

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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**HOUSE BILL 334**  
Second Edition Engrossed 5/13/91

Short Title: Teacher Vacation Leave Enhanced.

(Public)

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Sponsors: Representatives Bowman; Hensley and Jordan.

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Referred to: Education.

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March 26, 1991

1   A BILL TO BE ENTITLED  
2 AN ACT REGARDING ANNUAL VACATION LEAVE FOR TEACHERS.  
3 The General Assembly of North Carolina enacts:

4                   Section 1. G.S. 115C-302(a) reads as rewritten:  
5       "(a) Teachers shall be paid promptly when their salaries are due provided the legal  
6 requirements for their employment and service have been met. All teachers employed  
7 by any local school administrative unit who are to be paid from local funds shall be paid  
8 promptly as provided by law and as state-allotted teachers are paid.

9       Teachers paid State funds shall be paid as follows:  
10           (1) Academic Teachers. – Regular state-allotted teachers shall be  
11 employed for a period of 10 calendar months. Salary payments to  
12 regular state-allotted teachers shall be made monthly at the end of each  
13 calendar month of service: Provided, that any individual teacher may  
14 be paid in 12 monthly installments if the teacher so requests on or  
15 before the first day of the school year. Such request shall be filed in the  
16 local school administrative unit which employs the teacher. The  
17 payment of the annual salary in 12 installments instead of 10 shall not  
18 increase or decrease said annual salary nor in any other way alter the  
19 contract made between the teacher and the said local school  
20 administrative unit; nor shall such payment apply to any teacher who is  
21 employed for a period of less than 10 months. Included within the 10  
22 calendar months employment shall be annual vacation leave at the  
23 same rate provided for State employees, computed at one twelfth

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

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

1 shall constitute five days for all occupational teachers regardless of the  
2 employment period.

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

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

14 (3) Notwithstanding any provisions of this section to the contrary no  
15 person shall be entitled to pay for any vacation day not earned by that  
16 person. The first 10 days of annual vacation leave earned by a teacher  
17 during any fiscal year period shall be scheduled to be used in the  
18 school calendar adopted by the respective local boards of education.  
19 Vacation days shall not be used for extending the term of employment  
20 of individuals. Teachers may accumulate annual vacation leave days as  
21 follows: annual leave may be accumulated without any applicable  
22 maximum until June 30 of each year. On June 30 of each year, any  
23 teachers with more than ~~30~~35 days of accumulated leave shall have  
24 the excess accumulation cancelled so that only ~~30~~35 days are carried  
25 forward to July 1 of the same year. All vacation leave taken by the  
26 teacher will be upon the authorization of his immediate supervisor and  
27 under policies established by the local board of education. An  
28 employee shall be paid in a lump sum for accumulated annual leave  
29 not to exceed a maximum of ~~240~~280 hours when separated from  
30 service due to resignation, dismissal, reduction in force, death, or  
31 service retirement. If the last day of terminal leave falls on the last  
32 workday in the month, payment shall be made for the remaining  
33 nonworkdays in that month. Employees retiring on disability  
34 retirement may exhaust annual leave rather than be paid in a lump  
35 sum. The provisions of this subdivision shall be accomplished without  
36 additional State and local funds being appropriated for this purpose.  
37 The State Board of Education shall adopt rules and regulations for the  
38 administration of this subdivision.

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

41 (5) All of the foregoing provisions of this section shall be subject to the  
42 requirement that at least fifty dollars (\$50.00), or other minimum  
43 amount required by federal social security laws, of the compensation  
44 of each school employee covered by the Teachers' and State

- 1 Employees' Retirement System or otherwise eligible for social security  
2 coverage shall be paid in each of the four quarters of the calendar year.
- 3 (6) The State Board of Education, in fixing the State standard salary  
4 schedule of teachers as authorized by law, shall provide that teachers  
5 who entered the armed or auxiliary forces of the United States after  
6 September 16, 1940, and who left their positions for such service shall  
7 be allowed experience increments for the period of such service as  
8 though the same had not been interrupted thereby, in the event such  
9 persons return to the position of teachers, principals and  
10 superintendents in the public schools of the State after having been  
11 honorably discharged from the armed or auxiliary forces of the United  
12 States."
- 13 Sec. 2. This act becomes effective July 1, 1991.