

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

2

**HOUSE BILL 545
Second Edition Engrossed 4/17/01**

Short Title: Teacher Credit for Excess Personal Leave.

(Public)

Sponsors: Representatives Blust; Jarrell, Jeffus, Johnson, and Morris.

Referred to: Education.

March 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE
2 TIME THAT THEY EARN.
3

4 The General Assembly of North Carolina enacts:

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

6 "(d) Personal Leave. – Teachers earn personal leave at the rate of .20 days for
7 each full month of employment not to exceed two days per year. Personal leave may be
8 accumulated ~~to a maximum of five days~~ without any applicable maximum until June 30
9 of each year. A teacher or other employee paid on the teacher salary schedule may carry
10 forward to July 1 a maximum of five days of personal leave; the remainder of the
11 teacher or other employee's personal leave shall be converted to sick leave.

12 Personal leave may be used only upon the authorization of the teacher's immediate
13 supervisor, but if the request is made at least five days in advance, the teacher cannot be
14 required to provide a reason for the request. Unless approved by the principal, a teacher
15 shall not take personal leave on the first day the teacher is required to report for the
16 school year, on required teacher workdays, or on the day before or the day after
17 holidays or scheduled vacation days. Teachers may transfer personal leave days
18 between local school administrative units. The local school administrative unit shall
19 credit a teacher who has separated from service and is reemployed within 60 months
20 from the date of separation with all personal leave accumulated at the time of
21 separation. Local school administrative units shall not advance personal leave. Teachers
22 using personal leave receive full salary less the required substitute deduction."

23 **SECTION 2.** G.S. 135-4(e) reads as rewritten:

24 "(e) Creditable service at retirement on which the retirement allowance of a
25 member shall be based shall consist of the membership service rendered by him since he
26 last became a member, and also if he has a prior service certificate which is in full force
27 and effect, the amount of service certified on his prior service certificate; and if he has
28 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.

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

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

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

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

39 **SECTION 3.** This act becomes effective July 1, 2001. Section 2 of this act
40 applies to persons retiring on or after that date.