

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 616

Short Title: Facilitate Year-Round Schools.

(Public)

Sponsors: Representatives Kuczmariski; Alexander, Bowman, Cummings, Jarrell, Jeffus, and Oldham.

Referred to: Education.

March 29, 1993

A BILL TO BE ENTITLED

AN ACT TO GRANT LOCAL BOARDS OF EDUCATION MORE FLEXIBILITY
TO ESTABLISH YEAR-ROUND SCHOOLS.

The General Assembly of North Carolina enacts:

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

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

Teachers paid State funds shall be paid as follows:

- (1) Academic Teachers. – Regular state-allotted teachers shall be employed for a period of 10 calendar months. Salary payments to regular state-allotted teachers shall be made monthly at the end of each calendar month of service: Provided, that teachers employed for a period of 10 calendar months in year-round schools shall be paid in 12 equal installments: Provided further, that any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. Such request shall be filed in the local school administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said local school administrative unit;

1 nor shall such payment apply to any teacher who is employed for a
2 period of less than 10 months. Included within the 10 calendar months
3 employment shall be annual vacation leave at the same rate provided
4 for State employees, computed at one twelfth (1/12) of the annual rate
5 for State employees for each calendar month of employment; which
6 shall be provided by each local board of education at a time when
7 students are not scheduled to be in regular attendance. Included within
8 the 10 calendar months employment each local board of education
9 shall designate the same or an equivalent number of legal holidays
10 occurring within the period of employment for academic teachers as
11 those designated by the State Personnel Commission for State
12 employees; on a day that employees are required to report for a
13 workday but pupils are not required to attend school due to inclement
14 weather, a teacher may elect not to report due to hazardous travel
15 conditions and to take one of his annual vacation days or to make up
16 the day at a time agreed upon by the employee and his immediate
17 supervisor or principal. Within policy adopted by the State Board of
18 Education, each local board of education shall develop rules and
19 regulations designating what additional portion of the 10 calendar
20 months not devoted to classroom teaching, holidays, or annual leave
21 shall apply to service rendered before the opening of the school term,
22 during the school term, and after the school term and to fix and
23 regulate the duties of state-allotted teachers during said period, but in
24 no event shall the total number of workdays exceed 200 days. Local
25 boards of education shall consult with the employed public school
26 personnel in the development of the 10-calendar-months schedule.

- 27 (2) Occupational Education Teachers. – State-allotted months of
28 employment to local boards of education as provided by the State
29 Board of Education shall be used for the employment of teachers of
30 occupational education for a term of employment as determined by the
31 local boards of education. Salary payments to these occupational
32 education teachers shall be made monthly at the end of each calendar
33 month of service: Provided, that local boards shall not reduce the term
34 of employment for any vocational agriculture teacher personnel
35 position that was 12 calendar months for the 1982-83 school year for
36 any school year thereafter: Provided further, that teachers employed
37 for a term of 10 calendar months in year-round schools shall be paid in
38 12 equal installments: Provided further, that any individual teacher
39 employed for a term of 10 calendar months who is not employed in a
40 year-round school may be paid in 12 monthly installments if the
41 teacher so requests on or before the first day of the school year. Such
42 request shall be filed in the administrative unit which employs the
43 teacher. The payment of the annual salary in 12 installments instead of
44 10 shall not increase or decrease said annual salary nor in any other

1 way alter the contract made between the teacher and the said
2 administrative unit. Included within their term of employment shall be
3 the same rate of annual vacation leave and legal holidays provided
4 under the same conditions as set out in subdivision (1) above, but in no
5 event shall the total workdays for a 10-month employee exceed 200
6 days in a 10-month schedule and the workweek shall constitute five
7 days for all occupational teachers regardless of the employment
8 period.

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

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

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

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

27 Sec. 2. G.S. 115C-316(a) reads as rewritten:

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

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

- 34 (1) Employees Other than Superintendents, Supervisors and Classified
35 Principals on an Annual Basis. – Salary payments to employees other
36 than superintendents, supervisors, and classified principals employed
37 on an annual basis shall be made monthly at the end of each calendar
38 month of service. Included within their term of employment shall be
39 annual vacation leave at the same rate provided for State employees,
40 computed at one-twelfth (1/12) of the annual rate for state employees
41 for each calendar month of employment. On a day that employees are
42 required to report for a workday but pupils are not required to attend
43 school due to inclement weather, an employee may elect not to report
44 due to hazardous travel conditions and to take one of his annual

1 vacation days or to make up the day at a time agreed upon by the
2 employee and his immediate supervisor or principal. Included within
3 their term of employment each local board of education shall designate
4 the same or an equivalent number of legal holidays as those designated
5 by the State Personnel Commission for State employees.

6 (2) School Employees Paid on an Hourly or Other Basis. – Salary
7 payments to employees other than those covered in G.S. 115C-
8 272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-
9 316(a)(1) shall be made at a time determined by each local board of
10 education. Expenditures for the salary of these employees from State
11 funds shall be within allocations made by the State Board of Education
12 and in accordance with rules and regulations approved by the State
13 Board of Education concerning allocations of State funds: Provided,
14 that school employees employed for a term of 10 calendar months in
15 year-round schools shall be paid in 12 equal installments: Provided
16 further, that any individual school employee employed for a term of 10
17 calendar months who is not employed in a year-round school may be
18 paid in 12 monthly installments if the employee so requests on or
19 before the first day of the school year. Such request shall be filed in
20 the administrative unit which employs the employee. The payment of
21 the annual salary in 12 installments instead of 10 shall not increase or
22 decrease said annual salary nor in any other way alter the contract
23 between the employee and the said administrative unit. Included
24 within the term of employment shall be provided for full-time
25 employees annual vacation leave at the same rate provided for State
26 employees, computed at one-twelfth (1/12) of the annual rate for State
27 employees for each calendar month of employment, to be taken under
28 policies determined by each local board of education. On a day that
29 employees are required to report for a workday but pupils are not
30 required to attend school due to inclement weather, an employee may
31 elect not to report due to hazardous travel conditions and to take one of
32 his annual vacation days or to make up the day at a time agreed upon
33 by the employee and his immediate supervisor or principal. Included
34 within their term of employment, each local board of education shall
35 designate the same or an equivalent number of legal holidays
36 occurring within the period of employment as those designated by the
37 State Personnel Commission for State employees.

38 (3) Notwithstanding any provisions of this section to the contrary no
39 person shall be entitled to pay for any vacation day not earned by that
40 person. The first 10 days of annual leave earned by a 10- or 11-month
41 employee during any fiscal year period shall be scheduled to be used
42 in the school calendar adopted by the respective local boards of
43 education. Vacation days shall not be used for extending the term of
44 employment of individuals. Ten- or 11-month employees may

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

19 (4) Twelve-month school employees other than superintendents,
20 supervisors and classified principals paid on an hourly or other basis
21 whether paid from State or from local funds may accumulate annual
22 vacation leave days as follows: annual leave may be accumulated
23 without any applicable maximum until June 30 of each year. On June
24 30 of each year, any employee with more than 30 days of accumulated
25 leave shall have the excess accumulation cancelled so that only 30
26 days are carried forward to July 1 of the same year. All vacation leave
27 taken by the employee will be upon the authorization of his 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 (4a) Employees employed on a 10- or 11-month basis at year-round schools
41 shall be employed for the same total number of days as employees
42 employed for a period of 10 or 11 calendar months, respectively, but
43 those days may be scheduled over 12 calendar months. Annual leave,
44 sick leave, workdays, holidays, salary, and longevity, for employees

1 who are employed on a 10- or 11-month basis at year-round schools,
2 shall be equivalent to those of employees employed for 10 or 11
3 calendar months, respectively.

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

10 (6) Each local board of education shall sustain any loss by reason of an
11 overpayment to any school official or other employee paid from State
12 funds."

13 Sec. 3. This act becomes effective July 1, 1993.