**55:09:04:10.  Leave of absence without pay.** Leave of absence without pay means approved absence from duty for which the employee is not paid. The leave is available to any permanent employee, may not exceed twelve weeks, and shall be approved by the appointing authority. The appointing authority may submit a written request with justification for an extension of an employee's leave to the commissioner. The appointing authority for an employee of the board of regents who is exempt from the civil service act may submit a written request with justification for an extension of the employee's leave to the Board of Regents. Leave of absence without pay may be granted to an employee even though all of the employee's accrued vacation leave has not been used. No leave credits may be earned during the authorized leave of absence without pay.

**Source:** 39 SDR 99, effective December 3, 2012.

**General Authority:** SDCL 3-6C-17, 3-6C-18.

**Law Implemented:** SDCL 3-6C-18.