

## Question and Answers

### Special Annual Leave Bonus

#### Session Law 2017-257

SECTION 35.18A.(a) Any person who is (i) a full-time, permanent employee of the State, a community college, or a local board of education on July 1, 2017, and (ii) eligible to earn annual leave shall have a one-time additional three days of annual leave credited on July 1, 2017.

SECTION 35.18A.(b) Except as provided by subsection (c) of this section, the additional leave granted in this act shall be accounted for separately with the leave provided by Section 28.3A of S.L. 2002-126, by Section 30.12B(a) of S.L. 2003-284, by Section 29.14A of S.L. 2005-276, and by Section 35.10A of S.L. 2014-100. The leave shall remain available during the length of the employee's employment, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. Part-time, permanent employees shall receive a pro rata amount of the three days. SECTION 35.18A.(c) The additional leave awarded under this section has no cash value and is not eligible for cash in. If not used prior to the time of separation or retirement, the bonus leave cannot be paid out and is lost.

#### Eligibility

##### ***1. Who is eligible?***

- Any person who is eligible to earn annual leave

AND

- who was a permanent employee of the LEA on July 1, 2017

##### ***2. What are the definitions of permanent, full-time and part-time employees?***

Sections 1.1.3, 1.1.4, and 1.1.5 of the North Carolina Public Schools Benefits and Employment Policy Manual address this <http://www.ncpublicschools.org/docs/district-humanresources/key-information/information/policymanual.pdf>.

##### ***3. Are teachers and others paid on the salary schedule eligible for the leave?***

Yes, if they are in a position that is eligible to earn leave.

##### ***4. 09/26/17 If an employee leaves one LEA on June 30, 2017 and contracts with another LEA to begin work on July 15th for the 2017-18 school year, are they eligible for the 3 days?***

Yes. Any balance of special bonus leave shall be transferred with the employee who transfers to another State agency into a position appointment that meets the eligibility requirements for the special leave. The balance of the special bonus leave is lost, only if the employee transfers to another State agency in a position appointment that is not eligible for the special leave.

**5. *9/26/2017 Our non-certified personnel do not have contracts; how do we determine if they are eligible?***

Employees must meet all the following criteria:

- Full-time or part-time employees (half-time or more)
- Employed (in pay status) with the State of North Carolina on July 1, 2017
- Eligible to earn vacation leave on July 1, 2017
- Have a permanent, probationary, or time-limited appointment type

**6. *Is a temporary employee eligible for the 3 days?***

No, they are not permanent employees.

**7. *9/28/2017 Are probationary employees eligible?***

Yes, probationary employees are eligible.

**8. *Are employees who are on leave without pay eligible?***

Employees on leave without pay are credited with the 3 days upon their return, provided they were employed on July 1, 2017.

**9. *Are part time employees eligible for the 3 days?***

Yes, they are eligible for a prorata share of the 3 days. The employee must be eligible to earn annual leave to be eligible for the 3 days. The prorata share will be at the same rate as their rate for annual leave. Eg. If they receive 75% annual leave, they are eligible for three days leave at 75%.

**10. *I have employees that are in 2 part-time positions, how much do they receive?***

They receive the same percentage as they receive for annual leave.

**11. *Are contractors eligible for the 3 days?***

No

**12. *Are employees paid from non-state funds required to receive the 3 days?***

Yes, employees of the LEA must be considered for eligibility.

**13. *Do charter schools have to provide the 3 days to their employees?***

No. Charter school employees are not included in this legislation.

**14. *If a teacher works in LEA #1 for the entire 2016-2017 school year (ending June 12), then becomes an employee with LEA# 2 for the entire 2017-2018 school year (beginning Aug 17), does she earn the leave?***

If the teacher terminated from LEA#1 and got paid out his/her leave etc. and was NOT under contract on July 1 for LEA#2. The employee is not eligible for the bonus leave.

***15. Is the eligibility determined by the first day of work?***

No, if the employee is approved by the local board to be employed for the 2017-18 school year on July 1, they are eligible regardless of when their first day of work is. Therefore, if the Board approved a teacher to be employed on June 20th and that teacher starts their 10 month contract on August 15th, they are eligible for the 3 days.

***16. 8/29/2017 Do 10 month employees receive a prorated share?***

10 month part-time employees—those working less than 40 hours per week will receive a prorated amount of the 3 days.

10 month full time employees will receive the full 3 days.

***17. How may bonus leave be used?***

- a) Bonus leave may be used for any purpose for which regular annual leave is used.
- b) Bonus leave shall be taken only upon the authorization of the supervisor.
- c) Bonus leave may not be used on an instructional day, if the employee requires a substitute.
- d) Bonus leave shall be charged in units of time consistent with regular annual leave guidelines.

***18. How do we account for the bonus leave?***

The leave will be coded to “29 – 2017-18 Bonus Leave”. This leave has no deduction.

***19. Does this special annual leave bonus expire if not used by June 30, 2018?***

No. The annual leave bonus days do not expire at the end of the 2017-18 fiscal year. The leave shall remain available during the length of the employee's employment.

***20. Can the special annual leave bonus be paid out upon separation of employment?***

No. This leave has no cash value and is not eligible for cash in. If not used prior to the time of separation or retirement, the bonus leave cannot be paid out and is lost.

DPI Human Resources has provided additional information pertaining to the Special Annual Leave Bonus. You can find this information at [Special+Bonus+Leave++FAQs.docx](#) and [FY2017-2018+Special+Bonus+Leave+Provisions+071317+dm+mhp.doc](#)