

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 304

Short Title: GPAC/Longevity Equalized/Freeze.

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

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

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

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

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

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

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

44 "(b) Notwithstanding merit, longevity and other increment raises paid to regular
45 State employees, a judge of the district court shall receive as-longevity pay on the same

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

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

17 **"§ 7A-341. Appointment and compensation of Director.**

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

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

31 **"§ 7A-342. Appointment and compensation of assistant director and other**
32 **employees.**

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

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

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

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

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

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

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

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

27 "(h) The salary of each commissioner shall be the same as that fixed from time to
28 time for judges of the superior court except that the commissioner designated as
29 chairman shall receive one thousand dollars (\$1,000) additional per annum. In lieu of
30 merit and other increment raises paid to regular State employees, each commissioner,
31 including the commissioner designated as chairman, shall receive as-longevity pay on
32 the same basis as is provided to employees of the State who are subject to the State
33 Personnel Act. Any person who, on June 29, 1993, was entitled to longevity pay under
34 this section shall continue receiving longevity pay at the rate in effect for that person on
35 June 29, 1993, as long as that person continues the same office. No such person shall
36 receive any increase in longevity rate after June 29, 1993. ~~an amount equal to four and~~
37 ~~eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations~~
38 ~~Appropriations Act payable monthly after five years of service, and nine and six-tenths percent~~
39 ~~(9.6%) after 10 years of service. 'Service' means service as a member of the Utilities~~
40 ~~Commission.~~"

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

43 "**§ 126-4.1. No longevity pay.**

44 (a) The longevity pay system adopted by the State Personnel Commission may
45 not provide any benefits greater than those in effect on November 1, 1992. No agency

1 other than the State Personnel Commission may have in force any longevity schedule
2 providing greater benefits than those provided to employees of the State who are subject
3 to the State Personnel Act, except as provided for certain justices and judges under G.S.
4 7A-10, 7A-18, 7A-44, or 7A-144.

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

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

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

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