

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1205

Short Title: School Employees May Convert Leave.

(Public)

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Sponsors: Senator Perdue.

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Referred to: Pensions and Retirement.

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June 1, 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 year to another fiscal year: Provided, that superintendents may accumulate annual vacation leave days as follows: annual leave may

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

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

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

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

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

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

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

1 by the board the same or an equivalent number of legal holidays as  
2 those designated by the State Personnel Commission for State  
3 employees.

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

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

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

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

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

1 superintendents in the public schools of the State after having been  
2 honorably discharged from the armed or auxiliary forces of the United  
3 States.

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

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

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

13 Teachers paid State funds shall be paid as follows:

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

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

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

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

39 No deductions shall be made from salaries of teachers of vocational  
40 agriculture and home economics whose salaries are paid in part from  
41 State and federal vocational funds while in attendance upon  
42 community, county and State meetings called for the specific purpose  
43 of promoting the agricultural interests of North Carolina, when such

1 attendance is approved by the superintendent of the administrative unit  
2 and the State Director of Vocational Education.

- 3 (3) Notwithstanding any provisions of this section to the contrary no  
4 person shall be entitled to pay for any vacation day not earned by that  
5 person. The first 10 days of annual vacation leave earned by a teacher  
6 during any fiscal year period shall be scheduled to be used in the  
7 school calendar adopted by the respective local boards of education.  
8 Vacation days shall not be used for extending the term of employment  
9 of individuals. Teachers may accumulate annual vacation leave days  
10 as follows: annual leave may be accumulated without any applicable  
11 maximum until June 30 of each year. On June 30 of each year, any  
12 teachers with more than 30 days of accumulated leave shall have the  
13 excess accumulation ~~cancelled~~ converted to sick leave so that only 30  
14 days are carried forward to July 1 of the same year. All vacation leave  
15 taken by the teacher will be upon the authorization of his immediate  
16 supervisor and under policies established by the local board of  
17 education. An employee shall be paid in a lump sum for accumulated  
18 annual leave not to exceed a maximum of 240 hours when separated  
19 from service due to resignation, dismissal, reduction in force, death, or  
20 service retirement. If the last day of terminal leave falls on the last  
21 workday in the month, payment shall be made for the remaining  
22 nonworkdays in that month. Employees retiring on disability  
23 retirement may exhaust annual leave rather than be paid in a lump  
24 sum. The provisions of this subdivision shall be accomplished without  
25 additional State and local funds being appropriated for this purpose.  
26 The State Board of Education shall adopt rules and regulations for the  
27 administration of this subdivision.
- 28 (4) Each local board of education shall sustain any loss by reason of an  
29 overpayment to any teacher paid from State funds.
- 30 (5) All of the foregoing provisions of this section shall be subject to the  
31 requirement that at least fifty dollars (\$50.00), or other minimum  
32 amount required by federal social security laws, of the compensation  
33 of each school employee covered by the Teachers' and State  
34 Employees' Retirement System or otherwise eligible for social security  
35 coverage shall be paid in each of the four quarters of the calendar year.
- 36 (6) The State Board of Education, in fixing the State standard salary  
37 schedule of teachers as authorized by law, shall provide that teachers  
38 who entered the armed or auxiliary forces of the United States after  
39 September 16, 1940, and who left their positions for such service shall  
40 be allowed experience increments for the period of such service as  
41 though the same had not been interrupted thereby, in the event such  
42 persons return to the position of teachers, principals and  
43 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~~ converted to sick  
3 leave so that only 30 days are carried forward to July 1 of the same  
4 year. All vacation leave taken by the employee will be upon the  
5 authorization of his immediate supervisor and under policies  
6 established by the local board of education. An employee shall be paid  
7 in a lump sum for accumulated annual leave not to exceed a maximum  
8 of 240 hours when separated from service due to resignation,  
9 dismissal, reduction in force, death, or service retirement. If the last  
10 day of terminal leave falls on the last workday in the month, payment  
11 shall be made for the remaining nonworkdays in that month.  
12 Employees retiring on disability retirement may exhaust annual leave  
13 rather than be paid in a lump sum. The provisions of this subdivision  
14 shall be accomplished without additional State and local funds being  
15 appropriated for this purpose. The State Board of Education shall  
16 adopt rules and regulations for the 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.