



REG - 80.02.3 - FAMILY ILLNESS LEAVE POLICY

Authority: Chancellor

Responsible Office: Human Resources

Number: REG - 80.02.3 - FAMILY ILLNESS LEAVE POLICY

History: Effective: July 31, 2006; Reformatted/Updated: January 30, 2014; BOT Approval: September 30, 2014; Reformatted: May 10, 2016

Related Policies/Sources: [Office of State Human Resources Manual Section 5 Page 66](#), [Office of State Human Resources Manual Section 5 Page 123](#), [Office of State Human Resources Manual Section 5 Page 19](#), [N.C.G.S § 126-4\(5\)](#),

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1. Purpose

The purpose of this policy is to provide time off work for an employee to care for the employee's child, parent, or spouse, where that child, parent or spouse has a serious health condition. It is not provided for the employee's own personal illness. Family Illness Leave provides a limited extension of benefits beyond the 12 weeks provided under Family Medical Leave. Family Illness Leave does not run concurrently with Family Medical Leave. Eligibility for Family Illness Leave begins only after the Family Medical Leave benefit is fully exhausted. An employee may not waive his/her Family Medical Leave benefit by instead choosing to go on Family Illness leave.

2. Scope

All permanent, probationary or time-limited employees including SHRA, EHRA, and Faculty are eligible for Family Illness Leave provided they have 12 months total service with the state and have been in a pay status at least 1040 hours during the previous twelve months. Temporary SHRA, temporary EHRA employees, or temporary Faculty are not eligible for Family Illness Leave.

3. Characteristics of Family Illness Leave

3.1 Amount of Leave

3.1.1 An eligible employee is entitled to up to 52 weeks of leave without pay during a 5-year period to care for the employee's seriously ill child, spouse, or parent. Example: An employee could take 24 weeks of leave beginning January 1, 2012. The employee would then be eligible for the balance, 28 weeks, up until January 1, 2017. Then, a new 5-year period would begin when the employee commences another leave without pay for this purpose. All periods of leave, whether with or without pay, used for Family Illness Leave count towards the 52 workweeks to which the employee is entitled. This includes leave taken under the Voluntary Shared Leave Policy (8.220).

3.2 Use of other Leave for Continuation of Pay

3.2.1 Although this leave is without pay, employees may elect to cover some or all of the period of leave taken under this policy, through the use of vacation, bonus, sick or voluntary shared leave. Leave earned under the Compensatory Time Off policy may also be used.

3.3 Continuation of Benefits

3.3.1 While on unpaid Family Illness Leave, the employee may continue coverage under the State's Health Insurance program by paying the full premium cost (no contribution by the State). Employees may continue other state insurance programs by sending a monthly check to the appropriate office in order to cover the cost of premiums.

3.4 Intermittent Leave or Reduced Work Schedule

3.4.1 Family Illness Leave may be taken all at one time or intermittently. If taken intermittently, it must be taken in units of one hour or more. If taken intermittently or on a reduced work schedule, any portion of a week will equal one week of Family Illness Leave.

3.4.2 If the employee is in non-pay status more than 1,040 (26 weeks) hours through use of Family Illness Leave or otherwise, then employee would not qualify for Family Medical Leave the following year since the required 1,040 hours in pay status within the previous year would not be met.

3.5 Employee Responsibilities

3.5.1 The employee who requests this leave shall:

3.5.1.1 Apply in writing to the supervisor for leave.

3.5.1.2 Provide certification or recertification required by the university (human resources).

3.5.1.3 Give written notice of intention to return to work at least thirty days prior to the end of the leave.

3.5.2 Return to duty within or at the end of the time granted, or notify the university immediately when there is a decision not to return.

3.5.3 Failure to provide certification or recertification required by the agency may result in dismissal for unacceptable personal conduct or separation due to continued unavailability for work.

3.5.4 If the employee does not give notice of the intention to return, the agency is not required to provide reinstatement but may do so at its discretion. Failure to report at the expiration of a leave,

unless an extension has been requested and approved, may be considered as a resignation.

3.6 Reinstatement

3.6.1 Reinstatement to the same position or one of like status and pay must be made upon the employee's return to work unless other arrangements are agreed to in writing in advance of the employee's return to work.

3.7 Accounting for Leave

3.7.1 Family illness Leave shall be accounted for separate from family and medical leave or any other type of leave without pay.

3.7.2 Advisory Note: It is important that agencies maintain records of this leave so that it can be ascertained readily whether an employee is eligible.

3.8 Transfer

3.8.1 When an employee transfers to another agency, the releasing agency shall record on the personnel action the date and amount of family illness leave first taken.

3.9 Grievance

3.9.1 Denial of leave requested is a grievable issue and employees, except for ones in exempt positions, (policymaking, exempt managerial, confidential assistants, confidential secretaries and chief deputy or chief administrative assistant) may appeal under the Human Resources Act.

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