

Sick Leave Policy

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§ 1. Policy

Sick leave is granted to employees who are in pay status for one half or more of the regularly scheduled workdays and holidays in the pay period.

§ 2. Covered Employees and Sick Leave Credits

Full-time permanent, probationary, and time-limited employees are eligible for leave at the rate of 8 hours per month (96 hours per year).

Part-time (half-time or more) permanent, probationary, and time-limited employees are eligible for leave at a prorated amount.

Temporary and part-time (less than half-time) are not eligible for leave.

Advisory Note: Vacation leave in excess of 240 hours (prorated for part-time employees) on December 31 of each year shall be converted to sick leave.

Vacation leave for employees that plan to retire on January 1st will not automatically rollover to sick leave on December 31st in the HR Payroll System. Therefore, agencies must account for vacation leave in excess of 240 hours for employees that plan to retire effective January 1st. **For these employees, to receive an accurate balance from the HR-Payroll System, an agency must follow the steps in [Job Aid PER-46](#).** This can be accomplished by forecasting leave earnings through December 31st, then transferring vacation leave in excess of 240 hours to the employee's sick leave balance. Agencies

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must also consider the amount of vacation leave being exhausted and document leave balances on the Form 6 – *Claiming Your Monthly Retirement Benefit (TSERS)*.

§ 3. Accumulation

Sick leave is cumulative indefinitely.

§ 4. Advancement

The appointing authority may advance sick leave not to exceed the amount an employee can accumulate during the current calendar year.

§ 5. Verification

To avoid abuse of sick leave privileges, a statement from a medical doctor or other acceptable proof may be required. Evidence to support leave for adoption-related purposes may be required.

§ 6. Leave Charges

Sick leave shall be taken and charged in units of time appropriate and consistent with the responsibility of managing absences in keeping with operational needs. Only scheduled work time shall be charged in calculating the amount of leave taken.

§ 7. Benefits Continue

When exhausting leave an employee continues to accumulate leave, is entitled to holidays and is eligible for salary increases during that period.

§ 8. Sick Leave Transferable

When employee transfers from	THEN, sick leave
State SHRA to SHRA	shall be transferred.

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State SHRA to EHRA	may be transferred subject to the receiving agency's approval. If EHRA is non-leave earning, sick leave may be transferred and held for future use should employee transfer back to SHRA or it may be applicable toward retirement.
State EHRA to SHRA	may be transferred subject to the receiving agency's approval.
State agency to <ul style="list-style-type: none"> • Public school • Community College • Technical Institute • Local Mental Health • Local Public Health • Local Social Services • Local Emergency Management 	may be transferred subject to the receiving agency's approval.
A local agency listed above to a State agency	may be transferred subject to the receiving agency's approval.

§ 9. Uses of Sick Leave

Sick leave may be used for:

- illness or injury,
- medical appointments,
- temporary disability due to childbirth,
- to care for member of immediate family (including care for mother during temporary disability),
- death in immediate family,
- donations to a member of the immediate family who is an approved voluntary shared leave recipient, and
- adoption of a child, limited to a maximum of 30 days for each parent

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(which is equivalent to a biological mother’s average period of disability)

Note: This is interpreted to mean at the time of physical possession of the child and have either adopted or are in the process of adoption.

Advisory Note: If an employee does not have sufficient leave to cover a prolonged illness (of self or to care for a parent, child, spouse, or dependent living in the household who has a prolonged illness), the employee may qualify to receive voluntary shared leave. See the Voluntary Shared Leave Policy in this Section of the Manual.

§ 10. Definition of Immediate Family

Spouse	Parent (Mother/Father)	Child (Daughter/Son)	Brother/Sister	Grand/Great	Dependents
Husband Wife	Biological Adoptive Step Loco Parentis* In-law	Biological Adoptive Foster Step Legal Ward Loco Parentis* In-law	Biological Adoptive Step Half In-law	Parent Child Step In-law	Living in the employee's household
*A person who is in the position or place of a parent					

§ 11. Leave Without Pay for Extended Illness

If an employee, or the employee’s child, parent or spouse, has a serious illness that qualifies under the Family and Medical Leave Act, the provisions of that policy shall be followed. (The FMLA Policy follows the Sick Leave Policy in this Manual.)

If the illness does not qualify for the FMLA, the provisions of the Leave without Pay Policy shall be followed. (The Leave without Pay Policy is located at the end of this Section in this Manual.)

§ 12. How to handle sick leave upon separation and reinstatement

	Unused Sick leave shall:	Unused Sick leave may:
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Separation	<ul style="list-style-type: none"> • not be paid in terminal leave, • be entered on the personnel action, and • be deducted from final salary check in one-tenth hour units if overdrawn. (See exceptions for exhausting sick leave below.) 	<ul style="list-style-type: none"> • be applied toward retirement if eligible to retire within five years. See Retirement Credit below.
Reinstatement	<ul style="list-style-type: none"> • be reinstated when employee returns from authorized leave without pay, and • be reinstated when employee returns within five years from any type of separation. 	<ul style="list-style-type: none"> • be reinstated when an employee returns to State employment within five years from SHRA employment with a local government*, public school, community college, or technical institute.
*Social Services, Mental Health, Public Health, and Emergency Management		

§ 13. Retirement Credit

One month of credit is allowed for each 20 days, or any portion thereof, of sick leave to an employee's credit upon retirement.

§ 14. Sick Leave Records Agencies shall:

- maintain annual records of sick leave for each employee,
- balance leave records at least at the end of each calendar year;
- notify employees of leave balances at least once each year, and
- retain leave records for all separated employees for a period of at least five years from date of separation.

§ 15. Sources of Authority

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

- [N.C.G.S. § 126-4\(5\)](#)

It is compliant with the Administrative Code rules at:

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- [25 NCAC 01E .0300](#)

§ 16. History of This Policy

Date	Version
July 28, 1949	<ul style="list-style-type: none"> • Policy established granting 3 days sick leave to employees when there is a death in the family. • Also established that employees separated from State service through no fault of their own would retain accumulated sick leave if reemployed by the State within 1 year from the time of separation.
April 1, 1950	<ul style="list-style-type: none"> • Adopted policy stating that full-time permanent employees must be in pay status during the entire month in order to earn either full sick and annual leave credits for the month.
June 16, 1950	<ul style="list-style-type: none"> • Full time permanent employees who are in pay status during one half or more of the scheduled working days in a month shall earn full sick and annual leave credits for the month.
November 29, 1951	<ul style="list-style-type: none"> • Sick leave to be calculated based on two times the number of days scheduled to work each week. • In cases of extended sick leave, both sick and annual leave must be exhausted before leave without pay is granted. In other cases where leave without pay is required, annual leave must be exhausted before leave without pay can begin.
September 18, 1953	<ul style="list-style-type: none"> • Maternity leave policy adopted. Leave is without pay, sick leave may not be used and annual leave is paid in a lump sum before going on leave without pay.
January 1, 1970	<ul style="list-style-type: none"> • Extended to part-time employees in permanent positions eligibility for sick and annual leave, holidays and salary increments which apply to full-time permanent employees – earn on a pro-rata basis.
December 17, 1970	<ul style="list-style-type: none"> • Sick leave accrued shall be credited if reinstated within one year from date of separation, because of reduction in force, authorized

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	<p>leave without pay or while drawing workmen's compensation. If employee is separated for other reasons and is reinstated within one year the employing agency may consider reinstatement of sick leave credits.</p>
April 1, 1971	<ul style="list-style-type: none"> • Approved transfer of annual and sick leave between state and local governments.
June 20, 1972	<ul style="list-style-type: none"> • Sick leave may be used for actual period of temporary disability associated with childbearing. Annual leave must be exhausted before going on leave without pay for maternity purposes. If annual leave overlaps with temporary disability in which sick leave is used, annual leave is exhausted before and after.
April 1, 1973	<ul style="list-style-type: none"> • Sick leave may be transferred from a State agency to a public school, community college or technical institute and in turn it may transfer sick leave to a State agency.
July 1, 1973	<ul style="list-style-type: none"> • Sick leave may be used for medical appointments - taken in one-hour units.
March 1, 1975	<ul style="list-style-type: none"> • Sick leave shall be exhausted through the last full hour of unused leave. Overdrawn leave shall be deducted in full hour units, i.e., full hour for any part of an hour overdrawn.
January 1, 1976	<ul style="list-style-type: none"> • Revises reinstatement of sick leave policy to provide that a State agency may consider reinstating sick leave credits for employees who separated from a subject local government position within one year prior to state employment.
May 1, 1979	<ul style="list-style-type: none"> • Employees separated because of a reduction in force shall be credited with accrued sick leave if reinstated within one year, and may receive such credit up to three years following separation.
January 1, 1980	<ul style="list-style-type: none"> • Adds employees of public schools, community colleges, and technical schools to present sick leave policy of reinstatement within three years from last workday.
January 1, 1983	<p>Revised to make the following changes:</p> <ul style="list-style-type: none"> • Increase sick leave from 10 to 12 days.

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	<ul style="list-style-type: none"> • May use sick leave to care for members of immediate family. • Delete the maximum of 3 days granted for death in immediate family. • Possible for employees to charge vacation instead of sick leave for personal illness. • Mandatory to reinstate sick leave when an employee returns to State service after three years. • Immediate family limited to spouse, parents and children and other dependents living in the household.
August 1, 1985	<ul style="list-style-type: none"> • Revised to allow sick leave to be charged in less than one-hour units.
February 1, 1988	<ul style="list-style-type: none"> • Parental leave provisions moved to a separate policy.
August 1, 1988	<ul style="list-style-type: none"> • Sick leave to be reinstated within 5 years instead of 3. Allow for exhausting sick leave during waiting period before short-term disability. • Have choice to exhaust or retain remaining sick leave.
January 1, 1989	<ul style="list-style-type: none"> • Pay status changed to half the workdays and holidays.
December 1, 1993	<ul style="list-style-type: none"> • Changed to conform to the Family and Medical Leave. The revision deleted reference to options for using paid leave for this purpose and adds a sentence that states "Eligible employees shall be granted leave in accordance with the Medical and Family Leave Policy for a period of 12 workweeks." Additional leave without pay beyond the 12 workweeks is administered in accordance with the Other Leave Without Pay Policy (presently titled "Leave Without Pay). • A provision added to conform to a revision to G.S. 126-8 which states that on December 31 of each year, any employee who has vacation leave in excess of the allowed accumulation shall have that leave converted to sick leave.
July 1, 1995	<p>Revised to:</p> <ul style="list-style-type: none"> • Include time-limited appointment for eligibility to earn leave.

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	<ul style="list-style-type: none"> • Allow a member of the immediate family to use sick leave to care for the mother and newborn infant during the natural mother's period of temporary disability (to coincide with Family and Medical Leave Policy). • Changed definition of immediate family: • Changed definition of parents and children to parallel the FMLA. • Added sister or brother, and included step-, half- or in-law relationships. • Added grandparents, great-grandparents, grandchildren and great- grandchildren. <ul style="list-style-type: none"> • Changed the definition of immediate family in the case of death to be the same as for use of sick leave. • Changed the deduction for overdrawn leave from a full hour unit to the unit nearest to a tenth of an hour. • Changed the method for exhausting leave from a full hour unit to the nearest tenth of an hour. • Allows an agency to require an employee to exhaust vacation leave in addition to sick leave prior to going on leave without pay. Changed the retention of leave records from four to five years.
EFFECTIVE DATE CHANGED TO JULY BY RULES REVIEW	
December 1, 1995	<ul style="list-style-type: none"> • Revised to allow sick leave up to 30 days for adoption purposes. • Revision 6 Definition of Immediate Family corrected to omit "In-law" under the 09-05-2000 definition of Child. • Revision 8 Clarified that daughter-in-law and son-in-law are part of the immediate 11-01-2000 family definition.
July 1, 2001	<ul style="list-style-type: none"> • The General Assembly passed HB 1107 which removed the cap on sick leave creditable to retirement for members of the Teachers' and State Employees' Retirement System. Previously the maximum amount creditable could not exceed 12 days of credit for each year of membership service or fraction thereof.

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July 1, 2001	<ul style="list-style-type: none"> The General Assembly passed HB 1107 which removed the cap on sick leave creditable to retirement for members of the Teachers' and State Employees' Retirement System. Previously the maximum amount creditable could not exceed 12 days of credit for each year of membership service or fraction thereof.
September 1, 2002	<ul style="list-style-type: none"> Revised to clarify that 30 days is the average period of disability for childbirth.
May 1, 2004	<ul style="list-style-type: none"> Clarify policy on transfer of leave from SPA to EPA and vice versa.
January 1, 2007	<ul style="list-style-type: none"> Changed Leave Records Section to clarify that leave records shall be balanced at least at the end of each calendar year. Added note to clarify that if leave records are kept electronically, the agency does not have to keep a paper copy.
October 1, 2007	<ul style="list-style-type: none"> Under the paragraph Leave Charges, deleted the sentence that leave to be exhausted before going on leave without pay shall be in units of one-tenth of an hour.
January 1, 2008	<p>Advisory Note added for agencies using BEACON HR/Payroll System:</p> <ul style="list-style-type: none"> If an employee has holiday compensatory time, overtime compensatory time, or on-call compensatory time, it shall be taken before sick leave. Hours worked in excess of the employee's established work schedule will be used to offset leave reported in the same overtime period. Leave will be restored to the employee's balance for later use.
October 1, 2008	<ul style="list-style-type: none"> Clarified exceptions/procedures when employee is exhausting sick leave.
July 1, 2009	<ul style="list-style-type: none"> Deletes Advisory Note and the leave hierarchy since this does not apply to Sick Leave.
September 7, 2017	<ul style="list-style-type: none"> Policy revised to delete all reference to trainee appointments, per appointments types and career status.

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December 12, 2024	Added #”5” in Section 13 “Separation – Pay for Leave” an advisory note in regards to manually updating vacation leave balances for January 1st retirements.
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