

**BOARD OF TRUSTEES  
OF  
MAYLAND COMMUNITY COLLEGE**

**TITLE: LEAVE**

**TYPE: PERSONNEL**

**POLICY NO: 4.016**

**Policy Adopted on March 14, 1988**

**EFFECTIVE DATE: 04-18-05**

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6-10-02; 9-9-02; 10-18-04; 4-18-05**

*William E. Arrowood*  
**Chairman**

**AUTHORITY: NCGS 115D-20(7)**

The following policy applies to full-time employees and annual part-time employees. Absences from work shall be charged to the appropriate leave account of the employee. Administration of the leave program within the scope of established policy shall be the responsibility of the President.

I. Vacation Leave

- A. Each full-time staff employee and non-curriculum instructional employee earns vacation leave. The rate is based on the length of aggregate service with the North Carolina Teachers' and State Employees' Retirement System.
- B. Full-time and annual part-time curriculum faculty through the rank of division chair are not subject to the vacation policy and do not earn vacation days. Their vacation is comprised of the designated days between academic terms except for required workdays. For purposes of this section, a "required workday" is a non-instructional day upon which faculty are to report to work for essential in-service activities, including classroom preparation, registration, graduation, program development, and other purposes. On those days, teaching faculty shall report to work unless excused by the Vice President of Instructional Services. Full-time faculty shall receive leave days at the rate of two (2) days per month, or eighteen (18) days for faculty working nine (9) months or twenty-four (24) days for faculty working twelve (12) months.
- C. All full-time employees and annual part-time curriculum faculty are required to attend graduation ceremonies. Anyone requesting permission to be excused must have written approval from the President.
- D. Vacation leave rates for eligible full-time employees are stated in terms of hours/days earned:

<u>Years of Service</u>	<u>Hours Earned Each Month</u>	<u>Hours Earned In One Year</u>
Less than 2 years	7 hours 50 mins.	94 hours – 11 ¾ days
2 but less than 5 years	9 hours 10 mins.	110 hours – 13 ¾ days
5 but less than 10 years	11 hours 10 mins.	134 hours – 16 ¾ days

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10 but less than 15 years	13 hours 10 mins.	158 hours – 19 <sup>3</sup> / <sub>4</sub> days
15 but less than 20 years	15 hours 10 mins.	182 hours – 22 <sup>3</sup> / <sub>4</sub> days
20 years or more	17 hours 10 mins.	206 hours – 25 <sup>3</sup> / <sub>4</sub> days

A new employee will be given credit for the entire month if the beginning date of employment is on or before the 15<sup>th</sup> of the month.

- E. The College may advance vacation leave not to exceed the amount an employee can earn during the current fiscal year.
- F. Any accumulated vacation leave in excess of 240 hours on December 31 will be transferred to sick leave.
- G. Employees requesting vacation leave for a period of six (6) or more days are required to obtain prior approval from the appropriate administrator and the President, two weeks in advance. When the request is for five (5) days or less, approval must be obtained from the appropriate administrator.
- H. Vacation leave may be taken in units of one (1) hour. Only scheduled work days shall be charged in calculating the amount of vacation leave taken. Saturdays, Sundays, and/or holidays are charged only if they are scheduled work days.
- I. Vacation leave may be used for personal reasons, medical appointments in lieu of sick leave, or for absences as a result of adverse weather conditions.
- J. Lump sum payment for vacation leave is made only at the time of separation, except in cases where a staff employee changes classification and becomes faculty. In such cases, the employee may be compensated for the balance of vacation hours remaining in their account, up to a maximum of 240 hours. When separated from institutional service due to resignation, dismissal, reduction-in-force, death, service retirement or leave without pay for military purposes, a full-time employee shall be paid in a lump sum for accumulated leave not to exceed a maximum of 240 hours. Annual part-time employees may be paid for accumulated vacation leave not to exceed a maximum of 180 hours.

Should an employee be separated before he has earned all of the vacation leave taken, deductions will be made from his final salary check for overdrawn leave on a day for day basis.

Retirement deduction shall be made from leave payments for all full-time staff employees.

Receipt of lump sum leave payment and retirement benefits shall not be considered as dual compensation.

In lieu of lump sum payment, accumulated vacation leave may be transferred to another agency or institution (if accepted by that agency or institution) at the request of the employee.

- K. Any full-time employee with prior state service may transfer accumulated annual vacation leave not to exceed 240 hours.
- L. It is the responsibility of the Coordinator, Personnel Services to maintain records for vacation leave earned and taken for each employee. Vacation leave must be balanced at the end of the fiscal year.

Mayland Community College must retain vacation leave records for all separated employees for a period of at least four years from the date of separation.

## II. Sick Leave

- A. Each full-time employee shall earn eight (8) hours sick leave per month. Sick leave may be accumulated indefinitely. A new employee will be given credit for the entire month if the beginning date of employment is on or before the 15<sup>th</sup> of the month.
- B. The College may advance sick leave not to exceed the amount an employee can earn during the current fiscal year.
- C. The supervisor may require a statement from a medical doctor or other acceptable proof that the employee was unable to work.
- D. Sick leave may be granted for illness or injury which prevents an employee from performing his usual duties; medical appointments; quarantine due to contagious disease in the employee's immediate family; the actual period of temporary disability connected with childbearing; absences due to illnesses in the immediate family (parents, spouse, children, and other dependents living in the household); and death in the immediate family (not to exceed three days). While an employee is on sick leave, he earns all benefits for which he is entitled.
- E. Sick leave may be taken in units of one (1) hour. Only scheduled work days shall be charged in calculating the amount of sick leave taken. Saturdays, Sundays, and/or holidays are charged only if they are scheduled work days.

- F. No payment will be made for unused sick leave.  
  
Should an employee be separated before he has earned all of the sick leave taken, it will be necessary to make deductions from his final salary check for overdrawn leave on a day for day basis.  
  
Accumulated sick leave will be transferred to another agency or institution (if accepted by that agency or institution) at the request of the employee.
  - G. Any employee with prior state service may transfer his accumulated sick leave to Mayland Community College.
  - H. Personnel who, for any reason, are separated from employment with Mayland Community College shall be credited with accrued sick leave if reinstated within three (3) years.
  - I. It is the responsibility of the Coordinator, Personnel Services to maintain records for sick leave earned and taken for each employee. Sick leave must be balanced at least once by the end of the fiscal year.  
  
Mayland Community College must retain sick leave records for all separated employees for a period of at least four years from the date of separation.
- III. Maternity Leave
- It is the State's policy on Equal Opportunity that female employees shall not be penalized in their condition of employment because they require time away from work due to pregnancy, abortion, childbirth, and recovery. Leave for these reasons (and others) shall be as provided in the Family and Medical Leave Policy.
- IV. Leave Without Pay
- A. Leave without pay may be granted by the President only upon the approval and recommendation of the employee's supervisor(s).
  - B. During the period of leave without pay, the employee shall retain all accumulated unused sick and/or vacation leave and retirement status. The employee will not earn sick and/or vacation leave during the period of leave without pay

- C. Employees on leave without pay whose absence does not extend over a full calendar month will be entitled to continued contributions by the state to the Teachers' and State Employees' comprehensive Major Medical plan. Employees on leave without pay for at least a full calendar month may continue coverage in the group plan by paying, in advance, the total (employee and employer) contributions to the College. Employer contributions will resume the first of the month following reinstatement.
- V. Educational Leave
- A. The term "educational leave" as defined in this Regulation refers to the release from duties or time normally required of an employee in carrying out the full load of responsibilities assigned in order to further the employee's education. It does not apply to off-duty time used for educational purposes.
- B. State funds may be used to pay salaries of personnel while on educational leave, provided all of the following criteria are met:
1. The employee is employed on at least a nine (9) month basis.
  2. The employee must be under contract to the institution for the next fiscal year.
  3. Educational leave will not exceed a period of one (1) semester per fiscal year. The studies engaged in during such educational leave are directly related to the teaching or administrative duties assigned.
- C. An employee who fails to honor the contract stipulated in subparagraph (B) (2) of this Rule shall be required to repay the amount expended for the educational leave. If the employee fulfills a portion of the contract before failing to honor the contract, repayment shall be based on a prorata portion (e.g., if an employee works four (4) months of a twelve (12) month contract, a repayment of 66.7% of the educational leave would be required.)
- D. Applications may be made at any point during the fiscal year and will be forwarded to the President for consideration.
- VI. Military Leave
- Mayland Community College follows the North Carolina Administrative Code Subchapter 2D, Section .0104 concerning military leave.

**VII. Civil Leave****A. Jury Duty**

An employee serving on jury duty shall be entitled to regular compensation for the required period of absence and shall remit to the College any fees received for jury duty. Any exceptions to this policy shall be decided by the President.

**B. Court Attendance**

An employee attending court in connection with official duties is not required to use annual leave. Fees received as a witness while serving in an official capacity shall be remitted to the College. Any exceptions to this policy shall be decided by the President.

**VIII. Compensatory Leave**

Pursuant to Public Law 99-150, the following guidelines will apply to all employees that are non-exempted from the Fair Labor Standards Act:

1. The College work week is Monday through Sunday. Staff works 40 hours per week.
2. Cumulative compensatory leave is limited to 75 hours (50 hours actual overtime worked).
3. Compensatory hours should be taken three (3) months from the date earned. (Exceptions may be granted by the immediate supervisor who shall notify the Business Office). For record keeping purposes, every attempt should be made to clear all compensatory time before June 30 of every fiscal year.
4. Holidays, sick hours, vacation hours and compensatory hours taken may not be counted toward the 40 hour work week.
5. An employee who has accrued compensatory time and requests the use of such time must be permitted to take the time "within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the institution."
6. The immediate supervisor must approve, in advance, all overtime worked by an employee and approve the time off taken by that employee.
7. In the event of termination, the employee must take time off before the last day of employment. In the event that the termination is unexpected or that services could not be disrupted, the employee may be paid for hours accumulated during the last three (3) month period.

Compensatory time is figured on all hours worked over 40 hours in a work week at 1 ½ times the hours worked

**IX. Holidays**

Mayland Community College will observe twelve (12) holidays with ceased operations on those days as established annually by the President. Compensation for holiday observances will accrue to full-time employees at the rate of eight (8) hours for each holiday. Annual part-time employees will receive paid holidays on a pro-rata basis (for example, a thirty (30) hour per week employee will receive six (6) hours for a holiday).

**X. Family and Medical Leave**

The purpose of this leave is to implement the Family and Medical Leave Act of 1993 and to provide procedures and policy determination for the implementation by Mayland Community College.

This leave shall be governed by the provisions and definitions of Public Law 103-3 (the Family and Medical Leave Act of 1993) and the applicable regulations codified in Title 29, Part 825 of the Federal Code of Regulations. To the extent anything herein contradicts the law or the referenced regulations, the applicable law or regulations shall take precedence over any provision of this policy.

To implement the general provisions of this policy, the following specific provisions shall apply:

1. With the exception of institutional policies on Leave Without Pay (Section IV of Leave Policy), Maternity Leave (Section III of Leave Policy), and Holidays (Section IX of Leave Policy), the unpaid leave provided in this policy is the only unpaid leave benefit provided (suspension or leave without pay as a disciplinary or investigative matter is an unrelated issue). With the exception of Maternity Leave which refers to the benefits under this leave, the benefits hereunder are in addition to other unpaid leave benefits.

Benefits for paid leave are provided in separate policy subsections set forth within the Leave Policy. It is the institutional policy that unless the employer and employee both agree, to the extent permitted by law and to the extent paid leave is provided and applicable to any given situation, every eligible employee shall substitute the available paid leave benefits applicable for any part of the leave period under subsection (a) (1) of Section 102 of the federal act. {See Section 102 (a) (1) and (d) (2)}.

2. The maximum aggregate number of workweeks permitted in the case of a husband and wife entitled to leave is 12 workweeks during any twelve-month period. Unless the husband and wife agree, available leave time shall be first allocated to the wife, in order of priority, before a husband is otherwise entitled to leave.

The institution will use a “rolling” twelve-month period measured backward from the date an employee uses any leave under this policy. An employee’s entitlement to leave is determined by looking at the twelve months prior to the time leave is requested. The employee is entitled to any balance of leave not taken during that twelve-month period. {See Section 102 (f) and Section 2 (5)}.

3. In all cases where permitted by Section 103 (a), a request for leave shall be supported by sufficient certification. Certification should accompany the request but shall, in any event, be presented not later than fourteen (14) days from the date the employee requests leave.

The institution will seek a second opinion on the certification when there exists reasonable doubt as to the validity of the certification provided.

In all cases where certification is required, the employee shall obtain and submit recertification every six (6) weeks from the date leave begins, whether intermittent, reduced or otherwise, and indicate the status of the employee’s intentions to return to work. {See Section 103}.

4. Determination of what, under any given factual situation, constitutes “undue disruption of operations” and “substantial and grievous economic injury” shall be made by the President unless the employee requesting leave is the President, in which event the determination shall be made by the Board of Trustees.
5. In all cases permitted by law, certification will be required for employees returning to work. {See Section 104 (a)(4)}.
6. In all instances where an employee fails to return to work and contends the employer is not entitled to recover any premiums for health benefits, the employee must furnish certification. {See Section 104 c (2) and (3)}.
7. The leave under this policy and the federal act shall be administered by the Coordinator, Personnel Services and all requests, notices, or certifications shall be submitted to, reviewed by, and acted upon by the Coordinator, Personnel Services or a person designated by that person.
8. A copy of the federal leave Act, this policy, and any forms developed to implement the Act shall be provided to employees upon request, and notice of the availability of such information shall be given to employees in a manner determined by the Coordinator, Personnel Services, in addition to any notices required by law or regulation.

**XI. Volunteer Shared Leave**

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay. It is recognized that such employees forced to go on leave-without-pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation leave so as to provide assistance to a fellow employee. This policy would provide an opportunity for employees to assist another affected by a medical condition that requires absence duty for a period of time resulting in possible loss of income due to lack of accumulated leave.

This policy and program will provide the opportunity for one employee to help another on a one-on-one, personal basis. It does not permit “banking” of leave. The use of vacation or sick leave on a shared basis for any purpose other than specified by this policy is prohibited.

This policy allows the donation of leave between public school systems, community colleges and NC state agencies.

**A. Medical Condition**

For purposes of this policy, medical condition means medical condition of an employee or an employee’s immediate family member (as defined below) that is likely to require an employee’s absence from duty for a period of time in excess of 120 hours (see exception below) and to result in a substantial loss of income to the employee due to limited leave in the employee’s leave account. It is not the intent of this policy to apply to incidental, normal, short-term medical conditions.

An employee who has a medical condition and who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program while receiving disability benefits. Participation in the shared leave program is allowed during the 60 day waiting period prior to effective date of short term disability.

Immediate family is defined as spouse, parent, child, sibling, grandparent/child, great grandparent/child, or any dependent living in the employee’s household.

Exception 120 hour: If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous but different prolonged medical condition within the last twelve months, the agency may make an exception to the 120 hour condition.

**B. Qualifying to Participate**

1. Employee must be employed on a full-time or annual part-time basis.
2. A recipient shall apply or be nominated by a fellow employee to participate in the program by letter of application to their immediate supervisor. Application for participation is to include name, social security number, classification, description of the medical condition and estimated length of time needed to participate in the program. A statement of period of disability by the patient's physician is required.
3. The immediate supervisor, divisional vice president, and the President will review the merits of the request and approve or disapprove. The applicant will be notified by his or her immediate supervisor as to whether the request has been approved or disapproved. If disapproved, a timely appeal under the institutional grievance policy may be made to the President, whose decision will be final.
4. For program evaluation purposes, each applicant shall forward a copy of each application received for recipients, indicating approval or disapproval, to the office of the Coordinator, Personnel Services. Other summary information, including number of requests, approvals, disapprovals, amount of leave donated and used will be requested to develop recommendations for the future of this program.
5. Prior to making the employee's status public for purpose of receiving shared leave, the employee must sign a release to allow the status to be known.

**C. Participation Requirements**

1. An employee may contribute vacation, sick or bonus leave.
2. The minimum amount to be donated is four (4) hours.
3. Employee with more than eighty (80) hours of combined vacation and sick leave in his/her account is not eligible to use donated leave; and irrespective of eligibility, an employee must exhaust his or her own vacation, sick and bonus leave before donated leave is used.
4. The maximum amount of leave to be allowed to be donated by one individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate.

Example 1 – Employee with 5 but less than 10 years of state service earns 158 hours annually. Employee may contribute eight or more hours but may not reduce vacation leave balance below 79 hours.

Example 2 – Employee with more than 20 years of state service earns 206 hours annually. Employee may contribute eight or more hours but not reduce vacation leave balance below 103 hours.

To the extent practicable, efforts will be made to keep the process confidential and to protect the anonymity of the donors. An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten or coerce other employees for the purpose of interfering with any right which such employees may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for

disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave except for revelations necessary to administer this policy. The employee donating leave cannot receive remuneration for the leave donated.

#### D. Donor Leave and Accounting Procedures

1. The college shall establish and maintain a system of leave accountability which will accurately record leave donation and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes.
2. Withdrawals from recipient's leave account will be charged to the recipient's leave account according to usual leave policies.
3. At the expiration of the medical condition, as determined by the College, any unused leave in the recipient's donated leave account shall be treated as follows:
  - a. The vacation leave balance may not exceed 80 hours.
  - b. Any additional unused donated leave beyond 80 hours will be returned to the donors on a pro-rata basis. Fractions of one hour shall not be returned to an individual donor.
  - c. Each approved medical condition shall stand alone and leave donated, but not used, in accordance with the above provisions shall be considered as having served its purpose, shall lose its identity and the account closed.

**XII. Parental Involvement Leave**

The College believes that parental involvement is an essential component of school success and positive student outcomes. Therefore, in accordance with the provisions of North Carolina General Statute 95-28.3, the College grants four (4) hours per academic year of unpaid leave to any employee who is a parent, guardian, or person standing in loco parentis of a school-aged child so that the employee may attend or be otherwise involved in non-athletic activities at that child's school, regardless of the number of children. Leave under this section is subject to the following conditions

1. The leave shall be at a mutually agreed upon time between the supervisor and the employee.
2. The employee shall provide a written request for the leave at least forty-eight (48) hours prior to the time it is desired.
3. The College may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave

For purposes of this section, "school" means any public school, private church school, church of religious charter, or non-public school, or any child care facility as defined elsewhere by the General Statutes.

The College shall not discharge, demote, or otherwise take an adverse employment action against an employee who requests or takes leave under this section.

Parental Involvement Leave does not carry forward into the next year and does not accumulate. Such leave must be taken in units of no less than one (1) hour in duration. The Coordinator of Personnel Services shall maintain records for Parental Involvement Leave taken by each employee.