

## BP 2.1 Various Forms of Leave

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**Legal Authority** NCGS 115D-20; 1C SBCCC 200.94

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### Policy

#### Annual Leave (Vacation)

It is the policy of the McDowell Technical Community College Board of Trustees to provide eligible employees with a reasonable amount of annual leave for vacations. The Board authorizes the implementation of an annual leave for vacation plan for full-time and part-time employees. The President shall implement those Administrative Procedures necessary to create an equitable annual leave plan that promotes employee morale and welfare in the best interest of the College.

#### Civil Leave

Civil Leave may be classified as either:

1. Non-Job-related Civil Leave: Permanent, probationary, and trainee employees are entitled to leave with pay when serving on a jury or when subpoenaed as a witness. It is the responsibility of the employee to inform the supervisor when the duty is scheduled and the expected duration.
2. Job-related Civil Leave: and Other Job Related Proceedings: Leave with pay is provided to an employee to attend court or a job-related proceeding in connection with official job duties.

Employees classified as full-time permanent, full-time temporary are covered for non-job related civil leave. Employees classified as part-time temporary are not eligible for non-job related civil leave but are eligible for job-related civil leave and other job-related proceedings.

#### Compensatory Leave

McDowell Technical Community College provides non-exempt employees compensatory time off in lieu of immediate overtime pay. When a non-exempt is officially scheduled by his or her supervisor to work more than forty (40) hours in a work week, such overtime will be compensated by giving time and one-half off within the same pay period or when impractical to do so, within the next pay period.

#### Educational Leave

The educational leave policy of the College complies with the criteria required in North Carolina Administrative Code 1C SBCCC 400.6.

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.

#### Leave Transfer

##### Bonus Leave:

- A. Any balance of bonus leave will not be transferable with the employee who transfers from another eligible agency.
- B. Bonus leave balances will be paid in addition to regular vacation leave if the employee resigns from the college or changes to a non-leave earning status.

**Vacation Leave:**

- A. The college will accept up to 40 hours as transferable with the employee who transfers from another eligible agency.

**Sick Leave:**

- A. Any balance of sick leave will be transferable with the employee who transfers from another eligible agency.

**Leave Without Pay**

At the discretion of the college administration, leave without pay may be granted to a full-time permanent and full-time temporary employee not to exceed one year. Part-time temporary employees are not eligible for Leave Without Pay. Reasonable notice shall be given by the employee requesting leave without pay. Leave will be granted only when the employee expresses in writing his/her intent to resume employment at MTCC at the end of the leave period.

During the term of the leave, the employee will not accrue vacation or sick leave and will not receive salary or fringe benefits.

Except for extended illness, extended leave without pay normally shall not exceed six months. The decision to grant leave without pay and the amount of time granted, except for leave required by the FMLA Policy, is an administrative one for which the college president must assume full responsibility.

**Military Leave**

Statutory Authority:

This regulation is promulgated pursuant to North Carolina General Statute 127A-116 and the Uniformed Services Employment and Reemployment Rights Act of 1994.

Leave shall be granted to employees of the College for certain periods of service in the uniformed services.

Leave shall be granted to members of the National Guard (N.C. Army and Air National Guards) and members of Uniformed Services (Armed Forces and the Reserve Components (Army, Navy, Air Force, Marine Corps, Coast Guard, Army and Air National Guard)), Commissioned Corps of the Public Health Services, and any other category of persons designated by the President in time of war or national emergency.

Covered employees include full-time permanent personnel and full-time temporary. Part-time temporary employees are not covered. Although part-time temporary employees are not eligible for military leave benefits, they are covered under the reinstatement policies.

**Sick Leave**

McDowell Technical Community College will provide sick leave to all full-time (regular) personnel. Full-time (other) and part-time (regular) employees are entitled to a pro-rated amount. Part-time (other) employees are not entitled to sick leave. Sick leave will be earned at the rate of 8 hours or 1 day per month, totaling 96 hours or 12 days per year.

## Shared Leave

An employee may donate leave to an employee who has been approved to receive Voluntary Shared Leave because of a medical condition of the employee or of a member of the employee's immediate family that will require the employee's absence for a prolonged period of time.

## Funeral Leave

An employee may use a maximum of three (3) days sick leave when there is a death in the immediate family. Leave exceeding this must be charged to vacation leave or leave without pay. Immediate family is defined as wife, husband, mother, father, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law, grandmother, grandfather, children, grandchildren, step-mother, step-father.

## Parental Leave

Parental Leave, normally not to exceed six months, shall be granted to all full time (regular) and full-time (other) and part-time (regular) employees who are the natural parents of a newborn infant or the parents of a newly adopted child under five years of age. Leave may be extended to twelve months, based on medical certification or unusual circumstances. During the period of disability while on parental leave, the employee will exhaust sick leave and then vacation leave. After sick and vacation leave are exhausted, the employee will be on leave without pay until he/she returns to work.

## Family and Medical Leave

McDowell Technical Community College will adhere to all provisions of the Family and Medical Leave Act of 1993 that requires employers of 50 or more employees to grant up to 12 weeks of unpaid leave per year to employees who need to care for family members. The full text of this Act is available on the webpage for the U. S. Department of Labor (<http://www.dol.gov>). MTCC must post a notice advising employees of their rights under the Act.

## Overview

Covered employers must grant an eligible employee up to a total of 12 work weeks of unpaid leave during any 12-month period for one or more of the following reasons:

1. For the birth and care of the newborn child of the employee;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. To take medical leave when the employee is unable to work because of a serious health condition; **or**
5. To permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 work weeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

An employee is eligible if he/she:

1. Has been employed by the employer for at least 12 months, **and**

2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, **and**
3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

The 12 months an employee must have been employed by the employer need not be consecutive months. If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employer (e.g., workers' compensation, group health plan benefits, etc.), the week counts as a week of employment.

### **Personal Observance Leave**

In alignment with with Executive Order No. 262, MTCC offers up to eight hours of fully paid leave to eligible employees for a day of personal observance to utilize on a day of significance, including days of cultural, religious, or personal observation.

#### **Eligible Types of Employees**

Personal Observance Leave is available only to employees who are permanent, probationary, or time-limited. Temporary employees, interns, and contractors are not eligible for Personal Observance Leave.

To be eligible for Personal Observance Leave, employees must be either (a) full-time or (b) part-time with a schedule that is at least half-time. Part-time employees are not eligible for Personal Observance Leave if they work less than half-time.

#### **Amount of Leave**

Full-time employees will receive eight hours of Personal Observance Leave each year. Part-time employees will receive a prorated amount based on their number of hours compared to a full-time schedule.

#### **Use of Leave**

##### *When the Leave Can Be Used*

Personal Observance Leave may be used for any single day of personal significance. This includes, but is not limited to, days of cultural or religious importance. The day used for Personal Observance Leave does not have to be a day from the employee's own religious or cultural background.

The total amount of Personal Observance Leave awarded to an employee must be utilized in one work shift. Employees may use Personal Observance Leave prior to exhausting any accumulated compensatory time (comp time).

This leave expires if not used by the end of the year. It will not be carried into the next year, has no cash value, and cannot be converted into retirement credit.