or harassment occurred, when (date), any witnesses and how the action or behavior impacted the employees condition of employment and impacted the complainant personally.

b. If the claim includes compensatory damages, this must be included along with objective evidence that a complainant had incurred such damages and that they are related to the allegation of discrimination (or sexual harassment). The claimant is also entitled to name a representative. The representative may accompany, represent, and advise the complainant or witnesses during any stage of the complaint process. Representatives (personal or attorney) must be designed in writing to the SEEM. The Human Resource Officer and/or State Personnel Manager cannot represent an employee in matters where an issue may conflict with, or be adverse to those of the agency.

8-3. Processing the Complaint. The State Equal Employment Manager upon receipt of a complaint of EEO discrimination or sexual harassment will meet with the complainant **within five working days** to discuss the allegation. During the fact finding interview, the SEEM, in conjunction with the complainant will attempt to define, clarify and record the specifics of the complaint and identify the issue(s) of discrimination/harassment. The SEEM will advise the complainant of his/her right and responsibilities) in the filing and processing of a discrimination/harassment complaint.

a. The SEEM will either investigate, or appoint, a neutral party to investigate into allegations of discrimination or sexual harassment. Once the appointed investigator has completed the investigation into the issue(s) raised in the complaint, the investigator will accomplish an investigative report and submit it to the SEEM **within 30 days** from the date of their appointment.

b. The SEEM will review the report and ensure that all issues raised in the written complaint were investigated. If it is determined by the SEEM that there are issues that have not been investigated, those issues will be remanded back for investigation and then a revised investigation report will be submitted to the SEEM (normally within 10 days).

c. If the investigative report and the complaint file establish facts that do not fall within the guidelines of IDNG-8 or IDNG (ARNG) 690-600/(ANG) 36-1201, they will be dismissed and forwarded to the State Personnel Manager to be addressed through the

state's Problem Solving Procedures. The timeline and flow process for EEO or sexual harassment complaints is located on page 57.

8-4. Resolution of EEO Complaint.

a. Idaho Military Division officials will make every reasonable effort to voluntarily settle complaints of discrimination as early as possible and throughout the complaint process. Every effort shall be made to provide appropriate relief for the complainant. The State Equal Employment Manager will provide advice to the complainant and to agency officials in terms of attempts at resolution of the issues presented in the EEO complaint. If, during the course of the EEO complaint process, agency officials and the complainant agree to a resolution, the terms of the resolution will be reduced to writing and signed by both parties to help ensure that they have the same understanding of their terms of the resolution. The Commanding General, prior to obtaining final signatures, must review all terms of resolution.

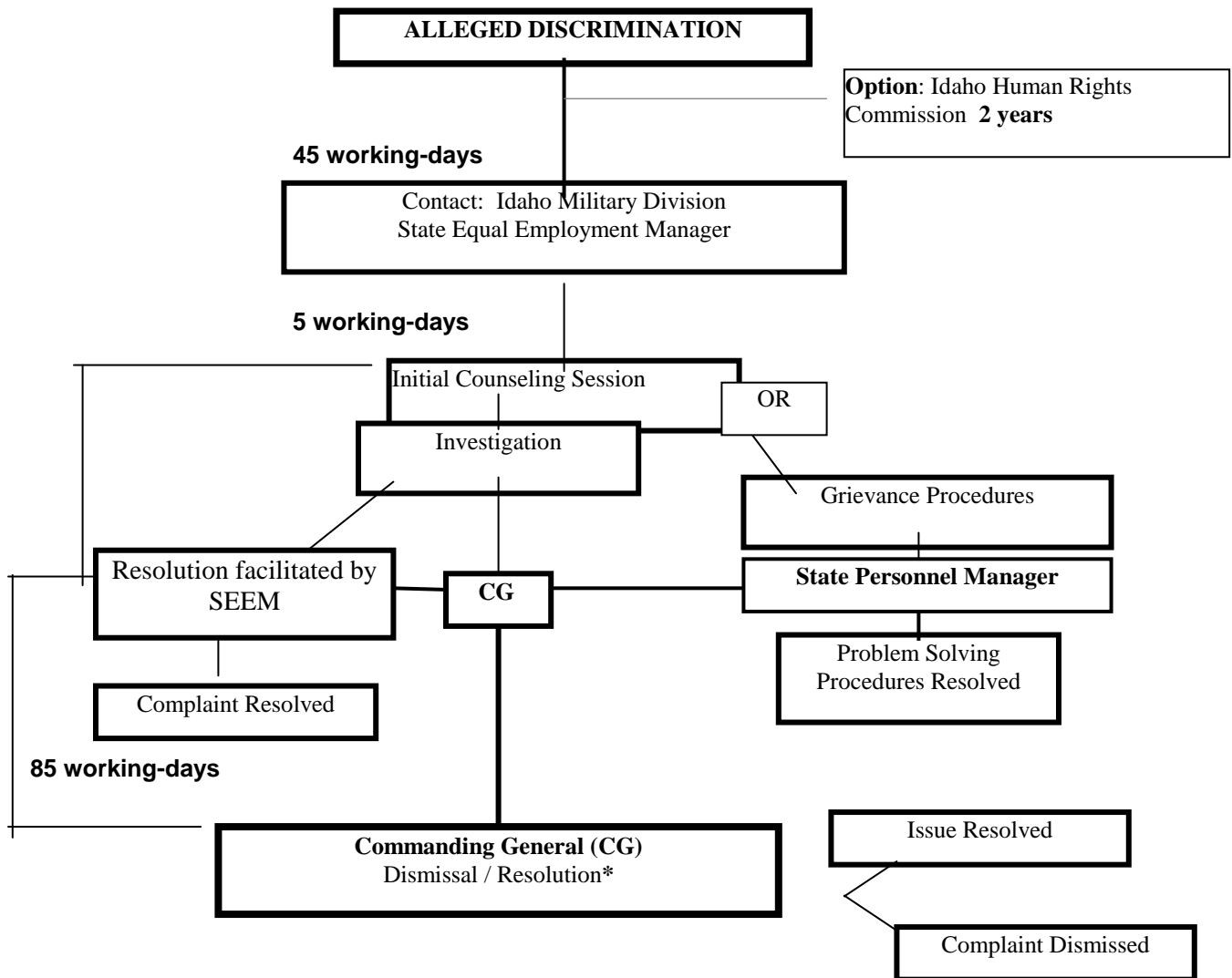
b. Agency Right to take Corrective Action. Based on the investigation, the Commanding General shall take immediate and appropriate corrective action. If substantial evidence for the allegation exists, appropriate disciplinary action against the offending employee(s) will be taken, commensurate with the scope and severity of the occurrence.

8-5. Withdrawal of Equal Employment Opportunity (EEO) Complaint. A complainant has the right to voluntarily withdraw a complaint of discrimination at any time during the complaint process. The complainant must submit in writing (signed and dated) to the State Equal Employment Manager or the Commanding General, a notification wishing to withdraw a complaint of discrimination or sexual harassment. However, complainants will not be coerced into withdrawing complaints.

a. Withdrawal of a complaint terminates the EEO administrative processing of such complaint, and no further settlement is required. The written request for withdrawal must state specifically what issues in the complaint are being withdrawn. Conditional withdrawals or withdrawals containing reservations stated by the complainant will not terminate the administrative processing of the complaint.

b. Withdrawal of an officially filed complaint of discrimination (or sexual harassment) does not preclude the Commanding General from taking corrective action to eliminate inappropriate behavior or actions.

Discrimination Complaint Process Chart



*JAG will review all dismissals and resolutions.

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Chapter 9

Voluntary Separations, Resignations & Reductions in Grade or Pay and Loss of Military Membership

9-1. General. This Chapter contains the Military Division's policies and regulatory requirements concerning voluntary separations, voluntary reductions in grade or pay, abandonment of position and loss of military membership. Voluntary separations, resignations, and reductions in grade or pay being initiated by the employee do not require the application of adverse action procedures.

a. Voluntary Resignation. A separation in response to an employee's request to leave the Military Division workforce.

(1) A written resignation is final and irrevocable upon acceptance by the supervisor.

(2) An employee who verbally resigns and leaves the work place is considered to have duly resigned their position.

(3) An employee who resigns and then alleges that their resignation was coerced and not voluntary, may submit their allegations of coercion to the HRO/SPB who will then investigate the allegations. A written report with recommendation(s) will be prepared for the Commanding General with a copy to the employee concerned. The report must include a copy of the employee's allegations. The Commanding General will then issue a final decision on the matter. There is no administrative appeal to the Commanding General's final decision.

b. Other Voluntary Separations.

(1) Optional Retirement

(a) No resignation is required for optional retirement because application for optional retirement is equivalent to resignation. Optional retirement is a voluntary expression of the employee's desire to retire and must not be demanded as an alternative to some other action to be taken or withheld. An employee may elect to retire rather than face removal procedures.

(b) An employee who voluntarily retires and then alleges before or after the effective date that their retirement was coerced will have their allegations processed in accordance with the procedures outlined above.

(2) Abandonment of Position

(a) An employee can be removed for abandonment of their position(AWOL) if they fail to report for work within a reasonable time as determined by the HRO/SPB. HRO/SPB

will require the supervisor to determine the reason for the AWOL. In the absence of such determination, the HRO/SPB may not declare the individual to be AWOL.

(b) An employee who abandons their position is considered to have voluntarily terminated themselves from employment. A letter of termination, along with another necessary documentation shall be sent to the employee's last known address. Evidence of mail receipt is not necessary. Normally, the HRO/SPB will issue such termination.

(c) An employee who asks to be returned to duty after being separated for abandoning their position will submit such request to the HRO/SPB. The directorate has the right to refuse reemployment of the individual.

9-2. Separations.

a. A letter of resignation or a Request for State Personnel Action, SPB Form 7 with the employee's signature, is required by HRO/SPB at least five working days prior to the employee's last day worked. In cases of dismissal, prior coordination is required with the HRO/SPB.

b. Military Nonclassified employees who lose mandatory membership in the Idaho National Guard will be terminated no later than 30 calendar days after the HRO/SPB is notified of such action. If the employee is assigned to a position that does not require military membership, or if the military membership is waived for the current appointment, the employee will not be terminated.

c. Upon separation from the Idaho Military Division, a state employee *with benefits* is required to attend an exit briefing with the HRO/SPB to determine the status of benefits and final pay. The briefing must be coordinated with HRO/SPB by the employee's supervisor or delegated spokesperson, prior to the employee's final five working days. Exit briefings are not required for employees without benefits. To determine if an employee is receiving benefits, contact the HRO/SPB.

d. Final Timesheet.

(1) It is the responsibility of the supervisor or the timekeeper to ensure that the final time sheet is completed and identified as final by filling in the "Separation Date" in the "PERSONNEL USE" block of the time sheet. This date must indicate either the last day actually worked as the separation date, or the last day of previously approved leave.

(2) Under the Comments in the "PERSONAL USE" block of the time sheet, enter the information regarding disposition of the employee's final pay, i.e., direct deposit, mail (including address) or pickup, etc.

(3) Also under the "PERSONAL USE" block of the time sheet, enter the appropriate separation code which is provided by HRO/SPB.

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Chapter 10

REDUCTION-IN-FORCE

10-1. General. The following Reduction-In-Force (RIF) regulation is provided to conduct a fair and orderly transition within the Military Division in the event of RIF caused by realignment, reorganization, lack of work, or loss of funds. The Military Division may lay off an employee whenever it is necessary because of shortage of funds or work, reorganization, or the abolishment of one or more positions. A material change in duties of one or more positions resulting in an employee's reclassification to a class allocated to a lower pay grade shall not constitute a layoff. A reduction in the number of hours worked for a selected position or positions shall constitute a layoff unless there is an equal reduction of hours worked for all positions within the division or within the organizational unit. Layoffs shall be accomplished in a systematic manner with equity for the rights of all permanent employees and shall not abrogate an employee's right of filing an appeal if the layoff is in fact a dismissal.

10-2. RIF Procedures. When it has been determined that voluntary options are exhausted and a RIF is required, the following general procedures will be followed:

a. The Military Division will identify positions to be eliminated, activities to be closed, or specific functions to be reduced.

b. Reduction-In-Force will be department-wide or may be limited to an organizational unit as determined by the Commanding General to meet the goals of the RIF.

c. The Reduction-In-Force shall ensure competition among all employees affected by the RIF based on a retention point system derived from total hours of credited service. Each hour of credited state service shall equal one point.

10-3. Procedure and Notification. When the Commanding General has approved the RIF, the following procedure and notification shall take place:

a. Calculation of Retention Points. Retention points are derived from credited state service (CSS) points and shall be calculated for all employees assigned to the classification of the affected position including those serving in underfill positions or acting appointments. Retention points will not be calculated where a layoff involves a class with a single incumbent.

b. Employees on approved leave of absence without pay shall not be included until their leave has concluded.

c. Leaves of Absence Without Pay (LWOP) does not accrue credited state service.

d. Order of Reduction-In-Force. The order of Reduction-In-Force shall be by type of appointment held by the employee in the affected class as follows: First to be laid off are probationary appointees, and then the permanent appointees. An employee who has unreconciled, inadequate performance, shall not displace an adequate performer even if the inadequate performer has more retention points. When two or more employees have the same combined total of retention points, retention shall be determined by random selection as determined by HRO/SPB. Temporary appointments are not considered in a RIF unless they are in the affected position type or work unit.

e. Employees shall be placed on a RIF list beginning with the employee with the highest number of retention points down to the employee with the least amount. A layoff register will be created from that list and the employee with the most retention points shall be the first called back if a position becomes available. A separate layoff register will be initiated for each classification. An inadequate performer shall not be included on such layoff register.

f. A layoff register shall be retained by the HRO/SPB for a period of one year where upon such register shall be discarded.

g. Employee returning from a leave of absence. An employee returning from a leave of absence without pay to a class for which a layoff register exists will be laid off in accordance with these regulations if there are employees on the layoff register with more retention points.

h. Notification of affected employees. Each employee affected shall be notified in writing of layoff and reasons therefor at least thirty calendar days prior to the effective date of the layoff.

i. Use of layoff register. An employee on a layoff register shall be offered reemployment to a position in the class from which laid off before any other person may be promoted, transferred, reinstated, or appointed to such affected class.

10-4. Appeal Right. Employees who are affected by a RIF have no right to appeal the RIF unless the employee feels that the RIF is in fact a dismissal. If the employee feels that they can substantiate that the RIF was the result of an action to eliminate them from employment with the Military Division, the employee should file the appeal, in writing, with the Commanding General. HRO/SPB will assist the employee with the proper processing of the appeal.

Chapter 11

INCENTIVE AWARDS

**THIS CHAPTER HAS BEEN REPUBLISHED AS IMD 3, STATE EMPLOYEE
PERSONNEL REGULATIONS, CHAPTER 11 INCENTIVE AWARDS (9 MAY 2014)**

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Chapter 12

PERFORMANCE APPRAISALS

12-1. General. This Chapter establishes the performance appraisal system for Military Division Nonclassified state employees and is consistent with the requirements of *Idaho Code*, Title 59, Chapter 16. This Code mandates that an employee's performance shall be appraised at least annually. This Chapter identifies mandatory requirements and provides general guidance to aid supervisors in appraising the performance of state employees.

12-2. Definitions.

a. Acceptable Performance - Performance of an employee that meets or exceeds the established standards in the accomplishment of a majority of the work assigned to the position.

b. Anniversary Date - The date the employee began with the Military Division.

c. Appraisal - The continuing process by which the employee is informed of how actual performance compares against established performance expectations, resulting in a final performance appraisal document at the end of an appraisal period.

d. Appraisal Period - The period of time considered, normally one year (2080 hours) of credited state service (2754 hours for Firefighters), but not less than 120 calendar days.

e. Appraiser - The individual most directly responsible for the employee's performance, for establishing performance standards, for providing feedback on job-related skills, tasks, and behavior, and for documenting performance periodically. The Appraiser is normally the first-line supervisor.

f. Overall Performance Appraisal - The summary rating assigned at the end of the appraisal period to best describe overall performance, based on established performance standards.

g. Reviewer – The individual in the rated employee's chain of command who is the Appraiser's immediate supervisor.

h. Unacceptable Performance - Performance that fails to accomplish the majority of work assigned in performance standards within the scope of the position, and/or fails to meet identified job requirements for accuracy and precision.

12-3. Responsibilities.

a. Supervisor. The Supervisor is responsible for:

(1) Establishing written performance standards for each position within the scope of the PD. These standards must be consistent with the duties and responsibilities covered in the employee's position description.

(2) Forwarding a copy of the established standards with signatures to the employee and HRO/SPB within 30 days of the date of hire.

(3) Personally informing the employee of the level of performance required for an acceptable appraisal.

(4) Providing feedback on a continuing basis, to keep employees informed as to how their performance compares to the established performance standards.

(5) Giving guidance and assistance to each employee as necessary on how performance can be improved.

(6) Monitoring employees' appraisal cycles and completing the annual performance appraisal in accordance with these established standards and requirements.

(7) Coordinating the annual performance appraisal with the Reviewer before discussion with the employee.

b. Reviewer. The Reviewer is responsible for:

(1) Assisting supervisors in establishing performance standards within the scope of the PD. And ensuring that supervisors are meeting suspense dates for the completion of the evaluations.

(2) Reviewing appraisals and ensuring that appraisals by subordinate supervisors are accurate, fair, meaningful, and complete.

(3) Participating with Appraisers to resolve any disagreements over performance standards or the employee's performance appraisal.

(4) Accomplishing performance appraisals for supervisors who are no longer available. (e.g. exited, separated, etc.)

c. Approving Official. The Reviewer is considered the Approving Official for all Acceptable appraisals not involving a proposed award.

(1) For Unacceptable appraisals or appraisals that support a proposed award, the Approving Official is:

For IDANG offices - the Air DCG
For IDARNG offices - the Army DCG
For BDS & BHM, the appropriate Bureau Chief
For State Resource Office and other Military Division offices – the CG

(2) The Approving Official is responsible for:

(a) Reviewing the employee's performance appraisal at the end of the appraisal period, including the appraisal justification and discussion with the Appraiser and the Reviewer if necessary.

(b) Approving or recommending personnel actions and decisions resulting from the performance appraisal in accordance with established procedures.

d. Employees. Employees are responsible for:

(1) Participating in the development of performance standards.

(2) Advising their supervisors of any need to revise performance standards during the appraisal period.

(3) Requesting clarification of any element of the performance standard not fully understood.

(4) Identifying work problems and cooperating with supervisors and coworkers to resolve problems, advising the supervisor on special factors and circumstances that should be considered in the appraisal process, and discussing objectives for improving job performance.

(5) Participating actively with the supervisor during discussions of performance throughout the appraisal period.

12-4. Performance Standards.

a. Performance Standards are "bullet format" descriptions of the specific tasks, activities, and work in an activity, shop, or office; along with any requirements for timing, accuracy, or precision that are expected for successful accomplishment of work. Performance standards are more detailed descriptions of the specific duties of the job than a position description. Performance Standards shall be given to the employee within the first 30 days of employment. Employees will not receive a performance appraisal in the absence of performance standards.

b. Performance standards shall:

- Address performance factors that are measurable and quantifiable,
- Begin with an action verb to the maximum extent possible, for clarity,

- Be accurate and brief,
- Conform to the scope of the Position Description,
- Be signed and dated by employee, Appraiser and Reviewer,
- Be signed by approving official,
- Be reviewed annually, and if necessary revised,
- Be distributed to employee, and to HRO/SPB.

c. Performance Standards are required for all employees in permanent positions. Plain paper will be used, and marked "PERFORMANCE STANDARD" at the top, followed by the position title, name of the employee and the projected dates of the performance period. Entries on the page will be in "bullet format", beginning with an action verb form and accurately/succinctly describing the level of performance required for each element of the Position Description addressed. The Performance Standard entries must conform to the duty and responsibility requirements established in the pertinent Position Description. The Performance Standard must be signed and dated by the employee, Appraiser, and Reviewer.

d. Annual review of the performance standard is accomplished after each annual appraisal. Updating and revising the standard will be accomplished when significant changes have occurred in the duties and responsibilities of the position. New and revised standards must be reviewed and approved by the Reviewer before the standard becomes official. A copy of the standards will be given to the employee when established or revised and a copy forwarded to the HRO/SPB. The revised standards are official on the date all parties have signed. In the event of dispute, the Reviewer or Approving Official will resolve disagreements, assisted by the HRO/SPB if desired. The Approving Official is the final authority on performance standards.

e. Performance Standards will be reviewed and or rewritten for an employee in the following instances:

- New Appointment
- Lateral Transfer
- Change in Grade/Duties/Responsibilities/Supervisor
- Detail for more than 120 days.
- Temporary Promotion for more than 120 days

f. Performance Standards shall be forwarded to HRO/SPB within 30 days of the above listed personnel actions.

g. Performance Standards Flow Chart:

STEP	ACTION TAKEN	BY
1.	Draft standard with employee	Appraiser
2.	Prepare standard	Appraiser
3.	Discuss standard with employee and sign	Appraiser
4.	Forward original standard to Reviewer(s) for signature	Appraiser
5.	Give one copy of the signed standard to employee then forward one copy to the HRO/SPB for the Official Personnel File.	Appraiser

12-5. Evaluating Performance.

a. Performance Appraisal Requirements. Performance Appraisals are required for all employees assigned to permanent positions. A Performance Appraisal, IDNG Form 17R, located in the attachment section of this regulation, documents an assessment of employee performance during the rating period based on a comparison of the employee's work with their performance standards. Current standards must be on file with HRO/SPB prior to initiating a performance appraisal. This assessment is used as a basis for making personnel decisions including:

(1) Within-grade increase. To be eligible for a within-grade increase, overall performance must be at the acceptable level. In the absence of a performance appraisal, the HRO/SPB will consider the level of performance as acceptable. Supervisors are required to coordinate with the HRO/SPB prior to the end of an appraisal cycle if overall performance is unacceptable. The CG will be advised of delinquent appraisals by the HRO/SPB.

(2) Awards. Employees demonstrating an overall level of performance that significantly exceeds the standards established for the position may be recommended for appropriate awards under Chapter 11, Incentive Awards.

(3) Training. The performance evaluation process, including on-going discussions between the supervisor and the employee, may result in the identification of specific training needs. Recommendations for training should not be limited to the unacceptable performer, but should also be used to help any employee achieve a higher level of job performance and proficiency. Thus, recommended training may be remedial or developmental in nature.

(4) Probationary period completion. Information gained during the appraisal period will assist the supervisor in deciding whether to retain an employee beyond the probationary period.

(5) Promotions. The performance appraisal may provide useful information for making merit promotion decisions.

b. Performance Appraisal Cycle. Performance Appraisals will be completed annually, on the employee's anniversary date, or the reset appraisal cycle, providing at least 120 days of supervision have elapsed under the same supervisor and same performance standards. If 120 days have not elapsed, the Appraiser will accomplish the standard and initiate an appraisal as soon as possible to accommodate the 120-day requirement.

PERFORMANCE APPRAISAL CYCLE	
PERFORMANCE APPRAISAL REQUIRED	TIME FRAME FOR COMPLETION
End of Appraisal Cycle	On or before the last date of the appraisal cycle. Unacceptable appraisals must be coordinated with the HRO/SPB prior to the end of the appraisal cycle.
Completion of a detail over 120 days (By Detail supervisor)	10 days prior to or 15 days following the end of detail
End of 90-day improvement period under unacceptable performance	Within 5 days following 90 day period

c. Unacceptable Performance. Any time the supervisor determines that an employee's performance is unacceptable, or when an overall rating on an appraisal is unacceptable, the supervisor will:

(1) Contact HRO/SPB for coordination of needed personnel action prior to the end of the appraisal cycle.

(2) Inform the employee in writing by initiating IDNG Form 16R, Counseling Form, located in the attachment section of this regulation, of the specific areas where performance is unacceptable and how the employee must improve performance to be successful.

(3) The employee must have at least 90 days to improve performance. During this 90-day period, complete at least two counseling sessions, a minimum of 20 days apart, documented on the IDNG Form 16R, initialed by both supervisor and employee to indicate the topics discussed. Supervisors should consider available training/retraining programs, and any available on-the-job training opportunities. The employee must be given a genuine opportunity, reasonable assistance, and sufficient time to improve performance.

(4) After 90 days, prepare a Performance Appraisal, IDNG Form 17R. If the performance is appraised as unacceptable, action to discipline the employee may begin.

(a) The Supervisor prepares a letter of reprimand or proposed adverse action notice in accordance with Chapter 13, Disciplinary And Adverse Actions.

(b) Supervisors/Reviewers are required to coordinate disciplinary and adverse actions with the HRO/SPB. Each step must be followed to ensure that the employee receives due process protection under the law.

(c) Appeal process - If an employee is in disagreement with an appraisal, the employee may file an appeal through the Problem Solving Process, Chapter 14. An employee's signature on an appraisal does not indicate that the employee agrees with an appraisal, it indicates that the employee has had a discussion with the Appraiser. Employees may attach rebuttals to an appraisal.

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Chapter 13

DISCIPLINARY ISSUES

13-1. General. This Chapter establishes the procedure to deal with disciplinary issues in the work place and the method of administering personnel actions taken against employees who have displayed behavioral problems to the detriment of the Military Division. These procedures include Non-Disciplinary Measures, Disciplinary Measures, and Adverse Actions.

a. The Commanding General has delegated the responsibility for disciplinary and adverse actions, other than terminations, to the respective supervisors and managers of the Military Division. The DCG's, are designated as the appellant authorities within their respective organizational chains for state employee disciplinary and adverse actions. The Bureau Directors are the appellant authorities within their bureaus. The Commanding General is the final appeal authority for the Military Division.

b. The Commanding General reserves the right to make the final decision on all proposed terminations.

c. The HRO/SPB shall be involved in the preparation and delivery of all Letters of Reprimand, proposed suspension or termination, and all other aspects of any adverse action. HRO/SPB coordination must be obtained prior to issuing any notice of proposed adverse action, original decision, or appellate decision. This coordination will include a review for compliance with these rules.

d. Although the HRO/SPB cannot serve as an employee's representative, the HRO/SPB is responsible for advising the employee on all procedural rights and requirements under these rules.

13-2. Policy. The guiding principles in adverse/disciplinary actions for the Idaho Military Division are:

a. Behavior that justifies disciplinary/adverse action must be officially documented. Information kept in files other than the Official Personnel File (OPF), i.e. information in unofficial files generally will not be allowed as documentation or justification for a disciplinary action. Such prohibition does not include counseling forms, IDNG Form 16R, which are kept in the supervisor's file.

b. Penalties and actions are generally progressive, i.e. from less to more severe.

c. Due process as established in this Chapter must be maintained. All steps and actions must be accomplished to ensure fair and equitable input/documentation for decisions.

d. Disciplinary problems must be resolved promptly, at the lowest possible level. Early feedback from first-line supervisors will generally preclude more severe problems later.

13-3. Non-Disciplinary Measures (Counseling).

a. Counseling an employee can often resolve a problem without the need for disciplinary or adverse action. Counseling is an exchange of information, guided by the supervisor, between the employee and the supervisor. It has the specific purpose of improving the employee's conduct or knowledge of a particular subject; it is not a disciplinary action.

b. A problem also may be resolved by warning an employee. Again, this, is not a disciplinary action. A warning has a more serious intent because, along with a business-like exchange of information, it is a caution that disciplinary or adverse action may result if the problem is not corrected.

c. A counseling or warning should be entered on the IDNG Form 16R (Counseling Form, located in the Attachment section of these regulations). The employee should be told that the counseling statement will remain in the Official Personnel File (OPF), which resides in the Human Resources Office, for a minimum of one year or until the supervisor determines it is no longer needed or relevant to a continuing or recurring problem.

13-4. Disciplinary Measures (Letter of Reprimand).

a. A Letter of Reprimand is a disciplinary action which formally notifies an employee of a violation that could lead to adverse action such as suspension, change to lower grade, or removal. It can be issued when counseling, warning, and oral admonishing have proved ineffective. It can also be used when the nature of the violation warrants a more severe response than counseling, warning, or oral admonishment, but does not yet warrant adverse action. A Letter of Reprimand must be cleared for procedural accuracy by the HRO/SPB before delivery. The Letter of Reprimand is normally issued and signed by the first line supervisor. If someone else in the employee's supervisory chain issues a reprimand, it should be endorsed through the first line supervisor to the employee.

b. A supervisor must ensure all relevant facts are raised before issuing a Letter of Reprimand. Discussing the facts with the employee and giving him/her an opportunity to provide an explanation can best do this. The supervisor takes whatever time is needed to decide whether a Letter of Reprimand is appropriate. A Letter of Reprimand must, at a minimum:

(1) Describe the violation in sufficient detail to enable the employee to understand why the reprimand is being given. If the violation relates to a continuing problem, the supervisor should include a summary of past violations and the attempts made by management to correct those violations.

(2) Inform the employee that the Letter of Reprimand will be filed in the OPF which is maintained by the HRO/SPB.

(3) Include a warning that further offenses could result in more severe disciplinary action. Disciplinary and non-disciplinary measures may be grieved under the provisions of Chapter 14, Problem Solving Procedure, of this regulation.

13-5. Adverse Action.

a. An adverse action is a personnel action taken as the result of a decision to: (1) suspend, (2) reduce in grade or compensation, or (3) discharge an employee for misconduct. Before an adverse action can be initiated, a proposed adverse action notification must be processed. Such process is intended to ensure that an actual adverse action is appropriate. The following process sets forth the requirements that must be met to create the proposed adverse action, the process for the decision to take an adverse action, the process an employee must follow in order to appeal the adverse action, and finally, the process that must be followed by the appellate authority.

b. To prevent procedural and legal errors, and to protect due process, all proposed adverse actions shall be reviewed and coordinated with the HRO/SPB prior to issuance by the supervisor and shall be on IDNG Form 15R located at Attachment 10. The Table of Penalties, Attachment 1, will be used as the guide for suggested penalties for adverse actions.

c. An employee against whom an adverse action is proposed may be represented by another person of their own choosing and at their own expense. An employee will not be given administrative leave to act as a representative in another employee's case.

d. The four basic steps in an adverse action are: (1) proposed adverse action notice, (2) employee's reply to the proposed adverse action, (3) original decision which is the actual adverse action, and (4) appellate review/final decision. However, if the original decision is not appealed, there will not be an appellate review.

(1) Proposed Adverse Action Notice. After coordination with HRO/SPB, the supervisor initiating the adverse action will prepare a letter of proposed adverse action, which includes the items, listed below. The notice of proposed adverse action is given directly to the employee or, if necessary, sent via "Certified Mail/return receipt requested" to the employee's home address. There must be evidence of receipt by the employee.

(a) The alleged violation or behavioral problem,

(b) The facts relied upon to prove the alleged incident occurred,

(c) The proposed course of action; e.g. what measure of discipline will be levied against the employee,

(d) The employee's right to review the material relied upon to support the reason for action,

(e) The name of the deciding official of the proposed action, generally the next-level supervisor above the supervisor who proposed the adverse action,

(f) The employee's right to reply in person, in writing, or both, within 5 working days, to the deciding official named in the letter and to present any evidence or witness testimony the employee deems relevant, subject to reasonable limits the deciding official may place on the presentation,

(g) The date which the employee must submit a written reply and/or request for a personal meeting with the deciding official. The employee will be allowed 5 working days from receipt of the notice of proposed adverse action to reply and/or request a personal meeting,

(h) Notification that requests for extension of the time limit for submitting a reply should be sent to the deciding official for consideration within the 5 working day reply period,

(i) The name and telephone number of the HRO/SPB staff member to contact for procedural assistance,

(j) Notification that the Original Decision will be issued (if the employee is unable to convince the deciding official that he/she is not guilty of the allegation),:

(1) After receipt of the written reply and/or personal testimony, or

(2) After expiration of 5 working days.

(k) Notification that a copy of the proposed adverse action notice will be forwarded to HRO/SPB.

(l) Notification that if the proposed adverse action notice is dismissed, pertinent documents will be removed from the OPF. However, if an adverse action is implemented, pertinent documents will become permanent record.

(m) A reference to Military Division State Employees Personnel Regulations, Chapter 13, Disciplinary Issues, and the Employee Assistance Program.

(2) Employee's Reply To The Proposed Adverse Action.

(a) The employee has the right to reply to the deciding official in writing, or request an oral hearing or both, within 5 working days from receipt of the proposed adverse action. A copy of the employee's reply to the proposed adverse action will be forwarded to HRO/SPB upon receipt by the deciding official.

(b) If an employee wishes to make an oral reply, he/she is entitled to be heard and present such witness and evidence as the deciding official deems appropriate. The

employee has no right to cross-examine or subpoena witnesses, and accordingly, rules of evidence used in courts of law do not apply to this internal procedure. However, the employee has the right to face his/her accusers. If an oral reply is made, the deciding official is responsible for preparing a summary of that reply and ensuring that the HRO/SPB is made aware of it prior to the issuance of the original decision.

(3) Original Decision. The original decision is the actual adverse action taken against the alleged offending employee. The deciding official may decide to implement the adverse action as proposed, take an action less severe, or withdraw the action. They may not, however, substitute a more severe penalty than that originally proposed. However, if during the investigation period, more serious facts are learned, a separate adverse action can be filed using the adverse action process.

(a) The original decision will be issued within 5 working days after receipt of the employee's written and/or oral reply or the employee's reply period has ended without a reply.

(b) The HRO/SPB will review the decision before issuance for regulatory compliance.

(c) After coordination with HRO/SPB, the deciding official will prepare an original decision letter to the employee which must state:

(1) The action decided upon. Removal actions will be reviewed by the full-time Military Division Staff Judge Advocate prior to going to the CG.

(2) The effective date of such action. An action cannot start earlier than the date of the Original Decision. In the event of a discharge, the affected employee must be given at least 15 calendar days advance notice.

(3) Which reasons given in the proposed adverse action are sustained or, are not sustained.

(4) A reference to the employee's reply and the deciding official's consideration of it. When no replies are received, the original decision letter will document that fact.

(5) The name and telephone number of the HRO/SPB staff member to contact for further procedural assistance. Normally, this will be the same staff member listed in the proposed adverse action notice.

(6) The employee's right to request an Appellate Review/Final Decision. The employee's appeal and request for an appellate review must be submitted to the appropriate DCG, Bureau Director, or the Commanding General, if he is the next higher authority, with an information copy to HRO/SPB, along with any other written appeal or documents the employee wishes to submit in their behalf, within 5 working days after receipt of the original decision. If a Deputy Commanding General or Bureau Director is the deciding official, the Commanding General will act as the Appellate Review/Final

Decision official. The HRO/SPB will review the adverse action with the Military Division JAG for legal considerations. The JAG has the authority to provide advice and/or input to the HRO/SPB and the chain of command.

(7) That an employee desiring to request an extension of the 5 working day time limit to file an appeal, must petition the appropriate appeal authority, in writing, with an information copy to HRO/SPB within the 5 working day appeal period.

(8) That the chain of command desiring to request an extension to the 5 working day time limit must petition the HRO/SPB in writing with an informational copy to the affected employee.

(9) That a copy of the original decision letter will be forwarded to HRO/SPB.

(10) That, if the original decision is appealed and the adverse action is dismissed, pertinent documents will be removed from the OPF. However, if an adverse action is implemented, pertinent documents will become permanent record.

(4) Appellate Review/Final Decision.

(a) An employee's timely appeal of an original decision will stay the proposed adverse action from being implemented until the appellate decision.

(b) The Deputy Commanding General, or Bureau Director, or Commanding General (whomever is the appropriate appellate authority):

(1) Reviews the adverse action file.

(2) Gathers any additional information necessary to make a decision, and

(3) Issues a Letter of Appellate Review/Final Decision within 5 working days from the date of the appeal, and forwards a copy to HRO/SPB, containing: (the five working day timeframe may be extended at the discretion of such authority if it is necessary to conduct a separate investigation into the issue.)

(a) Summary of findings and decision,

(b) A statement that the decision is the final agency action on the matter, advising the employee that he/she may appeal the DCG's, or Bureau Director's decision to the Commanding General,

(c) An employee may withdraw their appeal in writing to the appropriate appellant authority, with an information copy to HRO/SPB,

(d) An appeal may be vacated by the HRO/SPB if the employee does not furnish required information or does not otherwise proceed with the case in a timely manner. The

employee must be notified in writing of such action. The HRO/SPB will obtain from the appellant, the reason for not complying with the appeal requirements thus causing the appeal to be vacated,

(e) The approved adverse action will be effective as soon as practicable after the employee receives the Letter of Appellate Review/Final Decision.

13-6. General Guide of Penalties. Attachment 1 contains a table for general guide of penalties. This table is not all-inclusive and will be used as a general guide in imposing disciplinary and/or adverse actions. It is used to standardize, as much as practicable, like penalties for like offenses throughout the Idaho Military Division. The list of offenses and suggested penalties set forth in this table is only a recommendation. When imposing progressive penalties for second and third offenses, consideration will be given to the time period that has elapsed since the prior offense, and other mitigating circumstances.

13-7. Enforced Leave. Emergency situations may occur that require the immediate removal of an employee from the workplace before any disciplinary or adverse action has been initiated or proposed. Such removal may occur for conducting investigation of allegations of issues such as sexual harassment, EEO complaints, or other wrongdoing. The supervisor or senior management official may also direct an employee to leave the workplace when the supervisor or management official believes their presence constitutes a threat to government property, fellow workers, personal or public safety. If it is necessary to bar the employee from Gowen Field or any Idaho National Guard installation, contact the HRO/SPB for coordination of the action. Under these emergency circumstances, the employee will be placed on paid administrative leave until the emergency is resolved. Requests for Administrative leave with pay shall be submitted on an SPB Form 7 and coordinated by the HRO/SPB, through the chain of command to the Commanding General who is the authorizing official.

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Chapter 14

PROBLEM SOLVING (GRIEVANCE) PROCEDURE

14-1. General. This Problem Solving Procedure is an informal procedure which results in a request by an employee, or a group of employees, for relief in a matter of concern or dissatisfaction with conditions of their employment. The CG has mandated that employees shall be free from reprisal for using this procedure. The HRO/SPB will ensure that the CG is apprised of any attempt to interfere with this procedure. Upon request, the HRO/SPB will provide guidance to employees and management on this procedure.

14-2. Exclusions. This Problem Solving Procedure covers non-disciplinary employment related issues only, but does not cover RIFs, dismissals, suspensions, demotions, or involuntary transfers, all of which are covered under Chapter 13, Disciplinary Issues. All EEO and Sexual Harassment complaints are handled in accordance with Chapter 8, Equal Employment Opportunity, and not this Chapter.

14-3. Presentation Of Request For Problem Resolution.

a. Employees are entitled to present problem issues under this procedure. The Military Division shall accept and process a properly presented request for resolution. The Problem Solving Form (IDNG Form 52R) is in the Attachment section of this regulation.

b. Group Problem Solving Procedure. Employees may join in submitting a request for problem solving as a group, provided that the issue and the remedy is identical for each. A group request is processed as a single request in the name of one employee designated by the others to speak for them. All parties must be identified and must sign the request when it is placed in writing. An employee may withdraw, at any time, from the group, if done in writing before a decision is rendered. However, they may not then initiate the same or substantially similar problem under this procedure at a later date. A decision rendered on a group procedure applies to all employees in the group. Each will be provided a copy of the decision.

c. The requester has the right to have a personal representative at each step of this procedure except in the initial meeting with the immediate supervisor.

14-4. Procedure. An employee desiring problem resolution must first seek resolution through supervisory channels. Initial presentation, which may be oral or written, must be made to the employee's immediate supervisor. If the employee feels that their immediate supervisor is the source of the problem and that they cannot reasonably discuss the matter with their supervisor, the procedure may begin with the next level supervisor.

a. An employee may present their request for problem resolution concerning a continuing practice or condition at any time. Such employee must file a request for resolution concerning a particular act or occurrence within fifteen working days of the date of the act or occurrence, or within 15 days of the date the employee knew or should reasonably be expected to have known of the act or occurrence.

b. An employee presenting a request for resolution is entitled to communicate with and seek advice from the HRO/SPB.

c. It is intended that dissatisfactions be settled informally, promptly, and equitably at the lowest possible level. In any event, the efforts of supervisors and others concerned will be directed toward that objective. When an employee presents a request for problem resolution, the responding supervisor, hereafter referred to as the respondent, shall research all the facts surrounding the issue before they present suggested solutions. The respondent shall be responsible to uphold the spirit of the problem resolution procedure and be ready to justify their suggested solution. Additionally, the respondent will attempt to resolve the problem as expeditiously as possible.

d. IDNG Form 52R.

(1) The IDNG Form 52R provides the flow of the problem solving procedure. This informal process ends with the appropriate DCG, Bureau Director, or, for the SRO and other Military Division offices, with the CG, who will render their decision based upon the facts as presented by the parties involved. If it is felt that the DCG/Bureau Chief erred in their decision, it can be appealed to the CG within five (5) working days of the receipt of the DCG/Bureau Chief's decision. Such appeal will be prepared upon a separate memorandum setting forth the reasons why the initiating party disagrees with the DCG/Bureau Chief's decision. The CG decision is final and is not appealable.

(2) Some of the steps in the problem solving process may not be necessary due to the employees' full time chain of command.

CHAPTER 15

TRANSFER OF VACATION LEAVE (DONATED LEAVE)

15-1. General. This Chapter defines the procedures for Permanent and Temporary Nonclassified state employees of the Idaho Military Division to donate leave to another state employee. Any questions not addressed in this Chapter should be addressed to HRO/SPB.

a. The Military Division allows employees to transfer vacation leave to employees with serious or catastrophic illness or injury. Accumulated annual leave may be transferred from one employee to another in the event the receiving employee (or an immediate family member) suffers from a serious illness or injury that necessitates absence from work. In addition, the receiving employee must have exhausted all leave (sick, vacation, EAL (earned administrative leave and comp time), and is not eligible for disability insurance benefits or retirement benefits while using leave. The transferred leave will be converted to sick leave on an hour-for-hour basis and is not tax deductible.

b. Any donated annual leave will be donated in eight-hour increments. All donated leave must be given voluntarily and confidentiality will be maintained. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave. Misuse of donated leave will be grounds for disciplinary action.

c. "Family member" and "serious illness or injury" will be defined under the current guidelines for FMLA except in the case of adoption or foster care. Leave for adoption or for foster care purposes will not be eligible for donated leave. Medical certification of the receiving employee may be required whether for the employee's own medical condition or that of a family member.

d. Employee **Requesting** Vacation Leave Donation. The receiving employee may acquire a maximum cumulative total of one hundred sixty (160) hours of transferred vacation leave per fiscal year. Any unused leave will be retained by the receiving employee for future use. The employee must need a minimum of 8 hours of leave before they will be eligible to receive a donation.

e. Employee **Donating** Vacation Leave.

(1) The donating employee may transfer a minimum of eight (8) hours and a maximum of forty (40) hours of accrued annual leave per fiscal year. No employee shall be allowed to transfer annual leave if doing so results in a current balance of less than eighty (80) hours. Any donated leave that is unused by the receiving employee will not be credited back to the donating employee's leave balance.

(2) Employees who are at the maximum leave accrual and would ultimately lose leave will be given first opportunity to donate leave. All employees are eligible to donate as long as they meet the conditions described above.

(3) Any employee who has been absent from his/her position for six (6) months for health reasons will not be eligible to receive donated leave. No employee will be eligible to receive donated leave if the additional leave results in absence from his or her position for 6 months or more.

15-2. Procedure.

a. The employee requesting a leave donation will initiate the request by completing a FMLA Request Form and will indicate interest in receiving donated leave by checking the appropriate box. **If no box is checked, it will be assumed that the employee is not requesting donated leave.** This form is located at Attachment #10 in the attachment section of this regulation. The form is submitted to the immediate supervisor who then forwards the form to the HRO/SPB who then processes the request. The Military Division reserves the right to disapprove requests for donated leave that cannot be substantiated by medical certification or where excessive leave usage is evident.

b. The HRO/SPB will post a list of employees who have requested donated leave. Any employee who wishes to donate leave to someone on the list will make their selection by reviewing the list and writing the employee's name or number on the donation form. That form is then submitted to HRO/SPB for further processing. Donations will be done internally as a first measure. If an insufficient amount of leave donation is received to meet the employee's needs, HRO/SPB will notify other state agencies via the HR group list serve. Notification of the need for donated leave will not include the employee's name or any specific details regarding the illness or injury unless the employee gives his or her permission.

15-3. Internal Leave Transfers.

a. Both the employee requesting donated leave and the employee(s) donating leave will be required to sign the EIS-180 form, Transfer of Vacation Hours, before any leave transfer takes place. Additionally, the form must be approved by the Commanding General. If the requesting employee is not available to sign the EIS-180 he/she may designate signature authority to the immediate supervisor or manager. This form must be received by the Human Resource Officer two weeks prior to the effective date of the transfer. Contact HRO/SPB for closest effective date for processing the action through the State Controller's Office.

b. There is a time delay associated with processing a leave donation action through the payroll system. No retroactive pay will be permitted. Leave cannot be allocated to a "bank" for future use.

15-4. External Leave Transfers.

a. The same process as described above is used except for the approval process. When leave is transferred between state agencies the transfer must be approved by both agency-appointing authorities before the transaction takes place.

b. The requesting employee and agency representative completes the EIS-180 Form and forwards the form to the donating agency for signature by donating employee (s) and the appointing authority.

c. This form must be received by the Human Resource Officer two weeks prior to the effective date of the transfer. Contact HRO/SPB for closest effective date for processing the action through the State Controller's Office.

d. Once the leave has been transferred, all employees involved in the leave transfer will receive notification, which will include the resulting adjusted leave balances.

//Original Signed//
JOHN F. KANE
Major General
Commanding General

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ATTACHMENT 1
TABLE OF PENALTIES

CAUSE/EXPLANATION		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1. FAILURE TO CARRY OUT ASSIGNED DUTIES				
a. Minor	Failure to carry out assigned work or instructions in a reasonable period of time.	Oral Admonishment to Reprimand	Reprimand to 5-Day Suspension	5-Day Suspension to Removal
b. Major	Refusal to obey orders, disrespect, impertinence.	Reprimand to 5-Day Suspension	5-Day Suspension to Removal	Removal
2. UNAUTHORIZED ABSENCE				
a. Minor	Absence without leave for 8 hours or less, leaving the job without permission.	Oral Admonishment to Reprimand	Reprimand to 5-Day Suspension	5-Day Suspension to Removal
b. Major	Absence without leave for more than 8 hours.	Reprimand to 5-Day Suspension	5-Day Suspension to Removal	Removal
3. SLEEPING ON DUTY				
a. Minor	When danger to safety of persons or property is not acute, or injury or loss is not involved.	Oral Admonishment to Reprimand	Reprimand to 5-Day Suspension	10-Day Suspension to Removal
b. Major	When danger to safety of persons or property is acute, or injury or loss is involved.	5-Day Suspension to Removal	Removal	
4. USE OF INTOXICANTS				
a. Minor	Drinking or selling intoxicants on duty on Government premises except when authorized. Reporting for duty under the influence of intoxicating liquor.	Reprimand	Reprimand to Removal	Removal
b. Major	Being on duty so intoxicated as to be unable to properly perform assigned duties, or to be a hazard to self or others.	Reprimand to 5-Day Suspension	5-Day Suspension to Removal	
5. TARDINESS				
a. Minor	Less than one half hour.	Oral Admonishment	Reprimand	1-Day Suspension
b. Major	Over one half hour.	Reprimand	Reprimand to 5-Day Suspension	5-Day Suspension to Removal

TABLE OF PENALTIES (Continued)

CAUSE/EXPLANATION		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
6. VIOLATION OF SAFETY PRACTICES AND REGULATIONS				
a. Minor	Failure to observe safety practices and regulations including failure to use safety equipment (Danger to life and property is not acute).	Reprimand to 3-Day Suspension	Reprimand to 5-Day Suspension	5-Day Suspension to Removal
b. Major	Failure to observe safety practices and regulations (Danger to life and property is acute).	5-Day Suspension to Removal	Removal	
7. FALSE STATEMENTS, MISREPRESENTATION				
Deliberate misrepresentation, falsification, or concealment of a material fact in connection with any official document; withholding of material facts in connection with matters under official investigation.		10-Day Suspension to Removal		
8. LOSS OF, DAMAGE TO, UNAUTHORIZED REMOVAL, MISUSE, OR DESTRUCTION OF GOVERNMENT PROPERTY, RECORDS, OR INFORMATION				
a. Minor	When willfulness or intent is not involved.	Reprimand to 5-Day Suspension	5-Day Suspension to Removal	Removal
b. Major	When willfulness or intent is involved.	5-Day Suspension to Removal	Removal	
9. UNAUTHORIZED USE OF GOVERNMENT VEHICLE				
When willfulness or intent is involved.		30-Day Suspension	Removal	
10. DISORDERLY CONDUCT				
a. Minor	Rude, boisterous play that adversely affects production, discipline or morale; use of disrespectful, abusive, or offensive language; quarreling or inciting to quarrel.	Oral Admonishment to 3-Day Suspension	3 to 10-Day Suspension	10-Day Suspension to Removal
b. Major	Fighting; threatening or inflicting bodily harm on another; physical resistance to competent authority; any violent act or language that adversely affects morale, production, or maintenance of discipline; indecent or immoral conduct.	5-Day Suspension to Removal	Removal	

TABLE OF PENALTIES (Continued)

CAUSE/EXPLANATION		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
11. GAMBLING				
a. Minor	Participating in gambling during working hours	Oral Admonishment to Reprimand	Reprimand to 5-Day Suspension	5-Day Suspension to Removal
b. Major	Promotion of or assisting in operating of organized gambling on duty or on Government premises.	5-Day Suspension to Removal	Removal	
12. THEFT				
Actual or attempted taking and carrying away of Government property or property of others.		Reprimand to Removal	Removal	
13. OFF-DUTY MISCONDUCT				
Misconduct of such major importance that the employee is unable to fulfill his/her job responsibilities or of such significance there is an adverse effect upon the state of Idaho Military Division.		Reprimand to Removal		
14. MAKING FALSE, MALICIOUS, IRRESPONSIBLE STATEMENTS				
Making false, malicious, unfounded, or highly irresponsible statements against or unauthorized disclosure about other employees, supervisors, subordinates, or officials with the intent to destroy or damage the reputation, authority, or official standing of those concerned.		Reprimand to Removal	Removal	
15. FAILURE TO HONOR JUST FINANCIAL OBLIGATIONS				
Just financial obligation means one acknowledged by the employee or reduced to judgment by a court, or one imposed by law.		Reprimand	Reprimand to 5-Day Suspension	Reprimand to Removal
16. REFUSAL TO TESTIFY				
Refusal to testify in a properly authorized inquiry or investigation conducted by a proper authority.		Reprimand to 5-Day Suspension	5-Day Suspension to Removal	Removal
17. DISCOURTEOUS CONDUCT				
Discourteous conduct to the public.		Reprimand to 5-Day Suspension	5 to 10-Day Suspension	10-Day Suspension to Removal

TABLE OF PENALTIES (Continued)

CAUSE/EXPLANATION		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
18. USE OR POSSESSION OF MARIJUANA, A NARCOTIC, OR DANGEROUS DRUG WITHOUT A RECOGNIZED MEDICAL PRESCRIPTION				
a. Minor	Use or possession of marijuana, a narcotic, or dangerous drug on Government premises or on duty. Reporting for duty while under the influence of marijuana, a narcotic, or dangerous drug.	Reprimand to 3-Day Suspension	5-Day Suspension to Removal	Removal
b. Major	Being on duty so impaired by marijuana, a narcotic, or dangerous drug as to be unable to properly perform assigned duties or to be a hazard to self or others.	30-Day Suspension to Removal	Removal	
20. ISSUING WORTHLESS CHECKS				
Deliberate issuance of a check against an inadequate bank account balance or on a bank in which no account exists.		Reprimand to Removal	Removal	
21. SOLICITING CONTRIBUTIONS				
Soliciting contributions from other Government employees for gifts or presents to those in superior official positions. Accepting gifts or presents offered or presented as contributions from persons in Government employment receiving lower salary.		Oral Admonishment	Reprimand to 10-Day Suspension	10-Day Suspension to Removal
22. DISCRIMINATION				
Any action or failure to take action based on race, color, religion, sex, or national origin of an employee, former employee, or applicant that affects his/her rights, privileges, benefits, dignity, and equality of economic opportunity. Includes sexual harassment.		Reprimand to Removal		

TABLE OF PENALTIES (Continued)

CAUSE/EXPLANATION		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
23. VIOLATION OF SECURITY REGULATIONS				
a. Minor	When the breach does not result in release of security information to unauthorized sources, and there is no evidence of a compromise of classified information.	Reprimand	Reprimand to 30-Day Suspension	30-Day Suspension to Removal
b. Major	When the violation is intentional or results in unauthorized release or compromise of security information.	Reprimand to Removal	Removal	
24. VIOLATIONS OF OTHER LAWS, RULES, OR REGULATIONS NOT LISTED IN THIS TABLE				
Consider the employee's obligation to be aware of the law, rule, or significance or frequency of the violation; and the degree of adverse effect on production, morale, maintenance of discipline, external relationships, or reputation of the National Guard and the Military Division.		Oral Admonishment to Removal	Reprimand to Removal	5-Day Suspension to Removal

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ATTACHMENT 2

ADVERSE ACTION FLOW CHART

<i>Administrative Decision To Suspend, Reduce In Grade (Or Compensation) Or Discharge</i>
PROPOSED ADVERSE ACTION NOTICE
a. Notice of Proposed Adverse Action IDNG 15R, attachment ? ,prepared and cleared through HRO/SPB.
b. Issue letter to employee.
c. Copy of Proposed Adverse Action to HRO/SPB.
EMPLOYEE’S REPLY TO THE ADVERSE ACTION
a. Employee may reply orally and/or in writing to Deciding Official within 15 working days.
b. Copy of employee's written reply and/or Deciding Official's summary of oral reply forwarded to HRO/SPB.
ORIGINAL DECISION
a. Deciding Official prepares Letter of Original Decision and clears through HRO/SPB, then issues it within 5 working days after receipt of employee's reply or end of reply period.
b. Employee may submit request for Appellate Review/Final Decision within 5 working days after receipt of Original Decision to appropriate DCG, with an Information Copy to HRO/SPB.
c. Employee may submit request for extending time limit for filing an appeal to HRO/SPB who will notify the chain of command.
APPELLATE REVIEW/FINAL DECISION
a. Appeal Authority reviews request for Appellate Review/Final Decision and prepares a final decision letter within 30 days from date of receipt of request.
b. The CG is the final appellant review under Idaho Law. Employee has 5 working days to appeal the DCG/Bureau Director’s decision to the CG.
c. Employee may terminate appeal at any time.
d. Management may terminate an appeal.

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ATTACHMENT 3

DEFINITIONS

The following terms are used frequently in this publication and are defined below:

APPOINTING AUTHORITY: The Commanding General (CG) and those he has delegated appointing authority to for hiring and terminating employees, overtime authorization, and signature authority. These include the DCG's and Bureau Directors.

CALENDAR DAY: The 24-hour period between 12:00 (2400 hours) midnight and 11:59 (2359 hours) midnight.

STATE PROGRAM MANAGER: Managers of state funds/programs under the Military Division, including Bureau Directors of BDS and BHM.

MERIT SYSTEM: A Federally approved program that guarantees that all personnel actions will be accomplished without regard to any non-merit factor such as a person's race, creed, gender, religion, national origin, political affiliation, or any other non-merit factor. All personnel actions shall be based on a person's own merits.

NGA PAY SCHEDULE: The Military Division's graded pay system, established under *Idaho Code*, which is comparable to the General Schedule (GS) used for Federal Civil Service employees of the Idaho National Guard.

NONCLASSIFIED EMPLOYEES: The term Nonclassified employees includes Military Nonclassified, where Idaho National Guard membership is required, and certain other employees of the Military division (e.g., Bureau of Hazardous Materials) for whom Idaho National Guard membership is not required, or has been waived.

POSITION DESCRIPTION QUESTIONNAIRE (PDQ): A questionnaire used to construct and/or change and update a Position Description.

REEMPLOYMENT RIGHTS: The entitlement of employees who leave their state of Idaho positions for military tours or non-military jobs to return to the Idaho Military Division as state employees.

RELATIVE: The term 'relative' includes the specific relationships stated in 5 U.S.C. 3110; for example, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister. When popular and legal usage differ, the strict or legal definition is applied to all of these terms.

STATE HUMAN RESOURCE OFFICE (HRO/SPB): The human resources office for state employees staffed by a personnel manager, and, assistant/s, located within the Human Resources Office (HRO).

ATTACHMENT 4

**IDAHO MILITARY DIVISION
RECOMMENDATION FOR INCENTIVE AWARD**

***IDNG FORM 18R HAS BEEN REPLACED BY IMD FORM 18R
RECOMMENDATION FOR INCENTIVE AWARD (MAY 14)***

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ATTACHMENT 5

COUNSELING FORM

COUNSELING FORM			
PART 1 – BASIC DATA			
1. Name <i>(Last, First, MI)</i>	2. SSN	3. Grade	4. Work Location
PART 2 – OBSERVATIONS			
5. Facts and Circumstances <i>(Attach additional comments as required)</i>			
6. Dates and Summary of Counseling <i>(Attach additional comments as required)</i>			

COUNSELING FORM			
PART 3 – AUTHENTICATION			
7. Name & Signature of Person Counseling Employee	8. SSN	9. Grade	10. Date
<p>11. I acknowledge having been counseled by the above named individual and understand the reason for this counseling session. I <input type="checkbox"/> concur <input type="checkbox"/> do not concur</p> <p>that the information above accurately reflects this counseling session.</p> <p>I do not concur for the following reasons:</p>			
12. Name & Signature of Person Being Counseled			13. Date
14. Initials of counselor _____ <i>Indicates counseled individual refused to sign or acknowledge counseling</i>			
PART 4 – REHABILITATION			
15. Rehabilitation Results/Comments			
16. Name & Signature of Person Counseling Employee			17. Date
18. Name & Signature of Person Being Counseled			19. Date
PART 5 – REVIEWER			
20. Comments:			
21. Name, Signature, & Grade of Reviewer			22. Date

ATTACHMENT 6

PROBLEM SOLVING FORM

PROBLEM SOLVING FORM	
EMPLOYEES PROBLEM	
TO: <i>(First or Second Level Supervisor)</i>	Date:
a. My problem is: <i>(In your own words, briefly explain the problem)</i>	
b. My suggested solution is:	
Signature:	Date:

PROBLEM SOLVING FORM	
SUPERVISOR'S RESPONSE – TWO WORKING DAYS	
This is my suggested solution to your problem:	
Signature:	Date:
BACK TO EMPLOYEE – TWO WORKING DAYS	
a. I accept your solution to my problem.	
Signature:	Date:
IF RESOLVED – PROCEDURE STOPS HERE	
b. I cannot accept your solution to my problem and will proceed to the next level supervisor.	
Signature:	Date:
IF NOT RESOLVED MOVE TO NEXT STEP – TWO WORKING DAYS	
TO: <i>(Next Level Supervisor)</i>	Date:
My problem has not been resolved to my satisfaction; I wish to have you review it.	
Signature:	Date:

PROBLEM SOLVING FORM	
NEXT LEVEL SUPERVISOR RESOLUTION - TWO WORKING DAYS	
This is my suggested solution to your problem:	
Signature:	Date:
BACK TO EMPLOYEE	
IF NOT RESOLVED-NOTIFY PREVIOUS SUPERVISOR WITHIN TWO WORKING DAYS	
I feel that my problem has not been resolved at this level and wish to have it reviewed by the Deputy Commanding General.	
Signature:	Date:
REQUEST TO HAVE DCG/BUREAU CHIEF REVIEW THE PROBLEM	
- TWO WORKING DAYS	
TO: <i>(Deputy Commanding General)</i>	Date:
Sir, I do not feel as though my problem has been resolved and I request that you review it and render your decision.	
Signature:	Date:

PROBLEM SOLVING FORM	
DCG/BUREAU CHIEF DECISION – THREE WORKING DAYS	
This is my solution/decision to your problem <i>(Use additional paper as necessary)</i>	
Signature:	Date:
BACK TO EMPLOYEE	
I feel that my problem has not been resolved at this level and wish to have it reviewed by the Commanding General.	
Signature:	Date:
REQUEST TO HAVE CG REVIEW THE PROBLEM – THREE WORKING DAYS	
TO: <i>(Commanding General)</i>	Date:
Sir, I wish to appeal the resolution of my problem to you.	
Signature:	Date:
COMMANDING GENERAL'S DECISION – THREE WORKING DAYS	
This is my solution/decision to your problem: <i>(Use additional paper as necessary)</i>	
Signature:	Date:

ATTACHMENT 7

STATE POSITION MANAGEMENT FORM

POSITION CHANGE REQUEST PROCEDURE			
REQUESTING ACTIVITY			
Requester's Name and Title:		Phone Number:	
SUBMITTED FOR			
<input type="checkbox"/> Reclassification Request	<input type="checkbox"/> Revision of PD	<input type="checkbox"/> Reassign a Position	
<input type="checkbox"/> Establish New Position	<input type="checkbox"/> Abolish Position	<input type="checkbox"/> Other, explain:	
JUSTIFICATION FOR REQUEST			
CURRENT POSITION DATA			
Position Title:			
Position Location:			
Position Control Number:	Class Code:	Grade:	
PROPOSED POSITION DATA			
Position Title:			
Position Location:			
Position Control Number:	Class Code:	Grade:	
CURRENT CLASSIFICATION			
Security Clearance _____			
<input type="checkbox"/> Military Nonclassified	<input type="checkbox"/> Officer	<input type="checkbox"/> Army	
<input type="checkbox"/> Nonclassified	<input type="checkbox"/> Warrant	<input type="checkbox"/> Air	
<input type="checkbox"/> Classified	<input type="checkbox"/> Enlisted	<input type="checkbox"/> Army or Air	
ATTACHED FOR EVALUATION (mandatory)			
<input type="checkbox"/> PDQ and Working Conditions Questionnaire			
<input type="checkbox"/> Current and Proposed Organizational Chart with Proposed Changes			
FUNDING SOURCE			
Current:	% Federal	% State	
Proposed:	% Federal	% State	
ORIGINATOR'S SIGNATURE			
It is incumbent upon the requester to provide a full explanation of all relevant financial information including funding requirements, fund shifts, and/or legal considerations involved in the action. <i>(Attach additional remarks and justification as required.)</i>			
Name		Signature	Date
CHAIN OF COMMAND REMARKS			
Originator's next higher. <i>(Attach additional remarks and justification as needed.)</i>			
<input type="checkbox"/> Recommend Approval		<input type="checkbox"/> Recommend Disapproval	
Name		Signature	Date
DCG OR CHIEF OF STAFF OR ESSO DECISION			
<input type="checkbox"/> Concur, forwarded for staffing <input type="checkbox"/> Non-Concur, returned to originator			
Name		Signature	Date

SECTION II - STAFFING ACTIVITY		
STATE HRO COORDINATION		
<input type="checkbox"/> Position correctly classified at present grade <input type="checkbox"/> Recommend position be: <div style="display: flex; justify-content: space-between; margin-left: 40px;"> <input type="checkbox"/> Abolished <input type="checkbox"/> Reclassified <input type="checkbox"/> Revised <input type="checkbox"/> Established <input type="checkbox"/> Reassigned </div>		
Reclassified to: Title: _____ Grade: _____		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Military Nonclassified <input type="checkbox"/> Nonclassified </div> <div style="width: 30%;"> <input type="checkbox"/> Officer <input type="checkbox"/> Warrant <input type="checkbox"/> Enlisted </div> <div style="width: 30%;"> <input type="checkbox"/> Army <input type="checkbox"/> Air <input type="checkbox"/> Army or Air </div> </div>		
Comments:		
Name	Signature	Date
MILITARY DIVISION HRO RECOMMENDATION		
<input type="checkbox"/> Position correctly classified at present grade <input type="checkbox"/> Recommend position be: <div style="display: flex; justify-content: space-between; margin-left: 40px;"> <input type="checkbox"/> Abolished <input type="checkbox"/> Reclassified <input type="checkbox"/> Revised <input type="checkbox"/> Established <input type="checkbox"/> Reassigned </div>		
Reclassified to: Title: _____ Grade: _____		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Military Nonclassified <input type="checkbox"/> Nonclassified </div> <div style="width: 30%;"> <input type="checkbox"/> Officer <input type="checkbox"/> Warrant <input type="checkbox"/> Enlisted </div> <div style="width: 30%;"> <input type="checkbox"/> Army <input type="checkbox"/> Air <input type="checkbox"/> Army or Air </div> </div>		
Comments:		
Name	Signature	Date
STATE RESOURCE OFFICE CERTIFICATION OF FUNDING AVAILABILITY		
<input type="checkbox"/> Funds are available <input type="checkbox"/> Funds are not available, return to HRO		
Comments:		
Name	Signature	Date
COMMANDING GENERAL'S DECISION		
<input type="checkbox"/> Approved, return to HRO <input type="checkbox"/> Disapproved, return to HRO		
Name	Signature	Date

**ATTACHMENT 8
MILITARY DIVISION STATE EMPLOYEE PERFORMANCE APPRAISAL FORM**

1. NAME: _____	5. TYPE OF APPRAISAL: _____				
2. DUTY TITLE: _____	6. APPRAISAL PERIOD: _____				
3. POSITION CONTROL NUMBER: _____	FROM: _____ TO: _____				
4. GRADE: _____ ORGANIZATION: _____					

7. OVERALL APPRAISAL RATING:	<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;">ACCEPTABLE</td> <td style="width:50%; border: none;">UNACCEPTABLE</td> </tr> <tr> <td style="border: none;">(Meets or exceeds standards)</td> <td style="border: none;">(Justification required in Block 11)</td> </tr> </table>	ACCEPTABLE	UNACCEPTABLE	(Meets or exceeds standards)	(Justification required in Block 11)
ACCEPTABLE	UNACCEPTABLE				
(Meets or exceeds standards)	(Justification required in Block 11)				

8. SIGNATURES	9. TITLE				
10. DATE					
A. Appraiser					
B. Employee <small>(Signature indicates that employee has had discussion with the Appraiser and does not necessarily indicate agreement)</small>					
C. Reviewer					
D. Reviewer (Additional)					
E. Approving Official					
11. COMMENTS: (May be continued on reserve side)					

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ATTACHMENT 9

ADVERSE ACTION PROCESS FORM

STATE OF IDAHO MILITARY DIVISION

ADVERSE ACTION PROCESS FORM

PROPOSED ADVERSE ACTION

TO: *(employee)*

Date:

The following is a proposed adverse action and the reason(s) for such action IAW the Military Division's Personnel Regulation, Chapter 13:

Signature:

Date:

ADVERSE ACTION PROCESS FORM	
EMPLOYEE'S ANSWER TO PROPOSED ADVERSE ACTION - 5 CALENDAR DAYS	
TO: <i>(Supervisor)</i>	Date:
a. The issue that management feels caused the adverse action is: <i>(in your own words, briefly explain what you believe the adverse action to be)</i>	
b. My answer to the proposed adverse action is:	
Signature:	Date:

IDNG FORM 15R (FEB 01) (2 of 6)

ADVERSE ACTION PROCESS FORM
DECIDING OFFICIAL'S ORIGINAL DECISION – 5 CALENDAR DAYS

The following is the Original Decision as outlined in the Military Division Personnel Regulations, Chapter 13:

Signature:

Date:

ADVERSE ACTION PROCESS FORM

**EMPLOYEE'S REQUEST TO HAVE DCG/BUREAU DIRECTOR REVIEW THE ACTION
- 5 CALENDAR DAYS -**

I wish to appeal the adverse action: *(explain why you feel that the adverse action is not warranted)*

Signature:

Date:

ADVERSE ACTION PROCESS FORM	
DCG/BUREAU DIRECTOR DECISION – WITHIN 5 CALENDAR DAYS	
This is my decision on the adverse action: <i>(Use additional paper as necessary)</i>	
Signature:	Date:
APPEAL OF FINAL DECISION TO CG - 5 CALENDAR DAYS	
I wish to appeal the DCG decision on the adverse action: <i>(Use additional paper as necessary)</i>	
Signature:	Date:

ADVERSE ACTION PROCESS FORM

APPELLATE REVIEW/FINAL DECISION - CG - 5 CALENDAR DAYS

TO: *(employee)*

Date:

a. This matter has been reviewed fully and the following decision has been made. There is no further appeal aside from any legal remedies that you may have outside the agency.

b. It is the final decision of the agency that:

Signature:

Date:

ATTACHMENT 10

VACATION TRANSFER FORM EIS-180

EIS-180

EMPLOYEE INFORMATION SYSTEM MANUAL
TRANSFER OF VACATION HOURS/RECEIPT OF SICK HOURS FORM

PROCESSED	
DATE:	
DONOR'S BALANCE:	
RECIPIENT'S BALANCE:	

State of Idaho
State Controller's Office

Transfer of Vacation Hours

SENT TO LEGISLATIVE AUDITOR	
DATE:	
REASON:	
	Over max hours donated.
	Over max hours received.

Transferring Agency: _____ Organization Code: _____
 Transferring _____
 Employee Name: _____ SSN: _____
 Transferring _____ Hours of Vacation balance FYTD Hours Transferred _____

Employee Signature Date

I, the undersigned, have verified and certify that the above named employee meets all of the following criteria necessary to make him/her eligible to transfer unused vacation hours to another state employee's sick leave balance as provided for in Idaho Code #67-5335.

1. Employee has more than 80 hours of vacation balance. (Even after hours have been transferred.)
2. Employee will not exceed 40 hours of transferred vacation leave, including this transfer, in the current Fiscal Year.
3. Employee signature is present on this form or on an attached memo.

Appointing Authority Signature: Date

Receipt of Sick Hours

PAY PERIOD BEGIN DATE: _____
 Receiving Agency: _____ Organization Code: _____
 Receiving _____
 Employee Name: _____ SSN: _____
 Receiving _____ Hours of Sick Leave FYTD Hours Received _____

I, the undersigned, have verified and certify that the above named employee meets all of the following criteria necessary to make him/her eligible to receive unused vacation hours from another state employee to be used as sick leave as provided for in Idaho Code #67-5335.

1. Employee is eligible to receive the above hours because he/she or a family member suffers from serious injury or illness.
2. Employee will not exceed 160 hours received from all other employees, including this transfer, in the current Fiscal Year.
3. As of pay period, _____ all of the employee's sick and vacation balance will be exhausted, making he / she eligible to receive the above hours.

Appointing Authority Signature: Date

EIS-180

EMPLOYEE INFORMATION SYSTEM MANUAL
TRANSFER OF VACATION HOURS/RECEIPT OF SICK HOURS FORM

Purpose: The **EIS-180** form is used to transfer vacation hours from one state employee's balance into another state employee's sick leave balance.

Requirements: Both transferring and receiving sections of the form must have an Appointing Authority Signature, even if the agency is the same in both cases.

Both the transferring and receiving sections must be **identical**, in that the transferring hours match the receiving hours.

Transferring Agency Responsibility:

- When an employee wants to donate time to another employee in a different agency, then the appropriate forms are filled out and sent by that donating employee's agency.
- Employee is not eligible to transfer time if he/she does not have a vacation balance greater than 80 hours or the amount requested to transfer puts his/her vacation balance below 80 hours.
- No employee may transfer (donate) more than 40 hours of vacation leave in a given Fiscal Year.
- The **signature of the employee transferring vacation hours must** be present on the form or on an attached memo.

Receiving Agency Responsibility:

- The receiving employee is eligible only if he/she or a family member suffers from serious illness or injury.
- No employee may receive more than 160 hours of transferred leave in a given Fiscal Year.
- Employee will not be eligible to receive donated time until **ALL** sick and vacation balances have been exhausted. Please see Receipt Section on the EIS -180 form number 3.

EIS-180

EMPLOYEE INFORMATION SYSTEM MANUAL
TRANSFER OF VACATION HOURS/RECEIPT OF SICK HOURS FORM

Processing: If division of Statewide Payroll receives an **EIS-180** form **after** the due date, it **will not** be processed for the current pay period and the donated hours **will not be** available for use until the following pay period.

If the **EIS-180** form has been faxed to Division of Statewide Payroll, **DO NOT** send the original **EIS-180** form to Division of Statewide Payroll. This may cause forms to be processed twice.

If facts stated on the **EIS-180** form are inconsistent with the law, Division of Statewide Payroll will process the form and then send it on to the Legislative Auditor's Office for review.

Distribution: Copies = 1 (The Original is sent to State Controller's Office.)

It is recommended that the agency retain a copy for their records.

DIRECTION OF EIS-180:

The **authorized signatures** will be checked upon receipt of the form to the Division of Statewide Payroll. It is necessary for both authorized signatures and the transferring employee signature to be present on the form, even if the transferring and receiving agencies are the same.

After the **EIS-180** is processed the original document is returned to the agency with the date processed and donor's new balance and recipient's new balance.

The **EIS-180** forms are due to D.S.P. at the same time personnel forms (**EIS-124 and EIS-I03**) are due to be processed for a particular payroll. Refer to Calendars - Reference Section, 4.15.