

**127 – ANNUAL LEAVE**

A. Annual leave is an approved absence from work for regular employees, with pay, for personal reasons.

B. New Employee Transfers

1. Annual leave accumulated while employed by the state or by the county in the clerk of court’s office may be transferred to the Court System. However, no compensatory time or obligation will be transferred.
2. For those clerks employed by the county in the clerk of court’s office who have not participated in a leave system which permits accumulation, the Court System will recognize a beginning balance on the employee’s first day of employment according to years of service with the county in the clerk of court’s office as follows:

<b>Months of Service</b>	<b>Annual Leave</b>
0 through 108	80 Hours
Over 108	160 Hours

C. Accrual

1. Leave accrual rates are determined by the number of years of service with a North Dakota agency of state government and clerk of court’s office employed by the county, subject to section G.
2. A regular employee working an average of 20 hours or more per week is eligible to earn annual leave. A regular employee accrues annual leave from the employee’s date of hire.
3. A temporary employee does not earn annual leave. However, if a temporary employee fills a regular position, the years of service, for purposes of calculating the annual leave accrual rate, may be calculated from the employee’s first day of temporary employment.
4. Annual leave is accrued on a prorated basis for a fraction of a month.
  - a. In accordance with the following schedule, a regular full-time employee earns annual leave at the rate between 8 and 16 hours a month.

<b>Months of Service</b>	<b>Hours per Month</b>	<b>Hours per Year</b>	<b>Days per Month</b>	<b>Days per Year</b>
0 through 24	8	96	1	12
25 through 48	10	120	1 ¼	15
49 through 72	12	144	1 ½	18
73 through 96	14	168	1 ¾	21
Over 96	16	192	2	24

- b. A regular part-time employee accrues leave prorated on the basis of a 40-hour work week.

D. Scheduling

1. An employee needs to request annual leave through the employee's immediate supervisor. Supervisors need to exercise discretion in granting leave based on business and staffing requirements. Annual leave may be taken in quarter hour increments.
2. At the discretion of the employee's supervisor and appointing authority, an employee during the first year of employment with the Court System may take 24 hours of annual leave in advance of accrual which is a payroll advance. On notice of termination the Court System will deduct the amount of the payroll advance that has not been earned from the employee's paycheck(s). The employee will be responsible to reimburse the Court System all remaining amounts owed to it. A request for an advanced accrual must be made on the [advanced accrual](#) form.

E. Carryovers

A maximum of 240 hours of annual leave may be carried over from one year to the next. Hours in excess of 240 will be forfeited if not used by April 30 of each year.

F. Terminations/Transfer

An employee will be paid for unused current annual leave when the employee terminates employment with the Court System. If an employee transfers from the Court System to another state agency, the employee may retain only as many hours as the receiving agency accepts. The Court System will then pay the transferred employee for current unused hours the receiving agency did not accept.

G. Reinstatements

If an employee leaves state or clerk of court office county employment and returns to the Court System within three years, the employee will be credited with previous years of service for calculating the annual accrual rate.

H. Policy Violations

Violation of this policy may lead to corrective action up to and including dismissal.

Approved by the Supreme Court 4/1/12