

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH70455-LR-145 (04/10)

Short Title: Sick Leave Banks for Public Sch. & State Emps. (Public)

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Sponsors: Representative Coleman.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT RELATING TO VOLUNTARY SICK LEAVE BANKS FOR PUBLIC SCHOOL AND STATE EMPLOYEES AND PERTAINING TO ANNUAL LEAVE TAKEN BY PUBLIC SCHOOL EMPLOYEES TO CARE FOR IMMEDIATE FAMILY MEMBERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 2 of Chapter 126 of the General Statutes is amended by adding a new section to read:

**"§ 126-7. Sick leave banks.**

(a) In addition to any accrued sick leave, all full-time and part-time (working 20 hours or more) State employees shall be permitted to draw a minimum of five days from the voluntary sick leave bank of their employing State department, agency, or institution. No credit towards retirement or eligibility for disability will be given for days received through the sick leave bank. Accumulated unused sick leave accrued by any former State employee whose leave time would otherwise be forfeited at the end of 60 calendar months shall be credited automatically to the voluntary sick bank. All other unused sick leave shall transfer automatically back to the sick leave bank. This leave shall be available to any State employee, upon exhaustion of accumulated sick leave and annual leave, when eligible, and shall be granted in the event of emergency, catastrophic illness, birth of a child, or any other qualifying circumstances.

(b) The State Personnel Commission, the legislative branch, the judicial branch, and The University of North Carolina, in cooperation with the State Board of Education, shall adopt rules and policies to allow State employees and public school employees to share sick leave across voluntary sick leave banks. These rules and policies shall:

(1) Limit the number of days which can be withdrawn by an employee.

(2) Exclude any illness or injury covered by Workers' Compensation Benefits.

- 1           (3) Exclude use for disability.  
2           (4) Require certification by a physician attesting to employees' illness or  
3           accident or the medical needs of an employee's immediate family  
4           member.  
5           (5) Establishment of a sick leave bank committee for each State  
6           department, agency, and institution consisting of representatives of all  
7           classifications of that agency's employees.  
8           (6) Provide for giving notification (i) to employees who donate sick leave  
9           to and employees who withdraw sick leave from the sick leave bank of  
10           the State retirement credit consequences of donating sick leave and (ii)  
11           to employees upon retirement of the amount of sick leave that could be  
12           donated to the sick leave bank without any State retirement  
13           consequences.  
14           (7) Require a system to track all retirement and sick leave days.

15           Appropriate forms and informational materials shall be developed to promote  
16           participation in the voluntary sick leave bank, including making forms available for  
17           retirees to voluntarily request that extra sick days be transferred to the sick leave bank.  
18           At least annually, information about the opportunity to donate to the voluntary sick  
19           leave bank should be provided to employees in each State agency, department, and  
20           institution."

21           **SECTION 2.** G.S. 115C-336 reads as rewritten:

22           "**§ 115C-336. Sick leave.**

23           (a) All public school employees shall be permitted to accrue a minimum of five  
24           days per school term of sick leave, pursuant to rules and regulations promulgated by the  
25           State Board of Education as provided in G.S. 115C-12(8).

26           (b) In addition to the leave accrued under subsection (a) of this section, all  
27           full-time and part-time (working 20 hours or more) public school employees shall be  
28           permitted to draw from the voluntary sick leave bank of their local school  
29           administrative unit a minimum of five days per school term of sick leave, pursuant to  
30           rules and regulations promulgated by the State Board of Education as provided in  
31           G.S. 115C-12(8). No credit towards retirement or eligibility for disability will be given  
32           for days received through the sick leave bank. Accumulated unused sick leave accrued  
33           under subsection (a) of this section by any former employee whose leave time would  
34           otherwise be forfeited at the end of 60 calendar months shall be credited automatically  
35           to the voluntary sick bank. All other unused sick leave shall transfer automatically back  
36           to the sick leave bank.

37           The State Board of Education shall adopt rules and ~~regulations~~ policies for the  
38           establishment of voluntary sick leave banks by local boards of education, from which an  
39           employee, upon exhaustion of accumulated sick leave and annual leave, when  
40           ~~allowable, may withdraw~~ eligible, shall be granted sick leave days in the event of  
41           ~~emergency or catastrophic illness.~~ emergency, catastrophic illness, birth of a child, or  
42           any other qualifying circumstances. These rules may include, but not be limited to, (i)  
43           ~~requirements of minimum service and minimum balance of sick leave before an~~  
44           ~~employee may join the sick leave bank, (ii) enrollment periods for present employees~~

1 and new hires, (iii) time limits for rejoining the sick leave bank, (iv) limitation on  
2 number of days which can be withdrawn by any employee, (v) waiting period before  
3 being eligible to withdraw sick leave, (vi) exclusion of illness or injury covered by  
4 Workers' Compensation Benefits, (vii) certification by physician attesting to member's  
5 illness or accident, (viii) administration of each sick leave bank by a Sick Leave Bank  
6 Committee to be made up of representatives of different classifications of employees,  
7 and (ix) other requirements to prevent any adverse selection by employees. The rules  
8 concerning the establishment of sick leave banks shall include provisions for notifying  
9 employees who donate sick leave to and employees who withdraw sick leave from the  
10 sick leave bank, of the State retirement credit consequences as to the donated sick  
11 leave. These rules and policies shall:

- 12 (1) Limit the number of days which can be withdrawn by an employee.
- 13 (2) Exclude any illness or injury covered by Workers' Compensation  
14 Benefits.
- 15 (3) Exclude use for disability.
- 16 (4) Require certification by a physician attesting to employees' illness or  
17 accident or the medical needs of an employee's immediate family  
18 member.
- 19 (5) Establishment of a sick leave bank committee for the local school  
20 administrative unit consisting of representatives of all classifications of  
21 employees.
- 22 (6) Provide for giving notification (i) to employees who donate sick leave  
23 to and employees who withdraw sick leave from the sick leave bank of  
24 the State retirement credit consequences of donating sick leave and (ii)  
25 to employees upon retirement of the amount of sick leave that could be  
26 donated to the sick leave bank without any State retirement  
27 consequences.
- 28 (7) Require a system to track all retirement and sick leave days.

29 Appropriate forms and informational materials shall be developed to promote  
30 participation in the voluntary sick leave bank, including making forms available for  
31 retirees to voluntarily request that extra sick days be transferred to the sick leave bank.  
32 At least annually, information about the opportunity to donate to the voluntary sick  
33 leave bank should be provided to employees in each school administrative unit.

34 (b1) The State Board of Education in cooperation with the State Personnel  
35 Commission and the legislative and judicial branches shall adopt rules and policies to  
36 allow public school employees and State employees to share sick leave across voluntary  
37 sick leave banks.

38 (c) The State Board of Education shall also adopt rules and regulations to  
39 authorize an employee who requires a substitute to use annual leave on days that  
40 students are in attendance if the employee has exhausted all of the employee's sick leave  
41 and if the employee's absence is due to the catastrophic illness of the employee-  
42 employee or that of an immediate family member. The employee shall not be required  
43 to pay the substitute."

1           **SECTION 3.** By January 1, 2008, the Office of State Budget and  
2 Management in consultation with the Office of the State Treasurer and the Office of  
3 State Personnel shall report to the General Assembly with any recommendations related  
4 to the voluntary sick leave banks authorized by this act.

5           **SECTION 4.** Section 1 and Section 2 of this act become effective July 1,  
6 2008. The remainder of this act is effective when it becomes law.