

**NORTH DAKOTA**  
**STATE BOARD OF HIGHER EDUCATION**  
**Human Resource Policy Manual**

**Policy:** 20 Other Paid Leave

**Effective:** September 26, 2019

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1. Funeral Leave - An approved absence from work, with pay, of up to twenty-four working hours, may be provided to an employee to attend or make arrangements for a funeral, as a result of a death in the employee's family, or in the family of an employee's spouse.
  - a. Family means husband, wife, son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, foster children, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.
  - b. Funeral leave for employees working less than forty hours per week will be prorated.
  - c. Funeral leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
2. Jury Duty - An employee shall be allowed leave with pay for jury or other legal duty when subpoenaed for such service. Any compensation received for such duty may be retained by the employee.
  - a. When an employee is called as a witness on behalf of the State, and the employee's institution reimburses the employee for mileage, sustenance and room (which it may do), no witness fee or mileage may be claimed by said employee, no time shall be deducted for the absence of such employee, and such employee shall be deemed to be performing duties or services for the State.
  - b. When an employee is called as a witness when the institution is not a party to the action and the institution does not reimburse such employee for mileage, sustenance, and room, the employee may collect witness fees and mileage from the proper party if the employee is on authorized leave.
  - c. An employee who is personally interested in or a party to a criminal or civil action or who voluntarily appears as a witness must charge their absence against earned annual leave or request leave without pay.
  - d. Jury duty leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
3. Military Leave - An employee who is a member of the National Guard or Armed Forces Reserves shall be granted military leave annually in accordance with Sections 37-01-25 and 37-01-25.1 of the North Dakota Century Code which provides:
  - a. Military leave with pay shall be granted to all state employees up to a maximum of twenty work days for those employees who have been employed continuously for a

- period of ninety days or more immediately preceding the leave.
- b. In addition, any military leave of absence necessitated by a full or partial mobilization of the reserve or national guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first thirty days less any other military leave which may have been granted during the calendar year.
  - c. If leave is required for weekend, daily or hourly periods of drill for military training on a day on which the employee is scheduled to work, the employee must be given the option of time off with a concurrent loss of pay for the period missed, or must be given an opportunity to reschedule the work period so the reserve or national guard weekend, daily, or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.
  - d. Employees are also covered under the federal Uniformed Services Employment and Reemployment Rights Act, 38 USC § 4301 et.seq., which provides that members of the uniformed services are entitled to leave without pay and to reemployment rights upon return to civilian employment. The time requirements for reporting back to work after completion of service vary depending upon the length of the leave, and can be found at 38 USC § 4312.
  - e. Military leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
4. Institution Closures – An institution or part of an institution may be closed due to severe weather or other reason justifying closure.
- a. The institution president or officer delegated authority by the president has authority to close the institution. In Bismarck, if the capitol building is closed, NDUS offices in the capitol shall be closed. If a campus is closed, NDUS offices located on the campus shall be closed. The chancellor or other NDUS officer delegated authority by the chancellor has the authority to close NDUS offices at other times. The action shall be communicated to employees, students and other interested persons through local media or other reasonable means.
  - b. Only employees designated by the department head, core technology services (CTS) employees designated by the NDUS CIO or officer delegated such authority by the chancellor may be required to work during the period when the institution is officially closed.
  - c. All other employees shall be granted leave with pay for hours which they would normally work during a storm period. Employees not scheduled to work during the closure because of previous arrangements, including annual or sick leave, will not be charged for that closure. All non-exempt employees properly authorized to work shall receive additional pay at straight time rates for hours worked during the official closing, unless the employee exceeds 40 hours in the work week. (See Policy 12, Overtime).

- d. When the institution remains open during inclement weather, employees unable to report to work shall notify their supervisor and take annual leave or leave without pay.
5. Conferences or Convention Leave - Two days per year may be allowed for employee organization conference/convention leave. Attendance is limited to three institutional officers, any state officers on campus, one delegate at large, and one delegate for each fifty members. If the conference/convention is held on a working day, the delegates will be paid as usual. If it is not a working day there will be no reimbursement. Leave may be denied if the employees absence would unduly disrupt the operations or services of the institution.
  6. Leave Sharing Program - All non-temporary, non-probationary employees with over six months of continuous service with the State are eligible to receive shared leave pursuant to the following conditions:
    - The appropriate campus official has determined that the employee meets the criteria described in this section.
    - The employee has abided by University System policies regarding the use of sick leave.
    - The employee's use of shared leave, including both annual and sick leave, does not exceed four months in any twelve month period.
- a. Employees may donate leave to other state employees pursuant to the following conditions:
    - i. Annual Leave Donations
      1. The receiving employee has exhausted or will exhaust, all annual leave, sick leave, and compensatory time off due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature, and that involves the employee, a relative of the employee, or a household member of the employee.
        - a. "relative of the employee" is limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee.
        - b. "household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This includes foster children and legal wards even if they do not live in the household.
        - c. "extraordinary or severe" means serious, extreme, or life threatening. It does not include conditions associated with normal pregnancy.
      2. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment.

3. The donating employee donates leave in full hour increments and retains a leave balance of at least forty hours.

ii. Sick Leave Donations

1. The receiving employee has exhausted, or will exhaust, all annual leave, sick leave, and compensatory leave due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature.
  2. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment.
  3. The employee may not donate more than five percent of the employee's accrued leave hours, and all leave must be donated in full hour increments.
- b. The institution shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the employee's condition.
  - c. Donated leave is transferable between employees in different state entities.
  - d. One hour of donated leave must be regarded as one hour of shared leave for the recipient.
  - e. Any donated leave may only be used by the recipient for the purposes specified within this policy and is not payable in cash.
  - f. All forms of paid leave available for use by the recipient must be used prior to using shared leave.
  - g. Any shared leave not used by the recipient during each occurrence as determined by the institution may be retained by the recipient.
  - h. All donated leave must be given voluntarily. No employee may be coerced, threatened, intimidated, or financially induced into donating leave for purposes of the leave sharing program.
  - i. Shared leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
7. Honor Guard Leave – Honor guard leave is an approved absence from work, with pay, of up to twenty-four working hours per calendar year for an employee to participate in an honor guard for a funeral service of a veteran. An institution is strongly encouraged to grant a request for honor guard leave even if the absence of the employee might interfere with the normal operations of the agency. The institution may ask for verification of membership in Honor Guard. Honor guard leave may only be used in place of regularly scheduled work

hours and shall not cause overtime.

8. **Administrative leave** is an authorized absence from duty without loss of pay, benefits, or charge to leave. Administrative leave is authorized at the discretion of the department head. Administrative leave relieving the employee of their duties pending the resolution of a disciplinary action, complaint, or allegation must be approved by the division/department head or their designee, in consultation with Human Resources.