

1 The Transylvania County Board of Education (the “board”) believes that it is important for
2 employees to have leave available to attend to personal, civic, and professional matters, as well
3 as to meet family commitments. This need for leave is to be balanced with the need to provide
4 an effective instructional program for students. No employee may be discharged, demoted, or
5 otherwise subjected to adverse employment action for taking leave in accordance with board
6 policies and administrative procedures.

7
8 All requests for leave, with or without pay, must be addressed in accordance with state and
9 federal law, as well as policies promulgated by the State Board of Education, including those
10 specified in the most current edition of the *North Carolina Public Schools Benefits and*
11 *Employment Policy Manual*, available at [http://www.ncpublicschools.org/district-](http://www.ncpublicschools.org/district-humanresources/key-information)
12 [humanresources/key-information](http://www.ncpublicschools.org/district-humanresources/key-information).

13
14 In addition to applicable laws and regulations, ~~the following board policies apply~~ **this policy**
15 **applies** to leave requests. **The information in this policy is intended to supplement, not replace,**
16 **the requirements of law and the State Board of Education. In the event that changes to State or**
17 **federal law or regulation conflict with current State Board or local board policies, the board**
18 **intends that its leave practices be modified to the extent necessary to comply with current law**
19 **until such time as conforming changes to State Board and/or local board policy are made.**

20
21 The superintendent ~~is directed to~~ **shall** develop **any necessary** administrative procedures and
22 make them available to ~~any~~ employees upon request.

23
24 **A. MINIMUM LEAVE TIME**

25
26 An employee may take any type of leave in increments of hours unless otherwise
27 specified in this policy.

28
29 **B. CONTINUOUS LEAVE OF MORE THAN 10 DAYS**

30
31 An employee must comply with the notice and verification requirements provided in
32 policy 7520, Family and Medical Leave, for **any** continuous leave of more than 10 days
33 if: (1) the leave also is eligible for leave under the Family and Medical Leave Act
34 (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the
35 time it is taken or as soon as is feasible thereafter. **See policy 7520, Family and Medical**
36 **Leave.**

37
38 **C. SICK LEAVE**

39
40 The superintendent or designee may require a statement from a medical doctor or other
41 acceptable proof that the employee was unable to work due to illness **or injury**.
42 Employees who anticipate using sick leave ~~for more than a single day must~~ **should** inform
43 ~~their principal or~~ immediate supervisor in advance so that arrangements may be made to
44 reassign the employee’s duties during the period of absence.

45
46 **D. PERSONAL LEAVE**
47

48 ~~Teachers earn personal leave at a rate of .20 days for each full month of employment, not~~
49 ~~to exceed two days per year. Unused personal leave may be carried forward from one~~
50 ~~year to another and may be accumulated without limitation until June 30 of each year.~~
51 ~~On June 30, personal leave in excess of five days shall be converted to sick leave so that~~
52 ~~a maximum of five days of personal leave is carried forward to July 1. At the time of his~~
53 ~~or her retirement, a teacher may also convert accumulated personal leave to sick leave for~~
54 ~~creditable service towards retirement.~~

55
56 Personal leave must be used in half or whole day units. Personal leave ~~may be requested~~
57 ~~by application in accordance with the policies of the State Board of Education and may~~
58 ~~be used only upon the authorization of the teacher's immediate supervisor and in~~
59 ~~accordance with legal requirements and procedures established by the superintendent.~~ A
60 teacher shall not take personal leave on the first day he or she is required to report for the
61 school year, on a required teacher workday, on days scheduled for state testing, or on the
62 day before or the day after a holiday or scheduled vacation day, unless the request is
63 approved by the principal. On all other days, if the request is made at least five days in
64 advance, the request will be automatically granted subject to the availability of a
65 substitute teacher. The teacher cannot be required to provide a reason for the request.

66
67 **E. VACATION LEAVE**
68

69 ~~Vacation may be taken only upon the authorization of the employee's immediate~~
70 ~~supervisor and in accordance with legal requirements and procedures established by the~~
71 ~~superintendent.~~ The superintendent or designee has the authority to approve the vacation
72 ~~schedules of all personnel.~~

73
74 To promote the efficient operation of the schools, the superintendent may designate
75 certain periods during the nonacademic year as preferred vacation periods for 12-month
76 employees. ~~Vacation earned by 12-month teachers during the two months of "extended~~
77 ~~employment" may be taken only upon the authorization of the employee's immediate~~
78 ~~supervisor and in accordance with procedures established by the superintendent.~~
79 ~~Vacation earned by teachers and other 10-month employees during the 10-month school-~~
80 ~~year employment may be taken as outlined in the school-year calendar. If a teacher~~
81 ~~schedules vacation leave in accordance with the school calendar, the board and/or~~
82 ~~principal must give the teacher at least 14 calendar days' notice before requiring the~~
83 ~~teacher to work on the scheduled day(s), unless the teacher waives the notice~~
84 ~~requirement.~~

85
86 ~~Annual vacation leave may be accumulated without any applicable maximum until June~~
87 ~~30 of each calendar year. On June 30, accumulated annual vacation leave in excess of 30~~

88 ~~days will be converted to sick leave so that only 30 workdays of annual vacation leave~~
 89 ~~are carried forward.~~

90
 91 ~~An employee who has unused vacation time from another school system in North~~
 92 ~~Carolina may have the vacation time transferred to this school system.~~

93
 94 ~~Instructional personnel who must be replaced by a substitute may not take earned~~
 95 ~~vacation on days when school is in session for students unless the employee's absence is~~
 96 ~~due to the employee's own catastrophic illness and the employee has exhausted all of his~~
 97 ~~or her sick leave or unless the employee qualifies as a new parent. In such instances, the~~
 98 ~~employee will not be required to pay the substitute.~~

99
 100 ~~Within any given year, instructional personnel who do not require a substitute may be~~
 101 ~~granted a maximum of five vacation days when students are in attendance. Such days~~
 102 ~~may not be consecutive. Leave will not be granted for days immediately before or~~
 103 ~~immediately following days when students are out of school. Leave will not be granted~~
 104 ~~on mandatory staff development days. An exception to these restrictions may be made~~
 105 ~~when an employee is absent due to a catastrophic illness and the employee has exhausted~~
 106 ~~all of his or her sick leave.~~

107
 108 ~~The superintendent shall establish procedures for reviewing requests for the use of~~
 109 ~~vacation leave for catastrophic illness by instructional personnel.~~

110 111 ~~CHILD-SCHOOL INVOLVEMENT LEAVE~~

112
 113 ~~All employees may take up to four hours of unpaid leave per year to attend or otherwise~~
 114 ~~be involved in the school of a child for whom the employee is a parent, guardian, or~~
 115 ~~person standing in loco parentis.~~

116 117 **F. COMPENSATORY LEAVE**

118
 119 ~~Because professional employees are expected to fulfill all job duties, compensatory leave~~
 120 ~~should apply only in extraordinary circumstances.~~

121
 122 ~~Employees who are not exempt from the provisions of the Fair Labor Standards Act may~~
 123 ~~accrue compensatory time (comp time) as described in policy 7500, Workday and~~
 124 ~~Overtime. at a rate of one and one-half hours for every one hour worked in lieu of~~
 125 ~~receiving overtime pay for each hour worked beyond 40 in a given workweek. For the~~
 126 ~~purpose of compliance with the Fair Labor Standards Act, the workweek for school~~
 127 ~~system employees will be from 12:01 a.m. Sunday until 12:00 a.m. the following Sunday.~~
 128 ~~Supervisors shall arrange for employees to take comp time within one pay period~~
 129 ~~following the time it is earned, if possible; however, the The superintendent or designee~~
 130 ~~may exempt certain employees or categories of employees from this requirement comp~~

131 ~~time provision~~ when deemed necessary for the proper administration of the school
 132 system.

133
 134 An employee must obtain approval from his or her immediate supervisor before taking
 135 compensatory leave.

136
 137 **MILITARY LEAVE**

138
 139 ~~Employees may take up to 15 workdays of paid military leave during the federal fiscal~~
 140 ~~year, which runs from October 1 through September 30. Paid military leave may be used~~
 141 ~~for: (1) active duty training in the Reserve Components of the U.S. Armed Forces,~~
 142 ~~including the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps~~
 143 ~~Reserve, the Air Force Reserve, and the Coast Guard Reserve; (2) required physical~~
 144 ~~examinations relating to membership in a reserve component; and (3) regularly scheduled~~
 145 ~~unit assemblies, also referred to as drills. For infrequent special activities in the interest~~
 146 ~~of the state when authorized by the Governor or designee, members of the National~~
 147 ~~Guard may be paid for up to 30 days in addition to the 15 days allowed for training.~~

148
 149 **G. LEAVE TO TEACH AT A CHARTER, REGIONAL, OR LAB SCHOOL**

150
 151 Leave of absence to teach for one year at a charter, regional, or lab school will be granted
 152 to a teacher upon timely written request to the board. The request must be provided at
 153 least 45 days before the teacher would otherwise have to report for duty if it is the initial
 154 year of the charter/regional/lab school's operation and at least 90 days if it is after the
 155 charter/regional/lab school's initial year of operation. The teacher may return to work in
 156 the school system in accordance with the provisions of applicable state law.

157
 158 **H. DISCRETIONARY LEAVE OF ABSENCE WITHOUT PAY**

159
 160 An employee ~~who wishes to take leave that is not eligible for any other specific type of~~
 161 ~~leave~~ may be granted a leave of absence without pay ~~for the following reasons and for a~~
 162 ~~period of time of~~ up to one calendar year, ~~renewable~~ at the discretion of the
 163 superintendent with approval from the board.

- 164
 165 1. ~~military leave (see also policies 7520, Family and Medical Leave, and 7530,~~
 166 ~~Military Leave);~~
 167
 168 2. ~~personal illness in excess of sick leave;~~
 169
 170 3. ~~family leave (see also policy 7520);~~
 171
 172 4. ~~professional leave; and~~
 173
 174 5. ~~other reasons at the discretion of the superintendent with the approval of the~~

board, such as educational leave, personal leave, or leave for participation in an international teacher exchange program.

An employee seeking leave is responsible for making necessary arrangements as provided in the administrative procedures. Except in the case of an emergency, an **The employee is expected first to consult with his or her immediate supervisor and then to** employee who desires a leave of absence without pay shall provide advance at least 60 days² **written notice (60 days if possible)** 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 **the leave 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.

If an employee has exhausted all of his or her paid leave and does not otherwise qualify for a leave of absence without pay as provided above, the superintendent or designee may authorize the employee's absence without pay on a day-to-day basis if the superintendent or designee determines that emergency or other unique circumstances necessitate the employee's absence.

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 **TCP-DBENF-003**, *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)**

219
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221
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