

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1443
Education/Higher Education Committee Substitute Adopted 8/15/02
House Committee Substitute Favorable 9/5/02
House Committee Substitute #2 Favorable 9/25/02

Short Title: Facilitate Job Sharing by Teachers.

(Public)

Sponsors:

Referred to:

June 18, 2002

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS
AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
STUDY ISSUES RELATED TO EMPLOYEE BENEFITS FOR SCHOOL
EMPLOYEES, COMMUNITY COLLEGE EMPLOYEES, AND STATE
EMPLOYEES IN JOB-SHARING AND PART-TIME POSITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a
new section to read:

"§ 115C-302.2. Job sharing by classroom teachers.

(a) The General Assembly finds that there is a shortage of qualified classroom teachers available in certain areas of certification, grade levels, and geographical areas of the State. The elimination of administrative and fiscal limitations on job-sharing arrangements would make teaching an attractive option for well-qualified classroom teachers who do not wish to work full time.

(b) A 'classroom teacher in a job-sharing position' is a person who:

- (1) Is employed by a local board of education as a public school teacher for fifty percent (50%) of the teacher workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule;
- (3) Spends at least seventy percent (70%) of his or her work time in classroom instruction; and
- (4) Is sharing a teacher position with one other employee of that local board of education who meets the requirements of subdivisions (1) through (3) of this subsection.

The term does not include certified instructional support personnel or certified school services personnel such as guidance counselors, media coordinators,

1 psychologists, social workers, audiologists, speech and language pathologists, and
2 nurses.

3 (c) The State Board of Education shall adopt rules to facilitate job sharing by
4 classroom teachers. These rules shall provide that a classroom teacher in a job-sharing
5 position shall receive paid legal holidays, annual vacation leave, sick leave, and
6 personal leave on a pro rata basis. Such a teacher shall also receive service credit under
7 the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and
8 insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

9 **SECTION 2.** G.S. 135-1(25) reads as rewritten:

10 **"§ 135-1. Definitions.**

11 The following words and phrases as used in this Chapter, unless a different meaning
12 is plainly required by the context, shall have the following meanings:

13 ...

14 (25) **(Effective until January 1, 2003)** "Teacher" shall mean any teacher,
15 helping teacher, classroom teacher in a job-sharing position as defined
16 in G.S. 115C-302.2(b), librarian, principal, supervisor, superintendent
17 of public schools or any full-time employee, city or county,
18 superintendent of public instruction, or any full-time employee of
19 Department of Public Instruction, president, dean or teacher, or any
20 full-time employee in any educational institution supported by and
21 under the control of the State: Provided, that the term "teacher" shall
22 not include any part-time, temporary, or substitute teacher or
23 ~~employee, employee except for a classroom teacher in a job-sharing~~
24 position, and shall not include those participating in an optional
25 retirement program provided for in G.S. 135-5.1. In all cases of doubt,
26 the Board of Trustees, hereinafter [hereinbefore] defined, shall
27 determine whether any person is a teacher as defined in this Chapter.
28 On and after August 1, 2001, a person who is a nonimmigrant alien
29 and who otherwise meets the requirements of this subdivision shall not
30 be excluded from the definition of "teacher" solely because the person
31 holds a temporary or time-limited visa.

32 (25) **(Effective January 1, 2003)** "Teacher" shall mean any teacher,
33 helping teacher, classroom teacher in a job-sharing position as defined
34 in G.S. 115C-302.2(b), librarian, principal, supervisor, superintendent
35 of public schools or any full-time employee, city or county,
36 superintendent of public instruction, or any full-time employee of
37 Department of Public Instruction, president, dean or teacher, or any
38 full-time employee in any educational institution supported by and
39 under the control of the State: Provided, that the term "teacher" shall
40 not include any part-time, temporary, or substitute teacher or
41 ~~employee, employee except for a classroom teacher in a job-sharing~~
42 position, and shall not include those participating in an optional
43 retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all
44 cases of doubt, the Board of Trustees, hereinbefore defined, shall

1 determine whether any person is a teacher as defined in this Chapter.
2 On and after August 1, 2001, a person who is a nonimmigrant alien
3 and who otherwise meets the requirements of this subdivision shall not
4 be excluded from the definition of "teacher" solely because the person
5 holds a temporary or time-limited visa.

6"

7 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

8 "(b) The Board of Trustees shall fix and determine by appropriate rules and
9 regulations how much service in any year is equivalent to one year of service, but in no
10 case shall more than one year of service be creditable for all services in one year.
11 Service rendered for the regular school year in any district shall be equivalent to one
12 year's service. Service rendered by a classroom teacher in a job-sharing position shall be
13 credited at the rate of one-half year for each regular school year of employment."

14 **SECTION 4.** G.S. 135-40.2 is amended by adding a new subsection to read:

15 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
16 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory
17 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
18 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
19 noncontributory premiums. Individual employees shall pay the balance of the total
20 noncontributory premiums not paid by the employing unit."

21 **SECTION 5.** The Legislative Research Commission may study issues
22 relating to employee benefits for public school employees, community college
23 employees, and employees of State departments and institutions, in part-time and in
24 job-sharing positions. In the course of the study the Commission shall consider whether
25 the benefits currently offered are adequate to attract and retain qualified applicants in
26 public school, community college, and State employment, the need to facilitate job
27 sharing for public school employees other than teachers, the possibility of providing
28 insurance and retirement benefits to employees working less than three-fourths time, the
29 appropriate formula for computing retirement credit for part-time employees, and other
30 issues related to employee benefits for employees in part-time and job-sharing positions.
31 The Commission shall report on the results of this study to the 2003 General Assembly.

32 **SECTION 6.** Nothing in this act shall be construed to require local school
33 administrative units to place part-time employees in job-sharing positions or to hire
34 employees in job-sharing positions.

35 **SECTION 7.** Sections 1 through 4 of this act become effective January 1,
36 2003. The remainder of this act is effective when it becomes law.