

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

**H**

**1**

**HOUSE BILL 334**

Short Title: Teacher Vacation Leave Enhanced.

(Public)

---

Sponsors: Representatives Bowman; Hensley and Jordan.

---

Referred to: Education.

---

March 26, 1991

**A BILL TO BE ENTITLED**

**AN ACT REGARDING ANNUAL VACATION LEAVE FOR TEACHERS.**

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 any individual teacher 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; nor shall such payment apply to any teacher who is employed for a period of less than 10 months. Included within the 10 calendar months employment shall be annual vacation leave at the same rate provided for State employees, computed at one twelfth (1/12) of the annual rate for State employees for each calendar month

1 of employment; which shall be provided by each local board of  
2 education at a time when students are not scheduled to be in regular  
3 attendance. Included within the 10 calendar months employment each  
4 local board of education shall designate the same or an equivalent  
5 number of legal holidays occurring within the period of employment  
6 for academic teachers as those designated by the State Personnel  
7 Commission for State employees; on a day that employees are required  
8 to report for a workday but pupils are not required to attend school due  
9 to inclement weather, a teacher may elect not to report due to  
10 hazardous travel conditions and to take one of his annual vacation days  
11 or to make up the day at a time agreed upon by the employee and his  
12 immediate supervisor or principal. Within policy adopted by the State  
13 Board of Education, each local board of education shall develop rules  
14 and regulations designating what additional portion of the 10 calendar  
15 months not devoted to classroom teaching, holidays, or annual leave  
16 shall apply to service rendered before the opening of the school term,  
17 during the school term, and after the school term and to fix and  
18 regulate the duties of state-allotted teachers during said period, but in  
19 no event shall the total number of workdays exceed 200 days. Local  
20 boards of education shall consult with the employed public school  
21 personnel in the development of the 10-calendar-months schedule.

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

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

5 No deductions shall be made from salaries of teachers of vocational  
6 agriculture and home economics whose salaries are paid in part from  
7 State and federal vocational funds while in attendance upon  
8 community, county and State meetings called for the specific purpose  
9 of promoting the agricultural interests of North Carolina, when such  
10 attendance is approved by the superintendent of the administrative unit  
11 and the State Director of Vocational Education.

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

37 (4) Each local board of education shall sustain any loss by reason of an  
38 overpayment to any teacher paid from State funds.

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

1           (6)    The State Board of Education, in fixing the State standard salary  
2                    schedule of teachers as authorized by law, shall provide that teachers  
3                    who entered the armed or auxiliary forces of the United States after  
4                    September 16, 1940, and who left their positions for such service shall  
5                    be allowed experience increments for the period of such service as  
6                    though the same had not been interrupted thereby, in the event such  
7                    persons return to the position of teachers, principals and  
8                    superintendents in the public schools of the State after having been  
9                    honorably discharged from the armed or auxiliary forces of the United  
10                  States."

11           Sec. 2. This act becomes effective July 1, 1991.