

## **Human Resources 5.14 Employee Leave Procedures**

**Status:** *Rescinded and Archived*

**Rescinded Date:** 8-6-2025

### **5.14.10 Community Service Leave**

**Created:** October 1, 2016

Sandhills Community College is committed to help strengthen the communities in which we work and live. We encourage our full-time employees to become involved in their communities, lending their voluntary support to programs that enrich the quality of life and opportunities for all citizens. Paid leave will be offered to full-time employees.

Community Service Leave must be authorized by the immediate supervisor. A request for such leave must be submitted with enough advance notice to give the immediate supervisor time to review the request and make arrangements to cover the employee's absence

### **5.14.1 Educational Leave**

**Revised:** October 1, 2014; October 1, 2020

The term "educational leave" as defined in this regulation refers to the release from duties or time normally required of a full-time employee in carrying out the full load of responsibilities assigned. It does not apply to off-duty time used for educational purposes. State funds may be used to pay salaries of professional personnel while on educational leave provided all of the following conditions are met:

- The employee has been employed full-time by the College for at least three years.
- State funds are not used to pay a substitute for the employee on educational leave.
- The educational leave with pay will not exceed a period of sixty workdays a calendar year.
- The studies engaged in during such educational leave are directly related to improving the competence of the employee in the teaching or administrative duties assigned.
- The employee is under contract to return to the College the following year. An employee who fails to honor the contract shall be required to repay the amount expended for the educational leave. If the employee fulfills only a portion of the contract, repayment shall be based on a pro rata portion.

Requests for educational leave should be made in writing to the President through the appropriate administrator for final approval by the Trustees. The request should set forth all pertinent information including purpose, course of study planned, and value to the College.

### 5.14.2 Family and Medical Leave

**Revised:** October 1, 2012

#### **The Family and Medical Leave Act of 1993 (FMLA)**

The Family and Medical Leave Act of 1993 became effective August 5, 1993. This act has an ultimate goal of promoting the stability and economic security of families and also promoting national interests in preserving family integrity. In essence, the act guarantees an employee a right to leave with or without pay for up to 12 weeks per year (from the date of initiation) during any twelve-month period for family and medical purposes, for one or more of the reasons below:

1. the birth of a child and to care for the child after birth, provided the leave is taken within a twelve-month period following birth;
2. to care for a child placed with the employee for adoption, provided the leave is taken within a twelve-month period following adoption;
3. to care for the employee's child, spouse, or parent, where that child, spouse or parent has a serious health condition as certified by a physician; or
4. because the employee has a serious health condition as certified by a physician that makes the employee unable to perform the functions of the employee's position.
5. Effective January 28, 2008, upon implementation of the National Defense Authorization Act (NDAA), Public Law 110-181, Section 585(a), Congress amended the Family and Medical Leave Act by adding Service member Family Leave. In 2010 the FMLA was again amended, expanding the military-related leave protections. The FMLA was also amended to include a special eligibility provision for airline flight crew employees.

Other provisions of this act include reinstatement to the same position held when the leave began or one of like pay, and other conditions of employment; reinstatement without loss of benefits accrued when the leave began; accrual of benefits during any period of leave with pay; and the maintenance of health insurance coverage for the employee for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment.

Sandhills Community College endorses the Family Medical Leave Act as part of the College's attempt to assist employees as they balance the demands of work, family, and personal well-being.

By directive of the North Carolina Community College System, employees who have worked with the state at least twelve months and have been on the payroll for at least 1,250 hours during the past twelve months are eligible for up to twelve work-weeks of FMLA. This leave is concurrent with sick leave and/or vacation leave.

During the twelve-week period approved for FMLA, employees who are using sick or vacation leave will continue to receive regular benefits. For those not using sick or vacation leave, the state will continue to pay health insurance premiums, but the employees will be responsible for

paying for dependent coverage each month. (These payments should go to the College payroll office.) At the end of the twelve-week approved leave from work, the employee will be assured of returning to his or her same position or another position earning the same pay and benefits.

In other words, the FMLA ensures that the employee may return to the same or equivalent job at the College at the same pay scale and with the same benefits.

#### 5.14.3 Jury Duty

**Revised:** August 6, 2007

For jury duty, any employee shall be excused from his/her college duties and compensation shall not be interrupted. An employee is expected to be on duty at the college except for those times actually spent in the jury box or while being held by the court.

#### 5.14.4 Leave Without Pay

**Revised:** August 6, 2007

Leave without pay may be granted under limited circumstances:

- For illness when sick and vacation leaves have been exhausted;
- For extended study; or
- Military leave beyond fifteen calendar days per year provided that the request is made in writing in advance to the appropriate vice president for his or her recommendation and for approval by the president.
- Other circumstances warranting leave without pay must be approved by the appropriate vice president or Chief Operating Officer.

#### 5.14.5 Military Leave

**Revised:** August 6, 2007

College personnel who are members of the National Guard or military reserve shall be entitled to leave-of-absence provisions without loss of pay for temporary active duty. One leave period only will be granted in a calendar year and will consist of not more than fifteen calendar days at any time in that year.

Sandhills Community College shall grant leave with pay to members of reserve components of the U.S. Armed Forces for certain periods of active duty training and for state military duty. Reserve components of the U.S. Forces are the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, and the Coast Guard Reserve. The Civil Air Patrol is not a reserve component; it is an Air Force Auxiliary, and its members are not

subject to obligatory service. The National Guard is unique among the reserve components in that it has a dual role, serving both as a federal reserve component and the State Militia. In its role as the State Militia, the North Carolina Army National Guard and the North Carolina Air National Guard respond to the Governor, who is their Commander-in-Chief, and serve as the military arm of the state government. Therefore, the National Guard is subject to active state duty upon order of the Governor.

1. Periods of Entitlement for all reserve components. Military leave with pay shall be granted to full-time or part-time permanent (prorated for part-time employees), and probationary employees for 120 working hours annually for any type of active military duty of a member not on extended active duty defined below. On rare occasions due to annual training (summer camp) being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year.
2. Additional periods of entitlement for National Guard members:
  - a. Infrequent special activities in the interest of the state, usually not exceeding one day, when so ordered by the Governor or his/her authorized representative;
  - b. Active state duty (domestic disturbances, disasters, search and rescue, etc.) for periods not exceeding 30 consecutive calendar days; for period in excess of 30 days, employees shall be entitled to military leave with differential pay between their military pay and regular pay if military pay is the lesser. Military leave for active state duty is to be considered separate from and in addition to military leave that may be granted for other purposes.
3. Unacceptable periods. Employees shall not be entitled to military leave for the following periods:
  - a. Regularly scheduled unit assemblies usually occur on weekends and are referred to as "drills." Although these periods are unacceptable for military leave with pay, Sandhills Community College, as required by federal law, shall excuse an employee for regularly scheduled military training duty. If necessary, the employee's work schedule shall be appropriately rearranged to enable the employee to attend these assemblies. To determine the dates of these regularly scheduled unit assemblies, Sandhills Community College requires that the employee provide a unit training schedule that lists training dates for a month or more in advance. Sandhills Community College does not excuse an employee for military service performed under the circumstances defined in (b), (c), and (d) of this item.
  - b. Duties resulting from disciplinary actions imposed by military authorities.
  - c. For unscheduled or incidental military activities, such as volunteer work at military facilities, unofficial military activities, etc.
  - d. For inactive duty training (drills) performed for the convenience of the member such as equivalent training, split-unit assemblies, make-up drills, etc.
4. Administrative Responsibilities. The employee shall submit a copy of his/her orders or other appropriate documentation evidencing performance of required military duty to the appropriate vice president/Chief Operating Officer or the President of the College.

5. Retention and Continuation of Benefits. During the period of military leave with pay, no employee shall incur any loss of service or suffer any adverse service rating. The employee shall continue to earn and accumulate sick and annual leave, aggregate service credit, and receive any promotion or salary increase for which otherwise eligible.
6. Leave for Physical Examination for Military Service. An employee shall be granted necessary time off when required to undergo a physical examination relating to military service.
7. Military Leave with Differential Pay. Military leave with differential pay between military pay and regular pay, if military pay is the lesser, shall be granted for active state duty for periods in excess of thirty consecutive days.
8. Military Leave without Pay. Military leave without pay shall be granted for certain periods of active duty or for attendance at service schools. Except for extended active duty, all or any portion of an employee's 96 hours annual military leave (pro-rated for part-time employees) with pay or regular annual (vacation) leave may be used in lieu of or in conjunction with military leave without pay.

Military leave policy is also addressed in the North Carolina Administrative Code.

#### 5.14.6 Sick Leave

**Revised:** October 1, 2014

Permanent full-time College employees accrue sick leave at the rate of one day per month up to a maximum of twelve for the fiscal year. 9 month and 10.5-month faculty earn sick leave on a pro rata basis. The leave shall be computed as a percentage of the total amount earned by a full-time employee.

Permanent part-time and temporary employees do not earn sick leave.

- Advancement—The College may advance sick leave not to exceed the amount that would be earned during the period for which the employee is contracted to work.
- Verification— The College may require a statement from a medical doctor or other proof verifying the need for sick leave when such leave is for as many as five workdays.

Requests for sick leave must be reported before the employees scheduled work hours and will be submitted through the online leave system to the appropriate department chairperson or administrator. If possible, this leave request should be submitted in advance. If this situation is impractical, submission of the online leave approval should be submitted for approval upon return to work.

Employees not reporting after three days, or failing to report at the expiration of the leave of absence, unless an extension has been requested, may be considered as resigning or a failure to report to duty and subject to termination.

Acceptable Reasons for Sick Leave are listed below:

- Illness or injury which prevents an employee from performing his or her usual duties.
- Illness of a member of the employee's immediate family. An immediate family member is defined as "spouse, parent (including biological, adoptive, step or legal ward), child (including biological, adopted, foster, step or legal ward), brother or sister (including step, half or in-law relationships), grandparent or grandchild (including step relationships), and other dependents living in the employee's household. The term includes the step, half, and in-law relationships. A maximum of twelve days per fiscal year is allowable for this purpose.
- Quarantine due to a contagious disease in the employee's immediate family.
- The period of actual temporary disability connected with child bearing as determined by the attending physician. During such a period of disability, the natural father may request sick leave for parental purposes.

College employees may be credited with sick leave accumulated from previous employment in N.C. institutions or agencies provided that this transfer is within five years of hire. Employees who move from staff to faculty positions will be paid for vacation leave, up to 240 hours or 30 days, if not taken prior to transfer. Those who move from faculty to staff positions will accrue vacation leave based on their years of aggregate service in College and/or state employment.

### **Sick Leave & Separation**

- Sick leave is not allowable in terminal leave payments when an employee separates from the College.
- Should an employee be separated before earning all of the sick leave taken, it will be necessary to make deductions from the employee's final salary check for overdrawn leave on a day-to-day basis.
- Sick leave shall be exhausted before the granting of leave without pay due to extended illness. While exhausting sick leave, an employee earns all benefits for which he or she is entitled.
- Retirement Credit: Sick leave accumulated under this policy shall be transferred to total service as provided under the North Carolina Teachers' and State Employees' Retirement System.
- If an employee is separated for any reason and begins drawing retirement benefits within five (5) years from the date of his or her separation, sick leave accumulated during the employee's tenure at the college will be credited toward retirement.

### **Reinstatement of Sick Leave**

- Reduction in force: Employees separated because of a reduction in force shall be credited with sick leave that has been accumulated up to the date of separation if reinstated within one year. Sick leave cannot be accumulated during any absence from the college.
- Authorized leave without pay: Employees granted leave without pay shall be credited with accrued sick leave if reinstated before the termination date of such leave.

- If an employee is separated for reasons other than those stated above and is reinstated within one year from the date of his or her last workday, he or she will have sick leave credits reinstated equal to those accumulated at the time of separation.

### **Sick Leave Without Pay**

Sick leave without pay may be granted by the College for the remaining period of disability after both sick and annual leave have been exhausted until the 60-day waiting period for disability has been met. After this point, the employee should follow disability procedures as defined by the State Retirement Plan.

### 5.14.8 Voluntary Shared Leave

**Revised:** May 25, 2017, October 1, 2017; October 1, 2022

Sandhills Community College participates in the shared leave policy as per guidelines from the N.C. Community College System. This policy, permitting anonymous donations of leave, is designed to assist employees with serious medical problems whose sick and vacation leave is exhausted before they are either ready to return to work or eligible to receive North Carolina Disability Income. In such cases, employees are eligible to receive leave donated from the sick and vacation leave accounts of other employees to carry them only through FMLA and not beyond. Requests for exceptions to this policy are to be made to the President. The leave to be donated can include vacation leave.

An employee who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.

The College is prohibited from maintaining a leave bank, except as allowed by law.

### **Application to Become a Shared Leave Recipient**

An employee may make written application to the Office of Human Resources, to become a leave recipient, using the Shared Sick/Vacation Request Leave Form. If an employee is not capable of making application on his or her own behalf, a personal representative, having documented power of attorney for the potential leave recipient, may make written application on behalf of the employee.

In order for a request to receive donated leave to be approved, the employee must:

1. Have completed the initial probationary period, and
2. Provide certification from a licensed physician of medical evidence to support the need for leave beyond the available accumulated leave, and

3. Have exhausted all sick and annual leave (or provide credible medical evidence that he or she will have exhausted all sick and annual leave before the medical condition is resolved)

A potential leave recipient may request up to 176 hours of leave transfer at one time, and is limited to 1,040 hours, either continuously or, if for the same condition, on a recurring basis. However, The combined total of sick leave donated to a recipient from a nonfamily member donor shall not exceed 20 days per year (160 hours).

Each application must include a completed Shared Sick/Vacation Leave Request Form and Physician's Certification of Medical Condition Form.

### **Approval of Application to Become a Leave Recipient**

Each application will be reviewed by the Office of Human Resources. If the application is approved, the Office of Human Resources will notify the leave recipient (or the personal representative who made application on behalf of the leave recipient) that:

1. The application has been approved; and
2. Human Resources will send out an email request to all full time employees for leave donations. Due to HIPPA Privacy guidelines, the recipient will not be identified in the email request.

If the application is not approved, the committee will notify the applicant (or the personal representative who made application on behalf of the potential leave recipient) that:

1. The application has not been approved; and
2. The reasons for its disapproval.

Requests not approved may be appealed in writing to the Chief Operating Officer.

### **Donation of Leave**

An employee may submit a Shared Sick/Vacation Leave Donation Form to the Office of Human Resources requesting that a specified number of hours of leave be transferred from his or her annual or sick/vacation leave account to the sick leave account of a specified leave recipient.

An employee of a community college may donate up to five days of sick leave to a nonfamily member employee of a community college. The combined total of sick leave donated to a recipient from a nonfamily member donor shall not exceed 20 days per year. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave. An employee family member donating sick leave to a qualified family member under the Voluntary Shared Leave program may donate up to a maximum of 1040 hours but may not reduce the sick leave account below 40 hours.

Requests for leave transfers must be in 4-hour increments. A leave donor must retain a combined total of 120 hours of leave in his or her own annual and sick leave accounts, unless the donation



is to the leave account of his or her own spouse, child, or parent. Additionally, an employee may not donate more than five days of sick leave per year to any one non-family community college employee. The combined total of sick leave donated to a community college employee from non-family community college employee donors shall not exceed 20 days per year.

Individuals who donate sick leave must leave a balance of at least 40 hours in their own account. Individuals who donate vacation leave must leave a balance of one-half their yearly accrual in their own account. Employees with medical problems who need additional leave should meet with the Office of Human Resources to begin the process of receiving donated leave. This leave must be approved by the President.

Employees who accept donated leave but return to work prior to having exhausted that shared leave are expected to return the unused leave to the college. Questions about this policy should be directed to the Office of Human Resources.

Effective April 10, 2003, the N.C. General Assembly amended the North Carolina G.S. 115D-25.3 to allow any employee of a community college to share leave voluntarily with an immediate family member who is employed at a community college, public school, or State agency. An immediate family member is defined as “spouse, parent (including biological, adoptive, step or legal ward), child (including biological, adopted, foster, step or legal ward), brother or sister (including step, half or in-law relationships), grandparent or grandchild (including step relationships), and other dependents living in the employees household. The term includes the step, half, and in-law relationships.” To donate voluntary shared leave to a colleague or an immediate family member, use the Shared Sick/Vacation Leave Request form located in the forms section of the SCC Intranet.

Leave transferred under this section may be substituted retroactively for a period of leave without pay.

Shared Sick/Vacation Leave Donation Forms will be accepted until the total amount donated is equal to the amount approved by the Office of Human Resources. Subsequent Shared/Vacation Leave Donation Forms will be returned to prospective donors.

If the leave recipient does not use all the donated leave, unused leave will be returned to donors on a first-donated, first-returned basis, based on the date and time the Shared Sick/Vacation Leave.

The Donation Form is processed by the Office of Human Resources.

### **Who is eligible to donate shared leave?**

Any full-time College employee who has completed the probationary period may donate leave.

**How much leave may I donate?**

Employees may donate sick, vacation, or bonus leave in 4-hour increments only (4, 8, 12) and you must reserve a minimum of 120 hours of combined sick and annual leave in your leave balance; however, there is a 40 hours minimum reserve required when employees donate leave to their own spouses, parents, or children. An employee may not donate more than five days of sick leave per year to any one non-family community College employee. The combined total of sick leave donated to a community college employee from non-family community college employee donors shall not exceed 20 days per year.

**What's the first step?**

Employees who wish to donate leave should complete the Shared Sick/Vacation Leave Request Form and follow instructions to submit the form. If approved by the Office of Human Resources, the employee will receive a confirmation of the donation.

**What happens if I change my mind and need the leave I previously donated?**

Donations are irrevocable, although any donated leave not used by the leave recipient will be returned to the donor(s) on a first-donated, first-returned basis (see next question).

**What happens to my donated leave if the recipient doesn't use it; for example, if the medical emergency doesn't last as long as anticipated or the recipient leaves the College before using all donated leave?**

Unused donated hours will be returned to the donor(s) on a first-donated, first-returned basis.

**Who is eligible to request donated leave?**

If you are a full-time College employee who:

1. Has completed your probationary period and
2. Has a life-threatening or emergency medical condition and does not have sufficient leave to cover his or her anticipated absence and
3. Has exhausted or will soon exhaust all sick and annual leave due to his or her own life-threatening or emergency medical condition and
4. During the resulting absence, will not receive any other monetary benefits based on employment at the College (e.g., workers' compensation lost wage benefits, unemployment, disability, retirement, etc.).
5. An employee may submit a request for donated shared leave up to ten working days prior to the time the employee will exhaust all leave.

**How much leave may I request?**

The employee may request up to 176 hours of leave per application. The employee may apply up to three times per calendar year.

**What's the first step?**

The employee will ask their physician to complete a Physician's Certification of Emergency or Life-Threatening Medical Condition Form. The employee should then complete a Shared Sick/Vacation Leave Request form and deliver both the Physician's Certification form and the

Shared Leave Request form to the Office of Human Resources. If an employee is unable to complete this process, a representative having the employee's documented power of attorney may complete the process on their behalf.

**How will I know I have received donated leave?**

The Office of Human Resources will send the employee a leave receipt confirmation with a copy to their department.

**Does an employee who is using donated leave continue to accrue sick or annual leave during the time he or she is missing work and using donated leave?**

If the employee is using donated leave, he or she will continue to accrue sick and annual leave at the same rate he or she would have accrued leave had he or she been using their own, original leave during an absence from work. The employee's own accrued leave will be applied to their absence before any donated leave is applied to the absence.

**What happens to any transferred leave I don't use, for example, if the medical emergency doesn't last as long as I anticipated or I leave the College before using all donated leave?**

Unused hours will be returned to the leave donor(s) on a first-donated, first-returned basis. The Office of Human Resources will send a notification of returned leave to the donor and a copy to the donor's department.

5.14.9 Administrative Leave

**Revised:** October 1, 2018

I. Voluntary Administrative Leave

In situations in which the provision of leave is appropriate but not covered by existing leave provisions, the President may grant an employee(s) administrative leave.

II. Involuntary Leave

Administrative leave may be required of an employee by the President at times deemed necessary for the successful operation of the college, including but not limited to:

A. Emergency situations

B. Pending the results of a college investigation, a dismissal decision, and/or a non-reappointment in accordance with policy 5.4 – Appointment, Separation, Discipline, and Re-employment.

An employee placed on administrative leave pending the results of a college investigation or the final decision of a dismissal recommendation shall be paid during the administrative leave, and

all benefits shall remain in effect. In some instances, the President may decided that an employee's administrative leave will be unpaid.

#### 5.14.10 Community Service Leave

**Created:** October 1, 2016

Sandhills Community College is committed to help strengthen the communities in which we work and live. We encourage our full-time employees to become involved in their communities, lending their voluntary support to programs that enrich the quality of life and opportunities for all citizens. Paid leave will be offered to full-time employees.

Community Service Leave must be authorized by the immediate supervisor. A request for such leave must be submitted with enough advance notice to give the immediate supervisor time to review the request and make arrangements to cover the employee's absence

#### 5.14.11 Holiday Leave

**Created:** August 25, 2017

**Revised:** February 5, 2018

The College observes Legal Holidays not to exceed the number provided for state employees, which will normally be 12 holidays per year. Prior to the beginning of each fiscal year, the President shall establish the Legal Holiday schedule. Input may be solicited from faculty and staff. Once the President approves the schedule, it is presented to the Board of Trustees for final approval.

The Legal Holidays are as follows:

New Year's Day (1 day)

Martin Luther King Day (1 day)

Easter Friday or Monday as academic calendar dictates (1 day)

Memorial Day (1 day)

Independence Day (1 day)

Labor Day (1 day)

Veterans Day (1 day)

Thanksgiving (2 days)

Christmas (2 or 3 days)

All full-time college employees shall be entitled to Holiday Leave with pay on Legal Holidays.

#### 5.14.12 Bereavement Protocols

**Board of Trustees Approval:** June 1, 2018

Bereavement Leave – permanent full-time employees, shall be eligible for three bereavement days for the death of an immediate family member. An immediate family member is defined as “spouse, parent (including biological, adoptive, step, legal ward, or in-law), child (including biological, adopted, foster, step or legal ward), brother or sister (including step, half or in-law relationships), grandparent or grandchild (including step relationships), and other dependents living in the employee’s household.

#### 5.14.13 Personal Observance Leave

**Board of Trustees Approval:** April 3, 2023

**Created:** April 3, 2023 (in accordance with NC Governor’s Executive Order 262)

Sandhills Community College will provide a single day, up to eight (8) hours of fully paid leave, to all full-time employees or a single half-day, up to four (4) hours of fully paid leave, to all permanent part time employees to be used as Personal Observance Leave (POL). This POL can be utilized for any single day of personal significance, such as days of cultural or religious importance, in accordance with these guidelines for use.

- The employee is granted this POL between July 1 (the start of the contract fiscal year) and June 30 (the close of the fiscal year) as detailed above.
- The employee must request the immediate supervisor’s approval for a day of (POL) at least one week prior to the leave date.
- POL cannot be used in lieu of sick leave.
- This leave is not transferable upon termination of employment and has no cash value upon separation, termination, or retirement from the College.
- Unused POL for any fiscal year will be forfeited.