

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

2

SENATE BILL 646
Education Committee Substitute Adopted 6/29/89

Short Title: Annual Leave Accumulation.

(Public)

Sponsors:

Referred to:

March 27, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR UNLIMITED ACCUMULATION OF ANNUAL
LEAVE BY CERTIFIED AND NONCERTIFIED EDUCATION EMPLOYEES.

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~~ ~~individuals~~ and shall not be cumulative from ~~one fiscal year to another fiscal year.~~ Provided, that superintendents may

1 ~~accumulate annual vacation leave days as follows: annual leave may be~~
2 ~~accumulated without any applicable maximum until December 31 of each~~
3 ~~year. On December 31 of each year, any superintendent with more than 30~~
4 ~~days of accumulated leave shall have the excess accumulation cancelled so~~
5 ~~that only 30 days are carried forward to January 1 of the next year. All~~
6 vacation leave taken by the superintendent will be upon the
7 authorization of his 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 shall~~
16 ~~be accomplished without additional State and local funds being appropriated~~
17 ~~for this purpose. The State Board of Education shall adopt rules and~~
18 regulations for the 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) as amended by Chapter 386 of the Session Laws of
29 1989 reads as rewritten:

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

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

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

1 by the employee and his immediate supervisor. To the extent not
2 otherwise allowed, accumulated annual vacation leave may be taken in
3 lieu of sick leave when students are in regular attendance upon
4 approval of the immediate supervisor and in accordance with rules
5 adopted by the local board of education. They shall be provided by the
6 board the same or an equivalent number of legal holidays as those
7 designated by the State Personnel Commission for State employees.

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

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

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

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

41 (6) The State Board of Education, in fixing the State standard salary
42 schedule of principals as authorized by law, shall provide that
43 principals who entered the armed or auxiliary forces of the United
44 States after September 16, 1940, and who left their positions for such
45 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) as amended by Chapter 386 of the Session Laws of
11 1989 reads as rewritten:

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

16 Teachers paid State funds shall be paid as follows:

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

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

- 14 (2) Occupational Education Teachers. – State-allotted months of
15 employment to local boards of education as provided by the State
16 Board of Education shall be used for the employment of teachers of
17 occupational education for a term of employment as determined by the
18 local boards of education. Salary payments to these occupational
19 education teachers shall be made monthly at the end of each calendar
20 month of service: Provided, that local boards shall not reduce the term
21 of employment for any vocational agriculture teacher personnel
22 position that was 12 calendar months for the 1982-83 school year for
23 any school year thereafter: Provided, that any individual teacher
24 employed for a term of 10 calendar months may be paid in 12 monthly
25 installments if the teacher so requests on or before the first day of the
26 school year. Such request shall be filed in the administrative unit
27 which employs the teacher. The payment of the annual salary in 12
28 installments instead of 10 shall not increase or decrease said annual
29 salary nor in any other way alter the contract made between the teacher
30 and the said administrative unit. Included within their term of
31 employment shall be the same rate of annual vacation leave and legal
32 holidays provided under the same conditions as set out in subdivision
33 (1) above, but in no event shall the total workdays for a 10-month
34 employee exceed 200 days in a 10-month schedule and the workweek
35 shall constitute five days for all occupational teachers regardless of the
36 employment 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 as
11 follows: annual leave may be accumulated without any applicable maximum
12 until June 30 of each year. On June 30 of each year, any teachers with more
13 than 30 days of accumulated leave shall have the excess accumulation
14 cancelled so that only 30 days are carried forward to July 1 of the same year.~~
15 All vacation leave taken by the teacher will be upon the authorization
16 of his immediate supervisor and under policies established by the local
17 board of education. An employee shall be paid in a lump sum for
18 accumulated annual leave not to exceed a maximum of 240 hours
19 when separated from service due to resignation, dismissal, reduction in
20 force, death, or service retirement. If the last day of terminal leave falls
21 on the last workday in the month, payment shall be made for the
22 remaining nonworkdays in that month. Employees retiring on
23 disability retirement may exhaust annual leave rather than be paid in a
24 lump sum. ~~The provisions of this subdivision shall be accomplished without
25 additional State and local funds being appropriated for this purpose. The
26 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) as amended by Chapter 386 of the Session Laws of
4 1989 reads as rewritten:

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

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

11 (1) Employees Other than Superintendents, Supervisors and Classified
12 Principals on an Annual Basis. – Salary payments to employees other
13 than superintendents, supervisors, and classified principals employed
14 on an annual basis shall be made monthly at the end of each calendar
15 month of service. Included within their term of employment shall be
16 annual vacation leave at the same rate provided for State employees,
17 computed at one-twelfth (1/12) of the annual rate for state employees
18 for each calendar month of employment. On a day that employees are
19 required to report for a workday but pupils are not required to attend
20 school due to inclement weather, an employee may elect not to report
21 due to hazardous travel conditions and to take one of his annual
22 vacation days or to make up the day at a time agreed upon by the
23 employee and his immediate supervisor or principal. To the extent not
24 otherwise allowed, accumulated annual vacation leave may be taken in
25 lieu of sick leave when students are in regular attendance upon
26 approval of the immediate supervisor and in accordance with rules
27 adopted by the local board of education. Included within their term of
28 employment each local board of education shall designate the same or
29 an equivalent number of legal holidays as those designated by the State
30 Personnel Commission for State employees.

31 (2) School Employees Paid on an Hourly or Other Basis.– Salary
32 payments to employees other than those covered in G.S. 115C-
33 272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-
34 316(a)(1) shall be made at a time determined by each local board of
35 education. Expenditures for the salary of these employees from State
36 funds shall be within allocations made by the State Board of Education
37 and in accordance with rules and regulations approved by the State
38 Board of Education concerning allocations of State funds: Provided,
39 that any individual school employee employed for a term of 10
40 calendar months may be paid in 12 monthly installments if the
41 employee so requests on or before the first day of the school year.
42 Such request shall be filed in the administrative unit which employs
43 the employee. The payment of the annual salary in 12 installments
44 instead of 10 shall not increase or decrease said annual salary nor in

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

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

42 (4) Twelve-month school employees other than superintendents,
43 supervisors and classified principals paid on an hourly or other basis
44 whether paid from State or from local funds may ~~accumulate~~ use annual

1 vacation leave days as follows: ~~annual leave may be accumulated without~~
2 ~~any applicable maximum until December 31 of each year. On December 31~~
3 ~~of each year, any employee with more than 30 days of accumulated leave~~
4 ~~shall have the excess accumulation cancelled so that only 30 days are carried~~
5 ~~forward to January 1 of the next year. All vacation leave taken by the~~
6 ~~employee will be upon the authorization of his~~ the ~~immediate supervisor~~
7 and under policies established by the local board of education. An
8 employee shall be paid in a lump sum for accumulated annual leave
9 not to exceed a maximum of 240 hours when separated from service
10 due to resignation, dismissal, reduction in force, death, or service
11 retirement. If the last day of terminal leave falls on the last workday in
12 the month, payment shall be made for the remaining nonworkdays in
13 that month. Employees retiring on disability retirement may exhaust
14 annual leave rather than be paid in a lump sum. ~~The provisions of this~~
15 ~~subdivision shall be accomplished without additional State and local funds~~
16 ~~being appropriated for this purpose.~~ The State Board of Education shall
17 adopt rules and regulations for the administration of this subdivision.

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

27 Sec. 5. There is appropriated from the General Fund to the Department of
28 Public Education the sum of \$1,500,000 for the 1989-90 fiscal year and the sum of
29 \$1,500,000 for the 1990-91 fiscal year to implement the provisions of this act.

30 Sec. 6. This act shall become effective January 1, 1990.