Policy *143* Version *1* *9/6/17*

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | 143 Sick Leave |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
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| * Is this a federal or state mandate? [ ]  Yes [x]  No
* During Time, Labor, and Absence Management (TLAB) NDUS System Office provided feedback that there were too many instances where leave without pay was being used when employees had available sick leave balance available to use. Also indicated that majority of leave without pay instances for less than 1 day did not appear consistent with NDSU’s Policy 149 for purposes outlined.
* Policy 149 Leave Without Pay:
* “Leave without pay may be authorized for benefited employees, who have maintained a record of good performance, for purposes such as education, research, temporary employment with another university, governmental, or private agency when such employment will contribute to the employee's expertise in his or her field and make the employee more effective upon return to employment, literary pursuits, or any other purpose that will improve the employee professionally and will directly or indirectly benefit the institution or system. In addition, a leave without pay may be granted for necessary absences due to illness (when family medical leave is not available or has expired) or other important matters.”
* For serious health conditions, leave is typically designated as Family and Medical Leave act Eligible. NDSU Policy 135 FMLA states “an employee is required to use applicable, accrued paid and donated leave and compensatory time before authorized unpaid FMLA leave.”
* With the implementation of TLAB, when leave is taken in less than 1 day increments it causes leave accruals to be inaccurate, resulting in a need to manually go in and adjust.
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| 1. **This policy change was originated by (individual, office or committee/organization):**
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| * Human Resources and Payroll 9/6/17
* Noah.fischer@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** | 9/14/17 |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Cabinet:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**SECTION 143
SICK/DEPENDENT LEAVE**

#### SOURCE: NDSU PRESIDENTNDUS Human Resource Policy Manual

1. Sick leave, including maternity, is a benefit granted by the University to eligible employees and is not a benefit considered to be earned by the employee such as annual leave. It is an insurance benefit allowing employees to build a reserve of days they can use for their extended illnesses. *Abuse of this benefit may be grounds for disciplinary action or termination.* Employees are responsible for informing their supervisors prior to the start of their work schedule of their sickness.
	1. The employing department may require satisfactory medical verification as deemed necessary by the department head prior to the payment of sick leave.
	2. The employee is responsible for furnishing a leave request to their supervisor or department head upon returning to work.
	3. Sick leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
	4. The employee is required to use applicable accrued sick and compensatory time before authorized leave without pay. Leave without pay must be taken in full day increments.
2. Sick leave is granted on the basis of continuous service from date of employment for benefited staff employees, *and benefited 12-month academic staff and other non-banded staff.*
3. Sick leave for full-time eligible employees accrues based on rate per hour at a rate equivalent to 12 days per year. Sick leave for eligible part-time employees working 20 hours or more per week is granted on a prorated basis. Sick leave accumulation is unlimited.
4. Sick leave may be granted to employees who become ill while on vacation provided satisfactory medical proof of such illness is submitted.
5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.
6. Upon termination, employees with ten years of continuous state service will receive a payment equivalent to 10% of the dollar value of their accrued sick leave. The amount is computed on the basis of the employee's salary at the time of termination and shall be in the form of a lump-sum payment.
7. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll or designee, an employee may be granted sick leave in advance of the accumulation thereof up to a maximum of 40 hours. In rare cases, such as leave due to a workers compensation claim or shared leave, the HR/Payroll office may process leave which exceeds the 40 hour advance.. Sick leave taken in advance of accumulation may be deducted from the employee's last paycheck provided the employee has signed an agreement authorizing the deduction. This agreement must be submitted to and approved by the Office of Human Resources and Payroll prior to the employee obtaining a negative accrual balance.
8. *Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.*
9. Accrued sick leave is transferable from any state agency to the employing institution if employment with the institution occurs within one calendar year of separation of service with the state agency. In the event of a Reduction in Force, sick leave is transferable if reemployment occurs within two calendar years.
10. Sick leave may be used by the employee when:

10.1 The employee is unable to work due to a mental or physical condition (including maternity).

10.2 The employee has an appointment for the diagnosis or treatment of a medically related condition.

10.3 The employee wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health. Eligible family members include the employee's spouse, parent (natural, adoptive, foster, and step-parent); child (natural, adoptive, foster, and step-child); or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.

10.4 Sick leave used for the purposes described in 10.3 shall not exceed eighty (80) hours per calendar year.

10.5 In the case of a serious health condition of an eligible family member, an employee may take up to a total of four-hundred-eighty (480) hours of sick leave in any twelve-month (12) period, including the eighty (80) hours in section 10.4 above.

10.6 The employee is caring for a newborn child or for a child placed with the employee, by a licensed child-placing agency, for adoption or as a precondition to adoption, but not both. Sick leave in such cases is limited to six (6) weeks during the first six (6) months from birth or placement.

10.7 The employee seeks for oneself or to assist a parent, child, spouse, sibling, or any other individual who regularly resides in the household or who within the prior six months regularly resided in the household, with the consequences of domestic violence, a sex offense, stalking, or terrorizing. Sick leave may be used to seek legal or law enforcement remedies; treatment by a health care provider for physical or mental injuries; obtain services from a domestic violence shelter, rape crisis center, or social services program; obtain mental health counseling; and participate in safety planning, relocation or other actions to increase the employee's or immediate family member's safety from future domestic violence, a sex offense, stalking or terrorizing. The immediate supervisor may limit the use of sick leave for this section to forty (40) hours per calendar year.

1. *The accrual of sick leave shall be prorated for the pay period in which employment begins or ends.*
2. *Sick leave is not accrued during developmental leaves or leaves of absence without pay.*
3. *Accumulated sick leave may be used for any period(s) of actual disability caused or contributed to by pregnancy. Beyond the period of disability, an employee may request use of annual leave, family leave, and/or leave without pay to provide for an extended post-delivery period away from work.*
4. *Leave requests are processed on an on-going basis. The approving supervisor is responsible for verifying leave balances before approving.*  Corrections to leave will be handled by the Office of Human Resources and Payroll.

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HISTORY:

New July 1990

Amended April 1992

Amended July 1997

Amended April 2002

Amended January 2004

Amended November 2005

Amended January 2007

Amended March 2008

Amended November 7, 2011

Housekeeping July 12, 2013

Amended October 5, 2015

Housekeeping March 31, 2017