



Employment Policies for the State of North Dakota

SICK LEAVE

Effective Date: 09/01/2020

The State of North Dakota provides paid sick leave as a benefit to its employees who work in regular positions.

Sick leave: An approved absence from work with pay for use in accordance with NDAC 4-07-13-07.

Eligible family member: The employee's spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild), or any other family member who is financially or legally dependent upon the employee for financial or legal support.

Serious health condition: A disabling physical or mental illness, injury, impairment, or condition involving inpatient care or outpatient care requiring continuing treatment by a health care provider.

Sick leave is earned beginning on the first day of employment in a regular position. Full-time employees in regular positions earn (8) eight hours of sick leave for each month of full-time employment with no maximum accumulation.

Prorated hours of sick leave will be granted to employees in regular positions who work less than the standard 40-hour work week. When calculating earned sick leave, work time includes holidays and paid leave used.

Temporary employees are not eligible to earn sick leave.

Sick leave may not be used before it is earned. Employees who need to use sick leave in excess of their accrued sick leave may be required to utilize another type of paid leave.

Sick leave may be used by an employee for the following reasons:

- The employee is ill or injured and is unable to work.
- The employee has an appointment for the diagnosis or treatment of a medically related condition.
- For the birth or placement of an adopted/foster child not to exceed six weeks (240 hours) within the first six months to care for the child. This applies to both parents. This does not prevent an employee from using additional sick leave for the employee's own illness, medical needs or health needs following the birth of the child.
- For the death of the employee's child not to exceed 160 hours within six months following the death of the child.
- The employee wishes to attend to the needs of the employee's eligible family members who are ill or to assist them in obtaining other services related to their health and well-being.
 - Sick leave used for these purposes may not exceed eighty (80) hours per calendar year.
 - Upon approval, an employee may take up to an additional 480 hours, per calendar year, of the employee's accrued sick leave to care for the employee's child, spouse, or parent with a serious health condition. The agency may require the employee to provide written verification of the serious health condition by a health care provider.
- The employee is seeking services or assisting the employee's spouse, parent, child, or sibling in obtaining services, relating to domestic violence, a sex offense, stalking, or terrorizing. At the discretion of the employee's supervisor, the sick leave hours used for this purpose may be limited to forty hours per calendar year.
- The employee is a participant in an employee assistance program.



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For all uses of sick leave, the supervisor has the option to request verification from the employee's healthcare provider.

Reinstatement/Transfer of Leave Balances

An employee who leaves employment and who is rehired within one year must be credited with the amount of sick leave hours the employee had accumulated at the time of departure, less any amount for which the employee had subsequently been paid. An employee affected by a reduction in force and rehired within two years must be credited with the amount of sick leave hours the employee had accumulated at the time of termination, less any amount for which the employee had subsequently been paid.

When an employee transfers from one state agency to another and there is no break in service, the "receiving" agency will accept all accrued sick leave hours. State agencies covered by the North Dakota merit system shall accept all accrued sick leave hours of a county social service employee in a position classified by HRMS.

Payment of Balance

Employees with ten years of continuous state employment who leave the employment of the state are eligible for payment of ten percent of their unused sick leave balance. An employee may not be paid for unused sick leave while the employee remains in the service of the agency.

References: NDAC 4-07-13, NDCC 54-06-14; 54-52.4-03