

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 640
HOUSE BILL 478

AN ACT TO PROVIDE FOR THE CONTINUATION OF THE SALARY OF A TEACHER
DISABLED AS A RESULT OF AN EPISODE OF VIOLENCE WHILE ENGAGED IN
THE COURSE OF HIS EMPLOYMENT.

The General Assembly of North Carolina do enact:

Section 1. Article 18 of Chapter 115 of the North Carolina General Statutes is hereby amended by inserting an additional section thereto to be designated as G.S. 115-159.1 and to read as follows:

"§ 115-159.1. **Salary of teacher injured during episode of violence.** — Any teacher as defined in G.S. 135-1(25) who, while engaged in the course of his employment, suffers injury and disability resulting from any episode of violence shall be entitled to receive his full salary during the shorter period of either the remainder of the school year or the continuation of his disability. These benefits shall be in lieu of all other income or disability benefits payable under Workmen's Compensation to such teacher only during the period prescribed herein. Thereafter, such teacher shall be paid such income or disability payments to which he might be entitled under Workmen's Compensation. If the employment of a substitute teacher is necessitated by the disability of the injured teacher, the salary of such substitute teacher shall be paid from the same source of funds from which the teacher is paid. This section shall in no way limit the right of the injured teacher to receive the benefits of medical, hospital, drug and related expense payments from any source, including Workmen's Compensation. Provided further that this section shall not apply to any teacher who is injured while he himself participates in or provokes such episode of violence except as is incident to the maintenance or restoration of order or to defend himself.

Sec. 2. Any teacher claiming the benefits of this act shall file claim with the Board of Education employing such teacher within one year after the occurrence giving rise to his alleged injury. That Board of Education shall, within thirty days after receipt of such claim, decide whether and to what extent that teacher is entitled to the benefits of this act and shall forthwith transmit its decision in writing to such teacher. That teacher shall, however, have the right to appeal the decision of that Board of Education to the North Carolina Industrial Commission by serving that Board of Education and the North Carolina Industrial Commission with written notice thereof within thirty days after receipt of the board's written decision. In determining all appeals under this act the North Carolina Industrial Commission shall constitute a court for the purpose of hearing de novo and passing upon all claims thereby presented in accordance with procedures utilized by the Commission in determining claims under the Workmen's Compensation Act. The decision of the Industrial Commission in each instance shall be subject to appeal to the North Carolina Court of Appeals as provided in G.S. 143-293 and G.S. 143-294

Sec. 3. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1971.