

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 646

Short Title: Change Calendar Year/Annual Leave.

(Public)

Sponsors: Senator Winner.

Referred to: Pensions and Retirement.

March 27, 1989

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE CALENDAR YEAR FOR THE ACCUMULATION OF ANNUAL LEAVE BY TEACHERS AND STATE EMPLOYEES, AND TO PROVIDE FOR THE TRANSFER OF UNUSED EXCESS ANNUAL LEAVE TO SICK LEAVE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-285(a)(2) reads as rewritten:

"(2) Supervisors and classified principals paid on an hourly or other basis whether paid from State or from local funds may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until ~~December 31~~ June 30 of each year. On ~~December 31~~ June 30 of each year, any supervisor or principals with more than 30 days of accumulated leave shall have the excess accumulation ~~cancelled~~ transferred to sick leave so that ~~only~~ not more than 30 days are carried forward as annual leave to ~~January~~ July 1 of the ~~next~~ same year. Sick leave accumulated under this subdivision shall be treated as all other sick leave according to the relevant provisions of the State Board of Education and of the Teachers' and State Employees' Retirement System of North Carolina. All vacation leave taken by the employee 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 nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump

1 sum. The provisions of this subdivision shall be accomplished without additional State
2 and local funds being appropriated for this purpose. The State Board of Education shall
3 adopt rules and regulations for the administration of this subdivision."

4 Sec. 2. G.S. 115C-302(a)(3) reads as rewritten:

5 "(3) Notwithstanding any provisions of this section to the contrary no person shall
6 be entitled to pay for any vacation day not earned by that person. The first 10 days of
7 annual vacation leave earned by a teacher during any fiscal year period shall be
8 scheduled to be used in the school calendar adopted by the respective local boards of
9 education. Vacation days shall not be used for extending the term of employment of
10 individuals. Teachers may accumulate annual vacation leave days as follows: annual
11 leave may be accumulated without any applicable maximum until ~~December 31~~ June 30
12 of each year. On ~~December 31~~ June 30 of each year, any teachers with more than 30 days
13 of accumulated leave shall have the excess accumulation ~~cancelled~~ transferred to sick
14 leave so that only not more than 30 days are carried forward as annual leave to January
15 July 1 of the next same year. Sick leave accumulated under this subdivision shall be
16 treated as all other sick leave according to the relevant provisions of the State Board of
17 Education and of the Teachers' and State Employees' Retirement System of North
18 Carolina. All vacation leave taken by the teacher will be upon the authorization of his
19 immediate supervisor and under policies established by the local board of education. An
20 employee shall be paid in a lump sum for accumulated annual leave not to exceed a
21 maximum of 240 hours when separated from service due to resignation, dismissal,
22 reduction in force, death, or service retirement. If the last day of terminal leave falls on
23 the last workday in the month, payment shall be made for the remaining nonworkdays
24 in that month. Employees retiring on disability retirement may exhaust annual leave
25 rather than be paid in a lump sum. The provisions of this subdivision shall be
26 accomplished without additional State and local funds being appropriated for this
27 purpose. The State Board of Education shall adopt rules and regulations for the
28 administration of this subdivision."

29 Sec. 3. G.S. 115C-316(a)(3) reads as rewritten:

30 "(3) Notwithstanding any provisions of this section to the contrary no person shall
31 be entitled to pay for any vacation day not earned by that person. The first 10 days of
32 annual leave earned by a 10- or 11-month employee during any fiscal year period shall
33 be scheduled to be used in the school calendar adopted by the respective local boards of
34 education. Vacation days shall not be used for extending the term of employment of
35 individuals. Ten- or 11-month employees may accumulate annual vacation leave days as
36 follows: annual leave may be accumulated without any applicable maximum until
37 ~~December 31~~ June 30 of each year. On ~~December 31~~ June 30 of each year, any of these
38 employees with more than 30 days of accumulated leave shall have the excess
39 accumulation ~~cancelled~~ transferred to sick leave so that only not more than 30 days are
40 carried forward as annual leave to January July 1 of the next same year. Sick leave
41 accumulated under this subdivision shall be treated as all other sick leave according to
42 the relevant provisions of the State Board of Education and of the Teachers' and State
43 Employees' Retirement System of North Carolina. All vacation leave taken by these
44 employees will be upon the authorization of their immediate supervisor and under

1 policies established by the local board of education. An employee shall be paid in a
2 lump sum for accumulated annual leave not to exceed a maximum of 240 hours when
3 separated from service due to resignation, dismissal, reduction in force, death or service
4 retirement. If the last day of terminal leave falls on the last workday in the month,
5 payment shall be made for the remaining nonworkdays in that month. Employees
6 retiring on disability retirement may exhaust annual leave rather than be paid in a lump
7 sum. The provisions of this subdivision shall be accomplished without additional State
8 and local funds being appropriated for this purpose. The State Board of Education shall
9 adopt rules and regulations for the administration of this subdivision."

10 Sec. 4. G.S 126-8 reads as rewritten:

11 **"§ 126-8. Minimum leave granted State employees.**

12 The amount of vacation leave granted to each full-time State employee subject to the
13 provisions of this Chapter shall be determined in accordance with a graduated scale
14 established by the State Personnel Commission which shall allow the equivalent rate of
15 not less than two weeks' vacation per calendar year, prorated monthly, ~~cumulative to at~~
16 ~~least 30 days.~~ accumulated without any applicable maximum until June 30 of each year.
17 On June 30 of each year, any employee with more than 30 days of accumulated leave
18 shall have the excess accumulation transferred to sick leave so that only 30 days are
19 carried forward as annual leave to July 1 of the same year. Any sick leave so
20 transferred from annual leave shall be treated as all other sick leave according to the
21 relevant provisions of the Teachers' and State Employees' Retirement System of North
22 Carolina. Sick leave allowed as needed to such State employees shall be at a rate not
23 less than 10 days for each calendar year, cumulative from year to year. Notwithstanding
24 any other provisions of this section, no full-time State employee subject to the
25 provisions of Chapter 126, as the same appears in the Cumulative Supplement to
26 Volume 3B of the General Statutes, on May 23, 1973, shall be allowed less than the
27 equivalent of three weeks' vacation per calendar year, ~~cumulative to at least 30 days.~~"

28 Sec. 5. This act shall become effective July 1, 1989.