

CHAPTER 4-07-37 SHARED LEAVE

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4-07-37-01. Scope of chapter.

This chapter applies to all permanent state employees. Independent programs consistent with the human resource management services division program may be administered for state judiciary, legislative, and North Dakota university system employees.

History: Effective July 1, 2022.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-06-14.7

4-07-37-02. Definitions.

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapters 54-06, 54-44.3, and 54-52.4, except:

1. "Eligible employee" means a permanent state employee. It does not include employees on temporary or other limited term appointments.
2. "Annual leave" means an approved absence from work with pay, as defined in section 4-07-12-02.
3. "Sick leave" means an approved absence from work with pay, for use in accordance with section 4-07-13-07.
4. "Eligible family member" means the employee's spouse, parent (natural, adoptive, foster, and stepparent), child (natural, adoptive, foster, and stepchild), or any other family or household member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.
5. "Serious" or "extraordinary" means severe, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.

History: Effective July 1, 2022; amended effective July 1, 2024.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-06-14.7

4-07-37-03. Administration of statewide leave sharing program.

The human resource management services division of the office of management and budget shall administer a state leave sharing program for permanent state employees. The program provides a mechanism for eligible employees to donate accrued annual and sick leave to an eligible employee who does not have available leave who is suffering from a serious or extraordinary illness, injury, impairment, or physical or mental condition. State employees also may donate accrued annual leave to another eligible employee who does not have available leave and who is caring for an eligible family member who is suffering from a serious or extraordinary illness, injury, impairment, or physical or mental condition.

The human resource management services division shall approve or disapprove each request for donated leave after consultation with the requesting eligible employee's agency administrator. The division shall track the amount of leave taken by eligible employees under the program.

All forms of leave available for use by the recipient must be used before using shared leave. Donated leave must be credited to the eligible employee in increments that may not exceed one month. An eligible employee may not use more than four months donated leave in any twelve-month period, and an eligible employee may not retain leave beyond the occurrence necessitating the leave. Leave that has been donated but remains unused beyond the qualifying occurrence must be returned to the donating employee.

All donated leave must be given voluntarily. An eligible employee may not donate more than five percent of the eligible employee's accrued sick leave hours per month. An eligible employee's donation of annual leave may not reduce their annual leave balance to less than forty hours. All leave must be donated in full-hour increments.

An eligible employee may request and use donated annual leave or sick leave for the purpose of donating an organ or bone marrow.

An employee who has received a documented verbal or written warning for inappropriate use of annual or sick leave will not be eligible to receive donated leave without specific approval from the director of the human resource management services division.

History: Effective July 1, 2022.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-06-14.7

4-07-37-04. Policy on qualifying medical conditions.

The human resource management services division shall maintain and consistently administer criteria for qualifying serious or extraordinary conditions based on best practices. For each shared leave request, the division shall require medical certification from a physician, physician assistant, psychologist, or advanced practice nurse practitioner verifying the severe or extraordinary nature of the medical condition and the expected duration of the condition. Requests for donated leave may not be considered without this specific documentation.

History: Effective July 1, 2022.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-06-14.7