

## Family Illness Leave Policy

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### § 1. Purpose

Family Illness Leave is provided for an employee to care for the employee's child, parent or spouse where that child, spouse or parent has a serious health condition. It is not provided for the employee's illness.

The Family Illness Leave provides a limited extension of the benefits beyond the 12 weeks provided under the Family and Medical Leave Policy. Family Illness Leave does not run concurrently with Family Medical Leave. Eligibility for Family Illness Leave begins only after the Family Medical Leave benefit is fully exhausted.

An employee may not waive his/her Family and Medical Leave benefit by instead choosing to go on Family Illness Leave.

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### § 2. Definitions

See the [Family and Medical Leave Policy](#) for definitions of child, parent, spouse, and serious health condition

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### § 3. Covered Employees and Eligibility

An employee's eligibility for Family Illness Leave shall be made based on the employee's months of service and hours of work as of the date leave is to commence.

## Family Illness Leave Policy (cont.)

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An employee is eligible if the employee has:

- a full-time or part-time (half-time or more) permanent, probationary, or time-limited appointment,
- 12 months total service with the State, and
- been in pay status at least 1040 hours during the previous 12 months.

Temporary employees and part-time employees that are less than half-time are not eligible for Family Illness Leave.

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### § 4. Amount of Leave

An eligible employee (full-time or part-time) is entitled to up to 52 weeks of leave without pay during a 5-year period to care for the employee's seriously ill child, spouse, or parent. Although this leave is without pay, an employee may elect to cover some or all of the period of leave taken under this policy by using vacation, bonus, sick or voluntary shared leave. Leave earned under the Compensatory Time Off Policy may also be used.

Example: An employee may take 24 weeks of leave beginning on January 1, 2025. The employee would then be eligible for the balance, 28 weeks, up until January 1, 2030. Then, a new 5-year period would begin when the employee commences another leave without pay for this purpose.

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### § 5. Intermittent Leave or Reduced Work Schedule

Family Illness Leave may be taken all at one time or intermittently.

Note: If the employee is in non-pay status more than 1,040 (26 weeks) hours through use of Family Illness Leave or otherwise, the employee would not qualify for Family and Medical Leave the following year since the required 1,040 hours in pay status within the previous year would not be met.

If taken intermittently, it must be in units of one hour or more.

If taken intermittently or on a reduced work schedule, any portion of a week will equal one week of Family Illness Leave.

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## Family Illness Leave Policy (cont.)

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### § 6. What counts toward the 52 weeks leave?

All periods of leave, with or without pay, used for Family Illness Leave count towards the 52 workweeks to which the employee is entitled. This includes leave taken under the Voluntary Shared Leave Policy.

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### § 7. Health Insurance

While on unpaid Family Illness Leave the employee may continue coverage under the State's health insurance program by paying the full premium cost (no contribution by the State).

If using Family and Medical Leave, employee's premiums will be paid by the State.

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### § 8. Agency Responsibility

It is the agency's responsibility to determine whether an employee qualifies for this leave. The same certification/recertification requirements may be applied that apply to the Family and Medical Leave.

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### § 9. Employee Responsibility

The Employee shall:

- apply in writing to the supervisor for leave,
- provide certification or recertification required by the agency,
- give written notice of intention to return to work at least thirty days prior to the end of the leave, and
- return to duty within or at the end of the time granted, or
- notify the agency immediately when there is a decision not to return.

The employee shall provide the requested recertification to the agency within the time frame requested by the agency. If the recertification or certification is not provided within the reasonable time frame it may result in discontinued use of Family Illness Leave. If the employee is not available to work, it may result in separation due to unavailability for work..

If the employee does not give notice of the intention to return, the agency is not required to provide reinstatement but may do so at its discretion. Failure to report at the

## Family Illness Leave Policy (cont.)

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expiration of a leave, unless an extension has been requested and approved, may be considered as a resignation.

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### § 10. Reinstatement

Reinstatement to the same position or one of like status and pay must be made upon the employee's return to work unless other arrangements are agreed to in writing in advance of the employee's return to work.

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### § 11. Accounting for Leave

Family Illness Leave shall be accounted for separate from Family and Medical Leave or any other type of leave without pay.

Advisory Note: It is important that agencies maintain records of this leave so that it can be ascertained readily whether an employee is eligible.

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### § 12. Transfer

When an employee transfers to another agency, the releasing agency shall record on the personnel action the date and amount of Family Illness Leave first taken.

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### § 13. Grievance

Denial of leave requested is not a grievable issue.

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### § 14. Sources of Authority

This policy is issued under any and all of the following sources of law:

- [N.C.G.S. § 126-4\(5\); S.L. 2002-126, s. 28.3B](#)

It is compliant with the Administrative Code rules at:

- [25 NCAC 01E .1412](#)
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**Family Illness Leave Policy (cont.)****§ 15. History of This Policy**

Date	Version
September 30, 2002	<ul style="list-style-type: none"> <li>• New policy to implement the provisions of 2001 session held in 2002, SB1115, Section 28.3B, Additional Family and Medical Leave. (Permanent rule eff 12-1-03.)</li> </ul>
August 1, 2003	<ul style="list-style-type: none"> <li>• Intermittent Leave/Reduced Schedule changed to clarify that any portion of a week taken will count as a full week.</li> </ul>
February 1, 2004	<ul style="list-style-type: none"> <li>• 1) Remove advisory note. The rule became a permanent rule effective December 1, 2003.</li> <li>• 2) Clarify who is eligible to grieve denial of leave.</li> </ul>
January 1, 2012	<ul style="list-style-type: none"> <li>• To ensure compliance with the federal Family Medical Leave Act [825.22(d)] the policy was changed to require the Family Medical Leave benefit be fully exhausted before eligibility for Family Illness begins. Intermittent Family Illness Leave can no longer run concurrently with intermittent Family Medical Leave.</li> </ul>
October 17, 2024	<ul style="list-style-type: none"> <li>• Revised Section 9, Employee Responsibility to remove reference to dismissal due to unacceptable personal conduct as a consequence of not submitting recertification documentation. Added language consistent with Family Medical Leave Act policy on recertification that states: "The employee shall provide the requested recertification to the agency within the time frame requested by the agency. If the recertification or certification is not provided within the reasonable time frame it may result in discontinued use of Family Illness Leave. If the employee is not available to work, it may result in separation due to unavailability for work."</li> <li>• Revised Section 13, Grievance, to state denial of FIL is not a grievable issue.</li> </ul>