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Responsible Executive:	Director of Human Resources
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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

USD policies and procedures related to the use of leave:

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 FMLA or Leave Without Pay). Absences not covered by appropriate leave may be cause for disciplinary action.

All annual, sick, and personal leave must be requested in the Leave Request System.

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 (personal, sick or annual). The exception is employees at their maximum annual leave accrual; these employees 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 fitness for duty authorization from an appropriate health care provider before they return to work.

- Medical certification may be required if an employee has a pattern of sick leave use which indicates possible misuse or abuse. Supervisors should contact Human Resources before investigating patterns of sick leave use.
- Vacation 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.
- Employees who are taking compensatory time or annual leave after their last working date will not be allowed to use other forms of leave.

For more information 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.

III. DEFINITIONS

COMPENSATORY TIME – leave accrued as a result of working overtime (hourly employees only).

VACATION LEAVE (ANNUAL LEAVE) – leave accrued in accordance with Administrative Rules of South Dakota 55:01:22:01.

SICK LEAVE – leave accrued in accordance with Administrative Rules of South Dakota 55:01:22:02.

PERSONAL LEAVE – sick leave used in accordance with Administrative Rules of South Dakota 55:01:22:02.04.

FMLA (FAMILY MEDICAL LEAVE ACT) – federal law providing job security protections for employees with qualifying events (see BOR Policy 4:15).

IV. PROCEDURES

Not applicable.

V. RELATED DOCUMENTS, FORMS AND TOOLS

Board of Regents Leave Policy 4:15

South Dakota Codified Laws chapter 3-6

Request forms for Leave Without Pay: <https://portal.usd.edu/administration/human-resources/employee-forms.cfm>

Administrative Rules of South Dakota (ARSD) 55:01:22