

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 303

Short Title: GPAC/Longevity Equalized.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Government Performance Audit.

February 22, 1993

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

2           "(b) In lieu of merit and other increment raises paid to regular State employees, a  
3 judge of the Court of Appeals shall receive as-longevity pay on the same basis as is  
4 provided to employees of the State who are subject to the State Personnel Act. an annual  
5 amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the  
6 Current Operations Appropriations Act payable monthly after five years of service, nine and  
7 six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%)  
8 after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of service.  
9 'Service' means service as a justice or judge of the General Court of Justice or as a member of  
10 the Utilities Commission. 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 that office at  
13 the 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. 3. G.S. 7A-44(b) reads as rewritten:

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

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

37           "**§ 7A-65. Compensation and allowances of district attorneys and assistant district**  
38 **attorneys.**

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

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

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

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

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

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

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

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