

### 3.1 – Annual Vacation Leave

#### 3.1.1 Purpose

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Employees are encouraged to request annual vacation leave during each year in order to achieve this purpose.

#### 3.1.2 Eligibility and Rate of Earning

All full-time and part-time permanent employees who work or are on paid leave (including paid holidays and workers’ compensation) for one-half or more of the workdays in a monthly pay period are entitled to earn annual vacation leave at the same rate provided for state employees. Leave for a part-time employee is computed on a pro rata basis of the amount earned by a full-time employee in that class of work. A single employee working in two or more positions may not earn more than the benefits allowed for one full-time position.

The rate of earning is based on the length of total State service as follows:  
(See Sections 13.1.2 and 13.1.3 regarding earning State service.)

<del>Years of State Service</del>	<del>Days of Leave Earned Per Month of Employment</del>
<del>Less than 2 years</del>	<del>1.00</del>
<del>2 but less than 5 years</del>	<del>1.15</del>
<del>5 but less than 10 years</del>	<del>1.40</del>
<del>10 but less than 15 years</del>	<del>1.65</del>
<del>15 but less than 20 years</del>	<del>1.90</del>
<del>20 years or more</del>	<del>2.15</del>

### Vacation Leave Accrual Rate

Years of State Service	Monthly Full-time Accrual Rates	12 Month Full-time Accrual Rates
Less than 5 years	1.17 days (9.33 hours)	14 days (112 hours)
5 but less than 10 years	1.42 days (11.33 hours)	17 days (136 hours)
10 but less than 15 years	1.67 days (13.33 hours)	20 days (160 hours)
15 but less than 20 years	1.92 days (15.33 hours)	23 days (184 hours)
20 years or more	2.17 days (17.33 hours)	26 days (208 hours)

Bus drivers who work less than 20 hours per week and who are not otherwise entitled to earn vacation as described above are entitled to earn one day per year (equal in length to one regular workday for each driver) if:

- a) They are employed to drive a regular daily route (i.e., they are not substitute drivers), and
- b) They were employed as regular drivers the entire previous school year.

A bus driver who is terminated or resigns before taking the leave day is not entitled to compensation for the annual vacation leave day.

### **3.1.3 Use of Annual Vacation Leave**

- (a) For 10-month employees the first 10 days of annual vacation leave must be scheduled in the school calendar and must be taken as scheduled.
- (b) **Approval:** All annual vacation leave taken by a public school employee must be with the authorization of the employee's immediate supervisor and must conform to policies established by the State Board of Education and the local board of education.
- (c) **Units of annual vacation leave:** Annual vacation leave may be used in one-half days, whole days, or hours as determined for earning purposes by the local board.
- (d) **Restrictions on use by instructional personnel, teacher assistants, and bus drivers:** Classroom teachers who require a substitute, school media coordinators who require a substitute, teacher assistants who require a substitute and bus drivers may not take annual vacation leave at any time that students are scheduled to be in attendance except as provided in Section 3.2 (Leave for Catastrophic Illness), or Section 3.3 (Leave for New Parents) of this manual. Instructional personnel who do not require a substitute may, with their supervisor's approval, take annual vacation leave on any day school is in session.
- (e) **Annual vacation leave in lieu of sick leave:** Annual vacation leave may be used in lieu of sick leave. Instructional personnel who require substitutes and bus drivers are subject to the restrictions set forth in paragraph (d) above.
- (f) **Adverse weather:** Employees may elect to use annual vacation leave for absences due to adverse weather conditions only on days when students are not required to attend school due to the adverse weather conditions.
- (g) **Disability:** Employees may elect to exhaust annual vacation leave during the 60-day waiting period or in lieu of short-term disability benefits. Instructional personnel who require substitutes and bus drivers may use this leave only on days that students are not scheduled to be in regular attendance or in accordance with the provisions of Section 3.2 (Leave for Catastrophic Illness), or Section 3.3 (Leave for New Parents) of this manual. This election does not extend the 365-day duration of short-term disability.

- (h) **Use of annual vacation leave by interim or temporary employees:** An employee who had previously earned annual vacation leave may not use this leave while employed in an interim position of less than six months, a temporary position, or a position of less than 20 hours per week except as provided in Section 1.1.2.
- (i) **Accumulation and use during summer employment:** Any employee who earned annual vacation leave in the regular school term will continue to earn annual vacation leave during the summer if employed at least 20 hours per week in the same school system. The rate will be pro rata if the summer employment is less than full-time. Annual vacation leave may be used under the same conditions as during the regular term.
- (j) **Scheduling annual vacation leave and workdays in the calendar:** Local calendars must be designed to allow all employees an opportunity to take annual vacation leave. This applies to summer school calendars as well as calendars for the regular term. Days not scheduled in the calendar for student attendance, holidays, annual vacation leave, or optional workdays may be designated by the local board of education as mandatory workdays. (See Sections 15.1.2 and 15.1.3 for assignment of days).
- (k) **Leave deficit:** An employee who has neither earned nor will earn sufficient annual vacation leave to cover any annual vacation leave day scheduled in the school calendar will be placed on leave without pay.
- (l) **Military caregiver:** An employee may choose to exhaust available sick and/or vacation/bonus leave, or go on leave without pay to care for an injured family member. (An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.)
- (m) **Qualifying Exigency:** When necessitated by one of the qualifying exigency reasons, employee may use available vacation/bonus leave, or go on leave without pay. (An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.) (See Section 8.2.2 - Qualifying Exigency Explanation)

#### **3.1.4 Accumulation/Conversion to Sick Leave**

Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30 or upon retirement accumulated annual vacation leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual vacation leave are carried forward.

Upon separation in order to retire, annual vacation leave over 30 days may be converted to sick leave for creditable service toward retirement.

Upon separation from service due to service retirement, resignation, dismissal, reduction in force or death, an employee shall be paid in a lump sum for accumulated annual vacation leave not to exceed a maximum of 30 days. Employees going onto disability may exhaust annual vacation leave rather than be paid in a lump sum.

### **3.1.5 Advancement**

An employee may be advanced the amount of annual vacation leave that may be earned in the remainder of the fiscal year at the discretion of the local administrative unit. The local superintendent must assume full responsibility for use in excess of earnings.

### **3.1.6 Transfer of Leave**

- (a) **Transfer between LEAs:** An employee who transfers between local administrative units must have all unused annual vacation leave transferred to the new administrative unit. Leave to be accepted by a school system must not result in leave being accrued at a greater rate than the rate afforded to school employees as set forth in Section 3.1.2.
- (b) **Transfer to and from other state agencies:** If the agency is willing to accept it, leave may be transferred to and from a state agency or institution, community college, technical institute, or a position covered by the State Personnel Act in county agencies of mental health, public health, social services, or emergency management.

All or any portion of the unused annual vacation leave may be accepted. Leave to be accepted from a state agency must not result in leave being accrued at a greater rate than the rate afforded to school employees as set forth in Section 3.1.2.

If a receiving agency refuses to credit the employee with the unused annual vacation leave or any portion thereof, the employee must be paid in a lump sum for up to 30 days or 240 hours of accumulated annual vacation leave.

- (c) When an employee transfers between LEAs or to a state agency, if the new employment is obtained within 31 calendar days from the date of separation, the leave balances will transfer rather than being paid out.
- (d) [There is no provision for public school employees to transfer leave to or from charter schools.](#)

### **3.1.7 Separation from Employment**

- (a) **Lump sum payment:** An employee must be paid in a lump sum for accumulated annual vacation leave, not to exceed a maximum of 30 days or 240 hours, upon

separation from service. Separation from service includes resignation (unless the employee is transferring to another LEA or state agency), dismissal, reduction-in-force, death, service retirement, beginning long-term disability benefit or change to temporary status.

- (b) **Leave deficit:** If an employee separating from service is overdrawn with respect to annual vacation leave, a deduction in the appropriate amount must be made from the employee's final paycheck.
- (c) **Retirement:** A deduction for retirement must be made from all lump-sum payments of annual vacation leave. Receipt of lump-sum leave payment and retirement benefits is not considered to be dual compensation.
- (d) **Claims on behalf of deceased employee:** In the case of a deceased employee, unused annual vacation leave up to a maximum of 30 days or 240 hours must be paid to the deceased employee's administrator or executor upon the establishment of a valid claim. The claim must be made to the Clerk of Superior Court in the county of the deceased employee's residence.
- (e) **Accounting procedure:** When an employee separates from service, payment for leave may be on the regular payroll or on a supplement payroll. The number of leave days and amount of payment must be specified. Payment must be charged to the annual vacation leave budget codes provided for this purpose and from the same source of funds and in the same pro rata amount from which the employee's salary is paid (local, federal or state funds).

### 3.1.8 Leave Records

Local administrative units must maintain leave records for each employee. It is the responsibility of the employee to record his or her leave time and the responsibility of the employee's immediate supervisor to verify that the leave record is accurate.

The local administrative unit must notify employees of leave balances at least once a year.

Leave records must be retained for a period of at least five years from the date of the employee's separation from service.

#### **Legal Reference(s)**

G.S. 115C-84.2	Session Law 1997-443, Section 8.6
G.S. 115C-272	16 NCAC 6C.0401
G.S. 115C-285	Code of Federal Regulations, Title 29, Part 825, The Family and Medical Leave Act of 1993, as amended
G.S. 115C-302.1	
G.S. 115C-316	<a href="#">Finance Newsletter No. 030-10/11, March 25, 2011</a>
G.S. 115C-336(c)	<a href="#">Annual Vacation Leave Earning Rates</a>

**History Note:** Prior to January 2011, the Vacation Leave Earning Rates were:

<b>Years of State Service</b>	<b>Days of Leave Earned Per Month of Employment</b>
Less than 2 years	1.00
2 but less than 5 years	1.15
5 but less than 10 years	1.40
10 but less than 15 years	1.65
15 but less than 20 years	1.90
20 years or more	2.15