

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 271
Committee Substitute Favorable 4/2/03

Short Title: Job Sharing for School Counselors/Study.

(Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF TEACHER IN A JOB-SHARING POSITION, TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE COUNSELORS, AND TO AUTHORIZE THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO JOB SHARING BY OTHER PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

"§ 115C-302.2. **Job sharing by classroom ~~teachers~~teachers and guidance counselors.**

(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~~State and that there is a shortage of qualified guidance counselors in certain 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 and would make counseling an attractive option for guidance counselors 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~~schedule; and
- (3) Spends at least seventy percent (70%) of his or her work time in classroom ~~instruction~~instruction.
- (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.~~

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

5 (b1) A "guidance counselor in a job-sharing position" is a person who:

6 (1) Is employed by a local board of education as a guidance counselor for
7 fifty percent (50%) of the guidance counselor workweek, as defined by
8 that local board of education; and

9 (2) Is paid on the teacher salary schedule.

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

17 (d) Before a local board of education designates a guidance counselor position as
18 a job-sharing position, the board must determine that there is a shortage of guidance
19 counselors in that local school unit."

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

21 "(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher
22 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a
23 beneficiary in that position, guidance counselor in a job-sharing
24 position as defined in G.S. 115C-302.2(b1) except for a beneficiary in
25 that position, librarian, principal, supervisor, superintendent of public
26 schools or any full-time employee, city or county, superintendent of
27 public instruction, or any full-time employee of Department of Public
28 Instruction, president, dean or teacher, or any full-time employee in
29 any educational institution supported by and under the control of the
30 State: Provided, that the term "teacher" shall not include any part-time,
31 temporary, or substitute teacher or employee except for a classroom
32 teacher in a job-sharing ~~position,~~ position or a guidance counselor in a
33 job-sharing position and shall not include those participating in an
34 optional retirement program provided for in G.S. 135-5.1 or G.S.
35 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore
36 defined, shall determine whether any person is a teacher as defined in
37 this Chapter. On and after August 1, 2001, a person who is a
38 nonimmigrant alien and who otherwise meets the requirements of this
39 subdivision shall not be excluded from the definition of "teacher"
40 solely because the person holds a temporary or time-limited visa.
41 Notwithstanding the foregoing, the term "teacher" shall not include
42 any nonimmigrant alien employed in elementary or secondary public
43 schools (whether employed in a full-time, part-time, temporary,
44 permanent, or substitute teacher position) and participating in an

1 exchange visitor program designated by the United States Department
2 of State pursuant to 22 C.F.R. Part 62."

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

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

11 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

12 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
13 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
14 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
15 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
16 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
17 noncontributory premiums. Individual employees shall pay the balance of the total
18 noncontributory premiums not paid by the employing unit."

19 **SECTION 5.** Nothing in this act shall be construed to require local school
20 administrative units to place part-time employees in job-sharing positions or to hire
21 employees in job-sharing positions.

22 **SECTION 6.** The Joint Legislative Education Oversight Committee shall
23 study issues relating to job sharing by public school employees other than teachers and
24 guidance counselors. In the course of the study, the Committee shall study the need to
25 facilitate job sharing for these employees, the cost to the local school administrative unit
26 to hire employees in job-sharing positions, and the impact of job sharing on the
27 Teachers' and State Employees' Retirement System and the Comprehensive Major
28 Medical Plan. The Committee shall report on the results of this study to the 2004
29 Regular Session of the 2003 General Assembly.

30 **SECTION 7.** Sections 1 through 4 of this act become effective January 1,
31 2004. The remainder of this act is effective when it becomes law.