



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

***Dr. William S. Carver, II***  
***Interim President***

**NUMBERED MEMO CC23-006**

**TO:** Members of the State Board of Community Colleges, Chairs of the Community College Boards of Trustees, Community College Presidents, Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Chief Financial Officers, Financial Aid Officers, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties

**FROM:** Tawanda Foster Artis  
NCCCS General Counsel

**SUBJECT:** Proposed Amendment of 1C SBCCC 200.94 – Local College Personnel Policies

**DATE:** March 21, 2023

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The State Board of Community Colleges has initiated the rulemaking process to amend **1C SBCCC 200.94 – Local College Personnel Policies**. The proposed amendment would make technical corrections by removing outdated citations referenced in the code and replacing them with the correct citations. The proposed amendment is published on the NC Community College System's website, [www.nccommunitycolleges.edu/sbcccode](http://www.nccommunitycolleges.edu/sbcccode). For your convenience, a copy of the proposed rule, with the changes indicated, are attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language.

Any member of the public has the right to submit written comments on the proposed rule. Please note that any person who submits public comments on behalf of their community college should comply with their college's local

Mailing Address: 5001 Mail Service Center | Raleigh, NC | 27699-5001  
Street Address: 200 West Jones | Raleigh, NC 27603 | Phone: 919-807-7100 | Fax: 919-807-7173

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process for submitting comments on a proposed rule. Written comments on the rule must be received by no later than 5:00 p.m. on April 20, 2023. Any member of the public has the right to request a hearing on the proposed rule. Requests for a hearing must be received by no later than 5:00 p.m. on April 5, 2023. Written comments and requests for hearing shall be directed to the following address: Tawanda Foster Artis, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to **publiccomments@nccommunitycolleges.edu**. Thank you for your attention to this matter.

CC23-006

E-mail Copy  
Attachments



# State Board of Community Colleges Code

## Petition for Rulemaking Form

Date: March 21, 2023

<b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b>	Amend 1C SBCCC 200.94 – Local College Personnel Policies
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Specify whether the SBCC proposes to amend, adopt, or repeal a rule:

<b>Adopt</b> (new rule)	<b>Amend</b> (change existing rule)	<b>Repeal</b> (delete entire rule)
	X	

<b>Rationale for proposed adoption, amendment, or repeal:</b>	The proposed amendment would make technical corrections by removing outdated citations referenced in the code and replacing them with the correct citations.
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<b>Proposed Effective Date of Rule</b>	June 1, 2023
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1C SBCCC 200.94 is proposed for amendment as follows:



1                                   **State Board of Community College Code**  
2                                   **TITLE 1 – COMMUNITY COLLEGES**

3  
4                                   **CHAPTER C. PERSONNEL**

5                                   **SUBCHAPTER 200. PERSONNEL POLICIES**  
6

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

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

- 11 (1) Adverse weather;  
12 (2) Annual leave (vacation);  
13 (3) Drug and alcohol use;  
14 (4) Civil leave;  
15 (5) Communicable disease;  
16 (6) Compensatory leave;  
17 (7) Definitions of the employment categories and benefits for each:  
18 (A) Full-time permanent,  
19 (B) Part-time permanent,  
20 (C) Full-time temporary, and  
21 (D) Part-time temporary;  
22 (8) Disciplinary action addressing suspension and dismissal;  
23 (9) Educational leave (reference ~~1C SBCCC 400.96~~ 1C SBCCC 400.6);  
24 (10) Employee evaluation process;  
25 (11) Employee grievance procedures;  
26 (12) Employee personnel file;  
27 (13) Hiring procedures (describing procedures used for employment of both full- and  
28 part-time employees);  
29 (14) Leave transfer;  
30 (15) Leave without pay;  
31 (16) Longevity pay plan (reference ~~SBCCC 400.98~~ 1C SBCCC 400.8);

- 1 (17) Military leave (reference ~~1C SBCCC 400.97~~1C SBCCC 400.7);
- 2 (18) Nepotism (reference 1C SBCCC 200.98);
- 3 (19) Non-reappointment;
- 4 (20) Other employee benefits;
- 5 (21) Political activities of employees (reference 1C SBCCC 200.99);
- 6 (22) Professional development;
- 7 (23) Reduction in force;
- 8 (24) Salary determination methods for full- and part-time employees that address at
- 9 least the following:
- 10 (A) Provisions and criteria for salary determination,
- 11 (B) Requirements for annual salary review, and
- 12 (C) Establishment of salary formulas, ranges, or schedules;
- 13 (25) Sexual harassment;
- 14 (26) Tuition exemption (reference ~~1E SBCCC 300.99; 800.97; and 900.98~~ 1E
- 15 SBCCC 300.1);
- 16 (27) Sick leave consistent with provisions of the State Retirement system;
- 17 (28) Secondary Employment that addresses conflict with the employee's primary job
- 18 responsibilities and institutional resources (the local board of trustees shall
- 19 approve or disapprove any secondary employment of the president; the
- 20 president or any member of the college's senior administration designated by
- 21 the president shall approve or disapprove secondary employment of all full-
- 22 time employees); 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  
21 parent 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  
24 guardian); 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,  
10 or time-limited appointment (The limitation and leave balance for permanent  
11 parttime 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  
20 leave or sick leave to an immediate family member in any State agency, public  
21 school 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 or  
25 sick leave to another employee at a community college in accordance with the  
26 provisions of (c)(11)(B) of this Rule.

27 (B) An employee of a community college may donate up to five days of sick  
28 leave 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. Employees



1 who donate sick leave shall be notified in writing of the State retirement credit  
2 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 immediate  
5 family member under the Voluntary Shared Leave program may donate up to a  
6 maximum of 1040 hours but may not reduce the sick leave account below 40  
7 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 one-  
11 half of the annual vacation leave accrual rate. Bonus leave may be donated  
12 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 of  
15 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 an  
17 employee shall be grounds for disciplinary action up to and including dismissal  
18 on the basis of personal conduct. The donation of leave is confidential, and only  
19 those individuals authorized under G.S. 115D-29 to access employee personnel  
20 file information may view donation information consistent with G.S. 115D-29.  
21 Recipients of voluntary shared leave shall not have access to information about  
22 individuals who donated leave. The employee donating leave shall not receive  
23 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  
28 leave 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  
31 calendar days to substitute for advanced vacation or sick leave already

1 granted to the recipient or to substitute for leave without pay. Donated leave  
2 shall be applied 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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1 *History Note: Authority G.S. 115D-5; 115D-20; 115D-25.3;*  
2 *Eff. September 1, 1993;*  
3 *Amended Eff. \_\_\_\_\_; [July 1, 2018](#); [May 1, 2017](#); May 1, 2008;*  
4 *May 1, 2005; January 1, 1996.*

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