

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1388

Short Title: Forestry Seasonal Personnel.

(Public)

Sponsors: Representatives James and Culp.

Referred to: Pensions and Retirement.

May 13, 1993

A BILL TO BE ENTITLED

1 AN ACT TO MOVE SEASONAL FIRE CONTROL PERSONNEL AND OTHER
2 RECURRING DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL
3 RESOURCES SEASONAL PERSONNEL FROM THE 1984 SALARY
4 SCHEDULE TO THE CURRENT ONE, TO ALLOW SUCH EMPLOYEES WHO
5 WORK SIX OR MORE MONTHS PER YEAR TO QUALIFY FOR
6 RETIREMENT AND HOLIDAY BENEFITS, AND TO APPROPRIATE FUNDS.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. Recurring seasonal personnel in the Division of Forest Resources
10 of the Department of Environment, Health, and Natural Resources utilized for
11 firefighting or other duties who are being paid on the 1984 salary schedule shall,
12 effective July 1, 1993, be paid on the 1992-93 salary schedule.

13 Sec. 2. G.S. 113-56 reads as rewritten:

14 "**§ 113-56. Compensation of forest rangers, rangers and other seasonal personnel.**

15 (a) Forest rangers shall receive compensation from the Department at a
16 reasonable rate to be fixed by said Department for the time actually engaged in the
17 performance of their duties; and reasonable expenses for equipment, transportation, or
18 food supplies incurred in the performance of their duties, according to an itemized
19 statement to be rendered the Secretary every month, and approved by him. Forest
20 rangers shall render to the Secretary a statement of the services rendered by the men
21 employed by them or their deputy rangers, as provided in this Article, within one month
22 of the date of service, which bill shall show in detail the amount and character of the
23 service performed, the exact duration thereof, the name of each person employed, and
24 any other information required by the Secretary. If said bill be duly approved by the

1 Secretary, it shall be paid by direction of the Department out of any funds provided for
2 that purpose.

3 (b) Recurring seasonal positions in the Division of Forest Resources of the
4 Department utilized for firefighting or other duties shall receive cost-of-living wage
5 increases equivalent to those provided to permanent employees of the Department, and
6 payment for State holidays which occur during their period of employment."

7 Sec. 3. G.S. 135-1(10) reads as rewritten:

8 "(10) 'Employee' shall mean all full-time employees, agents or officers of
9 the State of North Carolina or any of its departments, bureaus and
10 institutions other than educational, whether such employees are
11 elected, appointed or employed: Provided that the term 'employee'
12 shall not include any person who is a member of the Uniform
13 Judicial Retirement System, any member of the General Assembly
14 or any part-time or temporary employee. Notwithstanding any
15 other provision of law, 'employee' shall include all employees of
16 the General Assembly except participants in the Legislative Intern
17 Program and pages. In all cases of doubt, the Board of Trustees
18 shall determine whether any person is an employee as defined in
19 this Chapter. 'Employee' shall also mean every full-time civilian
20 employee of the army national guard and air national guard of this
21 State who is employed pursuant to section 709 of Title 32 of the
22 United States Code and paid from federal appropriated funds, but
23 held by the federal authorities not to be a federal employee:
24 Provided, however, that the authority or agency paying the salaries
25 of such employees shall deduct or cause to be deducted from each
26 employee's salary the employee's contribution in accordance with
27 applicable provisions of G.S. 135-8 and remit the same, either
28 directly or indirectly, to the Retirement System; coverage of
29 employees described in this sentence shall commence upon the first
30 day of the calendar year or fiscal year, whichever is earlier, next
31 following the date of execution of an agreement between the
32 Secretary of Defense of the United States and the Adjutant General
33 of the State acting for the Governor in behalf of the State, but no
34 credit shall be allowed pursuant to this sentence for any service
35 previously rendered in the above-described capacity as a civilian
36 employee of the national guard: Provided, further, that the Adjutant
37 General, in his discretion, may terminate the Retirement System
38 coverage of the above-described national guard employees if a
39 federal retirement system is established for such employees and the
40 Adjutant General elects to secure coverage of such employees
41 under such federal retirement system. Any full-time civilian
42 employee of the national guard described above who is now or
43 hereafter may become a member of the Retirement System may
44 secure Retirement System credit for such service as a national

1 guard civilian employee for the period preceding the time when
2 such employees became eligible for Retirement System coverage
3 by paying to the Retirement System an amount equal to that which
4 would have constituted employee contributions if he had been a
5 member during the years of ineligibility, plus interest. Employees
6 of State agencies, departments, institutions, boards, and
7 commissions who are employed in permanent job positions on a
8 recurring basis and who work 30 or more hours per week for nine
9 or more months per calendar year are covered by the provisions of
10 this subdivision. 'Employee' also means seasonal/recurring
11 employees of the Division of Forest Resources of the Department
12 of Environment, Health, and Natural Resources who are employed
13 for six or more months in a calendar year."

14 Sec. 4. (a) There is appropriated from the General Fund to the Department of
15 Environment, Health, and Natural Resources for fiscal year 1993-94 the sum of four
16 hundred eleven thousand seven hundred fifty-nine dollars (\$411,759) and for fiscal year
17 1994-95 the sum of four hundred eleven thousand seven hundred fifty-nine dollars
18 (\$411,759) to bring seasonal/recurring positions in the Division of Forest Resources
19 (with six or more months per year of employment) up to the 1992-93 pay scale.

20 (b) There is appropriated from the General Fund to the Department of
21 Environment, Health, and Natural Resources for fiscal year 1993-94 the sum of one
22 hundred fifty-seven thousand sixty-seven dollars (\$157,067) and for fiscal year 1994-95
23 the sum of one hundred fifty-seven thousand sixty-seven dollars (\$157,067) to provide
24 seasonal/recurring positions in the Division of Forest Resources (with six or more
25 months per year of employment) retirement and holiday benefits.

26 (c) There is appropriated from the General Fund to the Department of
27 Environment, Health, and Natural Resources for fiscal year 1993-94 the sum of ninety-
28 eight thousand six hundred forty-nine dollars (\$98,649) and for fiscal year 1994-95 the
29 sum of ninety-eight thousand six hundred forty-nine dollars (\$98,649) to bring
30 temporary employees in the Division of Forest Resources (with less than six months per
31 year of employment) up to the 1992-93 pay scale.

32 Sec. 5. Section 3 of this act only applies to creditable service on or after July
33 1, 1993.

34 Sec. 6. This act becomes effective July 1, 1993.