

UNITED TRIBES TECHNICAL COLLEGE

Policy Approval Request

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Section I: Approval

1. Title: 6-2 Administrative Leave

2. Approvals:

Recommended for approval by the UTTC Administrative Council:

(sign) Jolene DeCoteau (date) 3-31-20

(print) Jolene DeCoteau

Chairperson, UTTC Administrative Council of Vice Presidents

Approved:

(sign) Leander R. McDonald (date) 3-31-2020

Dr. Leander R. McDonald, President, United Tribes Technical College

3. New or Current Policy: New

4. Author(s) of this Policy: Administration

5. Date the Policy is to be Reviewed by Administrative Council: March 31, 2020

6. Tentative Effective Date by Board of Directors: April 1, 2020

7. Department Responsible for Administering This Policy:

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Section II: Summary

We need to add a policy that allows UTTC to pay Administrative Leave with BIE funds.

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Section III: Rationale

Bureau of Indian Affairs, U.S. Department of the Interior, has official confirmed that funding made available under the Tribally Controlled Colleges and Universities Assistance Act (UTTC) may be used to **provide PAID Administrative Leave** so long as UTTC have in place a policy that permits this type of leave and the policy is consistent with the controlling federal regulations, including 2 CFR 200.431.

## Section IV: Policy

### EMERGENCY ADMINISTRATIVE LEAVE

1. In response to national, tribal or local emergency declared by the City of Bismarck, State of North Dakota and the U.S. government, the President of United Tribes Technical College ("College") is authorized to grant Emergency Administrative Leave, including Paid Administrative Leave, to College Employees when:
  - A. The President has determined such Leave is necessary to protect:
    - i. the health and safety of College employees;
    - ii. the health and safety of College students; or
    - iii. the public health and safety of the communities served by the College; and
  - B. The period for which the Emergency Administrative Leave is granted is the minimum amount of time necessary to achieve the interests set forth in this policy, based upon the facts known at the time the leave is authorized; and
  - C. There are no other effective alternatives available such as authorizing work from home or altering the location of work for the employees who are granted Emergency Administrative Leave.
2. *Prior to making a determination under subsection 1, the President shall ensure that:*
  - A. *The College has in place an established written leave policy that allows for Paid Emergency Administrative Leave (e.g., this section)*
  - B. *The costs of such leave are equitably allocated to all related activities, including Federal awards; and*
  - C. *The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees<sup>1</sup>*
3. The President will issue written notification to affected employees specifying:
  - A. The employees granted Emergency Administrative Leave by class or title;
  - B. The basis for granting Emergency Administrative Leave under this Policy;
  - C. The duration of the Emergency Administrative Leave.
4. The President has the authority to enact intermittent or ongoing, as relevant, Emergency Administrative Leave to all or classes of employees in response to any pandemic that requires social distancing as a mechanism to prevent the spread of a virus.

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<sup>1</sup>According to federal regulation, when a non-Federal entity uses the cash basis of accounting, the cost of leave is recognized in the period that the leave is taken and paid for. Payments for unused leave when an employee retires or terminates employment are allowable in the year of payment. Further, the accrual basis may be only used for those types of leave for which a liability as defined by GAAP exists when the leave is earned. When a non-Federal entity uses the accrual basis of accounting, allowable leave costs are the lesser of the amount accrued or funded.

5. The President shall notify the United Tribes Technical College Board of Directors in writing within 48 hours when any Emergency Administrative Leave has been granted. Such notification shall include assurances that the College is in compliance with subsection B, above.
6. This policy is based on and consistent with the following federal regulation: **2 CFR 200.431(a)**.

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**Updated 03-31-2020**