

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 324*

Short Title: GPAC/Longevity Equalized.

(Public)

Sponsors: (by request) Representatives Diamont, Blue, Hensley, H. Hunter, G. Miller, Nesbitt, Robinson; and Colton.

Referred to: Public Employees.

February 25, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT
2 PERFORMANCE AUDIT COMMITTEE TO EQUALIZE LONGEVITY PAY
3 SCHEDULES, EXCEPT AS LIMITED BY THE NORTH CAROLINA
4 CONSTITUTION.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7A-10(c) reads as rewritten:

8 "(c) In lieu of merit and other increment raises paid to regular State employees,
9 the Chief Justice and each of the Associate Justices shall receive as-longevity pay on the
10 same basis as is provided to employees of the State who are subject to the State
11 Personnel Act. an annual amount equal to four and eight-tenths percent (4.8%) of the annual
12 salary set forth in the Current Operations Appropriations Act payable monthly after five years
13 of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths
14 percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20
15 years of service. 'Service' means service as a justice or judge of the General Court of Justice or
16 as a member of the Utilities Commission. Service shall also mean service as a district attorney
17 or as a clerk of superior court. If the Chief Justice or an Associate Justice was receiving
18 longevity pay on June 30, 1993, that officer shall continue receiving longevity pay
19 during that officer's continuance in that office at the rate applicable on June 30, 1993, as
20 required by Article IV, Section 21 of the Constitution. No increase in salary granted to
21 such officer subsequent to June 30, 1993, shall apply to a person receiving longevity
22 pay during that officer's continuance in office until the total amount of salary increases

1 subsequent to June 30, 1993, exceeds the amount of longevity pay, in which case the
2 officer shall receive the excess."

3 Sec. 2. G.S. 7A-18(b) reads as rewritten:

4 "(b) In lieu of merit and other increment raises paid to regular State employees, a
5 judge of the Court of Appeals shall receive as-longevity pay on the same basis as is
6 provided to employees of the State who are subject to the State Personnel Act. an annual
7 amount equal to four and eight tenths percent (4.8%) of the annual salary set forth in the
8 Current Operations Appropriations Act payable monthly after five years of service, nine and
9 six tenths percent (9.6%) after 10 years of service, fourteen and four tenths percent (14.4%)
10 after 15 years of service, and nineteen and two tenths percent (19.2%) after 20 years of service.
11 'Service' means service as a justice or judge of the General Court of Justice or as a member of
12 the Utilities Commission. Service shall also mean service as a district attorney or as a clerk of
13 superior court. If the judge was receiving longevity pay on June 30, 1993, that officer
14 shall continue receiving longevity pay during that officer's continuance in that office at
15 the rate applicable on June 30, 1993, as required by Article IV, Section 21 of the
16 Constitution. No increase in salary granted to such officer subsequent to June 30, 1993,
17 shall apply to a person receiving longevity pay during that officer's continuance in
18 office until the total amount of salary increases subsequent to June 30, 1993, exceeds
19 the amount of longevity pay, in which case the officer shall receive the excess."

20 Sec. 3. G.S. 7A-44(b) reads as rewritten:

21 "(b) In lieu of merit and other increment raises paid to regular State employees, a
22 judge of the superior court, regular or special, shall receive as-longevity pay on the same
23 basis as is provided to employees of the State who are subject to the State Personnel
24 Act. an annual amount equal to four and eight tenths percent (4.8%) of the annual salary set
25 forth in the Current Operations Appropriations Act payable monthly after five years of service,
26 nine and six tenths percent (9.6%) after 10 years of service, fourteen and four tenths percent
27 (14.4%) after 15 years of service, and nineteen and two tenths percent (19.2%) after 20 years of
28 service. 'Service' means service as a justice or judge of the General Court of Justice or as a
29 member of the Utilities Commission or as director or assistant director of the Administrative
30 Office of the Courts. Service shall also mean service as a district attorney or as a clerk of
31 superior court. If the judge was receiving longevity pay on June 30, 1993, that officer
32 shall continue receiving longevity pay during that officer's continuance in office at the
33 rate applicable on June 30, 1993, as required by Article IV, Section 21 of the
34 Constitution. No increase in salary granted to such officer subsequent to June 30, 1993,
35 shall apply to a person receiving longevity pay during that officer's continuance in
36 office until the total amount of salary increases subsequent to June 30, 1993, exceeds
37 the amount of longevity pay, in which case the officer shall receive the excess."

38 Sec. 4. G.S. 7A-65 reads as rewritten:

39 "**§ 7A-65. Compensation and allowances of district attorneys and assistant district**
40 **attorneys.**

41 (a) The annual salary of district attorneys and full-time assistant district attorneys
42 shall be as provided in the Current Operations Appropriations Act. When traveling on
43 official business, each district attorney and assistant district attorney is entitled to
44 reimbursement for his subsistence and travel expenses to the same extent as State
45 employees generally.

1 (b) Repealed by Session Laws 1985, c. 689, s. 2, effective July 11, 1985.

2 (c) In lieu of merit and other increment raises paid to regular State employees, a
3 district attorney shall receive as-longevity pay on the same basis as is provided to
4 employees of the State who are subject to the State Personnel Act. an amount equal to
5 four and eight tenths percent (4.8%) of the annual salary set forth in the Current Operations
6 Appropriations Act payable monthly after five years of service, and nine and six tenths percent
7 (9.6%) after 10 years of service, fourteen and four tenths percent (14.4%) after 15 years of
8 service, and nineteen and two tenths percent (19.2%) after 20 years of service. Service shall
9 mean service in the elective position of a district attorney and shall not include service as a
10 deputy or acting district attorney. Service shall also mean service as a justice or judge of the
11 General Court of Justice, as a clerk of superior court, or as an assistant district attorney.

12 (d) In lieu of merit and other increment raises paid to regular State employees, an
13 assistant district attorney shall receive as-longevity pay on the same basis as is provided
14 to employees of the State who are subject to the State Personnel Act. an amount equal to
15 four and eight tenths percent (4.8%) of the annual salary set forth in the Current Operations
16 Appropriations Act payable monthly after five years of service, nine and six tenths percent
17 (9.6%) after 10 years of service, and fourteen and four tenths percent (14.4%) after 15 years of
18 service. 'Service' means service as an assistant district attorney."

19 Sec. 5. G.S. 7A-101(c) reads as rewritten:

20 "(c) In lieu of merit and other increment raises paid to regular State employees, a
21 clerk of superior court shall receive as-longevity pay on the same basis as is provided to
22 employees of the State who are subject to the State Personnel Act. an amount equal to
23 four and eight tenths percent (4.8%) of the annual salary set forth in the Budget Appropriation
24 Act payable monthly after five years of service, nine and six tenths percent (9.6%) after 10
25 years of service, fourteen and four tenths percent (14.4%) after 15 years of service, and
26 nineteen and two tenths percent (19.2%) after 20 years of service. Service shall mean service in
27 the elective position of clerk of superior court, as an assistant clerk of court and as a supervisor
28 of clerks of superior court with the Administrative Office of the Courts and shall not include
29 service as a deputy or acting clerk. Service shall also mean service as a justice or judge of the
30 General Court of Justice or as a district attorney."

31 Sec. 6. G.S. 7A-144(b) reads as rewritten:

32 "(b) Notwithstanding merit, longevity and other increment raises paid to regular
33 State employees, a judge of the district court shall receive as-longevity pay on the same
34 basis as is provided to employees of the State who are subject to the State Personnel
35 Act. an annual amount equal to four and eight tenths percent (4.8%) of the annual salary set
36 forth in the Current Operations Appropriations Act payable monthly after five years of service,
37 nine and six tenths percent (9.6%) after 10 years of service, fourteen and four tenths percent
38 (14.4%) after 15 years of service, and nineteen and two tenths percent (19.2%) after 20 years of
39 service. 'Service' means service as a justice or judge of the General Court of Justice or as a
40 member of the Utilities Commission or as director or assistant director of the Administrative
41 Office of the Courts. Service shall also mean service as a district attorney or as a clerk of
42 superior court. If the judge was receiving longevity pay on June 30, 1993, that officer
43 shall continue receiving longevity pay during that officer's continuance in office at the
44 rate applicable on June 30, 1993, as required by Article IV, Section 21 of the
45 Constitution. No increase in salary granted to such officer subsequent to June 30, 1993,
46 shall apply to a person receiving longevity pay during that officer's continuance in

1 office until the total amount of salary increases subsequent to June 30, 1993, exceeds
2 the amount of longevity pay, in which case the officer shall receive the excess."

3 Sec. 7. G.S. 7A-341 reads as rewritten:

4 **"§ 7A-341. Appointment and compensation of Director.**

5 The Director shall be appointed by the Chief Justice of the Supreme Court, to serve
6 at his pleasure. He shall receive the annual salary provided in the Current Operations
7 Appropriations Act, payable monthly, and reimbursement for travel and subsistence
8 expenses at the same rate as State employees generally and longevity pay ~~at the rates and~~
9 ~~for the service designated in G.S. 7A-44(b) for a judge of the superior court on the same~~
10 basis as is provided to employees of the State who are subject to the State Personnel
11 Act. Service as Director shall be equivalent to service as a superior court judge for the
12 purposes of entitlement to retirement pay or to retirement for disability."

13 Sec. 8. G.S. 7A-342 reads as rewritten:

14 **"§ 7A-342. Appointment and compensation of assistant director and other**
15 **employees.**

16 The assistant director shall also be appointed by the Chief Justice, to serve at his
17 pleasure. The assistant director shall receive the annual salary provided in the Current
18 Operations Appropriations Act, payable monthly, and reimbursement for travel and
19 subsistence expenses at the same rate as State employees generally and longevity pay ~~at~~
20 ~~the rates and for the service designated in G.S. 7A-144(b) for a judge of the district court~~
21 on the same basis as is provided to employees of the State who are subject to the State
22 Personnel Act.

23 The Director may appoint such other assistant and employees as are necessary to
24 enable him to perform the duties of his office."

25 Sec. 9. G.S. 7A-465(b) reads as rewritten:

26 "(b) The public defender shall be an attorney licensed to practice law in North
27 Carolina, and shall devote his full time to the duties of his office.

28 In lieu of merit and other increment raises paid to regular State employees, a public
29 defender shall receive ~~as-longevity pay on the same basis as is provided to employees of~~
30 the State who are subject to the State Personnel Act. an amount equal to four and eight-
31 tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations
32 Act payable monthly after five years of service, nine and six tenths percent (9.6%) after 10
33 years of service, fourteen and four tenths percent (14.4%) after 15 years of service, and
34 nineteen and two tenths percent (19.2%) after 20 years of service. 'Service' means service as a
35 public defender."

36 Sec. 10. G.S. 7A-467(d) reads as rewritten:

37 "(d) In lieu of merit and other increment raises paid to regular State employees, an
38 assistant public defender shall receive ~~as-longevity pay on the same basis as is provided~~
39 to employees of the State who are subject to the State Personnel Act. an amount equal to
40 four and eight tenths percent (4.8%) of the annual salary set forth in the Current Operations
41 Appropriations Act payable monthly after five years of service, nine and six tenths percent
42 (9.6%) after 10 years of service, and fourteen and four tenths percent (14.4%) after 15 years of
43 service. 'Service' means service as an assistant public defender."

44 Sec. 11. G.S. 62-10(h) reads as rewritten:

1 "(h) The salary of each commissioner shall be the same as that fixed from time to
2 time for judges of the superior court except that the commissioner designated as
3 chairman shall receive one thousand dollars (\$1,000) additional per annum. In lieu of
4 merit and other increment raises paid to regular State employees, each commissioner,
5 including the commissioner designated as chairman, shall receive ~~as~~ longevity pay on
6 the same basis as is provided to employees of the State who are subject to the State
7 Personnel Act, an amount equal to four and eight tenths percent (4.8%) of the annual salary
8 set forth in the Current Operations Appropriations Act payable monthly after five years of
9 service, and nine and six tenths percent (9.6%) after 10 years of service. 'Service' means service
10 as a member of the Utilities Commission."

11 Sec. 12. Chapter 126 of the General Statutes is amended by adding a new
12 section to read:

13 **"§ 126-4.1. No longevity pay.**

14 (a) The longevity pay system adopted by the State Personnel Commission may
15 not provide any benefits greater than those in effect on November 1, 1992. No agency
16 other than the State Personnel Commission may have in force any longevity schedule
17 providing greater benefits than those provided to employees of the State who are subject
18 to the State Personnel Act, except as provided for certain justices and judges under G.S.
19 7A-10, 7A-18, 7A-44, or 7A-144. This section applies to all State employees, whether
20 or not otherwise exempted from this Chapter.

21 (b) As used in G.S. 7A-10(c), 7A-18(b), 7A-44(b) and 7A-144(b), in calculating
22 the amount by which future salary increases are limited by the amount of longevity pay
23 being received on June 30, 1993, only the excess of longevity pay received or that
24 which would have been provided under the State Personnel Act shall be considered."

25 Sec. 13. This act becomes effective June 30, 1993.