

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 943

Short Title: Retirement/Credit Vacation.

(Public)

Sponsors: Representatives Hensley; Luebke and Stamey.

Referred to: Public Employees.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO ALLOW STATE EMPLOYEES RETIREMENT SERVICE CREDIT
FOR ACCUMULATED VACATION IN EXCESS OF THIRTY DAYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-8 reads as rewritten:

"§ 126-8. Minimum leave granted State employees.

The amount of vacation leave granted to each full-time State employee subject to the provisions of this Chapter shall be determined in accordance with a graduated scale established by the State Personnel Commission which shall allow the equivalent rate of not less than two weeks' vacation per calendar year, prorated monthly, cumulative to at least 30 days. Any State employee who has vacation time in excess of the allowed accumulation shall have that time credited toward length of service pursuant to G.S. 135-4(e). Sick leave allowed as needed to such State employees shall be at a rate not less than 10 days for each calendar year, cumulative from year to year. Notwithstanding any other provisions of this section, no full-time State employee subject to the provisions of Chapter 126, as the same appears in the Cumulative Supplement to Volume 3B of the General Statutes, on May 23, 1973, shall be allowed less than the equivalent of three weeks' vacation per calendar year, cumulative to at least 30 days."

Sec. 2. G.S. 135-4(e) reads as rewritten:

"(e) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of service certified on his prior service certificate; and if he has sick leave standing to his credit upon retirement on or after July 1, 1971, one month of

1 credit for each 20 days or portion thereof not to exceed 12 days of credit for each year
2 of membership service or fraction thereof, but sick leave shall not be counted in
3 computing creditable service for the purpose of determining eligibility for disability
4 retirement or for a vested deferred ~~allowance~~-allowance; and if he has carried forward
5 annual leave in excess of 30 days in any years of employment on or after July 1, 1991,
6 one month of credit for each 20 days or portion thereof, not to exceed one month of
7 credit for each two years of prior and membership service or fraction thereof, but annual
8 leave shall not be counted in computing creditable service for the purpose of
9 determining eligibility for disability retirement or for vested deferred allowance.

10 On and after July 1, 1971, a member whose account was closed on account of
11 absence from service under the provisions of G.S. 135-3(3) and who subsequently
12 returns to service for a period of five years, may thereafter repay in a lump sum the
13 amount withdrawn plus regular interest thereon from the date of withdrawal through the
14 year of repayment and thereby increase his creditable service by the amount of
15 creditable service lost when his account was closed.

16 On and after July 1, 1973, a member whose account in the North Carolina Local
17 Governmental Employees' Retirement System was closed on account of absence from
18 service under the provisions of G.S. 128-24(1a) and who subsequently became or
19 becomes a member of this System with credit for five years of service, may thereafter
20 repay in a lump sum the amount withdrawn from the North Carolina Local
21 Governmental Employees' Retirement System plus regular interest thereon from the
22 date of withdrawal through the year of repayment and thereby increase his creditable
23 service in this System by the amount of creditable service lost when his account was
24 closed.

25 On or after July 1, 1979, a member who has obtained 60 months of aggregate
26 service, or five years of membership service, as an employee of the North Carolina
27 General Assembly, except legislators, participants in the Legislative Intern Program and
28 pages, may make a lump sum payment together with interest, and an administrative fee
29 for such service, to the Teachers' and State Employees' Retirement System of an amount
30 equal to what he would have contributed had he been a member on his first day of
31 employment.

32 On and after January 1, 1985, the creditable service of a member who was a member
33 of the Law-Enforcement Officers' Retirement System at the time of the transfer of law-
34 enforcement officers employed by the State from that System to this Retirement System
35 and whose accumulated contributions are transferred from that System to this
36 Retirement System, shall include service that was creditable in the Law-Enforcement
37 Officers' Retirement System; and membership service with that System shall be
38 membership service with this Retirement System; provided, notwithstanding any
39 provision of this Article to the contrary, any inchoate or accrued rights of such a
40 member to purchase creditable service for military service, withdrawn service and prior
41 service under the rules and regulations of the Law-Enforcement Officers' Retirement
42 System shall not be diminished and may be purchased as creditable service with this
43 Retirement System under the same conditions which would have otherwise applied."

1 Sec. 3. This act becomes effective July 1, 1991, and applies to State
2 employees retiring on or after that date.