

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 325*

Short Title: GPAC/Longevity Equalized/Freeze.

(Public)

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

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 BUT TO ALLOW EMPLOYEES AND OFFICERS
5 CURRENTLY RECEIVING LONGEVITY AT A HIGHER LEVEL TO
6 CONTINUE TO RECEIVE IT AT A FROZEN LEVEL.
7

8 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

42 (a) The annual salary of district attorneys and full-time assistant district attorneys
43 shall be as provided in the Current Operations Appropriations Act. When traveling on
44 official business, each district attorney and assistant district attorney is entitled to

1 reimbursement for his subsistence and travel expenses to the same extent as State
2 employees generally.

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

4 (c) In lieu of merit and other increment raises paid to regular State employees, a
5 district attorney shall receive as-longevity pay on the same basis as is provided to
6 employees of the State who are subject to the State Personnel Act. Any person who, on
7 June 29, 1993, was entitled to longevity pay under this section shall continue receiving
8 longevity pay at the rate in effect for that person on June 29, 1993, as long as that
9 person continues the same office. No such person shall receive any increase in
10 longevity rate after June 29, 1993. an amount equal to four and eight-tenths percent (4.8%)
11 of the annual salary set forth in the Current Operations Appropriations Act payable monthly
12 after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service,
13 fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths
14 percent (19.2%) after 20 years of service. Service shall mean service in the elective position of
15 a district attorney and shall not include service as a deputy or acting district attorney. Service
16 shall also mean service as a justice or judge of the General Court of Justice, as a clerk of
17 superior court, or as an assistant district attorney.

18 (d) In lieu of merit and other increment raises paid to regular State employees, an
19 assistant district attorney shall receive as-longevity pay on the same basis as is provided
20 to employees of the State who are subject to the State Personnel Act. Any person who,
21 on June 29, 1993, was entitled to longevity pay under this section shall continue
22 receiving longevity pay at the rate in effect for that person on June 29, 1993, as long as
23 that person continues the same office. No such person shall receive any increase in
24 longevity rate after June 29, 1993. an amount equal to four and eight tenths percent (4.8%)
25 of the annual salary set forth in the Current Operations Appropriations Act payable monthly
26 after five years of service, nine and six tenths percent (9.6%) after 10 years of service, and
27 fourteen and four tenths percent (14.4%) after 15 years of service. 'Service' means service as
28 an assistant district attorney."

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

30 "(c) In lieu of merit and other increment raises paid to regular State employees, a
31 clerk of superior court shall receive as-longevity pay on the same basis as is provided to
32 employees of the State who are subject to the State Personnel Act. Any person who, on
33 June 29, 1993, was entitled to longevity pay under this section shall continue receiving
34 longevity pay at the rate in effect for that person on June 29, 1993, as long as that
35 person continues the same office. No such person shall receive any increase in
36 longevity rate after June 29, 1993. an amount equal to four and eight-tenths percent (4.8%)
37 of the annual salary set forth in the Budget Appropriation Act payable monthly after five years
38 of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths
39 percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20
40 years of service. Service shall mean service in the elective position of clerk of superior court, as
41 an assistant clerk of court and as a supervisor of clerks of superior court with the
42 Administrative Office of the Courts and shall not include service as a deputy or acting clerk.
43 Service shall also mean service as a justice or judge of the General Court of Justice or as a
44 district attorney."

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

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

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

19 "**§ 7A-341. Appointment and compensation of Director.**

20 The Director shall be appointed by the Chief Justice of the Supreme Court, to serve
21 at his pleasure. He shall receive the annual salary provided in the Current Operations
22 Appropriations Act, payable monthly, and reimbursement for travel and subsistence
23 expenses at the same rate as State employees generally and longevity pay ~~at the rates and~~
24 ~~for the service designated in G.S. 7A-44(b) for a judge of the superior court~~ on the same
25 basis as is provided to employees of the State who are subject to the State Personnel
26 Act. Any person who, on June 29, 1993, was entitled to longevity pay under this
27 section shall continue receiving longevity pay at the rate in effect for that person on
28 June 29, 1993, as long as that person continues the same office. No such person shall
29 receive any increase in longevity rate after June 29, 1993. Service as Director shall be
30 equivalent to service as a superior court judge for the purposes of entitlement to
31 retirement pay or to retirement for disability."

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

33 "**§ 7A-342. Appointment and compensation of assistant director and other**
34 **employees.**

35 The assistant director shall also be appointed by the Chief Justice, to serve at his
36 pleasure. The assistant director shall receive the annual salary provided in the Current
37 Operations Appropriations Act, payable monthly, and reimbursement for travel and
38 subsistence expenses at the same rate as State employees generally and longevity pay ~~at~~
39 ~~the rates and for the service designated in G.S. 7A-144(b) for a judge of the district court~~ on
40 the same basis as is provided to employees of the State who are subject to the State
41 Personnel Act. Any person who, on June 29, 1993, was entitled to longevity pay under
42 this section shall continue receiving longevity pay at the rate in effect for that person on
43 June 29, 1993, as long as that person continues the same office. No such person shall
44 receive any increase in longevity rate after June 29, 1993.

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

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

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

6 In lieu of merit and other increment raises paid to regular State employees, a public
7 defender shall receive as-longevity pay on the same basis as is provided to employees of
8 the State who are subject to the State Personnel Act. Any person who, on June 29,
9 1993, was entitled to longevity pay under this section shall continue receiving longevity
10 pay at the rate in effect for that person on June 29, 1993, as long as that person
11 continues the same office. No such person shall receive any increase in longevity rate
12 after June 29, 1993. an amount equal to four and eight-tenths percent (4.8%) of the annual
13 salary set forth in the Current Operations Appropriations Act payable monthly after five years
14 of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths
15 percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20
16 years of service. 'Service' means service as a public defender."

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

18 "(d) In lieu of merit and other increment raises paid to regular State employees, an
19 assistant public defender shall receive as-longevity pay on the same basis as is provided
20 to employees of the State who are subject to the State Personnel Act. Any person who,
21 on June 29, 1993, was entitled to longevity pay under this section shall continue
22 receiving longevity pay at the rate in effect for that person on June 29, 1993, as long as
23 that person continues the same office. No such person shall receive any increase in
24 longevity rate after June 29, 1993. an amount equal to four and eight-tenths percent (4.8%)
25 of the annual salary set forth in the Current Operations Appropriations Act payable monthly
26 after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, and
27 fourteen and four-tenths percent (14.4%) after 15 years of service. 'Service' means service as
28 an assistant public defender."

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

30 "(h) The salary of each commissioner shall be the same as that fixed from time to
31 time for judges of the superior court except that the commissioner designated as
32 chairman shall receive one thousand dollars (\$1,000) additional per annum. In lieu of
33 merit and other increment raises paid to regular State employees, each commissioner,
34 including the commissioner designated as chairman, shall receive as-longevity pay on
35 the same basis as is provided to employees of the State who are subject to the State
36 Personnel Act. Any person who, on June 29, 1993, was entitled to longevity pay under
37 this section shall continue receiving longevity pay at the rate in effect for that person on
38 June 29, 1993, as long as that person continues the same office. No such person shall
39 receive any increase in longevity rate after June 29, 1993. an amount equal to four and
40 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, and nine and six-tenths percent
42 (9.6%) after 10 years of service. 'Service' means service as a member of the Utilities
43 Commission."

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

1 "§ 126-4.1. No longevity pay.

2 (a) The longevity pay system adopted by the State Personnel Commission may
3 not provide any benefits greater than those in effect on November 1, 1992. No agency
4 other than the State Personnel Commission may have in force any longevity schedule
5 providing greater benefits than those provided to employees of the State who are subject
6 to the State Personnel Act, except as provided for certain justices and judges under G.S.
7 7A-10, 7A-18, 7A-44, or 7A-144.

8 (b) Any person who, on June 30, 1993, was entitled to longevity pay under any
9 policy, which was in effect on November 1, 1992, of the State Personnel Commission or
10 any other State agency, shall continue receiving longevity pay at the rate in effect for
11 that person on June 29, 1993, as long as that person continues employment with the
12 same branch of government. No such person shall receive any increase in longevity rate
13 after June 29, 1993.

14 (c) This section applies to all State employees, whether or not otherwise
15 exempted from this Chapter.

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

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