

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  
Fifth Edition Engrossed 10/1/02

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.

1        The term does not include certified instructional support personnel or certified  
2 school services personnel such as guidance counselors, media coordinators,  
3 psychologists, social workers, audiologists, speech and language pathologists, and  
4 nurses.

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

11        **SECTION 2.** G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110,  
12 reads as rewritten:

13        "**§ 135-1. Definitions.**

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

16        ...

17        (25) "Teacher" shall mean any teacher, helping teacher, classroom teacher  
18 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a  
19 beneficiary in that position, librarian, principal, supervisor,  
20 superintendent of public schools or any full-time employee, city or  
21 county, superintendent of public instruction, or any full-time employee  
22 of Department of Public Instruction, president, dean or teacher, or any  
23 full-time employee in any educational institution supported by and  
24 under the control of the State: Provided, that the term "teacher" shall  
25 not include any part-time, temporary, or substitute teacher or  
26 ~~employee, employee except for a classroom teacher in a job-sharing~~  
27 position, and shall not include those participating in an optional  
28 retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all  
29 cases of doubt, the Board of Trustees, hereinbefore defined, shall  
30 determine whether any person is a teacher as defined in this Chapter.  
31 On and after August 1, 2001, a person who is a nonimmigrant alien  
32 and who otherwise meets the requirements of this subdivision shall not  
33 be excluded from the definition of "teacher" solely because the person  
34 holds a temporary or time-limited visa. Notwithstanding the foregoing,  
35 the term "teacher" shall not include any nonimmigrant alien employed  
36 in elementary or secondary public schools (whether employed in a  
37 full-time, part-time, temporary, permanent, or substitute teacher  
38 position) and participating in an exchange visitor program designated  
39 by the United States Department of State pursuant to 22 C.F.R. Part  
40 62.

41        ...."

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

43        "(b) The Board of Trustees shall fix and determine by appropriate rules and  
44 regulations how much service in any year is equivalent to one year of service, but in no

1 case shall more than one year of service be creditable for all services in one year.  
2 Service rendered for the regular school year in any district shall be equivalent to one  
3 year's service. Service rendered by a classroom teacher in a job-sharing position shall be  
4 credited at the rate of one-half year for each regular school year of employment."

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

6 "(a2) A classroom teacher in a job-sharing position as defined in G.S.  
7 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory  
8 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate  
9 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total  
10 noncontributory premiums. Individual employees shall pay the balance of the total  
11 noncontributory premiums not paid by the employing unit."

12 **SECTION 5.** The Legislative Research Commission shall study issues  
13 relating to employee benefits for public school employees, community college  
14 employees, and employees of State departments and institutions, in part-time and in  
15 job-sharing positions. In the course of the study the Commission shall consider whether  
16 the benefits currently offered are adequate to attract and retain qualified applicants in  
17 public school, community college, and State employment, the need to facilitate job  
18 sharing for public school employees other than teachers, the possibility of providing  
19 insurance and retirement benefits to employees working less than three-fourths time, the  
20 appropriate formula for computing retirement credit for part-time employees, and other  
21 issues related to employee benefits for employees in part-time and job-sharing positions.  
22 The Commission shall report on the results of this study to the 2003 General Assembly.

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

26 **SECTION 7.** Sections 1 through 4 of this act become effective January 1,  
27 2003. The remainder of this act is effective when it becomes law.