

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1079

Short Title: State Personnel Centralized.

(Public)

Sponsors: Representatives Jeralds; and Oldham.

Referred to: Public Employees.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO CENTRALIZE ALL STATE GOVERNMENT PERSONNEL FUNCTIONS AND POSITIONS UNDER THE OFFICE OF STATE PERSONNEL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-4 of the General Statutes reads as rewritten:

"§ 126-4. Powers and duties of State Personnel Commission.

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

- (1) A position classification plan which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.
- (2) A compensation plan which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this Chapter.
- (3) For each class of positions, reasonable qualifications, as to age, character, physical condition, and other attributes pertinent to the work to be performed.
- (4) A recruitment program to attract applicants to public employment and determine the relative fitness of applicants for the respective positions.
- (5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment. The legal public holidays established by the Commission as paid holidays for State employees shall include Martin Luther King, Jr.'s, Birthday for all

1 years after 1987. Provided, however, that the Commission shall not  
2 provide for a greater number of total paid holidays than were  
3 established for the year 1986. The Commission shall not delete  
4 Veterans Day as a holiday.

5 (6) The appointment, promotion, transfer, demotion and suspension.

6 (7) Cooperation with the Department of Public Instruction, the State  
7 Board of Education, the Board of Governors of the University of North  
8 Carolina, and the colleges and universities of the State in developing  
9 pre-service and in-service training programs.

10 (7a) The separation of employees.

11 (8) The evaluation of employee performance, the granting of salary  
12 increments, and a program of meritorious ~~seriee~~-service awards.

13 (9) The investigation of complaints and the issuing of such binding  
14 corrective orders or such other appropriate action concerning  
15 employment, promotion, demotion, transfer, discharge, and  
16 reinstatement in all cases as the Commission shall find justified.

17 (10) Such other programs and procedures as may be necessary to promote  
18 efficiency of administration and provide for a fair and reasonable  
19 system of personnel administration. This subdivision may not be  
20 construed to authorize the establishment of an incentive pay program.

21 (11) In cases where the Commission finds discrimination or orders  
22 reinstatement or back pay whether (i) heard by the Commission or (ii)  
23 appealed for limited review after settlement or (iii) resolved at the  
24 agency level, the assessment of reasonable attorneys' fees and  
25 witnesses' fees against the State agency involved.

26 (12) Repealed by Session Laws 1987, c. 320, s. 2.

27 (13) Repealed by Session Laws 1987, c. 320, s. 3.

28 (14) The implementation of G.S. 126-5(e).

29 (15) Recognition of State employees, public personnel management, and  
30 management excellence.

31 (16) The administration of the equal employment opportunity program.

32 (17) The training of State employees.

33 (18) The reduction of the State employee work force.

34 (19) The assignment of State employees to State agencies and departments.

35 All positions in State government subject to and all personnel functions of State  
36 government authorized by this Chapter shall be centralized under the Office of State  
37 Personnel.

38 ~~Such policies and rules~~ The policies and rules of the Commission shall not limit the  
39 power of any elected or appointed department head, in his discretion and upon his  
40 determination that it is in the best interest of the Department, to transfer, demote, or  
41 separate a State

42 (1) Employee in a grade 60 or lower position who has not been  
43 continuously employed by the State of North Carolina for the  
44 immediate 12 preceding months;

- 1           (2)   Employee in a grade 61 to grade 65 position who has not been  
2           continuously employed by the State of North Carolina for the  
3           immediate 36 preceding months;  
4           (3)   Employee in a grade 66 to grade 70 position who has not been  
5           continuously employed by the State of North Carolina for the  
6           immediate 48 preceding months; or  
7           (4)   Employee in a grade 71 or higher position who has not been  
8           continuously employed by the State of North Carolina for the  
9           immediate 60 preceding months."  
10          Sec. 2. This act is effective upon ratification.