

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-209
HOUSE BILL 15**

**AN ACT TO PROVIDE THAT TEACHERS ARE NOT PENALIZED FOR TAKING
PERSONAL LEAVE TIME UNDER CERTAIN CIRCUMSTANCES.**

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-302.1(d) reads as rewritten:

"§ 115C-302.1. Salary.

(d) Personal Leave. – Teachers earn personal leave at the rate of .20 days for each full month of employment not to exceed two days per year. Personal leave may be accumulated without any applicable maximum until June 30 of each year. A teacher may carry forward to July 1 a maximum of five days of personal leave; the remainder of the teacher's personal leave shall be converted to sick leave on June 30. At the time of retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave may be used only upon the authorization of the teacher's immediate supervisor. A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request shall be automatically granted subject to the availability of a substitute teacher, and the teacher cannot be required to provide a reason for the request. Teachers may transfer personal leave days between local school administrative units. The local school administrative unit shall credit a teacher who has separated from service and is reemployed within 60 months from the date of separation with all personal leave accumulated at the time of separation. Local school administrative units shall not advance personal leave. Teachers using personal leave receive full salary less the required substitute ~~deduction.~~ deduction, except for teachers using personal leave on non-protected teacher workdays. Teachers using personal leave on non-protected teacher workdays shall receive full salary."

SECTION 1.(b) Subsection (a) of this section becomes effective July 1, 2008, except if House Bill 2436, 2007 Regular Session, becomes law and also amends G.S. 115C-302.1(d), then subsection (a) of this section instead becomes effective July 1, 2009.

SECTION 2. If House Bill 2436, 2007 Regular Session, becomes law, then G.S. 115C-302.1(d), as amended by Section 26.21 of that act to expire June 30, 2009, reads as rewritten:

"SECTION 26.21.(a) G.S. 115C-302.1(d) reads as rewritten:

(d) Personal Leave. – Teachers earn personal leave at the rate of .20 days for each full month of employment not to exceed two days per year. Personal leave may be accumulated without any applicable maximum until June 30 of each year. A teacher may carry forward to July 1 a maximum of five days of personal leave; the remainder of the teacher's personal leave shall be converted to sick leave on June 30. At the time of retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave may be used only upon the authorization of the teacher's immediate supervisor. A teacher shall not take personal leave on the first day the teacher is

required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request shall be automatically granted subject to the availability of a substitute teacher, and the teacher cannot be required to provide a reason for the request. Teachers may transfer personal leave days between local school administrative units. The local school administrative unit shall credit a teacher who has separated from service and is reemployed within 60 months from the date of separation with all personal leave accumulated at the time of separation. Local school administrative units shall not advance personal leave. Teachers using:

- (1) ~~up~~ Up to one day of personal leave per year shall receive full salary. ~~Teachers~~ Except as provided in subdivision (2) of this subsection, teachers using more than one day per year shall receive full salary less the required substitute deduction.
- (2) Personal leave receive full salary less the required substitute deduction, except for teachers using personal leave on non-protected teacher workdays. Teachers using personal leave on non-protected teacher workdays shall receive full salary.

As used in this subsection, 'teachers' means classroom teachers and media specialists who require a substitute."

SECTION 3. Except as otherwise provided, this act is effective when it becomes law. Section 2 expires at the same time that the amendment to G.S. 115C-302.1(d) made by House Bill 2436, 2007 Regular Session, expires.

In the General Assembly read three times and ratified this the 14th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 9:47 a.m. this 9th day of August, 2008