

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).  
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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.  
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21 The superintendent shall develop any necessary administrative procedures and make them  
22 available to employees upon request.  
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#### 24 **Temporary Requirement Related to COVID-19**

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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 ~~or~~ have COVID-19  
28 symptoms, ~~or have a COVID-19 exposure~~, shall not return to work until they meet the criteria set  
29 forth in the most recent guidance from the North Carolina Department of Health and Human  
30 Services. This temporary requirement shall remain in effect for as long as the state guidance  
31 remains in effect.  
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#### 33 **A. MINIMUM LEAVE TIME**

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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**

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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**

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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.

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61 **E. VACATION LEAVE**

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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**

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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.

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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.

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119 **I. OTHER LEAVE**

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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.

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

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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)

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138 Adopted: March 7, 2016

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140 Revised: March 5, 2018; September 21, 2020; December 20, 2021; [DATE]

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