

CHAPTER 4-07-15 LEAVE WITHOUT PAY

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4-07-15-01. 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)

4-07-15-02. Definitions.

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapter 54-44.3, except:

1. "Leave without pay" means the approved absence from work without pay of an employee.
2. "Educational leave" means the approved leave of absence from work without pay of an employee to attend school.

History: Effective September 1, 1992; amended effective May 1, 1994.

General Authority: NDCC 54-44.3-12

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

4-07-15-03. Leave without pay.

An appointing authority may grant an employee's request for a leave of absence without pay provided that:

1. The absence of the employee will not unduly disrupt the agency's operations or services.
2. The employee is placed on leave without pay status and is not terminated.
3. The employee does not accrue annual leave while on leave without pay status, but retains any unused annual leave hours, subject to other restrictions, and retains the employee's previous years of continuous service for the purpose of determining the employee's annual leave accrual rate.
4. The employee does not accrue sick leave while on leave without pay status, but retains any unused sick leave hours.
5. If the leave without pay status is scheduled to extend longer than fourteen consecutive calendar days, the appointing authority and the employee must agree in writing, prior to the beginning of the leave, about the status of employee benefits, and the terms and conditions of the employee's return to work.
6. The leave without pay does not exceed one year in duration.

History: Effective September 1, 1992; amended effective May 1, 1994.

General Authority: NDCC 54-44.3-12

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

4-07-15-04. Educational leave.

An appointing authority may grant an employee educational leave provided that:

1. The absence of the employee will not unduly disrupt the agency's operations or services.
2. The employee is placed on educational leave status and is not terminated.
3. The employee does not accrue annual leave while on educational leave, but retains any unused annual leave hours, subject to other restrictions, and retains the employee's previous years of continuous service for the purpose of determining the employee's annual leave accrual rate.
4. The employee does not accrue sick leave while on educational leave, but retains any unused sick leave hours.
5. The appointing authority and the employee must agree in writing, prior to the beginning of the leave, about the status of employee benefits, and the terms and conditions of the employee's return to work.
6. The educational leave does not exceed two years in duration.

History: Effective May 1, 1994.

General Authority: NDCC 54-44.3-12

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