

16 NCAC 06C .0411 SICK LEAVE BANKS

(a) As used in this Rule, the following definitions shall apply:

- (1) "Donor" means an employee donating sick leave to a sick leave bank.
- (2) "Eligible recipient" means an employee withdrawing donated sick leave from a sick leave bank who meets the requirements of Paragraph (d) of this Rule.
- (3) "Participant" means all donors and recipients participating in the sick leave bank.

(b) A local board of education ("local board") may establish a voluntary shared sick leave bank ("sick leave bank") for its employees, subject to the requirements of this Rule.

(c) Donors

- (1) A full-time or part-time permanent employee may donate sick leave to the sick leave bank.
- (2) A donor shall not, by donating sick leave, reduce their balance of accumulated sick leave time to less than half the amount of leave time that employee would otherwise earn in a school year.
- (3) A donor shall not receive any form of compensation for donated sick leave.
- (4) The minimum donation of sick leave shall be one half-day.

(d) Eligible Recipients

- (1) Eligibility to withdraw sick leave from the sick leave bank shall be limited to full-time and part-time permanent employees who:
 - (A) Have a serious medical condition that renders the employee unable to perform the employee's professional duties for a prolonged period, or has an immediate family member with such a condition who requires the employee's continuous supervision and care; and
 - (B) Have exhausted all other available paid leave except personal leave available under G.S. 115C-302.1(d) and extended sick leave available under 16 NCAC 06C .0402(1).
- (2) An employee cannot withdraw sick leave from the sick leave bank for work time for which the employee is receiving disability benefits or workers' compensation benefits.
- (3) To withdraw sick leave, an eligible recipient must provide the local school administrative unit ("LSAU") with:
 - (A) Medical documentation of the serious medical condition, signed by the employee or family member's treating physician; and
 - (B) An authorization for the treating physician or medical provider to release to the LSAU medical information related to the serious medical condition. The release shall be signed by the employee or immediate family member, or by that person's legal guardian or health care power of attorney.
- (4) The local superintendent or designee shall approve or deny each request to withdraw sick leave from the sick leave bank. The local superintendent or designee shall determine how many days of sick leave the recipient may withdraw, provided that the employee may withdraw sick leave for the same condition for more than twelve months from the initial date that the employee used donated leave.
- (5) Donated sick leave shall be credited toward the recipient's sick leave balance but shall not count as creditable service toward retirement.

(e) The LSAU shall notify participants of any effect of participation in the sick leave bank on retirement.

(f) The local board shall adopt a policy to govern the sick leave bank and shall direct the LSAU to adopt rules and regulations to implement that policy. In addition to the requirements above, these policies, rules, and regulations may address the following:

- (1) Requirements of minimum service to the LSAU and accumulation of a minimum balance of sick leave before an employee may participate in the sick leave bank.
- (2) A waiting period before an employee is eligible to withdraw sick leave.
- (3) Enrollment periods for current employees and new hires.
- (4) Time limits for rejoining the sick leave bank after leaving the bank.
- (5) Limitations on the number of days that can be withdrawn from the sick leave bank by any recipient.
- (6) A uniform number of days to be contributed to the bank by donors.

(g) The LSAU shall report the following information the State Board of Education ("SBE") by July 1st of each year:

- (1) The number of participants in the sick leave bank, itemized by position classification.
- (2) The number of sick days withdrawn from the sick leave bank.

- (3) The total cost of the withdrawn sick leave.
- (4) Any other data requested by the SBE to ensure compliance with this Rule and other state and federal financial rules.

History Note: Authority G.S. 115C-12(8); 115C-336(b);
Eff. July 1, 2026.