

**NDSU Faculty Senate Agenda**  
**October 12, 2020**

- I. Call to Order
- II. Attendance
- III. Adoption of Agenda
- IV. Approval of previous meeting minutes from 14/IX/2020
- V. Announcements
  - a. Dean Bresciani, President
  - b. Margaret Fitzgerald, Provost
  - c. Carlos Hawley, Faculty Senate President
  - d. Florin Salajan, Faculty Senate President-Elect
  - e. Maggie Latterell, Staff Senate President
  - f. Matthew Friedmann, Student Body President
- VI. Committee Reports
  - a. Executive Committee
- VII. Consent Agenda
  - a. Policy 130
  - b. Policy 135
  - c. Policy 143
  - d. Policy 149
- VIII. Planning and prioritizing Senate action for the year
  - a. Provost appointment and dismissal
  - b. Anti-racism
  - c. Curriculum initiatives
  - d. International initiatives
  - e. ...
- IX. Adjourn

**NDSU Faculty Senate Meeting Minutes  
September 14, 2020**

I. Call to Order—called to order at 3:00pm

II. Attendance (45 members; 38 in attendance at this meeting)

Carlos Hawley	x	Majura Selekwa	x
Molly Secor-Turner	x	Changhui Yan	x
Florin Salajan	x	Shannon Harriger	x
Christopher Byrd		Mary Larson	x
Tom DeSutter		Sharon Nelson	x
Andrew Green	x	Stephen O'Rourke	
Jeremy Jackson	x	Sara Thompson	x
Ryan Limb	x	Amelia Asperin	x
Birgit Pruess	x	Katie Lyman	x
David Ripplinger	x	Kimberly Overton	x
Guiping Yan	x	Rebecca Woods	x
Bakr Aly Ahmed	x	Laura Aldrich-Wolfe	x
Anastassiya Andrianova	x	Josef Dorfmeister	x
Lisa Arnold	x	John Hershberger	
Sean Burt	x	Ken Lepper	x
John Creese	x	Mark McCourt	x
Pamela Emanuelson	x	Kent Rodgers	x
Kristen Fellows	x	Abraham Ungar	
Holly Hassel	x	Pinjing Zhao	x
Dan Pemstein	x	Ruilin Tian	x
Onnolee Nordstrom	x	Eric Asa	x
Fred Riggins	x	Long Jiang	
Zhibin Lin			

III. Adoption of Agenda—Salajan motion to approve, Aldrich-Wolfe second. Secor-Turner, remove policies under new business. Passed, unanimously.

IV. Approval of previous meeting minutes from July 8, 2020—Salajan move to approve, Apsarin second. —Approved unanimously.

V. Announcements

- a. Dean Bresciani, President—not present
- b. Margaret Fitzgerald, Interim Provost—thanked faculty and staff for attending open forums
- c. Carlos Hawley, Faculty Senate President—welcomed Senators and guests; introduction of the COVID ad-hoc committee

- d. Florin Salajan, Faculty Senate President-Elect—echoed sentiments of President Hawley
- e. Maggie Latterell, Staff Senate President—look forward to looking together; thanked Provost Search Committee
- f. Matthew Friedmann, Student Body President—not present

#### VI. Committee Reports

- a. Ad hoc COVID Committee—Presented by Dr. Tom Riley and Dr. Paul Homan (Faculty Emeritus); provided an introduction of intentions and work of the committee. Work has been focused on the issues around COVID and the university response. Suggestions for a resolution regarding Faculty Senate involvement in COVID planning and request for transparent metrics regarding decisions happening on campus be presented to faculty (see attached).

McCourt motioned to accept committee report, Rodgers seconded. Discussion from the floor/chat. Clarification requested regarding make up of members of the committee. Dr. Hawley clarified that it is an ad hoc committee established during the summer. Selekwa clarified that an ad hoc committee can be formed by the Senate President. Support for the committee work and report shared.

Called to question by Hassel. Unanimous vote to accept the report.

Salajan moved to approve the resolution. Andrianova second. Discussion. Called to question by Rodgers.

Green, Burt, Lyman, abstain. 33 yes, 0 no. Motion to approve the resolution passes.

#### VII. Consent Agenda—no items on the consent agenda for the meeting

#### VIII. Unfinished Business

- a. Policy 336—Burt move to approve; Aldrich-Wolfe second. Discussion. 25 no votes, 11 yes votes, Salajan abstain. Motion does not pass.
- b. Policy 352—Larson moved to approved, Selekwa second. Alan Denton provided overview of changes. Senators Berg and Larson left the meeting at 4:30. 33 yes, 1 no. Motion passes.

#### IX. New Business

- a. Confirmation of Faculty Senate Parliamentarian, Ali Amiri—confirmed by affirmation.
- b. Senate Resolution—Introduced by Burt. Burt moved to approve. Emanuelson second. 34 yes; 0 no; Lyman, Woods abstain. Resolution passes.

~~c. Policy 156.1~~

~~d. Policy 327~~

~~e. Policy 350.3~~

~~f. Policy 350.4~~

X. Discussion--none

XI. Adjourn— Andrianova motion to adjourn; Pruess second. Unanimously approved. Meeting adjourned at 4:47pm.

# Policy Change Cover Sheet

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Faculty Senate:

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The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to [ndsucc@nds.u.edu](mailto:ndsucc@nds.u.edu). All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

# North Dakota State University

## Policy Manual

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### SECTION 130 ANNUAL LEAVE

SOURCE: NDUS Human Resources Policy Manual, Section 6  
NDSU President

1. Annual leave with pay is earned by eligible employees for the purpose of freeing them from their regular duties to spend time in rest and recreation or to attend to personal matters. Upon approval, annual leave may only be used in place of regularly scheduled work hours and shall not cause overtime. Such leave should be programmed to insure that leave is taken rather than carried forward from year to year.
2. University operations govern annual leave periods. Consideration is given first to the convenience of the administration, departmental needs, then the employee's departmental seniority and finally to the employee's preference. Annual leave is computed on the basis of the employee's hours/week, and months/year.
  - 2.1 The employee must obtain authorization from his/her department head before taking annual leave. The form of this authorization is to be determined by the respective department head.
  - 2.2 The employee is responsible to report their leave in absence management upon returning to work.
3. Annual leave with pay for full-time benefited, broadbanded staff employees is earned on the basis of continuous service from date of employment as follows:

First through third year - the equivalent of 12 days per year  
Fourth through seventh year - the equivalent of 15 days per year  
Eighth through twelfth year - the equivalent of 18 days per year  
Thirteenth through eighteenth year - the equivalent of 21 days per year  
Over eighteen years - the equivalent of 24 days per year

Annual leave for full-time, non-banded employees in the following job categories is earned on the same basis as for staff employees: graduate research fellows (2230), graduate teaching fellows (2235), post doc research fellows (2240), research scientists (2420), extension program assistants (2530), and international exchange scientists (2810).

Graduate teaching, research or service assistants and experiment station project assistants do not earn annual leave.

- 3.1 Years of service shall be computed from the employment anniversary dates.
  - 3.2 Annual leave for part-time staff employees and the non-banded employees identified above in 3 is earned on a prorated basis.
4. Presidents, executive deans, provosts, vice presidents, positions excluded from the broadbanding system, and other positions approved by the President or chancellor at the time of hire are entitled

to accrue a minimum of twelve working days and a maximum of 24 working days of annual leave each year to be taken at the convenience of the administration. Accrual rates for these employees are determined by the institution president. For any of these employees who are less than full-time, the annual leave will be prorated.

Each department may negotiate annual leave accrual on a case-by case basis during the recruitment, with prior Presidential approval. Current benefitted employees are not eligible.

5. Annual leave for 12 month faculty and other non-banded job categories not identified in #3 above is earned at the rate of 16 hours per month, 24 days per year. Annual leave will be prorated for those who are less than full-time. For non-banded employees on 9, 10, or 11, month appointments, see Section 320.
6. All eligible employees may accumulate annual leave hours. Full-time employees may accumulate up to 30 working days or 240 hours which shall be carried forward on January 1st of each year. Part-time employees may accumulate up to the equivalent number of days or hours on a prorated basis. Any accumulation in excess of 30 days or 240 hours (or the equivalent on a prorated basis for part-time employees) on December 31st of each year shall be cancelled.
7. All employees eligible to accumulate annual leave must take at least forty hours (or the equivalent on a prorated basis for part-time employees) of annual leave each year, except for the year during which they are hired.
8. When a holiday occurs during annual leave, the holiday is not considered a day of annual leave time.
9. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll or designee, an employee may be granted annual 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. Annual 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. This agreement must be submitted to and approved by the Office of Human Resources and Payroll prior to the employee obtaining a negative accrual balance.
10. Benefitted employees terminating employment must be paid for earned unused annual leave subject to all approved payroll matched reductions/deductions. "Unused annual leave" shall include any leave carried over from the previous year and all accrued leave up to the date of termination. Proper termination notice must be given and any unearned annual leave taken shall be deducted from the employee's last paycheck.
  - 10.1 Annual leave earned by an employee on a 12 month appointment may not be carried forward by the employee to be used or paid for during the term of a subsequent appointment for less than 12 months and must be paid out.
11. In case of death, payment of all earned, unused annual leave shall be paid according to Section 34-01-12 of the North Dakota Century Code. (See Section 183.)
12. Accrued annual leave for employees previously employed with other North Dakota institutions or agencies may be transferred to institutions under the State Board of Higher Education according to agreements between the employee and the institution. If re-employment occurs within one calendar year, the re-employing institution shall credit the employee with prior years of service from any state agency in computing annual leave accrual rate.

13. When employment begins or ends during a pay period, the accrual of annual leave shall be prorated for the pay period when the employee is hired or terminated and does not work a full pay period.

14. Leave requests are processed on an on-going basis. The approving supervisor is responsible for verifying leave balances before approving. Corrections to leave will be handled by the Office of Human Resources and Payroll.

~~15. Employees may exercise FMLA rights to preserve up to 40 hours of their available annual 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 annual leave balance.~~

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HISTORY:

New	July 1990
Amended	April 1996
Amended	March 1998
Amended	October 1999
Amended	April 2002
Amended	October 2003
Amended	March 2006
Housekeeping	April 2010
Housekeeping	May 15, 2012
Housekeeping	April 11, 2013
Housekeeping	July 12, 2013
Amended	March 26, 2014
Amended	November 7, 2014
Amended	June 22, 2015
Housekeeping	March 31, 2017
Housekeeping	August 31, 2018



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# North Dakota State University

## Policy Manual

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### SECTION 135

#### FAMILY MEDICAL LEAVE (NOTE THAT THIS CHANGE COULD NOT TAKE PLACE UNTIL AUGUST 1 DUE TO NOTIFICATION RULE)

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SOURCE: NDUS Human Resource Policy Manual, Section 22,  
NDSU President

1. Family leave is an unpaid leave of absence available to all eligible employees for the birth, adoption, or foster placement of a child; for the serious health condition of the employee, the employee's parent, child or spouse; for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation; or for military caregiver leave for a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty that is a spouse, son, daughter, parent or next of kin (This entitles the employee to up to 26 weeks of leave in a single 12 month period). Consistent with applicable law and upon notice to the employee by the employing entity, family leave will be concurrent with paid sick or annual leave.

- 1.1 Eligible employees are those individuals employed by the state for at least twelve months, and who have worked at least one thousand two hundred fifty hours for the state over the previous twelve months. Eligibility is determined as of the date FMLA leave commences.

Under the terms of the Family Medical Leave Act of 1993 (29 U.S.C. 2611), qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; however, it does not extend to family members of regular active-duty service members. "Qualifying exigencies" include such instances as: short-notice deployment; military events and related activities; certain childcare and related activities resulting from active duty or call to active duty; making or updating financial and legal arrangements to address a covered military member's absence; short-term, rest and recuperation leave during deployment; or attending to certain post-deployment activities.

A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or is a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date the veteran undergoes that medical treatment, recuperation or therapy. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave

for any FMLA-qualifying reason during the “single 12-month period.” (Only 12 of the 26 week total may be for a FMLA-qualifying reason other than to care for a covered service member.)

- 1.2 Family leave used for the birth, adoption, or foster care placement of a child must begin 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 (26 weeks in a single 12 month period for the care of a covered service member). 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 **requirement**, 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.
- 1.11 **All leave taken for an approved event or condition will be designated as FMLA.** Unless the employee elects to preserve hours as indicated in Policy 130 (15) and/or Policy 143 (15), an employee is required to use applicable, accrued paid and donated leave and compensatory time before authorized unpaid FMLA leave. An employee who has exhausted all types of paid leave shall be provided unpaid leave to fulfill the authorized period of family leave.

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1.12 *Contact the Office of HR/Payroll to request family medical leave paperwork. Once completed, return paperwork to Office of HR/Payroll for processing. After eligibility is determined, notice will be sent to employee and supervisor.*

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Amended	September 1993
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Amended	July 1997
Amended	March 2004
Amended	January 2006
Amended	March 2008
Amended	February 16, 2011
Housekeeping	April 23, 2012
Housekeeping	July 30, 2013

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# North Dakota State University

## Policy Manual

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### SECTION 143 SICK/DEPENDENT LEAVE

SOURCE: NDSU PRESIDENT  
NDUS Human Resource Policy Manual

1. Sick leave, including maternity, is a benefit granted by the University to eligible 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. *Abuse of this benefit may be grounds for disciplinary action or termination.* Employees are responsible for informing their supervisors prior to the start of their work schedule of their sickness.
  - 1.1 The employing department may require satisfactory medical verification as deemed necessary by the department head prior to the payment of sick leave.
  - 1.2 The employee is responsible for furnishing their supervisor or department head with a completed "Notification of Employee Leave" card upon returning to work.
  - 1.3 Sick leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
2. Sick leave is granted on the basis of continuous service from date of employment for benefited staff employees, *and benefited 12-month academic staff and other non-banded staff.*
3. Sick leave for full-time eligible employees accrues based on rate per hour at a rate equivalent to 12 days per year. Sick leave for eligible part-time employees working 20 hours or more per week is granted on a prorated basis. Sick leave accumulation is unlimited.
4. Sick leave may be granted to employees who become ill while on vacation provided satisfactory medical proof of such illness is submitted.
5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.
6. Upon termination, employees with ten years of continuous state service will receive a payment equivalent to 10% of the dollar value of their accrued sick leave. The amount is computed on the basis of the employee's salary at the time of termination and shall be in the form of a lump-sum payment.
7. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll or designee, 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.. 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. This agreement must be submitted to and approved by the Office of Human

Resources and Payroll prior to the employee obtaining a negative accrual balance.

8. *Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.*
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 separation of service with the state agency. In the event of a Reduction in Force, sick leave is transferable if reemployment occurs within two calendar years.
10. Sick leave may be used by the employee when:
  - 10.1 The employee is unable to work due to a mental or physical condition (including maternity).
  - 10.2 The employee has an appointment for the diagnosis or treatment of a medically related condition.
  - 10.3 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 member.
  - 10.4 Sick leave used for the purposes described in 10.3 shall not exceed eighty (80) hours per calendar year.
  - 10.5 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 section 10.4 above.
  - 10.6 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.
  - 10.7 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.
11. *The accrual of sick leave shall be prorated for the pay period in which employment begins or ends.*

12. Sick leave is not accrued during developmental leaves or leaves of absence without pay.

13. Accumulated sick leave may be used for any period(s) of actual disability caused or contributed to by pregnancy. Beyond the period of disability, an employee may request use of annual leave, family leave, and/or leave without pay to provide for an extended post-delivery period away from work.

14. Leave requests are processed on an on-going basis. The approving supervisor is responsible for verifying leave balances before approving. Corrections to leave will be handled by the Office of Human Resources and Payroll.

15. Employees may exercise FMLA rights and 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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**Deleted:** Employees may exercise FMLA rights and 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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HISTORY:

New	July 1990
Amended	April 1992
Amended	July 1997
Amended	April 2002
Amended	January 2004
Amended	November 2005
Amended	January 2007
Amended	March 2008
Amended	November 7, 2011
Housekeeping	July 12, 2013
Amended	October 5, 2015
Housekeeping	March 31, 2017



## Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to [nds.scc@ndsu.edu](mailto:nds.scc@ndsu.edu) first so that a clean policy can be presented to the committees.

### SECTION:

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

- Is this a federal or state mandate?  Yes  No

- Describe change: Recently NDUS policies 6, 7.21 and 22 were changed at the system level. Below is a summary of the changes. This request is to ensure NDSU changes its policies to reflect the NDUS changes. HR 22 Family Leave proposed changes include a consistent approach by all campuses 1.) to use the same FMLA measurement period and 2). run paid leave concurrent with FMLA. HR 22 did not pass second read at the September 2019 board meeting due to staff concerns regarding an ability to preserve a leave balance after returning from FMLA. The board recommended that HRC explore staff concerns regarding preserving a leave balance. HRC, in conjunction with ND Staff Senate, obtained positive feedback from campuses in favor of a preserved leave option. HR 6 Annual Leave has been amended in section 11 which addresses a 40-hour preserved balance for employees exercising FMLA rights; HR 7 Sick Leave has been amended in section 9 addressing a 40-hour preserved balance for employees exercising FMLA rights and HR 21 Leave Without Pay has been amended in section 5 which allows employees exercising FMLA to preserve a leave balance while on leave without pay. Amendments to these four leave policies address campus concerns to HR 22 by implementing preserved leave balance language while providing consistency in campus implementation of FMLA. Proposed changes were vetted through the normal process and overall feedback was positive regarding the changes.

2. This policy change was originated by (individual, office or committee/organization):

- Human Resources, John Woolsey, Director of Human Resources  
- [John.woolsey@ndsu.edu](mailto:John.woolsey@ndsu.edu)

*This portion will be completed by Heather Higgins-Dochtermann.*

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

# North Dakota State University

## Policy Manual

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### SECTION 149 LEAVE WITHOUT PAY

SOURCE: SBHE Policy Manual, Section 701.1

1. Leave without pay may be authorized for benefited employees, who have maintained a record of good performance, for purposes such as education, research, temporary employment with another university, governmental, or private agency when such employment will contribute to the employee's expertise in his or her field and make the employee more effective upon return to employment, literary pursuits, or any other purpose that will improve the employee professionally and will directly or indirectly benefit the institution or system. In addition, a leave without pay may be granted for necessary absences due to illness (when family medical leave is not available or has expired) or other important matters.
2. Requests for leave without pay for the President shall be approved by the Board. Requests for leave without pay for institution employees shall be approved by the institution president or designee.

#### All Employees

In cases where a leave without pay is requested due to sickness, the employee may be requested to provide medical certification to verify the existence of a health condition including date of commencement and probably duration of the illness.

#### Broadbanded Employees

Leave without pay for a period of less than 21 working days may be authorized by the department head. Leave without pay for 21 or more working days requires advance approval of the appropriate vice president and should be requested through the Office of Human Resources/Payroll.

**Leave may not be granted for a period in excess of one calendar year**, except for military service. Failure of an employee to report for duty or reinstatement on expiration of leave granted is cause for automatic termination.

#### Externally Funded Research Faculty

Research faculty (so designated by their titles) who are funded totally on externally generated funds may, when their project and funding are completed, request a leave without pay while they submit proposals for additional funding. Such a leave must be approved as other leaves without pay but allows the research faculty member to retain their research faculty title and use it when submitting funding proposals. Research faculty applying for a leave without pay under these circumstances should follow the NDSU Guidelines below but use the [Leave Without Pay form](#), located on the Provost's web page.

3. An employee who is on an approved leave of absence without pay may continue to be covered by employer benefits (health, basic life and employee assistant program) and/or voluntary benefits (optional life, dental, etc.) provided:

- a) the employee remits the appropriate premium(s) to the Human Resources/Payroll Office,
  - b) such coverage is not inconsistent or contrary to insurance contracts, and
  - c) such coverage would not be contrary to State law.
4. Leave of absence shall be granted with assurance of reinstatement to the same position or to other employment in the department recommending the leave unless circumstances make it clearly impractical.
  5. Employees on leave without pay shall retain their year's service rights and accumulated benefits but shall earn no additional benefits.
  6. **NDSU Guidelines** Proposals for leave of absence without pay shall be in writing and submitted on the University's [Leave Without Pay form](#) (located on the Provost's web page) for approval through appropriate channels. An individual requesting a leave without pay for a reason other than illness should inform the department chair or unit administrator at least six months prior to the anticipated leave and submit the request for administrative approval at least three months prior to the leave.

*No proposal for leave without pay shall be approved unless the employee agrees, in writing, to provide notification to the University by a specific date of the employee's resignation or of the employee's intent to return to NDSU. The date is to be negotiated prior to approval of the proposal. Failure by the employee after a specific request by the responsible supervisor to either provide the notification of the intent to return or to submit a resignation by the required date shall be deemed to be a resignation.*

7. Employees exercising FMLA rights are allowed to take leave without pay while preserving leave balances as allowed in Section 143 Sick leave and Section 130 Annual Leave in the Policy Manual.

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8.

Deleted: Employees exercising FMLA rights are allowed to take leave without pay while preserving leave balances as allowed in Section 143 Sick leave and Section 130 Annual Leave in the Policy Manual.

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HISTORY:

New	March 13, 1987
Amended	April 1995
Amended	October 1996
Amended	October 1998
Amended	April 2002
Amended	April 2006
Housekeeping	August 7, 2014