

Employee Leave Policy

Board Policy: P-15
Adopted: December 13, 1993
Revised: October 8, 2012

I. General Philosophy

Employees shall be granted leave in accordance with personnel policies adopted by the State Board of Education and the Haywood County Schools Board of Education. The local Board believes it is crucial for employees to maintain high attendance in order for schools to function effectively. Efforts shall be made to limit employee absenteeism which disrupts or impedes the continuity of the instructional program. Please consult the Benefits and Employment Policy Manual (Benefits Manual) for detailed information on specific guidelines.

II. Regulations

The following are various types of leave available to employees: personal, family, civic and professional. An employee shall notify his/her immediate supervisor in writing prior to taking or scheduling a leave day except for sick leave. An employee must notify his/her supervisor of the intent to take sick leave no later than the beginning of the school day. Failure to do so will result in an appropriate sanction.

A. Sick Leave

Sick Leave may be used for personal illness, injury, pregnancy, medical appointments of the employee, illness and medical appointments related to the illness and death in the immediate family. Immediate family means spouse, children, parents, brothers, sisters, grandparents, grandchildren, and dependents living in the household - also includes step, half, and in-law relationships.

A statement from a medical doctor or other acceptable proof of illness may be required for each absence following the accumulation of ten (10) sick leave absences, and may be required for any sick leave upon the request of the employee's immediate supervisor.

B. Extended Sick Leave - Instructional Personnel

Teachers and Media Coordinators who require substitutes who are absent due to their personal illness or injury in excess of their accumulated sick leave and available vacation leave shall be allowed extended sick leave of up to twenty (20) work days (not necessarily consecutive) throughout the regular term of employment. Employees on extended sick leave receive full salary less the appropriate substitute pay.

C. Personal Leave - Instructional Personnel

1. Personal leave is earned by teachers and media coordinators who require substitutes. In order to be eligible, the teacher must be in a permanent full-or part-time position. Teachers and media coordinators may use accrued personal leave on non-protected optional teacher workdays, and receive full salary without a deduction for a substitute.
2. Personal leave may be used only upon the authorization of the immediate supervisor. A teacher shall not take personal leave on the first day teachers are required to report for the school year, on a required teacher workday, on days scheduled for state testing, or on the last working day before or the next working day after holidays or annual vacation day scheduled in the calendar unless approved by the principal.
3. Instructional personnel may use personal leave to care for a newborn child or for a child placed with the teacher for adoption or foster care (See section G).
4. Unused personal leave may be carried forward and accumulated to a maximum of five (5) days. On June 30, personal leave in excess of 5 days is converted to sick leave.

D. Annual Vacation Leave

1. For eligible employees the use of annual vacation leave will be granted based on the authorization of the immediate supervisor.

2. An employee who requires a substitute and has exhausted all sick leave may use annual vacation leave on days that students are in attendance if the absence is due to the catastrophic illness of the employee. The Superintendent or designee shall determine whether an illness is catastrophic by considering such factors as:
 - a. the debilitate 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
 - f. other options available to the employee, such as state disability
3. A teacher may use annual vacation leave to care for a newborn child or for a child placed with the teacher for adoption or foster care. (See Sections F and G,)
4. Instructional personnel not requiring a substitute may take annual vacation leave with their supervisors' approval when their absence does not disrupt or impede the continuity of the instructional program. Eligible bus drivers and cafeteria staff may not take annual vacation leave when students are scheduled to be in attendance. In extenuating circumstances, leave may be approved at principal's discretion.
5. Employees who have accumulated more than 30 annual vacation leave days on June 30 of each year will have the excess days rolled into sick leave. (See Benefits Manual)

E. Leave Increments

1. For salaried employees (Exempt Employees), annual vacation leave, sick leave and personal leave if earned shall be taken in half day or whole day increments.
2. Hourly paid employees (Non-Exempt Employees) annual and sick leave will be earned and used in units of hours. [The hourly units will be available to employees as they are subject to the HCS *Time and Attendance Capture System (TACS)*].

F. Pregnancy and Parental Leave

1. In order to qualify for Family and Medical Leave (FMLA), employees requesting leave for pregnancy, childbirth, postnatal recovery and treatment, or adoption shall notify their principal or supervisor and contact the Human Resource Office for an appointment to review options and complete the necessary leave forms. This shall be done prior to beginning leave.
2. Sick leave may be used for the actual period of "temporary disability" caused or contributed to by pregnancy, miscarriage, abortion, childbirth, or postnatal recovery and treatment.
3. A physician's statement shall be required to verify the term of "temporary disability" when the length of the absence exceeds ten (10) days.
4. Parental Leave without pay for a period of up to twelve (12) months may be requested for the care of a newborn child or for the care of a newly adopted child under the mandatory school age. With the approval of the local board of education the period of twelve (12) months may be extended for the remainder of the school year when this leave would otherwise end in the latter half of the school year. Once the leave period has been determined, it cannot be changed except by agreement of both the employee and the local board of education.

G. Family and Medical Leave Act (FMLA)

An eligible employee may receive a total of twelve (12) work weeks of leave during a twelve (12) month period for the purpose of assuring maintenance of health benefits during leave and job restoration after leave. A measuring period is defined as a twelve (12) month period measured backward from the date an employee uses FMLA leave. The Haywood County Board of Education requires the employee to use all available accrued annual, sick, or personal leave for

any part of the twelve (12) week period. The total of all FMLA leave will be no more than twelve (12) workweeks. Allowable leave includes:

- a. Annual vacation and personal leave for reasons II.D.2.a.b.or c.
- b. Sick leave for reasons II.D.2.b. and c.

1. Eligibility

The employee is eligible for FLMA if he/she:

- a. Has worked for the employer for a total of twelve (12) months (cumulatively, not necessarily consecutively) and has full or part-time permanent status.
- b. Has worked at least 1,250 hours over the previous twelve (12) months (does not include holidays, annual leave, sick leave, etc.)

2. Entitlement

FMLA shall be granted for one or more of the following reasons:

- a. Care of a newborn child or for the placement of a child for adoption or foster care. If both parents are employed by Haywood County Schools, a combined total of twelve (12) workweeks for FMLA will be allowed. This leave must be taken within twelve (12) months of the birth or placement of the child.
- b. Care of the spouse, child, or parent of the employee if such person has a serious health condition (condition involving inpatient care in a hospital, hospice or residential medical care facility) or continuing treatment by a health care provider (doctor of medicine or osteopathy licensed by the State or a person determined by the U.S. Secretary of Labor to be capable of providing health services). A doctor's statement will be required to verify a serious health condition.
- c. A serious health condition, as defined above, that makes the employee unable to perform the functions of the employee's position. A doctor's statement will be required to verify a serious health condition.

3. Employees will be notified when leave is designated as FMLA leave.

H. Long-Term Leave of Absence

Leaves of absence may be requested for the following reasons:

1. Educational Leave

- a. Upon the receipt of a written request, educational leave may be granted by the Superintendent and the Haywood County Board of Education.
- b. The requested leave may not be for more than one year and may not be extended beyond one year.
- c. The employee must furnish verification of enrollment in a program at an accredited college or university. Verification of continued enrollment, satisfactory progress, and completion of work may be required by the Superintendent.
- d. The employee must notify the Superintendent at least thirty (30) days before the end of the leave period of his/her intent to return to the school system..

2. Military Leave

- a. Military leave is granted with or without pay according to circumstances and types requested.
- b. Employees shall make available to the Superintendent a copy of orders to report for active duty, and shall advise as to the effective date of leave and the probable date of return to employment.

3. Other Leave

Written requests for leaves of absence without pay or benefits for other reasons may be considered if the reason for the leave will benefit the employee in the performance of his/her job duties and/or the school system. The merits of such requests will be judged on a case-by-case basis by the Superintendent and the Board of Education. If the request is based on a medical reason, written documentation from the doctor must accompany the request.

4. Return to Employment

Upon return, the employee will be offered the same or a similar position in the school system.

I. Child/Parent Involvement Leave

1. Use of Leave

- a. Any employee who is a parent, guardian, or person standing in loco parentis and who has a school-aged child (Pre-K - Twelve) may take paid leave to attend school events or otherwise be involved at his or her child's school.
- b. Child Involvement Leave shall only be used in a public school, private church school, church of religious charter, non-public school that regularly provides a course of instruction, pre-school, or a child day care facility. Principals or supervisors may require proof that leave is being used in an appropriate manner and setting.

2. Amount of Leave

- a. Employees are eligible to take up to *four (4)* hours of Child Involvement Leave each calendar year regardless of the number of school-aged children.
- b. Child Involvement Leave shall be granted in increments of time up to two (2) hours each day. No substitute will be paid for Child Involvement Leave.
- c. Any Child Involvement Leave not taken within the year shall be forfeited.

3. Approval of Leave

- a. Employees must receive prior approval for Child Involvement Leave from their principal or supervisor.
- b. Child Involvement Leave may be postponed or rescheduled based upon the educational needs of the school or program.

4. Separation

- a. Employees shall not be entitled to payment for unused Child Involvement Leave upon separation from the school system.
- b. Employees transferring to another state agency may have any unused Child Involvement Leave transferred to the new agency.

J. Shared leave is governed by the Shared Leave Policy, Board Policy: P-4.

K. Principals shall notify the Child Nutrition Director when leave is granted to cafeteria personnel.

L. If any employee anticipates the need to use leave in excess of ten (10) consecutive days, he/she is to contact the Human Resource Office for an appointment to review options and complete the necessary leave forms.

Legal References: 115C-47, -302.1 (f), (g), -316(a)(3), -336; G.S. 95-28.3
N.C. Public School Employee Benefits (Revised)
Family Medical Leave Act
Uniformed Services Employment and Reemployment Act of 1994
29 U.S.C. S. S2609, 38 U.S.C.S. 4301
16 NCAC 6C.400-.0405, 16 NCAC 6C.0406