

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1203

Short Title: School Employees May Convert Leave.

(Public)

Sponsors: Representatives Nesbitt, Hackney, Bowen (Co-sponsor); Barnes, Black, Bowman, Burton, Colton, Crawford, Cummings, Diamont, Fitch, Ives, Jeffus, Luebke, Rogers, and Wainwright.

Referred to: Education.

April 27, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW PUBLIC SCHOOL EMPLOYEES TO CONVERT EXCESS ANNUAL LEAVE DAYS TO SICK LEAVE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-272(b) reads as rewritten:

"(b) Superintendents shall be paid promptly when their salaries are due provided the legal requirements for their employment and service have been met. All superintendents employed by any local school administrative unit who are paid from local funds shall be paid promptly as provided by law and as State allotted superintendents are paid. Superintendents paid from State funds shall be paid as follows:

(1) Salary payments to superintendents shall be made monthly on the basis of each calendar month of service. Included within their term of employment shall be annual vacation leave at the same rate provided for State employees. Included within the 12 months' employment each local board of education shall designate the same or an equivalent number of legal holidays as those designated by the State Personnel Commission for State employees.

(2) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person. Vacation days shall not be used for extending the term of employment of individuals and shall not be cumulative from one fiscal

1 year to another fiscal year: Provided, that superintendents may
2 accumulate annual vacation leave days as follows: annual leave may
3 be accumulated without any applicable maximum until June 30 of each
4 year. On June 30 of each year, any superintendent with more than 30
5 days of accumulated leave shall have the excess accumulation
6 ~~cancelled~~ converted to sick leave so that only 30 days are carried
7 forward to July 1 of the same year. All vacation leave taken by the
8 superintendent will be upon the authorization of his immediate
9 supervisor and under policies established by the local board of
10 education. An employee shall be paid in a lump sum for accumulated
11 annual leave not to exceed a maximum of 240 hours when separated
12 from service due to resignation, dismissal, reduction in force, death, or
13 service retirement. If the last day of terminal leave falls on the last
14 workday in the month, payment shall be made for the remaining
15 nonworkdays in that month. Employees retiring on disability
16 retirement may exhaust annual leave rather than be paid in a lump
17 sum. The provisions of this subdivision shall be accomplished without
18 additional State and local funds being appropriated for this purpose.
19 The State Board of Education shall adopt rules and regulations for the
20 administration of this subdivision.

21 (3) Each local board of education shall sustain any loss by reason of an
22 overpayment to any superintendent paid from State funds.

23 (4) All of the foregoing provisions of this section shall be subject to the
24 requirement that at least fifty dollars (\$50.00), or other minimum
25 amount required by federal social security laws, of the compensation
26 of each school employee covered by the Teachers' and State
27 Employees' Retirement System or otherwise eligible for social security
28 coverage shall be paid in each of the four quarters of the calendar
29 year."

30 Sec. 2. G.S. 115C-285(a) reads as rewritten:

31 "(a) Principals and supervisors shall be paid promptly when their salaries are due
32 provided the legal requirements for their employment and service have been met. All
33 principals and supervisors employed by any local school administrative unit who are to
34 be paid from local funds shall be paid promptly as provided by law and as state-allotted
35 principals and supervisors are paid.

36 Principals and supervisors paid from State funds shall be paid as follows:

37 (1) Classified principals and State-allotted supervisors shall be employed
38 for a term of 12 calendar months. Salary payments to classified
39 principals and State-allotted supervisors shall be made monthly at the
40 end of each calendar month of service. They shall earn annual vacation
41 leave at the same rate provided for State employees. On a day that
42 employees are required to report for a workday but pupils are not
43 required to attend school due to inclement weather, an employee may
44 elect not to report due to hazardous travel conditions and to take one of

1 his annual vacation days or to make up the day at the time agreed upon
2 by the employee and his immediate supervisor. They shall be provided
3 by the board the same or an equivalent number of legal holidays as
4 those designated by the State Personnel Commission for State
5 employees.

6 (2) Supervisors and classified principals paid on an hourly or other basis
7 whether paid from State or from local funds may accumulate annual
8 vacation leave days as follows: annual leave may be accumulated
9 without any applicable maximum until June 30 of each year. On June
10 30 of each year, any supervisor or principals with more than 30 days of
11 accumulated leave shall have the excess accumulation ~~cancelled~~
12 converted to sick leave so that only 30 days are carried forward to July
13 1 of the same year. All vacation leave taken by the employee will be
14 upon the authorization of his immediate supervisor and under policies
15 established by the local board of education. An employee shall be paid
16 in a lump sum for accumulated annual leave not to exceed a maximum
17 of 240 hours when separated from service due to resignation,
18 dismissal, reduction in force, death, or service retirement. If the last
19 day of terminal leave falls on the last workday in the month, payment
20 shall be made for the remaining nonworkdays in that month.
21 Employees retiring on disability retirement may exhaust annual leave
22 rather than be paid in a lump sum. The provisions of this subdivision
23 shall be accomplished without additional State and local funds being
24 appropriated for this purpose. The State Board of Education shall
25 adopt rules and regulations for the administration of this subdivision.

26 (3) Notwithstanding any provisions of this section to the contrary no
27 person shall be entitled to pay for any vacation day not earned by that
28 person. Vacation days shall not be used for extending the term of
29 employment of individuals and shall not be cumulative from one fiscal
30 year to another fiscal year, except as provided in subdivision (5) of this
31 section.

32 (4) Each local board of education shall sustain any loss by reason of an
33 overpayment to any principal or supervisor paid from State funds.

34 (5) All of the foregoing provisions of this section shall be subject to the
35 requirement that at least fifty dollars (\$50.00), or other minimum
36 amount required by federal social security laws, of the compensation
37 of each school employee covered by the Teachers' and State
38 Employees' Retirement System or otherwise eligible for social security
39 coverage shall be paid in each of the four quarters of the calendar year.

40 (6) The State Board of Education, in fixing the State standard salary
41 schedule of principals as authorized by law, shall provide that
42 principals who entered the armed or auxiliary forces of the United
43 States after September 16, 1940, and who left their positions for such
44 service, shall be allowed experience increments for the period of such

1 service as though the same had not been interrupted thereby, in the
2 event such persons return to the position of teachers, principals or
3 superintendents in the public schools of the State after having been
4 honorably discharged from the armed or auxiliary forces of the United
5 States.

- 6 (7) All persons employed as principals in the schools and institutions
7 listed in subsection (p) of G.S. 115C-325 shall be compensated at the
8 same rate as are teachers in the public schools in accordance with the
9 salary schedule adopted by the State Board of Education."

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

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

15 Teachers paid State funds shall be paid as follows:

- 16 (1) Academic Teachers. – Regular state-allotted teachers shall be
17 employed for a period of 10 calendar months. Salary payments to
18 regular state-allotted teachers shall be made monthly at the end of each
19 calendar month of service: Provided, that teachers employed for a
20 period of 10 calendar months in year-round schools shall be paid in 12
21 equal installments: Provided further, that any individual teacher who
22 is not employed in a year-round school may be paid in 12 monthly
23 installments if the teacher so requests on or before the first day of the
24 school year. Such request shall be filed in the local school
25 administrative unit which employs the teacher. The payment of the
26 annual salary in 12 installments instead of 10 shall not increase or
27 decrease said annual salary nor in any other way alter the contract
28 made between the teacher and the said local school administrative unit;
29 nor shall such payment apply to any teacher who is employed for a
30 period of less than 10 months. Included within the 10 calendar months
31 employment shall be annual vacation leave at the same rate provided
32 for State employees, computed at one twelfth (1/12) of the annual rate
33 for State employees for each calendar month of employment; which
34 shall be provided by each local board of education at a time when
35 students are not scheduled to be in regular attendance. Included within
36 the 10 calendar months employment each local board of education
37 shall designate the same or an equivalent number of legal holidays
38 occurring within the period of employment for academic teachers as
39 those designated by the State Personnel Commission for State
40 employees; on a day that employees are required to report for a
41 workday but pupils are not required to attend school due to inclement
42 weather, a teacher may elect not to report due to hazardous travel
43 conditions and to take one of his annual vacation days or to make up
44 the day at a time agreed upon by the employee and his immediate

1 supervisor or principal. Within policy adopted by the State Board of
2 Education, each local board of education shall develop rules and
3 regulations designating what additional portion of the 10 calendar
4 months not devoted to classroom teaching, holidays, or annual leave
5 shall apply to service rendered before the opening of the school term,
6 during the school term, and after the school term and to fix and
7 regulate the duties of state-allotted teachers during said period, but in
8 no event shall the total number of workdays exceed 200 days. Local
9 boards of education shall consult with the employed public school
10 personnel in the development of the 10-calendar-months schedule.

- 11 (2) Occupational Education Teachers. – State-allotted months of
12 employment to local boards of education as provided by the State
13 Board of Education shall be used for the employment of teachers of
14 occupational education for a term of employment as determined by the
15 local boards of education. Salary payments to these occupational
16 education teachers shall be made monthly at the end of each calendar
17 month of service: Provided, that local boards shall not reduce the term
18 of employment for any vocational agriculture teacher personnel
19 position that was 12 calendar months for the 1982-83 school year for
20 any school year thereafter: Provided further, that teachers employed
21 for a term of 10 calendar months in year-round schools shall be paid in
22 12 equal installments: Provided further, that any individual teacher
23 employed for a term of 10 calendar months who is not employed in a
24 year-round school may be paid in 12 monthly installments if the
25 teacher so requests on or before the first day of the school year. Such
26 request shall be filed in the administrative unit which employs the
27 teacher. The payment of the annual salary in 12 installments instead of
28 10 shall not increase or decrease said annual salary nor in any other
29 way alter the contract made between the teacher and the said
30 administrative unit. Included within their term of employment shall be
31 the same rate of annual vacation leave and legal holidays provided
32 under the same conditions as set out in subdivision (1) above, but in no
33 event shall the total workdays for a 10-month employee exceed 200
34 days in a 10-month schedule and the workweek shall constitute five
35 days for all occupational teachers regardless of the employment
36 period.

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

41 No deductions shall be made from salaries of teachers of vocational
42 agriculture and home economics whose salaries are paid in part from
43 State and federal vocational funds while in attendance upon
44 community, county and State meetings called for the specific purpose

1 of promoting the agricultural interests of North Carolina, when such
2 attendance is approved by the superintendent of the administrative unit
3 and the State Director of Vocational Education.

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

29 (4) Each local board of education shall sustain any loss by reason of an
30 overpayment to any teacher paid from State funds.

31 (5) All of the foregoing provisions of this section shall be subject to the
32 requirement that at least fifty dollars (\$50.00), or other minimum
33 amount required by federal social security laws, of the compensation
34 of each school employee covered by the Teachers' and State
35 Employees' Retirement System or otherwise eligible for social security
36 coverage shall be paid in each of the four quarters of the calendar year.

37 (6) The State Board of Education, in fixing the State standard salary
38 schedule of teachers as authorized by law, shall provide that teachers
39 who entered the armed or auxiliary forces of the United States after
40 September 16, 1940, and who left their positions for such service shall
41 be allowed experience increments for the period of such service as
42 though the same had not been interrupted thereby, in the event such
43 persons return to the position of teachers, principals and
44 superintendents in the public schools of the State after having been

1 honorably discharged from the armed or auxiliary forces of the United
2 States."

3 Sec. 4. G.S. 115C-316(a) reads as rewritten:

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

9 Public school employees paid from State funds shall be paid as follows:

- 10 (1) Employees Other than Superintendents, Supervisors and Classified
11 Principals on an Annual Basis. – Salary payments to employees other
12 than superintendents, supervisors, and classified principals employed
13 on an annual basis shall be made monthly at the end of each calendar
14 month of service. Included within their term of employment shall be
15 annual vacation leave at the same rate provided for State employees,
16 computed at one-twelfth (1/12) of the annual rate for state employees
17 for each calendar month of employment. On a day that employees are
18 required to report for a workday but pupils are not required to attend
19 school due to inclement weather, an employee may elect not to report
20 due to hazardous travel conditions and to take one of his annual
21 vacation days or to make up the day at a time agreed upon by the
22 employee and his immediate supervisor or principal. Included within
23 their term of employment each local board of education shall designate
24 the same or an equivalent number of legal holidays as those designated
25 by the State Personnel Commission for State employees.
- 26 (2) School Employees Paid on an Hourly or Other Basis. – Salary
27 payments to employees other than those covered in G.S. 115C-
28 272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-
29 316(a)(1) shall be made at a time determined by each local board of
30 education. Expenditures for the salary of these employees from State
31 funds shall be within allocations made by the State Board of Education
32 and in accordance with rules and regulations approved by the State
33 Board of Education concerning allocations of State funds: Provided,
34 that school employees employed for a term of 10 calendar months in
35 year-round schools shall be paid in 12 equal installments: Provided
36 further, that any individual school employee employed for a term of 10
37 calendar months who is not employed in a year-round school may be
38 paid in 12 monthly installments if the employee so requests on or
39 before the first day of the school year. Such request shall be filed in
40 the administrative unit which employs the employee. The payment of
41 the annual salary in 12 installments instead of 10 shall not increase or
42 decrease said annual salary nor in any other way alter the contract
43 between the employee and the said administrative unit. Included
44 within the term of employment shall be provided for full-time

1 employees annual vacation leave at the same rate provided for State
2 employees, computed at one-twelfth (1/12) of the annual rate for State
3 employees for each calendar month of employment, to be taken under
4 policies determined by each local board of education. On a day that
5 employees are required to report for a workday but pupils are not
6 required to attend school due to inclement weather, an employee may
7 elect not to report due to hazardous travel conditions and to take one of
8 his annual vacation days or to make up the day at a time agreed upon
9 by the employee and his immediate supervisor or principal. Included
10 within their term of employment, each local board of education shall
11 designate the same or an equivalent number of legal holidays
12 occurring within the period of employment as those designated by the
13 State Personnel Commission for State employees.

14 (3) Notwithstanding any provisions of this section to the contrary no
15 person shall be entitled to pay for any vacation day not earned by that
16 person. The first 10 days of annual leave earned by a 10- or 11-month
17 employee during any fiscal year period shall be scheduled to be used
18 in the school calendar adopted by the respective local boards of
19 education. Vacation days shall not be used for extending the term of
20 employment of individuals. Ten- or 11-month employees may
21 accumulate annual vacation leave days as follows: annual leave may
22 be accumulated without any applicable maximum until June 30 of each
23 year. On June 30 of each year, any of these employees with more than
24 30 days of accumulated leave shall have the excess accumulation
25 ~~cancelled~~ converted to sick leave so that only 30 days are carried
26 forward to July 1 of the same year. All vacation leave taken by these
27 employees will be upon the authorization of their immediate
28 supervisor and under policies established by the local board of
29 education. An employee shall be paid in a lump sum for accumulated
30 annual leave not to exceed a maximum of 240 hours when separated
31 from service due to resignation, dismissal, reduction in force, death or
32 service retirement. If the last day of terminal leave falls on the last
33 workday in the month, payment shall be made for the remaining
34 nonworkdays in that month. Employees retiring on disability
35 retirement may exhaust annual leave rather than be paid in a lump
36 sum. The provisions of this subdivision shall be accomplished without
37 additional State and local funds being appropriated for this purpose.
38 The State Board of Education shall adopt rules and regulations for the
39 administration of this subdivision.

40 (4) Twelve-month school employees other than superintendents,
41 supervisors and classified principals paid on an hourly or other basis
42 whether paid from State or from local funds may accumulate annual
43 vacation leave days as follows: annual leave may be accumulated
44 without any applicable maximum until June 30 of each year. On June

1 30 of each year, any employee with more than 30 days of accumulated
2 leave shall have the excess accumulation cancelled so that only 30
3 days are carried forward to July 1 of the same year. All vacation leave
4 taken by the employee will be upon the authorization of his immediate
5 supervisor and under policies established by the local board of
6 education. An employee shall be paid in a lump sum for accumulated
7 annual leave not to exceed a maximum of 240 hours when separated
8 from service due to resignation, dismissal, reduction in force, death, or
9 service retirement. If the last day of terminal leave falls on the last
10 workday in the month, payment shall be made for the remaining
11 nonworkdays in that month. Employees retiring on disability
12 retirement may exhaust annual leave rather than be paid in a lump
13 sum. The provisions of this subdivision shall be accomplished without
14 additional State and local funds being appropriated for this purpose.
15 The State Board of Education shall adopt rules and regulations for the
16 administration of this subdivision.

- 17 (5) All of the foregoing provisions of this section shall be subject to the
18 requirement that at least fifty dollars (\$50.00), or other minimum
19 amount required by federal social security laws, of the compensation
20 of each school employee covered by the Teachers' and State
21 Employees' Retirement System or otherwise eligible for social security
22 coverage shall be paid in each of the four quarters of the calendar year.
23 (6) Each local board of education shall sustain any loss by reason of an
24 overpayment to any school official or other employee paid from State
25 funds."

26 Sec. 5. This act becomes effective June 30, 1993.