

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA

INTERPRETATION NO. 263, SUPPLEMENT II

TO: Employment Security Commission

FROM: T. S. Whitaker, Chief Counsel

SUBJECT: Public Health Nursing Positions with Schools

An inquiry has been received from a county personnel department whether or not individuals performing services in public health nursing positions with the county's secondary schools are subject to "between terms denial" if such individuals' positions are reduced from 12 months to 10 months, to coincide with the school term.

N.C. Gen. Stat. § 96-13(b)(1) provides for what is known as "between terms denial" for individuals performing services for nonprofit organizations, hospitals, State hospitals, State or other institutions or higher education, or secondary schools.

The answer, therefore, is in the affirmative since those in the public health nursing positions are performing ". . . services for . . . secondary schools subject to . . ." the Employment Security Law. N.C. Gen. Stat. § 96-13(b)(1), by its specific terms, is not limited to teachers or teaching-related services. The test is whether or not the services are performed for those employing entities listed.

Adopted as an official Interpretation by the Commission on June 1, 1987.