Policy *149* 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**:  | 149 Leave Without Pay |
| 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.”
* 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.
* The revisions clarify that leave without pay be requested in full day increments, and that if an employee has applicable paid leave to use, it be used prior to requesting leave without pay.
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| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * 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:** |  |
| **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 149
LEAVE WITHOUT PAY**

#### SOURCE: SBHE Policy Manual, Section 701.1

1. 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. Leave without pay must be requested in full day increments.
2. Requests for leave without pay for the President shall be approved by the Board. Requests for leave without pay for institution employees shall be approved by the institution president or designee.

All Employees

In cases where a leave without pay is requested due to sickness, the employee may be requested to provide medical certification to verify the existence of a health condition including date of commencement and probable duration of the illness. An employee is required to use applicable, accrued paid and donated leave and compensatory time before requesting leave without pay.

Broadbanded Employees

Leave without pay for a period of less than 21 working days may be authorized by the department head. Leave without pay for 21 or more working days requires advance approval of the appropriate vice president and should be requested through the Office of Human Resources/Payroll.

**Leave may not be granted for a period in excess of one calendar year,** except for military service. Failure of an employee to report for duty or reinstatement on expiration of leave granted is cause for automatic termination.

Externally Funded Research Faculty

Research faculty (so designated by their titles) who are funded totally on externally generated funds may, when their project and funding are completed, request a leave without pay while they submit proposals for additional funding. Such a leave must be approved as other leaves without pay but allows the research faculty member to retain their research faculty title and use it when submitting funding proposals. Research faculty applying for a leave without pay under these circumstances should follow the NDSU Guidelines below but use the *Leave Without Pay form*, located on the Provost’s web page.

1. An employee who is on an approved leave of absence without pay may continue to be covered by employer benefits (health, basic life and employee assistant program) and/or voluntary benefits (optional life, dental, etc.) provided:

a) the employee remits the appropriate premium(s) to the Human Resources/Payroll Office,
b) such coverage is not inconsistent or contrary to insurance contracts, and
c) such coverage would not be contrary to State law.

1. Leave of absence shall be granted with assurance of reinstatement to the same position or to other employment in the department recommending the leave unless circumstances make it clearly impractical.
2. Employees on leave without pay shall retain their year's service rights and accumulated benefits but shall earn no additional benefits.
3. ***NDSU Guidelines*** *Proposals for leave of absence without pay shall be in writing and submitted on the University's Leave Without Pay form (located on the Provost’s web page) for approval through appropriate channels. An individual requesting a leave without pay for a reason other than illness should inform the department chair or unit administrator at least six months prior to the anticipated leave and submit the request for administrative approval at least three months prior to the leave.*

*No proposal for leave without pay shall be approved unless the employee agrees, in writing, to provide notification to the University by a specific date of the employee's resignation or of the employee's intent to return to NDSU. The date is to be negotiated prior to approval of the proposal. Failure by the employee after a specific request by the responsible supervisor to either provide the notification of the intent to return or to submit a resignation by the required date shall be deemed to be a resignation.*

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HISTORY:

New March 13, 1987

Amended April 1995

Amended October 1996

Amended October 1998

Amended April 2002

Amended April 2006

Housekeeping August 7, 2014