

Leave Accrual and Use Policy 7510

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I. Purpose

The Eastern North Carolina School for the Deaf (ENCSD) recognizes the importance of providing employees with leave options to attend to personal, civic, and professional responsibilities while maintaining an effective instructional program for students. Employees will not be subject to termination, demotion, or other adverse employment actions for taking leave in compliance with board policies and administrative procedures.

All leave requests, whether paid or unpaid, must adhere to state and federal laws and policies set forth by the North Carolina Department of Public Instruction (NCDPI), including the most current version 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>

This policy supplements, rather than replaces, applicable legal requirements. If any state or federal law or regulation conflicts with existing ENCSD or State Board policies, this policy will be modified as necessary to ensure compliance.

II. Definitions

For purposes of this policy, the following terms are defined as follows:

- **126 Employee:** An employee subject to the North Carolina Human Resources Act (N.C.G.S. Chapter 126), typically administrative, clerical, or support staff.
- **115C Employee:** A licensed or certified employee serving in a public school capacity, including teachers and instructional support staff, governed under Chapter 115C of the North Carolina General Statutes.
- **Permanent Full-Time Employee:** An employee regularly scheduled to work 40 hours per week for at least nine (9) months in a calendar year.

- **Immediate Family Member:** Includes spouse, parent, child, sibling, grandparent, grandchild, or in-law equivalent of any of these relationships.
- **FMLA:** The Family and Medical Leave Act, which provides eligible employees with up to 12 weeks of unpaid, job-protected leave for qualifying medical or family reasons.
- **Excessive Absences:** More than 10 unapproved absences in a school year, or a recurring pattern of absences that negatively impacts job performance.
- **Tardiness:** Arriving late to work beyond the scheduled start time without prior approval or valid reason.
- **Compensatory Time (Comp Time):** Time off earned by non-exempt employees in lieu of overtime pay for hours worked beyond 40 in a workweek, as allowed under the Fair Labor Standards Act.
- **Personal Observance Day:** A full day of leave designated by the employee for a day of personal religious or cultural significance, in accordance with state law.
- **Voluntary Shared Leave:** A program that allows employees to donate earned leave to fellow employees experiencing a serious medical hardship, administered under state policy.

III. Employee Classifications

Employees at ENCSD are classified under two primary categories based on North Carolina General Statutes:

A. 126 Employees (State Human Resources Act Employees)

These employees are subject to the North Carolina Human Resources Act and typically include administrative, clerical, and support staff. Leave is accrued according to the North Carolina State Human Resources policy, based on years of service.

B. 115C Employees (Certified Public School Employees)

These include teachers, instructional support staff, and other school-based employees. Leave accrual and usage follow state public school guidelines and the academic calendar.

IV. General Leave Guidelines

A. Minimum Leave Time

Leave may be taken in hourly increments unless otherwise specified.

B. Continuous Leave of More Than 10 Days

Employees requesting more than ten (10) consecutive days of leave must follow the Family and Medical Leave Act (FMLA) requirements, including appropriate notice and verification.

V. Leave Categories

A. Sick Leave

- Permanent full-time employees earn one (1) sick day per month. Part-time employees accrue leave on a pro-rata basis.
- Sick leave may be used for:
 - Personal illness or medical appointments
 - Illness or death in the immediate family (spouse, parent, child, grandparent, sibling, or in-law)
- A physician's certificate may be required.
- Falsified sick leave statements are grounds for dismissal.
- Employees must notify supervisors as early as possible, and no later than 1.5 hours before their start time unless there is an emergency.
- Sick leave from another NC public school system may be transferred with notarized verification.

B. Personal Leave (Licensed 115C Employees Only)

- Earn two (2) personal leave days per ten-month term (0.2 per month), up to five days.
- May only be used in half-day or full-day increments.
- Requires prior approval.
- May not be used on the first/last instructional day or directly before/after holidays unless approved.

C. Personal Observance Leave

- One personal observance day per fiscal year, in accordance with state policy.

- 126 employees may use a half or full day.
- 115C employees must use a full day.
- Must be requested in advance and approved.

D. Professional Leave

- Must be pre-approved by the Superintendent or designee.
- Includes conferences, workshops, and training.

E. Compensatory Leave

- Non-exempt employees (FLSA) may accrue compensatory (comp) time.
- Comp time should be used within the same pay period when possible.

F. Annual Leave (12-Month Employees Only)

- Accrues according to years of service.
- Must be requested in advance and approved by the supervisor.
- Superintendent may designate preferred non-instructional vacation times.

G. Discretionary Leave of Absence Without Pay

- May be requested for up to one (1) calendar year.
- Requests should be made in writing at least 60 days in advance, if possible.
- Approval is at the discretion of the Superintendent and Board.
- Once approved, leave dates are binding unless amended by mutual agreement.

H. Voluntary Shared Leave

- Available in accordance with OSHR policy.
- For more details, employees should consult ENCSD HR or visit: [OSHR Voluntary Shared Leave](#)

I. Military Leave

- Granted per **USERRA** and NC law.
- May be used for active duty, training, or emergencies.
- Employees must notify supervisors and HR in advance unless military necessity prevents it.
- Leave may be paid (using annual leave/comp time) or unpaid.
- Reemployment rights apply under federal law.

J. Other Leave

Includes:

- Religious observance leave
- Jury duty
- Community service leave
- Parental involvement leave
- Parental leave without pay

These types of leave are granted in accordance with applicable laws.

VI. Attendance Expectations

A. Excessive Absences

Regular attendance is a fundamental expectation. Excessive absences are defined as:

- More than **10 unapproved absences** in a school year, OR
- A pattern of frequent absences (e.g., repeated Mondays/Fridays) that interfere with responsibilities.

Supervisors may require employees to:

- Provide medical documentation for future absences
- Meet with HR
- Develop an attendance improvement plan
- Be subject to progressive discipline, including dismissal

B. Tardiness

- Employees are expected to arrive on time.
- Repeated tardiness may lead to:
 - Required use of leave time to cover lateness
 - Formal disciplinary action

VII. Leave Forms

All leave request forms are available through the ENCSD Intranet.

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
- 16 N.C.A.C. 6C.0405
- State Board of Education Policy BENF-001
- North Carolina Public Schools Benefits and Employment Policy Manual
- Family and Medical Leave Act (FMLA)
- Uniformed Services Employment and Reemployment Rights Act (USERRA)

Book traversal links for 1678

- [◀ Records Management Policy 5070/7350](#)
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