



## STATE BOARD OF COMMUNITY COLLEGES Public Comments

### Proposed Amendment of 1C SBCCC 200.94 - "Holiday Leave" Comment Period Ending 22 March 2018

RESPONDENT	COMMENT/RECOMMENDATION	SYSTEM OFFICE RESPONSE
<p><b>A-B Tech CC</b> Robert Keith, RN Instructor</p>	<p>Collectively there are thousands of curricular programs across the state of North Carolina within our system that are programmatically accredited by outside organizations. Part of maintaining programmatic accreditation includes but is not limited to the completion of annual reports. A component of that report is the entry of our upcoming annual calendar, which for our college (and likely most others) was already finalized and approved by our board of directors. Because we are all no doubt somewhere between completing and near submitting these annual reports, we must have accurate information to enter in these reports immediately. For that reason, I respectfully request that you consider the following as solutions to the dilemma many of our colleges are faced with. One recommendation might be to have these new calendar holiday dates revised and finalized within the next few weeks. Perhaps a more pragmatic approach would be to suggest deferment until the next academic calendar is drafted, which will be for the 2019-2020 academic year. I appreciate your reading and look forward to a timely resolution to this matter.</p>	<p>The public comments submitted identify various issues for State Board consideration when making a policy decision on the proposed rule. System Office staff provide the following clarifications for the State Board's consideration when evaluating comments:</p> <ul style="list-style-type: none"> <li>• The holiday leave rule does not require a college to change when classes are scheduled to be in session or when the college is scheduled to be closed.</li> <li>• Colleges will still maintain the flexibility to choose which holidays to observe, as do universities. Currently there are days when State employees have a day off in observance of a holiday but university employees do not and vice versa.</li> <li>• As noted in the Office of State Auditor report issued January 25, 2018, the UNC System requires employees to use paid leave or accrued compensatory time for any additional days the universities are closed beyond 12 paid holidays.</li> <li>• In addition to 12 paid holidays, all permanent public school employees earn annual vacation leave at rates consistent with State employees. Also LEAs must schedule and take 10 days of annual vacation leave in the school calendar.</li> <li>• There is no prohibition against colleges adopting local personnel policies offering 24 hours each year of community service leave or other leave benefits provided to State employees.</li> </ul>
<p><b>A-B Tech CC</b> Starr Silvis Instructor</p>	<p>I worked for NCDENR for 7 years and am now an instructor at AB Tech. During my time with the state it has been obvious that all TSERS members do not earn leave at the same rate. For example, community service leave with NCDENR was 24 hrs per year, AB Tech is only 8 hrs. The UNCA system allows monthly accumulation of leave at a far higher rate than the rest of state employees. Furthermore, the job duties for each position within the state are not the same. It makes little to no sense to make system wide changes in the name of consistency when there are so many other inconsistencies. In the educational system the college is not open during many student breaks. It is beyond employee control and should not take away from our discretionary leave balances. Furthermore, we all spend countless hours outside of normal business hours grading, answering student emails, and other tasks that are required for our job. Yet we do not accumulate comp time like other TSERS members.</p> <p>This effort is wasted time and energy on a non-issue. Unless all state employees earn all leave at the same rate and have identical job descriptions this is merely a misguided policy change.</p>	

RESPONDENT	COMMENT/RECOMMENDATION
<p><b>A-B Tech CC</b> Christi Cortese STEP Education Navigator</p>	<p>From a fiscal standpoint, the cost of operating the physical plant of a community college, such as Asheville Buncombe Technical Institute is an exceeding large sum. Apart from any personal feelings on the issue at hand, I see a strong argument for allowing colleges more leeway in the amount of days allowed as holidays to leave room for necessary closedowns during times where students are not in classes. The week between Christmas and New Year's is a time when classes do not take place, and faculty/staff are not necessary. Faculty/Staff being at the college during this time would serve no purpose but to adhere to this new requirement. Inevitably, staff with the ability to take time off, would choose to take vacation days during this time, and the number of staff at the school would inevitably decrease. Some staff however, mainly newer staff, wouldn't have the built-up leave time, and may need to work at the school during this time. The cost of running the school half, or partially full during this time, when money can be saved, would be expensive and lead to very little return. I am not aware of the exact cost of running the school, or what the cost benefit analysis would be exactly, but I can see that there is little reason to pay money to keep the physical school plant running, just so a handful/or a significantly smaller number of employees can work on campus at a time where there is little to do, and no students to provide assistance to.</p> <p>I see a need to do a cost/benefit analysis of keeping open large campuses and for a system that should be thinking about where money is going, and looking into best practices to save money when necessary, I ask that the State Board Community College System look into these monetary matters before they make a decision on the vacation days allowed in community colleges.</p>
<p><b>Brunswick CC</b> Dr. Susanne Adams President</p>	<p>The proposed amendment...is unjustified. There are already inequities in the system. State employees and employees at other community colleges are paid substantially more than at BCC. This is a pay cut. A generous leave policy is taken into consideration when someone accepts a lower paid position – they are accepting time in lieu of money. The extra four days “possible” to be awarded at BCC is a way for the College to recognize the dedication of employees while staying within budget. Arbitrarily reducing paid leave without a corresponding increase is asking for poor morale. Please reconsider this policy.”</p>
<p><b>Gaston CC</b> Gail Ford</p>	<p>With all due respect, I am emailing regarding the rulemaking process to amend 1C SBCCC 200.94 - “Holiday Leave.” Over the past 20 plus years, I have worked in education with 17 years in the Community College System. During my tenure in the NCCCS, raises and cost of living supplements have decreased dramatically while workloads have increased due to lack of rehires. At times, raises often have not been granted, or if so, totaled 1% for the year. Given bonus pay has been appreciated, but it does not increase higher retirement living benefits. In 2017, three days of bonus leave were granted. If the holiday leave is removed, it will be both discouraging and morale defeating. It will be as if no incentive actually occurred. While the NC System may be attempting to make colleges more equitable in leave, it does not take into consideration the circumstances of each individual college and its staff. A blanket policy from the State should not be the result of the perceived mismanagement of leave by one community college. It is my understanding the majority of community colleges in North Carolina are reasonable in granting holiday leave. Working for the North Carolina College System is both a responsibility and a privilege, but the concerns of employees need to be considered. Thank you very much for allowing me to voice my thoughts and comments</p>

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<p><b>General Public</b> Anonymous</p>	<p>The NC Auditor office and the North Carolina Community College system proposal to limit holiday leave for community college employees is sheer hypocrisy for the following reasons.</p> <p>North Carolina community college system employees are consistently left out of any meaningful raises that our counterparts (NC public schools and NC University system) receive, for example, consecutive years of 5% raises for public school teachers, upward pay scale (step scale) to reward and compensate for experience, etc. This occurs even though we teach the exact same students, community college teachers are teaching an increasing amount of early college/career and college promise students still in high school and of course we teach a large number of students that transfer to four-year universities. We literally teach equivalent courses of the university system, yet we do not receive the same pay. NC ranks 45<sup>th</sup> in the nation in teacher pay.</p> <p>Due to lack of funding, community colleges use “extra” holiday leave as recruitment tools in lieu of monetary compensation. NC community college system only receives 20% of the state education budget even though it teaches students from high school, university, and the workforce. We teach senior citizens, adults, and young adults of all ages.</p> <p>Community college employees do not receive personal leave, which public school teachers receive. NC public school teachers earn .20 days of personal leave each month. Public school teachers can take 2 days of personal leave each year, if they pay for the sub. Of course, NC public school teachers earn more than sub pay so they still earn wages for the personal leave days. NC public school teachers can bank up to 5 personal leave days then the rest goes to sick leave, which of course can lead to early retirement. So, if this issue is really about the health of the NC pension maybe you should start here, considering there are many more public-school teachers than community college teachers.</p> <p>NC community college faculty are considering 9-month faculty but consistently have contracts that exceed 9 months. Some schools have contracts that exceed 9 months by 1 week. Any “extra” holiday leave that was taken compensates for working the extra week.</p> <p>Your attempt to make all state employees “equal” is laughable considering there are so many discrepancies to begin with. The lack of support the system office and college presidents have given to their employees on this issue is staggering. I urge you to take our considerations seriously on this matter.</p>
<p><b>General Public</b> Joy Morrow</p>	<p>I am writing to respond to the potential amendment for 1C SBCCC 200.94 – “Holiday Leave.” I feel that Holiday Leave should be left to the individual institution to decide if we should have 12 or 15 days of holiday leave. The private sector decides how many holidays they provide for their employees, so why should the state dictate to each individual institution that we should only have a certain number? I do understand if there is a maximum of days that should be considered, but I think it is best to leave it to the local college to determine.</p>

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<p><b>General Public</b> David Onder</p>	<p>I would hope as you consider changes to this code, you would consider the inequality created (not just the one eliminated) between the community college employees and the other State employees. What is at issue here is the fact that all (or at least almost all) the community colleges (and universities for that matter) shut down during the break between Christmas and New Year's Day. For the community colleges, Boards of Trustees have opted to give their employees local days for the days not provided by the state during that time. The question is, why do the schools shut down for that entire week? Is there a good reason for doing so? If there is, maybe a compromise should be proposed.</p> <p>It is my understanding that schools do this to save on energy and personnel. It would seem to me that there is little work to be done during this time as most people (i.e., people interested in going to college) are too busy with the hustle and bustle to come in and register. And if they are interested, they have to hope they pick the right days, as campuses are closed a number of days that week.</p> <p>I know they proposed changes allow for schools to be closed the entire week by moving other holidays to be "observed" during the Christmas break (which is how some universities in NC do it). However, this just means that community college employees now need to work on a day that is a holiday for all the other state employees. Which holidays do you move? Memorial Day? Fourth of July? Labor Day? Shouldn't we observe these days as an educational institution. If colleges do not move other holidays, then employees may be forced to use an annual leave day while the school is closed. Are community college employees compensated for this? How do we balance the needs to reduce costs on both sides of the equation?</p> <p>I believe the true impetus behind this proposed change is in response to at least one school with excessive local holidays. Wouldn't it be more prudent to restrain the use of local holidays in light of the considerations above? Why not allow community colleges (and universities for that matter - although this rule only applies to community colleges) to adopt the remaining days during the Christmas break as local holidays? Do we need state legislatures to allow this through state law or can this be done through State Board Code?</p>
<p><b>General Public</b> Jennifer Hubbard</p>	<p>In regard to the proposed change for the NC Community Colleges, it brings up the question as how is it fair to target Community Colleges but not local school systems? What is the leave/holiday schedule? Does it take into consideration Christmas Break, Spring Break and Summer Break? Granted I understand summer break is not a paid portion of their salary, but the other two are paid breaks for those employees. What are teachers/staff of local school systems accrual rates of annual /sick leave? How does the staff use those days through the year and on these breaks?</p> <p>My comment is in hopes that the board or committee is looking at this in a broader scope to ALL State Employees and not just NC Community College employees. An investigation should look at all state agencies including the school systems to determine how each division is handling these situations. Once all the above questions are answered, then it can be a fair comparison of the benefits given to all State Employees.</p> <p>Just as teachers consider these breaks part of their compensation package and as an offset to lower wages, we staff also feel the days off are part of our compensation package. Its time to stop comparing teacher vs staff, but group us all together as state employees.</p>

RESPONDENT	COMMENT/RECOMMENDATION
<p><b>NCCCS Office</b> Jennifer Haygood Acting President</p>	<p>To promote smooth implementation of the proposed rule, I recommend that the rule be effective July 1, 2018, consistent with the start of the new fiscal year.</p>
<p><b>Southwestern CC</b> Amanda Allen HR Administrator</p>	<p>(1). I believe the proposed amendment does little to create equity among all TSERS members and would cripple the recruitment potential for community colleges. General Statute 126-4:5 governs state employee leave</p> <p>(2). While it does include 12 annual holidays, it also includes other paid leave opportunities - for Community Service and "Literacy Programs" - of which community college employees are not allowed to participate. Additionally, there are other considerations, including an extension of FMLA leave and a more liberal voluntary shared leave program available to non-NCCCS employees. All of these differences can unfavorably affect a community college employee's retirement. Amending the Holiday Leave policy within the System will do little to create equity among all state employees and TSERS members. My primary concern is the effect of the proposal upon NCCCS recruiting potential and employee retention. Currently, the College calendar and leave dates are a great recruiting tool. Many community college employees, especially those in healthcare or other professionally licensed fields, would earn drastically more money in the private sector, or even in other divisions of state employment, which are traditionally better funded by the North Carolina General Assembly's budget. Our greatest benefit to these applicants is a more relaxed, regular schedule. Oftentimes, this change of professional pace is the tipping point in our favor; they are willing to sacrifice their salary to have more time off. Without this benefit, I believe we will struggle to recruit or retain exceptional, qualified employees. The State spends tens of millions of dollars annually on costs associated with turnover, including repetitive recruitment and retraining</p> <p>(3). The proposed policy change would only increase the difficulty and cost of recruitment for both our system and state. Additionally, the proposed amendment includes problematic wording that would, in effect, create discrepancies within our own system and institutions between faculty and staff which again, will hinder effective recruitment. Currently, at our institution, when the College is officially closed for a holiday, all employees are off. When classes are not in session but the College is open - over 25 days including, but not limited to Fall, Spring and Easter breaks - faculty are off, but staff are expected to report for regular work hours. As the amendment stands now, <i>"local community college boards of trustees ... may require employees to take annual leave, special leave..., accumulated compensatory leave, or leave without pay on days other than holidays when classes are not scheduled to be in session."</i> Including the wording about dates when <i>"classes are not scheduled to be in session"</i> would essentially force staff to use leave, again creating an inequity with regards to retirement. The wording should strike the specific mention of dates <i>"when classes aren't in session."</i> It is my opinion that much can be done to "avoid potential inequities" between TSERS members, including a review of paid leave programs and salary calculations. However, this proposed amendment requires more research, revision, and cross-referencing, to become a well-developed guideline that retains and does not deteriorate the benefits of NCCCS employment.</p>

RESPONDENT	COMMENT/RECOMMENDATION
<p><b>Southwestern CC</b> Nick Connor Systems Administrator</p>	<p>Personally, I think that the proposed amendment to reduce the number of paid holidays from 16 to 12 for full-time staff members is a poor one. The state cites their reasoning for this as "To avoid potential inequities between community college and State employees."</p> <p>I would argue that those 4 extra paid holidays provide an incentive to work for the community college. Pay rates for the colleges lag significantly behind those in the private sector, at least in IT. In the past, healthcare, retirement, and general benefit advantages acted as motivating factors for employment with both the state and community colleges specifically, but those benefits grow more anemic year by year.</p> <p>At conferences, I hear all community colleges bemoaning their collective inability to recruit top talent in IT due to noncompetitive salaries. I think that every incentive to work for a community college should be kept intact in order to make staffing decent talent easier.</p> <p>To further underscore the value of paid time off, I would note that the state often offers extra vacation days to Community College employees when salary increases are denied.</p> <p>Paid holidays are an alternative form of compensation that community colleges excel in offering. It's one of the few advantages that we have in terms of compensation. I would advise against degrading this feature of employment at NC community colleges.</p>
<p><b>Southwestern CC</b> Faculty Senate</p>	<p>The Faculty Senate recently voted in favor of supporting our staff by opposing the 25% reduction of SCC staff holidays as proposed by state leaders. Below is our response:</p> <p><i>"We, the Southwestern Community College Faculty Senate, are writing to express our support for the staff of Southwestern Community College in Western North Carolina. SCC's staff members play a vital role in the College's mission of promoting student achievement, academic excellence and economic development. SCC's Faculty Senate urges the State Board of Community Colleges to reconsider its proposed rule affecting community college employees' paid Holiday Leave.</i></p> <p><i>We hope that SCC will be permitted to maintain the current employee benefits afforded to its staff in recognition of their essential work on behalf of the college.</i></p>

RESPONDENT	COMMENT/RECOMMENDATION
<p><b>Southwestern CC</b> Sheryl Monroe Employment &amp; Benefits Manager</p>	<p>While I understand and appreciate the desire to “avoid potential inequities between community colleges and State employees participating in the same Teachers and State Employee Retirement System (TSERS)1, I believe this proposed change will have a negative effect on Community Colleges.</p> <p>First off, Community Colleges, especially in rural areas, are funded at a lower rate than many, if not all, state universities as well as many other sectors. This creates an additional hardship to finding qualified people willing to work for lower salaries. Having paid time off goes towards off-setting the lower salaries, thereby increasing retention and healthy morale of our most qualified employees. Retention rates and morale of existing employees is also a key element in recruiting qualified applicants as they see our community college as a desirable place to work even with the lower monetary compensation.</p> <p>Secondly, our employees have limited selection of vision providers that accept any of the supplemental insurance we can offer, therefore must take additional time off and travel to other cities in order to receive care. None of the dentists in the local area accept any of the supplemental dental insurance options available, also creating the need to take additional time off to travel to dental appointments. Larger areas have better services locally, lessening the need for longer periods of time off for appointments.</p> <p>Thirdly, North Carolina community colleges do not participate in Community Service or “Literacy Programs” leave. These two programs make up the additional 3 days of paid holiday leave that allow other State TSERS agencies to take 15 or more paid “holiday” leave days. Capping community colleges to 12 paid holiday leave when not authorized to take the Community Service and Literacy Programs leave causes an inequity in the system.</p> <p>I respectfully request that this amendment be stricken until such a time as a comprehensive review of all factors involved in recruiting, retention and morale of our workforce can take place. Our local Board of Trustees should be allowed to take necessary steps to ensure that employee needs are met locally without generating inequities between our college and other State employees participating in TSERS.</p>
<p><b>Southwestern CC</b> Melanie Price Educational Opportunities Coordinator</p>	<p>The stated purpose “To avoid potential inequities between community college and State employees participating in the same TSERS” is both insufficient and inadequate. Agencies across the state (any state) operate for specific purposes, to meet specific needs of the population. In so doing, agencies and their employees operate on various calendars, days, times of day, etc. with the holidays being no exception.</p> <p>Schools and colleges function on different timetables than other agencies and departments. When people apply to work at them, they take that into consideration. People are drawn to work in education for different reasons than they are drawn to work elsewhere. I know if I apply to become a State Trooper or other state emergency personnel that I may be paid for holidays, but I am probably going to have to work on them because that is the nature of that type of job. If the logic is “to avoid potential inequities” then should all state employees not be given the opportunity to work on holidays and be paid double time?</p> <p>If the State Board of Community Colleges’ strategic plan is “aimed at improving how community colleges provide high quality, accessible educational opportunities to North Carolinians,” it is being counter-productive with its assault on the community colleges’ Holiday Leave by devaluing the system’s employees and undermining the effectiveness of its Boards of Trustees. I urge NCCCS to examine other states and their college systems, and not take this narrow approach, for in its attempt “at improving” the system, it strikes a blow at employee morale and does not reward but punishes those responsible for carrying out the strategic plan.</p>

RESPONDENT	COMMENT/RECOMMENDATION
<p><b>Southwestern CC</b> Lisa Sizemore HR Director</p>	<p>I understand and appreciate the desire to “avoid potential inequities between community colleges and State employees participating in the same Teachers and State Employees Retirement System (TSERS).” However, the proposed amendment does not create equity among TSERS members and restricts recruiting outcomes for community colleges. In addition, the proposed amendment language actually erodes TSERS benefits for community college staff, creating an inequity among TSERS members. Concerns include:</p> <p>The state audit narrowly focused on Holiday Leave and did not review all leave options to TSERS members. In specific, our college does not offer Community Service and “Literacy Programs” leave. Our college, and most others, only observe 15 paid holidays. The 12 state-approved holidays plus the 3 Community Service leave days for state employees equals the 15 holidays we observe. Our policy does not create an inequity among TSERS members.</p> <p>Minimal state budget allotments to community colleges and the mandate to ensure we attract and retain quality staff and faculty is already at odds with our current compensation offerings. If paid leave time is reduced below the amount other state employees receive we are at a further disadvantage. A reduction of our current approved holidays without allowing the three Community Service days is a reduction in our staff paid leave time below other state employees.</p> <p>The proposed amendment indicates leave earning staff must take paid leave time for all days class is not in session. This actually closes our college and forces staff to use all leave time during the specified class breaks. Operations will be greatly hampered as the entire college will be closed 25 more days than our current schedule. This negatively affects our TSERS members as employees with tenure under 15 years will be forced to take up to 9 days off each year without pay.</p> <p>This audit and subsequent response would benefit from a comprehensive review of leave-time offered. This would yield a proposal which truly ensures equity among TSERS members. This includes quantifying turnover costs associated with employee departures due to the current inequities for community college employees.</p> <p>We manage the situation locally. Our Board of Trustees ensures compensation and benefit packages meet the needs of our communities. We appreciate the state level benefits we are afforded. It assists in our success and provides transferable benefits should our employees need to relocate within the state. I respectfully request this amendment be stricken, comprehensive research conducted, and proposed state guidance presented allowing local Boards to appropriately address the needs of our communities.</p>
<p><b>Southwestern CC</b> Donna Wilson Administrative Assistant</p>	<p>I am writing to oppose the proposed Holiday Leave amendment, which would reduce Southwestern Community College's number of Board of Trustees approved paid Holiday Leave days from 16 to 12. I feel that different agencies operate for specific purposes and that when people accept jobs at NC Community Colleges they do so knowing the "perks" of the positions. We (or at least myself) don't make a lot of money but having the paid holidays makes us feel more appreciated. I enjoy working in education but it begins to feel as if we are taken for granted and that "just any old warm body" will be good enough for the community colleges. If we are going to have benefits taken away I feel that we should be paid better. If the plan is "aimed at improving how community colleges provide high quality, accessible educational opportunities to North Carolinians," it is being counter-productive with its assault on the community colleges' Holiday Leave by devaluing the system's employees and undermining the effectiveness of its Boards of Trustees. I urge NCCCS to examine other states and their college systems and consider not punishing those who love what we do and desire to serve the communities of Western North Carolina.</p>



1                                   **STATE BOARD OF COMMUNITY COLLEGES**  
2                                   **TITLE 1 – COMMUNITY COLLEGES**

3  
4                                   **CHAPTER C. PERSONNEL**

5  
6                                   **SUBCHAPTER 200. PERSONNEL POLICIES**

7  
8   **1C SBCCC 200.94 Local College Personnel Policies**

9 (a) Each local board of trustees shall adopt, publish, and implement personnel policies,  
10 consistent with all applicable statutes, rules, and regulations, addressing the following  
11 issues:

- 12 (1) Adverse weather;  
13 (2) Annual leave (vacation);  
14 (3) Drug and alcohol use;  
15 (4) Civil leave;  
16 (5) Communicable disease;  
17 (6) Compensatory leave;  
18 (7) Definitions of the employment categories and benefits for each:  
19 (A) Full-time permanent,  
20 (B) Part-time permanent,  
21 (C) Full-time temporary, and  
22 (D) Part-time temporary;  
23 (8) Disciplinary action addressing suspension and dismissal;  
24 (9) Educational leave (reference 1C SBCCC 400.96);  
25 (10) Employee evaluation process;  
26 (11) Employee grievance procedures;  
27 (12) Employee personnel file;  
28 (13) Hiring procedures (describing procedures used for employment of both full- and  
29 part-time employees);  
30 (14) Leave transfer;  
31 (15) Leave without pay;

- 1 (16) Longevity pay plan (reference 1C SBCCC 400.98);
- 2 (17) Military leave (reference 1C SBCCC 400.97);
- 3 (18) Nepotism (reference 1C SBCCC 200.98);
- 4 (19) Non-reappointment;
- 5 (20) Other employee benefits;
- 6 (21) Political activities of employees (reference 1C SBCCC 200.99);
- 7 (22) Professional development;
- 8 (23) Reduction in force;
- 9 (24) Salary determination methods for full- and part-time employees that address at  
10 least the following:
  - 11 (A) Provisions and criteria for salary determination,
  - 12 (B) Requirements for annual salary review, and
  - 13 (C) Establishment of salary formulas, ranges, or schedules;
- 14 (25) Sexual harassment;
- 15 (26) Tuition exemption (reference 1E SBCCC 300.99; 800.97; and 900.98);
- 16 (27) Sick leave consistent with provisions of the State Retirement system;
- 17 (28) Secondary Employment that addresses conflict with the employee's primary  
18 job responsibilities and institutional resources (the local board of trustees shall  
19 approve or disapprove any secondary employment of the president; the president  
20 or any member of the college's senior administration designated by the president  
21 shall approve or disapprove secondary employment of all full-time employees);  
22 and
- 23 (29) Shared leave consistent with subsection (c) of this section.
- 24 (30) Providing a preference for veterans, as defined in G.S. 128-15, in hiring  
25 decisions.
- 26 (b) Each local board of trustees shall submit copies of these policies, including  
27 amendments, to the NC Community College System President's office upon adoption.
- 28 (c) Shared Leave Policy
  - 29 (1) Purpose: The purpose of the Voluntary Shared Leave Program is to allow an  
30 employee to donate leave, as allowed in this rule, to an employee who has been  
31 approved to receive leave through the Voluntary Shared Leave Program because

1 of a medical condition of the employee or of a member of the employee's  
2 immediate family that will require the employee's absence for a prolonged period  
3 of time.

4 (2) In cases of a prolonged medical condition an employee may apply for or be  
5 nominated to become a recipient of leave transferred from the vacation leave  
6 account of another employee, from the sick leave or vacation account of an  
7 immediate family member as defined in section of this (c)(8) of this Subchapter or  
8 from the sick leave account of a non-family member as provided in (c)(11)(B) of  
9 this Rule. For purposes of this Rule, prolonged medical condition means medical  
10 condition that is likely to require an employee's absence from duty for a period of  
11 at least 20 consecutive workdays. If an employee has had previous absences for  
12 the same condition that has caused the employee to not have enough leave to  
13 cover the new need for leave or if the employee has had a previous, but different,  
14 prolonged medical condition within the last 12 months, the college may waive the  
15 requirement that the employee be absent from duty for a period of 20 consecutive  
16 workdays to participate in the program.

17 (3) An employee who receives benefits from the Disability Income Plan of North  
18 Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared  
19 leave, however, may be used during the required waiting period and following the  
20 waiting period provided DIPNC benefits have not begun.

21 (4) Participation in the voluntary shared leave program shall be limited to 1,040 hours,  
22 (prorated for part-time employees), either continuously or, if for the same condition,  
23 on a recurring basis. However, management may grant employees continuation in  
24 the program, month by month, for a maximum of 2,080 hours, if management  
25 would have otherwise granted leave without pay.

26 (5) An employee on workers' compensation leave who is drawing temporary total  
27 disability compensation may be eligible to participate in the voluntary shared leave  
28 program. Use of donated leave under the workers' compensation program shall  
29 be limited to use with the supplemental leave schedule as described in 25 NCAC  
30 01E .0707.

31 (6) The employee shall exhaust all available leave before using donated leave.

1 (7) Non-qualifying conditions: This leave does not apply to short-term or sporadic  
2 conditions or illnesses that are common, expected or anticipated as determined by  
3 the college president or the college president's designee. This includes such things  
4 as sporadic, short-term recurrences of chronic allergies or conditions; short-term  
5 absences due to contagious diseases; or short-term, recurring medical or  
6 therapeutic treatments. These examples are illustrative, not all inclusive. Each  
7 case must be examined and decided based on its conformity to the intent of this  
8 Rule and must be applied consistently and equitably.

9 (8) For purposes of this Section, immediate family means:

10 (A) Spouse: A husband or wife;

11 (B) Parent:

12 (i) a biological or adoptive parent; or

13 (ii) an individual who stood in loco parentis (a person who is in the position or  
14 place of a parent) to an employee when the employee was a child; or

15 (iii) a step-parent; or

16 (iv) in-law relationships;

17 (C) Child: A son or daughter who is:

18 (i) a biological child; or

19 (ii) an adopted child; or

20 (iii) a foster child (a child for whom the employee performs the duties of a parent  
21 as if it were the employee's child); or

22 (iv) step-child (a child of the employee's spouse from a former marriage); or

23 (v) a legal ward (a minor child placed by the court under the care of a guardian);

24 or

25 (vi) a child of an employee standing in loco parentis; or

26 (vii) in-law relationships;

27 (D) Sister or brother - biological, adoptive (including step-, half- or in-law  
28 relationships);

29 (E) Grandparents, great grandparents, grandchildren, great grandchildren  
30 (including step relationships); and

31 (F) Other dependents living in the employee's household.

- 1 (9) Administration
- 2 (A) All colleges shall develop policies and procedures to implement the voluntary
- 3 shared leave program.
- 4 (B) Colleges shall not establish a leave "bank" for use by unnamed employees.
- 5 Leave shall be donated on a one-to-one personal basis.
- 6 (10) Qualifying to Participate in Voluntary Shared Leave Program. To participate in
- 7 the Voluntary Shared Leave Program, an employee shall meet the following
- 8 conditions:
- 9 (A) A donor or recipient shall have a half-time or more permanent, probationary, or
- 10 time-limited appointment (The limitation and leave balance for permanent part-
- 11 time employees shall be prorated);
- 12 (B) A recipient shall apply or be nominated by a fellow employee to participate in
- 13 the program;
- 14 (C) A recipient shall produce medical evidence to support the need for leave
- 15 beyond the available accumulated leave; and
- 16 (D) The parent college shall review the merits of the request and approve or
- 17 disapprove according to these Rules.
- 18 (11) Donor Guidelines
- 19 (A) An employee of a community college may donate vacation leave, bonus leave
- 20 or sick leave to an immediate family member in any State agency, public school
- 21 or community college. An employee of a community college may donate
- 22 vacation or bonus leave to a coworker's immediate family member who is an
- 23 employee in a state agency or public school provided the employee and
- 24 coworker are at the same college. An employee may donate vacation, bonus
- 25 or sick leave to another employee at a community college in accordance with
- 26 the provisions of (c)(11)(B) of this Rule.
- 27 (B) An employee of a community college may donate up to five days of sick leave
- 28 to a non-immediate family member employee of a community college. The
- 29 combined total of sick leave donated to a recipient from non-immediate family
- 30 member donors shall not exceed 20 days per year as defined by local college
- 31 policy. Donated sick leave shall not be used for retirement purposes.

- 1 Employees who donate sick leave shall be notified in writing of the State  
2 retirement credit consequences of donating sick leave.
- 3 (C) The minimum amount of sick leave or vacation leave to be donated is four  
4 hours. An employee family member donating sick leave to a qualified  
5 immediate family member under the Voluntary Shared Leave program may  
6 donate up to a maximum of 1040 hours but may not reduce the sick leave  
7 account below 40 hours.
- 8 (D) The maximum amount of vacation leave allowed to be donated by one  
9 individual is the amount of the individual's annual accrual rate. However, the  
10 amount donated shall not reduce the donor's vacation leave balance below  
11 one-half of the annual vacation leave accrual rate. Bonus leave may be  
12 donated without regard to this limitation.
- 13 (E) An employee may not directly or indirectly intimidate, threaten, coerce, or  
14 attempt to intimidate, threaten, or coerce, any other employee for the purpose  
15 of interfering with any right which such employee may have with respect to  
16 donating, receiving, or using annual leave under this program. Such action by  
17 an employee shall be grounds for disciplinary action up to and including  
18 dismissal on the basis of personal conduct. The donation of leave is  
19 confidential, and only those individuals authorized under G.S. 115D-29 to  
20 access employee personnel file information may view donation information  
21 consistent with G.S. 115D-29. Recipients of voluntary shared leave shall not  
22 have access to information about individuals who donated leave. The  
23 employee donating leave shall not receive remuneration for the leave donated.
- 24 (12) Leave Accounting Procedures. The following conditions shall control the  
25 accounting and usage procedures for leave donations in the Voluntary Shared  
26 Leave program:
- 27 (A) The community college may establish a specific time period during which leave  
28 can be donated.
- 29 (B) All leave donated shall be credited to the recipient's sick leave account and is  
30 available for use on a current basis or may be retroactive for up to 60 calendar  
31 days to substitute for advanced vacation or sick leave already granted to the

1 recipient or to substitute for leave without pay. Donated leave shall be applied  
2 to advanced leave before applying it to leave without pay.

3 (C) At the expiration of the medical condition, as determined by the community  
4 college, any unused leave in the recipient's donated leave account shall be  
5 treated as follows:

6 (i) The recipient's vacation and sick leave account balance shall not exceed a  
7 combined total of 40 hours (prorated for part-time employees).

8 (ii) Any additional unused donated leave shall be returned to active (working or  
9 on leave without pay) donor(s) on a pro rata basis and credited to the leave  
10 account from which it was donated.

11 (D) If a recipient separates due to resignation, death, or retirement from state  
12 government, participation in the program ends. Donated leave shall be  
13 returned to active donor(s) on a pro rata basis.

14 (d) Holiday Leave Policy

15 (1) Full-time employees who are eligible to earn annual leave pursuant to local college  
16 policy shall receive pay for a maximum of 12 paid holidays per fiscal year. Local  
17 boards of trustees shall determine the number of paid holidays for those  
18 employees eligible to earn annual leave up to a maximum of 12 paid holidays per  
19 fiscal year. Part-time employees who are eligible to earn annual leave pursuant to  
20 local college policy shall receive pay for paid holidays on a pro-rata basis.

21 (2) Colleges shall only pay holiday leave to eligible employees who are:

22 (A) In pay status through the day on which the holiday is scheduled, or

23 (B) On a leave of absence without pay, but were in pay status for half or more of  
24 the workdays in the month.

25 Local community college boards of trustees shall determine when holidays are scheduled  
26 on the college calendar and may require employees to take annual leave, special leave  
27 granted by the General Assembly, accumulated compensatory leave, or leave without  
28 pay during time on days other than holidays when classes are not scheduled to be in  
29 session.

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31 *History Note: Authority G.S. 115D-5; 115D-20; 115D-25.3;*

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