

128 – SICK LEAVE

A. Sick leave has been provided for the occasional illness or injury with the expectation employees will reserve sick leave for serious health conditions.

B. New Employee Transfers

1. Sick 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:

Months of Service	Sick Leave
0 through 108	80 Hours
Over 108	160 Hours

3. On exhaustion of sick leave within the first three years of Court System employment, an additional 176-hour bank of sick leave will be available with certification by the employee's doctor in the event of a major illness requiring hospitalization or extended recuperation. The 176-hour bank of sick leave will not be included in the calculation of any pay on termination.

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 H.

2. A regular employee working an average of 20 hours or more per week is eligible to earn sick leave. A regular employee accrues sick leave from the employee's date of hire.

3. A temporary employee does not earn sick leave. However, if a temporary employee fills a regular position, the years of service, for purposes of calculating the sick leave accrual rate, may be calculated from the employee's first day of temporary employment.

4. Sick 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 sick leave at the rate of between 8 and 12 hours a month.

Months of Service	Hours per Month	Hours per Year	Days per Month	Days per Year
0 through 12	8	96	1	12
13 through 24	10	120	1 ¼	15
Over 24	12	144	1 ½	18

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

D. Utilization

1. Personal Illness

An employee may use accrued sick leave for personal illness (both physical and mental), bodily injuries, and medically related disabilities resulting from pregnancy and childbirth when the employee is unable to work.

2. Medical Appointments

An employee may use accrued sick leave for personal medical (physical or mental) appointments, which cannot be scheduled at times other than during working hours.

3. Family Sick Leave

- a. Up to 80 hours of an employee’s accrued sick leave per calendar year may be used to care for the medical condition or illness or a medical or health related service of an eligible family member (parent, spouse, child, grandparent, grandchild, sibling, domestic partner, or an individual who is verifiably dependent on the employee for care).
- b. With the approval from an employee’s appointing authority, an additional 10% of sick leave may be used per calendar year to care for the medical condition or illness or a medical or health related service of an eligible family member (parent, spouse, child, grandparent, grandchild, sibling, domestic partner, or an individual who is verifiably dependent on the employee for care).

If allowed the additional sick leave may not exceed 10% of an employee’s accrued sick leave balance as of January 1 of the calendar year.

- c. An employee who qualifies under the Family and Medical Leave Act or Non-Family and Medical Leave Act for leave to care for an eligible family member with a serious health condition, qualifying exigency, or to care for a covered service member may take up to 480 hours of the employee’s accrued sick leave. An employee who qualifies for leave for the bereavement for the death of a child may take up to 160 hours of the employee’s accrued sick leave.

- d. The definition of child includes adult children for purposes of this policy only.

4. Bonding

An employee who qualifies under the Family and Medical Leave Act for leave to care for the employee's child by birth or to care for a child placed with the employee by a licensed child-placing agency for adoption may take up to six weeks of the employee's accrued sick leave. The sick leave will run concurrently with the leave under the Family and Medical Leave Act.

5. Domestic Violence, a Sex Offense, Stalking or Terrorizing

Under the provisions of the N.D.C.C. § 54-06-14.6, an employee may use sick leave for the following situations relating to domestic violence, a sex offense, stalking, or terrorizing.

- a. Seek legal or law enforcement assistance;
- b. Seek treatment by a health care provider for physical or mental injuries of employee or immediate family member;
- c. Obtain or assist an immediate family member in obtaining services from a domestic violence shelter, rape crisis center, or other social services program;
- d. Obtain or assist an immediate family member in obtaining mental health counseling;
- e. Participate in safety planning, temporary or permanent relocation, or take other actions to increase the safety of the employee or employee's immediate family members;

Immediate family member means spouse, domestic partner, parent, child, or sibling. At the discretion of the employee's supervisor, the sick leave hours may be limited to 40 hours per calendar year.

E. Scheduling

1. An employee is expected to make every reasonable effort to schedule appointments in advance. Unscheduled appointments will be evaluated on a case by case basis. Sick leave may be taken in quarter hour increments.
2. On the exhaustion of an employee's sick leave and 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 48 hours of sick 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.

F. Carryovers

All accrued unused sick leave is carried over from one year to the next.

G. Termination/Transfers

1. If an employee transfers from one state agency to another including the Court System, the employee retains all accrued unused sick leave hours.
2. If an employee leaves employment with the state including the Court System after ten continuous years of State employment, the employee must be paid for 10% of the unused sick leave, subject to the provisions of the N.D.C.C. § 54-06-14 and Ch. 54-52.

H. Reinstatements

1. 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 sick leave accrual rate.
2. If an employee leaves state or clerk of court office county employment and is hired by the Court System within one year (two years if the employee was affected by a reduction in force), the employee must be credited with the amount of sick leave hours the employee had accumulated at the time of departure, less any amount for which the employee had previously been paid.

I. Policy Violations

Violation of this policy may lead to corrective action.

Approved by the Supreme Court 4/1/12; amended 7/2/14; amended 7/2/15; amended 10/12/16 effective 11/1/16; amended 7/17/17; amended 10/16/19 effective 11/1/19; amended 6/20/23 effective 7/1/23