

LEAVE

Policy Code:

7510

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 may 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, must 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*, available at <http://www.ncpublicschools.org/district-humanresources/key-information>.

In addition to applicable laws and regulations, this board policy applies to leave requests. The information in this policy is intended to supplement, not replace, the requirements of law and the State Board of Education. In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its leave practices be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policy are made.

The superintendent shall develop any necessary administrative procedures and make them available to employees upon request.

A. MINIMUM LEAVE TIME

Employees who are paid on an hourly, as opposed to salaried basis may take any type of leave in increments of hours. All other employees may take leave in half day or whole day increments only.

B. CONTINUOUS LEAVE OF MORE THAN 10 DAYS

An employee must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for any continuous leave of more than 10 days if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter. See policy 7520, Family and Medical Leave.

C. SICK LEAVE

The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness or injury. Employees who anticipate using sick leave should inform their immediate supervisor in

advance so that arrangements may be made to reassign the employee's duties during the period of absence.

D. PERSONAL LEAVE

Personal leave must be used in half or whole day units. Personal leave may be used only upon the authorization of the teacher's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent.

E. VACATION LEAVE

Vacation may be taken only upon the authorization of the employee's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent.

To promote the efficient operation of the schools, the superintendent may designate certain periods during the nonacademic year as preferred vacation periods for 12-month employees.

F. COMPENSATORY LEAVE

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

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) as described in policy 7500, Workday and Overtime. Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned, if possible; however, the superintendent or designee may exempt certain employees or categories of employees from this requirement when deemed necessary for the proper administration of the school system.

An employee must obtain approval from his or her immediate supervisor before taking compensatory leave.

G. LEAVE TO TEACH AT A CHARTER, REGIONAL, OR LAB SCHOOL

Leave of absence to teach for one year at a charter, regional, or lab school will be granted to a teacher upon timely written request to the board. The request must be provided at least 45 days before the teacher would otherwise have to report for duty if it is the initial year of the charter/regional/lab school's operation and at least 90 days if it is after the charter/regional/lab school's initial year of operation. The teacher may return to work in the school system in accordance with the provisions of applicable state law.

H. DISCRETIONARY LEAVE OF ABSENCE WITHOUT PAY

An employee, who wishes to take leave that is not eligible for any other specific type of

leave, may be granted a leave of absence without pay for a period of up to one calendar year at the discretion of the superintendent with approval from the board.

The employee is expected first to consult with his or her immediate supervisor and then to provide advance written notice (60 days if possible) stating the beginning and ending dates of the desired leave of absence. The superintendent may request documentation from the employee in support of his or her request. In determining the length of the leave of absence without pay that will be approved, due and proper consideration must be given to the welfare of the students as well as the employee. The superintendent may require the employee to give notice of his or her intent to return to work at reasonable time intervals during the leave.

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

I. OTHER LEAVE

Other types of leave, such as leave for observance of a bona fide religious holiday, professional leave, community responsibility leave, leave for jury duty or court attendance, elected officials leave, parental involvement in schools leave, parental leave without pay, and military leave (see policy 7530, Military Leave), will be granted in accordance with the requirements of law and State Board of Education policy.

Legal References: G.S. 95-28.3; 115C-12, -36, -47, -84.2, -218.90(a)(3), -238.68(3), -285, -302.1, -316, -336, -336.1; 116-239.10(4); 16 N.C.A.C. 6C .0405; State Board of Education Policy BENF-001, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at <http://www.ncpublicschools.org/district-humanresources/key-information>

Cross References: Workday and Overtime (policy 7500), Compliance with State Board of Education Employment Policies (policy 7505), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

~~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 may 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, must 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 board policies apply to leave requests. The superintendent is directed to develop administrative procedures and make them available to any employee upon request.~~

~~**J. MINIMUM LEAVE TIME**~~

~~Employees who are paid on an hourly, as opposed to salaried basis may take any type of leave in increments of hours. All other employees may take leave in half day or whole day increments only.~~

~~**K. CONTINUOUS LEAVE OF SIX DAYS OR MORE**~~

~~An employee must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for continuous leave of six days or more if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter.~~

~~**L. SICK LEAVE**~~

~~The superintendent or 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 more than a single day 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.~~

~~**M. PERSONAL LEAVE**~~

~~Teachers earn 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 carried forward from one year to another and may be accumulated without 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 his or her retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.~~

~~Personal leave must be used in half or whole day units. 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 he or she is required 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 will be automatically granted subject to the availability of a substitute teacher. The teacher cannot be required to provide a reason for the request.~~

N. ~~ANNUAL/VACATION LEAVE~~

~~The superintendent or designee has the authority to approve the vacation schedules of all personnel. To promote the efficient operation of the schools, the superintendent may designate certain periods during the nonacademic year as preferred vacation periods for 12-month employees. Vacation earned by 12-month teachers during the two months of "extended employment" may be taken only upon the authorization of the employee's immediate supervisor and in accordance with procedures established by the superintendent. Vacation earned by teachers and 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 must 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, accumulated annual vacation leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual vacation leave are carried forward.~~

~~An employee who has unused vacation time from another school system in North Carolina may have the vacation time transferred to this school system.~~

~~Instructional personnel who must be replaced by a substitute may not take earned vacation on days when school is in session for students unless the employee's absence is due to the employee's own catastrophic illness and the employee has exhausted all of his or her sick leave or unless the employee qualifies as a new parent. 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 vacation days when students are in attendance. Leave will not be granted for days immediately before or immediately following days when students are out of school. Leave will 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 vacation leave for catastrophic illness by instructional personnel.~~

O. ~~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 or person standing in loco parentis.~~

P. ~~COMPENSATORY LEAVE~~

~~Because professional employees are expected to fulfill all job duties, compensatory leave should apply only 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 one and one-half hours for every one hour worked in lieu of receiving overtime pay for each hour worked beyond 40 in a given workweek. For the purpose of compliance with the Fair Labor Standards Act, the workweek for school system employees will be from 12:00 a.m. Sunday until 11:59 p.m. 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.~~

~~An employee must obtain approval from his or her immediate supervisor before taking compensatory leave.~~

Q. ~~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: (1) active duty training in 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, members of the National Guard may be paid for up to 30 days in addition to the 15 days allowed for training.~~

R. ~~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 of up to one calendar year, renewable at the discretion of the superintendent with approval from the board:~~

- ~~1. military leave (see also policies 7520, Family and Medical Leave, and 7530, Military Leave);~~
- ~~2. personal illness in excess of sick leave;~~
- ~~3. family leave (see also policy 7520);~~
- ~~4. professional leave; and~~
- ~~5. other reasons at the discretion of the superintendent with the approval of the~~

board.

~~An employee seeking leave is responsible for making necessary arrangements as provided in the administrative procedures. Except in the case of an emergency, 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 stating the beginning and ending dates of the desired leave of absence. The employee is expected to consult with the principal or his or her immediate supervisor. The superintendent may request documentation from the employee in support of his or her request. In determining the length of absence without pay that will be approved, with the exception of military and family leave, due and proper consideration must be given to the welfare of the students as well as the employee. The superintendent may require the employee to give notice of his or her intent to return to work at reasonable time intervals during the leave.~~

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

~~Legal References: G.S. 95-28.3; 115C-12, 36, 47, 84.2, 285, 302.1, 316, 336, 336.1; 16 N.C.A.C. 6C-.0405; State Board of Education Policy TCP-D-003, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at <http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>~~

~~Cross References: Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inelement Weather (policy 7550)~~

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Replaces Board Policies 735, 736 and 737

[History of Policy 735](#)
Adopted: Aug. 6, 1992

[History of Policy 736](#)
Adopted: Aug. 6, 1992

[History of Policy 737](#)
Adopted: June 2, 1994