

North Dakota

nd.gov | Official Portal for
North Dakota State Government*Human Resource Management Services*
A Division of the Office of Management and Budget[Home](#)[Job Seekers](#)[Managers](#)[Employees](#)

Guide To Personnel Laws & Rules Family And Medical Leave

The Family and Medical Leave Act of 1993 and the North Dakota Family Leave Act of 1989 allow up to 12 weeks of unpaid leave for reasons as specified below.

The State is considered a single public agency employer.

Family and medical leave is an unpaid leave of absence available to an employee for the birth, adoption, or foster placement of a child; or for the serious health condition of a parent, child, spouse, or employee.

Family and medical leave is available to employees who have been employed by the employer for at least 12 months and worked at least 1,250 hours for the employer during the previous 12 months.

The maximum length of family and medical leave available in a twelve-month period is 12 weeks. The leave is prorated for part-time employees.

If both spouses are employed by the state, the combined leave may not exceed the applicable 12 weeks. Reasonable and practical notice must be provided to the agency; the needs of the agency shall be given reasonable consideration.

Family and medical leave may be taken consecutively, intermittently, or on reduced work schedule.

When an employee is aware of the need for family and medical leave, the employee is required to provide the employer with notice 30 days in advance. When leave is not foreseeable, the employee can give notice as soon as he or she is aware of the need. Notice can be verbal or in writing, in person, or by telephone.

Birth, adoption, or foster care leave must be taken within 12 months of the event.

When family and medical leave is completed, the employee must be returned to the same position or a position with equivalent compensation and benefits. If a layoff would have caused the position to have been lost, this reinstatement provision does not apply.

An agency must continue health benefits at the same level and coverage had the employee not taken leave.

Medical certification may be required by the agency. However, it is limited to stating only that a serious health condition exists, the date of commencement and probable duration, or the medical factors to the best of the provider's knowledge.

References:

[NDCC 54-52.4 \(North Dakota Family Leave Act of 1989\)](#)

[Public Law 103-3 \(Family and Medical Leave Act of 1993 \(Federal\)\)](#)

[\[Return to Index Page\]](#)

[HRMS Home](#) | [OMB Home](#) | [Contact Us](#)
[HRMS Staff](#) | [Disclaimer](#)