

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 288

Short Title: GPAC/Comprehensive Employee Training.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Government Performance Audit.

February 22, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE GOVERNMENT
3 PERFORMANCE AUDIT COMMITTEE TO PROVIDE FOR THE
4 COMPREHENSIVE TRAINING OF STATE EMPLOYEES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 126-4 reads as rewritten:

7 "**§ 126-4. Powers and duties of State Personnel Commission.**

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

- 10 (1) Position classification plans which shall provide for the classification
11 and reclassification of all positions subject to this Chapter according to
12 the duties and responsibilities of the positions.
- 13 (2) Compensation plans which shall provide for minimum, maximum, and
14 intermediate rates of pay for all employees subject to the provisions of
15 this Chapter.
- 16 (3) For each class of positions, reasonable qualifications as to education,
17 experience, specialized training, licenses, certifications, and other job-
18 related requirements pertinent to the work to be performed.
- 19 (4) Recruitment programs designed to promote public employment,
20 communicate current hiring activities within State government, and
21 attract a sufficient flow of internal and external applicants; and
22 determine the relative fitness of applicants for the respective positions.
- 23 (5) Hours and days of work, holidays, vacation, sick leave, and other
24 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. The Commission shall not provide for more than 11
4 paid holidays per year except that in those years in which Christmas
5 Day falls on a Tuesday, Wednesday, or Thursday, the Commission
6 shall not provide for more than 12 paid holidays.

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

9 (6a) The establishment of a comprehensive employee training system and
10 the monitoring of costs associated with the State's investment in
11 employee training and development.

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

19 (7a) The separation of employees.

20 (8) The evaluation of employee performance, the granting of performance
21 salary increases, and a program of meritorious service awards.

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

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

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

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

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

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

41 (15) Recognition of State employees, public personnel management, and
42 management excellence.

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

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

16 Sec. 2. Article 1 of Chapter 126 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 126-3.1. Comprehensive employee training system.**

19 (a) The Office of State Personnel shall coordinate a comprehensive statewide
20 system for the training of State employees including training programs, courses, and
21 materials for management and supervisory training, Equal Employment Opportunity
22 training, computer training, and other areas of employee training that are of statewide
23 applicability. The system of comprehensive employee training shall be administered so
24 as to enhance the performance of employees and the effectiveness of State departments,
25 agencies, and institutions.

26 (b) The Office of State Personnel shall identify the training and development
27 needs of State employees by performing an annual training needs analysis in
28 conjunction with State agencies that includes the study of the job requirements of the
29 respective positions held by State employees, the forecasting of changes in job
30 requirements, the determination of skills and essential job functions, and the assessment
31 of the status of employee training.

32 (c) Each State department, agency, and institution shall provide to their
33 respective employees training programs, courses, and materials of special relevance to
34 the performance of job requirements within the department, agency, or institution.

35 (d) State employee training programs shall be evaluated by the Office of State
36 Personnel as to content, course administration, facilities, and trainers in order to ensure
37 that training programs are needed for current job requirements. Each State department,
38 agency, and institution shall provide to the Office of State Personnel information related
39 to the costs of employee training programs, courses, and materials including the salaries
40 of trainers, the cost of supplies and materials, facilities costs, and the fees charged for
41 training programs and courses."

42 Sec. 3. G.S. 126-5(c5) reads as rewritten:

1 "(c5) Notwithstanding any other provision of this Chapter, Article 14 of this
2 Chapter and G.S. 126-4(6a) shall apply to all State employees, public school employees,
3 and community colleges employees."

4 Sec. 4. This act is effective upon ratification.