
 <p> <input checked="" type="checkbox"/> General Order  <input type="checkbox"/> Division Order  <input type="checkbox"/> Bureau Order  <input type="checkbox"/> Special Order         </p> <p>Order No.: <b>14-163</b></p> <p>-----</p> <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Plan <input checked="" type="checkbox"/> Rule	Iowa Department of Public Safety ▼	
	<b>TITLE/SUBJECT:</b> Duty Periods - Leaves of Absence	<b>IDENTIFIER:</b> 12-02.01
	<b>TO:</b> All DPS Personnel	<b>CC:</b>
	<b>RELATED DIRECTIVES/FORMS:</b> <a href="#">DPS Form 7, Application for Leave; Health Insurance Portability and Accountability Act of 1996 (HIPAA).</a>	
	<b>APPLICABLE CALEA STANDARD(S):</b> 22.2.1	
	<b>EFFECTIVE DATE:</b> December 1, 2014	<b>REVISION #:</b> 5
	<b>INSTRUCTIONS:</b> Replaces and rescinds GO 11-80, dated 7-1-2011, same Identifier Number.	
	<b>APPROVED BY:</b>  Larry L. Noble, Commissioner	<b>DATE:</b> December 1, 2014

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**I. Purpose**

The purpose of this policy is to define duty periods and the different types of leave available to employees.

**II. Policy**

It is the policy of this Department to comply with the hours of work provisions, rest and meal period provisions and leave provisions of the [Fair Labor Standards Act \(FLSA\), 11 Iowa Administrative Code \(IAC\), Chapter 63](#), and the collective bargaining agreements with the [State Police Officers Council \(SPOC\)](#), [American Federation of State, County and Municipal Employees \(AFSCME\)](#), and the [UE Local 893/Iowa United Professionals-Science Unit \(IUP\)](#).

**III. Duty Periods**

**A. Sworn Personnel**

1. Duty Periods

- a) Officers will report to duty and be relieved from duty as ordered by the supervisor.
- b) Officers will not be compensated by the Department for any activities the officer engages in before reporting to duty or after being relieved from duty, unless approved by a supervisor.
- c) While on duty, officers will be permitted to suspend the employee's duties or other assigned activities for the purpose of having meals. Officers will be subject to immediate call at all times during meals, and will be permitted to take them only for such period of time and at such time as established by Departmental policies and/or Divisional policy.
- d) A supervisor may require an officer to be "on call" which means to be available to respond.
- e) Officers will only receive overtime pay if authorized by a supervisor.
- f) The normal daily work period for various classifications of officers is set by collective bargaining and/or Divisional policy.

2. Breaks from Duty

- a) Officers may take breaks when engaged in normal duty activities. Officers may not take breaks during duty activities that require the officer's continued attention, unless the employee has the supervisor's approval.
- b) Officers will terminate a break and immediately return to duty if any of the following occur:
  - 1) Asked to do so by State Patrol Communications
  - 2) Ordered to do so by a supervisor
  - 3) Observe criminal activity taking place
  - 4) Notified of criminal activity in progress

- 5) For any other reason that demands the officer's immediate attention
- c) Supervisors and managers have the authority to schedule and regulate meal periods and break periods.
- d) Meal periods and break periods that officers do not take during a daily work period cannot be accumulated and taken during another day's work period.
- e) Break periods cannot be used to shorten the work day by arriving late or leaving early.
- f) If breaks are used to extend the lunch period, additional breaks cannot be taken for any reason unless the workday is extended to make up for the extra break period. The use of breaks to extend the lunch period and extending the work day to take additional break periods must be approved by the supervisor.
- g) If breaks are used to extend the lunch period and an employee works fewer than 6 hours during the day, not inclusive of the lunch period, then the employee is entitled to a 45 minute lunch period as one of the breaks has not been earned.
- h) An employee must work a minimum of two (2) hours to be entitled to one break and must work a minimum of six (6) hours, not inclusive of the meal period, to be entitled to two breaks.
- i) Additional breaks may be earned if the normal workday is extended as governed by collective bargaining agreements.

## **B. Non-Sworn Personnel**

### 1. Duty Periods

- a) The standard work schedule for most non-sworn employees is 40 hours per workweek. In locations with 24-hour operations, schedules and days off may vary.
- b) During emergencies or periods requiring extra work overtime compensation shall be provided in accordance with the federal [Fair Labor Standards Act \(FLSA\)](#), the [Department of Administrative Services rules, 11 Iowa Administrative Code, Chapter 53](#), or the applicable collective bargaining agreement. Employees must have prior approval from the supervisor in order to work overtime hours.

### 2. Breaks from Duty

- a) Supervisors and managers have the authority to schedule and regulate meal periods and break periods as provided in the collective bargaining agreements. A 15 minute paid rest period in the first half of an employee's workday, another 15 minute paid rest period in the second half, and a 30 minute unpaid lunch period will be allowed. Alternative options may be available by work unit.
- b) Meal periods and break periods that employees do not take during a daily work period cannot be accumulated and taken during another day's work period.
- c) Employees will terminate a break and immediately return to duty if any of the following occur:
  - 1) Ordered to do so by a supervisor
  - 2) For any reason that demands the employee's immediate attention

- d) Break periods cannot be used to shorten the work day by arriving late or leaving early.
- e) If breaks are used to extend the lunch period, additional breaks cannot be taken for any reason unless the workday is extended to make up for the extra break period. The use of breaks to extend the lunch period and extending the work day to take additional break periods must be approved by the supervisor.
- f) If breaks are used to extend the lunch period and an employee works fewer than 6 hours during the day, not inclusive of the lunch period, then the employee is entitled to a 45 minute lunch period as one of the breaks has not been earned.
- g) An employee must work a minimum of two (2) hours to be entitled to one break and must work a minimum of six (6) hours, not inclusive of the meal period, to be entitled to two breaks.
- h) Additional breaks may be earned if the normal workday is extended as governed by collective bargaining agreements.

#### IV. Types of Leave – Rules and Procedures

##### A. Administrative Leave

Administrative leave is paid leave, used at the discretion of management with the approval of the Commissioner or designee, when it is determined that an employee should be removed from the workplace pending a review and management action or decision. Situations would include but not be limited to: officer-involved shootings or other incidents involving serious injury to a Department member or others, pending evaluation and/or investigation (DOM [01-03.01](#), *Use of Force*); and temporary relief from duty pending allegations of misconduct investigations (DOM [29-01.01](#), *Personnel Investigations*).

##### B. Vacation and Holiday Leave

1. Employees are entitled to vacation and holiday leave as established by *Iowa Administrative Code*, or applicable collective bargaining contract.
2. Vacation leave must be requested and approved in advance.
  - a) For periods of less than a full workday, employee requests and supervisory approvals may be verbal, subject to Division, Bureau or supervisory discretion. This practice may be monitored and documented through the timesheet approval process.
  - b) Requests for vacation leave for full work days must be submitted in writing on the appropriate forms, by e-mail, or otherwise as directed by Division or Bureau directives or established procedures. Temporary approval may be given verbally with paperwork to follow. In the absence of other designated forms, [DPS Form 7, Application for Leave](#), is available for this purpose. Requests should be submitted and approved or denied pursuant to the applicable collective bargaining agreement or *Iowa Administrative Code*.
  - c) The approval or denial shall be in writing with a copy retained by both the requesting employee and the supervisor.

- d) Denial of vacation leave may be appealed to the denying supervisor's next higher-level manager for review and decision, and/or by utilizing the applicable grievance process.
3. Vacation leave shall not be used before the pay period immediately following that in which it was accrued.
4. Vacation leave will not accrue while employees are on leave without pay or on suspension without pay, unless otherwise required by law.
5. Officially designated holidays occurring during an employee's vacation shall not be counted against the employee's accrued vacation.
6. Use of accrued holiday leave will be requested in advance by the employee and granted at the discretion of the employee's supervisor. Such leave must be taken in accordance with the applicable collective bargaining agreement or [11 Iowa Administrative Code, Chapter 63](#).

### C. Compensatory Time

1. Compensatory time is earned as provided in applicable collective bargaining agreements or [11 Iowa Administrative Code, §53.11](#), subject to supervisory approval.
2. The use of earned compensatory time must be requested and approved in advance. For periods of less than a full workday, employee requests and supervisory approvals may be verbal, subject to Division, Bureau or supervisory discretion.
3. Requests for use of earned compensatory time for full work days must be submitted in writing on the appropriate forms, by e-mail, or otherwise as directed by Division or Bureau directives or established procedures. Temporary approval may be given by phone with paperwork to follow. In the absence of other designated forms, [DPS Form 7, Application for Leave](#), is available for this purpose.
4. Approval, denial and appeal procedures shall be in accordance with applicable collective bargaining agreements or [11 Iowa Administrative Code, Chapter 53](#).

### D. Sick Leave

1. Employees are entitled to sick leave with pay as established by the *Iowa Code*, applicable collective bargaining agreements and the *Iowa Administrative Code*. Employees shall not feign illness or injury, falsely report illness or injury, or otherwise deceive or attempt to deceive any official of the Department as to the condition of the employee's health. Employees who are found to have engaged in such behavior are subject to disciplinary action, up to and including discharge.
2. Sick leave applies to a period in which the employee is unable to perform the duties of the position due to any of the following:
  - a) Physical or mental illness or injury
  - b) Medical, surgical, dental, or optical examination or treatment
  - c) Maternity leave
  - d) Family care leave, or
  - e) For other reasons as provided in collective bargaining agreements and *Iowa Administrative Code*.

### 3. Guidelines Regarding Sick Leave

- a) Employees cannot use sick leave as vacation leave. However, under certain conditions enumerated in [11 Iowa Administrative Code, §63.3\(4\)](#) and applicable collective bargaining agreements, employees may qualify to convert accrued sick leave to vacation leave at a specified conversion rate.
- b) Employees shall not use sick leave sooner than the pay period after it has been accrued.
- c) Sick leave shall not accrue during a leave of absence without pay or suspension without pay.
- d) Sick leave shall be charged on the employee's workday basis. Officially designated holidays occurring during an employee's sick leave shall not be counted against the employee's accrued sick leave.
- e) The [Family and Medical Leave Act \(FMLA\), \(Title 29, U. S. Code, Chapter 28\)](#), guarantees employees the right to take leave for up to 12 weeks within a fiscal year without loss of employment status and health insurance. FMLA leave may be used for the birth, adoption, or foster placement of a son or daughter, the employee's own [serious health condition](#), or to care for a seriously ill son, daughter, spouse, or parent. Supervisors will work with employees to properly report and monitor FMLA leave pursuant to [Title 29, Part 825 of the Code of Federal Regulations](#) and [11 Iowa Administrative Code, §63.3](#). Employees wishing to exercise the provisions of the Family and Medical Leave Act may consult with Administrative Services Division's human resources staff at [DPSHR@Iowa.gov](mailto:DPSHR@Iowa.gov) regarding procedures, forms, documentation and tracking.

### 4. Reporting Procedures for Sick Leave

- a) Employees must notify, or cause to be notified, the immediate supervisor/designee when the employee will not be able to report for duty.
  - 1) Unscheduled absence notifications will be in a manner prescribed by the supervisor.
  - 2) Temporary supervisory approval of sick leave usage may be given by phone with paperwork to follow. In the absence of other forms designated by the supervisor, [DPS Form 7, Application for Leave](#), is available for this purpose.
  - 3) If the absence is planned or scheduled, notification should be submitted in advance by the requesting employee.
- b) If an employee becomes ill or injured while off duty to the extent that the employee's ability to work is hindered to any degree, the employee must immediately notify the supervisor/designee of the situation as soon as practicable.
- c) Employees may apply for alternate duty (See DOM [09-02.02](#)). *Officers* with assigned drive-home vehicles who are approved for alternate duty will be allowed to drive an unmarked state vehicle between home and the alternate duty assignment subject to applicable Internal Revenue Service tax provisions.
- d) If the employee is absent due to illness or injuries sustained off duty for longer than the amount of sick leave time accrued to the employee's credit, the additional time off may be charged to any accumulated leave.

- e) Under certain conditions, as established in the collective bargaining agreements or *Iowa Code* personnel may be required to submit to an examination by a health care facility, physician, or practitioner selected by the Commissioner or his designee at the Department's expense. If this occurs, medical documentation shall be evaluated by the employing division. The evaluation shall include a determination as to the appropriateness of the leave and the need for a release to return to work. After an evaluation is completed the medical documentation and evaluation shall be submitted to the Administrative Services Division human resources staff for processing, filing and privacy protection in the employee's medical file.
- f) Denial of Sick Leave
  - 1) The Division Director/designee may refuse to grant sick leave to an employee, or refuse to continue it once granted for any justifiable reason.
  - 2) Denial of sick leave may be appealed to the denying supervisor's next higher-level manager for review and decision, and/or by utilizing the grievance process.

#### 5. Return to Work Procedures

- a) *For a period of absence of three (3) working days or less* - a supervisor may require evidence of illness or other reason defined in the rule as he or she feels is necessary. In all cases, sick leave shall not be deducted from that accrued until authorized by the supervisor.
- b) *For a period of absence longer than three (3) working days* - before resuming duty, the employee must give the supervisor a physician's statement that the employee is physically able to return to work. No medical information should be listed on the treating physician's return-to-work release. The supervisor will send this statement to the employee's district commander, or the immediate supervisor, who will send it on to the Commissioner or his designee. The physician's statement will then be routed to the ASD human resources staff for inclusion in the employee's medical file.
- c) *For return to work after use of FMLA leave* - If an employee is absent longer than three working days, the supervisor shall require a written certification from the health care provider that the employee is able to resume work before returning from FMLA leave. No medical information should be listed on the physician's return-to-work release. The supervisor will send this statement to the employee's district commander, or the immediate supervisor, who will send it on to the Commissioner or his designee. The physician's statement will then be routed to the ASD human resources staff for inclusion in the employee's medical file.

#### **E. Illness or Injury Sustained While on Duty**

This describes the procedures to follow if an employee is injured or becomes seriously ill while on duty or at the workplace assignment.

- 1. If an employee is injured, becomes ill or has a significant exposure to hazardous material or an infectious disease while on duty the employee must notify, or cause to be notified the immediate supervisor/designee.
  - a) The notified supervisor shall:

- 1) When applicable, assure that appropriate immediate medical attention is being provided;
  - 2) Assure that appropriate notice is made to an adult member of the employee's immediate family (spouse, son, daughter or parent as [defined by the Family and Medical Leave Act](#)), or an adult household member with whom the employee shares a common dwelling, of any serious illness or injury; and
  - 3) Immediately notify the Division Director/designee through the chain of command.
- b) If the injury is life-threatening, the Division Director/designee will immediately notify the Commissioner or his designee at any hour of the day or night.

#### **F. Work-Related Injuries or Illnesses/Workers' Compensation Procedures**

1. Work-related injuries or illnesses are defined by [Iowa Workers' Compensation Law](#). Work-related illnesses and injuries may include, but are not limited to, those caused by auto crashes, arrests, or exposures to hazardous materials, or accidents in the office occurring while on duty. Work-related injuries or illnesses impose a special set of legal and administrative requirements on both the affected employee and the Department. Copies of all physicians' reports must be provided to ASD Human Resources.
2. Employees must remember that the employee is required to see a Workers' Compensation authorized physician unless an emergency situation exists.
3. Diseases and hearing losses are considered to be injuries if they are a result of the employment activities or exposures (*Iowa Code*, Chapters [85A](#) and [85B](#)). Procedures and forms for initial reports of exposure to infectious diseases are addressed in a separate directive ([Peace Officer Rule 6-16](#)).
4. Within 72 hours after a work related injury or illness has occurred or hazardous exposure is known, the employee shall complete and submit to the supervisor the *Workers' Compensation First Report of Injury or Illness* form, available on PowerDMS as Document Number [ASD 6](#). If the employee is unable to complete the necessary paperwork, the employee's supervisor shall be responsible for assuring that appropriate forms are completed and submitted.
5. Additional information regarding State of Iowa Workers' Compensation procedures and *Instructions* on the completion of this form is provided in document [ASD 6.1](#) on PowerDMS and [Section 6.20](#) of the *Managers and Supervisors Manual* published by the Iowa Department of Administrative Services (DAS).
6. Once completed, the employee's supervisor shall be responsible for forwarding the completed *Workers' Compensation First Report of Injury or Illness* form to the third party workers' compensation provider, with a copy to the Administrative Services Division human resources staff at [DPSHR@Iowa.gov](mailto:DPSHR@Iowa.gov).
7. The Workers' Compensation Office of the Iowa Department of Administrative Services – Human Resources Enterprise (DAS-HRE) works with the employee, the Department and the workers' compensation provider in processing the claim and determining mandated benefits, Total Temporary Disability (TTD), Temporary Partial Disability (TPD), Permanent Partial Disability (PPD), Permanent Total Disability (PTD), Industrial Disability, maximum medical improvement (MMI), conducting a



functional capacity evaluation, and returning the employee to work as soon as possible to either a temporary restricted duty work assignment or to full duty, with accommodations if needed.

8. When feasible, employees will be assigned to alternate duty pursuant to DOM [09-02.02](#).

9. **Temporary Incapacity (Sworn Only)**

Controlling legislation regarding Temporary Incapacity can be found in *Iowa Code*, Section [80.8](#). A Temporary Incapacity policy is currently under development and will be posted upon completion.

#### **G. Return to Work – Additional Requirement for Sworn Only**

Before returning to restricted or full duty after an incapacitating health condition resulting in absences longer than thirty (30) calendar days, the officer must provide a copy of *Critical and Essential Job Tasks and Functions of a DPS Peace Officer*, available on PowerDMS as Document No. [COMM 5](#), to the employee's doctor for reference in evaluating the employee's suitability for return to work. The doctor should be asked to note receipt and review of this document on the employee's medical release statement. No medical information should be listed on the physician's return-to-work release. The medical release shall be provided to the officer's supervisor who will send this statement through the chain of command to the Commissioner or his designee. The physician's statement will then be routed to the ASD human resources staff for inclusion in the employee's medical file.

#### **H. Maternity Leave**

1. Sworn Employees

- a) When an officer is informed that she is pregnant she will notify her Division Director through the chain of command and:
  - 1) Provide the employee's physician with a copy of the *Critical and Essential Job Tasks and Functions of a DPS Peace Officer*, available on PowerDMS as Document No. [COMM 5](#), for reference in evaluating the employee's suitability for full duty; and
  - 2) Provide a physician's status report indicating receipt and review of the above document, and stating the employee's suitability for full or restricted duty and anticipated date of delivery.
- a) The officer must complete [Family Medical Leave Act \(FMLA\) documentation](#). Supervisors will work with the employee to properly monitor and document the FMLA leave. FMLA leave reports shall be submitted to the ASD's human resources office and shall coincide with the employee's time sheet submittal. FMLA will run concurrently with the maternity leave.
- b) The employee shall notify the supervisor regarding the date of anticipated delivery and the approximate date that the employee plans to return to work.

- c) If an officer requests and is approved for alternate duty (See DOM [09-02.02](#)) the officer will be assigned those duties at the time the physician's statement states that she is no longer capable of performing the *essential functions* of a peace officer. Officers with assigned drive-home vehicles who are approved for alternate duty will be allowed to drive an unmarked state vehicle between home and the alternate duty assignment and shall be subject Internal Revenue Service tax provisions. The alternate duty status will be canceled at the time of delivery.
  - d) The officer may return to alternate duty after the period of maternity leave expires. Before resuming any duty the employee must give the supervisor a physician's statement that the employee is physically capable to return to duty. She must follow the procedures as set forth above for [Return to Work – Additional Requirement for Sworn Only](#). The supervisor will send this statement through the chain of command to the Commissioner or his designee. The physician's statement will then be routed to the ASD human resources staff by the Commissioner's Office for inclusion in the employee's medical file. In no instance will an officer be allowed to return to full unrestricted duty before submitting a physician's statement that she is able to perform the *essential functions* of a peace officer.
2. Non-Sworn Employees
- a) The employee must complete [Family Medical Leave Act \(FMLA\) documentation](#). Supervisors will work with the employee to properly monitor and document the FMLA leave. FMLA leave reports shall be submitted to the Department's human resources office and shall coincide with the employee's time sheet submittal. FMLA will run concurrently with the maternity leave.
  - b) The employee shall notify the supervisor regarding the date of anticipated delivery and the approximate date that the employee plans to return to work.
  - c) Before returning to work from FMLA leave exceeding three working days, the employee must give the supervisor a physician's statement that the employee is physically capable to return to duty. The supervisor will send this statement to the employee's division director, who will send it on to the Commissioner or his designee. The physician's statement will then be routed to the ASD human resources staff by the Commissioner's Office for inclusion in the employee's medical file.

### **I. Sick Leave Without Pay**

1. If an employee has exhausted all accrued leave and needs additional time off due to an illness or disability, sick leave without pay may be requested in writing. For AFSCME- and UE Local 893/Iowa United Professional-covered employees, unpaid leave provisions of Article X, Section 3, D, of their Master Agreement, Medical Leave of Absence, may apply.
2. Sick leave without pay may be granted by the Commissioner or his designee.
3. Sick leave without pay cannot exceed one year.
4. Pursuant to [11 Iowa Administrative Code, §63.4\(8\)](#), during the leave, employees may be required to submit a certificate from the employee's attending physician or

practitioner periodically stating that the employee is unable to return to work. If the employee fails or refuses to supply such certificate, or if the certificate does not clearly show sufficient disability to keep the employee from the performance of the employee's regular duties, the sick leave without pay will be canceled and the employee will be ordered to return to work. Failure to obey the order to return to work will be considered a resignation.

5. An employee who has exhausted all paid leave and who has a catastrophic illness may qualify for donated leave from other state employees. Program details are available from the human resources staff in the Administrative Services Division.

#### **J. Family Care Leave**

If a member of an employee's immediate family (as defined by the applicable collective bargaining agreement or *Iowa Administrative Code*) needs the employee's care or attention, or in the event of a death in the employee's immediate family, the employee may be granted family care leave. This time will be charged against the employee's sick leave in accordance with collective bargaining agreements and the *Iowa Administrative Code*. This is also referred to enforced sick leave, as the number of hours allowed in this category is limited by applicable collective bargaining agreements or [11 Iowa Administrative Code, §63.3\(11\)](#).

#### **K. Leave Without Pay**

1. Provisions for leave without pay are referenced in:
  - a) Article X, Section 3 of applicable collective bargaining agreements, and
  - b) [11 Iowa Administrative Code, §63.5](#).
2. Requests for leave without pay:
  - a) Must be submitted in writing through the chain of command to the Commissioner or his designee.
  - b) The Commissioner/designee will review and act upon each request.
3. [DPS Form 7, Application for Leave](#), may be used for requesting leave without pay.
4. If an employee fails to report within three (3) days of the expiration of a period of leave without pay, except for reasons submitted in advance and approved by the Commissioner or his designee as applied above, the employee will be considered to have abandoned the position.

#### **L. Military Leave**

1. The Department shall abide by the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) in personnel matters involving Department personnel who qualify under its provisions. The complete text of this act can be found on-line at URL: <http://www.dol.gov/vets/usc/vpl/usc38.htm>.
2. Employees will:
  - a) Provide advance written or verbal notice to their supervisor as soon as possible of dates they will be on military leave;
  - b) As soon as practical, provide written follow-up notification by submitting [DPS Form 7, Application for Leave](#), to their supervisor;

- c) As soon as practical, provide a copy of their military orders, or other documentation, to their supervisor to confirm the employee's military duty dates.
3. Routing of DPS Form 7
- a) *Employee's Supervisor*: Completes [DPS Form 49](#), routes [DPS Form 49](#) and [DPS Form 7, Application for Leave](#) and accompanying documentation through the chain of command to the Division Director/Bureau Chief for approval and processing.
- b) *Division Director/Bureau Chief*: Routes the approved [DPS Form 7, Application for Leave](#), [DPS Form 49](#), and accompanying documentation to the Executive Officer to the Commissioner for processing.
- c) *Executive Officer to the Commissioner*: Reviews the [DPS Form 7, Application for Leave](#), [DPS Form 49](#), and accompanying documentation; reviews and approves/signs [DPS Form 7, Application for Leave](#) and [DPS Form 49](#); and submits all documentation to the Administrative Services Division human resources staff for processing.
4. Paid Military Leave
- a) Employees, other than employees employed temporarily for six months or less, who are a member of the National Guard, organized reserve, or any part of the military of the State of Iowa or the United States and are ordered to active or inactive service, shall be granted paid military leave for the **first 30 workdays** of leave in any calendar year.
- b) Any amount of military leave taken during any part of the employee's scheduled workday will count as one day toward the 30 day maximum, regardless of how many hours are actually taken.
- c) After the 30 days are used, additional absences required for military leave will be taken as vacation, compensatory leave, or leave without pay.
5. Unpaid Military Leave
- a) If an employee is inducted into military service, he/she may choose one of the following options, up to a maximum of five years:
- 1) To be placed on leave without pay
  - 2) To be separated and removed from the payroll
- b) If an employee chooses to separate from employment for induction into military service, he/she will be given a lump sum of regular pay for 30 workdays with the employee's last paycheck. If the employee had previous paid leave days granted for military service, they will be deducted from this 30 days.
- c) If an employee chooses to be placed on leave without pay, he/she will continue to receive regular pay and benefits for the first 30 workdays of military leave. If the employee had previous paid military days granted for military service, they will be deducted from the 30 days.
- d) Employees must notify the Department if the employee intends to exercise the employee's right under the Uniformed Services Employment and Reemployment Rights Act ([USERRA Notice](#)) to return to work for the Department. Employees must provide this notification within 90 calendar days after honorable discharge from military service. In the event that hospitalization

occurs after discharge from service, the employee will have no more than one year to provide notification of the employee's intent to return to work for the Department.

- e) If employees do not return to work or notify the Department of the employee's intention to return to work within the time specified, the employee will forfeit the right to return.

#### **M. Time Off to Attend Religious Services**

Employees will be allowed, whenever possible, to take time off from the employee's normal duty period to attend religious services.

1. If an employee wishes to attend religious services during the employee's scheduled duty period, the employee must receive the approval of the supervisor to do so.
2. Supervisors receiving such a request will approve it providing that:
  - a) In the case of a sworn officer, if the officer is on assignment in the immediate area of the service and the type of duty performed can be interrupted without detriment to the performance of the duty.
  - b) The employee agrees to use compensatory time, vacation time or extends the current shift (sworn), or makes other provisions to make up the time missed during the current workweek (non-sworn).

#### **N. Absence Without Approval**

If an employee is absent from duty without advance approved leave, the employee will be subject to disciplinary action up to and including discharge. Barring defensible exigent circumstances, if an employee is absent for more than three consecutive workdays without notifying the supervisor and receiving authorization, the employee will be considered to have resigned.

#### **V. Types of Leave by Bargaining Unit Status**

All leave recognized by the state is referenced in the four categories of this section, and/or defined in *Iowa Code*, the *Iowa Administrative Code* or applicable collective bargaining agreements. There are no types of leave recognized by the state other than those contained in the four categories in this section. There are no lost days, pick days, or banked holidays over and above those which are specifically allowed by contract or administrative code. There is no unofficial compensatory time, SPOC injury leave for supervisors, or any other type of leave not defined by the *Iowa Code*, the *Iowa Administrative Code* or an applicable collective bargaining agreement. All leave hours must be documented on a form or forms authorized by the Commissioner or his designees.

- A. [State Police Officers Council \(SPOC\)](#) – References in this section are to the Agreement between State of Iowa and State Police Officers Council unless otherwise noted.

1. Vacation – Article IX
2. Sick leave with pay – Article IX
3. Family care leave – Article IX

4. Bone marrow and organ donation leave – *Iowa Code* §[70A.39](#)
5. Family and Medical Leave Act of 1993 (FMLA) – Article IX; [Title 29, U. S. Code, Chapter 28](#)
6. SPOC injury leave – Article IX
7. Temporary incapacity – *Iowa Code* §[80.8](#)
8. Leave without pay (also known as leave of absence without pay) – Article II, Article IX, [Iowa Administrative Code 11—IAC Chapter 63](#)
9. Compensatory leave – Article VIII, Article IX
10. Holiday leave – Article VIII, Article IX
11. Pick Days – Article VIII (a day off in addition to regularly scheduled time off for the purposes of equalizing the differences between schedules and/or hours worked)
12. Military leave – *Iowa Code* §[29A.28](#); *Iowa Code* §[97A.9](#); [Iowa Administrative Code 11—IAC Chapter 63](#)
13. Educational leave – Article XI
14. Election leave (running for office) – [Iowa Administrative Code 11—IAC Chapter 63](#)
15. Jury duty – Article XI
16. Court appearances – Article IX
17. Voting leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
18. Disaster service volunteer leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
19. Absence due to emergency conditions (closing of or order to vacate a state office or building) – [Iowa Administrative Code 11—IAC Chapter 63](#)
20. Examination and interviewing leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
21. Service on committees, boards and commissions – [Iowa Administrative Code 11—IAC Chapter 63](#)
22. Donated leave for catastrophic illnesses of employees and family members – Article IX

**B. [American Federation of State, County and Municipal Employees \(AFSCME\)](#) –**

References in this section are to the Collective Bargaining Agreement between State of Iowa and the American Federation of State, County and Municipal Employees, Council 61 AFL-CIO unless otherwise noted.

1. Vacation – Article IX
2. Sick leave with pay – Article IX
3. Family care leave – Article IX
4. Bone marrow and organ donation leave – *Iowa Code* §[70A.39](#)

5. Medical leave of absence – Article X
  6. Family and Medical Leave Act of 1993 (FMLA) – Article X; [Title 29, U. S. Code, Chapter 28](#)
  7. Leave without pay – Article X
  8. Union leave – Article II
  9. Parental leave – Article IX, Article X
  10. Compensatory leave – Article VIII, Article IX
  11. Holiday leave – Article VIII, Article IX
  12. Military leave – *Iowa Code* §[29A.28](#); Article X
  13. Educational leave – Article X
  14. Election leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
  15. Jury duty – Article X
  16. Court appearances – Article X
  17. Voting leave – Article X
  18. Disaster service volunteer leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
  19. Volunteer emergency personnel leave – Article VIII
  20. Absence due to emergency conditions (closing of or order to vacate a state office or building) – Article XI
  21. Examination and interviewing leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
  22. Service on committees, boards and commissions – [Iowa Administrative Code 11—IAC Chapter 63](#)
  23. Donated leave for catastrophic illnesses of employees and family members – Article IX
- C. [UE Local 893/Iowa United Professionals-Science Unit \(IUP\)](#) – References in this section are to the Collective Bargaining Agreement between State of Iowa and UE Local 893 Iowa United Professionals Science Unit unless otherwise noted.
1. Vacation – Article IX
  2. Sick leave with pay – Article IX
  3. Family care leave – Article IX
  4. Bone marrow and organ donation leave – *Iowa Code* §[70A.39](#)
  5. Medical leave of absence – Article X
  6. Family and Medical Leave Act of 1993 (FMLA) – Article IX; [Title 29, U. S. Code, Chapter 28](#)
  7. Leave without pay – Article X
  8. Union leave – Article II

9. Parenting leave – Article X
10. Compensatory leave – Article VIII
11. Holiday leave – Article IX
12. Military leave – *Iowa Code* §[29A.28](#); Article X
13. Educational leave – Article X
14. Election leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
15. Jury duty – Article X
16. Court appearances – Article X
17. Voting leave – Article X
18. Disaster service volunteer leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
19. Volunteer emergency personnel leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
20. Absence due to emergency conditions (closing of or order to vacate a state office or building) – [Iowa Administrative Code 11—IAC Chapter 63](#)
21. Examination and interviewing leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
22. Service on committees, boards and commissions – [Iowa Administrative Code 11—IAC Chapter 63](#)
23. Donated leave for catastrophic illnesses of employees and family members – Article IX

**D. Noncontractual** – References in this section are to [Iowa Administrative Code 11—IAC Chapter 63](#) unless otherwise noted.

1. Vacation – [Iowa Administrative Code 11—IAC Chapter 63](#)
2. Sick leave with pay – [Iowa Administrative Code 11—IAC Chapter 63](#)
3. Family care leave – *Iowa Administrative Code 11—IAC Chapter 63.3* (11)
4. Bone marrow and organ donation leave – *Iowa Code* §[70A.39](#)
5. Family and Medical Leave Act of 1993 (FMLA) – [Title 29, U. S. Code, Chapter 28](#)
6. Temporary incapacity – *Iowa Code* §[80.8](#)
7. Leave without pay – [Iowa Administrative Code 11—IAC Chapter 63](#)
8. Parenting leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
9. Compensatory leave – [Iowa Administrative Code 11—IAC Chapter 63](#)
10. Holiday leave – [Iowa Administrative Code 11—IAC Chapter 63](#)



11. Military leave – *Iowa Code §29A.28; Iowa Code §97A.9* (sworn only); [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
12. Educational leave – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
13. Election leave – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
14. Jury duty – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
15. Court appearances – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
16. Voting leave – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
17. Disaster service volunteer leave – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
18. Volunteer emergency personnel leave – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
19. Absence due to emergency conditions (closing of or order to vacate a state office or building) – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
20. Examination and interviewing leave – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
21. Service on committees, boards and commissions – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)
22. Donated leave for catastrophic illnesses of employees and family members – [\*Iowa Administrative Code 11—IAC Chapter 63\*](#)