

123:1-32-01

**Availability and charge of sick leave, vacation leave, and personal leave and compensation for sick leave of employees paid by warrant of the director of budget and management.**

- (A) Availability of sick leave, vacation leave, and personal leave. Sick leave, vacation leave, and personal leave is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.
- (B) Charge of sick leave, vacation leave, and personal leave. Sick leave, vacation leave, and personal leave used by an employee whose salary or wage is paid directly by warrant of the director of budget and management shall be charged in minimum units of one-tenth of one hour. Employees shall be charged sick leave, vacation leave, and personal leave only for the days and hours for which they would have otherwise been regularly scheduled to work. Sick leave, vacation leave, and personal leave shall not exceed the amount of time the employee would have been regularly scheduled to work in any pay period.
- (C) Compensation for charged sick leave. Sick leave for an employee whose salary or wage is paid directly by warrant of the director of budget and management which is credited during or subsequent to the paycheck which includes December 1, 1981 shall be exhausted before use of sick leave accumulated prior to the paycheck which includes December 1, 1981 is allowed. Compensation for sick leave used during each twelve-month period beginning with the first paycheck the employee receives in December shall be at the rates established below.
- (1) The initial forty hours of sick leave shall be paid at a rate equal to the employee's base rate of pay.
- (2) The next forty hours of sick leave shall be paid at a rate equal to seventy per cent of the employee's base rate of pay, except as provided in paragraphs (C)(2)(a) or (C)(2)(b) of this rule. ~~Except these sick leave hours shall be paid at a rate equal to the employee's base rate of pay if the hours or portions thereof are associated with an overnight hospital stay by the employee, employee's spouse, or child residing with the employee or are used before or after the aforementioned hospital stay and are contiguous to the hospital stay.~~
- (a) Overnight hospital stay or outpatient surgery.
- (i) If the hours or portions thereof are associated with an overnight hospital stay by the employee, the employee's spouse or a child residing with the employee or are used before or after the aforementioned hospital stay and are contiguous to the hospital stay, the sick leave hours shall be paid at a rate equal to the employee's base rate of pay.

- (ii) If the hours or portions thereof are associated with an outpatient surgery by the employee, the employee's spouse or a child residing with the employee or are used before or after the outpatient surgery and are contiguous to the outpatient surgery, the sick leave hours shall be paid at the rate equal to the employee's base rate of pay.
  - (b) Sick leave requested at least thirty calendar days in advance for prescheduled medical appointments for the employee, the employee's spouse or a child residing with the employee may be supplemented at the employee's request to 100% of pay with available sick leave balances provided that a doctor's statement is submitted on the first day the employee returns to work following the absence.
- (3) Sick leave used in excess of eighty hours shall be paid at a rate equal to the employee's base rate of pay.
- (4) Sick leave used to supplement an approved disability leave, workers' compensation, or adoption/childbirth leave benefit period shall be paid at a rate equal to the employee's base rate of pay.

Effective:

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Certification

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Date

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