

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 818
Committee Substitute Favorable 6/19/91

Short Title: Teachers May Convert Leave.

(Public)

Sponsors:

Referred to:

April 15, 1991

A BILL TO BE ENTITLED

AN ACT TO ALLOW PUBLIC SCHOOL TEACHERS TO CONVERT EXCESS ANNUAL VACATION LEAVE DAYS TO SICK LEAVE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-302(a) reads as rewritten:

"(a) Teachers shall be paid promptly when their salaries are due provided the legal requirements for their employment and service have been met. All teachers employed by any local school administrative unit who are to be paid from local funds shall be paid promptly as provided by law and as state-allotted teachers are paid.

Teachers paid State funds shall be paid as follows:

- (1) Academic Teachers. – Regular state-allotted teachers shall be employed for a period of 10 calendar months. Salary payments to regular state-allotted teachers shall be made monthly at the end of each calendar month of service: Provided, that any individual teacher may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. Such request shall be filed in the local school administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said local school administrative unit; nor shall such payment apply to any teacher who is employed for a period of less than 10 months. Included within the 10

1 calendar months employment shall be annual vacation leave at the
2 same rate provided for State employees, computed at one twelfth
3 (1/12) of the annual rate for State employees for each calendar month
4 of employment; which shall be provided by each local board of
5 education at a time when students are not scheduled to be in regular
6 attendance. Included within the 10 calendar months employment each
7 local board of education shall designate the same or an equivalent
8 number of legal holidays occurring within the period of employment
9 for academic teachers as those designated by the State Personnel
10 Commission for State employees; on a day that employees are required
11 to report for a workday but pupils are not required to attend school due
12 to inclement weather, a teacher may elect not to report due to
13 hazardous travel conditions and to take one of his annual vacation days
14 or to make up the day at a time agreed upon by the employee and his
15 immediate supervisor or principal. Within policy adopted by the State
16 Board of Education, each local board of education shall develop rules
17 and regulations designating what additional portion of the 10 calendar
18 months not devoted to classroom teaching, holidays, or annual leave
19 shall apply to service rendered before the opening of the school term,
20 during the school term, and after the school term and to fix and
21 regulate the duties of state-allotted teachers during said period, but in
22 no event shall the total number of workdays exceed 200 days. Local
23 boards of education shall consult with the employed public school
24 personnel in the development of the 10-calendar-months schedule.

- 25 (2) Occupational Education Teachers. – State-allotted months of
26 employment to local boards of education as provided by the State
27 Board of Education shall be used for the employment of teachers of
28 occupational education for a term of employment as determined by the
29 local boards of education. Salary payments to these occupational
30 education teachers shall be made monthly at the end of each calendar
31 month of service: Provided, that local boards shall not reduce the term
32 of employment for any vocational agriculture teacher personnel
33 position that was 12 calendar months for the 1982-83 school year for
34 any school year thereafter: Provided, that any individual teacher
35 employed for a term of 10 calendar months may be paid in 12 monthly
36 installments if the teacher so requests on or before the first day of the
37 school year. Such request shall be filed in the administrative unit
38 which employs the teacher. The payment of the annual salary in 12
39 installments instead of 10 shall not increase or decrease said annual
40 salary nor in any other way alter the contract made between the teacher
41 and the said administrative unit. Included within their term of
42 employment shall be the same rate of annual vacation leave and legal
43 holidays provided under the same conditions as set out in subdivision
44 (1) above, but in no event shall the total workdays for a 10-month

1 employee exceed 200 days in a 10-month schedule and the workweek
2 shall constitute five days for all occupational teachers regardless of the
3 employment period.

4 Occupational education teachers who are employed for 11 or 12
5 months may, with prior approval of the principal, work on annual
6 leave days designated in the school calendar and take those annual
7 leave days during the 11th or 12th month of employment.

8 No deductions shall be made from salaries of teachers of vocational
9 agriculture and home economics whose salaries are paid in part from
10 State and federal vocational funds while in attendance upon
11 community, county and State meetings called for the specific purpose
12 of promoting the agricultural interests of North Carolina, when such
13 attendance is approved by the superintendent of the administrative unit
14 and the State Director of Vocational Education.

15 (3) Notwithstanding any provisions of this section to the contrary no
16 person shall be entitled to pay for any vacation day not earned by that
17 person. The first 10 days of annual vacation leave earned by a teacher
18 during any fiscal year period shall be scheduled to be used in the
19 school calendar adopted by the respective local boards of education.
20 Vacation days shall not be used for extending the term of employment
21 of individuals. Teachers may accumulate annual vacation leave days as
22 follows: annual leave may be accumulated without any applicable
23 maximum until June 30 of each year. On June 30 of each year, any
24 teachers with more than 30 days of accumulated leave shall have the
25 first two days of the excess accumulation converted to sick leave and
26 the remainder cancelled so that only 30 days are carried forward to
27 July 1 of the same year. All vacation leave taken by the teacher will
28 be upon the authorization of his immediate supervisor and under
29 policies established by the local board of education. An employee
30 shall be paid in a lump sum for accumulated annual leave not to
31 exceed a maximum of 240 hours when separated from service due to
32 resignation, dismissal, reduction in force, death, or service retirement.
33 If the last day of terminal leave falls on the last workday in the month,
34 payment shall be made for the remaining nonworkdays in that month.
35 Employees retiring on disability retirement may exhaust annual leave
36 rather than be paid in a lump sum. Except as otherwise provided by
37 law, ~~The~~ ~~the~~ provisions of this subdivision shall be accomplished
38 without additional State and local funds being appropriated for this
39 purpose. The State Board of Education shall adopt rules and
40 regulations for the administration of this subdivision.

41 (4) Each local board of education shall sustain any loss by reason of an
42 overpayment to any teacher paid from State funds.

43 (5) All of the foregoing provisions of this section shall be subject to the
44 requirement that at least fifty dollars (\$50.00), or other minimum

1 amount required by federal social security laws, of the compensation
2 of each school employee covered by the Teachers' and State
3 Employees' Retirement System or otherwise eligible for social security
4 coverage shall be paid in each of the four quarters of the calendar year.
5 (6) The State Board of Education, in fixing the State standard salary
6 schedule of teachers as authorized by law, shall provide that teachers
7 who entered the armed or auxiliary forces of the United States after
8 September 16, 1940, and who left their positions for such service shall
9 be allowed experience increments for the period of such service as
10 though the same had not been interrupted thereby, in the event such
11 persons return to the position of teachers, principals and
12 superintendents in the public schools of the State after having been
13 honorably discharged from the armed or auxiliary forces of the United
14 States."
15 Sec. 2. This act becomes effective July 1, 1991.