

CHAPTER 4-07-13 SICK LEAVE

Section	
4-07-13-01	Scope of Chapter
4-07-13-02	Definitions
4-07-13-03	Sick Leave Accrual
4-07-13-04	Sick Leave Accrual Rate
4-07-13-05	Accrual for Fractional Months
4-07-13-06	No Limit on Sick Leave Carryover
4-07-13-07	Uses of Sick Leave
4-07-13-08	Sick Leave Taken in Increments [Repealed]
4-07-13-09	Sick Leave and Pregnancy [Repealed]
4-07-13-10	Temporary or Emergency Employment
4-07-13-11	Sick Leave and Reemployment
4-07-13-12	Assumption of Accrued Sick Leave

4-07-13-01. 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)

4-07-13-02. 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 family member" means 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 or who resides with the employee for the purpose of the employee providing care to the family member.
2. "Sick leave" means an approved absence from work, with pay, for use in accordance with section 4-07-13-07.

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

General Authority: NDCC 54-44.3-12

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

4-07-13-03. Sick leave accrual. Employees eligible for sick leave begin to accrue leave from the day of hire.

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

General Authority: NDCC 54-44.3-12

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

4-07-13-04. Sick leave accrual rate. Agencies are advised that the following sick leave accrual schedule is recommended for use by each agency subject to this chapter:

<u>Years of Service</u>	<u>Hours Earned Per Month</u>
zero to all	eight

An agency adopting or using a different accrual schedule shall promptly file a copy of that schedule with human resource management services.

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

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-06-14, 54-44.3-12(1)

4-07-13-05. Accrual for fractional months. An employee accrues sick leave for employment for a fraction of a month. The number of sick leave hours earned by an employee for employment for a fraction of a month must be in proportion to the total number of straight time hours the employee actually worked compared to the total number of working hours in a month.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

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

4-07-13-06. No limit on sick leave carryover. An employee may not be limited in the number of unused earned sick leave hours that may be carried over from one calendar year to another.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

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

4-07-13-07. Uses of sick leave. Sick leave may be used by an employee when:

1. The employee is ill or injured and is unable to work.
2. The employee has an appointment for the diagnosis or treatment of a medically related condition.
3. 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 or well-being. Sick leave used for these purposes may not exceed forty hours per calendar year.

4. It is appropriate as a participant in an employee assistance program.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

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

4-07-13-08. Sick leave taken in increments. Repealed effective January 1, 1993.

4-07-13-09. Sick leave and pregnancy. Repealed effective November 1, 1996.

4-07-13-10. Temporary or emergency employment. A temporary or emergency employee may not be credited with any accrued sick leave hours.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

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

4-07-13-11. Sick leave and reemployment. An employee who leaves his or her 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 departure, less any amount for which the employee had subsequently been paid.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

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

4-07-13-12. Assumption of accrued sick leave. An appointing authority employing an individual from another state agency shall accept all of the employee's accrued sick leave hours. Agencies covered by the North Dakota merit system may accept all accrued sick leave hours of a county social service board employee in a position classified by human resource management services.

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

General Authority: NDCC 54-44.3-12

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