

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 179

Short Title: Teachers' Leave Time.

(Public)

Sponsors: Representatives Chapin, Stewart; Albertson, Beall, Foster, Lilley, Lutz, Mills, Stamey, and Woodard.

Referred to: Public Employees.

February 8, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW PUBLIC SCHOOL TEACHERS TO TAKE UP TO TWO
DAYS OF ANNUAL LEAVE WHILE SCHOOL IS IN SESSION.

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 calendar months employment shall be annual vacation leave at the

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

- 24 (2) Occupational Education Teachers. – State-allotted months of
25 employment to local boards of education as provided by the State
26 Board of Education shall be used for the employment of teachers of
27 occupational education for a term of employment as determined by the
28 local boards of education. Salary payments to these occupational
29 education teachers shall be made monthly at the end of each calendar
30 month of service: Provided, that local boards shall not reduce the term
31 of employment for any vocational agriculture teacher personnel
32 position that was 12 calendar months for the 1982- 83 school year for
33 any school year thereafter: Provided, that any individual teacher
34 employed for a term of 10 calendar months may be paid in 12 monthly
35 installments if the teacher so requests on or before the first day of the
36 school year. Such request shall be filed in the administrative unit
37 which employs the teacher. The payment of the annual salary in 12
38 installments instead of 10 shall not increase or decrease said annual
39 salary nor in any other way alter the contract made between the teacher
40 and the said administrative unit. Included within their term of
41 employment shall be the same rate of annual vacation leave and legal
42 holidays provided under the same conditions as set out in subdivision
43 (1) above, but in no event shall the total workdays for a 10- month
44 employee exceed 200 days in a 10-month schedule and the workweek

1 shall constitute five days for all occupational teachers regardless of the
2 employment period.

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

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

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

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

- 1 (5) All of the foregoing provisions of this section shall be subject to the
2 requirement that at least fifty dollars (\$50.00), or other minimum
3 amount required by federal social security laws, of the compensation
4 of each school employee covered by the Teachers' and State
5 Employees' Retirement System or otherwise eligible for social security
6 coverage shall be paid in each of the four quarters of the calendar year.
- 7 (6) The State Board of Education, in fixing the State standard salary
8 schedule of teachers as authorized by law, shall provide that teachers
9 who entered the armed or auxiliary forces of the United States after
10 September 16, 1940, and who left their positions for such service shall
11 be allowed experience increments for the period of such service as
12 though the same had not been interrupted thereby, in the event such
13 persons return to the position of teachers, principals and
14 superintendents in the public schools of the State after having been
15 honorably discharged from the armed or auxiliary forces of the United
16 States."

17 Sec. 2. There is appropriated from the General Fund to the Department of
18 Public Education the sum of six million, four hundred thousand dollars (\$6,400,000) for
19 the 1989-90 fiscal year, and the sum of six million, four hundred thousand dollars
20 (\$6,400,000) for the 1990-91 fiscal year, to be used to cover the cost of hiring a
21 substitute teacher for each of up to two earned vacation days taken by each academic or
22 occupational education teacher while students are in regular attendance.

23 Sec. 3. This act shall become effective July 1, 1989.