

District Court Judicial Leave

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Purpose

The mission of the [redacted] Judicial District is to provide fair and accessible justice to the community it serves and to ensure that the district courts are open to the public and justice is dispensed without favor, denial, or delay.

The Chief District Court Judge is responsible for scheduling court sessions and assigning judges for those sessions. Judges are expected to request time off from court duties for vacation, illness, family matters, professional development, and activities that promote the Judicial Branch, or that advance the administration of justice. To ensure that leave does not adversely impact court operations, this policy establishes guidelines for fair and consistent practices for requesting leave and covering absences. This policy recognizes that district judges are independent Constitutional officers and are not subject to the leave policies of the North Carolina Judicial Branch and that judges are entitled to leave for quasi-judicial activities by statute.

There are a limited number of emergency judges who may serve for specific purposes during a district court judge's absence. District court judges are expected to manage their leave in such a way as to limit the use of emergency judges except for reasons detailed in § 7A-52 (a):

- (1) Death of a sitting judge.
- (2) Disability or medical leave of absence of a sitting judge.
- (3) Recall to active military duty of a sitting judge.
- (4) Retirement or removal of a sitting judge.

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- (5) Court case-management emergency or disaster declaration made pursuant to G.S. 166A-19.3(3).
- (6) Assignment by the Chief Justice of a Rule 2.1 exceptional case to an emergency judge.
- (7) Court coverage need created by holdover sessions, administrative responsibilities of the chief district court judge, or cases in which a judge has a conflict or judicial educational responsibilities

Applicability

This policy applies to all district court judges in the [] District Court.

Authority

N.C. Const. art. 1, § 18; N.C. Const. art. 4, § 11; § 7A-146; § 7A-52

Types of Leave

District court judges are eligible for the following types of leave.

Vacation

Paid time off from work for leisure activities, rest, and recuperation. Each district court judge shall be granted a maximum number of working days for vacation each year based on their cumulative years of state service. Unused leave does not carry forward from one year to the next.

Years of State Service	Vacation Days
Less than 15 years	15 days
15 or more years	26 days

Sick Leave

Paid time off from work to attend to personal illness or injury or to care for a member of the employee’s immediate family. Sick leave may also be taken in the event of a death in the immediate family. This policy uses the Judicial Branch’s [Sick Leave Policy](#) (HR Manual Sec. 5C) for the definition of immediate family.

Each judge shall have no more than [] () days of Sick Leave per year. Unused leave does not carry forward from one year to the next. OR Sick leave is based on the same schedule as Vacation Leave. Unused leave does not carry forward from one year to the next. Extended illnesses may be covered by family medical leave.

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Holiday Leave

Paid time off from work when Judicial Branch offices are closed in recognition of a holiday. There are 12 recognized holidays published each year at <https://www.nccourts.gov/holiday-schedule>.

Family and Medical Leave

Leave entitlement under the Family and Medical Leave Act (FMLA). To be eligible, judges must have 12 months cumulative service with the State and have been in pay status for at least 1040 hours during the twelve months prior to leave. FMLA provides an entitlement of 12 weeks leave or 480 hours if used intermittently in a 12-month period. See the Judicial Branch's [Family and Medical Leave Policy](#) (HR Manual, Sec. 5J) for details.

Civil Leave

Leave for a judge's involvement in civil or criminal proceedings, which involvement stems from the judge's position. For example, if a judge is subpoenaed or directed by proper authority to appear as a witness in any matter and the subject matter of their testimony relates to their position or duties. This leave also includes leave needed for jury service.

Military Leave

Judges are subject to the Judicial Branch's Military Leave policy that grants leave for certain periods of service in the uniformed services including training, reserve duty, and active duty. See the Judicial Branch's [Military Leave Policy](#) (HR Manual, Sec. 5I).

Community Outreach and Quasi-Judicial Activity Leave

Outreach activities may include, but are not limited to speaking, without pay, on matters related to the administration of justice, to non-legal organizations, schools, or civic groups; participation in mock trials; and media relations.

A judge may participate in cultural or historical activities or engage in activities concerning the legal, economic, educational, or governmental system, or the administration of justice. (Canon 4, North Carolina Code of Judicial Conduct.) The judicial duties of a judge take precedence over all the judge's other activities. (Canon 3, North Carolina Code of Judicial Conduct.)

Each judge shall have no more than [] () days of Community Outreach and Quasi-Judicial Activity Leave per year. Unused leave does not carry forward from one year to the next.

Continuing Education and Professional Duty Leave

Leave for attendance or speaking at judicial education and continuing education seminars and other education programs related to the profession of law and the administration of justice not sponsored by the North Carolina School of Government (SOG) or the North Carolina Association of District Court

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Judges (NCADCJ). Education programs sponsored by the SOG or NCADCJ are not included in the allotment of continuing education and professional duty leave.

Each judge shall have no more than [] () days of Continuing Education and Professional Duty Leave per year. Unused leave does not carry forward from one year to the next.

Advance Notice

Leave requests submitted in advance to the Chief District Court Judge ensure courtroom coverage and create the least disruption to services provided the district court.

Judges shall request vacation leave at least [] weeks/months in advance.

Sick leave requests for planned medical appointments or procedures should be given with as much notice as possible. When providing advance notice for sick leave is not feasible, a judge should contact the Chief District Court Judge as soon as practicable.

Leave requests for Civil Leave, Community Outreach Leave, Quasi-Judicial Leave, and Continuing Education and Professional Duty Leave shall be provided to the Chief District Court Judge at least [] days/weeks/months in advance.

Requesting Leave

Judges requesting any form of leave should e-mail the Chief District Court Judge with the dates and types of absence being requested OR complete a District Court Judge Leave Request Form (will need to make up own) OR some other method.

Compensation and Benefits

District court judges hold office for a fixed term and are entitled to full compensation for as long as they legally hold office. All benefits continue and will be deducted from pay per selections made by a judge during onboarding, open enrollment, or qualifying life event.

Notification to the Assistant Director of the Administrative Office of the Courts

After a leave request is approved, if the Chief District Court Judge recognizes a need for an emergency judge to cover a judge's absence, the Chief District Court Judge or their designee contacts the Assistant Director's office to request coverage.

- The Chief District Court Judge should contact the Assistant Director's Office to request coverage. In that request, the Chief District Court Judge should provide (1) the reason coverage is needed; (2) the dates coverage is needed; (3) where coverage is needed, i.e., what county and court; (4)

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the type of court for which coverage is needed; (5) the time that court starts; and (6) parking information for the incoming emergency judge.

- When the statutory criteria is met, and an emergency judge is available, the Assistant Director's Office will issue a commission for an emergency judge to preside over the requested session.