

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1840

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

Sponsors: Representatives Coleman, Thomas (Primary Sponsors); Goodwin,
Luebke, Pierce, Rapp, Wainwright, Weiss, and Womble.

Referred to: State Personnel, if favorable, Appropriations.

April 19, 2007

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- (1) Limit the number of days which can be withdrawn by an employee.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.
- (3) Exclude use for disability.

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

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

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

21 "**§ 115C-336. Sick leave.**

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

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

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

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

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

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

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

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

43 **SECTION 3.** By January 1, 2008, the Office of State Budget and
44 Management in consultation with the Office of the State Treasurer and the Office of

- 1 State Personnel shall report to the General Assembly with any recommendations related
2 to the voluntary sick leave banks authorized by this act.
3 **SECTION 4.** Section 1 and Section 2 of this act become effective July 1,
4 2008. The remainder of this act is effective when it becomes law.