

## **CHAPTER 4-07-38 FAMILY MEDICAL LEAVE**

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### **4-07-38-01. 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 July 1, 2024.

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

**Law Implemented:** NDCC 54-52.4

### **4-07-38-02. Definitions.**

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapters 54-06, and 54-44.3, except:

1. "Employee" means a state employee, who has been employed by the employer for at least twelve months, and who has worked at least one thousand two hundred fifty hours for the employer over the previous twelve months.
2. "Employer" means the state but does not include any political subdivision of the state.
3. "Intermittently" means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks.
4. "Rolling twelve-month period" means the twelve-month period measured backward from the date an employee uses any family medical leave.
5. "Serious health condition" means a disabling physical or mental illness, injury, impairment, or condition involving:
  - a. Inpatient care in a hospital, long-term care facility, or hospice program; or
  - b. Outpatient care that requires continuing treatment by a health care provider.
6. "Spouse" means an employee's husband or wife.

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### **4-07-38-03. Uses of family medical leave.**

1. An employee shall be granted a request for family medical leave of absence consistent with North Dakota Century Code section 54-52.4-02.
2. An employee may take family medical leave, for any combination of reasons, in any rolling twelve-month period for not more than twelve workweeks, except when leave is under North Dakota Century Code section 54-52.4-02 subdivision f of subsection 1, the employee is limited to a combined twenty-six workweeks of leave in any rolling twelve-month period and is limited

to once per service member or veteran per serious injury or illness. When medically necessary, employees may take family medical leave intermittently or on a reduced work schedule for their own serious health condition, the serious health condition of a family member, or to care for a covered service member with a serious injury or illness.

3. An employee and spouse who work for the same employer are entitled to a combined total of twelve weeks of family medical leave if taken under North Dakota Century Code section 54-52.4-02 subdivisions a through e of subsection 1 and a combined total of twenty-six weeks of family medical leave if taken under subdivision f of subsection 1.
4. Family medical leave runs concurrently with all other available leave including paid or donated leave.
5. During a period that an employee takes family medical leave, the employer shall continue any group health insurance coverage for its employees and their dependents available to the employee under the conditions that applied immediately before the family medical leave began.

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