

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 389

Short Title: Additional Flexibility on Teacher Pay Date. (Public)

Sponsors: Representatives Lucas, Glazier, McAllister, Dickson (Primary Sponsors);
Bell, Coates, Culp, Cunningham, Earle, Farmer-Butterfield, Fisher, Haire,
Harrison, Underhill, Wainwright, Wilkins, Womble, Wray, and Yongue.

Referred to: Rules, Calendar, and Operations of the House.

February 28, 2005

A BILL TO BE ENTITLED

AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
FLEXIBILITY IN SETTING THE PAY DATE FOR TEACHERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter. In addition, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 2003-2004 school year for any school year thereafter.

Each local board of education shall establish a set date on which monthly salary payments to State-allotted teachers shall be made. This set pay date may differ from the end of the month of service. The daily rate of pay for teachers shall equal midway between one twenty-first and one twenty-second of the monthly rate of pay. ~~Except for teachers employed in a year-round school or paid in accordance with a year-round calendar, or both, the~~ The initial pay date for teachers, except for teachers employed in a year-round school and other teachers paid on a year-round calendar, shall be no later than August 31 and the end of the first month of employment. The initial payment shall include a ~~be a~~ full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment.

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not

1 renewed shall repay to the local board any salary payments received for days not yet
2 worked. A teacher who has been prepaid and continues to be employed by a local board
3 but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325
4 or other appropriate discipline.

5 Any individual teacher who is not employed in a year-round school may be paid in
6 12 monthly installments if the teacher so requests on or before the first day of the school
7 year. The request shall be filed in the local school administrative unit which employs
8 the teacher. The payment of the annual salary in 12 installments instead of 10 shall not
9 increase or decrease the teacher's annual salary nor in any other way alter the contract
10 made between the teacher and the local school administrative unit. Teachers employed
11 for a period of less than 10 months shall not receive their salaries in 12 installments.

12 Notwithstanding this subsection, the term "daily rate of pay" for the purpose of
13 G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the
14 teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate
15 of pay."

16 **SECTION 2.** This act becomes effective July 1, 2005.