

10.2 SICK AND DEPENDENT LEAVE; FAMILY LEAVE

1. Employees excluded from the broadbanding system, other than faculty and members of the academic staff, are entitled to sick or dependent leave and family leave under the same terms and conditions governing sick or dependent leave and family leave for employees subject to the broadbanding system according to the NDUS Human Resource Policy Manual.

2. Each institution shall adopt policies governing paid sick or dependent leave for faculty and members of the academic staff.

Family leave.

a. Family leave is an unpaid leave of absence available to 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.

b. Eligible employees are those employees, including faculty and other members of the academic staff, whose employment is not limited in duration, who are employed for an average of at least twenty hours per week, and who have been employed by the institution for at least one year, or, for faculty and other members of the academic staff employed on nine or ten month contracts, for at least one contract term or academic year.

c. Family leave used for the birth, adoption, or foster care placement of a child must begin within twelve months of the event.

d. The institution may require medical documentation to verify the existence of a serious health condition including date of commencement and probable duration of illness.

e. The maximum length of available leave for eligible full time employees is twelve weeks in a twelve-month period, beginning on the first day of leave. 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.

f. 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.

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

3. Institutions shall in all cases comply with the Americans With Disabilities Act and Rehabilitation Act of 1973. Institution officials shall investigate and respond

appropriately to requests for accommodations to enable employees to perform essential job functions.

State Board of Higher Education Minutes: December 21, 2000 ; Amendment, June 17, 2004 ; Policy Manual, Section [607](#).

10.2.1 UND Policy – Sick Leave

Sick leave and dependent leave are benefits granted by the institution to faculty and academic staff to use for short-term and long-term illness. For purposes of eligibility for short-term sick leave, faculty and academic staff are defined as being benefited employees who are tenured, probationary, or on special appointment. For purposes of eligibility for long-term sick leave, faculty and academic staff members are defined as benefited, full time. Faculty whose special appointment is less than full-time will be prorated for both short-term and long-term sick leave. Faculty and academic staff members are entitled to family leave as defined under family leave in policy [607.4](#) of the North Dakota University System (NDUS) Policies. Sick leave does not accumulate from appointment period to appointment period and has no cash value upon the employee's separation from the institution.

Short-Term Sick Leave

A faculty or academic staff member may be compensated with pay at the rate of 1.50 days per contract month because of short-term illness. Faculty and academic staff, who take leave under this policy, must make reasonable efforts to ensure that his/her work responsibilities are covered and must inform his/her department head of their expected absence prior to the start of the scheduled work period. The department head will keep a record of leave taken and may require medical verification for short-term illness.

Long-Term Sick Leave

If inability to work is appropriately documented, a faculty and academic staff member who is sick or disabled and has used their short-term leave may be granted long-term sick leave. Long-term sick leave may be granted, at the rate of 75 percent of his/her regular base salary, for a period of up to five months, or until the end of the contract term, whichever occurs first. If medical documentation is not sufficient to grant long-term leave, then the faculty member's pay may be reduced commensurate with workload. The faculty and academic staff member shall submit a long-term sick leave application to the appropriate department head/chairperson; the department head/chair must obtain written approval from the dean to grant long-term sick leave. The department is responsible for making arrangements to cover the work responsibilities of the faculty and academic staff member. If a second or subsequent request for long-term sick leave occurs within five years from the end of the most recent long-term sick leave, the appropriate vice president must authorize the request. Family Medical Leave Act (FMLA) leave can be designated at any time and can run concurrently with long-term sick leave.

Disability Leave

A faculty or academic staff member who cannot return to work after taking long-term sick leave may be eligible for disability benefits under the institution's TIAA-CREF

disability insurance. The faculty and academic staff member should contact the University of North Dakota Payroll Office to determine eligibility.

Dependent Leave

A faculty or academic staff member who 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 or wellbeing may use a portion of his/her short-term sick leave benefit. 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. Short-term sick leave used for this purpose shall not exceed forty hours per calendar year.

Family Leave

Faculty and academic staff members are entitled to family leave in accordance with NDUS Policy [607.4](#) and the Family and Medical Leave Act of 1993. Family leave is defined in NDUS Policy [607.4](#) as "an unpaid leave of absence 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."

SEE ALSO: Approved: UND Senate, 5-05-05 ; UND Senate Minutes, 4-03-86 , p. 2842 (State Board approval of UND sick leave policy); State Board of Higher Education Policy Manual, 07-09-91 , Section 2000 (Staff Personnel Policy Manual)