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Leaves of Absence

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I. REASON FOR THIS POLICY

Leave use regulations and policies are found in the Codified Laws of the State of South Dakota, the Administrative Rules of the State of South Dakota, and the Board of Regents policy manual. This policy establishes further policies and practices for management of leaves of absence.

II. STATEMENT OF POLICY

To establish guidelines for leave available to employees.

III. DEFINITIONS

Compensatory Time – Leave accrued as a result of working overtime (hourly employees only).

Annual Leave – Leave accrued in accordance with Administrative Rules of South Dakota 55:01:22:01. Repealed. Used for vacation leave or to supplement other leaves of absence and must be approved in advance. Full-time employees accumulate annual leave at 10 hours per pay period with a maximum of 240 hours. Employees who have reached 15 years of service will begin to accrue 13.3334 hours of leave per month once with a maximum of 320 hours.

Sick Leave - leave accrued in accordance with Administrative Rules of South Dakota 55:01:22:02 – Remove; Repealed. Full-time employees earn 9.3334 hours of sick leave each monthly pay period.

Bereavement Leave - Employees will be eligible to use up to 5 days of accrued sick leave as bereavement leave following the loss of an immediate family member.

Family Medical Leave Act (FMLA) – federal law providing unpaid job security protections for employees with qualifying events.

Paid Family Medical Leave (PFML) – is a paid benefit for eligible employees who are on FMLA for reasons outside of the birth or placement for adoption and foster care, have 80 or less hours of sick leave, and who have missed more than three consecutive scheduled working days due to their FMLA qualifying event.

Paid Family Leave (PFL) – is a paid benefit for eligible employees to bond with the child following the birth or placement of a child for adoption. Employees are eligible for up to 40 hours per week for up to 12 weeks.

Holidays – Employees are granted eleven paid holidays (see BOR Policy 4:31 below).

Court/Jury Leave – Employees may receive court and jury leave for time spent testifying in court or serving on a jury.

Military/Active Duty Military Leave - Permanent employees are entitled to Military Training Leave of up to 15 days per calendar year. National Guard/Reservists may use up to 40 hours per year of accumulated sick leave for a call to state active duty of military reserve or National Guard members.

IV. PROCEDURES

Employees are encouraged to build and maintain adequate leave balances for use in emergencies. Employees cannot take more leave than they have accrued (except for approved Family Medical Leave (FMLA) or Leave Without Pay). Absences not covered by appropriate leave may be cause for disciplinary action.

All annual, sick, bereavement, FMLA, court/jury and military leave, leave without pay, educational leave must be requested in the Leave Request System. Holidays, Administrative Leave, Paid Medical Leave, and Paid Family Leave are entered directly onto the time sheet as opposed to submitting a request.

If absences are not related to an approved FMLA event, employees will be required to exhaust appropriate leave balances (compensatory time, annual and/or sick) before leave without pay may be taken.

Accrued compensatory time will be used before other forms of leave (sick or annual). The exception is that employees at their maximum annual leave accrual may use annual leave before compensatory time.

To ensure the health and safety of employees and students, employees who are on sick leave for more than 3 consecutive days must provide a return to work authorization from an appropriate health care provider before they return to work. For more details, refer to the [Return to Work policy](#).

- Medical certification may be required if an employee has a pattern of sick leave use which indicates possible misuse or abuse or need for FMLA coverage. Supervisors should contact Human Resources before investigating patterns of sick leave use.
- Annual leave must be approved by your supervisor prior to your departure. Based on department needs, and/or the performance and attendance record of the employee, leave requests may be denied, or alternative dates may be assigned.
- Except for emergencies or illnesses, absences without prior approval are considered unauthorized and will be considered involuntary absence without pay. These absences may be cause for disciplinary action.
- During times when insufficient productive work is available, supervisors may require employees to take compensatory time or annual leave.
- If an employee resigns, they are only allowed to utilize compensatory time or annual leave after their last working date.

For more information on policies and procedures related to the use of leave, please refer to the documents listed in the Related Documents, Forms and Tools section below, or contact Human Resources at 605-658-3660 or hr@usd.edu.

V. RELATED DOCUMENTS, FORMS AND TOOLS

[Board of Regents Medical Leave and Leaves of Absence Policy 4:15](#)

[South Dakota Codified Laws chapter 3-6](#) – Remove, Repealed.

[Request forms for Leave Without Pay](#)

[Administrative Rules of South Dakota \(ARSD\) 55:01:22](#) – Remove; Repealed

[Guide to Time Entry and Leave Requests](#)

[Board of Regents Time and Leave Reporting Policy 4:25](#)

[Board of Regents Holidays Policy 4:31](#)