

#### **16 NCAC 06C .0404 LEAVE WITH PAY**

The LEA shall not make deductions from public school employees' salaries in the following cases:

- (1) The employee is absent on sick leave in accordance with Rule .0402 of this Section.
- (2) The employee is absent due to community responsibility, as approved by the superintendent. Substitutes for these persons may not be paid from state funds.
- (3) The employee is attending meetings or performing duties as a member of the SBE, the State Textbook Commission, the Board of Governors of the Governor's Schools, a case manager hearing, or a commission or committee appointed by the Governor, the State Superintendent, the SBE or the General Assembly. Substitutes for these persons will be paid from state funds.
- (4) The employee is absent due to jury duty, attendance at court in connection with the employee's official duties, or attendance at court under subpoena or court order as a witness to a crime. The employee may not receive witness fees in addition to regular salary.
- (5) The employee has been assigned by the superintendent to attend an in-service school project conducted by the administrative unit. Substitutes for these persons will be paid from local funds.
- (6) The employee has been suspended with pay under G.S. 115C-325(f1). The LEA shall pay persons employed to replace the suspended employee a salary based on the replacement's certification. The LEA shall make payment from the same source of funds as the person suspended was paid.
- (7) The employee is absent pursuant to 1 NCAC 8C .2900 (military leave).
- (8) The employee is absent due to injury or disability which is covered by G.S. 115C-338.
- (9) The employee may be absent for no more than two days in a school year due to bona fide religious holidays which are not already scheduled as vacation days or holidays in the school calendar. The superintendent must approve these absences in advance and the employee must make up the time missed.
- (10) Upon recommendation of the superintendent, the local board of education may grant leave with pay for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee on leave.

*History Note: Authority G.S. 115C-12(8); 115C-408; N.C. Constitution, Article IX, Sec. 5;  
Eff. July 1, 1986;  
Amended Eff. July 1, 2001; March 1, 1990; August 1, 1987.*