

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 978

Short Title: Teacher Retirement Credit Clarified.

(Public)

Sponsors: Senators Carter, Garrou; and Metcalf.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

**AN ACT TO CLARIFY THE LAW REGARDING RETIRING TEACHERS'
COMPENSATION FOR ACCUMULATED ANNUAL LEAVE.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-302.1(c) reads as rewritten:

"(c) Vacation. – Included within the 10-month term shall be annual vacation leave at the same rate provided for State employees, computed at one-twelfth of the annual rate for State employees for each month of employment. Local boards shall provide at least 10 days of annual vacation leave at a time when students are not scheduled to be in regular attendance. However, instructional personnel who do not require a substitute may use annual vacation leave on days that students are in attendance. Vocational and technical education teachers who are employed for 11 or 12 months may, with prior approval of the principal, work on annual vacation leave days designated in the school calendar and may use those annual vacation leave days during the eleventh or twelfth month of employment.

On a day that pupils are not required to attend school due to inclement weather, but employees are required to report for a workday, a teacher may elect not to report due to hazardous travel conditions and to take an annual vacation day or to make up the day at a time agreed upon by the teacher and the teacher's immediate supervisor or principal. On a

1 day that school is closed to employees and pupils due to inclement weather, a teacher
2 shall work on the scheduled makeup day.

3 All vacation leave taken by the teacher will be upon the authorization of the teacher's
4 immediate supervisor and under policies established by the local board of education.
5 Annual vacation leave shall not be used to extend the term of employment.

6 Teachers may accumulate annual vacation leave days without any applicable
7 maximum until June 30 of each year. In order that only 30 days of annual vacation leave
8 carry forward to July 1, on June 30 of each year any teacher or other personnel paid on
9 the teacher salary schedule who has accumulated more than 30 days of annual vacation
10 leave shall:

- 11 (1) Convert to either sick leave or pay the excess accumulation that is the
12 result of the teacher having to forfeit annual vacation leave in order to
13 attend required workdays; and
- 14 (2) Convert to sick leave the remaining excess accumulation.

15 Local boards of education shall identify which days are accumulated due to the teacher
16 forfeiting annual vacation leave in order to attend required workdays. Actual payment for
17 excess accumulated annual vacation leave may be made after July 1.

18 Upon separation from service due to service retirement, resignation, dismissal,
19 reduction in force, or death, an employee shall be paid in a lump sum for accumulated
20 annual leave not to exceed a maximum of 30 days. In addition to the maximum of 30
21 days pay for accumulated annual leave, upon separation from service due to service
22 retirement, any teacher or other personnel paid on the teacher salary schedule with more
23 than 30 days of accumulated annual vacation leave may ~~convert~~ convert, at the time the
24 employee retires, some or all of the excess accumulation to sick leave for creditable
25 service towards retirement or pay if the excess accumulation is the result of the teacher
26 having to forfeit annual vacation leave in order to attend required workdays. Local boards
27 of education shall identify which days are accumulated due to the teacher forfeiting
28 annual vacation leave in order to attend required workdays. Employees going onto term
29 disability may exhaust annual leave rather than be paid in a lump sum.

30 Notwithstanding any provisions of this subsection to the contrary, no person shall be
31 entitled to pay for any vacation day not earned by that person."

32 Section 2. This act becomes effective July 1, 1999.