

7.3 Leaves (11.29)

The Board provides a variety of paid and unpaid leaves to permit employees time away from work for renewing their physical and mental capabilities, for coping with personal illness or the illness of a family member, for meeting civil or military obligations, or for meeting personal or professional educational goals. These leaves have very specific eligibility and use guidelines, and all require approval of employees' supervisor and dean. Employees who are absent without approved leave may be subject to disciplinary action from their supervisor.

Definition of Term "Immediate Family." For the purpose of sick leave, voluntary shared leave, and family and medical leave, "immediate family" includes the following: spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Leave Records. The College maintains annual records of all leave earned and taken by College employees. Leave is credited month by month to ensure that the maximum accumulation is not exceeded. The College provides leave balances electronically. Leave balances are verified in the Human Resources Office. The College retains leave records for separated employees for a period of at least four years from the time of separation.

(Revised December 10, 2007)

(Revised August 2, 2010)

PROCEDURE

Absences from work during scheduled working hours are charged to the appropriate leave account of employees. Each appropriate personnel ensures that leave forms are forwarded to the Human Resources Office in a timely manner.

7.3.1 Annual Leave

7.3.1.1 Amount Earned (11.29) (402)

Full-time non-instructional employees who are earning benefits and/or on paid leave for one-half or more of the regularly scheduled workdays in any month earn annual leave. The rate is based on length of aggregate state service.

The majority of non-instructional employees are scheduled to work eight hours each day. Since there are other schedules in existence because of the nature of the work, the annual leave rates are stated in terms of hours. Annual leave for employees is computed at the rates provided in the State Personnel Act.

Employees who are employed in a budgeted position for as much as half time earn annual leave on a pro rata basis if they work one-half or more of the scheduled workdays in a month. The leave is computed as a percentage of the total amount earned by full-time employees.

Leave for instructors consists of days the College is not in session and non-designated workdays. Instructors' leave is not cumulative. The College administration may designate days on which no classes are scheduled as regular workdays.

Annual Leave Chart

Years of Aggregate Service	Hours Granted Each Month	Hours Granted Each Year	Days Granted Each Year
Less than 2 years	7.83	93.96	11.75
2 but less than 5 years	9.16	109.92	13.74
5 but less than 10 years	11.16	133.92	16.74
10 but less than 15 years	13.16	157.92	19.74
15 but less than 20 years	15.16	181.92	22.74
20 years or more	17.16	205.92	25.74

(March 22, 2004)
(Revised December 10, 2007)
(Revised August 2, 2010)

NO PROCEDURE

7.3.1.2 Maximum Accumulation for Non-Instructional Employees (11.29)

Annual leave is not cumulative for more than 240 hours. On December 31, employees who have annual leave in excess of the allowed 240 hours accumulation have those hours converted to sick leave. A maximum of 206 hours may be converted to sick leave annually.

(Revised December 10, 2007)

NO PROCEDURE

7.3.1.3 Aggregate State Service (11.29)

Aggregate state service includes all permanent employment with the state, whether such service was with the College or another state agency. Credit is given for employment with other governmental units which are now state agencies (e.g., county highway maintenance, judicial system); authorized military leave; employment with the county Cooperative Extension Service; the community college system; and the public school system of North Carolina (with the provision that a school year is equivalent to one full year) employment with a local mental health, public health, social services or emergency management agency in North Carolina (if such employment is subject to the State Personnel Act).

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.1.4 Advancement (11.29)

The Board authorizes the President to advance annual leave not to exceed the amount employees can earn during the next 12 months. When advancement of leave is not authorized in writing by the President, overdrawn leave is deducted from employees' salaries.

New employees may be granted annual leave only as it is earned through the first six months' service. After six months, employees may be advanced the amount of annual leave they would earn during the next 12 months if it is requested in writing and approved by the President.

(May 28, 2001)

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.1.5 Scheduling (11.29)

Annual leave is taken only upon authorization of the appropriate College official who designates such time or times when it least interferes with the efficient operation of the College. Annual leave may be taken in units of no less than one-half hour, with a one-hour minimum, and may be required during College closings.

(Revised March 22, 2004)

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.1.6 Leave Charges (11.29)

Only scheduled work hours are charged in calculating the amount of annual leave taken. Saturdays, Sundays, and/or holidays are charged only if the days are scheduled workdays.

(Revised December 10, 2007)

NO PROCEDURE

7.3.1.7 Transferability (11.29)

Unused annual leave may be transferred when employees leave the College to accept employment with another agency willing to accept the annual leave. Otherwise, employees leaving the College are paid in a lump sum for accumulated annual leave up to 240 hours. The College does not accept the transfer of annual leave of employees from any agency.

(Revised March 22, 2004)

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.1.8 Other Uses (11.29)

Annual leave may be used for medical appointments in lieu of sick leave and for absences resulting from adverse weather conditions when the College remains open.

(Revised December 10, 2007)

NO PROCEDURE

7.3.1.9 Separation Payment (11.29)

- A. Lump sum payment for annual leave is made only at the time of separation. Employees are paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when they are separated from the College. Employees who are on leave at separation are paid for remaining non-workdays in the month. Employees retiring on disability retirement may exhaust leave rather than being paid in a lump sum.
- B. Should employees be separated before they have earned all of the annual leave taken, deductions are made from their final salary check for overdrawn leave on the basis of full hour units.
- C. Retirement deductions are made from final salary payments.
- D. Lump sum leave payments and retirement benefits are not considered dual compensation.
- E. In the case of a deceased employee, payment for unpaid salary, leave, and travel must be made, upon establishment of a valid claim, to the deceased employee's administrator or

executor. In the absence of an administrator or executor, payment must be made to the Clerk of Superior Court of the county of the deceased employee's residence (*G.S. 26-68*).

- F. When retiring or resigning, employees may exhaust accumulated annual leave rather than being paid in a lump sum for unused leave. During this period, employees cease to earn leave or be entitled to take sick leave. Employees are not charged leave for any holidays occurring during the period. The last day of work is the official date of separation, except in cases when employees are exhausting sick, annual, and bonus leave before going on disability retirement.

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.2 Sick Leave

7.3.2.1 Amount Earned (11.29)

Full-time employees who are earning benefits and/or are on paid leave for one-half or more of the regularly scheduled workdays in any month earn sick leave computed at the allowable state rate of eight hours each month.

Part-time employees who are employed on a continuing basis in a budgeted position for as much as half-time earn sick leave on a pro rata basis if they work one-half or more of the scheduled workdays in a month. The leave is computed as a percentage of total amount earned by full-time employees.

(Revised December 10, 2007)

NO PROCEDURE

7.3.2.2 Accumulation for Retirement (11.29)

Sick leave is cumulative indefinitely. However, the amount used toward retirement is limited by the retirement system to days of unused sick leave for each year of active service. One month of credit is allowed for each 20 days of sick leave.

(Revised December 10, 2007)

NO PROCEDURE

7.3.2.3 Advancement (11.29)

The Board authorizes the President to advance sick leave not to exceed the amount employees can earn during the next 12 months. When advancement of leave is not authorized in writing by the President of the College, overdrawn leave is deducted from employees' salaries.

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.2.4 Verification (11.29)

The College may require a statement from a medical doctor or other acceptable proof that employees were unable to work in order to assure that there is no abuse of sick leave privileges.

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.2.5 Use (11.29)

Sick leave may be used for the following reasons:

- A. Illness or injury which prevents employees from performing their usual duties
- B. Death in employees' immediate family
- C. Medical appointments
- D. Quarantine due to a contagious disease in employees' immediate family
- E. The actual period of temporary disability connected with child bearing
- F. Illness of a member of employees' immediate family.

(Revised December 10, 2007)

NO PROCEDURE

7.3.2.6 Leave Charges (11.29)

Sick leave may be taken in units of no less than one-half hour, with a one hour minimum. Sick leave is earned based on working a 40 hour week; therefore, all full-time employees must take eight hours when absent the entire day during fall and spring semesters (9½ hours during summer semester) and must pro-rate the hours taken when on leave a partial day and not returning to work at the end of the day. Leave must be taken on non-traditional work days if those days comprise an employee's work schedule.

(Revised March 22, 2004)

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.2.7 Transferability (11.29)

When employees transfer to an organization within the North Carolina Community College System or to a state agency, unused sick leave may be transferred if the organization is willing to accept the sick leave. New employees whose previous employment was with a North Carolina public school system, an organization within the North Carolina Community College System, or a state agency subject to the State Personnel Act provisions are credited with any sick leave accumulation at the termination of employment with the school or agency provided that written verification is submitted to the Human Resources Office.

(Revised December 10, 2007)

NO PROCEDURE

7.3.2.8 Separation Payment (11.29)

Sick leave is not allowable in final salary payments when employees terminate service with the College. Should employees be separated before they have earned all of the sick leave taken, deductions are made from their final paycheck for overdrawn leave on a day-for-day basis. Sick leave is exhausted before going on leave without pay because of extended illness. While employees are exhausting sick leave, they earn all benefits to which they are entitled.

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.2.9 Reinstatement of Sick Leave (11.29)

If employees have worked within the last five years at a state agency or a local mental health, social services, public health, or emergency management agency, as well as in a public school, community college, or technical institute, their unused sick leave credit may be reinstated when they are employed by the College.

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.2.10 Sick Leave Without Pay (11.29)

Sick leave without pay may be granted by the College for the remaining period of disability after sick leave, annual leave, and bonus leave have been exhausted. In the event such leave exceeds one year, an extension must be requested.

(Revised December 10, 2007)

PROCEDURE

If employees are out because of illness and are unable to return to work immediately after all accumulated leave has been used, they may be released unless a prior written arrangement has been made with the President. When applicable, the College adheres to ADA and FMLA regulations and shared leave provisions.

7.3.3 Bonus Leave (11.44)

College employees may be awarded bonus leave in accordance with the guidelines established by the State Board of Community Colleges and the North Carolina General Assembly.

(Revised December 10, 2007)

(Revised August 2, 2010)

PROCEDURE

Bonus leave is charged in units of time consistent with annual and sick leave guidelines.

Bonus leave is accounted for separately from other leaves. The balance of bonus leave on December 31 is retained by employees and transferred into the next calendar year. It is not considered as part of the maximum 240 hours of annual leave that can be retained. Bonus leave cannot be converted to sick leave.

The balance of bonus leave not taken may be transferred when employees accept a position with another state-funded agency if the receiving agency accepts bonus leave. The College does not accept the transfer in of bonus leave.

Lump sum payment for bonus leave is made only at the time of separation.

When employees have exhausted sick and annual leave, bonus leave is transferred to correct negative balances. Bonus leave can be donated as annual leave or sick leave under the Voluntary Shared Leave provisions.

7.3.3A Furlough Leave

College employees may be awarded furlough leave in accordance with the guidelines established by the State Board of Community Colleges.

(May 18, 2009)

(Revised August 2, 2010)

PROCEDURE

The President establishes the procedure for employees taking furlough leave, when applicable. The procedure is communicated to College employees.

7.3.4 Personal Leave

If faculty have no other leave available to them, they are awarded up to two days of personal leave per calendar year. Personal leave days must be taken in one day increments and are not cumulative. There is no payment for personal leave at the time of separation.

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.5 Shared Leave (11.28) (Policy X)

Employees may transfer annual, sick, or bonus leave to other employees who are experiencing prolonged medical conditions. Leave may also be transferred from one employee to another employee whose immediate family member is experiencing a prolonged medical condition. A prolonged condition is generally considered to be a condition lasting for 20 or more consecutive days. However, a condition may be prolonged if previous absences for the same condition are included or if employees have had a previous prolonged medical condition and that condition has recurred. Serious medical conditions are not defined as routine, short-term, incidental or sporadic conditions including, but not limited to, headaches, sinus infections, allergies, bronchitis, or similar short-term illnesses.

The receiving employee must have exhausted all leave in order to be eligible to receive transferred annual, sick, or bonus leave.

Employees who have a medical condition and are receiving benefits from the Disability Income Plan of North Carolina are not eligible to participate in this shared leave policy. However, employees may participate after application but prior to the receipt of any disability benefits.

No employees should intimidate, threaten, or coerce other employees to donate or transfer leave. Such action is grounds for disciplinary action up to and including dismissal.

If recipients' employment is terminated for any reason, or if recipients cease to participate in the shared leave program, then donated leave is returned to donating employees on a pro rata basis.

The minimum amount of time which can be transferred is four hours, and additional amounts may be transferred in one hour increments.

Through application to the Director of Human Resources, employees may request to participate as recipients in the program by completing an Application for Shared Leave form. The form is forwarded to the Vice President of Administrative Services for approval. If the request is not approved, the decision of the Vice President may be appealed to the President. The decision of the President is final and may not be appealed.

(May 28, 2001)

(March 22, 2004)

(Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.6 Educational Leave (11.29)

Employees are encouraged to improve their competence through additional studies. Leave may be authorized with pay for activities such as workshops, seminars, and course work which contribute to the efficiency of employees.

(Revised December 10, 2007)

NO PROCEDURE

7.3.7 Military Leave (11.29)

Leave with pay is granted to members of reserve components of the U.S. Armed Forces for certain periods of active duty training and to members of the State Militia (National Guard, including the State Defense Militia) for state military duty. (See 1C SBCCC 400.97 of *State Board Community Colleges Codes*.)

(Revised December 10, 2007)

NO PROCEDURE

7.3.8 Civil Leave

7.3.8.1 Jury Duty (11.29)

When full-time employees are summoned to serve on a jury or appear in court, the Human Resources Director should be notified immediately. For the period of absence, employees are entitled to leave with pay as well as the regular compensation and fees received for jury duty. (Note: Often times, the College can get jury duty rescheduled to prevent the disruption of classroom instruction.)

(Revised December 10, 2007)

(Revised August 2, 2010)

PROCEDURE

Upon receiving a jury duty notice, employees must immediately forward a copy of that notice to the Human Resources Office.

7.3.8.2 Court Attendance (11.29)

When employees attend court in connection with their official duties, no leave is required. Fees received as a witness while serving in an official capacity are turned in to the College. (When employees are required to attend court on a day that they would normally be off, the time is considered working time and included in the total hours worked per week.)

When employees are subpoenaed or directed by the proper authority to appear as a witness, they are granted civil leave with pay. Any fees received are submitted to the College. Employees may use annual leave rather than take civil leave with pay and retain any fees received.

Revised December 10, 2007)

(Revised August 2, 2010)

NO PROCEDURE

7.3.9 Maternity Leave (11.29)

Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and must be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, are applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

Sick leave may be used for maternity purposes for the period of actual disability as a result of childbearing or recovery. A doctor's certification verifying employees' disability is required.

Annual and bonus leave may be used for maternity purposes.

(Revised December 10, 2007)

NO PROCEDURE

7.3.9.1 Institution Responsibility (11.29)

Maternity leave, not to exceed six months, is granted to employees. The College is responsible for determining, in consultation with employees and upon advice they have received from their physician, how far into pregnancy they may continue to work before going on leave. Their return to work should be within a reasonable length of time, depending upon the advice of the physician. Leave may be extended to 12 months, based on medical certification. Reinstatement to the same position or one of like seniority, status, and pay must be made upon employees' return to work.

(Revised December 10, 2007)

NO PROCEDURE

7.3.9.2 Employee Responsibility (11.29)

Employees apply in writing to their supervisor for leave. They are obligated to return to duty within or at the end of the time determined appropriate by medical certification. If they find they will not return to work, they should notify the institution immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, may be considered a resignation.

(Revised December 10, 2007)

NO PROCEDURE

7.3.9.3 Leave Without Pay (11.29)

Normally persons desire to be on leave from work prior to the time of actual disability and also after the time of actual disability. Leave without pay may be provided for the time before employees are disabled and the period of time after the disability ends but before employees return to work.

(Revised December 10, 2007)

NO PROCEDURE

7.3.9.4 Sick Leave (11.29)

Accumulated sick leave is provided for the actual period of temporary disability caused by or contributed to by pregnancy or childbirth in the same manner as for other temporary disabilities. Since there is no certainty as to when disability actually begins and ends, it is necessary to determine the period of disability in order that employees may realize the benefits of both leave without pay and leave with pay for the period of disability. Therefore, the attending physician is requested to furnish, on a prescribed form, the period of temporary disability.

(Revised December 10, 2007)

NO PROCEDURE

7.3.9.5 Annual Leave (11.29)

Annual leave does not have to be exhausted before going on leave without pay.

(Revised December 10, 2007)

NO PROCEDURE

7.3.9.6 Retention of Benefits (11.29)

During the period of leave without pay, employees retain all accumulated unused sick leave, retirement status, and time earned toward the next increment. During a period of paid leave, employees continue to earn sick leave and vacation leave.

(Revised December 10, 2007)

NO PROCEDURE

7.3.10 Leave With or Without Pay (11.29)

The Board authorizes the President to approve leaves of absence with or without pay. Funds for leaves with pay are obtained from state instructional and/or administrative funds as applicable.

(Revised December 10, 2007)

NO PROCEDURE

7.3.11 Compensatory Leave (11.29)

The Board affirms the established practice of awarding compensatory leave in lieu of cash payment for required overtime work performed by nonexempt employees as defined by the Fair Labor Standards Act. Compensatory time must be approved in advance. Supervisors must ensure that time records are submitted to the Human Resources Office.

(Revised December 10, 2007)

PROCEDURE

Non-exempt employees may accrue compensatory time from overtime work. All overtime work must be approved in advance by the employees' supervisor. Overtime is earned whenever employees work more than the normal work hours required for a week. Paid time that is not considered time worked (e.g., annual, sick, bonus, furlough, or holiday) does not count as time worked for the purpose of determining employee eligibility for compensatory time. A maximum of 38 compensatory hours may be accrued by non-exempt employees at any given time. All compensatory time must be used within one month of the date earned. Compensatory time must be used before using annual or bonus leave. All compensatory time must be reported on a time sheet, signed by the employees and the supervisors, and submitted to the Human Resources Office within ten days of the following month. Any exception to these rules must be approved by the President.

7.3.12 Family and Medical Leave (11.29)

The Board authorizes the President to establish procedures that ensures compliance with the *FAMILY & MEDICAL LEAVE ACT OF 1993* (FMLA).

(Revised December 10, 2007)

(Revised August 2, 2010)

PROCEDURE

The 12 month period in which the 12 weeks of family medical leave entitlement occur is based on the calendar year.

Eligibility

Eligible employees are annual or provisional employees who have been employed by the College for at least 12 previous months and have worked for the College for at least 1,250 hours during

the previous 12 months. The FMLA does not cover temporary employees, unless a temporary position continues for more than 12 months and employees worked for more than 1,250 hours during that 12 months. Once determined eligible, employees can take leave in the following circumstances:

- A. The birth of a child and in order to take care of that child.
- B. The placement of a child with employees for adoption or foster care.
- C. A serious health condition of a spouse, child, or parent of employees that requires employees to care for that person.
- D. A serious health condition of employees that makes them unable to perform the functions of their position.
- E. For families of covered members who need leave because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

In addition, Military Caregiver Leave is provided for eligible employees who are spouse, son, daughter, parent, or next of kin of a covered service member. This leave is for a total of 26 workweeks during a single 12-month period to care for a covered service member who has a serious injury or illness incurred in the line of duty. This service member may be undergoing medical treatment, receiving therapy, or recuperating, or he/she may otherwise be in out-patient status or on the temporary disability list.

FMLA runs concurrent with leave being expended. If employees are exhausting sick, annual, or bonus leave, employees' pay status remains the same as if they were working. If employees are not in a pay status, the College continues to pay their health insurance premium as usual, and they are responsible for paying the dependent coverage amount each month. At the end of the approved FMLA, employees return to their same position or one with the same pay, benefits, and other conditions.

Application Process

Unless otherwise agreed upon, employees utilize any accrued sick leave for any part of the allowed 12-week period.

Employees apply for family medical leave through the Human Resources Office. Medical certification must accompany the request, and second opinions may be required. The President or his/her designee approves or denies the request. Employees should provide the College 30 days notice if leave is based on a foreseeable event. If it is not possible to give 30 days notice, employees should give as much notice as possible. Also, if a course of treatment can be scheduled so as not to unduly disrupt the employees' schedules, such consideration is requested, subject to the health care provider's recommendation.

Confidentiality of Medical Records

Medical information is confidential. Employees are required to sign medical release forms giving appropriate personnel permission to acquire, discuss, and release the medical information relating to the requested leave.

Grievance Procedure

If employees disagree with a decision made regarding their application for leave, they may utilize the College grievance procedure. In the event employees are not satisfied with the results of the grievance procedure, they may employ the remedies supplied by the FMLA.
