

**SICK LEAVE****Eligibility and Rate of Earning**

- (a) **Full-time employees** All permanent, full-time employees working or on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in any monthly pay period earn one sick day per month or the number of hours worked daily by a full-time employee in that class of work up to a maximum of eight hours.
- (b) **Part-time employees** All permanent, part-time employees working or on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in any monthly pay period earn sick leave computed on a pro rata basis of the amount earned by a full-time employee in that class of work. Permanent, part-time employees previously employed in a full-time position retain the balance of sick leave earned in the prior position upon transferring to a part-time position.
- (c) **Units** Sick leave must be used in one-half days, whole days, or hours as determined for earning purposes by the local board. Only sick leave taken on an employee's workday shall be deducted from the employee's sick leave balance.
- (d) **Accumulation** Sick leave may be accumulated indefinitely.

**Purposes for Which Sick Leave May Be Used**

- (a) Any actual period of temporary disability caused by or contributed to by personal illness or injury, which prevents an employee from performing his or her usual duties. Sick leave due to pregnancy, miscarriage, abortion, childbirth, or postnatal recovery must be treated in the same manner as any other temporary disability. Sick leave may be used during the 60-day waiting period for short-term disability or in lieu of short-term disability benefits. Sick leave may also be used in lieu of workers' compensation to maintain 100% salary.
- (b) Up to 30 days of earned sick leave may also be used to care for a child placed with an employee for adoption. (These days should be consecutive and within the first 12 months following the adoption, unless otherwise agreed upon between the employee and the LEA administration.)
- (c) Medical appointments of the employee.
- (d) Illness in the immediate family and medical appointments related to the illness that necessitates the employee's attendance.
- (e) Death in the immediate family.
- (f) The length of leave granted for illness or death in the immediate family is determined by the local administrative unit based on individual employee need.
- (g) Whenever possible, employees should give 30-days advance notice of plans to take sick leave for elective medical or surgical procedures or for childbirth.
- (h) Military caregiver 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.
- (i) 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 7580, Qualifying Exigency Explanation)

**Verification of Need for Sick Leave** The superintendent may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness, medical appointment, illness or death in the family, or adoption. Employees who anticipate using sick leave for more than a single day must inform the principal or immediate supervisor in advance so that arrangements may be made to reassign the employee's duties during the period of absence.

**Accumulation and Use during Summer Employment** Any employee who earned sick leave during the regular school term will continue to earn sick leave during the summer if employed in the same school system at least 20 hours per week, even if employed in a temporary or interim position for the summer. The rate will be pro rata if the summer employment is less than full time. The employee may use sick leave during the summer for the same reasons permitted during the regular term.

**Limitations on Sick Leave** Sick leave may not be used while on leave without pay or on holidays and annual vacation leave days scheduled in the school calendar. An absence covered by workers' compensation is not considered to be a leave without pay. Sick leave may be used on any workday or student day including the first day employees in permanent positions report to work. An employee who had previously earned sick 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.

**Advancement of Sick Leave Public Schools of North Carolina** An employee may have advanced to his or her credit at the beginning of each school year the number of days or hours of sick leave to which he or she is entitled for that school year. The local superintendent shall assume full responsibility for the decision to advance sick leave to an employee.

**Reinstatement Following Sick Leave** When the period of temporary disability does not exceed 30 working days, the employee shall be reinstated to his or her position at the termination of the period of temporary disability. When the period of temporary disability exceeds 30 working days, the local superintendent shall determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction. See Section 8.2 of the Benefits and Employment Manual for additional information.

### **Sick Leave upon Separation**

- (a) In the event an employee separates from service before earning sick leave which has been advanced, a deduction will be made from the final salary check for the total unearned sick leave used.
- (b) Pay for unused sick leave is not permitted, except when an employee has been approved for long-term disability.
- (c) Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over. Sick leave converted from excess annual vacation leave is also creditable.
- (d) From the date an employee resigns or moves to a temporary position, the sick leave balance is retained for 60 months. If the person is re-employed in a full-time or part-time permanent position, or retires within this 60 months, the sick leave balance is reinstated. After 60 months, the sick leave balance cannot be reinstated.

**Transfer of Sick Leave**

- (a) **Between school systems** Unused sick leave must be transferred between local school administrative units. Leave to be accepted by a school system must not result in leave being accrued at a greater rate than the rate set forth in Section 4.1.1 of this manual.
- (b) **To and from other state agencies** Sick leave may be transferred in whole or in part to and from a state agency, institution, community college, technical institute, or position covered by the State Personnel Act in county agencies of mental health, public health, social services or emergency management if the receiving agency is willing to accept the leave. Leave to be accepted by a school system must not result in leave being accrued at a greater rate than the rate set forth in Section 4.1.1 of this manual. If the government agency refuses to accept sick leave earned by a school system employee, there is no lump-sum payout to the employee.

**Reinstatement of Accumulated Sick Leave**

- (a) **Within or between LEAs** A former employee must be credited with all sick leave accumulated up to the time of separation from an LEA provided the employee is reinstated as a permanent employee within 60 calendar months from the date of separation.
- (b) **From other state agencies** Sick leave may be reinstated from a state agency or institution, community college, technical institute or position covered by the State Personnel Act in county agencies of mental health, public health, social services or emergency management when an individual is employed within 60 calendar months of separation from one of these. Leave to be accepted by an LEA must result in leave being accrued at a greater rate than the rate at which the LEA employees earn leave.

**Payout of Sick Leave** With one exception, payout of sick leave is not allowed. The exception is, prior to receiving long-term disability benefits, if an employee is unable to apply the sick leave toward retirement, the employee approved for long-term disability must be paid in lump-sum for any accumulated, unused sick leave. Contact the Teachers' and State Employees' Retirement System to determine whether the sick leave balance can be applied to retirement. At retirement, unused sick leave is credited to retirement service as described in Section 4.1.8(c), but there is no payment.

**Accounting and Reporting** The State Board of Education shall establish procedures necessary for reporting and accounting of sick leave.

**EXTENDED SICK LEAVE****Eligibility and Rate of Earning**

Extended sick leave is available to classroom teachers and media specialists who require substitutes if they are absent due to their own personal illness or injury in excess of their accumulated sick leave and available vacation leave. In order to be eligible, the employee must be in a permanent full- or part-time position. Those qualifying are allowed extended sick leave of up to 20 workdays throughout the regular term of employment.

**Use of Extended Sick Leave**

- (a) In order for a newly hired employee to be eligible for extended sick leave, he or she must have reported to work.
- (b) The local school system may request appropriate medical verification of the need for extended sick leave.
- (c) Extended sick leave days do not have to be used consecutively.
- (d) Unused extended sick leave days do not carry forward to succeeding school years.
- (e) Extended sick leave is not available beyond the waiting period of Workers' Compensation or Short Term Disability.

**Deduction** Employees on extended sick leave receive full salary less the required substitute deduction. The deduction is mandatory whether or not a substitute is employed. The standard deduction is \$50 per day.

**VOLUNTARY SHARED LEAVE**

**Purpose** The purpose of voluntary shared leave is to provide economic relief for employees who are likely to suffer financial hardship because of a prolonged absence or frequent short-term absences caused by a serious medical condition.

**Eligibility** Only full-time and part-time permanent employees who have exhausted all accumulated paid leave (sick leave, annual vacation leave, and bonus leave, if applicable) are eligible to receive donated leave from employees of the same LEA, a different LEA, a community college or a state agency as identified in Section 4.3.4. An employee need not exhaust personal leave and the 20 days of extended sick leave to be eligible for voluntary shared leave. An employee who is receiving benefits or is eligible to receive benefits from the Disability Income Plan and elects to use paid leave is not eligible to receive donated leave. Voluntary shared leave may be used only during the required waiting period. The superintendent shall approve or deny all requests for receipt of donated leave.

**Application for Voluntary Shared Leave** An employee who, due to a serious medical condition of self or of his or her immediate family faces prolonged or frequent absences from work may apply to the superintendent of the LEA for donated leave. Application may also be made by a third person acting on the employee's behalf, if the employee is unable to make application. An employee may make application for shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave. The following items must be included in the application:

1. A doctor's statement, and
2. An authorization for release of medical information signed by the person who is suffering the medical condition (or parent or guardian of a minor). This release may also be signed by any legally authorized party.

**Donation and Receipt of Leave**

- (a) **Annual vacation leave** Any eligible employee in the LEA may donate annual vacation leave to any approved employee in the same LEA. Family members may donate annual vacation leave to an immediate family member in another LEA, community college or state agency. Employees of another LEA, community college or state agency may donate annual vacation leave if a coworker's immediate family member is eligible for donated leave and works in a LEA, state agency, or community college. Bonus leave may also be donated. There is no provision for public school employees to donate or receive annual vacation leave from employees or family members in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act. A donating family member may not reduce his or her annual leave balance below one-half of what that person can earn in a year.
- (b) **Sick leave** Sick leave may be donated only to an employee who is an immediate family member of the donor. Sick leave may be donated to an immediate family member in the same or another LEA, community college or state agency. There is no provision for public school employees to donate or receive sick leave from employees or family members in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act. A donating family member may not reduce his or her sick leave balance below one-half of what that person can earn in a year.
- (c) Approved LEA employees may receive sick leave from only immediate family members in LEAs and agencies. Approved LEA employees may receive vacation leave from immediate family and their coworkers in LEAs and agencies.
- (d) All leave donations must be to a designated employee approved by the superintendent for receipt of donated leave and may not be made to a pool or bank.
- (e) All donations must be in writing and must be signed by the donating employee. The employee receiving the leave must be named and the amount and type of leave donated must be specified.
- (f) For the purposes of voluntary shared leave, all leave donated will be credited to the recipient's sick leave account.
- (g) The minimum amount of leave donated must be one-half of a day.
- (h) The donating employee may not receive compensation in any form for the donation of leave. Local boards shall adopt policies stating that acceptance of remuneration for donated leave will result in dismissal.

**Length of Leave**

- (a) The superintendent of the LEA will determine the length of the leave. The leave granted may not exceed the maximum described below in (b).
- (b) Under no circumstances may the use of voluntary shared leave exceed the employee's period of treatment and recovery.
- (c) An employee may normally receive no more than 130 workdays of donated leave, either continuously or for the same condition on a recurring basis. After 130 workdays have been used, the superintendent may extend this limit on a month- to-month basis until the maximum number

of working days occurring between the first day of use of donated leave and twelve months have been used. (This provision is only available for those that are not eligible for short term disability).

**Earning Leave While Using Voluntary Shared Leave**

- (a) Holidays occurring while the employee is using donated leave will be paid. Annual vacation and sick leave will continue to be earned by the employee while he or she is using donated leave. Available earned leave accrued during this period must be used by the employee prior to continued use of any voluntary shared leave.
- (b) An employee eligible for workers' compensation may use donated leave during the required waiting period and to supplement the workers' compensation as provided in Section 9.2 of this manual.

**Unused Leave** At the expiration of the period approved for voluntary shared leave as determined by the superintendent of the LEA, any donated leave in excess of 40 hours must be returned on a pro rata basis to the donors.

**VOLUNTARY SICK LEAVE BANK**

**Establishing a Voluntary Sick Leave Bank** An LEA may establish a voluntary sick leave bank for its employees. Any employee of an LEA that establishes a voluntary sick leave bank may, but is not required to, participate in the voluntary sick leave bank.

**Factors Used to Develop a Sick Leave Bank** The LEA shall develop and implement a plan for participation that shall include the factors listed in G.S. 115C-336(b)(i)-(vii) and the following

- (a) A uniform number of days to be contributed to the bank by participants,
- (b) Provisions for legitimate use of days by participants,
- (c) Means to protect against overdraft of total contributed days, and
- (d) Safeguards to prevent abuse by participants.

**Sick Leave Bank Committee** The LEA shall establish a sick leave bank committee to administer the sick leave bank, subject to the following requirements

- (a) The LEA shall assure that all local personnel are equitably represented on the committee.
- (b) The LEA shall develop operational rules for the efficient and effective functioning of the bank.
- (c) The LEA shall develop procedures for participants' use of days based upon requirements of the plan.
- (d) The LEA shall specify the limits of the committee's authority.
- (e) The committee shall notify all participating employees of the ways in which their participation will affect their state retirement account.

**Required Operational Procedures**

The LEA shall ensure that its operational procedures meet the following requirements:

- (a) State funds for substitute teachers shall be used to pay for substitute teachers on days that teachers use sick leave from voluntary sick leave banks.
- (b) The reporting to the division of School Business Services of the number of employees participating, itemized by job classification, the number of sick leave days withdrawn, the cost of the leave, and other data required for fiscal and programmatic accountability.

**DISABILITY INCOME PLAN****Plan Administration**

The Disability Income Plan of North Carolina is administered by the North Carolina Department of the State Treasurer and the Board of Trustees of the Teachers' and State Employees' Retirement System within the terms and conditions of the Plan as set forth in the North Carolina General Statutes.

For employees vested in the Teachers' and State Employees' Retirement System *after July 1, 2003*, definitions of disability and disabled have been revised. Employees and employers need to contact the Retirement System to determine whether situations meet the requirements for the Disability Income Plan.

The information in this section is provided as a brief overview of the Disability Income Plan and does not substitute for or in any way alter the detailed provisions of the Retirement System law.

**Short-Term Disability Benefits**

Employees with at least one year of contributing membership service with the Teachers' and State Employees' Retirement System earned within 36 calendar months preceding the disability are eligible for short-term disability benefits.

After a waiting period of 60 continuous calendar days from the onset of a disability, an eligible employee may receive a monthly short-term benefit equal to 50% of 1/12th of his or her annual base rate of compensation plus 50% of 1/12<sup>th</sup> of his or her annual longevity payment, if any, to a maximum of \$3,000 per month.

A person in receipt of short-term disability benefits is covered under the Teachers' and State Employees' Comprehensive Major Medical Plan, with the State contributing the cost of employee-only coverage, provided the person had contributed to the Retirement System at least five years as a public school or state employee at the time of disability. A person in receipt of benefits who did not meet the five year requirement at the time of disability may elect to continue coverage under the Major Medical Plan by paying the full premium required.

Short-term disability benefits may be extended for as many as 365 days beyond the original short-term period in cases where the Medical Board finds that the disability continues to be temporary and is likely to end during the extended period.

**Long-Term Disability Benefits**

Employees with at least five years of contributing membership service with the Teachers' and State Employees' Retirement System, earned within 96 calendar months prior to the end of the short-term disability period, are eligible for long-term disability benefits.

Long-term disability payments are payable after the conclusion of the short-term disability period. During the first 36 months of the long-term disability period, the monthly long-term benefit will equal 65% of 1/12th of the employee's annual base rate of compensation that was last payable prior to the beginning of the short-term benefit period plus 65% of 1/12th of the annual longevity payment, if any, to a maximum of \$3,900 per month. After the first 36 months of the long-term disability period, the long-term benefit is reduced by an amount equal to the primary Social Security disability benefit to which the employee might be entitled had he or she been awarded Social Security disability benefits.

A person in receipt of long-term disability benefits is covered under the Teachers' and State Employees' Comprehensive Major Medical Plan, with the State contributing the cost of employee-only coverage.

An employee approved for long-term disability benefits must terminate employment as a permanent employee prior to receiving long-term disability benefits.

An employee approved for long-term disability benefits who has not exhausted accumulated sick leave must be paid a lump sum for any available sick leave, if the employee is unable to apply the sick leave toward retirement.

*Advisory Note* This does not include extended sick leave, and this is the only time an employee may be paid in lump sum for unused sick leave.

**Cross Reference:**

*Legal References:* *Sick Leave* G.S. 115C-12(8); G.S. 115C-12.2; G.S. 115C-336; G.S. 115C-302.1(j); G.S. 135-4(e) 16 NCAC 6C.0402 Code of Federal Regulations, Title 29, Part 825, the Family and Medical Leave Act of 1993; Code of Federal Regulations, Title 29, Part 825 as amended; *Extended Sick Leave* G.S. 115C-12(8); G.S. 115C-336; 16 NCAC 6C.0402(I); 16 NCAC 6C.0101(3); 16 NCAC 6C.0101(9); G.S. 115C-12.2 NCGA 2003, H.B. 397, Section 30.14; *Voluntary Sick Leave Bank* G.S. 135-100 to G.S. 135-114, NCGA 2003, H.B. 397, Sections 30.20(k) and 30.20(l); *Disability Income Plan* G.S. 135-100 to G.S. 135-114, NCGA 2003, H.B. 397, Sections 30.20(k) and 30.20(l)

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