

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 [https://www.dpi.nc.gov/districts-schools/districts-](https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy)
12 [schools-support/district-human-capital/employee-policy](https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy).
13

14 In addition to applicable laws and regulations, this policy applies to leave requests. The
15 information in this policy is intended to supplement, not replace, the requirements of law and the
16 State Board of Education. In the event that changes to State or federal law or regulation conflict
17 with current State Board or local board policies, the board intends that its leave practices be
18 modified to the extent necessary to comply with current law until such time as conforming
19 changes to State Board and/or local board policy are made.
20

21 The superintendent shall develop any necessary administrative procedures and make them
22 available to employees upon request.
23

24 **Temporary Requirement Related to COVID-19**

25

26 In order to secure the health and safety of school system students and employees during the
27 COVID-19 pandemic, employees who test positive for COVID-19, have COVID-19 symptoms,
28 or have a COVID-19 exposure, shall not return to work until they meet the criteria set forth in
29 the most recent guidance from the North Carolina Department of Health and Human Services.
30 This temporary requirement shall remain in effect for as long as the state guidance remains in
31 effect.
32

33 **A. MINIMUM LEAVE TIME**

34

35 An employee may take any type of leave in increments of hours unless otherwise
36 specified in this policy.
37

38 **B. CONTINUOUS LEAVE OF MORE THAN 10 DAYS**

39

40 An employee must comply with the notice and verification requirements provided in
41 policy 7520, Family and Medical Leave, for any continuous leave of more than 10 days
42 if: (1) the leave also is eligible for leave under the Family and Medical Leave Act
43 (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the

44 time it is taken or as soon as is feasible thereafter. See policy 7520, Family and Medical
45 Leave.

46
47 **C. SICK LEAVE**

48
49 The superintendent or designee may require a statement from a medical doctor or other
50 acceptable proof that the employee was unable to work due to illness or injury.
51 Employees who anticipate using sick leave should inform their immediate supervisor in
52 advance so that arrangements may be made to reassign the employee’s duties during the
53 period of absence.

54
55 **D. PERSONAL LEAVE**

56
57 Personal leave must be used in half or whole day units. Personal leave may be used only
58 upon the authorization of the teacher’s immediate supervisor and in accordance with legal
59 requirements and procedures established by the superintendent.

60
61 **E. VACATION LEAVE**

62
63 Vacation may be taken only upon the authorization of the employee’s immediate
64 supervisor and in accordance with legal requirements and procedures established by the
65 superintendent.

66
67 To promote the efficient operation of the schools, the superintendent may designate
68 certain periods during the nonacademic year as preferred vacation periods for 12-month
69 employees.

70
71 **F. COMPENSATORY LEAVE**

72
73 Because professional employees are expected to fulfill all job duties, compensatory leave
74 should apply only in extraordinary circumstances.

75
76 Employees who are not exempt from the provisions of the Fair Labor Standards Act may
77 accrue compensatory time (comp time) as described in policy 7500, Workday and
78 Overtime. Supervisors shall arrange for employees to take comp time within one pay
79 period following the time it is earned, if possible; however, the superintendent or
80 designee may exempt certain employees or categories of employees from this
81 requirement when deemed necessary for the proper administration of the school system.

82
83 An employee must obtain approval from his or her immediate supervisor before taking
84 compensatory leave.

85
86 **G. LEAVE TO TEACH AT A CHARTER, REGIONAL, OR LAB SCHOOL**

87

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

94
95 **H. DISCRETIONARY LEAVE OF ABSENCE WITHOUT PAY**

96
97 An employee who wishes to take leave that is not eligible for any other specific type of
98 leave may be granted a leave of absence without pay for a period of up to one calendar
99 year at the discretion of the superintendent with approval from the board.

100
101 The employee is expected first to consult with his or her immediate supervisor and then
102 to provide advance written notice (60 days if possible) stating the beginning and ending
103 dates of the desired leave of absence. The superintendent may request documentation
104 from the employee in support of his or her request. In determining the length of the leave
105 of absence without pay that will be approved, due and proper consideration must be given
106 to the welfare of the students as well as the employee. The superintendent may require
107 the employee to give notice of his or her intent to return to work at reasonable time
108 intervals during the leave.

109
110 Once a leave of absence without pay has been requested by an employee and approved by
111 the board, the dates are binding unless both parties agree to a change.

112
113 If an employee has exhausted all of his or her paid leave and does not otherwise qualify
114 for a leave of absence without pay as provided above, the superintendent or designee may
115 authorize the employee's absence without pay on a day-to-day basis if the superintendent
116 or designee determines that emergency or other unique circumstances necessitate the
117 employee's absence.

118
119 **I. OTHER LEAVE**

120
121 Other types of leave, such as leave for observance of a bona fide religious holiday,
122 professional leave, community responsibility leave, leave for jury duty or court
123 attendance, elected officials leave, parental involvement in schools leave, parental leave
124 without pay, and military leave (see policy 7530, Military Leave), will be granted in
125 accordance with the requirements of law and State Board of Education policy.

126
127 Legal References: G.S. 95-28.3; 115C-12, -36, -47, -84.2, -218.90(a)(3), -238.68(3), -285, -
128 302.1, -316, -336, -336.1; 116-239.10(4); 16 N.C.A.C. 6C .0405; State Board of Education
129 Policy BENF-003, *North Carolina Public Schools Benefits and Employment Policy Manual*
130 (N.C. Dept. of Public Instruction, current version), available at [https://www.dpi.nc.gov/districts-](https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy)
131 [schools/districts-schools-support/district-human-capital/employee-policy](https://www.dpi.nc.gov/districts-schools-support/district-human-capital/employee-policy)

- 132
133 Cross References: Workday and Overtime (policy 7500), Compliance with State Board of
134 Education Employment Policies (policy 7505), Family and Medical Leave (policy 7520),
135 Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to
136 Inclement Weather (policy 7550)
137
138 Adopted: March 7, 2016
139
140 Revised: March 5, 2018; September 21, 2020; [DATE]

REVISED