

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2106

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code,
2 relating to payment of sick leave upon termination.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-06-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-06-14. Annual leave and sick leave for state employees.** Annual leave and sick
7 leave must be provided for all persons in the permanent employment of this state who are not
8 employed under a written contract of hire setting forth the terms and conditions of their
9 employment, within the limitations, terms, and provisions of this section. Annual leave for an
10 employee entitled to it must be within a range of a minimum of one working day per month of
11 employment to a maximum of two working days per month of employment, based on tenure of
12 employment, to be fixed by rules adopted by the employing unit. Sick leave for an employee
13 entitled to it must be within a range of a minimum of one working day per month of employment
14 to a maximum of one and one-half working days per month of employment, based on tenure of
15 employment, to be fixed by rules adopted by the employing unit. Annual leave must be
16 compensated for on the basis of full pay for the number of working days' leave credited to the
17 employee. Sick leave must be compensated for on the basis of full pay for absence due to
18 illness on working days during tenure of employment. An employee with at least ten continuous
19 years of state employment is entitled to a lump sum payment equal to one-tenth of the pay
20 attributed to the employee's unused sick leave accrued under this section. An employee's
21 years of state employment must be deemed continuous if, under the agency's official personnel
22 policy, the employee's work is terminated because of a reduction in force and the employee is
23 reinstated in the agency within two years, or if the employee is placed on voluntary leave status
24 without pay and the leave lasts no longer than two years for education purposes, or one year

1 for any other voluntary leave without pay. The pay attributed to the accumulated, unused sick
2 leave must be computed on the basis of the employee's salary or wage at the time the
3 employee leaves the employ of the state and at the rate of one hour of pay for each hour of
4 unused sick leave. The agency, unit, or entity that last employed the employee shall make the
5 lump sum payment from funds appropriated by the legislative assembly to that agency, unit, or
6 entity for salaries and wages. Any state agency, unit, or entity which employs persons subject
7 to this section shall formulate and adopt rules governing the granting of annual leave and sick
8 leave which will effectuate the purpose of this section and best suit the factors of employment of
9 that employing unit. Each employing unit shall file with the office of management and budget a
10 copy of the rules adopted, including any amendments or additions to the rules.