

Policy Code: 7510 Leave

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

All requests for leave, with or without pay, must be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, available at <https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy>.

In addition to applicable laws and regulations, this board policy applies to leave requests. The information in this policy is intended to supplement, not replace, the requirements of law and the State Board of Education. In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its leave practices be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policy are made.

The superintendent will develop any necessary administrative procedures and make them available to employees on request.

GENERAL PROCEDURES

Under no circumstance will any employee be absent from work without the knowledge of the site administrator or immediate supervisor. When an absence may be known in advance (personal business, surgery, school-approved business, etc.), approval will be obtained at least five workdays in advance of the absence.

It is desirable that notification of an absence be provided the prior day or night. Except in cases of extreme emergency, the employee will, at a minimum, provide at least 2 1/2 hours' notice prior to the established reporting time.

A. Minimum Leave Time

Instructional personnel (i.e., teachers, counselors, etc.) must use leave in at least half-day increments. Other employees may take leave in increments of hours unless otherwise provided by this policy or the Benefits Manual.

B. Continuous Leave of More than 10 Days

An employee or representative of the employee must provide notification to the immediate supervisor (who will forward the information to the human resources office) and must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for any continuous leave of more than 10 days if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter. See policy 7520, Family and Medical Leave.

C. Sick Leave

The superintendent or designee may require a statement from a medical doctor or other

acceptable proof that the employee was unable to work due to illness or injury. Employees who anticipate using sick leave for five or more consecutive days must inform the principal or immediate supervisor in advance so that continuity of duties may be maintained.

Extended Sick Leave: Classroom teachers and media coordinators who require substitutes if they are absent due to their own personal illness or injury and have exhausted all accumulated paid leave are allowed extended sick leave up to 20 workdays per year. Counselors, social workers, psychologists, or other personnel able to use annual leave on a student attendance day are excluded. Extended sick leave provides for the teacher to receive full salary less state substitute teacher pay for one or more days up to twenty teaching days in a school year. These days do not have to be used consecutively and do not carry forward to succeeding years. Medical verification may be requested.

D. Maternity/Paternity/Family Leave:

An employee shall provide his or her supervisor and the Coordinator of Human Resources Operations with 10 weeks' advance written notice of the intent to take paid parental leave when it is reasonably possible to do so. If 10 weeks' advance written notice is not reasonably possible, the employee must provide as much notice as is reasonable under the circumstances.

The use of sick leave due to pregnancy, miscarriage, abortion, childbirth, and/or postnatal recovery shall be treated in the same manner as any other temporary disability. Female employees shall not be penalized nor given preferential treatment in their condition of employment because they require time away from work caused by or attributed to pregnancy, miscarriage, abortion, childbirth, or recovery. A pregnant employee who requests leave for postnatal recovery may use paid leave as provided in the *North Carolina Public Schools Benefits and Employment Policy Manual*, including paid parental leave, personal leave, sick leave, extended sick leave (as appropriate), accrued annual vacation leave during the disability period, or the leave may be without pay.

a. Parental Leave

- i. As provided by the *North Carolina Public Schools Benefits and Employment Policy Manual*, all full-time permanent or part-time permanent employees may take a leave of absence without pay for up to one calendar year from the date of birth or adoption to care for a newborn child or a newly adopted child. Employees should review the *North Carolina Public Schools Benefits and Employment Policy Manual* for additional information regarding parental leave of absence.
- ii. As provided by the *North Carolina Public Schools Benefits and Employment Policy Manual*, paid parental leave is available to full-time permanent and part-time permanent employees who have been in pay status with CHCCS, another public school district or charter school that provides paid parental leave, or state agency for at least twelve months without a break in service and meet the other requirements in the *Benefits and Employment Manual*. Eligible full-time employees may take up to 8 weeks of paid parental leave after giving birth or 4 weeks of paid parental leave for becoming a parent to a child without giving birth.
- iii. In addition to paid parental leave, an employee may elect to use annual vacation leave, sick leave, and personal leave during the parental leave of absence. Annual vacation leave, sick leave, and personal leave must be used in accordance with State Board of Education policy – i.e., sick leave during the temporary disability period of the employee or in the event of illness of a family member. Employees

should refer to the *North Carolina Public Schools Benefits and Employment Policy Manual* for details about the use of annual, sick, and personal leave. A school employee may use annual leave, personal leave, or leave without pay to care for a newborn child or for a child placed with the teacher for adoption or foster care. A school employee may also use up to 30 days of sick leave to care for a child placed with the school employee for adoption. The leave may be for consecutive workdays during the first 12 months after the date of birth or placement of the child unless the teacher and local board of education agree otherwise.

iv. Spouses who are both employed by the same school system are limited to a combined total of 12 months of parental leave during the year following the birth or adoption.

v. When possible, employees should make a written request for leave to the Coordinator of Human Resources Operations at least 30 days in advance of the time the leave is to begin.

b. All paid or unpaid parental leave taken under this Policy will run concurrently with Family Medical Leave Act (FMLA) leave for employees who are FMLA-eligible, as outlined in Policy 7520.

E. Personal Leave

Personal leave is earned by classroom teachers and school media coordinators who require substitutes. Personal leave is not permitted on the first-day teachers are required to report for the school year, on required teacher workdays, on days scheduled for state testing, or on the last working day before or the next working day after holidays or vacation days scheduled in the calendar. In instances where an absence precedes or follows a scheduled holiday or annual leave day, a full loss of salary will result. Personal leave must be used in half or whole-day units. Personal leave may be used only upon the authorization of the teacher's immediate supervisor. A teacher who requests personal leave at least five days in advance shall be automatically granted the request, subject to the availability of a substitute teacher.

F. Annual Vacation Leave

The primary purpose of annual vacation leave is to allow and encourage an employee to renew his/her physical and mental capabilities and to remain fully productive. Employees are encouraged to request leave during each year in order to achieve this purpose. Vacation may be taken only upon the authorization of the employee's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent. To promote the efficient operation of the schools, the superintendent may designate certain periods during the non-academic year as preferred vacation periods for twelve-month employees.

Full-time or part-time permanent employees who are working or are on paid leave for one-half of the calendar days in a month will earn annual leave at the same rate provided for state employees. The rate of earning is based on the length of aggregate state service in North Carolina.

Ten annual vacation leave days, the minimum number of days an employee can earn will be scheduled within the calendar(s) of employment for ten-month employees. Each year, the board or the principal in consultation with the school improvement team, may designate specific scheduled teacher workdays for required attendance.

Earned leave also may be transferred to a state agency or institution, a community college or

technical institute, or a position subject to the State Personnel Act in a local mental health, public health, social services, or emergency management agency if that agency is willing to accept the leave. If the agency does not accept the leave, the employee will be paid in a lump sum for accumulated leave not to exceed thirty (30) workdays. When an employee transfers from one of the agencies listed above, other than a local education agency, to the Chapel Hill-Carrboro Schools, the board will not accept the transfer of accumulated annual vacation leave.

All annual vacation leave taken will be upon the authorization of the employee's immediate supervisor.

Teacher assistants in the regular classroom assignment do not normally require a substitute and must obtain the approval of their principal in order to take annual leave when students are attending school. No more than 3 consecutive days of annual leave on student days can be approved. However, teacher assistants in the preschool and exceptional education setting require a substitute and, therefore, are not allowed to take annual leave when school is in session (except when used to supplement sick leave for catastrophic illness or parental leave as provided in the Benefits Manual). Other employees assigned to individual schools are discouraged from taking vacation leave during times when students are in attendance. Upon separation from service (resignation, retirement, death, dismissal, reduction-in-force), an employee may be paid in a lump sum for accumulated annual vacation leave not to exceed a maximum of thirty (30) workdays.

G. Legal Duty Leave

No deduction shall be made from the salary of any employee who is absent from work to serve on a jury or as a witness for any division of government. In addition, the employee is entitled to keep any fees provided for jury duty. If the employee reports for scheduled jury duty and is dismissed by the court, or if the employee is scheduled to serve only a portion of a day, the employee is expected to report for work for any portion of the day for which he/she is regularly scheduled to work.

Any exceptions to returning for work on partial days must be determined and approved by the employee's supervisor.

Attendance in court as plaintiffs or defendants for personal matters does not entitle the employee to legal duty leave.

H. Professional Leave

The board believes that there is great value to the individual and to the school system for its personnel to participate in appropriate professional meetings, conferences, and similar activities. To this end, teachers are allowed up to ten days of leave each year for professional purposes. The superintendent or his/her designee will approve in advance absences for professional purposes. Teachers taking professional leave may have the amount of the cost of a substitute deducted from their salary, unless funds are budgeted for such purposes and prior approval for their use has been granted by the superintendent or his/her designee.

While the State Board of Education's policy on professional leave does not apply to classified employees, the Chapel Hill-Carrboro Board acknowledges the value of professional development activities for all employees. As such, classified employees may request and receive approval from the supervisor for the designation of a workshop, training session, conference, etc., to be the workplace for a particular day(s). Limited funds are budgeted for this purpose, whose use must be approved in advance.

I. Religious Leave

Any employee may be allowed to be absent from school with pay to observe his/her bona fide religious holiday for a maximum of two days within any one school year with prior approval of the employee's supervisor or superintendent's designee, provided the employee works on another day for the amount of time for which the absence has been excused. The make-up date for religious leave will be agreed upon by the employee and his/her principal or immediate supervisor. The make-up date must be determined prior to the time of the holiday and must be indicated on the leave request form. Leave for observance of religious rites is available only to members of the particular faith observing the rite.

J. Compensatory Leave

Since professional employees are expected to fulfill all job duties, compensatory leave should only apply to extraordinary circumstances or as stipulated in the contract. Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) as described in policy 7500, Workday and Overtime. Supervisors will arrange for employees to take comp time within one pay period following the time it is earned if possible; however, the superintendent or designee may exempt certain employees or categories of employees from this requirement when deemed necessary for the proper administration of the school district.

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

K. Discretionary Leave of Absence Without Pay

An employee, who wishes to take leave that is not eligible for any other specific type of leave, may be granted a leave of absence without pay for a period of up to one calendar year at the discretion of the superintendent with approval from the board. Teachers and other professional personnel, full or part-time, who have been employed for four or more consecutive years may be granted a leave of absence without pay for a semester or a year. In unusual circumstances, an employee may be granted a second year of leave at the recommendation of the superintendent and at the approval of the board of education. Classified employees also may be granted a leave of absence without pay after four years of continuous service.

Leaves will not be granted for such reasons as engaging in non-school related business, taking vacation trips, or accepting another position of employment.

The employee who desires a leave of absence without pay is expected first to consult with his or her immediate supervisor and then to provide advance written notice (60 days if possible) stating the beginning and ending dates of the desired leave of absence. The principal or supervisor, after indicating his/her response, shall forward the request to the director of human resources, who, in turn, will submit his/her recommendation to the superintendent for approval or disapproval. The principal, immediate supervisor, director of human resources, or superintendent may request documentation in support of the request. In determining the length of the leave of absence approved without pay, due and proper consideration will be given to the welfare of the students as well as the employee. The superintendent may require notice of intent to return to work at reasonable time intervals during the leave. The director of human resources will notify the employee of the action taken on his/her request.

An employee on leave of absence from the school system may not enter into employment elsewhere while on leave unless this requirement is waived by the Superintendent. Employment

as a substitute within the district is permissible but must be approved in advance by the board.

At the end of the leave of absence, every effort will be made to return the employee to his/her original position. The system, however, reserves the right to return the employee to a comparable position if it is not deemed possible or in the best interest of the school system to return the employee to his/her original position. A career employee granted leave will maintain his/her career status upon return from the leave of absence.

Once a leave of absence without pay has been requested and approved by the board of education, the dates are binding unless both parties agree to a change. If circumstances dictate that an employee cannot follow the terms of his/her leave agreement, the employee must notify the board through the superintendent and ask that the terms of the original leave be reevaluated. The board must approve any changes in the leave agreement. If the employee willfully violates the terms of the leave granted without prior approval of the superintendent, the board's obligation to the employee is dissolved.

L. Leave to Teach at a Charter, Regional, or Lab School

Leave of absence to teach for one year at a charter, regional, or lab school will be granted to a teacher upon timely written request to the board. The request must be provided at least 45 days before the teacher would otherwise have to report for duty if it is the initial year of the charter/regional/lab school's operation and at least 90 days if it is after the charter/regional/lab school's initial year of operation. The teacher may return to work in the school system at the end of the leave of absence in accordance with the provisions of applicable state law if there is an appropriate position available. If an appropriate position is not available, the teacher's name shall be placed on a list of available teachers in accordance with the law.

M. Sabbaticals/Exchange Teaching Leave

Sabbaticals: The board, upon recommendation of the superintendent, may grant a professional growth leave of absence for a semester or for a full year without pay to a maximum of five (5) professional personnel who have completed at least seven (7) years of continuous and satisfactory full-time service in the Chapel Hill- Carrboro City School System. A sabbatical will be granted no more than once for an individual employee during any seven-year period. A person who accepts sabbatical leave must agree to return to the school system for a period of at least one year following the period of the sabbatical. Upon return to service, the employee will be assigned to the same duties or those of a similar nature as were performed prior to the beginning of the sabbatical.

Exchange Teaching: The board, upon recommendation of the superintendent, may grant career teachers a leave of absence of not more than two (2) semesters for exchange teaching. While engaged in an exchange of teaching service, the career teacher will be paid the same salary as he/she would have received in his/her regular assignment. The career teacher must agree to return to the service of the Chapel Hill-Carrboro City Board of Education for a period of at least one year following the period of exchange. Upon return to service, the career teacher will be assigned to the same duties or those of a similar nature as were performed prior to the beginning of the leave.

N. Other Leave

Other types of leave, such as leave for community responsibility leave, elected officials leave, parental involvement in schools leave, parental leave without pay, and military leave (see State Board policy 7530, Military Leave), will be granted in accordance with the requirements of law

and State Board of Education policy.

Other board policies related to leave are the following: Voluntary Shared Leave, 7540; Family and Medical Leave, 7520; Military Leave, 7530; and Absences Due to Inclement Weather, 7550.

Legal References: [G.S. 95-28.3](#), [115C-12](#), [-36](#), [-47](#), [-84.2](#), [-218.90\(a\)\(3\)](#), [-238.68\(3\)](#), [-285](#), [-302.1](#), [-316](#), [-336](#), [-336.1](#); [116-239.10\(4\)](#); [16 NCAC 6C.-.0405](#); State Board of Education Policy [BENF-001](#), *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at <https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy>

Cross References: Workday and Overtime (policy 7500), Compliance with State Board of Education Employment Policies (policy 7505), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

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Chapel Hill-Carrboro Schools
