

PERSONAL LEAVE

State laws for personal leave for employees of local boards of education are contained in Title 18, Chapter 8, Section 16-8-26 of the Code of Alabama (last amended by Act No. 97-444). This law also covers two-year postsecondary institutions and certain other agencies. A summary of the provisions of this law follows:

1. This law covers any certificated employee and those support employees who work an average of at least 20 hours a week.
2. A board of education may grant up to 5 days, but no less than 2 days, of personal leave each year.
3. An employee is entitled to full pay for at least two of the personal leave days used during the scholastic year.
4. A board of education may decide to grant additional personal leave days (not to exceed 5 days total) and may decide whether additional personal leave days are at full pay, partial pay, or without pay.
5. Personal leave is noncumulative (unused days do not carry-forward to the next school year).
6. A teacher or support employee may convert unused personal leave to sick leave at the end of the school year if the unused personal leave days are funded (full pay or partial pay) by state or local funding.
7. A teacher may choose to be paid at the end of the school year for unused personal leave days at the same daily rate paid to substitute teachers if the unused personal leave days are funded (full pay or partial pay) by state or local funding.
8. A teacher or support employee cannot be required to disclose their reasons for requesting personal leave.

Brief descriptions of selected legal opinions related to personal leave are shown below.

Although some of the opinions were issued prior to Act No. 97-444, the legal interpretations are still applicable.

- 1) A teacher who chooses to be paid for unused personal leave is to be reimbursed at the highest daily rate paid to substitute teachers. [AG Opinion 85-00175 Jan. 25, 1985](#)
- 2) A board of education is not required to grant the same number of personal leave days to support employees that the board grants to teachers. [AG Opinion 98-00175 June 30, 1998](#)
- 3) A board of education is not required to reimburse support employees for unused personal leave days. [AG Opinion 98-00175 June 30, 1998](#)
- 4) Personal leave days are considered funded even though the employee must pay the cost of a substitute to receive the personal leave days. [AG Opinion 98-00175 June 30, 1998](#)
- 5) A board of education cannot deduct the cost of a substitute at the time personal leave days are converted to sick leave. [AG Opinion 98-00175 June 30, 1998](#)
- 6) A Board of education cannot create a category of bereavement leave for its employees in addition to the days allowed for personal leave. [AG Opinion 99-00020 Oct. 22, 1998](#)

Each employee in the Fort Payne City School System will be allowed five (5) days of personal leave per full year of employment. The State of Alabama provides the first two (2) days and the Fort Payne City Board provides the remaining three (3) days. Employees hired after September 30th will receive three (3) days. Employees hired after December 31st will receive two (2) days.

Part-time employees will earn personal leave based on their full time equivalency.

Personal Leave is non-cumulative. Unused personal leave is automatically converted into sick leave at the end of a scholastic year.

Employees will be charged an amount equal to the daily rate of pay for a substitute (not to exceed \$60) whether or not a substitute is required as follows:

Years of service	Days charged sub daily rate
0-14	3
15-19	2
20 or more	1

All unused personal leave days will be converted to sick leave at the end of the scholastic year with the exception of teachers who submit in writing a request to be paid for their unused personal leave days. The request must be submitted to the board of education no later than June 15 of the scholastic year.