

# **CHAPTER NINE**

## **FINANCIAL INFORMATION AND BENEFITS**

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## 9.00.00 THE POSITION CLASSIFICATION PLAN

### A. Definitions

1. A "**position**" is a group of currently assigned duties and responsibilities requiring the permanent employment of one person. A position may be occupied or vacant.
2. A "**class**" is a group of positions (or one position) that (1) has similar duties and responsibilities, (2) requires like qualifications, and (3) can be equitably compensated by the same salary range.
3. The "**class title**" is the official designation or name of the class as stated in the class specifications. It shall be used on all personnel records and actions. Working or office titles may be used for purposes of internal administration.
4. "**Full-time Permanent**" - A position established in the budget as a permanent, recurring position. Employment must be for nine (9) or more months per fiscal year and considered full-time weekly employment requiring forty (40) hours of work per week.
5. "**Full-time Temporary**" - A position not established in the budget as a permanent, recurring position. Employment must be for a period of less than nine (9) months per fiscal year and considered full-time weekly employment, but only for a special assignment or project not expected to recur on a continuing basis. Employment must require forty (40) hours of work per week.
6. "**Part-time Permanent**" - A position established in the budget as a permanent, recurring position. Employment must be for nine (9) or more months per fiscal year and at least thirty (30) hours per week, but less than full-time weekly employment. Curriculum faculty employment must be for nine (9) or more months per fiscal year and teach at least a half-time load to meet the definition of part-time permanent.
7. "**Part-time Temporary and/or Hourly**" - A position not established in the budget as a permanent or recurring position. Employment is for less than nine (9) months per fiscal year and/or less than full-time weekly employment. Any employee working less than thirty (30) hours per week will be in this category as well as most employees working less than forty (40) hours per week. Most employees in this category are paid at an hourly rate.

## **B. Responsibility for Administration**

The President shall be responsible for administering the Position Classification Plan. The President may delegate responsibility to the Vice President for Administrative Services and CFO.

## **C. Pay Classifications**

Pay grades are assigned for each classification shown below. Positions have been assigned to a classification based upon the official job description that is on file in the Human Resource Office. The President makes the determination of the appropriate pay grade for each position.

### **Administrative Positions (clerical, paraprofessional, professional)**

Receptionist	Grade 11
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Receptionists answer inquiries and obtain information for customers and visitors. Provide information regarding college activities, location of offices, and employees.

Administrative Assistant I / Records Clerk I	Grade 12
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Administrative Assistant II / Records Clerk II	Grade 13
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Administrative Assistant III / Records Clerk III	Grade 14
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Administrative Assistants serve as the primary receptionist for the area and perform routine clerical and administrative functions such as drafting correspondence, scheduling appointments, and organizing and maintaining paper and electronic files.

Records Clerks perform varied duties which require general knowledge of office management systems and procedures. Clerical duties may be assigned and include data entry, answering phones, bookkeeping, word processing, and filing.

Administrative Assistant to VP I / Para-Professional I	Grade 17
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Administrative Assistant to VP II / Para-Professional II	Grade 18
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Administrative Assistants to Vice Presidents provide high-level administrative support by preparing reports, handling information requests, performing clerical functions such as drafting correspondence, receiving visitors, arranging conference calls, and scheduling meetings.

Para-Professionals perform routine technical types of duties. Examples of such duties may be accounting/bookkeeping functions, compiling data, preparing checks, posting transactions, maintaining databases, monitoring information, generating reports.

Executive Assistant I	Grade 18
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Executive Assistant II	Grade 19
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Executive Assistant reports directly to the President and provides high-level administrative support by preparing reports, handling information requests, performing clerical functions such as drafting correspondence, receiving visitors, arranging

conference calls, and scheduling meetings. Grade 18 would be an associate degree level and Grade 19 is a bachelor degree level.

Professional Staff Associate I	Grade 19
Professional Staff Associate II	Grade 20

Professional Staff Associates exercise judgment in the performance of duties and functions requiring little or no direct supervision. These positions do not typically supervise other employees and require the minimum of a bachelor's degree.

Professional Staff I	Grade 21
Professional Staff II	Grade 22
Professional Staff III	Grade 23
Professional Staff IV	Grade 24

Professional Staff positions require specialized degrees or professional training and experience in a particular field. Typically are responsible for assisting a director in the coordination of departmental functions.

Director I / Counselor I	Grade 25
Director II / Counselor II	Grade 26
Director III / Counselor III	Grade 27
Director IV	Grade 28
Director V	Grade 29
Director VI	Grade 30

Directors are responsible for leading a particular department of the College. These positions are responsible for the management of departmental budgets, resources, and employees.

Counselors are responsible for counseling students along with other student services which leads to the total development of the student and/or potential student. Specialized education is required along with a preference for being a certified counselor.

Dean I	Grade 31
Dean II	Grade 32

Deans are administrators of the College who report directly to a vice president or the president and manage complex college functions and processes. These positions require specialized education, training, and significant experience.

Vice President	Grade 35
Executive Vice President	Grade 36

Vice Presidents are the officers of the College that report directly to the President and are responsible for the overall operations of one of the four areas of the College

### **Maintenance Employees**

Custodians	Grade 5
Maintenance Helpers/Grounds Helper	Grade 8
Building Maintenance/Custodial Crew Leader	Grade 9

Maintenance Supervisor	Grade 15
Director of Facility Services	Grade 21

### **Continuing Education Instructors**

Continuing Education Instructor I	Grade 19
Continuing Education Instructor II	Grade 20
Continuing Education Instructor III	Grade 21

### **Curriculum Faculty**

There are four levels of compensation and rank established for curriculum faculty as follows. New faculty will be hired at a rank and level of compensation appropriate to years of faculty experience in higher education, formal education, and upon the recommendation of the Vice President for Instruction.

- Instructor
- Assistant Professor
- Associate Professor
- Professor

#### **D. Classification of New Positions**

A department head, division head, or other supervisor shall, with the assistance of the Director of Human Resources complete a position description covering the duties and responsibilities of each proposed position. The President or his designee shall allocate the position to one of the classes in the Position Classification Plan. If a suitable class does not exist, he shall recommend the establishment of a new class and, after the adoption of the new class by the Board of Trustees as provided in Section 9.00.00 G, shall allocate the position to it.

#### **E. Classification Appeals**

If an employee has facts which indicate to him that his position is improperly classified, the employee shall seek relief through the existing grievance procedure contained in **Section 8.09.00** of this Manual.

#### **F. Maintenance of Plan**

1. Each time a vacancy occurs, the position description shall be reviewed by the supervisor and Director of Human Resources prior to advertising. This requirement may be waived by the President in cases where changes in the duties and responsibilities of a position are unlikely.

2. Each time a unit is reorganized, position descriptions for all affected employees shall be submitted to the President or his designee for review.
3. The President or his designee may require the submission of position descriptions on a periodic basis, or any time he has reason to believe that there has been a change in the duties or responsibilities of one or more positions.
4. Each time a new class is established; a class specification shall be written and incorporated in the existing plan. The class title shall be added to the schematic list of titles. Likewise, an abolished class shall be deleted from the Position Classification Plan by removing the class specification and eliminating the class title from the schematic list of titles.
5. The President or his designee shall conduct a general review of the Position Classification Plan.

#### **G. Amendments to the Position Classification Plan**

Each time a new class of positions is established or a current class of positions is abolished, the President or his designee shall submit his findings and recommendations to the Board of Trustees. The Board shall determine whether the establishment and/or the abolition of a class is in order. Such changes shall take the form of amendments to the official copy of the Position Classification Plan.

### **9.01.00 ADMINISTRATION OF THE PAY PLAN**

#### **A. New Employees**

Generally, a new employee shall be paid the minimum rate of pay for his class. Exceptions may be granted upon the written prior approval of the President in the following cases:

1. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specifications. If it becomes necessary to appoint a new employee of lesser qualifications, he should be started at one (1) or possibly two (2) steps below the minimum rate of the class.
2. On the other hand, if a new employee more than meets the minimum qualifications and will not accept appointment at the minimum rate of the class, he may be appointed at the second step or, in unusual cases, at a still higher step. This practice should be thoroughly analyzed and measured against objective standards (such as years of experience in like position and educational level).

## **B. Probationary Employment Period**

A probationary period of employment of one (1) year from date of hire shall apply to all full-time and part-time permanent employees. The employee shall receive evaluations at least each semester during the period of probationary employment; thereafter, evaluation shall be at the same time as for all other employees. A probationary employee may be released at any time during the probationary period when documentation supports lack of successful employment.

## **C. Degree Increment**

Upon recommendation of the area Vice President and approval of the President, a one step increase on the salary chart will be applied in the employment contract for the year following the conferment of a degree greater than the entry degree requirements of the position. Only degrees from accredited institutions will be accepted.

## **D. Chair Appointments (Curriculum Faculty ONLY)**

1. When a Division Chairperson vacancy occurs, the Vice President for Instruction will receive and review applications for the position (including the incumbent) and make an appointment, subject to the approval of the President.
2. When a Department Chairperson vacancy occurs, the Vice President for Instruction and the respective Division Chairperson will review applications for the position and the Vice President for Instruction will make an appointment subject to the approval of the President.
3. When one is appointed Department Chair or Division Chair for the first time, he will be advanced one (1) step in his rank level.
4. When Division and Department Chairpersons are replaced or voluntarily relinquish their position, their position on the faculty salary plan shall be adjusted by moving back one step at their current rank. Individuals in chair positions prior to the implementation of this plan, who did not receive an advance in step at the time of their appointment, shall remain at their same position on the salary plan.

## **E. Merit Pay Policy**

Merit pay is a reward for superior service over an annual contract period. Merit pay will be awarded when approved and adequate funds are available.

Merit pay requires specific justification on the Annual Performance Appraisal\*; no disciplinary actions during the year; and no excessive absences for annual or sick

leave. Merit pay shall be awarded on the basis of work above and beyond expectations of a good employee.

Merit pay will not be awarded to any employee who has received a promotion during the contract year or will be due a pay raise as part of the Employee Pay Plan criteria in the same fiscal year.

**\*Each employee is evaluated by the immediate supervisor who makes the initial recommendation on merit pay. The chain of command up to the President ultimately reviews merit recommendations prior to a final decision by the Board of Trustees.**

#### **F. Service Increments**

Service Increments may be given to employees for their permanent RCC service. After five (5) full years of service (and completion of each additional five (5) full years of service), an employee may receive their service increment upon the recommendation of the area Vice President and the approval of the President. Based on the official starting date of permanent employment, the service increment will be applied to the next employment contract following every five full years of service.

1. **State Funded Staff**

State funded staff employees will move to the next step within their current pay grade.

2. **County Funded Staff**

County funded staff employees will move to the next step within their current pay grade. Service increments are subject to the availability of county funds.

3. **Continuing Education Instructors**

Continuing Education Instructors may advance from one grade to another based upon achieving the appropriate relative number of years at RCC as shown below.

**Continuing Education Instructor I:** First five years of service.

**Continuing Education Instructor II:** After five (5) full years of service.

**Continuing Education Instructor III:** After ten (10) full years of service.

Upon reaching the rank of Continuing Education Instructor III, an instructor will move from one step to the next, within that grade, upon completion of each additional five (5) years of service.

4. **Curriculum Faculty**

Advancement from one rank to another is based upon achieving the

## **G. Transfers**

There shall be no immediate change in the salary rate of an employee who is transferred, unless his salary is below the approved minimum of the new position. If an employee is transferred to a position in a class having a higher pay grade than the class from which he was transferred, such change shall be deemed a promotion and the provisions governing promotions shall apply.

Employees applying for a position having a lower pay grade than the one they are currently at shall be classified as an applicant. If they are chosen for the position for which they applied, they shall be covered by the pay provisions for New Employees covered in Part A of this section.

## **H. Demotions**

When an employee is demoted to a lower class position, he shall be paid at a rate that is within the approved range for the lower class position. The rate of pay shall be set by the President.

## **I. Reclassification Downward**

When an employee's position is reclassified to a lower class position, the employee shall be permitted to continue at his present rate of pay during the period of incumbency (except in the event of general system-wide reductions), but shall not be entitled to a salary increase. When an employee voluntarily resigns from a higher class for which he received a higher salary, he shall revert to the appropriate grade and step.

## **J. Reclassification Upward**

Staff positions may be reclassified at a higher grade based on a significant increase in assignments and/or responsibilities.

When an employee position is reclassified to a higher class position, and the employee's current salary falls exactly on a step within the pay range of the class to which the position has been reclassified, the employee shall not be entitled to a salary increase. If the employee's current salary does not fall on a step within the pay range of the class to which his position has been reclassified, the employee will not be paid less than Step A of the grade to which he has been reclassified.

A promotion within a classification involving more than one (1) grade movement upwards will be rewarded by a one (1) grade movement per contract year until the appropriate grade is reached.

#### **K. Reinstated Employees**

A reinstated employee shall be paid at a salary rate within the approved salary range for the position to which he is reinstated.

#### **L. Acting Positions**

When an employee assumes an acting position at a higher classification for over three (3) months, he may be paid at a salary rate within the approved salary range of the higher position for the duration of the temporary holding of the position. When a position is a time-shared acting position for more than three (3) months, the employee will be paid the pro rata share of the salaries for each of the positions held.

#### **M. Overtime for Non-Instructional Employees**

Non-exempt employees shall receive either compensatory time or overtime pay for hours in excess of 40 hours per week (see paragraph 9.17.00). Exempt employees do not receive overtime pay.

*History Note: Temporary Amendment Effective: May 5, 2009 to freeze 2009-2010 annual increments for degree increments, chair appointments, merit pay, and service increments. Increments for promotions were reinstated on January 5, 2010. June 1, 2010 freeze on 2010-2011 annual increments for degree increments, merit pay, and service increments.*

### **9.02.00 ADMINISTRATIVE SALARY ADJUSTMENT**

#### **A. Responsibility for Administration**

The President shall be responsible for administering the Pay Plan for all positions. He shall be responsible for working out arrangements which will insure the administration of the Plan within each classification of employees on an equitable basis.

The Vice President for Administrative Services and CFO, under the supervision of the President, shall be responsible for the details of administration.

## **B. Interpretation**

The Board of Trustees shall be responsible for decisions interpreting the application of the Plan to pay problems which are not specifically covered by this resolution, using the principles expressed herein as a policy guide.

## **C. Initial Adjustment to the Compensation Plan**

The President shall place the salary of each employee on one of the steps for the class to which his position has been allocated. After the initial step has been established by the President, the provisions of the resolution shall apply for all subsequent increases.

### **9.03.00 – 9.06.00 SECTIONS DELETED – SEE SECTIONS 9.00.00 – 9.01.00**

### **9.07.00 POLICY ON PART-TIME PERMANENT POSITIONS**

A part-time permanent position shall be created when a position is expected to last a minimum of nine (9) months in a fiscal year and require at least thirty (30) hours a week. This applies to all categories of employees.

#### **A. Employment Requirements**

Employees in part-time permanent positions shall sign annual contracts.

#### **B. Benefits**

Employees in part-time permanent positions are eligible for state longevity, sick leave, holidays, and annual leave benefits. Employees working 30 or more hours per week are eligible to participate in the State Retirement Plan and receive state medical benefits, the same as a full-time employee.

#### **C. Employment Procedure**

Vice Presidents shall recommend to the President, for approval, the establishment of part-time permanent positions.

Part-time permanent positions for adjunct instructors will be filled according to guidelines described in the **Adjunct Instructor Policy Manual** and in Chapter 12 of this Manual.

Part-time permanent administrative positions will be filled from applicant files which have met the requirements of the College's hiring plan.

**9.08.00 SUPPLEMENTAL AND OVERLOAD TEACHING BY  
PERMANENT CURRICULUM FACULTY AND PERMANENT STAFF  
MEMBERS AND ADMINISTRATORS**

Permanent full-time and part-time curriculum faculty have their instructional loads approved each semester by the respective Division Chairperson and the Vice President for Instruction. Based upon the needs of the College, the recommendation of the Division Chair and the approval of the Vice President for Instruction, permanent faculty may be assigned classes in excess of their normal load during any scheduled term.

Permanent faculty teaching curriculum classes in excess of their normal load will be compensated by the scheduled semester contact hours of each course. The Vice President for Instruction will recommend annually to the President, for approval by the Board of Trustees, the rate per credit hour to be paid.

Permanent staff members and administrators may be asked to teach classes outside of their normal workweek. When this occurs, the staff member or administrator will be compensated at the same rate as faculty members who are given overload assignments. Assignment to and approval of overload classes is at the discretion of the Vice President for Instruction and the supervisor of the assigned staff member.

**9.09.00 EMPLOYEE CONTRACTS**

**A. Full-Time and Permanent Part-Time Employees**

State community college law does not permit tenure. Therefore, Richmond Community College shall have fiscal year contracts with each permanent full-time employee and permanent part-time employee. The format shall be approved annually prior to the contract date.

Each permanent full-time and permanent part-time employee shall sign a contract prior to receiving the first paycheck in a fiscal year. Refusal to sign a contract shall make one an "employee at will" and shall be grounds for termination of employment. New contracts will be issued prior to the beginning of each fiscal year, upon initial hire, and upon promotion or demotion in step or grade, or change in conditions of employment or funding.

Contracts, except for curriculum faculty, shall contain pay grade, step, conditions of employment, and conditions on availability of funds as necessary. Contracts for curriculum faculty may be issued for an academic year or for a fiscal year, based upon the needs of the College, the recommendation of the Vice President for Instruction, and approval of the President.

Curriculum faculty contracts shall contain the contractual period (fiscal year or specified academic year dates), instructional discipline, salary rank and step, annual salary, conditions of employment, and conditions on availability of funds as necessary.

## **B. Part-Time Temporary Contracts**

Part-time instructional and tutorial contracts are for time-specified employment periods not to exceed one semester. All other part-time contracts are not to exceed twelve (12) months or one fiscal year. Part-time employees shall sign a contract prior to receiving a paycheck. The signing of a part-time temporary contract is for that time period only and does not constitute a guarantee of any future contracts. Contracts shall contain pay rate, dates of employment, plus any conditions for employment or source of funding as necessary.

Signed contracts for both curriculum and continuing education part-time instructors must be turned in to the appropriate department head by the first day of the class. Part-time temporary employees do not have grievance rights, if at the completion of their current contract, no new contract is issued.

### **9.10.00 NON-RENEWAL OF CONTRACT**

During the performance evaluation process or at other times if enrollment or other employment conditions warrant, a supervisor may decide to recommend non-renewal of an employee's contract. The supervisor must forward the recommendation with supporting documentation to the appropriate Vice President for review. If the Vice President supports the recommendation, it is then forwarded to the President. The President will review all documentation and make any necessary investigations before making a decision to take the recommendation to the Board of Trustees for final approval.

In the event that a recommendation for non-renewal is made and approved, the employee will be given thirty (30) days' notice.

The employee may appeal the non-renewal decision as outlined in the Appeals/Grievance procedure.

### **9.11.00 EMPLOYEE RESIGNATION POLICY**

At the beginning of each employment period, employees at Richmond Community College are expected to sign a contract which describes any specific employment terms or conditions to be met by the employee, and includes a statement of the time period covered by the contract. This contract is a legal document that binds

both the employee and the employer (Richmond Community College) to the conditions of the contract.

Employees who desire to terminate their employment with the College, within the time frame contained in the contract, are expected to give the College sufficient prior written notice of this intent: an employee in classification pay plan grades 18 and below must give fourteen (14) calendar days' notice; an employee in classification pay plan grades 19 and above must give thirty (30) calendar days' notice.

Resignation must be made by a letter which states the employee's intent, and which specifies the effective date of resignation. The resignation letter is addressed to the employee's supervisor with a copy to the President and to the Human Resource Office and Business Office. The last day of work is the date of separation.

The President is responsible for writing the acceptance of resignation letter and the Director of Human Resources conducts the exit interview with the employee.

*History Note: Board approved amendment on September 1, 2009.*

## **9.12.00 PERSONNEL/PAYROLL RECORDS**

### **Employee's Personnel Payroll File**

The following forms must be completed by a new employee within three days of the contract beginning date. Employees will not be added to the payroll until all required documents have been completed and turned into the Business Office.

1. Application for Employment.
2. I-9 Form.
3. Documentation to support I-9 Form.
4. Copy of Social Security card.
5. NC 4, W-4, other tax withholding information.
6. Personnel/Payroll Information Sheet.
7. Employment contract/agreement.
8. Drug Policy Signature Sheet.

The following records are also required in the Employee's Personnel Payroll File for all employees who are eligible for benefits:

1. Retirement Application (As of October 2007, this item is no longer completed due to process changes with the Retirement System.)
2. Insurance Application(s).
3. Prior State Service Form.

**These forms must be on file in the Director of Human Resources office before the employee can be entered into the payroll system.**

### **9.13.00 PAY CHECKS**

Direct deposits are made and payroll checks are distributed on the last working day of each month. If the last day of the month falls on a holiday or a weekend, the last working day prior to this date will be the payroll date.

Pay periods for salaried employees are from the first to the last day of each month. For most hourly-paid employees, the pay period is from the first through the last working day of the prior month.

Pay for salaried employees will be deposited directly in the employee's bank(s) of choice and a statement with the amount, deductions, and leave time earned and used placed in the employee's mailbox.

### **9.14.00 PAYROLL DEDUCTIONS**

Federal, state and social security taxes shall be deducted as required by law. For full-time permanent employees, deductions for the State Employees' and Teachers' Retirement Fund are made. Retirement deductions are currently six (6) percent of gross salary; this deduction is not subject to federal and state tax. The state matches the retirement at a specified rate which changes periodically.

Dependent health insurance, if elected, is deducted each month. The Personnel Office maintains a file of current information on the health plan. Individual employees are responsible for ensuring group insurance is effective before terminating a private policy.

The Business Office can make deductions for the State Employees' Credit Union, the 401K plan of North Carolina, United Way, Richmond Community College Foundation pledges, insurance premiums, or other deductions as offered under the Optional Benefit Plan. It is the responsibility of the individual employee to periodically review and update such contributions as necessary.

### **9.15.00 MONTHLY TIMESHEETS**

Salaried, exempt employees do not turn in monthly timesheets. Hourly paid employees and salaried, nonexempt employees must submit timesheets.

**Failure of hourly paid employees to turn in their forms by the time specified will delay payment for the period until the following month.**

## **A. Timekeeping Requirements**

Nonexempt employees are subject to certain timekeeping requirements:

1. Each of these employees must fill out a timesheet each workday. The entries on the timesheet will be made upon arriving for work, when beginning the lunch period, when returning from lunch, and when leaving work for the day.
2. The exact time must be recorded for each entry, and the hours and minutes worked that day must be entered on the appropriate line, with the total for the week entered in a like manner on the last workday of each week.

## **B. Federal Grant Time and Effort Records**

Any employee working in support of and paid from federal grant funds must submit time and effort reports monthly to the Business Office.

### **9.16.00 WORKWEEK**

The "workweek" of the College is defined as that period of time extending from 12:01 a.m. on Monday to 12:00 midnight on Sunday. The "normal workday" can begin and end at different times for different employees, as determined by one's supervisor and Vice President. Full-time employees are expected to work forty (40) hours per week

The Fair Labor Standards Act requires employers to compensate nonexempt employees, for hours worked in excess of forty (40) hours in a regular workweek, by means of overtime pay or compensatory time.

When an employee works less than forty (40) hours in a week, the supervisor is to instruct the Controller whether the employee's pay is to be docked or vacation time is to be charged or advanced, and the amount.

### **Pay Calculation for Working Less Than a Full Month**

Using the hourly wage method, the employee's hourly rate of pay will be multiplied by the number of hours in pay status (either working or on paid leave). If the employee is in pay status through a holiday, or for 1/2 or more of the workdays and holidays in the month in case of short periods of leave without pay, pay is received for the holiday. Pay is not received for a holiday that occurs before the beginning date of employment or after the last day of work when an employee separates or goes on extended (over half the workdays in a month) leave without pay. Exceptions: If a

holiday falls at the first of a month and the employee begins work on the first available workday, pay is received for the holiday. Likewise, if the holiday falls at the end of the month and the employee is in pay status through the last available workday, pay is received for the holiday.

#### **9.17.00 OVERTIME AND COMPENSATORY TIME POLICY**

Richmond Community College acknowledges its desire to be fair and honest in its personnel policies at all levels. The College subscribes to the concept and provisions of the Fair Labor Standards Act (FLSA). (FLSA guidelines can be found at [www.dol.gov](http://www.dol.gov).)

Exempt employees, under the FLSA terms of exemptions as Executive, Administrative, or Professional, are exempt from hours of work and overtime pay standards. No employee whose position is designated as exempt from overtime compensation provisions shall be paid in any way for hours worked in excess of forty in a workweek.

Nonexempt employees can work more than eight (8) hours in a day, but no more than forty (40) hours in a week, and not be entitled to overtime compensation. Overtime will be worked only with the prior written approval of the supervisor. A nonexempt employee may not decide on his own to work overtime. The supervisor in each department is responsible for scheduling work time for all employees so overtime is kept to a minimum.

Maintenance employees are compensated at a rate equal to time and a half for any overtime worked in a week. Other employees who are subject to the Act receive compensatory time off at a rate of one and one-half hour for each hour of overtime worked.

#### **Compensatory Time**

1. Compensatory time off must be granted as long as the employee has given adequate prior written notice for the time off to his immediate supervisor. The use of the compensatory time must not unduly disrupt the operations of the College.
2. Compensatory time cannot be taken in advance; i.e., the time off cannot be taken in a week before the week in which the overtime occurred.

#### **9.18.00 BREAKS AND LUNCHES**

The College makes provision for time away from one's regular workstation for "breaks" and for lunch.

## **A. Breaks**

Those employees who are normally expected to work a forty (40) hour week are given the opportunity to be excused from their duties briefly in the morning and in the afternoon. "Breaks" will normally be taken at mid-morning and at mid-afternoon at a time approved by the departmental supervisor.

Time away from one's workstation while on "break" is compensated time and must not be abused. Strict adherence to the 15-minute maximum "break" period is expected.

"Breaks" can be used only in the time designated and may not be "saved" for early departure, appointments, shopping, or other personal uses other than those already indicated.

## **B. Lunches**

Labor regulations mandate that the lunch period be taken away from one's normal work station. The lunch period is not compensated time and employees should not be asked to perform any of their normal duties during this period.

### **9.19.00 VOLUNTEER WORK**

Recognizing that volunteers play an important role in supporting the College, it is necessary to provide a means to accept volunteers and allow them to apply their efforts towards fulfilling the College mission in a safe and effective manner.

Volunteers are not employees of the College and receive no compensation or employee benefits of any type in exchange for their services or work. In order to be recognized as a College volunteer, an individual must be formally approved as a volunteer by the Vice President of the respective area, with documentation on file in the Personnel Office and a volunteer assignment provided by his/her supervisor. Included in the required documentation is a waiver of liability towards the College. Parental or guardian approval is required for all volunteers under the age of 18.

Potential volunteers will be requested to submit to a criminal background check. Volunteers will abide by all College policies and procedures and work at the pleasure of the institution, with no term of service expressed or implied.

The Supervisor of the volunteer is directly responsible for providing all necessary training and instructions for the assigned work. In the event of any accident or policy violation, the supervisor must immediately report all details to the Human Resource Office. Volunteer assignments will not include any work that requires access to the

college administrative computer system, employee and payroll records, or is not in compliance with federal or state student privacy laws.

**9.20.00 LEAVE REQUEST**

All employees will request leave prior to their absence, unless unable to do so in case of illness. In that instance, the Leave Form is to be completed immediately upon their return. The Leave Form is to be submitted to the immediate supervisor for approval. Each employee’s monthly paycheck stub or direct deposit receipt reflects the amount of leave earned to date, and the amount of leave taken and turned in to the Business Office.

**9.21.00 ANNUAL LEAVE**

**A. Amount Earned - Full-Time Permanent Employees**

Each full-time permanent employee, except curriculum faculty, who is working or on paid leave for one-half or more of the regularly scheduled workdays in any month earns annual leave. The rate is based on the length of aggregate service.

Curriculum faculty employed on a permanent basis earn personal days as outlined below, in lieu of earning annual leave under the provisions of this paragraph.

Many employees are scheduled to work eight (8) hours per day. Since there are other schedules due to the nature of the work, annual leave rates are stated in terms of hours rather than days; this requires no conversion for special schedules. Annual leave for employees shall be computed at the following rates:

<b>Years of Aggregate Service</b>	<b>Hours Earned Each Month</b>	<b>Hours Earned In One Year</b>
		(Based on 12-Month Employment)
Less than 2 years	7 hours 50 minutes	94
2 but less than 5 years	9 hours 10 minutes	110
5 but less than 10 years	11 hours 10 minutes	134
10 but less than 15 years	13 hours 10 minutes	158
15 but less than 20 years	15 hours 10 minutes	182
20 years or more	17 hours 10 minutes	206

Curriculum faculty members earn personal days based upon length of service. Personal days are awarded on an academic year basis, and summer school if applicable, and are non-cumulative and non-transferable. A faculty member is credited with personal days effective the first day of the term of their contract. Personal leave for curriculum faculty shall be computed at the following rates:

**Years of Aggregate  
Service**

Less than 5 years  
5 but less than 10 years  
10 years or more

**Days Earned  
Each Year**

4 days + 1 day Summer Session  
5 days + 1 day Summer Session  
6 days + 1 day Summer Session

**B. Amount Earned - Part-Time Permanent Employees**

Part-time permanent employees who work half-time or more for at least nine (9) consecutive months will earn vacation, sick leave, and personal days (for curriculum faculty only) on the percent of full-time for the position designated on the Employment Contract.

A part-time permanent employee (except curriculum faculty) who is employed on a continuing basis with a permanent part-time appointment shall earn annual leave on a pro rata basis if he works as much as one-half or more of the scheduled workdays in a month. The leave shall be computed on a pro rata basis as follows:

30 hours per week

3/4 FT rate

Personal days for all curriculum faculty employed on a permanent part-time basis will be awarded on a pro rata basis of full-time faculty. This applies only to faculty with contracts extending throughout the entire academic year. Personal days are accounted for by the Curriculum Office.

**C. Maximum Accumulation and Conversion**

Annual leave can be accumulated on a monthly basis during each calendar year at rates consistent with current college annual leave policy. The maximum amount of annual leave that may be carried forward from one calendar year to the next is 240 hours.

All curriculum faculty employed on a permanent basis prior to July 1, 1997 who elect coverage under personal days (see 9.21.00 A above) will retain their current accumulated annual leave balances up to 240 hours. Such accumulated balances shall remain on account until converted to sick leave (see below), incrementally used in accordance with current policies or upon termination of employment (see paragraph 9.21.00 J). Faculty not earning annual leave can neither donate nor receive annual leave in accordance with the Shared Leave Policy.

On December 31 of each year, any employee who has annual leave in excess of the allowed accumulation of 240 hours (30 days) shall have that leave converted to sick leave. There is no limit to the accumulation of sick leave.

#### **D. Aggregate Service**

Aggregate service shall include, on a month-for-month basis, all permanent employment with the state, whether such service was exempt from, or subject to, the Personnel Act. Credit shall also be given for:

1. Employment with other governmental units which are now state agencies (for example: county highway maintenance forces, War Manpower Commission, and the judicial system).
2. Authorized military leave.
3. Employment with the county Agricultural Extension Service, community college system, and the public schools of North Carolina with the provision that a school year is equivalent to one (1) full year.
4. Employment with a local mental health, public health, social services or civil defense agency in North Carolina.

The College may advance annual leave not to exceed the amount an employee can earn during the current fiscal year or the difference between the amount of accumulated leave carried forward and the maximum allowable.

#### **E. Advancement of Annual Leave**

The President is authorized, at his discretion, to advance leave to employees with less than six (6) months of service when the College is closed and vacation days are required to be taken by all employees.

Employees for whom leave is advanced will repay the advance by service before more leave is used. Any employee who has a negative leave balance at the end of the fiscal year will have a deduction made from his July paycheck to reimburse leave overpayment.

#### **F. Scheduling Annual Leave and Personal Days**

Annual leave shall be taken only upon authorization of the College and upon approval by the employee's supervisor who shall designate such time when leave will least interfere with the efficient operation of the College.

Personal days shall be taken by curriculum faculty only with the approval of their Department Chair, Division Chair, and the Vice President for Instruction. As faculty covered under the personal days' option are required to be on campus only for scheduled instruction and required College activities, personal days are taken for absence from scheduled activities. Although personal days are awarded to faculty as an entitlement under Paragraph 9.21.00 A, their use should be limited to only essential

absences from scheduled classes. Personal days may be taken in half-day increments by the faculty member who may be absent from only a portion of any day's scheduled instruction.

It is the responsibility of the Vice President for Instruction to account for personal days taken by curriculum faculty each year. It is also the responsibility of the Vice President for Instruction to monitor the use of personal days by curriculum faculty and the resulting effect on scheduled classroom instruction. The Vice President for Instruction has the authority to deny the use of personal days, as with annual leave, if it is determined that such use would be detrimental to the goal of effective instruction in the classroom.

#### **G. Other Uses of Annual Leave**

1. Annual leave may be used for medical appointments in lieu of sick leave.
2. Annual leave may be used for absences as a result of adverse weather conditions.
3. Annual leave may be used as funeral leave.
4. **Annual leave must be taken when the school is closed for days other than holidays.**
5. Annual leave may be used under the shared leave policy.

#### **H. Time Chargeable for Leave**

Only scheduled work hours shall be charged in calculating the amount of leave taken. Saturdays, Sundays, and/or holidays are charged only if they are scheduled workdays.

Leave shall be charged in units of time appropriate and consistent with the responsibility of managing absences in keeping with operational needs. Leave to be paid as terminal leave and leave to be exhausted before disability retirement or leave without pay shall be in units of one (1) hour. Annual leave taken may be charged in units of one-half hour.

#### **I. Annual Leave Transferable**

Unused annual leave may be transferred when an employee transfers between institutions of the community college system or between a community college system institution and a state agency, or to a local mental health, public health, social services, or civil defense agency, if the agency or institution is willing to accept the leave. Otherwise, the employee leaving state or institution service will be paid in a lump sum for accumulated leave.

When a local employee transfers from one (1) of the agencies or institutions listed above to a state agency, annual leave (not to exceed 240 hours) or any portion of unused leave may be transferred to the institution or state agency. If a person requests and is paid for unused leave at the time of transfer to or from a local agency or institution, this will not preclude consideration for transferring sick leave.

**J. Separation Payment of Annual Leave – Terminal Leave**

Lump sum payment for annual leave is made only at the time of separation. An employee shall be paid in a lump sum for accumulated leave not to exceed a maximum of 240 hours when he is separated from institution service due to resignation, dismissal, reduction-in-force, death, service retirement, or leave without pay for military purposes. Terminal leave will be paid, in full hours only, using an hourly rate of pay based on 2080 work hours per year. Should an employee be separated before he has earned all of the annual leave taken, it will be necessary to make deductions from his final salary check for overdrawn leave. It will be deducted in full hour units, i.e., a full hour for any part of an hour overdrawn.

Payment for annual leave may be made in the last month worked or in the next month's payroll for any annual leave balance. Retirement deduction shall be made from all terminal leave payments.

Receipt of lump sum leave payment and retirement benefits shall not be considered as dual compensation. In the case of a deceased employee, payment for unpaid salary, terminal leave, and travel must be made, upon establishment of a valid claim, to the deceased employee's administrator or executor or to the Clerk of Court of the county of the deceased employee's residence. **(Note: General Statutes 26-68.)**

**9.22.00 SICK LEAVE**

**A. Amount Earned**

A full-time permanent employee who is working or on paid leave for one-half or more of the regularly scheduled workdays in any month shall earn sick leave computed at the following rate:

<b>Hours Earned Each Month</b>	<b>Hours Earned Each Year</b>
8 hours	96 hours

A part-time permanent employee who is employed on a continuing basis with a permanent part-time appointment in a budgeted position for as much as half-time shall earn sick leave on a pro rata basis if he works one-half or more of the scheduled workdays in a month. The leave shall be computed on the same basis as annual leave.

## **B. Accumulation**

Sick leave is cumulative indefinitely.

## **C. Advancement**

The appointing institution may advance sick leave not to exceed the amount an employee can earn during the current fiscal year.

## **D. Verification of Sick Leave**

The College may require a statement from a medical doctor or other acceptable proof that the employee was unable to work so that there will be no abuse of sick leave privileges.

## **E. Use of Sick Leave**

Sick leave may be granted for:

1. illness/injury which prevents an employee from performing his usual duties,
2. death in the employee's immediate family; not to exceed three (3) days,
3. medical appointments,
4. quarantine due to a contagious disease in the employee's immediate family,
5. the actual period of temporary disability connected with childbearing,
6. illness in the immediate family.\*

**\*Immediate family is defined as: wife, husband, mother, father, brother, sister, brother-in-law, sister-in-law, daughter, son, son-in-law, daughter-in-law, father-in-law, mother-in-law, grandfather, grandmother, grandson, granddaughter, stepchildren, stepmother, and stepfather.**

Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken or not later than two (2) hours after the beginning of a scheduled workday. Sick leave must be approved by the immediate supervisor.

## **F. Sick Leave Charges**

Only scheduled work hours shall be charged in calculating the amount of leave taken. Saturdays and/or Sundays are charged if they are scheduled workdays.

## **G. Transfer of Sick Leave**

Unused sick leave shall be transferred when an employee transfers between state agencies. Sick leave may also be transferred to or from a local SPA agency of mental health, public health, social services, or emergency management, a public school, community college, or technical institute if the head of the employing agency or school administrative unit is willing to accept it.

## **H. Separation**

**Termination of Benefits:** During the period of terminal leave, an employee ceases to earn leave and increments and ceases to be entitled to take sick leave.

Sick leave is not allowable in terminal leave payments when an employee separates from institution service. Should an employee be separated before he has earned all sick leave taken, it will be necessary to make deductions from his final salary check for overdrawn leave. It will be deducted in full hour units, i.e., a full hour for any part of an hour overdrawn.

Sick leave shall be exhausted before going on leave without pay because of extended illness. While an employee is exhausting sick leave, he earns all benefits for which he is entitled. There are exceptions when going on disability leave, parental leave, or workers' compensation leave.

The Parental Leave Policy is a part of the State Board of Community College's Sick Leave Policy.

## **I. Reinstatement of Sick Leave**

Employees separated because of a reduction-in-force shall be credited with accrued sick leave if reinstated within five (5) years.

Employees granted leave without pay shall be credited with accrued sick leave when reinstated.

Sick leave shall be reinstated when an employee returns from authorized leave without pay or when reinstated within five (5) years from any type of separation.

Sick leave may be reinstated when an employee returns to state employment within five (5) years after separating from State Personnel Act employment with a local government, public school, community college, or technical institute.

## **J. Retirement Credit**

Accumulated sick leave at the time of retirement will be transferred to total service as provided under the North Carolina Teachers' and State Employees' Retirement System.

One (1) month of credit is allowed for each twenty (20) days, or any portion thereof, of sick leave to an employee's credit upon retirement.

## **K. Sick Leave Without Pay**

Sick leave without pay may be granted by the College for the remaining period of disability after both sick and annual leave have been exhausted, or the employee may request disability salary continuation. In the event such leave exceeds one year, an extension must be requested. Requests for sick leave without pay must be directed to the President in writing for a specified period of time. The Disability Salary Plan is described in "**Your Retirement System - How It Works.**"

## **L. Sick Leave Records**

The college maintains annual records for sick leave earned and taken for each employee. Institutions must retain sick leave records for all separated employees for a period of at least four (4) years from the date of separation.

### **9.22.01 LEAVE WITHOUT PAY**

Leave without pay may be granted to a full-time or part-time permanent employee for educational purposes which will better equip the employee for the performance of his duties and responsibilities; to do special work for the federal government; or when the state is to profit by the experience gained or the work performed; for vacation purposes when paid leave has been exhausted; or for reasons deemed justified by the supervisor and the President.

1. **Maximum Amount:** Leave without pay normally shall not exceed twelve (12) months. Any exceptions to this should be agreed upon by the supervisor and the President.
2. **Employee Responsibility:** The employee shall apply, in writing, to his supervisor for leave without pay, specifying both the reasons leave is requested and the length of leave time requested. He is obligated to return to duty within or at the end of the time granted. If he finds he will not return to work, he should notify his supervisor immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, may be considered as a resignation.

3. **College Responsibility:** The decision to grant leave without pay is an administrative one for which the President must assume full responsibility. Factors to consider are workload, need of filling the employee's position, chances of employee returning to duty, and the College's ability to reinstate the employee to a position of similar status and pay.
4. **Retention of Benefits:** The employee shall retain all accumulated sick leave, retirement status, and time earned toward his next increment. He ceases to earn leave on the date his leave without pay begins except in cases where an employee is drawing worker's compensation. Leave without pay in excess of one-half the work days in a month (with the exception of authorized military leave and worker's compensation leave) will delay the longevity anniversary date and the leave accrual date on a month-for-month basis.
5. **Payment for Non-Work Days:** A short period of leave without pay is considered to be not more than ten (10) workdays. If the employee is in pay status through a holiday, or for 1/2 or more of the workdays and holidays in the month, in case of short periods of leave without pay, pay is received for the holiday.
6. **Retirement Status:** If an employee is granted a leave of absence for purposes which tend to make him a more valuable employee, he may receive permission from the State Retirement System to make personal contributions to his retirement account during this period and receive service credit. The request must be made in advance by the President of the College and the College must agree to pay its share of the cost. Leave is restricted to a career total of two (2) years and this provision is limited to members who are under age 65.
7. **Reinstatement from Leave Without Pay:** An employee shall be reinstated, except as noted, to the same position or one of like seniority, status, and pay if he returns to duty with the College.
8. **Payment of Annual Leave and Continuation of Benefits:** An employee going on leave without pay may exhaust vacation leave or may retain part or all accumulated leave until the employee returns, the only exceptions being: (a) if an employee has accumulated vacation leave, all leave must be exhausted before going on leave without pay for vacation purposes, or (b) if an employee requests leave for other personal reasons for a period not to exceed ten (10) workdays, leave must be used if available; however, if the leave is for a period longer than ten (10) workdays, the employee may choose to use vacation leave or retain it for future use. Accumulated annual leave shall be exhausted rather than paid in a lump sum before an employee goes on leave without pay. Exceptions are: (a)

Annual leave is held to the employee's credit during periods of suspension. An employee, exhausting leave before going on leave without pay, shall continue to be in a leave earning capacity (refer to **Annual Leave, 9.21.00**), be eligible to take sick leave, be entitled to holidays (refer to **Legal Holidays, 9.32.00**), and be eligible for salary increments and promotional increases during the period covered by annual leave.

### **9.23.00 FAMILY/MEDICAL LEAVE**

Any employee who is absent for three (3) or more consecutive days for sickness or for reasons covered under the Family and Medical Leave Policy will automatically be placed on family and medical leave. Employees will receive written notice that they have been placed on leave effective the first day of the eligibility period.

#### **A. Purpose**

The Family and Medical Leave Act of 1993 and the National Defense Authorization Act of 2008 were passed by Congress to balance the demands of the workplace with the needs of families to promote the stability and economic security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring, generally, that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

#### **B. Definitions**

1. **Parent** - a biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.
2. **Child** - is a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability, and who is:
  - (a). a biological child,
  - (b). an adopted child,
  - (c). a foster child - a child for whom the employee performs the duties of a parent as if it were the employee's child,
  - (d). a stepchild - a child of the employee's spouse from a former marriage,

- (e). a legal ward - a minor child placed by the court under the care of a guardian,
- (f). a child of an employee standing in loco parentis.
- 3. **Spouse** - a husband or wife.
- 4. **Next of Kin of a covered service member** – the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority:  
Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.
- 5. **Covered Service Member** – a member of the Uniformed Services who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- 6. **Serious Health Condition** - (1) an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility; or that involves continuing treatment by a health care provider involving two or more doctor visits within thirty days of the start of incapacity; (2) any period of incapacity requiring absence from work of more than three workdays that also involves continuing treatment by a health care provider; or (3) continuing treatment by a health care provider for conditions so serious that, if not treated, would likely result in an absence of more than three workdays. Prenatal care is also included. The period of actual physical disability associated with childbirth is considered a serious health condition and must be taken as family/medical leave, whether as paid or unpaid leave.

In case of a member of the Uniformed Services, “serious injury or illness” means an injury or illness incurred by the member in line of duty on active duty in the Uniformed Services that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.

- 7. **Outpatient Status of Covered Service Member** – with respect to a covered service member, means the status of a member of the Uniformed Services assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of the Uniformed Services receiving medical care as outpatients.

8. **Qualifying Exigency** –a leave that applies only to families of members of the National Guard and reserves and certain retired members of the military, not to families of active members of the regular armed services. Following are reasons for which QE leave can be requested:
  - (a). short-notice deployment (call or order given less than seven days before deployment)
  - (b). military events and related activities (such as official military-sponsored ceremonies and family support and assistance programs as related to a member's call to duty)
  - (c). urgent child-care and school activities
  - (d). financial and legal tasks (such as making or updating legal arrangements to deal with the family member's active duty, such as obtaining financial and healthcare powers of attorney or transferring bank account signature authority,)
  - (e). counseling for the employee or his minor child that isn't already covered by the FMLA
  - (f). to spend time with the covered service member on rest and recuperation breaks during deployment, for up to five days per break
  - (g). post-deployment activities (such as arrival ceremonies and reintegration briefings for a period of 90 days following the termination of active duty status or to address issues from the service member's death while on active duty)
  - (h). other purposes arising out of the call to duty as agreed on by the employee and employer.
9. **Contingency Operation** – a call or order to, or retention on, active duty of members of the Uniformed Services during a war or during a national emergency declared by the President or Congress.
10. **Workweek** - The number of hours an employee is regularly scheduled to work each week.
11. **Reduced Work Schedule** - A work schedule involving less hours than an employee is regularly scheduled to work.
12. **Intermittent Work Schedule** - A work schedule in which an employee works on an irregular basis and is taking leave in separate blocks of time, rather than for one continuous period of time, usually to accommodate some form of regularly scheduled medical treatment.
13. **12-Month Period** - Richmond Community College designates the 12-month period as a "rolling" 12-month period measured backward from the date an employee uses any family/medical leave.

### C. Eligible Employees

**Permanent Employees** - An employee is eligible if he has been employed with the College for at least twelve (12) months and has worked at least 1,040 hours (half-time) during the previous 12-month period.

**Temporary Employees** - This policy does not cover temporary employees since the maximum length of a temporary appointment is one (1) year; however, if by exception a temporary employee is extended beyond one (1) year, the employee would be eligible if they had worked at least 1,250 hours during the previous 12-month period. Any leave granted to a temporary employee would be without pay.

**Basic Family Leave** - An eligible employee is entitled to a total of twelve (12) workweeks of leave, paid or unpaid, during any 12-month period for one (1) or more of the reasons listed below. The reasons include:

1. For the birth of a child and to care for the child after birth, provided the leave is taken within a 12-month period following birth.
2. For the employee to care for a child placed with the employee for adoption, provided the leave is taken within a 12-month period following adoption.
3. For the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition; or
4. Because the employee has a serious health condition that makes the employee unable to perform the essential functions of the employee's position.

**Military Family Leave** – There are two types of Military Family Leave available.

1. **Qualifying Exigency** – An eligible employee is entitled to a total of twelve (12) workweeks of leave, paid or unpaid, during any 12-month period because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Uniformed Services in support of a contingency operation.
2. **Leave to care for covered service member** – An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member recovering from an injury or illness suffered while on active duty. This one-time leave benefit shall only be available during a single 12-month period.

(Note: During the 12 month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave.)

Leave without pay beyond the 12-week (or 26, as appropriate) period or for employees not covered under the Family and Medical Leave Policy will be administered under the Sick Leave Without Pay Policy. Under these provisions, employees must pay for health benefits coverage.

#### **D. Leave Charges**

It is the responsibility of the agency to designate leave, paid or unpaid, as FMLA leave, based on information provided by the employee. This must be done before the leave starts or before an extension of leave is granted if the employee is already on leave. If an employee on paid leave has not provided information sufficient to determine whether it is to be designated as FMLA leave, the agency shall, after a period of ten (10) workdays, request that the employee provide sufficient information to establish an FMLA-qualifying reason for the needed leave. This does not preclude the agency from requesting the information sooner, at any time an extension is requested.

The employee has the following options for charging leave:

1. **Birth** - For the birth of a child, the employee may choose to exhaust available vacation and/or sick leave, or any portion thereof, or go on leave without pay, except that sick leave may be used only during the period of disability. This applies to both parents.
2. **Adoption** - For the adoption of a child, the employee may choose to exhaust available vacation leave, or any portion thereof, or go on leave without pay.
3. **Illness of Child, Spouse, Parent** - For the illness of an employee's child, spouse or parent, the employee may choose to exhaust available sick and/or vacation leave, or any portion thereof, or go on leave without pay.
4. **Employee's Illness** - For the employee's illness, the employee shall exhaust available sick leave and may choose to exhaust available vacation leave, or any portion thereof, before going on leave without pay. If the illness extends beyond the 60-day waiting period required for short-term disability, the employee may choose to exhaust the balance of available leave or begin drawing short-term disability benefits.
5. **Qualifying Exigency** –, may use vacation/bonus leave, or any portion, or go on leave without pay to deal with issues arising because the family member is on active duty or has been called to active duty.

6. **Care of Service Member** - may choose to exhaust available sick and/or vacation/bonus leave, or any portion, or go on leave without pay to care for an injured family member.

Periods of paid leave and periods of leave without pay (including leave without pay while drawing short-term disability benefits) count towards the twelve (12) workweeks (or 26, as appropriate) to which the employee is entitled.

#### **E. Intermittent Leave or Reduced Work Schedule**

Pursuant to this policy, the employee may not take leave intermittently or on a reduced work schedule for childbirth and birth-related child care or for adoption unless the employee and College agree otherwise. When medically necessary, the employee may take leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. Intermittent leave may also be taken because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty. There is no minimum limitation on the amount of leave taken intermittently.

If such leave is foreseeable, based on planned medical treatment, the College may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, that has equivalent pay and benefits, and better accommodates recurring periods of leave.

Only the time actually taken as leave may be counted toward the 12 weeks of leave to which the employee is entitled when leave is taken intermittently or on a reduced leave schedule. (For example, an employee normally works 40 hours each week. The employee is on a reduced work schedule of 20 hours per week. The FMLA leave may continue for up to 24 calendar weeks.)

If an employee works a reduced or intermittent work schedule and does not use paid leave to make up the difference between the normal work schedule and the new temporary schedule to bring the number of hours worked up to the regular schedule, submit documentation showing a change in the number of hours the employee is scheduled to work. This will result in an employee earning pay and leave at a reduced rate.

#### **F. Employee Responsibility**

The employee shall give notice to the supervisor for leave requested under this policy. (Applicable forms may be obtained from Human Resources.) The employee

must explain the reasons for the needed leave so as to allow the agency to determine that the leave qualifies under the Act.

1. **Birth or Adoption** - The employee shall give the College no less than 30 days' notice, in writing, of the intention to take leave, subject to the actual date of the birth or adoption. If the date of the birth or adoption requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.
2. **Planned Medical Treatment** - When the necessity for leave to care for the employee's child, spouse, or parent occurs, or because the employee has a serious health condition, the employee must make a reasonable effort to schedule the treatment so as to not unduly disrupt operations, subject to the approval of the employee's health care provider or the health care provider of the employee's child, spouse, or parent. The employee must also give thirty (30) days' notice if practicable of the intention to take leave, subject to the actual date of the treatment. The employee shall be deemed to have applied for leave under this policy when: (a) the employee is on approved leave but has not given written notice of the intent to take family or medical leave to the supervisor, (b) the employee utilizes leave for any purpose whether with or without pay for a period in excess of thirty (30) days, and (c) the basis for the leave falls within the scope of this policy. In these cases, the College shall notify the employee that time spent on paid leave or leave without pay during the 30-day period is a part of the twelve (12) workweeks of leave.
3. **Qualifying Exigency** – The employee shall provide such notice as is reasonable and practicable and adequate to determine eligibility for a qualifying exigency. (For example and employee might provide a copy of the service members active-duty orders.)
4. **Military Caregiver leave** – The employee shall provide certification from an appropriate military healthcare provider. (An “invitational travel authorization” form is also acceptable.)

In the event of a Medical Emergency requiring leave, the employee or employee's representative, shall notify the College as soon as is practicable.

If the employee will not return to work after the period of leave, the college shall be notified in writing. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

## **G. Certification**

For leave pursuant to this policy, the College may require that a claim for leave because of adoption be supported by reasonable proof of adoption.

The College may require that a claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent be supported by a doctor's certification which includes the following: (Form WH-380E for employee illness or Form WH-380F for family member illness.)

1. The date on which the serious health condition began,
2. The probable duration of the condition,
3. The appropriate medical facts regarding the condition,
4. A statement that the leave is needed to care for the child, spouse, parent, and an estimate of the amount of time that is needed; or that the employee is unable to perform the functions of the position, whichever applies,
5. Where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given, and the duration of the treatment.

The College may require that a claim to care for a seriously injured service member be supported by an appropriate military healthcare providers certification which includes the following: (Form WH-385)

1. Date condition began,
2. Probable duration of the need for care,
3. For intermittent leave, the dates for follow-up treatment and the duration of the treatment.

The College may require that a claim for leave for a qualifying exigency be supported by a copy of official military document(s) related to the specific request. (Form WH-384) This may include items such as active duty orders, copy of meeting announcement for an information briefing, a document confirming an appointment with a counselor, etc.

Where the College has reason to doubt the validity of the certification, it may require the employee to get the opinion of a second doctor designated or approved by the College. Where the second opinion differs from the opinion in the original certification provided, the College may require the employee to get the opinion of a third doctor designated or approved jointly by the College and the employee. The third opinion is final and is binding on the College and the employee. The college may

require that the employee get subsequent re-certifications on a reasonable basis. The second and third certification and the re-certifications must be at the College's expense.

## **H. Employment and Benefits Protection**

1. **Reinstatement** - The employee shall be reinstated to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment. The College may require the employee to report at reasonable intervals to them on the employee's status and intention to return to work. The College also may require that the employee receive certification that he is able to return to work.
2. **Benefits** - The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.
3. **Health Benefits** - The College shall maintain coverage for the employee under the state's group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment.
  - (a). Employees are eligible to maintain health care coverage for themselves and their dependents during the FMLA leave period under the same conditions coverage would have been provided had the employee continued employment for the duration of the leave. The college is responsible for continuing its contributions for the employee's coverage during the FMLA leave period. Employees are obligated to continue to pay their contribution.
  - (b). Employees who elect not to maintain coverage for themselves and/or dependents for the period of the leave will be entitled to have their health care coverage resumed upon their return to work without a waiting period for pre-existing conditions.
  - (c). Employees who fail to pay their applicable contributions within the allowable 30-day grace period can have coverage discontinued by the College. If coverage is cancelled as a result of the employee's nonpayment of contributions, the coverage must be restored upon the employee's return to work at the end of the leave period without a waiting period for pre-existing conditions.
  - (d). Entitlement to leave and the College's contributions for health care ceases when it becomes known that an employee is not returning to work. This will constitute a "qualifying event" for both the employee and dependents under COBRA, whether or not the employee maintained coverage while on leave.

- (e). The College may recover the premiums if the employee fails to return after the period expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.

## **I. Interference with Rights**

1. Actions prohibited - It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.
2. Protected authority - It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:
  - (a). Files any civil action or institutes or causes to be instituted any civil proceeding under or related to this policy,
  - (b). Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this policy,
  - (c). Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy.

## **J. Enforcement**

Violations can result in any of the following or a combination of any of the following and are enforced by the U.S. Secretary of Labor:

1. U.S. Department of Labor investigation, or
2. Civil liability with the imposition of court costs and attorney's fees, or
3. Administrative action by the U.S. Department of Labor.

For further information, see the Family and Medical Leave Act of 1993.

*History note: Amended Effective: February 4, 2009 in compliance with the National Defense Authorization Act, Public Law 110-181.*

## **9.24.00 SHARED LEAVE PROGRAM**

This policy is designed to provide a means of continued income for RCC employees experiencing serious and prolonged medical conditions. The policy would allow for the transfer of leave from one state employee to another only in medical situations that would otherwise cause the employee to be forced to be placed on leave without pay. Further, this policy is believed to be a humane approach for one (1) employee to assist another by allowing for the transfer or donation of leave at a critical time in one's life.

The Shared Leave Policy is the only means by which leave may be shared or transferred among employees. The sharing of leave among employees is otherwise prohibited. The Shared Leave Policy permits the sharing of leave only in instances of medical necessity. Such medical conditions must be of a prolonged, serious, or critical nature, generally considered to be at least twenty (20) consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition with the last twelve (12) months, an exception to the 20-day period may be made.

For purposes of this policy, "medical condition" means medical condition of an employee or a family member of such employee that would result in a substantial loss of income to the employee. Medical conditions or illnesses that are considered to be routine, short-term, or sporadic shall not be considered for shared leave purposes. This would include such things as short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term recurring medical or therapeutic treatments. This would also include recurring headaches, sinus infections, bronchitis, or similar short-term medical conditions. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

Leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.

#### **A. Eligibility**

1. The employee must be in permanent, probationary, or trainee appointment status and eligible to earn leave. The limitation and leave balance for permanent part-time employees is prorated.
2. Medical information is protected under the Privacy Act. The prospective shared leave participant must therefore sign a medical release form authorizing the release of necessary medical information to determine eligibility for participation in the shared leave program. This release form also authorizes Human Resources to solicit leave on the employee's behalf. The employee is discouraged from soliciting his own leave.

3. The employee qualifies for participating in the program after exhausting all accumulated leave from his own personal account.
4. Requests for shared leave must be substantiated by a doctor's certificate which states specifically the nature of the illness and the anticipated length of disability. Additionally, the disabling condition must cause the employee to be absent from work a minimum of twenty (20) consecutive workdays in order to meet the definition of "prolonged." Shared leave shall be solicited on a current/as needed basis, and may be retroactive for up to thirty (30) calendar days. Shared leave donations must be received, documented, and appropriately accounted for within thirty (30) days of the expiration of the disability. An employee whose disability ended on June 30 has until July 30 to solicit leave. Personnel shall ensure the appropriate debiting and crediting of leave accounts for audit purposes.

An employee who returns to work on a part-time, trial, or rehabilitative basis may continue receiving shared leave until he is reinstated on a full-time basis, provided he is still under the care of a physician. The employee ceases to qualify for shared leave upon returning to work on a full-time basis. The employee must provide documentation from his attending physician that he should return to work on a part-time basis.

5. An employee who has a medical condition and who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required 60-day waiting period and following the waiting period provided DIPNC benefits have not begun.
6. An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in this program. Use of donated leave under the workers' compensation program would be limited to use during the required waiting period.
7. Non-qualifying conditions: The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

8. State policy prohibits the banking of leave or the establishment of a leave "bank" for use by unnamed employees. Leave must be solicited as the need occurs and on an individual basis.

## **B. Application Procedure**

1. Human Resources must receive official notification of a request to participate in the shared leave program. Such notification may come from the employee, the employee's supervisor, or from a coworker. Human Resources cannot assume responsibility for initiating the request.
2. Human Resources will contact the employee to verify the validity of the request, and will inform employee of the application procedures.
3. All requests for shared leave must be substantiated by a doctor's certificate stating the nature of the illness and the approximate recuperation time.
4. The employee must sign a medical release form authorizing Human Resources to solicit shared leave from other employees.
5. The employee will be notified of the decision to either grant or deny the request for participating in the shared leave program.
6. The College shall decide whether a request for shared leave is to be granted or denied; there is not an outside appeal process.

## **C. Recipient Guidelines**

1. Participation in this program is limited to 1,040 hours (prorated for permanent part-time employees), either continuously or, if for the same condition, on a recurring basis. However, management may grant employee continuation in the program, month by month, for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.
2. Subject to the maximum of 1,040 hours, the number of hours of leave an employee can receive is equal to the projected recovery or treatment period, less the employee's combined vacation and sick leave balance as of the beginning of the recovery or treatment period. The employee must exhaust all available leave before using donated shared leave.
3. Leave donated to a recipient's leave account is exempt from the maximum accumulation carry over restrictions at calendar year end.
4. At the expiration of the medical condition, as determined by the college (substantiated by a doctor's certificate), unused leave in the recipient's leave account shall be returned to the donor(s) on a pro rata basis.

5. If a recipient separates from the College, participation in the program ends. Donated leave shall be returned to the donor(s) on a pro rata basis.

#### **D. Donor Guidelines**

1. A non-family member donor may contribute vacation leave to another employee in any state agency, community college, or public school.
2. An immediate family member donor of any state agency, public school system, or community college may contribute vacation or sick leave to another immediate family member in any agency, public school or community college. Immediate family is defined as spouse, parent, children, brother, sister, grandparent, and grandchildren. Also included are the step, half, and in-law relationships.
3. The minimum amount of leave to be donated is four (4) hours.
4. An employee family member donating sick leave to a qualified family member under this program may donate up to a maximum of 1,040 hours, but may not reduce the sick leave account below forty (40) hours.
5. The maximum amount of vacation leave allowed to be donated by one (1) individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate. Participation in the program is determined by the prospective donor's leave balance as of the end of the preceding month which should also be the month for which leave was last posted by the Business Office.

Example 1: An employee with five (5) but less than ten (10) years of eligible service earns 134 hours annually of vacation leave. Employee may contribute four (4) or more hours, but may not reduce vacation leave balance below 67 hours.

Example 2: An employee with more than twenty (20) or more years of eligible service earns 206 hours annually of vacation leave. Employee may contribute four (4) or more hours, but may not reduce vacation leave balance below 103 hours.

#### **E. Accounting Procedures**

1. The College shall establish a system of leave accountability which will accurately record leave donations and recipients' use. Such accounts shall provide a clear and accurate record for financial and management

2. Withdrawals from recipient's leave account will be charged to the recipient's account according to the usual leave policies.
3. Leave transferred under this program will be available for use on a current basis or may be retroactive for up to thirty (30) calendar days to substitute for leave without pay or advanced vacation or sick leave already granted to the leave recipient.
4. Each approved medical condition shall stand alone and donated leave not used for each approved incident shall be returned to the donors. Employees who donate "excess" leave (any amount above the 240 maximum allowable carryover) at the end of December may not have it returned.

#### **9.25.00 PARENTAL LEAVE**

Employees who are the natural parents of a newborn infant or the parents of a newly adopted child under five (5) years of age may request leave under provisions of this policy.

In accordance with the College's policy on equal employment opportunity, female employees shall not be penalized in their condition of employment because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery. **(Leave regulations discussed in this Section apply to parental leave only.)**

Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from are, for all job-related purposes, temporary disabilities and must be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment.

Sick leave can be used for parental purposes for the period of actual disability as a result of childbearing or recovery there from. To prevent discrimination, the employees going on parental leave will be permitted to exhaust annual leave and thus, gain the benefits being accorded other types of leave with pay.

##### **A. College Responsibility**

Parental leave, normally not to exceed six (6) months, shall be granted permanent, probationary, or provisional employees. Limitation of employment before childbirth is prohibited; therefore, based on the type and nature of work performed, the College shall be responsible for determining, in consultation with the employee and

upon advice she has received from her physician, how far into the pregnancy she may continue to work before going on leave.

Her return to work should be within a reasonable length of time depending upon the advice of her physician. Leave may be extended to twelve (12) months, based on medical certification.

Reinstatement to the same position or to one of like seniority, status, and pay must be made upon the employee's return to work.

## **B. Employee Responsibility**

Requests for parental leave shall be made in writing to the appropriate supervisor and to the President.

The employee is obligated to return to duty within or at the end of the time determined appropriate. If the employee is unable to return to work, the supervisor should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, may be considered a resignation.

## **C. Annual Leave**

Annual leave need not be exhausted before going on leave without pay. If the period of annual leave overlaps with the period of temporary disability, annual leave should be exhausted until sick leave begins and the balance should be exhausted after sick leave is exhausted.

## **D. Retention of Benefits**

During any period of leave without pay, the employee shall retain all accumulated unused sick leave, retirement status, and time earned toward the next increment. The employee will continue to earn sick and annual leave during the period of paid leave.

### **9.26.00 MILITARY LEAVE**

The State Board of Community Colleges has approved the granting of military leave with pay for members of reserve components of the U.S. Armed Forces for certain periods of active duty training and for state military duty. For details, refer to **Section 2D-0104 of the North Carolina Administrative Code**.

### **9.27.00 FUNERAL LEAVE**

A maximum of three (3) sick days may be taken for death of an immediate family member. For all other absences due to death, the employee must take vacation time or leave without pay. Immediate family member is defined in Section 9.24.

## **9.28.00 JURY DUTY/CIVIL LEAVE**

Employees are entitled to leave with pay when serving on a jury or when subpoenaed as a witness. It is the responsibility of the employee to inform the supervisor when the jury duty or court attendance is scheduled and the expected duration of the leave.

### **A. Jury Duty**

An employee who serves on a jury is entitled to leave with pay and regular compensation plus fees received for jury duty. The employee should report back to work as soon as jury duty is completed.

If jury duty occurs on a scheduled day off, the employee is not entitled to additional time off.

### **B. Court Attendance**

When an employee attends court in connection with official duties, no leave is required. Fees received as a witness while serving in an official capacity shall be turned in to the College. (If court is on a day that would normally be an off-day, the time is to be considered as working time and included in the total hours worked per week.)

When an employee is subpoenaed or directed by proper authority to appear as a witness, civil leave with pay shall be granted. Any fees received shall be turned in to the College. The employee may use vacation leave rather than take civil leave with pay in which case any fees received may be retained. (This is not considered as work time.)

An employee who is a party (plaintiff or defendant) in a court procedure is not considered a "witness"; therefore, vacation time or leave without pay must be used for the purpose of attending court.

## **9.29.00 PROFESSIONAL DEVELOPMENT**

Richmond Community College is committed to employee professional development and encourages employees to further their education and training. This policy has been developed to provide guidance to employees and supervisors to assist in their professional development. It is important for all to remember that the first priority of any employee, however, is the welfare of the students to whom the College has a responsibility. In addition, the granting of a request for professional development should not create an undue hardship on any area of the College.

Primary purposes of professional development should be: to increase an employee's knowledge in relation to their current job, to meet changing job

requirements, to learn new technological advances, to satisfy accreditation requirements, or to provide support for advanced work for the mutual benefit of the individual and the College.

The President and the Board of Trustees may grant exceptions to this policy when determined that it is in the best interest of the College.

The various types of professional development are further described herein.

#### **A. Educational Leave**

The term "educational leave" is defined as the release from duties or time normally required of a full-time employee in carrying out their assigned responsibilities. It does not apply to off-duty time used for educational purposes.

#### **Full-time Educational Leave With Pay**

State funds may be used to pay salaries of personnel while on leave (**NC Administrative Code 23-0103**) provided all of the following conditions are met:

1. The employee is employed full-time permanent on a 9- or 12-month basis and has been in RCC's employ for at least one year prior to the educational leave with pay.
2. Educational leave shall not exceed one semester per contract year and the studies engaged in shall be directly related to improving the competence of the employee in assigned duties.
3. The employee shall submit the Request for Educational Leave form and all required documentation to their supervisor a minimum of one month prior to the start of the requested leave. For return to industry requests, a letter from the industry where the employee plans to work and the purpose of the exchange must also be submitted.
4. The supervisor shall make a recommendation to the appropriate Vice President, who shall in turn review all requests and recommend to the President those from that area who are to be granted leave. The President shall make the final decision. Employees granted educational leave will receive an Educational Leave Contract.
5. Any employee granted educational leave is required to provide verification of class enrollment within the first two weeks of leave.
6. The employee is under contract to return to the College the following year, submit a written statement of intent to honor the contract, and furnish the College with transcripts or documentation of work performed while on educational leave.

7. Any employee who is granted educational leave and who leaves the employ of the College before one (1) year following such leave shall repay a pro rata part of the salary received while on educational leave.
8. The Board of Trustees must approve any other type of educational leave upon the recommendation of the President.

### **Part-time Educational Leave**

Part-time educational leave may be requested when a class cannot be taken outside of an employee's regular work hours. The eligibility and process requirements for a part-time leave are the same as the full-time requirements listed above, except that part-time leave is not restricted to one semester.

### **Educational Leave Without Pay**

Leave without pay may be granted to full- or part-time permanent employees for educational purposes which will better equip the employee for the performance of their duties and responsibilities; or for reasons deemed justified by the supervisor and the President. The **Request for Educational Leave** form shall be used to request educational leave without pay. Leave without pay normally shall not exceed twelve (12) months. Any exceptions to this should be agreed upon by the supervisor and the President.

Employees who are granted educational leave without pay may, with the approval of the supervisor and President, take this time without pay or make-up the time.

Refer to Section 9.22.01 Leave Without Pay for complete information as it pertains to retention of benefits.

### **B. Tuition Free Courses**

State policy allows full-time permanent employees to enroll in one curriculum or continuing education course per semester, as well as the summer term, in the community college system without payment of tuition or continuing education registration fee (self-supporting classes are excluded from this policy). A class may be taken under these conditions for one time only. The employee is responsible for the cost of the textbook/required supplies and the student activity fee.

An employee shall complete the **Employee Application for Course Tuition Waiver** form to obtain permission to take a tuition free course. Application to take a course during an employee's regular working hours must be made to the appropriate administrator no later than ten (10) working days prior to the first day of registration.

This form must be signed and approved by the supervisor and forwarded to the President who gives final approval or disapproval prior to the first day of registration. The decision of the President is final and cannot be appealed.

Permission to enroll will normally be granted to an employee if the class is taken during the employee's off-duty hours. Approval for classes taken during an employee's regularly scheduled work hours may be approved under the following circumstances:

1. The College required the employee to take the course as a condition of continued employment. In this instance, the employee shall not be required to make up this time away from his workstation.
2. The course is not offered at another time during the year. In this instance, approval is given with the understanding that all time away from the workstation shall be made up on an hour-for-hour basis on a schedule approved by the supervisor. Approval for enrollment in a course is for waiver of charge only, not for absence from one's normal duties except in the first instance.
3. The supervisor feels the course would help the employee improve their skills in their present position.

The supervisor will also take into consideration the workload of the department, the effectiveness of make-up work to be done, and the fair and uniform treatment of all employees.

Only one course taken on College time will be approved per semester for each employee. With the exception of approved staff development courses, arrangements for time away from work must be made as described above.

### **C. Other Professional Development Activities**

Professional development is the responsibility of each faculty and staff member. College funding to support professional development activities is available on a limited basis. Each supervisor can advise the employee of the availability of funding and the range of activities available for funding. Activities may include, but are not limited to, conferences, seminars, regional/district meetings, return-to-industry, and in-house faculty and staff training. Activities for which employees are requesting reimbursement for travel expenses must follow the travel reimbursement protocol.

## **9.30.00 PARENTAL/VOLUNTEER SCHOOL LEAVE**

### **A. Purpose and Uses**

The purpose of parental/volunteer school leave is to promote employees' involvement in the education of youth and to promote employees' assistance to schools. Employees may take leave under this policy to:

1. meet with a teacher or administrator of any elementary school, middle school, high school, or child care program authorized to operate under the laws of the State of North Carolina concerning the educational development of the employee's children, stepchildren, or children over whom the employee has custody;
2. attend any function sponsored by the school or child care program as defined in subparagraph (1) above in which the children, stepchildren, or children over whom the employee has custody are participating. This provision shall only be utilized in conjunction with non-athletic programs that are a part or supplement to the College's or day care's academic or artistic program;
3. perform, by any employee without regard to parental status, school-approved volunteer work approved by a teacher, school administrator, or program administrator.

### **B. Amount of Leave**

1. Full-time permanent employees may take up to four (4) hours of paid leave each fiscal year regardless of the number of children. The four (4) hours of leave will be credited on July 1 of each year. The four (4) hours of leave for part-time permanent employees will be prorated based on the number of hours they work per week.
2. New employees will be credited with the full four (4) hours of leave immediately upon their employment.

### **C. Approval of Leave**

1. Employees must submit a written request and receive prior approval from their supervisor to use this leave. Once approved, the written request must be forwarded to the Human Resource Office.
2. Time away from work, pursuant to this policy, shall not exceed four (4) hours, and the leave is to be at a mutually agreed upon time.
3. The College may require written verification of the leave.

**D. Noncumulative**

Leave not taken in a fiscal year will be forfeited; it will not be carried over into the next fiscal year.

**E. Separation**

Employees will not be entitled to payment for this leave upon separation from the College.

**9.31.00 WORKER'S COMPENSATION BENEFITS**

While on worker's compensation leave, the employee will continue to accumulate vacation and sick leave to be credited to his account for use upon return. If the employee does not return, vacation and sick leave accumulated during the first twelve (12) months will be paid in a lump sum along with other unused vacation.

While on worker's compensation leave, an employee is eligible for any salary increases which would have been given had the employee been at work.

The **Worker's Compensation Manual**, located in the Business Office, contains detailed information concerning the rules for workers on worker's compensation leave.

**9.32.00 LEGAL HOLIDAYS**

Effective July 1, 2009, consistent with the State, the College shall receive 11 to 12 paid holidays per calendar year to include the following:

- |                                   |                    |
|-----------------------------------|--------------------|
| New Year's Day                    | Independence Day   |
| Martin Luther King, Jr's Birthday | Labor Day          |
| Good Friday                       | Veteran's Day      |
| Memorial Day                      | Thanksgiving Break |
| Christmas Break                   |                    |

Employees are granted eight (8) hours away from work for each day designated as a holiday. Permanent part-time employees receive holidays on a pro rata basis. Temporary employees are not eligible for paid holidays. Annual leave must be taken when the school is closed for days other than holidays.

**Employees whose work schedules call for four ten-hour days per week will receive the same number of holiday hours over the course of a year as do employees with regular schedules. A special holiday schedule will be distributed to them each year.**

If the employee is in pay status through a holiday, or for ½ or more of the workdays and holidays in the month in case of short periods of leave without pay, pay is received for the holiday. Pay is not received for a holiday that occurs before the beginning date of employment or after the last day of work when an employee separates or goes on extended (over half the workdays in a month) leave without pay.

*History note: Amended Effective: May 5, 2009 for 11-12 holidays per year.*

### **9.33.00 LONGEVITY POLICY**

Annual longevity payments are made to community college employees after ten (10) years of aggregate service to the State of North Carolina.

#### **A. Persons Eligible for Longevity Pay**

A permanent full-time or permanent part-time employee of the College shall receive longevity pay when he meets the requirements of total qualifying service. An employee assigned to a permanent full-time or permanent part-time position is eligible for longevity pay only after the date the employee has completed ten (10) years of total permanent service with a community college, a school administrative unit, or a qualifying agency.

#### **B. Amount of Longevity Pay**

Longevity pay amounts are computed by multiplying the employee's annual base or contract salary rate as of the eligibility date by the appropriate percentage, rounded to the nearest dollar, in accordance with the following table:

<b>Years of Aggregate State Service</b>	<b>Longevity Pay Rate</b>
10 years but less than 15 years	1.50%
15 years but less than 20 years	2.25%
20 years but less than 25 years	3.25%
25 years or more	4.50%

Longevity pay is not considered a part of annual base or contract pay nor is it to be represented in personnel and payroll records as a part of annual base or contract salary. (Salary increases, effective on the same date as the longevity eligibility, shall be incorporated in the base pay before computing longevity.)

#### **C. Time and Method of Payment**

1. Longevity payments to eligible employees are automatic.

2. Payment shall be made in a lump sum, subject to all statutory deductions, during the monthly pay period in which the employee has satisfied all eligibility requirements.
  - (a). Eligible employees on worker's compensation leave shall receive longevity payment in the same manner as if they were working.
  - (b). If an employee retires, resigns, dies, or is otherwise separated on or after the date of becoming eligible for a longevity payment, the full payment shall be made to the employee or to the estate of the employee in case of death.
  - (c). If, on the effective date of this policy, an employee has completed the qualifying length of service but is between eligibility dates, longevity payment will be made on the next longevity anniversary date.
  - (d). If the employee has worked part but not all of one year since qualifying for longevity payment, the employee shall receive a pro rata payment in the event of (1) separation from the college; or (2) change in employment status to temporary part-time or to a position not covered in this policy.
  - (e). If an employee is separated from the College and receives a partial longevity payment and is employed by another community college, school administrative unit, or state agency, the balance of the longevity payment shall be made upon completion of additional service totaling twelve (12) months for an employee having a 12-month period of employment. The balance due is computed on the annual or contract salary being paid at the completion of the requirement.
  - (f). If an eligible employee at the time of separation has a fraction of a year toward the next higher percentage rate, payment shall be based on the higher rate; however, the basic eligibility requirement for longevity must have been satisfied before this provision can apply.
  - (g). Leave without pay in excess of one-half the work days in a month (with the exception of authorized military leave and worker's compensation leave) will delay the longevity anniversary date on a month-for-month basis.

#### **D. Eligible Aggregate State of North Carolina Service**

Total service for the longevity pay plan is based on a month-for-month computation of permanent full-time and permanent part-time (twenty [20] hours or more, but less than full-time) employment with:

1. An institution in the community college system or a school administrative unit regardless of the source of salary and including state, local, or other paid employment.
  - (a). Employment for a school year is equivalent to one full calendar year (credit for a partial year is given on a month-for-month basis).
  - (b). In no event will an employee earn more than a year of total service credit for a twelve (12) month period.
  - (c). If an employee is in pay status (working, exhausting vacation or sick leave, or when on workers' compensation leave, or is on authorized military leave) for one-half or more of the regularly scheduled workdays in a month, credit shall be given for the entire month. Credit is not given for periods which the employee is receiving disability pay.
2. Departments, agencies, and institutions of the State of North Carolina.
3. Other governmental units which are now agencies of the State of North Carolina.
4. County Agricultural Extension Service.
5. Local mental health, public health, social services, or civil preparedness agencies in North Carolina if such employment is subject to the State Personnel Act.
6. Authorized military leave.
  - (a). Credit for military leave is granted only for persons who were employees of the State of North Carolina who were granted leave without pay:
    - (1). for a period of involuntary service plus 90 days or for a period of voluntary enlistment for up to four (4) years, plus ninety (90) days, so long as they returned to employment in a covered agency within the ninety (90) days; or
    - (2). for a period of active duty for service, alerts, or required annual training while in the National Guard or in a military reserve program.
  - (b). Employees who enlist for more than four (4) years or who re-enlist shall not be eligible for military leave.
  - (c). Employees hospitalized for a service-connected disability or injury shall be granted additional leave without pay for the period of hospitalization plus ninety (90) days or for twelve (12) months, whichever is shorter. The hospitalization must commence before reinstatement into qualifying service for these provisions to apply.

## **E. Non-Eligible Service**

Total service for the longevity pay plan does not include:

1. Temporary service, i.e., service by an employee who works in a temporary position or who is working temporarily in the absence of a permanent employee on leave of absence.
2. Periods of out-of-state employment with other states, schools, colleges, or universities.
3. Periods of employment with agencies of the federal government.
4. Periods of military service other than those categories described above.
5. Periods of employment for employers other than the State of North Carolina even though credit in the North Carolina Retirement System has been purchased for such employment.

## **F. Source of Funds**

Longevity pay shall be made from the same source of funds and in the same pro rata amounts from which the employee's regular salary is paid (e.g., state, federal, local funds).

1. Local Trustees may provide longevity payments to employees from other than state-allotted funds.
2. Only personnel employed in positions allotted by the formula shall receive longevity pay from the longevity reserve. An additional allocation will be made for this purpose.
3. Employees in state-allotted positions paid with state-allotted funds other than regular formula allotments shall receive longevity pay from the same source of funds as their salary payment.
4. Employees paid with the following specified funds shall receive longevity pay from these respective sources:
  - (a). Adult basic education funds,
  - (b). Human Resource Development funds,
  - (c). New industry funds and Small Business Center funds,
  - (d). Special allotment funds,
  - (e). Federal vocational education funds, and
  - (f). Local funds.

## **G. Permanent Full-Time Service**

This is service which enables an employee to be eligible for all fringe benefits such as retirement and health insurance.

#### **H. Permanent Part-Time Service**

This is service by an employee who works at least half-time in a position of permanent full-time service.

#### **I. Temporary Service**

This is service by an employee who is working in a temporary position or who is working temporarily in the absence of a permanent employee on leave of absence. This service shall not be included as aggregate service.

#### **J. Date of Eligibility**

The earliest possible date of eligibility for a longevity payment is the date the permanent employee has completed ten (10) years of aggregate State of North Carolina service.

Upon change of employment status to temporary or to a position not covered in this policy, the employee is ineligible for continued longevity pay. If the employee has worked part but not all of one year since the last annual longevity payment, the employee shall receive a pro rata payment as if the employee were separated.

#### **K. Longevity Anniversary Date**

An employee's longevity will be delayed one month for each month he is on leave without pay for over half the workdays in a month. In cases of military leave without pay, educational leave, and while drawing worker's compensation, the longevity anniversary date does not change.

#### **L. Responsibility for Implementation**

The President of the College shall be responsible for determining the quantity of qualifying service and the longevity anniversary date for each eligible employee.

### **9.34.00 FRINGE BENEFITS**

#### **A. North Carolina Teachers' and State Employees' Retirement System**

Membership in the North Carolina Teachers' and State Employees' Retirement System is required of all full-time permanent employees and who work at least 30 hours/week at least 9 months/year. Details are available in the publication "**Your Retirement System - How It Works.**"

## **B. Disability Salary Continuation**

Full-time employees are covered without cost to the employees. Employees become eligible for benefits after one year of employment. Details are available in the publication "**Your Retirement System - How It Works.**"

## **C. Death Benefit**

After one (1) year of membership in the Retirement System, if the employee dies in service or within 180 days of the last day for which he was paid a salary, he automatically is eligible for a death benefit. It is free, but is not portable if the employee should leave State service.

The beneficiary is paid an amount equal to the salary earned in the highest twelve (12) months in a row during the 24 months before death, but no less than \$25,000 or no more than \$50,000.

## **D. Health Insurance**

The College pays the cost of health insurance for full-time permanent employees and  $\frac{3}{4}$ -time permanent employees. Current premium and coverage information is available in the Human Resource Office for employees as it is received from the state office. Half-time permanent faculty and their dependents are eligible for coverage on a self-pay basis.

## **E. Waiver of Tuition**

Full-time permanent employees may enroll in one (1) course per semester in any North Carolina Community College System institution with no tuition or registration cost.

## **F. NC Model Teachers Education Consortium**

All permanent employees who are pursuing their degree in education or education related (i.e. counseling) field are eligible to participate with the consortium. The consortium helps pay some of the expenses of obtaining a degree. For more information contact the Human Resource Office.

## **G. Tax Sheltered Annuities**

As of December 2008, 403(b) plans are no longer available.

*History note: Amended Effective: November 4, 2008.*

## **H. North Carolina State Employees' Credit Union**

Membership in the North Carolina State Employees' Credit Union is available to any permanent employee. Payroll deductions to the Credit Union may be made for savings, loans, etc.

## **I. State Employees' Association of North Carolina (SEANC)**

All employees who are members of the North Carolina Teachers' and State Employees' Retirement System are eligible for enrollment in the State Employees' Association of North Carolina. Contact the Director of Human Resources for more information.

## **J. State 401-K Plan**

All employees who are members of the North Carolina Teachers' and State Employees' Retirement System are eligible for enrollment in the supplemental retirement system. Contact the Director of Human Resources for more information.

## **K. Flexible Benefits Plan**

Premiums for unreimbursed medical expenses, dependent daycare, disability, dental, and cancer premiums can be deducted on a pre-tax basis through payroll deduction. Enrollment in this program is open to all permanent employees during the annual enrollment period. Contact the Director of Human Resources for more information.

## **9.35.00 BUDGET DEVELOPMENT AND MANAGEMENT**

### **A. Background**

In order to optimize the College's resources and apply them to fulfill the mission, budget must be developed and maintained on an institutional and departmental basis. The College budget is linked to and driven by the annual initiatives and expected outcomes developed through annual planning forms. The interconnection of the budget to planning is a cornerstone of the College's comprehensive planning system. While budgeting is a college-wide function with participation required from all employees, the Vice President for Administrative Services and CFO is responsible for institutional budget development and management under the authority of the President.

### **B. Budget Development**

As expected outcomes are identified at the departmental/divisional level each spring, Budget Request Forms should be submitted which reflect the anticipated costs

for on-going operations and new activities in each department/division. These requests should be linked directly to the expected outcomes identified in the Annual Planning Documents. Upon approval from the respective Vice President, Budget Request Forms should be submitted to the Vice President for Administrative Services and CFO for review and compilation.

The Planning Council will review, prioritize, and approve the requests from each department/division for new personnel and equipment. Requests for other costs, which include supplies and travel funds, will be approved by the administration. The Vice President for Administrative Services and CFO will compile approved requests and develop the final budget based on the requests and available allocations, and submit it to the President for review. The President will present the final budget to the Board of Trustees for adoption in the fall.

### **C. Budget Management**

Upon adoption by the Board of Trustees, the budget will be disseminated to the managers of the departments/divisions. These managers will be responsible for operating within their respective budgets and adjusting their operations accordingly. To assist employees in understanding their budgets and the process, the Vice President for Administrative Services and CFO will conduct regular workshops and training sessions.

The Vice President for Administrative Services and CFO will report to the President regularly on the status of the College Budget. The Board of Trustees will receive formal reports on the budgets on a quarterly basis or as requested.

#### **9.36.00 AUTHORIZATION FOR PRESIDENT TO APPROVE FEES**

Specific student fees are approved by the Board of Trustees. Specific fees must be used for the purposes for which they are charged and collected. To allow the College the flexibility to create and offer new continuing education classes, the Board authorizes the President to approve specific fees until the next Board meeting.