



# Minot State University

## Policy Manual

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### Section 7

#### **Sick Leave**

Source: NDUS Human Resource Policy

1. Sick leave, including maternity, is a benefit granted by the institution to staff employees and is not a benefit considered to be earned by the employee such as annual leave. It is an insurance benefit allowing employees to build a reserve of days they can use for their extended illnesses. Sick leave may be used by an employee when:
  - a. The employee is unable to work due to a mental or physical condition (including maternity).
  - b. The employee has an appointment for the diagnosis or treatment of a medically related condition.
  - c. The employee wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health. Eligible family members include the employee's spouse, parent (natural, adoptive, foster, and step-parent); child (natural, adoptive, foster, and step-child); 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 members. Sick leave used for these purposes shall not exceed eighty (80) hours per calendar year.
  - d. In the case of a serious health condition of an eligible family member, an employee may take up to a total of four-hundred-eighty (480) hours of sick leave in any twelve-month (12) period, including the eighty (80) hours in subsection (c.) above.
  - e. The employee is caring for a newborn child or for a child placed with the employee, by a licensed child-placing agency, for adoption or as a precondition to adoption, but not both. Sick leave in such cases is limited to six (6) weeks during the first six (6) months from birth or placement.
  - f. The employee seeks for oneself or to assist a parent, child, spouse, sibling, or any other individual who regularly resides in the household or who within the prior six months regularly resided in the household, with the consequences of domestic violence, a sex offense, stalking, or terrorizing. Sick leave may be used to seek legal or law enforcement remedies; treatment by a health care provider for physical or mental injuries; obtain services from a domestic violence shelter, rape crisis center, or social services program; obtain mental health counseling; and participate in safety planning, relocation or other actions to

increase the employee's or immediate family member's safety from future domestic violence, a sex offense, stalking or terrorizing. The immediate supervisor may limit the use of sick leave for this section to forty (40) hours per calendar year.

2. Employees who use sick leave are responsible for informing their supervisors prior to the start of their scheduled work period. The employing department may require satisfactory medical verification as deemed necessary by the department head or Human Resources Director prior to returning to work or receiving payment for sick leave.
3. Sick leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
4. Sick leave is granted on the basis of continuous service from date of employment for benefited staff employees.
5. Sick leave for full-time benefited staff employees accrues based on rate per hour at a rate equivalent to twelve (12) days per year. Sick leave for benefited part-time employees working twenty (20) hours or more per week is granted on a prorated basis. Sick leave accumulation is unlimited.
6. Sick leave may be granted to employees who become ill while on vacation provided satisfactory medical proof of such illness is submitted.
  - a. When a holiday occurs during a paid sick leave the holiday is not considered a day of sick leave.
7. An employee with at least ten (10) continuous years of state employment who leaves the employ of the state, is entitled to a lump-sum payment equal to one-tenth of the pay attributed to the employee's unused sick leave accrued under this Section 7 and in accordance with N.D.C.C. Section 54-06-14. The pay attributed to the accumulated, unused sick leave must be computed on the basis of the employee's salary or wage at the time the employee leaves the employ of the state.
8. At the discretion of the department head and the concurrence of the appropriate administrative officer, an employee may be granted sick leave in advance of the accumulation thereof up to a maximum of 40 hours. In rare cases, such as leave due to a workers compensation claim or shared leave, the HR/Payroll office may process leave which exceeds the 40 hour advance. If an employee terminates employment, any sick leave taken in advance of accumulation may be deducted from the employee's last paycheck provided the employee has signed an agreement authorizing the deduction.
9. Accrued sick leave is transferable from any state agency to the employing institution if employment with the institution occurs within one calendar year of termination of service with the state agency.
10. Employees exercising FMLA rights may preserve up to 40 hours of their available sick leave balance while the remainder paid leave runs concurrent with the FMLA leave entitlement period. After FMLA eligibility is exhausted then FMLA protections shall not apply to the preserved sick leave balance.

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