

## CHAPTER 4-07-17 WORKERS' COMPENSATION AND LEAVE

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### **4-07-17-01. Scope of chapter.**

This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

**History:** Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

### **4-07-17-02. Employee election to use leave.**

If an employee is receiving workers' compensation benefits, the employee may elect to use either the employee's accumulated sick leave, annual leave, or leave without pay during the period the employee is unable to work.

**History:** Effective September 1, 1992.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

### **4-07-17-03. Leave without pay while receiving benefits.**

An employee receiving workers' compensation benefits who has either utilized all leave benefits, or who has elected not to use accrued leave benefits, must be placed in a leave without pay status for the remainder of the period that the employee is unable to work. An employee may remain in a leave without pay status for a time period not to exceed two years.

**History:** Effective September 1, 1992.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

### **4-07-17-04. Pay differential and charging leave account.**

An employee who elects to use leave while receiving workers' compensation benefits must be paid by the employee's agency an amount equal to the difference between the employee's regular base salary and the amount the employee receives from workers' compensation while the employee is on leave. An employee's leave account must then be charged with the number of hours that corresponds to the percentage of salary the agency pays.

**History:** Effective September 1, 1992.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)