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GUILFORD COUNTY SCHOOLS LEAVES AND ABSENCES

This employee guide does not grant any rights beyond those granted by state law and local board policy. Nothing contained herein creates an employment contract or term of employment, nor limits the reasons for the dissolution of the employment relationship.

An employee requesting more than ten (10) workdays of leave (with or without pay) for the allowable reasons listed under "Long-Term Leaves of Absence" of this guide must complete a "Request for Leave of Absence" form HUM-F001 with appropriate documentation and supervisor's signature and submit it to the Benefits Office. Please refer to the appropriate section in this guide for specific instructions regarding the type of leave being requested.

Board Policy - Guilford County Schools

The Guilford County Board of Education supports its employees and will, whenever possible, attempt to grant requests for leaves and absences so long as those requests do not affect adversely the welfare of the students and the continuity of the instructional program.

It is the policy of the Guilford County Board of Education that leaves and absences be governed under provisions of the regulations as adopted by the North Carolina State Board of Education, unless specific exceptions are approved by the Guilford County Board.

The Superintendent shall be responsible for developing and distributing administrative procedures for implementing the state regulations.

Short-Term Leave of Absence

A leave of absence for a period of up to ten (10) workdays shall be considered a short-term leave of absence. A short-term leave of absence may be with or without pay.

- Short-term leave of absence with pay - The appropriate supervisor has authority to approve a leave of absence with pay for a period of up to ten (10) days for appropriate reasons. Paid leave (annual leave, sick leave, and personal leave) shall be used in accordance with state regulations and may be advanced up to the amount that will be earned within the current fiscal year with the approval of the employee's supervisor.
- Short-term leave of absence without pay - The appropriate supervisor has authority to approve up to five (5) days of leave without pay for appropriate reasons. The appropriate supervisor's superior has authority to approve up to an additional five (5) days of leave without pay for appropriate reasons. A full day's salary reduction shall be made for each day the employee is absent. Multiple short-term leaves of absence without pay shall not be approved for more than ten (10) cumulative workdays per fiscal year. If additional leave is requested, the employee should follow the procedures for requesting long-term leaves of absence.

Long-Term Leave of Absence

A leave of absence for a period exceeding ten (10) workdays shall be considered a long-term leave of absence. A long-term leave of absence may be with or without pay. **Guilford County Schools requires the employee to use available paid leave before going on leave without pay.** Sick leave, annual leave and personal leave may not be advanced when an employee is requesting a long-term leave of absence. Only leave which is earned until such time as the employee goes off the payroll may be used.

- Long-term leave of absence with pay - The Benefits Office has authority to approve a leave of absence with pay for a period exceeding ten (10) workdays for the allowable reasons listed below. Paid leave (annual leave, bonus annual leave, sick leave, personal leave, and extended sick leave) shall be used in accordance with state regulations.
- Long-term leave of absence without pay - The Benefits Office has authority to approve a leave of absence without pay for a period exceeding ten (10) workdays for the allowable reasons listed below.

Allowable Reasons:

Reasons for which leaves of absence may be requested are:

1. Military leave;
2. Parental leave, for the birth or adoption of a child or placement of a foster child for a period of up to twelve (12) calendar months;
3. Medical leave, for personal illness or temporary disability that prevents an employee from performing his or her usual duties, for a period up to twelve (12) calendar months in excess of sick leave provisions. Medical leave includes employees with work related injuries that are eligible for **Worker's Compensation**.
4. Family Medical leave, in order to provide care for an immediate family member who is critically ill, for a period up to twelve (12) calendar months;
5. Educational leave, intended to enhance an individuals knowledge, ability, skills, and/or professional growth in a field of education or employment related to the employee's duties and responsibilities in the Guilford County Schools. There are two options for Educational Leave (please see Option I on page 11 and Option II on page 12 of this booklet);
6. Leave available under the Family and Medical Leave Act.

Military Leave

The granting of military leave to full-time or part-time permanent employees is an obligation of the State to the defense effort of the nation and to the protection of the State itself. Generally, employees may be granted up to fifteen (15) days of leave for military training with pay during the federal fiscal year (October 1 through September 30).

All military leaves of absence will be administered in accordance with federal and state laws.

Required process for requesting Military Leave

1. Employee should complete the "Request for Leave of Absence" form, attach copy of orders, have the Principal/Director/Supervisor sign and date it, and distribute the copies appropriately.
2. The "Request" form must be completed regardless of the length of absence.
3. The "Request" should be submitted to the Benefits Office at least thirty (30) days in advance of the beginning of the requested leave, if possible.
4. The employee will receive a formal letter indicating that the leave has been approved and the appropriate dates.
5. Can use available leave or leave without pay.

*** Short-Term Military Leave with Pay**

Leave with pay shall be granted to members of Reserve Components of the U.S. Armed Forces for periods of active duty training.

Reserve components of the U.S. Armed Forces are the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and the Coast Guard Reserve. The National Guard serves both as a federal reserve component and as the State Militia.

1. **Periods of entitlement for all reserve components:**
Military leave with pay shall be granted for up to 15 workdays during the federal fiscal year. The federal fiscal year begins October 1 and ends September 30.
2. **Physical examination for military service:**
An employee shall be granted necessary time off when the employee must undergo a Required physical examination relating to membership in a reserve component (included in the 15 days paid leave per federal fiscal year).
3. **Scheduled unit assemblies:**
Regularly scheduled unit assemblies usually occur on weekends and are referred to as "drills". If an employee is required to leave on a workday, the employee may be allowed to use military leave with pay or other available paid leave. This military leave with pay is included in the 15 days allowed each federal fiscal year for training.

* From: Public Schools of North Carolina Benefits and Employment Policy Manual

4. **Additional periods of entitlement for National Guard only:**

- a. Military leave with pay shall be granted for infrequent special activities in the interest of the State when so authorized by the Governor or his designee. This leave is in addition to the 15 days allowed for military training.
- b. For active state duty in excess of 30 days, employees shall be entitled to military leave with differential pay between military pay and regular pay if the military pay is less than the employee's regular pay.
- c. Military leave for active state duty is in addition to military leave which may be granted for other purposes.

5. **Periods ineligible for paid military leave:**

- a. Duties resulting from disciplinary actions imposed by military authorities.
- b. Inactive duty training (drills) performed for the convenience of the members such as equivalent training, split-unit assemblies, make-up drills, etc.

Employing agencies are not required to excuse an employee for unscheduled or incidental military activities such as volunteer work at military facilities and unofficial military activities.

Orders and Leave Documentation

The employee must give advance notice to the employer of absence for military service and apply for reemployment following leave of more than 30 days. The notice and application may be either written or verbal.

The school system may request that the employee submit a copy of the orders or other appropriate documentation of required military duty.

Resolution of Scheduled Conflicts

If a scheduled military leave creates a problem for the school system, supervisors are encouraged to contact the commanding officer at the military unit to which the employee reports and request a schedule accommodation.

Retention of Benefits

Paid military leave is treated like any other paid leave. The employee shall continue to accumulate leave and receive health insurance for self, etc.

Employee Eligibility

All permanent, probationary and trainee employees who enter active military service are eligible for military leave for extended active duty.

Service Schools and Reserve Training

All or any portion of an employee's 15 days paid military leave or regular vacation leave may be used in lieu of or in conjunction with unpaid military leave for:

1. Attendance at Service Schools, or
2. Attendance at Active Duty Training in a Reserve Unit

Extended Active Duty

Leave without pay shall be granted as outlined below for periods of active duty in the armed forces of the United States. An employee may not use paid military leave for extended active duty.

1. **“Extended active duty” is defined as**
 - a. Any active military service for a period not to exceed five years plus any period of additional service imposed by law.
 - b. All active military service during declared state or national emergency or during time of war.
 - c. Any mobilization or order to Federal active duty of an employee in the National Guard or one of the other reserve components.
2. **Leave before and after active duty:** Permanent, trainee, and probationary employees who enter active military service may also use unpaid military leave for the following reasons:
 - a. **While awaiting entry into active duty,** to allow the employee to settle any personal matters or if the delay is not the employee's fault. This period shall be for up to 30 days and can be extended in exceptional cases.
 - b. **Following active military service** while employee's reinstatement is pending. The employee must apply for reinstatement within 90 days following release from active duty of more than 180 days, or within 14 days following active duty of 30 to 180 days.
 - c. **Involuntary extensions:** Unpaid military leave shall be granted for any involuntary extension of military service. The employee may be required to present evidence that the extension was involuntary.
 - d. **Hospitalization:** Unpaid military leave shall be permitted for extensions of enlistment due to hospitalization for service-connected disability certified by the attending physician.

In addition, the employee is entitled to leave without pay from the time of release by the physician until actually reinstated, provided the employee applies for reinstatement within the time limits described above.

3. **Employee responsibility:** The employee or an appropriate officer shall give advance notice of the military service to the superintendent of the school system. The employee is responsible for making application for reinstatement within the appropriate time limit.

4. **Employer responsibility:** It is the responsibility of the employer to ascertain that the employee is eligible for unpaid military leave. The superintendent or designee shall explain to the employee the rights and benefits concerning leave, salary increases, medical insurance options, retirement status, and reinstatement from military leave.

5. **Retention and continuation of benefits:** An employee going on extended active duty may choose to have accumulated vacation leave paid in a lump sum, exhaust available leave, or retain all or part of the accumulated leave until he or she returns to work. The maximum accumulation of 30 days or 240 hours applies to a lump-sum payment.

The employee retains all accumulated sick leave and continues to earn state service credit and time toward salary increases.

An employee will receive full retirement membership service credit for all active duty service in the armed forces if he or she is honorably discharged. Enlistment up to five years is creditable. The employee should contact the Retirement System for instructions.

6. **Reinstatement from leave without pay for military service:** Employees on leave without pay honorably discharged from military service who apply for reinstatement within the appropriate time limit must be reemployed in a position equivalent in status, seniority, and pay and as if employment had not been interrupted.

If an employee is disabled during military service to the extent that he or she cannot perform the duties of the original position, the employee shall be reinstated to a position with duties compatible with the disability. In no case will the reinstated employee's salary be less than his or her salary prior to military leave.

Employees who resign without knowledge of their eligibility for military leave and reinstatement of benefits, but who are otherwise eligible for the reinstatement under military leave provisions, shall be reinstated from military service just as if they had applied for and been granted leave for active military duty.

7. **Tenure, ILT and Licensure:** The status of licensed employees on active military duty will be treated as "hold harmless."

Parental Leave

All full-time permanent or part-time permanent employees may take a parental leave of absence for up to twelve (12) calendar months to care for a newborn child, a newly adopted child, or a child placed in foster care. The employee is required to work until delivery unless the physician verifies a medical need to begin the leave of absence earlier. **The employee is required to use appropriate earned leave (i.e. annual vacation leave, bonus annual leave, sick leave, extended sick leave, and personal leave).** The use of sick leave and extended sick leave by the mother is generally limited to the first six (6) weeks after normal delivery and to the first eight (8) weeks after a Cesarean Section. The use of sick leave by the father is generally limited to the first three (3) weeks after delivery. Use of paid leave will not extend the 12-month period of parental leave to which the employee is entitled. However, the Board of Education may determine when the leave will begin or end, based on a consideration of the welfare of the students and the need for continuity of service.

Tenured employees approved for a parental leave retain tenured status upon return from the authorized leave. Probationary teachers must begin a new probationary period if a leave of absence, paid or unpaid, prevents the probationary teacher from completing four (4) consecutive years of 120 workdays in each year in the same school system. Unless, the probationary teacher in a full-time, permanent position did not work for at least 120 workdays in a 220 day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed to constitute:

- (a) A consecutive year of service for the teacher, or
- (b) A break in the continuity in consecutive years of service for the teacher.

Benefits under the Family and Medical Leave Act are available to eligible employees requesting Parental Leave.

Required Process for requesting Parental Leave

1. Employee should complete the "Request for Leave of Absence" form including medical doctor's statement indicating the diagnosis and the beginning and ending dates of the leave (including the due date and type of delivery expected). The Principal/Director/Supervisor must sign and date the form, and copies should be distributed appropriately.
2. The "Request" should be submitted to the Benefits Office at least thirty (30) days in advance of the beginning of the requested leave.
3. Upon receipt of the "Request," the Benefits Office will prepare the appropriate forms and letters. If the employee has accumulated paid leave to cover his or her entire absence then a letter will be prepared documenting the types and amounts of leave used during the leave of absence. If the employee does not have enough paid leave to cover the entire leave of absence and must go on a leave without pay, the Benefits Office will contact the employee to schedule an appointment to review all of the forms and paperwork with the leave and have the employee complete and sign appropriately. (If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she will be asked to complete the appropriate forms while at the Benefits Office)

4. **If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to come to the Benefits Office to re-enroll as soon as she/he returns to work.**

Medical Leave

All full-time permanent or part-time permanent employees may take a medical leave of absence for up to twelve (12) calendar months in excess of sick leave provisions for personal illness or temporary disability that prevents an employee from performing his or her usual duties. **The employee is required to use appropriate earned leave (i.e. annual vacation leave, bonus annual leave, sick leave, extended sick leave, and personal leave).** However, the Board of Education may determine when the leave will begin or end, based on a consideration of the welfare of the students and the need for continuity of service.

Medical leave includes employees with work related injuries that are eligible for Workers' Compensation. If an employee is out of work more than ten (10) consecutive workdays due to work related injuries, he or she must complete a "Request for Leave of Absence" form and submit it to his supervisor to be signed and forwarded to the Benefits Office. Submitting the request for leave of absence to the Benefits Office as soon as possible is essential to prevent unauthorized overuse of paid leave and erroneous overpayment of salary. (See Workers' Compensation section on **page 35** for additional information)

Tenured employees approved for a medical leave retain tenured status upon return from the authorized leave. Probationary teachers must begin a new probationary period if a leave of absence, paid or unpaid, prevents the probationary teacher from completing four (4) consecutive years of 120 workdays in each year in the same school system. Unless, the probationary teacher in the full-time, permanent position did not work for at least 120 workdays in a 220 day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed to constitute:

- (a) A consecutive year of service for the teacher, or
- (b) A break in the continuity in consecutive years of service for the teacher.

Benefits under the Family and Medical Leave Act are available to eligible employees requesting Medical Leave.

Required Process for requesting Medical Leave

1. Employee should complete the "Request for Leave of Absence" form including medical doctor's statement indicating the diagnosis and the beginning and ending dates of the leave. The Principal/Director/Supervisor must sign and date it, and copies should be distributed appropriately.
2. The "Request" should be submitted to the Benefits Office at least thirty (30) days in advance of the beginning of the requested leave if the need is foreseeable. In emergency situations, the appropriate forms and documentation shall be submitted as soon as is reasonably possible.

3. Upon receipt of the "Request," the Benefits Office will prepare the appropriate forms and letters. If the employee has accumulated paid leave to cover his or her entire absence then a letter will be prepared documenting the types and amounts of leave used during the leave of absence. If the employee does not have enough paid leave to cover the entire leave of absence and must go on a leave without pay, the Benefits Office will contact the employee to schedule an appointment to review all forms and paperwork associated with the leave and have the employee complete and sign appropriately. (If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she will be asked to complete the appropriate forms while at the Benefits Office)
4. **If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to come to the Benefits Office to re-enroll as soon as she/he returns to work.**

Family Medical Leave

All full-time permanent or part-time permanent employees may take a family medical leave of absence for up to twelve (12) calendar months to care for the employee's immediate family member with a serious health condition. The employee is required to use appropriate earned leave during the time of the leave (i.e. sick leave, annual vacation leave, bonus annual leave, and personal leave). However, the Board of Education may also determine when the leave will begin or end, based on a consideration of the welfare of the students and the need for continuity of service.

Immediate family consists of: spouse, children, parents, brothers, sisters, grandparents, grandchildren, step, half, in-law relationships and dependents living in the employee's household.

Tenured employees approved for a leave of absence retain tenured status upon return from the authorized leave. Probationary teachers must begin a new probationary period if a leave of absence, paid or unpaid, prevents the probationary teacher from completing four (4) consecutive years of 120 workdays in each year in the same school system. Unless, the probationary teacher in a full-time, permanent position did not work for at least 120 workdays in a 220 day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed constitute:

- (a) A consecutive year of service for the teacher, or
- (b) A break in the continuity in consecutive years of service for the teacher.

Benefits under the Family and Medical Leave Act are available to eligible employees requesting Family Medical Leave.

Required Process for requesting Family Medical Leave

1. Employee should complete the "Request for Leave of Absence" form including medical doctor's statement indicating the diagnosis and the beginning and ending dates of the leave. The Principal/Director/Supervisor must sign and date it, and copies should be distributed appropriately.
2. The "Request" should be submitted to the Benefits Office at least thirty (30) days in advance of the beginning of the requested leave if the need is foreseeable. In emergency situations, the appropriate forms and documentation shall be submitted as soon as is reasonably possible.
3. Upon receipt of the "Request," the Benefits Office will prepare the appropriate forms and letters. If the employee has accumulated paid leave to cover his or her entire absence then a letter will be prepared documenting the types and amounts of leave used during the leave of absence. If the employee does not have enough paid leave to cover the entire leave of absence and must go on a leave without pay, the Benefits Office will contact the employee to schedule an appointment to review all of the forms and paperwork with the leave and have the employee complete and sign appropriately. (If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she will be asked to complete the appropriate forms while at the Benefits Office.)
4. **If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to come to the Benefits Office to re-enroll as soon as she/he returns to work.**

Educational Leave

All full-time permanent or part-time permanent employees are eligible for educational leave. Employees who are enrolled as students at an accredited community college, technical school, college or university should make every effort to schedule their classes in so far as possible after their regular duty hours. Educational leave is intended to enhance an individual's knowledge, ability, skills, and/or professional growth in a field of education or employment related to the employee's duties or responsibilities in the Guilford County Schools.

Option I:

If the employee has exhausted all measures and must schedule a class before the end of the workday the following options are available:

1. In lieu of taking any professional days a total of eighty (80) hours of release time may be taken for educational purposes. The employee should make a written request, including the class schedule, to his/her supervisor.
2. If the employee must be absent for more than one hour any given day and a substitute is required, then the cost of a one-half day substitute will be deducted from the employee's wages.

3. Twelve-month employees enrolled in full-time summer school may use vacation time to account for the day(s) absent.
4. Employees enrolled in internships will:
 - a. be governed by the number of hours to be served in the internship by the sponsoring college or university.
 - b. secure a leave of absence if the internship cannot be accommodated during the school year in terms of before, during, or after school hours.
 - c. Contact the Director of Recruiting for placement.

Option II:

An eligible employee enrolled in a full-time program, as defined by an accredited community college, technical school, college or university, may take a leave of absence **without pay** for up to twelve (12) calendar months. Educational leave is intended to enhance an individual's knowledge, ability, skills, and/or professional growth in a field of education or employment related to the employee's duties or responsibilities in the Guilford County Schools.

Required process for requesting an Educational Leave Without Pay

1. Employee should complete the "Request for Leave of Absence" form and attach appropriate documentation verifying the employee's enrollment full-time at an accredited community college, technical school, college or university, and containing a description of the academic program, the specific academic work to be undertaken during the leave of absence, and the reason(s) why a leave of absence is necessary. The Principal/Director must sign and date it, and copies should be distributed appropriately.
2. The "Request" should be submitted to the Benefits Office at least **sixty (60) days** in advance of the beginning of the requested leave. **Failure to do so could result in denial of leave.**
3. Upon receipt of the "Request," the Benefits Office will prepare the appropriate forms and letters and will contact the employee to schedule an appointment to review all of the forms and paperwork with the leave and have the employee complete and sign appropriately. (If the employee desires to cancel any insurance coverage, he or she will be asked to complete the appropriate forms while at the Benefits Office)
4. **If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to come to the Benefits Office to re-enroll as soon as she/he returns to work.**
5. Tenured employees approved for a leave of absence retain tenured status upon return from the authorized leave. Probationary teachers must begin a new probationary period (start over at year 1) if an educational leave prevents the probationary teacher from completing four (4) consecutive years of 120 workdays each (actually worked).

Leave Available Under the Family and Medical Leave Act

All eligible employees will be provided with leave as required in the federal Family and Medical Leave Act of 1993 (FMLA) and applicable State laws and State Board of Education policies.

1. Eligible Employees

An employee is eligible for FMLA leave if both of the following conditions are met:

- a. the employee has worked for the Guilford County Schools for at least twelve (12) months, which need not be consecutive; and
- b. the employee has worked at least 1,250 hours for the Guilford County Schools during the twelve (12) month period immediately preceding the beginning of the FMLA leave.

2. Entitlement to FMLA Leave

Eligible employees may take FMLA leave for up to twelve (12) weeks during each twelve (12) - month FMLA leave year, for the following reasons:

- a. the birth of a child of the employee and in order to care for the child;
- b. the placement of a child with the employee for adoption or foster care;
- c. taking care of the employee's spouse, child, or parent who has a serious health condition; or
- d. a serious health condition of the employee that makes the employee unable to perform the functions of the employee's position.

The FMLA leave year shall be a rolling twelve (12) - month period measured forward from the date the employee first takes FMLA leave after completion of any previous FMLA leave year.

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves in-patient care or continuing treatment by a health care provider.

If both a husband and a wife are employed by the Guilford County Schools, their combined amount of FMLA leave for the birth of a child, the placement of a child for adoption or foster care or the care of the employee's parent with a serious health condition is twelve (12) weeks.

3. Structure of FMLA Leave

- a. Types of Leave. Depending on the circumstances, FMLA leave may be (a) continuous, (b) intermittent, or (c) reduced. Continuous leave is leave for a continuous period of time without interruption. Intermittent leave is leave taken in separate blocks of time. Reduced leave is a leave schedule that reduces the employee's usual number of hours per work week or hours per workday.

- b. All Employees. When leave is taken for the birth of a child, adoption of a child or placement of a foster child, an employee may take leave only for a continuous period of time unless Human Resources agrees to another arrangement. The employer's agreement is not required, however, for intermittent leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

For a situation involving a serious health condition of the employee or a family member, the employee may take leave continuously or on an intermittent or reduced leave schedule as is medically necessary. Employees needing intermittent leave or leave on a reduced leave schedule must attempt to schedule their leave so as to minimize disruptions to school system operations. In addition, to better accommodate an employee's need for intermittent or reduced leave, the school system may transfer the employee to an alternative position during the period of leave. The alternative position must have equal pay and benefits but need not have equivalent duties.

- c. Instructional Employees. Special rules may apply to FMLA leave by instructional employees to minimize adverse instructional impact.

1. Intermittent or Reduced Leave.

If an eligible instructional employee needs intermittent leave or leave on a reduced schedule and the employee would be on leave for more than 20 percent of the total number of workdays over the period the leave would extend, the employer may require the employee to choose one of the following options:

- (a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment, or
- (b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced-leave schedule, the employer may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employer may require the employee to delay the taking of leave until the notice provision is met.

2. Leave Near the End of Semester.

Instructional personnel may be required to continue FMLA leave through the end of a semester or academic term if any of the following conditions exist:

- (a) The leave begins more than five (5) weeks before the end of the term; the leave will last at least three (3) weeks; and the employee would be returning to work during the last three weeks of the academic term; or
- (b) The leave is for a purpose other than the employee's own serious health condition; the leave begins in the last five (5) weeks of the term; the leave will last at least two (2) weeks; and the employee would be returning to work during the last two (2) weeks of the academic term; or
- (c) The leave is for a purpose other than the employee's own serious health condition; the leave begins in the last three (3) weeks of the term; and the leave would last at least five (5) days.
- (d) Academic Term.

For purposes of these provisions “academic term” means the school semester, which typically ends near the end of the calendar year or near the beginning of summer. In no case may a school have more than two academic terms or semesters each year for the purposes of FMLA.

4. Substitution of Paid Leave

Generally, FMLA leave is unpaid. However, either the employee or the school system may choose to substitute accrued paid leave for unpaid FMLA leave under the following circumstances. **As a rule the school system requires that employees use all eligible paid leave prior to going on unpaid leave.**

Accrued annual vacation leave or personal leave may be substituted for any FMLA leave. Accrued sick leave may be substituted for FMLA leave needed to care for a family member or the employee's own serious health condition. For instructional personnel, extended sick leave may be substituted for FMLA leave needed for the employee's own serious health condition. Leave taken by an employee pursuant to a disability benefit plan, including workers' compensation and short-term disability, may run concurrently and be counted towards the employee's twelve (12) week FMLA leave entitlement, where the injury or illness meets a criteria for a serious health condition.

If paid leave is substituted for unpaid FMLA leave, the paid leave will be counted towards the employee's twelve (12) week FMLA leave entitlement, if the school system designates the paid leave as FMLA-eligible leave.

5. Designation of FMLA Leave

It is the responsibility of the school system to designate whether an employee's leave is to be considered FMLA leave. This includes any designation of periods during which an employee receives paid leave or workers' compensation benefits or disability income benefits. In the absence of a designation by the school system that an employee's leave

is to be considered FMLA leave, upon the expiration of the leave the employee retains his or her entitlement to twelve (12) weeks unpaid FMLA leave, if all eligibility conditions are satisfied.

It is the responsibility of the Benefits Department to ask any questions necessary of the employee in order to make a determination of whether the leave is FMLA-eligible. If it appears that leave might be for FMLA purposes but medical certification is required to confirm that fact, the Benefits Department can preliminarily designate the leave as FMLA leave while awaiting medical certification.

The Benefits Department should designate leave as FMLA promptly (as soon as possible) upon acquiring information that leave is being taken for an FMLA reason. The employers notice to the employee designating FMLA leave may be oral or written and should *be given within two business days. If the employee is notified orally of the designation of FMLA leave, notice shall be confirmed in writing no later than the following pay day. Leave cannot be designated as FMLA leave after the employee has returned to work from the leave, unless (1) the Benefits Department has preliminarily designated the leave as FMLA leave while awaiting medical certification; or (2) the school system did not learn that employee was absent for an FMLA reason until after the employee's return.

6. Notice by Employee

An employee must provide at least thirty (30) days notice if the employee can anticipate the need for FMLA leave. If this is not possible, the notice shall be given as early as is practical. If the employee does not provide thirty (30) days notice, and there is no reasonable justification for the delay, the school system can deny the taking of FMLA leave until at least thirty (30) days after the employee provides notice of the need for FMLA leave. If an instructional employee fails to give required notice for foreseeable leave for an intermittent or reduced leave schedule, the employee may be required to take leave continuously for the duration of the treatment or be temporarily transferred to an alternative position for which the employee is qualified and has the same benefits. An employee requesting intermittent or reduced leave time for medical treatment of a serious health condition may be required to give the reasons for the intermittent or reduced leave schedule and the schedule for treatment. Normally, employees also would be expected to discuss scheduling with their immediate supervisor prior to scheduling any medical treatment in order to accommodate the work schedule.

The school system may require an employee to periodically report on his status and intent to return to work. Any employee who is taking leave through the end of an academic semester shall be required to report on his or her intent to return to work no later than four (4) weeks before the end of the academic semester. In addition, the employee may be required to report on a regular basis during the period in which he is on FMLA leave.

* Note: The Supreme Court ruled that an employee is not entitled to additional leave if the employer failed to designate and notify a leave as FMLA leave within two business days. *Ragsdale v. Wolverine World Wide*, 122s.Ct. 1155 (2002)

7. Medical Certification

The school system may require employees to provide medical certification to confirm the employee's or the employee's family members' serious health condition. The information requested shall be no more than that allowed by the FMLA and the Americans With Disabilities Act. Under certain circumstances, the Benefits Department may request a second or third certification if there is reason to doubt the validity of the medical certification.

Before returning to work from FMLA leave for a serious health condition, the employee may be required to present a "fitness-for-duty" certificate which states that the employee is able to return to work. An employer may not require a fitness-for-duty certificate when the employee takes intermittent leave.

Questioning the Adequacy of a Medical Certification

A health provider representing the employer may contact the employee's health care provider, with the employee's permission, for purposes of clarification and authenticity of the medical certification. The employer may not contact the employee's health care provider directly unless the employee is receiving workers' compensation benefits concurrently while on FMLA leave.

An employer who has reason to doubt the validity of a medical certificate may require the employee to obtain a second opinion at the employer's expense. The employer is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employer.

If the opinion of the employee's and the employer's designated health care providers differ, the employer may require the employee to obtain certification from a third health care provider, again at the employer's expense. This third opinion shall be final and binding. The third health care provider must be approved jointly by the employer and employee.

If the employer requires the employee to obtain either a second or third opinion, the employer must reimburse the employee or family member for any reasonable, unreimbursed travel expense.

8. Restoration to Equivalent Position

Employees shall be restored to the same or an equivalent position upon return from FMLA leave. An equivalent position must have virtually identical pay, benefits, and working conditions, including privileges, prerequisites and status, as the position held prior to the leave. The position also must involve substantially similar duties and responsibilities, which must entail equivalent skill, effort, responsibility, and authority. All positions within the same job classification are considered to be "equivalent positions" for the purposes of this policy. For licensed employees, all positions with the same salary and licensure requirements also will be considered equivalent positions. The employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the job.

Under certain circumstances, the school system may deny restoration to a "key" employee. A key employee is one who is among the highest paid ten percent (10%) of all employees. If restoring a key employee would result in substantial and grievous economic injury to the school system, then there is no obligation to restore the key employee to the same or an equivalent position.

Employees shall be informed at the time leave is taken if they are considered key employees and shall be informed once a determination is made that the employee will not be restored to the same or an equivalent position. A key employee who has been informed that he will not be restored still has rights to health benefits for the full period in which he is eligible for FMLA leave.

9. Continuation of Health Benefits

Health benefits shall be continued for the duration of FMLA leave. This includes key employees who have been notified that they will not be restored to an equivalent position. The health care benefits shall be the same as if the employee were continuing to work. Employees do not have the right to accrue earned benefits during the leave. If an employee takes intermittent or reduced leave, the employee has the right to maintain the same health care benefits, but earned benefits may be reduced in proportion to hours worked where such a reduction is normally based upon hours worked.

Health insurance premiums paid while an employee is on FMLA leave may be recovered from the employee if the employee does not return to work after the leave is over, so long as the reason for not returning does not relate to a serious health condition or to circumstances beyond the employee's control.

10. Posting Requirement

The Superintendent or his designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places readily accessible to employees and applicants.

11. Record-Keeping Requirement

The Benefits Department will be responsible for maintaining records of the following information for at least three (3) years: basic payroll and identifying employee data; dates (or hours) of FMLA leave taken by each employee; copies of employee notices, including general and specific notices, as well as any other documents describing employee benefits or policies; premium payments of employee benefits; and records of disputes between the school system and any employee regarding designation of FMLA leave.

Medical information, such as that relating to medical certifications, is confidential and must be maintained in separate files or records.

12. No Interference or Retaliation

The school system strictly prohibits any interference with, restraint, or denial of any employee's exercise of any right provided by the FMLA, or any type of discrimination or retaliation against an employee who has filed a complaint in regard to the FMLA.

Requirements/Considerations for Long-Term Leaves of Absence:

When long-term leaves of absence are requested, the following requirements and considerations will apply:

1. Long-term leaves of absence are discretionary, except as may be required by the Family and Medical Leave Act or other applicable law.
2. In considering requests for long-term leaves of absence, the best interests of the instructional program and the needs of the school system will be considered as paramount.
3. Decisions regarding long-term leaves of absence will be based on the individual facts and circumstances of each request. A decision on one employee's request will not establish precedent binding on any other employee's request.
4. The employee and appropriate supervisor shall collaborate in recommending the specific details of a request for long-term leave of absence to the Benefits Department.
5. An employee shall provide his or her appropriate supervisor a copy of the request for long-term leave of absence, no later than the date on which the request is submitted to the Benefits Department. The principal is the appropriate supervisor for all school-based personnel.
6. The supervisor shall notify the Benefits Department of his or her objections or of any potential substantial adverse impact arising from the requested long-term leave of absence.
7. The appropriate forms, including any required documentation, shall be submitted at least thirty (30) calendar days in advance of the beginning of the requested leave, and at least sixty (60) calendar days in advance in the case of requested educational leave, unless it is an emergency situation.
8. In emergency situations, the appropriate forms and documentation shall be submitted as soon as is reasonably possible.
9. Requests for leave involving illness or disability, whether of the employee or a family member, must be accompanied with appropriate medical certification. Before returning to work from a medical leave of absence, the employee is required to present a new health certificate or "fitness for duty" certificate from the employee's health care provider.

10. A request for educational leave (Option II, page 12) must be accompanied with appropriate documentation verifying the employee's enrollment full-time at an accredited community college, technical school, college or university, and containing a description of the academic program, the specific academic work to be undertaken during the leave of absence, and the reason(s) why a leave of absence is necessary. Educational leave is intended to enhance an employee's knowledge, ability, skills and/or professional growth in a field of education or employment related to the employee's duties or responsibilities in the Guilford County Schools. At the end of the leave of absence, the employee may be asked for the appropriate documentation verifying the successful completion of the work undertaken.
11. The Benefits Department may request additional information or documentation from an employee who requests or is on a long-term leave of absence.
12. A requested long-term leave of absence without pay (including any requested extensions) shall not exceed twelve (12) calendar months except in the case of extended short-term disability and as allowed by number 13 below.
13. When the period of time that an employee is on leave of absence without pay exceeds thirty (30) working days, the Benefits Department may determine the date when the employee is to be reinstated, based on a consideration of the welfare of the students and the need for continuity of instruction. Consideration of these factors may result in a determination by the Benefits Department that the leave should extend beyond the requested time period, up to but not exceeding the remainder of the school year in which the leave would otherwise end.
14. Once the beginning and ending dates of the leave have been determined, they cannot be changed except by mutual agreement of the employee, the supervisor, and the Benefits Department.
15. Any request for a change in the dates established for a leave, or an extension to an approved leave, shall be submitted at least ten (10) calendar days in advance, unless it is an emergency situation. Licensed instructional personnel resigning his/her position shall submit the resignation form at least thirty (30) calendar days in advance. Classified personnel resigning his/her position shall submit the resignation form at least fourteen (14) calendar days in advance.
16. The Benefits Department shall incorporate the specifics of the leave into a written statement, which shall be provided to the employee. Until the employee receives such written statement, no request for a long-term leave of absence shall be deemed granted, and an employee shall not have any right or justifiable expectation to the requested leave.
17. As a general rule, employees on a long-term leave of absence shall not be employed or provide services on behalf of any other employer or organization, whether paid or unpaid, during times in which the employee normally would be

working for the Guilford County Schools if not on a leave of absence. Employees may request permission from the Benefits Department to undertake such activities, and the Benefits Department may authorize such activities if not inconsistent with the purpose of the leave or the best interests of the school system. If such permission is granted, the employee shall request permission from the Benefits Department for any changes in the approved activities.

18. When it becomes apparent that an employee must be on sick leave or leave of absence without pay for medical reasons for sixty (60) consecutive days, the employee should be contacted by the Benefits Department with information regarding short-term disability.
19. In the event circumstances change such that the reason for an approved leave of absence no longer exists, the employee is required to notify the Benefits Office as soon as reasonably possible. If an employee on a leave of absence fails to comply with the requirements of this or any other applicable regulation or policy, the Benefits Department may discontinue or withdraw the leave of absence upon notice to the employee.
20. When an employee returns to work from an approved long-term leave of absence without pay (period exceeding ten (10) workdays), the school district will attempt to place the employee in his/her original position if possible. However, in such cases when this is not possible, the employee will be placed in an equivalent position at another location within the school district.
21. All requests for leaves of absence without pay, in excess of the authorization specifically set out in this procedure, will require approval of the Board of Education, and should be made only for extraordinary and compelling purposes.
22. **Any employee who takes an approved leave and effects any change to their insurance benefits should verify his/her benefits status with the Benefits Office before returning to work.**

Other Types of Leaves

There are certain restrictions regarding eligibility for and use of annual vacation leave, personal leave and extended sick leave. Please refer to the "Leave Earned by Position" document in Appendix A of this guide and the Guilford County Schools Personnel Handbook for guidance.

Annual Vacation Leave

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.

Rate of Earnings

All full and part-time permanent employees who work or are on paid leave (including paid holidays and when on Worker's Compensation) for one-half or more of the work days in a

calendar month, are entitled to earn annual vacation leave at the same rate provided for State employees. Leave for a part-time permanent employee shall be 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 part-time positions may not earn more than the benefits allowed for one full-time position. The rate of earnings is based on the length of total State service. Annual vacation leave shall be earned as follows:

Years of State Service	Days of Leave Earned per Month of Employment
Less than 2 years	1.00
2 but less than 5 years	1.15
5 but less than 10 years	1.40
10 but less than 15 years	1.65
15 but less than 20 years	1.90
20 years or more	2.15

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 and local boards of education. All personnel, licensed and classified, should submit their requests for annual vacation leave to their immediate supervisor as early as possible. At a minimum, requests should be submitted before the end of the workday immediately preceding the day on which the employee wishes to take annual vacation leave. A supervisor may waive even this minimum notice, at his or her discretion.
- c. **Denial of Requests:** A request to take annual vacation leave may be denied by an employee's supervisor when the employee's attendance is deemed necessary to fulfill a justifiable need by his or her supervisor; provided, that each employee shall be given the opportunity to take annual vacation leave earned in a calendar year.
- d. **Units of Annual Vacation Leave:** The Guilford County Schools requires annual vacation leave to be used in one-half or whole day units.

- e. **Restriction 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 for catastrophic illness and/or new parents as described below. 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.
- f. **Annual Vacation Leave For Catastrophic Illness:** 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.** The local superintendent or a committee designated by the superintendent shall determine whether an illness is catastrophic by considering such factors as:
- (1) the debilitating nature of the condition;
 - (2) the life-threatening potential of the condition;
 - (3) the duration of the condition;
 - (4) the monetary hardship incurred because of the condition;
 - (5) the expected length of the leave; and
 - (6) other options available to the employee, such as State disability.
- g. **Annual Vacation Leave For New Parents:** A school employee may use annual vacation leave, personal leave, or leave without pay to care for a newborn child or for a child placed with the school employee for adoption or foster care. Use of annual 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).
- The leave must be for consecutive workdays during the first twelve (12) months after the date of birth or placement of the child, unless the teacher and local board of education agree otherwise.
- h. **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 (e) above.
- i. **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.
- j. **Disability income:** Employees may elect to exhaust annual vacation leave during the sixty (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 set forth above. This election will not extend the 365-day duration of short-term disability.

- k. **Use of annual 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 working in a position of less than twenty (20) hours per week.
- l. **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 twenty (20) hours per week. 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 that existed during the regular term.
- m. **Scheduling annual vacation leave and work days in calendar:** Local calendars must be designed to allow all employees an opportunity to take annual vacation leave earned during the period of employment. However, teachers may be required to forfeit annual vacation leave to attend required workdays. 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.
- n. **Leave deficit:** An employee who has neither earned nor will earn sufficient annual vacation leave to cover any scheduled annual vacation leave day will be placed on leave without pay.

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 thirty (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. Guilford County Schools does not advance leave during a long term leave of absence. 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 have been earned at a greater rate than the rate afforded to school employees as set forth above.

- 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 have been earned at a greater rate than the rate afforded to school employees as set forth above.

If the 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 thirty (30) days of accumulated annual vacation leave.

Separation

- a. **Lump sum payment:** An employee shall be paid in a lump sum for accumulated annual vacation leave, not to exceed a maximum of thirty (30) days, 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 will be made from his or her 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 thirty (30) days must be paid to the deceased employee's administrator or executor upon the establishment of a valid claim. Such claim must be made to the Clerk of Superior Court in the county of the deceased employee's residence.

Bonus Vacation Leave

Eligibility and Rate of Earning

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

Employees in permanent full-time 12-month positions received 10 days 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 carries 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.)

Use of Bonus Vacation Leave

Bonus vacation leave can be used under the same circumstances and provisions as annual vacation leave.

Transfer of Leave

An employee who transfers between local administrative units or to or from a state agency must have all unused bonus vacation leave transferred to the new school system or state agency.

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.

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 no less than one-half day increments.
- d. Accumulation: Sick leave may be accumulated indefinitely.

Purposes for Which Sick Leave May Be Used

Sick leave may be used for

- 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. 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 immediate 12 months following the adoption, unless otherwise agreed upon between the employee and the LEA administration.) 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. Medical appointments of the employee.
- c. Illness in the immediate family and medical appointments related to the illness that necessitates the employee's attendance.
- d. Death in the **immediate family**, defined as: spouse, children, parents, brothers, sisters, grandparents, grandchildren, step, half, and in-law relationships and dependents living in the employee's household.
- e. 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.
- f. Whenever possible, employees should give 30 days advance notice of plans to take sick leave for elective medical or surgical procedures or for childbirth.

Verification of Need for Sick Leave

The Superintendent authorizes the immediate site supervisor to approve requests from employees for use of accumulated sick leave for up to ten (10) consecutive days due to allowable reasons listed above. Requests for more than five (5) consecutive days must be accompanied by a statement from a medical doctor or other acceptable proof that the employee was unable to work due to personal illness, medical appointment, illness, or death in the family, or adoption.

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.

Employees who previously earned sick leave may not use this leave while employed in a position not offering benefits.

Advancement of Sick Leave

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. Guilford County Schools does not advance sick leave for a long term leave of absence.

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.

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 over .125 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 have been earned at a greater rate than the rate afforded to school employees as set forth above.
- 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 have been earned at a greater rate than the rate afforded to school employees as set forth above.

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 school systems: A former employee must be credited with all sick leave accumulated up to the time of separation from a school system 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 a school system must not have been earned at a greater rate than the rate at which the system's employees earn leave.

Payout of Sick Leave

There is only one payout of sick leave allowed. Prior to receiving long-term disability benefits, an employee approved for long-term disability must be paid in lump-sum for any accumulated, unused sick leave.

No other payout of sick leave is allowed. At retirement, unused sick leave is credited to retirement service, but there is no payment.

Extended Sick Leave with Substitute Deduction

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

- a. In order for a newly hired employee to be eligible for extended sick leave, he or she must have reported to work.
- b. Extended sick leave may be granted upon medical certification of employee's illness and completion of the appropriate form when accumulated sick leave has been exhausted.
- 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.

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.

Approval

The Superintendent authorizes the personnel Benefits Office to approve requests for the use of extended sick leave.

Voluntary Shared Leave

- a. **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 (exceeding ten (10) workdays) or frequent short-term absences (cumulative exceeding ten (10) workdays), caused by a **serious medical condition**.

Note: For purposes of voluntary shared leave "serious medical condition" is defined as an illness, injury, impairment, or physical or mental condition that involves either:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or

- continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

1. A health condition (including treatment therefore, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - treatment two or more times by or under the supervision of a health care

provider; or

- one treatment by a health care provider with a continuing regimen of treatment; or

2. **Pregnancy or prenatal care.** A visit to the health care provider is not necessary for each absence: or
3. **A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes).** A visit to a health care provider is not necessary for each absence; or
4. **A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer).** Only supervision by a health care provider is required, rather than active treatment; or
5. **Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).**

This is the same definition as "serious health condition" under the Family and Medical Leave Act of 1993.

- b. **Eligibility:** Only permanent full-time or part-time employees who have exhausted all accumulated sick leave and annual leave, if applicable are eligible to receive donated leave. An employee need not exhaust personal leave and the 20 days of extended sick leave to be eligible for voluntary shared leave.

Note: For purposes of voluntary shared leave, permanent full-time or part-time instructional personnel who require substitutes and bus drivers must use all accumulated annual vacation leave under the "Annual Leave for Catastrophic Illness" provisions set forth in the *Public Schools of North Carolina Benefits and Employment Policy Manual* in order to be eligible to receive donated leave for his/her own personnel illness. The Guilford County Schools defines "Catastrophic Illness" the same as "serious medical condition" defined above.

An employee who is receiving benefits or is eligible to receive benefits from the Disability Income Plan is not eligible to receive donated leave. Voluntary shared leave may be used during the required waiting period.

- c. **Application:** An employee who, due to a serious medical condition of self or of his or her immediate family (as defined in (d) pg. 27), faces prolonged or frequent absences from work may apply for donated leave by completing a "Voluntary Shared Leave Application for Participation" (HUM-F021) and submitting it to the Benefits Office. Application may also be made by a third person acting on the employee's behalf if the employee is unable to make application. The application must include a doctor's statement, and 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.

d. **Donation:** Any eligible employee in the school system may donate annual vacation leave to any approved employee in the same school system. Family members may donate annual vacation leave or sick leave to immediate family members in the same school system, another NC school system or a State agency as defined by the State Board of Education. In order to donate leave an employee must complete a "Voluntary Shared Leave Authorization of Donation of Leave" (form HUM-F020) and submit it to the Benefits Office.

e. **Restrictions on Donation of Leave:**

1. All leave donations must be to a designated employee approved by the Benefits Office for receipt of donated leave.
2. All donations must be in writing and signed by the donating employee. The employee to receive the donation of leave shall be named and the amount and type of leave donated shall be specified.
3. Any eligible employee may donate annual vacation leave to any approved employee in the same school system. Only family members may donate annual vacation leave to an **immediate family member** in another school system or State agency. Employees of an LEA may donate annual vacation leave to the immediate family of a coworker if the coworker's immediate family member is eligible for donated leave and works in another LEA, state agency, or community college. "Immediate family" defined as eligible to give or receive annual vacation leave include the employee's spouse, parents, children, brothers, sisters, grandparents and grandchildren, and dependents living in the household including step, half and in-law relationships.
4. A donating employee may not donate more annual vacation leave than he or she could earn in one year. Additionally, the amount donated must not reduce the donor's annual vacation leave balance below one-half of what that person can earn in the year.

Bonus leave may also be donated.

5. 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 school system or State agency. "Family" eligible to give or receive sick leave include only the employee's spouse, children, parents, brothers, sisters, grandparents and grandchildren, step, half and in-law relationships and dependents living in the employee's household.
6. A donating family member may not reduce his or her sick leave below one-half of what that person can earn in a year.
7. For the purposes of voluntary shared leave, all leave donated will be credited to the recipient's sick leave account.

8. The minimum amount of leave donated is one-half of a day.
9. The donating employee may not receive compensation in any form for the donation of leave. Acceptance of remuneration for donated leave will result in dismissal.

f. **Use of Donated Leave:**

1. 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 (12) months have been used.
2. All donated leave must be used in one-half or whole-day units.
3. 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.
4. An employee receiving pay from workers' compensation may use donated leave during the required waiting period and to supplement the workers' compensation as provided in Section 9 for the *Public Schools of North Carolina Benefits and Employment Policy Manual*.

g. **Unused Leave:** At the expiration of the period approved for voluntary shared leave as determined by the superintendent, any donated leave in excess of 40 hours or 5 days will be returned on a pro-rata basis to the donors.

h. **Required Process:**

1. Requests to participate in the Voluntary Shared Leave Program shall be submitted to the Benefits Office. A "Voluntary Shared Leave Application for Participation" (form HUM-F021) should be completed to request donated leave and a "Voluntary Shared Leave Authorization of Donation of Leave" (form HUM-F020) should be completed to donate leave. Each request must be approved by the Benefits Office.
2. The Benefits Office shall give written acknowledgment to both recipient and the donor(s) of his/her request to participate in the program.
3. A doctor's statement regarding the recipient's medical condition and an authorization for release of medical information signed by the person who is suffering the medical condition (or parent or guardian of a minor) must be submitted to the Benefits Office before action can be taken on a request for shared leave.

- i. **Limitations on Leave Amounts:** The amount of leave donated to an employee may not exceed the amount of leave requested. Donated leave will be taken in the order received by the Benefits Office. If an employee's authorization to donate leave is approved by the Benefits Office, the employee will be notified in writing.
- j. **Changes by a Higher Authority:** Any court ruling, action by the General Assembly, or action by the State Board of Education which conflicts with this procedure will automatically supersede such conflicts within this procedure.

Personal Leave

Personal leave is earned by classroom teachers and school media specialists classified as permanent employees. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personnel earn at a pro rata share of the rate for full-time employees.

Use of Personal Leave

All personal leave shall be used upon the authorization of the immediate supervisor. It shall not normally be granted on the first day teachers are required to report for the school year, required teacher workdays, the last working day before or the next working day after holidays or vacation day scheduled in the calendar. The immediate supervisor may make exceptions to these days when necessary. A teacher who requests personal leave at least five (5) days in advance shall not be required to provide a reason.

Limitations on Personal Leave

- a. Personal leave shall not be allowed in excess of the number of days earned and should be used with due and proper consideration given to the welfare of the students and teachers alike.
- b. Personal leave shall not be used during summer employment.
- c. When an employee is no longer eligible to earn personal leave, that employee may not use previously accumulated personal leave.
- d. When an employee resigns or separates from service, personal leave cannot be paid out in lump sum.

Personal Leave Increments. Leave is to be used in one-half or whole-day units.

Accumulation. Personal leave may be accumulated for a maximum of five (5) days. Thereafter earnings will cease to be accumulated until the leave balance is reduced by employee use.

Deduction for Substitute. Employees 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.

Transfer of Personal Leave. Personal leave shall be transferred between local administrative units.

Reinstatement of Personal Leave. A former employee shall be credited with all personal leave accumulated up to the time of reassignment or separation provided that the employee is reinstated as an eligible permanent full or part-time employee within sixty (60) calendar months from the date of separation or reassignment.

Workers' Compensation Leave

Eligibility

The provisions of the Workers' Compensation Act are applicable to all school employees.

The summary in this section does not in any way alter the requirements of the Workers' Compensation Act. If any part of this section is inconsistent with the Act, the Act takes precedence.

Use of Leave During Required Waiting Period

The workers' compensation law provides medical benefits and a weekly compensation benefit equal to $66 \frac{2}{3}$ percent of the employee's average earnings up to a maximum established by the Industrial Commission each year. When an employee is injured on the job or contracts an occupational disease, he or she may begin workers' compensation benefits after the required waiting period of seven calendar days. During the waiting period the employee may:

- (a) Elect to use appropriate earned leave, or
- (b) Elect to go on leave without pay.

Seven-day Waiting Period

No workers' compensation weekly benefit is allowed for the first seven calendar days of disability resulting from an injury on the job or contracting an occupational disease, except the medical benefits provided for in G.S. 97-25. However, if the injury results in disability of more than twenty-one (21) days, the compensation will be allowed from the date of the disability. Employees are allowed to use appropriate earned leave during the first seven calendar days of disability.

Use of Leave to Supplement Weekly Compensation

In order to provide an income approximately equal to but not exceeding the employee's usual weekly salary, earned sick leave days may be used while an employee is receiving workers' compensation weekly benefits. Sick leave may be used in whole days or half days. Use of sick leave, regardless of the amount charged to use, shall not result in compensation greater than the usual full salary.

Employees receiving workers' compensation benefits are not paid for holidays scheduled in the calendar.

Earning Leave Under Workers' Compensation

While on workers' compensation leave, the employee will continue to earn sick leave, annual vacation leave, and, if applicable, personal leave. Leave earned must be credited to the employee's account for use upon his or her return. If the employee does not return to active employment, a maximum of one year's leave earnings will be added to the employee's leave balance prior to going on workers' compensation leave and accumulated annual vacation leave will be paid in a lump sum to a maximum of 30 days.

Earning Longevity Under Workers' Compensation

While receiving workers' compensation benefits, the employee will continue to earn longevity credit, if applicable. If the employee's anniversary date occurs during the period while the employee is receiving workers' compensation, longevity is paid on the employee's anniversary date. Teachers do not earn experience credit while on workers' compensation, except when they are using sick leave, extended sick leave, personal leave, or any other available paid leave.

Episode of Violence

Any permanent full-time employee who suffers an injury or disability while engaged in the course of his or her employment shall receive full salary if the injury or disability arose from an episode of violence and the employee did not participate in or provoke the violence.

The employee's salary shall continue for one year, the continuation of the disability, or the time, during which the employee is unable to engage in his or her employment because of the injury, whichever period is shortest.

While receiving regular salary under this provision, the employee is not eligible to receive weekly salary benefits under worker's compensation. However, the employee may receive medical, hospital, drug and related expense payments from worker's compensation if applicable.

The employee is not required to use any paid leave (sick, annual, personal, etc.) if absence is due to an episode of violence.

Professional Leave

Eligibility

Only full-time and part-time permanent employees are eligible for professional leave.

Professional Leave with Deduction

Permanent certified public school employees who have professional responsibilities or who need to attend meetings of professional associations may be absent with pay minus a salary deduction for substitute teachers. The deduction is mandatory whether or not a substitute is employed. Such absences may be approved by the local superintendent and may be allowed for a period not exceeding three successive days for in-state meetings and five successive days for out-of-state meetings. Absences for this purpose may not exceed ten days for the school year. The limitation shall not apply to a person who is a local or district president or president-elect, state or national officer of a professional education association, or a person selected as the National Teacher of the Year. The Office of the Deputy State Superintendent shall upon request determine the eligibility of the professional association.

Professional Leave Without Deduction

Permanent public school employees attending meetings or performing duties as a member of the State Board of Education, the State Textbook Commission, the Board of Governors of the Governor's Schools or required attendance at a case manager's hearing shall receive full salary. Permanent public school employees completing assignments for, or serving on a commission or committee appointed by the Governor, the State Superintendent, the State Board of Education, or the General Assembly shall receive full salary. Substitutes for these persons will be paid from the same source of funds as the employee being replaced.

Officers of Professional Organizations

Upon the recommendation of the local superintendent, local boards of education may grant leave with pay for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee on leave. During such leave with pay, the employee will earn sick, personal, and annual vacation leave and receive paid holidays. Employees will be eligible to use leave as they would when in active status with the school system.

Community Responsibility

Upon approval of his or her supervisor, full 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 or by employment of a substitute. Substitutes employed for these absences shall not be paid from state funds.

Jury Duty

Full or part-time public school employees will 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 funds as the employee's salary.

Court Attendance

1. **Attendance by duty or subpoena:** Full or part-time public school employees will retain full salary for absences from school due to court attendance related to their official duty. Also, the employee will receive full salary when subpoenaed, except as noted in section (b). Out-of-state subpoenas are not binding on North Carolina residents unless that state and North Carolina have an interstate subpoena agreement. Any fees received as a witness when serving in an official capacity except travel reimbursement 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.
2. **Attendance for personal reasons:** Full or part-time public school employees who are absent for appearance in court as plaintiffs or defendants 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. School personnel who are responding to subpoenas in civil responsibility, such as a witness to a crime, are eligible on paid court attendance leave.

Elected Officials

Full 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.

Parental Involvement in School Leave

In accordance with G.S. 95-28.3, any employee who is a parent, guardian or person in loco parentis may take up to four hours per fiscal year to attend or otherwise be involved at his or her child's school.

There is no requirement that the employer pay an employee while taking this leave. However, the local school district may allow the employee to use eligible accrued leave in lieu of non-paid parental involvement leave.

Conditions for Leave

Leave granted for this purpose is subject to the following conditions:

1. The leave shall be at a mutually agreed upon time between employer and employee,
2. The employer may require an employee to provide a written request at least 48 hours before the time desired for the leave, and

3. The employer may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at the school during the time of leave.

Definition of School

For the purpose of this policy, "school" is defined as any:

1. Public school,
2. Private church school, church of religious charter, or nonpublic school that regularly provides a course of instruction,
3. Preschool, or
4. Child day care facility.

Precinct Election Officials

Precinct Election officials may not be discharged or demoted because of servicing on election day or canvas day provided they have given proper notice (at least 30 days).

ABSENCES

When absent from duty for whatever reason, an employee must notify the appropriate supervisor of his inability to report to work by the time designated by the supervisor. If the employee fails to notify the appropriate supervisor (or designee) of his/her absence, a deduction will be made from his/her salary for the time lost. Unexplained absences, or leaving the job site without authorization, will not be tolerated and will be considered sufficient cause for discharge.

The appropriate supervisor or the Benefits Office may require a statement from a medical doctor or other acceptable proof that the employee was unable to work. The Superintendent or designee may also require any employee to take a physical examination when deemed necessary.