

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1443
Education/Higher Education Committee Substitute Adopted 8/15/02

Short Title: Facilitate Job Sharing by Teachers.

(Public)

Sponsors:

Referred to:

June 18, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 115C of the General Statutes is amended by adding a
5 new section to read:

6 "**§ 115C-302.2. Job sharing by classroom teachers.**

7 (a) The General Assembly finds that there is a shortage of qualified classroom
8 teachers available in certain areas of certification, grade levels, and geographical areas
9 of the State. The elimination of administrative and fiscal limitations on job-sharing
10 arrangements would make teaching an attractive option for well-qualified classroom
11 teachers who do not wish to work full time.

12 (b) A 'classroom teacher in a job-sharing position' is a person who:

13 (1) Is employed by a local board of education as a public school teacher
14 for a percentage of the teacher workweek, as defined by that local
15 board of education;

16 (2) Is paid on the teacher salary schedule;

17 (3) Spends at least seventy percent (70%) of his or her work time in
18 classroom instruction; and

19 (4) Is sharing a teacher position with one or more employees of that local
20 board of education who meet the requirements of subdivisions (1)
21 through (3) of this subsection.

22 The term does not include certified instructional support personnel or certified
23 school services personnel such as guidance counselors, media coordinators,
24 psychologists, social workers, audiologists, speech and language pathologists, and
25 nurses.

26 (c) The State Board of Education shall adopt rules to facilitate job sharing by
27 classroom teachers. These rules shall provide that a classroom teacher in a job-sharing
28 position shall receive paid legal holidays, annual vacation leave, sick leave, and
29 personal leave on a pro rata basis. Such a teacher shall also receive service credit under

1 the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and
2 insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

3 SECTION 2. G.S. 135-1(25) reads as rewritten:

4 "§ 135-1. Definitions.

5 The following words and phrases as used in this Chapter, unless a different meaning
6 is plainly required by the context, shall have the following meanings:

7 ...

8 (25) (Effective until January 1, 2003) "Teacher" shall mean any teacher,
9 helping teacher, classroom teacher in a job-sharing position as defined
10 in G.S. 115C-302.2(b), librarian, principal, supervisor, superintendent
11 of public schools or any full-time employee, city or county,
12 superintendent of public instruction, or any full-time employee of
13 Department of Public Instruction, president, dean or teacher, or any
14 full-time employee in any educational institution supported by and
15 under the control of the State: Provided, that the term "teacher" shall
16 not include any part-time, temporary, or substitute teacher or
17 ~~employee, employee except for a classroom teacher in a job-sharing~~
18 position, and shall not include those participating in an optional
19 retirement program provided for in G.S. 135-5.1. In all cases of doubt,
20 the Board of Trustees, hereinafter [hereinbefore] defined, shall
21 determine whether any person is a teacher as defined in this Chapter.
22 On and after August 1, 2001, a person who is a nonimmigrant alien
23 and who otherwise meets the requirements of this subdivision shall not
24 be excluded from the definition of "teacher" solely because the person
25 holds a temporary or time-limited visa.

26 (25) (Effective January 1, 2003) "Teacher" shall mean any teacher, helping
27 teacher, classroom teacher in a job-sharing position as defined in G.S.
28 115C-302.2(b), librarian, principal, supervisor, superintendent of
29 public schools or any full-time employee, city or county,
30 superintendent of public instruction, or any full-time employee of
31 Department of Public Instruction, president, dean or teacher, or any
32 full-time employee in any educational institution supported by and
33 under the control of the State: Provided, that the term "teacher" shall
34 not include any part-time, temporary, or substitute teacher or
35 ~~employee, employee except for a classroom teacher in a job-sharing~~
36 position, and shall not include those participating in an optional
37 retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all
38 cases of doubt, the Board of Trustees, hereinbefore defined, shall
39 determine whether any person is a teacher as defined in this Chapter.
40 On and after August 1, 2001, a person who is a nonimmigrant alien
41 and who otherwise meets the requirements of this subdivision shall not
42 be excluded from the definition of "teacher" solely because the person
43 holds a temporary or time-limited visa.

44 ..."

1 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

2 "(b) The Board of Trustees shall fix and determine by appropriate rules and
3 regulations how much service in any year is equivalent to one year of service, but in no
4 case shall more than one year of service be creditable for all services in one year.
5 Service rendered for the regular school year in any district shall be equivalent to one
6 year's service. A classroom teacher in a job-sharing position shall receive credit for each
7 regular school year taught at a rate equal to the percentage of the teacher workweek that
8 the teacher was employed, but the salary credited shall be that of the full-time position."

9 **SECTION 4.** G.S. 135-40.2 is amended by adding a new subsection to read:

10 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
11 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory
12 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
13 in the plan, the employing unit shall pay a proportionate rate of the Plan's total
14 noncontributory premiums. Individual employees shall pay the balance of the total
15 noncontributory premiums not paid by the employing unit."

16 **SECTION 5.** This act becomes effective January 1, 2003.