

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS35175-LE-136A (3/26)

Short Title: Job Sharing for School Personnel.

(Public)

Sponsors: Senator Metcalf.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY CERTAIN PUBLIC SCHOOL
PROFESSIONAL PERSONNEL.

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.

(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~~ 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; instruction or in working as a guidance counselor, media coordinator or media specialist, psychologist, or social worker; 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 includes guidance counselors, media coordinators and media specialists, psychologists, and social workers. The term does not include other certified instructional support personnel or certified school services personnel such as ~~guidance~~

1 ~~counselors, media coordinators, psychologists, social workers,~~ audiologists, speech and
2 language pathologists, and nurses.

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

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

11 "(25) "Teacher" shall mean any teacher, helping teacher, ~~classroom~~-teacher
12 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a
13 beneficiary in that position, librarian, principal, supervisor,
14 superintendent of public schools or any full-time employee, city or
15 county, superintendent of public instruction, or any full-time employee
16 of Department of Public Instruction, president, dean or teacher, or any
17 full-time employee in any educational institution supported by and
18 under the control of the State: Provided, that the term "teacher" shall
19 not include any part-time, temporary, or substitute teacher or employee
20 except for a ~~classroom~~-teacher in a job-sharing position, and shall not
21 include those participating in an optional retirement program provided
22 for in G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of
23 Trustees, hereinbefore defined, shall determine whether any person is a
24 teacher as defined in this Chapter. On and after August 1, 2001, a
25 person who is a nonimmigrant alien and who otherwise meets the
26 requirements of this subdivision shall not be excluded from the
27 definition of "teacher" solely because the person holds a temporary or
28 time-limited visa. Notwithstanding the foregoing, the term "teacher"
29 shall not include any nonimmigrant alien employed in elementary or
30 secondary public schools (whether employed in a full-time, part-time,
31 temporary, permanent, or substitute teacher position) and participating
32 in an exchange visitor program designated by the United States
33 Department of State pursuant to 22 C.F.R. Part 62."

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

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

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

42 "(a2) A ~~classroom~~-teacher in a job-sharing position as defined in G.S.
43 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory
44 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate

1 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
2 noncontributory premiums. Individual employees shall pay the balance of the total
3 noncontributory premiums not paid by the employing unit."

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

7 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
8 2004. The remainder of this act is effective when it becomes law.