

HOUSE BILL NO. 1170

Introduced by

Representatives Motschenbacher, Bahl, Christy, Fisher, Dressler

Senators Cleary, Dwyer, Gerhardt

1 A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code,
2 relating to state employee annual leave.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-06-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-06-14. Annual leave and sick leave for state employees.**

- 7 1. a. Annual leave and sick leave must be provided for all ~~persons~~individuals in the
8 permanent employment of this state who are not employed under a written
9 contract of hire setting forth the terms and conditions of their employment, within
10 the limitations, terms, and provisions of this section.
- 11 b. A state agency, unit, or entity that employs an individual subject to this section
12 shall, upon hire, grant the individual forty hours of annual leave.
- 13 c. Annual leave for an employee entitled to it must be within a range of a minimum
14 of one working day per month of employment to a maximum of two working days
15 per month of employment, based on tenure of employment or experience or both,
16 to be fixed by rules adopted by the employing unit. The rules may allow the
17 employing unit to negotiate, at hire, annual leave within the parameters of one to
18 two working days per month based on experience or tenure of employment or
19 both. Sick leave for an employee entitled to it must be within a range of a
20 minimum of one working day per month of employment to a maximum of one and
21 one-half working days per month of employment, based on tenure of
22 employment, to be fixed by rules adopted by the employing unit.
- 23 d. Annual leave must be compensated for on the basis of full pay for the number of
24 working days' leave credited to the employee. Sick leave must be compensated

1 for on the basis of full pay for absence due to illness on working days during
2 tenure of employment. An employee with at least ten continuous years of state
3 employment is entitled to a lump sum payment equal to one-tenth of the pay
4 attributed to the employee's unused sick leave accrued under this section. An
5 employee's years of state employment must be deemed continuous if, under the
6 official personnel policy of an agency, unit, or entity, the employee's work is
7 terminated because of a reduction in force and the employee is reinstated in any
8 agency, unit, or entity within two years, or if the employee is placed on voluntary
9 leave status without pay and the leave lasts no longer than two years for
10 education purposes, or one year for any other voluntary leave without pay. The
11 pay attributed to the accumulated, unused sick leave must be computed on the
12 basis of the employee's salary or wage at the time the employee leaves the
13 employ of the state and at the rate of one hour of pay for each hour of unused
14 sick leave. The agency, unit, or entity that last employed the employee shall
15 make the lump sum payment from funds appropriated by the legislative assembly
16 to that agency, unit, or entity for salaries and wages. ~~Any~~

- 17 2. ~~A~~ state agency, unit, or entity ~~which~~that employs ~~persons~~an individual subject to this
18 section shall formulate and adopt rules governing the granting of annual leave and
19 sick leave which will effectuate the purpose of this section and best suit the factors of
20 employment of that employing unit. Each employing unit shall file with the office of
21 management and budget a copy of the rules adopted, including any amendments or
22 additions to the rules.