Article 7E.

Legislative Human Resources.

Part 1. Legislative Services Commission Policies.

§ 120-36.30. Primary source of law.

In recognition of the separation of powers required by the Constitution of this State, all human resources policies and all matters of employment within the legislative branch are the exclusive jurisdiction of the General Assembly. When in conflict, policies established by the Legislative Services Commission for legislative employees shall supersede all State laws to the contrary. (2026-40, s. 2(c).)

§ 120-36.31. Policies.

The Legislative Services Commission is authorized to:

(1) Determine the number, titles, classification, functions, compensation, and all other conditions of employment of the joint legislative services employees of the General Assembly. The provisions of G.S. 135-3(a)(8)c. do not apply to temporary employees of the General Assembly with respect to compensation earned while a temporary employee of the General Assembly.

(2) Determine the classification and compensation of employees of the respective houses other than staff-elected officers. The hiring of employees of each house and their duties shall be prescribed by the rules and administrative regulations of the respective house.

(3) Obtain a criminal history record check of a prospective employee, volunteer, or contractor of the General Assembly and lobbyists and liaison personnel registered under Chapter 120C of the General Statutes. Upon request, the State Bureau of Investigation shall conduct the criminal history record check as provided in G.S. 143B-1209.55. The criminal history report shall be provided to the Legislative Services Officer and is not a public record under Chapter 132 of the General Statutes.

(4) Confirm an individual's legal status or authorization to work in the United States after hiring the individual as an employee, in accordance with the E-Verify Program administered by the United States Department of Homeland Security pursuant to 8 U.S.C. § 1101, et seq.

(5) Establish all personnel policies that govern legislative branch employees, including vacation leave, sick leave, parental leave, and all other types of leave benefits and holidays for legislative branch officers and employees. When an individual transfers employment from an executive or judicial branch position to a position in the legislative branch, the leave policies shall credit any vacation and sick leave accrued with the transferring branch if the employee is entitled to vacation and sick leave in the legislative branch position.

(6) Request that the Office of State Human Resources provide the following programs, benefits, or assistance. Upon request, the Office of State Human Resources shall coordinate:

a. Flexible compensation benefits for legislative branch employees as provided in G.S. 126A-7-30.

b. Safety, health, and workers' compensation programs for legislative branch employees.

c. Recruitment assistance for legislative branch positions.
d. Training for legislative branch employees.
e. Any other programs, benefits, or assistance requested by the Legislative Services Commission. (2026-40, s. 2(c).)

§ 120-36.32. Equal employment opportunities.

The General Assembly shall give equal opportunity for employment and compensation, without regard to race, religion, color, national origin, sex, age, disability, or genetic information to all persons otherwise qualified, and shall not retaliate against an employee for protesting alleged violations of this section. (2026-40, s. 2(c).)

Part 2. Employee Personnel Records.

§ 120-36.40. Privacy of employee personnel records.

(a) The following definitions apply in this Part:

(1) Employee. – A current employee, former employee, or applicant for employment.

(2) Legislative branch employer. – The office within the legislative branch that hired an employee and has the power to separate the employee from a position. If the legislative branch employer was a legislator who no longer holds office, the Legislative Services Commission shall be deemed the legislative branch employer.

(3) Personnel file. – Any employment-related or personal information gathered by the legislature. Employment-related information contained in a personnel file includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries.

(4) Record. – The personnel information that is maintained in accordance with G.S. 120-36.41.

(b) The Legislative Services Commission shall establish policies on personnel records of positions subject to this Part.

(c) Except as otherwise provided in this Part, personnel files of employees are not administrative records and shall not be subject to inspection and examination under G.S. 132-6. Personnel files of former employees who have been separated from employment for 10 or more years may be open to inspection and examination, except for papers and documents relating to demotions and to disciplinary actions resulting in the dismissal of the former employee. (2026-40, s. 2(c).)

§ 120-36.41. Certain records to be kept by legislature open to inspection.

(a) The legislature shall maintain a record with the following information for each of its employees:

(1) Name.

(2) Date of original employment or appointment to service.

(3) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the legislature has such record in its possession.
(4) Current position.
(5) Title.
(6) Current salary.
(7) Date and amount of each increase or decrease in salary with the legislature.
(8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the legislature.
(9) Date and general description of the reasons for each promotion with the legislature.
(10) The office or station to which the employee is currently assigned.

(b) The Legislative Services Commission shall establish a policy on inspection of the records made public under subsection (a) of this section.

(c) Persons in the custody of or under the supervision of the Division of Institutions of the Department of Adult Correction and persons in the custody of local confinement facilities are not entitled to access the records made public under subsection (a) of this section and are prohibited from obtaining those records. (2026-40, s. 2(c).)

§ 120-36.42. Confidential information in personnel files.

(a) Other than information made public by G.S. 120-36.41, all other information contained in a personnel file is confidential and shall not be open for inspection and examination, except to the following persons:

(1) The employee or his or her properly authorized agent, who may examine his or her own personnel file in its entirety except for (i) letter of references solicited prior to employment or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee.
(2) The supervisor and indirect supervisors of the employee.
(3) A potential supervisor during the interview process, only with regard to performance management documents or to prevent application fraud.
(4) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19.
(5) A party by authority of a proper court order may inspect and examine a particular confidential portion of an employee's personnel file. In this subdivision, "court order" includes a lawfully issued subpoena or discovery request so long as the parties have moved for the court to issue a protective order regarding the confidential personnel file information. A party may lawfully delay producing requested confidential personnel file documents until the court has ruled on that party's motion for protective order regarding those documents.
(6) An official of an agency of the federal government, State government, or any political subdivision. The official may inspect any personnel records when the inspection is deemed by the legislative branch employer as necessary and essential to the proper function of the legislature or to protect the safety of

another person. This information shall not be divulged for purposes of assisting in a criminal prosecution or for purposes of assisting in a tax investigation.

(7) Staff performing human resources functions at the legislature.

(8) Persons accessing a personnel file under G.S. 17C-10.2 or G.S. 17E-7.1.

(b) Notwithstanding any other provision of this Part, the legislative branch employer may, in its discretion, disclose to a person any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment, or nonemployment of any employee and the reasons for the action. The legislative branch employer may also permit any person to inspect or examine the personnel file, or any portion of the file, of an employee when it determines that disclosure is essential to maintaining the integrity of the legislature or the level or quality of services it provides. Before releasing any information or making any file available under this subsection, the legislative branch employer shall prepare a memorandum stating the circumstances requiring disclosure and identifying the information to be disclosed. The memorandum shall be retained in legislative files and shall be a public record. (2026-40, s. 2(c).)

§ 120-36.43. Remedies of employee objecting to material in file.

(a) An employee who objects to material in the employee's personnel file because he or she considers it inaccurate or misleading may place in his or her file a written statement relating to the material considered inaccurate or misleading.

(b) If the legislative branch employer determines that material in the employee's personnel file is inaccurate or misleading, the legislative branch employer shall remove or amend the inaccurate material to ensure that the file is accurate.

(c) Nothing in this section shall be construed to permit an employee to appeal the contents of a performance appraisal or written disciplinary action. (2026-40, s. 2(c).)

§ 120-36.44. Penalty for permitting access to confidential file by unauthorized person.

Any public official or employee who knowingly and willfully permits any person not specifically authorized by this Part to have access, custody, or possession of any portion of a personnel file designated as confidential by this Part shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars ($500.00). (2026-40, s. 2(c).)

§ 120-36.45. Penalty for accessing confidential file without authority.

Any person not specifically authorized by this Part to have access to a personnel file designated as confidential by this Part who knowingly and willfully examines in its official filing place, or removes or copies any portion of a confidential personnel file, shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars ($500.00). (2026-40, s. 2(c).)