

SECTION .0400 – ANNUITIES AND PENSIONS

16 NCAC 06C .0401 VACATION LEAVE

(a) All full-time or part-time permanent public school employees who are working or on paid leave for at least one-half of the calendar days in a month shall earn vacation leave, based on length of state service in North Carolina.

(b) A part-time permanent employee in a budgeted position shall earn vacation leave on a pro rata basis.

(c) Local boards of education may choose to record leave earned in hours. If leave is recorded in hours, the leave earned as indicated in this Paragraph shall be multiplied times the regular number of hours worked per day. Employees shall earn vacation leave as follows:

Yrs. of State Service	Days Per Month of Employment
Less than 2 yrs.	1.00
2 but less than 5 yrs.	1.15
5 but less than 10 yrs.	1.40
10 but less than 15 yrs.	1.65
15 but less than 20 yrs.	1.90
20 yrs. or more	2.15

(d) LEAs shall credit state service for full-time or part-time permanent employment figured on the same basis as for longevity pay. The LEA must establish the anniversary date for each employee on the basis of the employee's state service.

(e) The LEA may advance vacation leave to an employee.

(f) The LEA shall transfer unused vacation leave when an employee transfers between LEAs. An employee may have leave transferred to or from a state agency or institution, community college or technical institute, a position subject to the State Personnel Act in a local mental health center, public health, social services or emergency management agency, if the receiving agency is willing to accept the leave; otherwise, the employee shall be paid in a lump sum for accumulated leave not to exceed 30 workdays or 240 hours, according to the earning rate.

(g) Leave payment at separation shall be subject to the following:

- (1) An employee who is overdrawn on leave when he or she separates will have the excess leave corrected through a deduction from the final salary check.
- (2) Payment for leave may be made on the regular payroll or on a supplemental payroll. The LEA shall make payment from the same source of funds and in the same proportion as the employee's salary is paid.
- (3) Terminal leave payment shall be subject to the same deductions as salary, including retirement.
- (4) The receipt of lump sum payment and retirement benefit shall not be deemed dual compensation.
- (5) The LEA shall make payment for unpaid salary, terminal leave and travel of a deceased employee to the personal representative of the deceased employee, or if there is no personal representative, to the Clerk of Superior Court of the county in which the employee resided.

(h) Each LEA shall maintain leave records for all employees. LEAs must inform employees of their leave balances at least once a year. LEAs must retain leave records for separated employees for at least five years from the date of separation.

(i) Leave must be taken in one-half days, whole days, or hours as determined for earning purposes by the local board.

(j) School bus drivers and instructional personnel who require a substitute may take vacation leave only on days when students are not in attendance. Instructional personnel who do not require a substitute may take vacation leave on any day school is in session. LEAs may designate specific scheduled workdays for required attendance. Employees may charge leave taken only to scheduled teacher workdays and the ten vacation leave days scheduled in the school calendar.

(k) Other employees may take vacation leave instead of sick leave. These employees must have an opportunity to take annual leave earned in the school year.

*History Note: Authority G.S. 115C-272; 115C-285; 115C-302.1; 115C-316;
Eff. July 1, 1986;
Amended Eff. July 1, 1994; October 1, 1993; December 1, 1991; March 1, 1990;
Temporary Amendment Eff. November 15, 1995;
Amended Eff. July 1, 2001.*