Policy *130* 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**:  | 130 Annual 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 annual 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.
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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:** | 9/14/17 |
| **Faculty Senate:** |  |
| **Staff Senate:** | 10/4/17 |
| **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**

# **SECTION 130ANNUAL LEAVE**

SOURCE: NDUS Human Resources Policy Manual, Section 6
NDSU President

1. Annual leave with pay is earned by eligible employees for the purpose of freeing them from their regular duties to spend time in rest and recreation or to attend to personal matters. Upon approval, annual leave may only be used in place of regularly scheduled work hours and shall not cause overtime. Such leave should be programmed to insure that leave is taken rather than carried forward from year to year.
2. University operations govern annual leave periods. Consideration is given first to the convenience of the administration, departmental needs, then the employee's departmental seniority and finally to the employee's preference. Annual leave is computed on the basis of the employee's hours/week, and months/year.
	1. The employee must obtain authorization from his/her department head before taking annual leave. The form of this authorization is to be determined by the respective department head.
	2. The employee is responsible for furnishing a leave request to their supervisor or department head upon returning to work.
	3. The employee is required to use applicable accrued annual and compensatory time before authorized leave without pay. Leave without pay must be taken in full day increments.

1. Annual leave with pay for full-time benefited, broadbanded staff employees is earned on the basis of continuous service from date of employment as follows:

First through third year - the equivalent of 12 days per year
Fourth through seventh year - the equivalent of 15 days per year
Eighth through twelfth year - the equivalent of 18 days per year
Thirteenth through eighteenth year - the equivalent of 21 days per year
Over eighteen years - the equivalent of 24 days per year

Annual leave for full-time, non-banded employees in the following job categories is earned on the same basis as for staff employees: graduate research fellows (2230), graduate teaching fellows (2235), post doc research fellows (2240), research scientists (2420), extension program assistants (2530), and international exchange scientists (2810).

Graduate teaching, research or service assistants and experiment station project assistants do not earn annual leave.

* 1. Years of service shall be computed from the employment anniversary dates.
	2. Annual leave for part-time staff employees and the non-banded employees identified above in 3 is earned on a prorated basis.
1. Presidents, executive deans, provosts, vice presidents, positions excluded from the broadbanding system, and other positions approved by the President or chancellor at the time of hire are entitled to accrue a minimum of twelve working days and a maximum of 24 working days of annual leave each year to be taken at the convenience of the administration. Accrual rates for these employees are determined by the institution president. For any of these employees who are less than full-time, the annual leave will be prorated.

Each department may negotiate annual leave accrual on a case-by case basis during the recruitment, with prior Presidential approval. Current benefitted employees are not eligible.

1. Annual leave for 12 month faculty and other non-banded job categories not identified in #3 above is earned at the rate of 16 hours per month, 24 days per year. Annual leave will be prorated for those who are less than full-time. For non-banded employees on 9, 10, or 11, month appointments, see Section 320.
2. All eligible employees may accumulate annual leave hours. Full-time employees may accumulate up to 30 working days or 240 hours which shall be carried forward on January 1st of each year. Part-time employees may accumulate up to the equivalent number of days or hours on a prorated basis. Any accumulation in excess of 30 days or 240 hours (or the equivalent on a prorated basis for part-time employees) on December 31st of each year shall be cancelled.
3. All employees eligible to accumulate annual leave must take at least forty hours (or the equivalent on a prorated basis for part-time employees) of annual leave each year, except for the year during which they are hired.
4. When a holiday occurs during annual leave, the holiday is not considered a day of annual leave time.
5. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll or designee, an employee may be granted annual 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. Annual 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.
6. Benefited employees terminating employment must be paid for earned unused annual leave subject to all approved payroll matched reductions/deductions. "Unused annual leave" shall include any leave carried over from the previous year and all accrued leave up to the date of termination. Proper termination notice must be given and any unearned annual leave taken shall be deducted from the employee's last paycheck.

10.1 Annual leave earned by an employee on a 12 month appointment may not be carried forward by the employee to be used or paid for during the term of a subsequent appointment for less than 12 months and must be paid out.

1. In case of death, payment of all earned, unused annual leave shall be paid according to Section 34-01-12 of the North Dakota Century Code. (See Section 183.)
2. Accrued annual leave for employees previously employed with other North Dakota institutions or agencies may be transferred to institutions under the State Board of Higher Education according to agreements between the employee and the institution. If re-employment occurs within one calendar year, the re-employing institution shall credit the employee with prior years of service from any state agency in computing annual leave accrual rate.
3. When employment begins or ends during a pay period, the accrual of annual leave shall be prorated for the pay period when the employee is hired or terminated and does not work a full pay period.
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.

HISTORY:

New July 1990
Amended April 1996
Amended March 1998
Amended October 1999
Amended April 2002
Amended October 2003
Amended March 2006
Housekeeping April 2010
Housekeeping May 15, 2012
Housekeeping April 11, 2013
Housekeeping July 12, 2013
Amended March 26, 2014
Amended November 7, 2014
Amended June 22, 2015
Housekeeping March 31, 2017