

16 NCAC 06C .0402 SICK LEAVE

(a) Public school employees who earn vacation leave shall also earn sick leave. Full-time employees shall earn one day per month or the number of hours worked daily by a full time employee in that class of work. Part-time employees shall earn and may use sick leave in proportion to the part of the day for which they are employed.

(b) The LEA may allow sick leave to be used for temporary disability which prevents an employee from performing his or her usual duties, illness in the employee's immediate family and attendant medical appointments which require the employee's attendance, death in the immediate family and medical appointments for the employee. For purposes of this Rule the term immediate family shall include spouse, children, parents, brothers, sisters, grandparents, grandchildren, and dependents living in the household. The term shall also include the step, half, and in-law relationships. An employee of any public school system may contribute vacation or sick leave to another immediate family member who is employed by any State agency or public school system.

(c) Employees must take leave in one-half days, whole days, or hours as determined for earning purposes by the local board.

(d) Employees may accumulate sick leave indefinitely and may transfer sick leave as in the case of vacation leave.

(e) LEAs may advance sick leave not to exceed the amount which would be earned within the school year.

(f) An employee who is overdrawn on sick leave when the employee separates from service will have the excess leave corrected through a deduction from the final salary check.

(g) If the period of sick leave taken is less than 30 days, the employee will return to his or her position with the LEA. If the period of temporary disability exceeds 30 days, the superintendent shall determine when the employee is to be reinstated. The superintendent makes this decision based on the welfare of the students and the need for continuity of instruction.

(h) The LEA shall credit an employee who separates from service and returns within 60 months with all sick leave accumulated to the time of separation.

(i) Permanent full or part-time instructional personnel, excluding teacher assistants, who are absent due to their personal illness or injury in excess of their accumulated sick leave, shall be allowed extended sick leave of up to 20 work days throughout the regular term of employment. These days do not have to be consecutive. A new employee must have reported to work to be eligible for extended sick leave. The superintendent may require a doctor's certificate or other proof acceptable to the superintendent of the reason for the absence.

(j) An LEA may establish a voluntary sick leave bank for its employees. Any employee of an LEA that establishes a voluntary sick leave bank may, but is not required to, participate in the voluntary sick leave bank.

- (1) The LEA shall develop and implement a plan for participation that shall include those factors listed in G.S. 115C-336(b)(i)-(vii) and the following:
 - (A) a uniform number of days to be contributed to the bank by participants;
 - (B) provisions for legitimate usage of days by participants;
 - (C) means to protect against overdraft of total contributed days; and
 - (D) safeguards to prevent abuses by participants.
- (2) The LEA shall establish a sick leave bank committee to administer the sick leave bank.
 - (A) The LEA shall assure that all local personnel are equitably represented on the committee.
 - (B) The LEA shall develop operational rules for the efficient and effective functioning of the bank.
 - (C) The LEA shall develop procedures for participants' usage of days based upon requirements in the plan.
 - (D) The LEA shall specify the limits of the committee's authority.
 - (E) The committee shall notify all participating employees of the ways in which their participation will affect their state retirement account.
- (3) The LEA shall ensure that its operational procedures require:
 - (A) that payment of substitutes and matching social security are charged to the appropriate program report code; and
 - (B) the reporting to the division of school business services of the Department of the number of employees participating itemized by job classification, the number of sick leave days withdrawn, the cost of the leave, and other data required for fiscal and programmatic accountability.

History Note: *Authority G.S. 115C-12(8); 115C-336;*
Eff. July 1, 1986;

*Amended Eff. June 1, 1994; October 1, 1993; July 1, 1992; March 1, 1990;
Temporary Amendment Eff. November 8, 1999;
Amended Eff. April 1, 2001.*