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Descriptor Term:
LEAVE OF ABSENCE

Descriptor Code:
7.4890

Legal References: G.S. 95-28.3, 115C-12, -36, -47, -84.2, -302.1, -316, -336, 336.1; 16 N.C.A.C. 6C .0401–.0405; *North Carolina Public Schools Benefits and Employment Policy Manual*

Cross References: 7.4820 Workday and Overtime; 7.4892 Voluntary Shared Leave; 7.4893 Family and Medical Leave; 7.4894 Military Leave; 7.4895 Absences Due to Inclement Weather

The board of education believes that it is important for employees to have leave available to attend to personal, civic and professional matters as well as to meet family commitments. This need for leave is to be balanced with the need to provide an effective instructional program for students. No employee will be discharged, demoted or otherwise subjected to adverse employment action for taking leave in accordance with board policies and administrative procedures.

All requests for leave, with or without pay, shall be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*.

In addition to applicable laws and regulations, the following policies of the board will apply to leave requests. The superintendent shall develop administrative procedures regarding leaves of absence with or without pay and requests for such leave and shall make these policies available to any employee on request.

A. MINIMUM LEAVE TIME

An employee may take any leave in increments of one-half or whole workdays. An employee who is absent less than one-half day will be charged with the use of one-half day of leave. If an employee is absent for more than one-half day, one day of leave will be charged to the employee. Compensatory time off or leave that is designated as eligible for leave under the Family and Medical Leave Act, defined in policy 7.4893 Family and Medical Leave, may be taken in increments of hours.

B. CONTINUOUS LEAVE OF MORE THAN TEN DAYS

An employee must comply with the notice and verification requirements as provided in board policy 7.4893 for continuous leave of more than ten (10) days if:

1. the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7.4893, Family and Medical Leave; and
2. the leave is designated as FMLA-eligible at the time leave is taken or as soon as feasible thereafter.

C. SICK LEAVE

The superintendent or his/her designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness. Employees who anticipate

using sick leave for a period of time greater than five (5) working days must inform the principal or immediate supervisor in advance, so that arrangements may be made to reassign the employee's duties during the period of absence.

D. PERSONAL LEAVE

Teachers earn days of personal leave at a rate of .20 days for each full month of employment, not to exceed two days per year. Unused personal leave may be accumulated without any limitation until June 30 of each year. On June 30, personal leave in excess of five days shall be converted to sick leave so that a maximum of five days of personal leave is carried forward to July 1. At the time of retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave may be requested by application in accordance with the policies of the State Board of Education and may be used only upon the authorization of the teacher's immediate supervisor. A teacher shall not take personal leave on the first day the teacher is to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request shall be automatically granted subject to the availability of a substitute teacher, and the teacher cannot be required to provide a reason for the request.

E. VACATION LEAVE

The superintendent or his/her designee shall approve the vacation schedules of all personnel. To promote the efficient operation of the schools, the superintendent may designate certain periods during the non-academic year as preferred vacation periods for twelve-month employees. Vacation leave that is earned by 12-month teachers during the two (2) months of "extended employment" may be taken only upon authorization and approval of the employee's immediate supervisor and the superintendent or his/her designee and under procedures established by the superintendent.

Vacation leave that is earned by teachers or other 10-month employees during the 10-month school-year employment may be taken as outlined in the school-year calendar. If a teacher schedules vacation leave in accordance with the school calendar, the board and/or principal shall give the teacher at least 14 calendar days notice before requiring the teacher to work on the scheduled day(s), unless the teacher waives the notice requirement.

Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30 of each calendar year, accumulated annual vacation leave in excess of 30 days shall be converted to sick leave so that only 30 days of annual vacation leave are carried forward.

An employee who has unused vacation leave from another school system in North Carolina may request to have this leave transferred to this school system.

Bus drivers and instructional personnel that must be replaced by a substitute may not take earned vacation leave on days during which school is in session for students unless the employee's absence is due to a catastrophic illness and the employee has exhausted all of his or her sick leave. In such instances, the employee will not be required to pay the substitute.

Within any given year, instructional personnel who do not require a substitute may be granted a maximum of five (5) vacation days when students are in attendance. Such days shall not be

consecutive. Vacation leave shall not be granted immediately before or immediately following days when students are out of school. Vacation leave shall not be granted on mandatory staff development days. An exception to these restrictions may be made when an employee is absent due to a catastrophic illness and the employee has exhausted all of his or her sick leave.

The superintendent shall establish procedures for reviewing requests for the use of any vacation leave, including vacation leave for catastrophic illness by instructional personnel and bus drivers.

F. CHILD-SCHOOL INVOLVEMENT LEAVE

All employees may take up to four hours of unpaid leave per year to attend or otherwise be involved in the school of a child for whom the employee is a parent, guardian, legal custodian or person standing in loco parentis.

G. PETTY LEAVE

Petty leave is defined as an absence from work that is generally less than one hour in length and that is not covered by other policies.

Petty leave is awarded only to employees who are exempt from the Fair Labor Standards Act.

The request for petty leave and the granting or denial of a request shall be based upon the welfare of the employee and the students.

H. COMPENSATORY LEAVE

Because professional employees are expected to fulfill all job duties, compensatory leave should only apply in extraordinary circumstances.

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) at a rate of 1.5 hours for every 1 hour and minute worked in lieu of receiving overtime pay for hours worked beyond 40 in a given workweek. For the purpose of Fair Labor Standards Act compliance, the workweek for school system employees shall begin at 12:00 a.m. on Sunday and end at 11:59 p.m. on the following Saturday. Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned if possible. The superintendent or designee may exempt certain employees or categories of employees from this comp time provision when deemed necessary for the proper administration of the school system.

All employees must obtain approval from their immediate supervisors before taking compensatory leave.

I. MILITARY LEAVE

Employees may take up to 15 workdays of paid military leave during the federal fiscal year, which runs from October 1 through September 30. Paid military leave may be used for the following:

1. active duty training of the Reserve Components of the U.S. Armed Forces, including the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and the Coast Guard Reserve;
2. required physical examinations relating to membership in a reserve component; and

3. regularly scheduled unit assemblies, also referred to as drills.

For infrequent special activities in the interest of the state when authorized by the Governor or designee, the National Guard may be paid for up to 30 days in addition to the 15 days allowed for training.

I. LEAVE OF ABSENCE WITHOUT PAY

An employee may be granted a leave of absence without pay for the following reasons and for a period of time up to one calendar year, renewable at the discretion of the superintendent with approval by the board of education:

1. Military leave (see also board policy 7.4894);
2. Personal illness in excess of sick leave (see also board policy 7.4893);
3. Family and Medical Leave (see also board policy 7.4893);
4. Professional leave; and
5. Other reasons in the discretion of the superintendent with the approval of the board of education.

An employee seeking a leave of absence without pay is responsible for completing an application, obtaining information, and making necessary arrangements as provided in the administrative procedures. With the exception of emergencies, an employee who desires a leave of absence without pay shall provide at least 60 days notice and shall submit a request in writing to the board of education stating the beginning and ending dates of the desired leave of absence. Consultation with the principal or immediate supervisor by the employee is expected. The superintendent may request documentation in support of the request. In determining the length of absence approved without pay, with the exception of military and family leave, due and proper consideration shall be given to the welfare of the students as well as the employee. The superintendent may require notice of intent to return to work at reasonable time intervals during the leave.

Once a leave of absence without pay has been requested and approved by the board of education, the dates are binding unless both parties agree to a change.