
*Rescinds Policy Number:**Issued: 08/02/1999, 06/21/2004*

The Board of Education believes that it is important for employees to have leave available to attend to personal, civic and professional matters as well as to family commitments. This need for leave will be balanced with the need to provide an effective instructional program for students. No employee will be discharged, demoted or otherwise subjected to adverse employment action for taking leave in accordance with board policies and administrative procedures.

All requests for leave, with or without pay, will be addressed in accordance with State and federal law, as well as policies promulgated by the State Board of Education. In addition to applicable laws and regulations, the following policies of the board will apply to leave requests. The superintendent will develop administrative procedures and make them available to any employee upon request.

A. MINIMUM LEAVE TIME

An employee may take any leave in increments of half days.

B. CONTINUOUS LEAVE OF MORE THAN TEN DAYS

An employee must comply with the notice and verification requirements as provided in board policy 7520 for continuous leave of more than 10 days, if the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in board policy 7520, and the leave is designated as FMLA-eligible at the time leave is taken or as soon as feasible thereafter.

C. SICK LEAVE

The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness. Employees who anticipate using sick leave for any period of time must inform the principal or immediate supervisor in advance, so that continuity of duties may be maintained.

In addition, when an employee transfers 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, as provided in state regulations, to the Orange County school system, the Board will accept the transfer of unused sick leave.

D. PERSONAL LEAVE

Teachers earn days of personal leave at a rate of .20 days for each full month of employment, not to exceed two days per year. Unused personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30 of each year. On June 30, personal leave in excess of five days shall be converted to sick leave so that a maximum of five days of personal leave is carried forward to July 1.

At the time of retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave may be requested by application in accordance with the policies of the State Board of Education and may be used only upon the authorization of the teacher's immediate supervisor. A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, on days scheduled for state testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal.

On all other days, if the request is made at least five days in advance, the request will be automatically granted subject to the availability of a substitute teacher, and the teacher cannot be required to provide a reason for the request.

E. VACATION LEAVE

The superintendent or designee will have the authority to approve the vacation schedules of all personnel. To promote the efficient operation of the schools, the superintendent may designate certain periods during the nonacademic year as preferred vacation periods for twelve-month employees.

Vacation which is earned by teachers or other 10-month employees during the 10-month school-year employment will be taken as outlined in the school-year calendar. Vacation which is earned by 11 or 12-month teachers during the months of "extended employment" will be taken only upon authorization of the employee's immediate supervisor and/or program director. Bus drivers and instructional personnel that require a substitute may not take earned vacation on days during which time school is in session for students unless the employee's absence is due to a catastrophic illness and the employee has exhausted all of his or her sick leave. In such instances, the employee will not be required to pay the substitute.

Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30, 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.

An employee may have unused vacation from another school district in North Carolina transferred to this school district. In addition, when an employee transfers 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, as provided in state regulations, to the Orange County school system, the Board will accept the transfer of unused sick leave.

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

The superintendent will establish procedures for reviewing requests for the use of vacation leave for catastrophic illness by instructional personnel and bus drivers.

F. CHILD-SCHOOL INVOLVEMENT LEAVE

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

G. PETTY LEAVE

Petty leave will be defined as an absence from work that is generally less than one hour in length and that is not covered by other policies.

Petty leave is awarded only to employees who work a minimum of five days per week and for not less than seven and one-half hours per day.

The board expects that both the request for petty leave and the granting or denial of a request will be based upon the welfare of the employee and the students.

H. COMPENSATORY LEAVE

Since professional employees are expected to fulfill all job duties, compensatory leave should only apply to extraordinary circumstances.

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) at a rate of 1.5 hours for every 1 hour worked in lieu of receiving overtime pay for hours worked beyond 40 in a given work week. For purposes of Fair Labor Standards Act compliance, the workweek for school district employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. Supervisors will arrange for employees to take comp time within one pay period following the time it is earned if possible. The superintendent or designee may exempt certain employees or categories of employees from this comp time provision when deemed necessary for the proper administration of the school district.

All employees must obtain approval from their immediate supervisors before taking compensatory leave.

I. MILITARY LEAVE

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

J. LEAVE OF ABSENCE WITHOUT PAY

An employee may be granted a leave of absence without pay for the following reasons and for a period of time up to one calendar year, renewable at the discretion of the superintendent with approval by the Board of Education:

- Military (See also board policy 7530)
- Personal illness in excess of sick leave
- Family leave (See also board policy 7520)
- Professional leave
- Other reasons at the discretion of the superintendent with the approval of the Board of Education

An employee seeking leave is responsible for making necessary arrangements as provided in the administrative procedures. With the exception of emergencies, an employee who desires a leave of absence without pay will provide at least 30 days notice and will submit a request in writing to the board of education stating the beginning and ending dates of the desired leave of absence. Consultation with the principal or immediate supervisor is expected. The superintendent may request documentation in support of the request. In determining the length of absence approved without pay, with the exception of military and family leave, due and proper consideration will be given to the welfare of the students as well as the employee. The superintendent may require notice of intent to return to work at reasonable time intervals during the leave.

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

K. RELIGIOUS LEAVE

Absence from school for bona fide religious holidays may be allowed for a maximum of two days within any one school year with prior approval from the superintendent. Days designated may not be already scheduled as vacation or other holidays in the school calendar. Absence for these religious holidays will be with full pay.

The employee must agree to make up the amount of time for which his or her absence has been excused. The time must be made up at a time agreed upon by the employee and his or her immediate supervisor or principal.

When a substitute is employed on these holidays, payment must be made from the same source of funds as the employee's salary (local, federal, or state funds).

L. CIVIL RESPONSIBILITY LEAVE**Elected Officials**

Full-time or part-time public school employees serving as elected government officials may, with their supervisor's approval, choose to use appropriate earned leave to attend to the responsibilities of their elected office.

Community Responsibility

Upon approval of the supervisor, full-time or part-time public school employees may be granted leave to represent the school or administrative unit at community functions such as the funeral of a school child or his parent. Employees absent for these reasons shall retain full salary during the days absent.

Proper provision shall be made for the continuation of the employee's regular work by making satisfactory arrangements within the system and by employment of a substitute. Substitutes employed for these absences shall not be paid from state funds.

Jury Duty

Full-time or part-time public school employees retain full salary when absent from work to serve on a jury. The employee is entitled to regular compensation in addition to payment for jury duty.

Substitutes employed for these absences shall be paid from the same source of fund as the employee's salary (local, federal, or state).

Court Attendance

Attendance by duty or subpoena: Full-time or part-time public school employees retain full salary for absences from school due to court attendance related to their official duty. The employee also will receive full salary when subpoenaed, except as noted in section (b). Out-of-state subpoenas are not binding on North Carolina residents, unless the state and North Carolina have an interstate subpoena agreement.

Any fees except travel reimbursement received by a school employee serving in an official capacity, as a witness shall be returned to the employing school administrative unit to be credited to the same fund from which the employee is paid. Substitutes employed for these absences shall be paid from the same source of funds as the employee's salary (local, federal, or state).

Attendance for personal reasons: Full-time or part-time public school employees who are absent for appearance in court as plaintiffs, defendants, or witnesses for personal matters, even if subpoenaed, shall not be entitled to receive any salary payment for those days, unless they are using appropriate, approved earned leave. (NOTE: School personnel who are responding to subpoenas for civic responsibilities, such as witness to a crime, are eligible for paid court attendance leave.)

M. PROFESSIONAL LEAVES AND ABSENCES, SABBATICALS, CONFERENCES AND VISITATIONS

In order to provide for the acquisition of an appropriate replacement, any request for professional leave for a coming school year must be submitted to the Superintendent no later than June 1, prior to the affected school year. The written request is to be submitted to the Superintendent after the individual has discussed the request with his/her supervising principal.

The individual requesting leave is to state the reason and/or purpose of the leave in the written request. A leave will not be granted for a person to accept a full-time position with another school system, and if the person secures a full-time position with another school system after the leave is granted, the leave will be revoked and employment with the Orange County Schools will automatically be terminated. In addition, failure to pursue the activity stated as the reason and/or purpose of the leave may cause the leave to be revoked and the employee may be required to report for work at the option of the system. Any misrepresentation, either unintentional or intentional, of the purpose or reason of the requested leave may cause the leave to be revoked and the employee may be required to report for work at the option of the system.

Legal References: G.S. 95-28.3; 115C-12,-36,-47, -84.2, -302.1, -316, -336, -336.1; 16 N.C.A.C. 6C .0401-.0405; North Carolina Public Schools Benefits and Employment Policy Manual (2008-2009)