

GENERAL ASSEMBLY OF NORTH CAROLINA  
1983 SESSION

CHAPTER 872  
SENATE BILL 458

AN ACT TO ENABLE ALL PUBLIC SCHOOL EMPLOYEES TO EARN AND  
ACCUMULATE ANNUAL VACATION LEAVE AT THE SAME RATE AS  
THAT PROVIDED FOR STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-272(b)(1) is amended by rewriting the second sentence to read as follows:

"Included within their term of employment shall be annual vacation leave at the same rate provided for State employees."

Sec. 2. G.S. 115C-285(a)(1) is amended by rewriting the second sentence to read as follows:

"They shall earn annual vacation leave at the same rate provided for State employees. On a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, an employee may elect not to report due to hazardous travel conditions and to take one of his annual vacation days or to make up the day at the time agreed upon by the employee and his immediate supervisor."

Sec. 3. G.S. 115C-302(a)(1) is amended by rewriting the fourth sentence to read as follows:

"Included within the 10 calendar months employment shall be annual vacation leave at the same rate provided for State employees, computed at one-twelfth (1/12) of the annual rate for State employees for each calendar month of employment; which shall be provided by each local board of education at a time when students are not scheduled to be in regular attendance."

Sec. 4. G.S. 115C-302(a)(3) is amended by rewriting the last sentence to read as follows:

"The first 10 days of annual vacation leave earned by a teacher during any fiscal year period shall be scheduled to be used in the school calendar adopted by the respective local boards of education. Vacation days shall not be used for extending the term of employment of individuals. Teachers may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until December 31 of each year. On December 31 of each year, any teachers with more than 30 days of accumulated leave shall have the excess accumulation cancelled so that only 30 days are carried forward to January 1 of the next year. All vacation leave taken by the teacher will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a

lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining non-workdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

Sec. 5. G.S. 115C-316(a)(1) is amended by rewriting the second sentence to read as follows:

"Included within their term of employment shall be annual vacation leave at the same rate provided for state employees, computed at one-twelfth (1/12) of the annual rate for state employees for each calendar month of employment. On a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, an employee may elect not to report due to hazardous travel conditions and to take one of his annual vacation days or to make up the day at a time agreed upon by the employee and his immediate supervisor or principal."

Sec. 6. G.S. 115C-316(a)(2) is amended by rewriting the fourth sentence to read as follows:

"Included within the term of employment shall be provided for full-time employees annual vacation leave at the same rate provided for State employees, computed at one-twelfth (1/12) of the annual rate for State employees for each calendar month of employment, to be taken under policies determined by each local board of education. On a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, an employee may elect not to report due to hazardous travel conditions and to take one of his annual vacation days or to make up the day at a time agreed upon by the employee and his immediate supervisor or principal."

Sec. 7. G.S. 115C-316(a)(3) is amended by deleting the language following the first sentence in the subdivision and inserting in lieu thereof the following:

"The first 10 days of annual leave earned by a 10- or 11-month employee during any fiscal year period shall be scheduled to be used in the school calendar adopted by the respective local boards of education. Vacation days shall not be used for extending the term of employment of individuals. Ten- or 11- month employees may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until December 31 of each year. On December 31 of each year, any of these employees with more than 30 days of accumulated leave shall have the excess accumulation cancelled so that only 30 days are carried forward to January 1 of the next year. All vacation leave taken by these employees will be upon the authorization of their immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the

remaining non-workdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

Sec. 8. The State Board of Education is hereby directed to adopt annual leave policies for public school employees in accordance with the above and to develop appropriate annual leave rate schedules for 10-month, 11-month, and 12-month employees. However, due to emergency situations which may occur on a day when students are in attendance, the State Board of Education shall continue provisions for personal leave for teachers and other instructional support personnel.

Sec. 9. The State Board of Education, Controller's Office, in cooperation with the Office of State Budget and Management, shall develop procedures which school units shall follow in determining the use of available salary funds in order to pay for accumulated annual leave when an employee is separated from employment.

Sec. 10. The State Board of Education is further directed to adopt sick leave policies for public school employees, insofar as is practicable, which are comparable with policies for State employees.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of July, 1983.