

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1264

Short Title: OSHA Training Funds.

(Public)

Sponsors: Representatives Payne; and H. Hunter.

Referred to: Appropriations.

May 10, 1991

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA OCCUPATIONAL SAFETY AND
HEALTH ACT SAFETY FUND FOR STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-4, as amended by Chapter 65 of the 1991 Session Laws,
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) Position classification plans 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) Compensation plans 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, to education, experience, specialized training, licenses, certifications, and other job related requirements pertinent to the work to be performed.
- (4) Recruitment programs designed to promote public employment, communicate current hiring activities within State government, and attract a sufficient flow of internal and external applicants; 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

1 holidays established by the Commission as paid holidays for State
2 employees shall include Martin Luther King, Jr.'s, Birthday and
3 Veterans Day. Provided, however, that the Commission shall not
4 provide for more than 11 paid holidays a year.

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

7 (7) Cooperation with the Department of Public Education, the University
8 of North Carolina, and the Community Colleges of the State and other
9 appropriate resources in developing programs in, including but not
10 limited to, management and supervisory skills, performance
11 eveluation, specialized employee skills, accident prevention, equal
12 employment opportunity awareness, and customer service; and to
13 maintain an accredited Ceritified Public Manager program.

14 (7a) The separation of employees.

15 (8) The evaluation of employee performance, the granting of salary
16 increments, performance salary increases, and a program of
17 meritorious service awards.

18 (9) The investigation of complaints and the issuing of such binding
19 corrective orders or such other appropriate action concerning
20 employment, promotion, demotion, transfer, discharge, reinstatement,
21 and any other issue defined as a contested case issue by this Chapter in
22 all cases as the Commission shall find justified.

23 (10) Programs of health, safety, employee assistance, productivity
24 incentives, equal opportunity and such other programs and procedures
25 as may be necessary to promote efficiency of administration and
26 provide for a fair and modern system of personnel administration.
27 This subdivision may not be construed to authorize the establishment
28 of an incentive pay program.

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

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

35 (15) Recognition of State employees, public personnel management, and
36 management excellence.

37 (16) The administration of the North Carolina Occupational Safety and
38 Health Act Safety Fund for State Employees, created pursuant to G.S.
39 95-139.1, and the distribution of funds to qualifying State agencies and
40 departments.

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

- 1 (1) Employee in a grade 60 or lower position who has not been
2 continuously employed by the State of North Carolina for the
3 immediate 12 preceding months;
- 4 (2) Employee in a grade 61 to grade 65 position who has not been
5 continuously employed by the State of North Carolina for the
6 immediate 36 preceding months;
- 7 (3) Employee in a grade 66 to grade 70 position who has not been
8 continuously employed by the State of North Carolina for the
9 immediate 48 preceding months; or
- 10 (4) Employee in a grade 71 or higher position who has not been
11 continuously employed by the State of North Carolina for the
12 immediate 60 preceding months."

13 Sec. 2. Chapter 95 of the General Statutes is amended by adding a new
14 section to read:

15 "**§ 95-139.1. Safety training fund created.**

16 (a) There is created the North Carolina Occupational Safety and Health Act
17 Training Fund for State Employees, hereinafter 'OSHA Safety Training Fund', to be
18 administered by the Department of Administration, Office of State Personnel, for the
19 purpose of providing occupational safety and health training for State employees.

20 (b) Notwithstanding the provisions of G.S. 95-138(b), all civil penalties
21 recovered by the Commission for willful violations of this Article committed by State
22 departments or agencies shall be deposited into the OSHA Safety Training Fund. Any
23 unexpended fund balance in the OSHA Safety Training Fund shall not revert to General
24 Fund of the State treasury, but shall remain in the OSHA Safety Training Fund for
25 implementation of this section."

26 Sec. 3. This act becomes effective July 1, 1991.