

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 288

Government Performance Audit Select Committee Substitute Adopted 5/4/93

Short Title: GPAC/Comprehensive Employee Training.

(Public)

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Sponsors:

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Referred to: Appropriations.

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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.

- 1 (5) Hours and days of work, holidays, vacation, sick leave, and other  
2 matters pertaining to the conditions of employment. The legal public  
3 holidays established by the Commission as paid holidays for State  
4 employees shall include Martin Luther King, Jr.'s, Birthday and  
5 Veterans Day. The Commission shall not provide for more than 11  
6 paid holidays per year except that in those years in which Christmas  
7 Day falls on a Tuesday, Wednesday, or Thursday, the Commission  
8 shall not provide for more than 12 paid holidays.
- 9 (6) The appointment, promotion, transfer, demotion and suspension of  
10 employees.
- 11 (6a) The establishment of a comprehensive employee training system as  
12 provided for in G.S. 126-3.1 and the monitoring of costs associated  
13 with the State's investment in employee training and development.
- 14 (7) Cooperation with the Department of Public Education, the University  
15 of North Carolina, and the Community Colleges of the State and other  
16 appropriate resources in developing programs in, including but not  
17 limited to, management and supervisory skills, performance  
18 evaluation, specialized employee skills, accident prevention, equal  
19 employment opportunity awareness, and customer service; and to  
20 maintain an accredited Certified Public Manager program.
- 21 (7a) The separation of employees.
- 22 (8) The evaluation of employee performance, the granting of performance  
23 salary increases, and a program of meritorious service awards.
- 24 (9) The investigation of complaints and the issuing of such binding  
25 corrective orders or such other appropriate action concerning  
26 employment, promotion, demotion, transfer, discharge, reinstatement,  
27 and any other issue defined as a contested case issue by this Chapter in  
28 all cases as the Commission shall find justified.
- 29 (10) Programs of safety, health, employee assistance, productivity  
30 incentives, equal opportunity and such other programs and procedures  
31 as may be necessary to promote efficiency of administration and  
32 provide for a fair and modern system of personnel administration. This  
33 subdivision may not be construed to authorize the establishment of an  
34 incentive pay program.
- 35 (11) In cases where the Commission finds discrimination or orders  
36 reinstatement or back pay whether (i) heard by the Commission or (ii)  
37 appealed for limited review after settlement or (iii) resolved at the  
38 agency level, the assessment of reasonable attorneys' fees and  
39 witnesses' fees against the State agency involved.
- 40 (12) Repealed by Session Laws 1987, c. 320, s. 2.
- 41 (13) Repealed by Session Laws 1987, c. 320, s. 3.
- 42 (14) The implementation of G.S. 126-5(e).
- 43 (15) Recognition of State employees, public personnel management, and  
44 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 or provide a comprehensive  
20 statewide system for the training of State employees including training programs,  
21 courses, and materials for management and supervisory training, Equal Employment  
22 Opportunity training, computer training, and other areas of employee training that are of  
23 statewide applicability. The system of comprehensive employee training shall be  
24 administered so as to enhance the performance of employees and the effectiveness of  
25 State departments, agencies, and institutions.

26 (b) Each State department, institution, and agency, in conjunction with the Office  
27 of State Personnel, shall identify the training and development needs of State employees  
28 by performing an annual training needs analysis that includes the study of the job  
29 requirements of the respective positions held by State employees, the forecasting of  
30 changes in job requirements, the determination of skills and essential job functions, and  
31 the assessment 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 Training sessions for supervisory personnel on the performance appraisal system,  
36 effective methods of employee appraisal, and assessment of individual employee  
37 training and development needs shall be held on a regular basis.

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

1           Sec. 3. There is appropriated from the General Fund to the Office of State  
2 Personnel the sum of four hundred sixty-one thousand seven hundred twenty-three  
3 dollars (\$461,723) for fiscal year 1993-94 and the sum of four hundred thirty-nine  
4 thousand four hundred twenty-three dollars (\$439,423) for fiscal year 1994-95 for the  
5 expenses involved in implementing this act. The funds shall be allocated by the Office  
6 of State Personnel as follows:

	<u>FY 1993-94</u>	<u>FY 1994-95</u>	
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8			
9	Performance management	\$193,382	\$176,632
10	Equal Employment Opportunity	80,508	80,508
11	Training Coordination	187,833	182,283
12			

13           Sec. 4. This act becomes effective July 1, 1993.