

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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HOUSE BILL 1122

Short Title: Teacher Leave/School Days.

(Public)

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Sponsors: Representatives Fitch; Beall, Bowman, Buchanan, Easterling, Ethridge, Foster, Gottovi, Hensley, H. Hunter, Luebke, McLaughlin, Oldham, and Warner.

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Referred to: Public Employees.

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April 24, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PERMIT TEACHERS WHO WOULD OTHERWISE LOSE  
2 VACATION DAYS TO TAKE UP TO TWO DAYS WHILE STUDENTS ARE IN  
3 SCHOOL.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-302(a) reads as rewritten:

7 "(a) Teachers shall be paid promptly when their salaries are due provided the legal  
8 requirements for their employment and service have been met. All teachers employed  
9 by any local school administrative unit who are to be paid from local funds shall be paid  
10 promptly as provided by law and as state-allotted teachers are paid.

11 Teachers paid State funds shall be paid as follows:

12 (1) Academic Teachers. – Regular state-allotted teachers shall be  
13 employed for a period of 10 calendar months. Salary payments to  
14 regular state-allotted teachers shall be made monthly at the end of each  
15 calendar month of service: Provided, that any individual teacher may  
16 be paid in 12 monthly installments if the teacher so requests on or  
17 before the first day of the school year. Such request shall be filed in the  
18 local school administrative unit which employs the teacher. The  
19 payment of the annual salary in 12 installments instead of 10 shall not  
20 increase or decrease said annual salary nor in any other way alter the  
21 contract made between the teacher and the said local school  
22 administrative unit; nor shall such payment apply to any teacher who is  
23 employed for a period of less than 10 months. Included within the 10

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

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

1 employee exceed 200 days in a 10-month schedule and the workweek  
2 shall constitute five days for all occupational teachers regardless of the  
3 employment period.

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

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

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

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

19          Sec. 2. This act becomes effective July 1, 1991.