



For any questions
please send e-mail to:
NDSU.Policy.Manual@ndsu.edu

SECTION 135: FAMILY MEDICAL LEAVE - UNCOMPENSATED

SOURCE: NDUS Human Resource Policy Manual, Section 22

1. Family leave is an unpaid leave of absence available to all eligible employees for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child or spouse. Consistent with applicable law and upon notice to the employee by the employing entity or election by the employee, family leave may be concurrent with paid sick or annual leave.
 - 1.1 Eligible employees are those individuals employed by NDSU for at least twelve months, and who have worked at least one thousand two hundred fifty hours over the previous twelve months.
 - 1.2 Family leave used for the birth, adoption, or foster care placement of a child must conclude within 12 months of the event.
 - 1.3 Medical certification may be required by NDSU to verify the existence of a serious health condition including date of commencement and probable duration of illness. *If medical certification is requested it must be returned to NDSU within 15 days of the request unless it is not practical under the circumstances to do so despite diligent good faith efforts. If medical certification is not provided in a timely manner, NDSU may deny Family Medical Leave of Absence (FMLOA) until the certification has been provided.*
 - 1.4 The maximum length of *total uncompensated* Family Medical Leave for eligible *full time* employees is twelve weeks within a 12-month period that begins with the first day of leave. *Leave for eligible part time employees is based on pro rata by comparing the new schedule with the employee's normal schedule.* Leave for birth or adoption of a child may be taken intermittently if approved by the employing entity; leave because of the serious health condition of the employee, a parent, child or spouse may be taken intermittently if medically necessary. A married couple is not limited to a total of twelve weeks if both are employed by the state; each is entitled to twelve weeks. Reasonable and practical notice must be provided to the agency.
 - 1.5 *If NDSU has questions regarding a health care provider's certification, a second opinion may be required at NDSU's expense.*
 - 1.6 *While on FMLOA leave, a status report regarding intent to return to work upon conclusion of the leave must be given to the manager or supervisor.*

1.7

While on FMLOA, holidays are uncompensated unless the employee works the day before and the day after the holiday.

1.8

If the FMLOA is due to an employee's serious health condition which makes them unable to perform their job, NDSU requires certification from the health care provider that she/he is able to return to work. The beginning of an employee's FMLOA and returning from an employee's FMLOA leave are considered a "change in family status" for flex plan purposes. A 30-day window from the date of the change is allowed to change election on an employee's flex plan.

1.9 When leave is completed, the employee must be returned to the same position, or a position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply.

1.10 Employees utilizing family leave will be provided health benefits at the same level and as if the employee had not taken leave.

HISTORY: January 1990; Amended September 1993, March 1996; July 1997, March 2004, January 2006



[NDSU Policy Manual](#)

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