

## 5.1 – Personal Leave

### 5.1.1 Eligibility and Rate of Earning

Personal leave is earned by classroom teachers and school media coordinators who require substitutes. In order to be eligible, the teacher must be in a permanent full- or part-time position. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personnel earn a pro rata share of the rate for full-time teachers. Unused personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30<sup>th</sup>. On June 30, personal leave in excess of 5 days is converted to sick leave so that a maximum of 5 days of personal leave are carried forward to July 1<sup>st</sup>. Upon retirement, any personal leave may also be converted to sick leave.

Note: As used in this section the term “teacher” applies to classroom teachers and media coordinators who require substitutes. Teachers (as defined by G.S. 325.a (6)) who are restricted in their use of annual leave (i.e., when students are in school) shall accrue personal leave at the same rate as classroom teachers. Teachers who do not accrue personal leave shall not be restricted in their use of annual leave with prior approval.

### 5.1.2 Use of Personal Leave

- (a) Personal leave may be used only upon the authorization of the immediate supervisor.
- (b) A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. Teachers using personal leave on these days may be required to provide a reason regardless of providing five days’ notice.
- (c) A teacher who requests personal leave at least five days in advance shall be automatically granted the request subject to the availability of a substitute teacher. A teacher making the request cannot be required to provide a reason for the request if the request is made at least five days in advance.
- (d) Personal leave may be used on any instructional day or workday except as noted in paragraph (b) above.
- (e) Teachers using personal leave receive full salary less the required substitute deduction, except for teachers using personal leave on teacher workdays. Teachers using personal leave on teacher workdays shall receive full salary. Teachers may use up to their accrued amount of personal leave on teacher workdays in accordance with paragraphs a, b, c, and d above.

### **5.1.3 Limitations on Personal Leave**

- (a) Personal leave should be used with due and proper consideration given to the welfare of the students and teachers alike and shall not be advanced.
- (b) Personal leave may not be used during summer employment.
- (c) When a teacher is no longer eligible to earn personal leave, that teacher may not use previously accumulated personal leave.
- (d) When a teacher resigns or separates from service, personal leave cannot be paid out in lump sum.
- (e) Local school administrative units shall not advance personal leave.

### **5.1.4 Personal Leave Increments**

Personal leave must be used in one-half or whole day units.

### **5.1.5 Deduction**

Teachers using personal leave receive full salary less the required substitute deduction with the following exceptions:

- (a) Teachers using personal leave on teacher workdays shall receive full salary regardless of whether the teacher provides a reason or not.
- (b) Teachers may use up to their accrued amount of personal leave on teacher workdays in accordance with paragraphs 5.1.3 a, b, and c above.
- (c) Effective November 18, 2021, teachers using personal leave, on days other than teacher workdays, shall receive full salary as long as the teacher provides a reason for the request. If a teacher does not provide a reason for the request, the teacher shall receive full salary less the full cost of hiring a substitute for the teacher.
- (d) The local school administrative unit shall determine the full cost of “hiring” the substitute. The full cost may be variable across, and within, the local administrative units.
  - ↳ The local administrative unit shall be responsible for determining what constitutes a “reason” as referenced in this policy. A teacher who fails to provide a locally approved reason for his/her absence may be charged the full cost of hiring a substitute.

### **5.1.6 Transfer of Personal Leave**

Personal leave must be transferred between local administrative units.

### **5.1.7 Reinstatement of Personal Leave**

A teacher must be credited with all personal leave accumulated up to the time of reassignment or separation provided that the teacher is reinstated as an eligible permanent

full-time or part-time teacher within 60 calendar months from the date of separation or reassignment.

**Legal Reference(s)**

G.S. 115C-302.1(d)

S.L. 2007-378

16 NCAC 6C.0403

S.L. 2008-107

G.S. 115C-325(a) (6)

S.L. 2008-209

G.S. 115C-302.1(d)

S.L. 2021-180

**History Note:** Until July 1, 2007, Personal Leave earning was capped at 5 days. When the teacher accumulated 5 days s/he stopped earning Personal Leave so the teacher would have a personal leave balance of 5 days on July 1, 2007. Effective July 1, 2007, teachers continued to accumulate Personal Leave beyond 5 days and the excess balance rolls to Sick Leave each June 30.