

**Purpose** The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Employees are encouraged to request annual vacation leave during each year in order to achieve this purpose.

**Eligibility and Rate of Earning** All full- and part-time permanent employees who work or are on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in a monthly pay period are entitled to earn annual vacation leave at the same rate provided for state employees. Leave for a part-time employee is computed on a pro-rata basis of the amount earned by a full-time employee in that class of work. A single employee working in two or more positions may not earn more than the benefits allowed for one, full-time position. The rate of earning is based on the length of total State service as follows:

**YEARS OF STATE SERVICE DAYS OF LEAVE EARNED PER MONTH OF EMPLOYMENT:**

<b>Years of State Service</b>	<b>Days of Leave Earned Per Month of Employment</b>
Less than 5 years	1.17
5 but less than 10 years	1.42
10 but less than 15 years	1.67
15 but less than 20 years	1.92
20 years or more	2.17

Bus drivers who work less than 20 hours per week and who are not otherwise entitled to earn vacation as described above are entitled to earn one day per year (equal in length to one regular workday for each driver) IF:

- a) They are employed to drive a regular daily route, i.e., they are not substitute drivers, *and*
- b) They were employed as regular drivers the entire previous school year. A bus driver who is terminated or resigns before taking the leave day is not entitled to compensation for the annual vacation leave day.

**Use of Annual Vacation Leave:**

- (a) **For 10-month employees:** The first 10 days of annual vacation leave must be scheduled in the school calendar and must be taken as scheduled.
- (b) **Approval:** All annual vacation leave taken by a public school employee must be with the authorization of the employee's immediate supervisor and must conform to policies established by the State Board of Education and the local board of education.
- (c) **Units of annual vacation leave:** Annual vacation leave may be used in one-half days, whole days, or hours as determined for earning purposes by the local board.

- (d) **Restrictions on use by instructional personnel and bus drivers:** Classroom teachers who require a substitute, school media specialists who require a substitute, teacher assistants who require a substitute and bus drivers may not take annual vacation leave at any time that students are scheduled to be in attendance except as provided by (see sections “Annual Vacation Leave for Catastrophic Illness” and “Annual Leave for New Parents” of this policy) or, if qualified for family medical leave (see board policy 7517). Instructional personnel who do not require a substitute may, with their supervisor’s approval, take annual vacation leave on any day school is in session.
- (e) **Annual vacation leave in lieu of sick leave:** Annual vacation leave may be used in lieu of sick leave. Instructional personnel who require substitutes and bus drivers are subject to the restrictions set forth in paragraph (d) above.
- (f) **Adverse weather:** Employees may elect to use annual vacation leave for absences due to adverse weather conditions only on days when students are not required to attend school due to the adverse weather conditions.
- (g) **Disability:** Employees may elect to exhaust annual vacation leave during the 60-day waiting period or in lieu of short-term disability benefits. Instructional personnel who require substitutes and bus drivers may use this leave only on days that students are not scheduled to be in regular attendance or in accordance with the provisions (see sections “Annual Vacation Leave for Catastrophic Illness” and “Annual Leave for New Parents” of this policy), or if qualified for family medical leave (see Policy 7517, Family Medical Leave).
- Advisory Note:* This election does not extend the 365-day duration of short-term disability.
- (h) **Use of annual vacation leave by interim or temporary employees:** An employee who had previously earned annual vacation leave may not use this leave while employed in an interim position of less than six months, a temporary position, or a position of less than 20 hours per week.
- (i) **Accumulation and use during summer employment:** Any employee who earned annual vacation leave in the regular school term will continue to earn annual vacation leave during the summer if employed at least 20 hours per week in the same school system. The rate will be pro rata if the summer employment is less than full-time. Annual vacation leave may be used under the same conditions as during the regular term.
- (j) **Scheduling annual vacation leave and workdays in the calendar:** Local calendars must be designed to allow all employees an opportunity to take annual vacation leave. This applies to summer school calendars as well as calendars for the regular term. Days not scheduled in the calendar for student attendance, holidays, annual vacation leave, or optional workdays may be designated by the local board of education as mandatory workdays.
- (k) **Leave deficit:** An employee who has neither earned nor will earn sufficient annual vacation leave to cover any annual vacation leave day scheduled in the school calendar will be placed on leave without pay.

- (l) **Military caregiver:** An employee may choose to exhaust available sick and/or vacation/bonus leave, or any portion, or go on leave without pay to care for an injured family member.
- (m) **Qualifying Exigency:** When necessitated by one of the qualifying exigency reasons, employee may use vacation/bonus leave, or any portion, or go on leave without pay. (See Policy 7517, Family Medical Leave; ‘Qualifying Exigency’ explanation).

**Accumulation/Conversion to Sick Leave:** Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30 or upon retirement, 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. Upon separation in order to retire, annual vacation leave over 30 days may be converted to sick leave for creditable service toward retirement. Upon separation from service due to service retirement, resignation, dismissal, reduction in force or death, an employee shall be paid in a lump sum for accumulated annual vacation leave not to exceed a maximum of 30 days. Employees going onto disability may exhaust annual vacation leave rather than be paid in a lump sum.

**Advancement:** An employee may be advanced the amount of annual vacation leave that may be earned in the remainder of the fiscal year at the discretion of the local administrative unit. The local superintendent must assume full responsibility for use in excess of earnings.

**TRANSFER OF LEAVE:**

- (a) **Transfer between LEAs:** An employee who transfers between local administrative units must have all unused annual vacation leave transferred to the new administrative unit. Leave to be accepted by a school system must not result in leave being accrued at a greater rate than the rate afforded to school employees as set forth (see “Eligibility and Rate of Earning” section in this policy.)
- (b) **Transfer to and from other state agencies:** If the agency is willing to accept it, leave may be transferred to and from a state agency or institution, community college, technical institute, or a position covered by the State Personnel Act in county agencies of mental health, public health, social services, or emergency management. All or any portion of the unused annual vacation leave may be accepted. Leave to be accepted from a state agency must not result in leave being accrued at a greater rate than the rate afforded to school employees as set forth in (see “Eligibility and Rate of Earning” section in this policy.) If a receiving agency refuses to credit the employee with the unused annual vacation leave or any portion thereof, the employee must be paid in a lump sum for up to 30 days or 240 hours of accumulated annual vacation leave.
- (c) **Transfers between LEAs or to a State Agency:** When an employee transfers between LEAs or to a state agency, if the new employment is obtained within 31 calendar days from the date of separation, the leave balances will transfer rather than being paid out.

**SEPARATION FROM EMPLOYMENT:**

- (a) **Lump sum payment:** An employee must be paid in a lump sum for accumulated annual vacation leave, not to exceed a maximum of 30 days or 240 hours, upon separation from service. Separation from service includes resignation (unless the employee is transferring to another LEA or state agency), dismissal, reduction-in-force, death, service retirement, beginning long-term disability benefit or change to temporary status.
- (b) **Leave deficit:** If an employee separating from service is overdrawn with respect to annual vacation leave, a deduction in the appropriate amount must be made from the employee's final paycheck.
- (c) **Retirement:** A deduction for retirement must be made from all lump-sum payments of annual vacation leave. Receipt of lump-sum leave payment and retirement benefits is not considered to be dual compensation.
- (d) **Claims on behalf of deceased employee:** In the case of a deceased employee, unused annual vacation leave up to a maximum of 30 days or 240 hours must be paid to the deceased employee's administrator or executor upon the establishment of a valid claim. The claim must be made to the Clerk of Superior Court in the county of the deceased employee's residence.
- (e) **Accounting procedure:** When an employee separates from service, payment for leave may be on the regular payroll or on a supplement payroll. The number of leave days and amount of payment must be specified. Payment must be charged to the annual vacation leave budget codes provided for this purpose and from the same source of funds and in the same pro-rata amount from which the employee's salary is paid (i.e., local, federal or state funds).

**Leave Records:** Local administrative units must maintain leave records for each employee. It is the responsibility of the employee to record his or her leave time and the responsibility of the employee's immediate supervisor to verify that the leave record is accurate. The local administrative unit must notify employees of leave balances at least once a year. Leave records must be retained for a period of at least five years from the date of the employee's separation from service.

**ANNUAL VACATION LEAVE FOR CATASTROPHIC ILLNESS:**

**Benefit:** Instructional personnel who require substitutes and bus drivers may take annual vacation leave at a time when students are scheduled to be in attendance if the leave is due to a catastrophic illness of the employee and, if all the employee's available sick leave has been exhausted.

*Advisory Note:* This leave is available only for the employee's personal illness.

**Determining Eligibility:**

The local superintendent or a committee designated by the superintendent shall determine whether an illness is catastrophic by considering such factors as:

- (a) The debilitating nature of the condition,
- (b) The life-threatening potential of the condition,

- (c) The duration of the condition,
- (d) The monetary hardship incurred because of the condition,
- (e) The expected length of the leave, and
- (f) Other options available to the employee, such as state disability.

**ANNUAL VACATION LEAVE FOR NEW PARENTS:**

- (a) Employees, including teachers, may use annual vacation leave, personal leave if applicable, or leave without pay to care for a newborn child or for a child placed with the employee for adoption or foster care. Use of annual vacation leave for this purpose is not limited to days when students are not scheduled to be in attendance. (An employee may also use up to 30 days of earned sick leave to care for a child placed with the employee for adoption.)
- (b) The leave must be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless the employee and local board of education agree otherwise.

**BONUS VACATION LEAVE:**

**Purpose:** The purpose of the bonus vacation leave is to provide a leave benefit to employees whom the General Assembly designated in the 2002-2003, 2003-2004, and/or 2004-2005 fiscal years.

**Eligibility and Rate of Earning:** Bonus vacation leave was received in three special distributions.

For the 2002-2003 fiscal year, only full-time and part-time permanent employees who were eligible to earn leave on September 30, 2002 were eligible to receive bonus vacation leave. School employees who received salary increases based on the salary schedules approved in the 2001 modified budget (S.B. 1115) were not eligible for bonus vacation leave.

For the 2003-2004 and the 2004-2005 years, additional bonus vacation leave was awarded to certain employees (those eligible to earn paid leave that were not paid from a teacher or administrator salary schedule). In each of the three special distributions, eligible employees in permanent full-time 12-month positions received the full amount of bonus vacation leave. The leave was received pro rata if employed less than full-time and/or less than 12-months. The bonus vacation leave balance is tracked separately and carried forward each year until used or paid out at retirement or separation. (It is not included in the 30-day limit of the annual vacation leave which can be carried forward on June 30 each year and does not roll into sick leave.)

Bonus Leave 2013 – for the 2012-13 year Five additional bonus vacation leave days were awarded to all employees who were employed by July 1, 2012 for the coming school year. The leave was received pro-rata if employed less than full time. This bonus leave is tracked separately and cannot carry forward past June 30, 2013. Bonus Leave 2013 days cannot be paid out unless the employee is retiring between the dates of July 1, 2012 and June 30, 2013.

**Use of Bonus Vacation Leave:** Bonus vacation leave can be used under the same circumstances and provisions as annual vacation leave.

**Transfer of Bonus Leave:** An employee who transfers between LEAs or to or from a state agency or a community college, can have all unused bonus vacation leave transferred providing that the new

agency accepts the bonus vacation leave.

**Payout of Bonus Vacation Leave:** When an employee transfers between LEAs or to a state agency or a community college, if the new employment is obtained within 31 calendar days from the date of separation, the bonus leave balance can be transferred rather than being paid out providing that the new agency accepts the bonus vacation leave.

**Separation from Employment or Transfer to a Position Not Eligible for Leave:**

- (a) Upon separation from employment, any unused bonus vacation leave balance will be paid out at the daily rate at the time of separation. This payment is in addition to the annual vacation leave balance (up to 30 days) that is paid at separation.
- (b) If an employee transfers to a position where the employee is unable to earn or use vacation leave, the bonus leave balance is paid in a lump sum. This bonus vacation leave payment is in addition to any payment for an annual vacation leave balance.

**Donation of Bonus Vacation Leave** Bonus vacation can be donated under the same rules and provisions as annual vacation leave is donated.

Cross References: Policy 7517, Family and Medical Leave

Legal Reference(s): *Annual Leave*: G.S. 115C-84.2; G.S. 115C-272; G.S. 115C-285; G.S. 115C-302.1(c); G.S. 115C-302.1(j); G.S. 115C-316; G.S. 115C-336(c), Session Law 1997-443, Section 8.6 16 NCAC 6C.0401 CFR, Title 29, Part 825, *The Family and Medical Leave Act of 1993*; CFR, Title 29, Part 825, *The Family and Medical Leave Act of 1993* as amended; *Annual Leave for Catastrophic Illness*; G.S. 115C-302.1(c); G.S. 115C-336(c), and 16 NCAC 6C.0401, *Annual Leave for New Parents*; G.S. 115C-302.1(j); G.S. 115C-336.1; *Bonus Vacation Leave* NCGA 2001, S.B. 1115, Section 28.3 as amended by technical corrections in S.B. 1217, Section 82 NCGA 2003, H.B. 397 Section 30.12 NCGA 2005, S.B. 622 Section 29.14A.

Adopted: August 23, 2010

Adopted: June 24, 2013