CHAPTER C. PERSONNEL

SUBCHAPTER 400. SALARIES AND BENEFITS

1C SBCCC 400.94 Establishing Pay Rates

(a) The monthly and annual salaries or hourly rates of pay from state funds for full-time and part-time personnel in community colleges shall be established by the college president and approved by the board of trustees within the budget approved for the college by the State Board except that the state-funded portion of the president's salary shall be approved by the system president in accordance with the state salary schedule for presidents. Salary increases shall be granted annually or upon promotion to a higher position. Legislative increases shall be granted according to requirements set forth by the General Assembly. The State Board shall adopt a minimum and maximum amount of state funds which may be paid to any individual working in a college. Individuals shall be paid no less than the minimum and no more than the maximum amounts at a level determined by the salary approving authority at the college.

(b) All hourly, monthly, and annual salaries for full-time or part-time personnel shall be certified by the president of the college and reported to the System Office.

(c) The State Board shall adopt a state salary schedule for presidents in the system. The System President shall determine the proper placement of a newly-hired president on the state salary schedule based on the size of the college and the individual's years of eligible experience in accordance with the following provisions:

1. For the purpose of this Paragraph, an increment is defined as an additional year of experience on the state salary schedule adopted by the State Board.
2. College size shall be determined by the total FTE served and reported in the enrollment reports furnished the system office.
3. A president of a post-secondary education institution shall be allowed increments for prior experience on a year-for-year basis for a maximum of 20 years.
4. An executive vice president, vice president, other senior administrator of a post-secondary institution, a state-level administrative department, or a superintendent of a public school system may be given increment experience on the president salary schedule upon recommendation of the board of trustees and approval of the System President as follows:
   - one increment for three years of actual experience;
   - two increments for five years of actual experience;
   - three increments for seven years of actual experience;
   - four increments for 10 or more years of actual experience.

   A president, chief operating officer or chief financial officer of a business or industry may be granted increment experience as provided in this Part.

   (A) Progression form the minimum or "0" step to the midpoint or step "20" shall be based on additional years of experience;
   (B) Advancement toward grade maximum after attaining the midpoint of the grade shall be based on merit increases as recommended by the local boards and within state allocations available;
   (C) Newly-hired presidents shall not receive salary increments for any years in which a salary freeze was in effect for community college presidents.

5. Changes in grade levels:

   (A) Presidents with 0 to 20 years of eligible experience moving to another grade shall be placed in the new grade's range at the current experience level; and
   (B) Presidents with greater than 20 years of experience moving to a lower grade will receive a salary adjustment only if the current salary exceeds the new salary grade's maximum salary limit, in which case, the salary will be adjusted to the maximum of the new grade.

6. Total salary compensation from all sources shall not exceed the maximum for the salary grade as determined by the college's size. Salary compensation is defined as those monies paid from whatever source for which no documentation or expense is required, or which is treated as salary for retirement benefit purposes.

7. An interim or acting president's salary will be set at the step of the salary grade for the respective college. Years of eligible experience will be awarded up to 20 years for placement on the
appropriate step. However, a board of trustees may grant a college employee appointed interim or acting president a 10 percent salary increase instead of placing the employee on the president’s salary schedule.

(8) Presidential salary grades shall reflect the following:

<table>
<thead>
<tr>
<th>FTE</th>
<th>Minimum</th>
<th>Midpoint</th>
<th>Maximum</th>
</tr>
</thead>
</table>

These data shall be increased annually based on legislative action and reviewed no less than every three years to assure their continued national competitiveness.

(d) Post-secondary institution as used in this Rule means a junior college, community college or four-year institution of higher education.

History Note: Authority G.S. 115D-5; 115D-54; S.L. 2005-276;
Eff. February 1, 1976;
Amended Eff. March 1, 2007; December 1, 2004; September 1, 1993; December 1, 1989; July 1, 1984; August 1, 1981.

1C SBCCC 400.95 CONTRACT BUY OUTS

(a) Contracts entered into by boards of trustees may not be bought out with state funds, unless required by a court of competent jurisdiction. The parties entering into a contract are responsible for implementing the contract. Therefore, should it become necessary to terminate employment prior to the expiration of a contract and if it is necessary to buy out the contract, such payment shall not be paid from state funds.

(b) An individual in a state-funded position whose employment is terminated prior to the expiration of a contract may not be re-employed by the college to offset the lost wages which the employee would have received under the contract. All efforts shall be made to prevent terminations which require the buying out of contracts.

(c) If an individual whose employment contract has been terminated enters into another employment agreement with the college, such employment shall be for a salary commensurate with the services being performed. Such employment shall not be to provide the employee the same level of compensation he or she would have received under the former contract.

History Note: Authority G.S. 115D-5; 115D-20;

1C SBCCC 400.96 EDUCATIONAL LEAVE WITH PAY

(a) The term "educational leave" refers to the release from duties or time normally required of a full-time employee in carrying out the full load of responsibilities assigned to further his education.

(b) Each local board of trustees shall adopt an educational leave policy for employees. State funds may be used to pay employee salaries while they are on educational leave if the following criteria are incorporated in the local board of trustees' policy:

1. The employee is employed full-time on a 9-, 10-, 11-, or 12-month basis.
2. The employee shall be under contract to the college for the next fiscal year.
3. Educational leave shall not exceed one semester per fiscal year.
4. An employee who fails to honor the contract stipulated in Subparagraph (b)(2) of this Rule shall be required to repay the amount expended for the educational leave. If the employee fulfills a portion of the contract before failing to honor the contract, repayment shall be based on a pro-rata portion (e.g., if an employee works 4 months of a 12-month contract, a repayment of 66.7 percent of the educational leave would be required).
1C SBCCC 400.97  MILITARY LEAVE
(a)  The rules concerning military leave, codified as Title 25, Subchapter 1E, Section .0800, are hereby incorporated by reference including any subsequent amendments and editions of these rules to apply to community college system employees.
(b)  Copies of 25 NCAC, Subchapter 1E, Section .0800 may be inspected in or obtained, at no cost, from the Office of the System President, Department of Community Colleges, 200 West Jones Street, Raleigh, North Carolina, 27603-1379.

1C SBCCC 400.98  LONGEVITY PAY PLAN FOR COLLEGE PERSONNEL
(a)  Employees of institutions in the community college system assigned to permanent full-time or permanent part-time positions shall receive longevity pay if the employees meet the requirements of total qualifying service set forth in this Rule.
(b)  Total service for the longevity pay plan is based on a month-for-month computation of permanent full-time and permanent part-time (20 hours or more, but less than full-time) employment with:

1. an institution in the community college system or a school administrative unit regardless of the source of salary and including state, local or other paid employment.
   (A)  Employment for a school year is equivalent to one full calendar year (credit for a partial year is given on a month-for-month basis).
   (B)  In no event will an employee earn more than a year of total service credit in a 12-month period.
   (C)  If an employee is in pay status (working, exhausting vacation or sick leave, or when on workers' compensation leave or is on authorized military leave) for one-half or more of the regularly scheduled workdays in a month, credit shall be given for the entire month.

2. departments, agencies, and institutions of the State of North Carolina, (e.g., State Department of Administration, State Revenue Department, University of North Carolina, State Department of Community Colleges, State Department of Public Instruction).
3. other governmental units which are now agencies of the State of North Carolina (e.g., county highway maintenance forces, War Manpower Commission, judicial system).
4. county agricultural extension service.
5. local mental health, public health, social services or civil preparedness agencies in North Carolina, if such employment is subject to the State Personnel Act.
6. authorized military leave.
   (A)  Credit for military leave is granted only for persons who were employees of the State of North Carolina or other agencies listed in Paragraph (b) of this Rule who were granted leave without pay:
   (i)  for a period of involuntary service plus 90 days or for a period of voluntary enlistment for up to four years, plus 90 days, so long as they returned to employment in a covered agency within the 90 days; or
(ii) for a period of active duty for service, alerts, or required annual training while in the National Guard or in a military reserve program.

(B) Employees who enlist for more than four years or who re-enlist shall not be eligible for military leave.

(C) Employees hospitalized for a service-connected disability or injury shall be granted additional leave without pay for the period of hospitalization plus 90 days or for 12 months, whichever is shorter. The hospitalization must commence before reinstatement into qualifying service for the provisions of this part to apply.

c) Total service for the longevity pay plan does not include:

(1) Temporary service, that is, service by an employee who works in a temporary position, or who is working temporarily in the absence of a permanent employee on leave of absence, except that temporary service of employees of the General Assembly will be counted and the full legislative terms of the members. Service of legislative interns and pages will not be counted.

(2) Periods of out-of-state employment with other states, schools, colleges or universities.

(3) Periods of employment with agencies of the federal government.

(4) Periods of military service other than those categories described in Subparagraph (b) (6) of this Rule.

(5) Periods of employment for employers other than the State of North Carolina even though credit in the North Carolina retirement system has been purchased for such employment.

d) An employee assigned to a permanent full-time or permanent part-time position is eligible for longevity pay only after the date the employee has completed ten years of total service with a community college, a school administrative unit or an agency.

e) Annual longevity pay amounts are based on the length of total service to agencies, community colleges, and school administrative units as designated in Paragraph (b) of this Rule and a percentage of the employee's annual rate of pay on the date of eligibility.

(1) Longevity pay amounts are computed by multiplying the employee's annual base or contract salary rate as of the eligibility date by the appropriate percentage, rounded to the nearest dollar, in accordance with the following table:

<table>
<thead>
<tr>
<th>Years of Total State Service</th>
<th>Longevity Pay Rate</th>
</tr>
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<tbody>
<tr>
<td>10 but less than 15 years</td>
<td>1.50%</td>
</tr>
<tr>
<td>15 but less than 20 years</td>
<td>2.25%</td>
</tr>
<tr>
<td>20 but less than 25 years</td>
<td>3.25%</td>
</tr>
<tr>
<td>25 or more years</td>
<td>4.50%</td>
</tr>
</tbody>
</table>

(2) Longevity pay is not considered a part of annual base or contract pay nor is it to be represented in personnel and payroll records as a part of annual base or contract salary. (Salary increases effective on the same date as the longevity eligibility date shall be incorporated in the base pay before computing longevity).

(f) The payment of longevity pay to eligible employees is automatic. Payment shall be made in a lump sum, subject to all statutory deductions, during the monthly pay period in which the employee has satisfied all eligibility requirements.

(1) Eligible employees on worker's compensation leave shall receive longevity payment in the same manner as if they were working.

(2) If an employee retires, resigns, dies, or is otherwise separated on or after the date of becoming eligible for a longevity payment, the full payment shall be made to the employee or to the estate of the employee in case of death.

(3) If, on the effective date of this policy, an employee has completed the qualifying length of service but is between eligibility dates, longevity payment will be made on the next longevity anniversary date.
(4) If the employee has worked part but not all of one year since qualifying for longevity payment, the employee shall receive a pro-rata payment in the event of:
   (A) separation from the institution;
   (B) change in employment status to temporary part-time, or to a position not covered in this policy.

(5) If an employee separates from a community college and receives a partial longevity payment and is employed by another community college, school administrative unit, or state agency, the balance of the longevity payment shall be made upon completion of additional service totaling 12 months for an employee having a 12-month period of employment, or upon completion of a lesser term for an eligible employee on less than a 12-month period of employment. The balance due is computed on the annual or contract salary being paid at the completion of the requirement.

(6) If an eligible employee at the time of separation has a fraction of a year toward the next higher percentage rate, payment shall be based on the higher rate; however, the basic eligibility for longevity requirement must have been satisfied before this provision can apply.

(7) Leave without pay in excess of one-half the work days in a month (with the exception of authorized military leave and worker's compensation leave) will delay the longevity anniversary date on a month-for-month basis.

(g) Longevity pay shall be made from the same source of funds and in the same pro-rata amounts from which the employee's regular annual salary is paid (e.g. state, federal, local funds).

   (1) Local trustees may provide longevity payments to employees from other than state allotted funds.
   (2) Only personnel employed in positions allotted by the formula in Rule 2D .0301(d) of this Subchapter shall receive longevity pay from the longevity reserve. Additional allocation will be made for this purpose.
   (3) Employees in state-allotted positions paid with state-allotted funds other than regular formula allotments shall receive longevity pay from the same source of funds as their salary payment.
   (4) Employees paid with the following specified funds shall receive longevity pay from these respective sources:
      (A) Adult basic education funds,
      (B) Human resource development funds,
      (C) New industry funds,
      (D) JTPA funds,
      (E) Special allotment funds,
      (F) Federal vocational educational funds, and
      (G) Local funds.

(h) The president of each community college shall:
   (1) Determine the quantity of qualifying service and the longevity anniversary date for each eligible employee.
   (2) Furnish to the state board, on forms prescribed by the Department, data necessary for a determination of the cost of the longevity pay plan from state funds.

(i) The President of the Community College System shall determine the total cost of the longevity pay plan from data submitted by each community college. If funds are not adequate to pay longevity rates established under this Rule, the President of the Community College System shall submit a budget revision to the State Budget Officer requesting additional funds from other available sources within State Aid.

1C SBCCC 400.99  PAYROLL DEDUCTIONS

Colleges are authorized to establish voluntary payroll deduction plans for the following:

(1) premiums for any type of group insurance established and authorized by the laws of the state;
(2) amounts authorized by members of the State Employee’s Credit Union and local teacher’s credit union to be deposited with such organizations;
(3) loans made to employees by credit unions;
(4) charitable organizations as defined in Section 501(c) (3) of the Internal Revenue Code approved by the local board of trustees subject to rules and regulations adopted by the director of budget;
and

The college’s finance officer is also authorized to enter into annual contracts, with employees of the college, which authorize the reduction of salaries to provide for the purchase of annuity or retirement income contracts provided that such action has been approved by the board of trustees and otherwise conforms to the provisions of G.S. 115D-25.

History Note:  Authority G.S. 115D-5; 115D-22; 115D-25; 143-3.3; 143-304;
Eff. February 1, 1976;