

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 598  
Committee Substitute Favorable 5/25/89

Short Title: Annual Leave Accumulation.

(Public)

Sponsors:

Referred to:

March 15, 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 accumulate annual vacation leave days as follows: annual leave may be~~

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

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

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

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

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

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

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

1            lieu of sick leave when students are in regular attendance upon  
2            approval of the immediate supervisor and whenever accumulated sick  
3            leave has been exhausted. They shall be provided by the board the  
4            same or an equivalent number of legal holidays as those designated by  
5            the State Personnel Commission for State 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~~ use annual  
8            vacation leave days as follows: ~~annual leave may be accumulated without~~  
9            ~~any applicable maximum until December 31 of each year. On December 31~~  
10           ~~of each year, any supervisor or principals with more than 30 days of~~  
11           ~~accumulated leave shall have the excess accumulation cancelled so that only~~  
12           ~~30 days are carried forward to January 1 of the next year. All vacation leave~~  
13           ~~taken by the employee will be upon the authorization of his~~ the  
14           immediate supervisor and under policies established by the local board  
15           of education. An employee shall be paid in a lump sum for  
16           accumulated annual leave not to exceed a maximum of 240 hours  
17           when separated from service due to resignation, dismissal, reduction in  
18           force, death, or service retirement. If the last day of terminal leave falls  
19           on the last workday in the month, payment shall be made for the  
20           remaining nonworkdays in that month. Employees retiring on  
21           disability retirement may exhaust annual leave rather than be paid in a  
22           lump sum. ~~The provisions of this subdivision shall be accomplished without~~  
23           ~~additional State and local funds being appropriated for this purpose.~~ The  
24           State Board of Education shall adopt rules and regulations for the  
25           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~~ individuals, ~~and shall not be cumulative from~~  
30           ~~one fiscal year to another fiscal year, except as provided in subdivision (5) of~~  
31           ~~this 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  
45           service as though the same had not been interrupted thereby, in the

1 event such persons return to the position of teachers, principals or  
2 superintendents in the public schools of the State after having been  
3 honorably discharged from the armed or auxiliary forces of the United  
4 States.

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

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

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

14 Teachers paid State funds shall be paid as follows:

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

1           sick leave has been exhausted. Within policy adopted by the State  
2           Board of Education, each local board of education shall develop rules  
3           and 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, that any individual teacher  
21          employed for a term of 10 calendar months may be paid in 12 monthly  
22          installments if the teacher so requests on or before the first day of the  
23          school year. Such request shall be filed in the administrative unit  
24          which employs the teacher. The payment of the annual salary in 12  
25          installments instead of 10 shall not increase or decrease said annual  
26          salary nor in any other way alter the contract made between the teacher  
27          and the said administrative unit. Included within their term of  
28          employment shall be the same rate of annual vacation leave and legal  
29          holidays provided under the same conditions as set out in subdivision  
30          (1) above, but in no event shall the total workdays for a 10-month  
31          employee exceed 200 days in a 10-month schedule and the workweek  
32          shall constitute five days for all occupational teachers regardless of the  
33          employment period.

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

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

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

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

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

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

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

27           (2) School Employees Paid on an Hourly or Other Basis. – Salary  
28 payments to employees other than those covered in G.S. 115C-  
29 272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-  
30 316(a)(1) shall be made at a time determined by each local board of  
31 education. Expenditures for the salary of these employees from State  
32 funds shall be within allocations made by the State Board of Education  
33 and in accordance with rules and regulations approved by the State  
34 Board of Education concerning allocations of State funds: Provided,  
35 that any individual school employee employed for a term of 10  
36 calendar months may be paid in 12 monthly installments if the  
37 employee so requests on or before the first day of the school year.  
38 Such request shall be filed in the administrative unit which employs  
39 the employee. The payment of the annual salary in 12 installments  
40 instead of 10 shall not increase or decrease said annual salary nor in  
41 any other way alter the contract between the employee and the said  
42 administrative unit. Included within the term of employment shall be  
43 provided for full-time employees annual vacation leave at the same  
44 rate provided for State employees, computed at one-twelfth (1/12) of

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

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

38 (4) Twelve-month school employees other than superintendents,  
39 supervisors and classified principals paid on an hourly or other basis  
40 whether paid from State or from local funds may ~~accumulate~~ use annual  
41 vacation leave days as follows: ~~annual leave may be accumulated without~~  
42 ~~any applicable maximum until December 31 of each year. On December 31~~  
43 ~~of each year, any employee with more than 30 days of accumulated leave~~  
44 ~~shall have the excess accumulation cancelled so that only 30 days are carried~~  
45 ~~forward to January 1 of the next year. All vacation leave taken by the~~



1           ~~employee will be~~ upon the authorization of ~~his~~ the immediate supervisor  
2           and under policies established by the local board of education. An  
3           employee shall be paid in a lump sum for accumulated annual leave  
4           not to exceed a maximum of 240 hours when separated from service  
5           due to resignation, dismissal, reduction in force, death, or service  
6           retirement. If the last day of terminal leave falls on the last workday in  
7           the month, payment shall be made for the remaining nonworkdays in  
8           that month. Employees retiring on disability retirement may exhaust  
9           annual leave rather than be paid in a lump sum. ~~The provisions of this~~  
10          ~~subdivision shall be accomplished without additional State and local funds~~  
11          ~~being appropriated for this purpose.~~ The State Board of Education shall  
12          adopt rules and regulations for the administration of this subdivision.

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

22           Sec. 5. There is appropriated from the General Fund to the Department of  
23           Public Education the sum of one million five hundred thousand dollars (\$1,500,000) for  
24           the 1989-90 fiscal year and the sum of one million five hundred thousand dollars  
25           (\$1,500,000) for the 1990-91 fiscal year to implement the provisions of this act.

26           Sec. 6. This act shall become effective July 1, 1989.