

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2002-174
SENATE BILL 1443**

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS
AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
STUDY ISSUES RELATED TO EMPLOYEE BENEFITS FOR SCHOOL
EMPLOYEES, COMMUNITY COLLEGE EMPLOYEES, AND STATE
EMPLOYEES IN JOB-SHARING AND PART-TIME POSITIONS.

The General Assembly of North Carolina enacts:

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

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

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

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

- (1) Is employed by a local board of education as a public school teacher for fifty percent (50%) of the teacher workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule;
- (3) Spends at least seventy percent (70%) of his or her work time in classroom instruction; and
- (4) Is sharing a teacher position with one other employee of that local board of education who meets the requirements of subdivisions (1) through (3) of this subsection.

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

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom teachers. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. Such a teacher shall also receive service credit under the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

SECTION 2. G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110, reads as rewritten:

"§ 135-1. Definitions.

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

- (25) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) except for a beneficiary in that position, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or

county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, that the term "teacher" shall not include any part-time, temporary, or substitute teacher or ~~employee, employee except for a classroom teacher in a job-sharing position,~~ and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore defined, shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position) and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62.

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

"(b) The Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all services in one year. Service rendered for the regular school year in any district shall be equivalent to one year's service. Service rendered by a classroom teacher in a job-sharing position shall be credited at the rate of one-half year for each regular school year of employment."

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

"(a2) A classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total noncontributory premiums. Individual employees shall pay the balance of the total noncontributory premiums not paid by the employing unit."

SECTION 5. The Legislative Research Commission shall study issues relating to employee benefits for public school employees, community college employees, and employees of State departments and institutions, in part-time and in job-sharing positions. In the course of the study the Commission shall consider whether the benefits currently offered are adequate to attract and retain qualified applicants in public school, community college, and State employment, the need to facilitate job sharing for public school employees other than teachers, the possibility of providing insurance and retirement benefits to employees working less than three-fourths time, the appropriate formula for computing retirement credit for part-time employees, and other issues related to employee benefits for employees in part-time and job-sharing positions. The Commission shall report on the results of this study to the 2003 General Assembly.

SECTION 6. Nothing in this act shall be construed to require local school administrative units to place part-time employees in job-sharing positions or to hire employees in job-sharing positions.

SECTION 7. Sections 1 through 4 of this act become effective January 1, 2003. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of October, 2002.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:42 p.m. this 31st day of October, 2002