

- 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 guidelines for the recruitment, appointment, and
12 retention of the State Personnel Director and of the personnel directors
13 of State departments, agencies, and institutions.
- 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. G.S. 126-3 reads as rewritten:

17 **"§ 126-3. Office of State Personnel established; administration and supervision;
18 appointment, compensation and tenure of Director.**

19 There is hereby established the Office of State Personnel (hereinafter referred to as
20 'the Office') which shall be placed for organizational purposes within the Department of
21 Administration. Notwithstanding the provisions of North Carolina State government
22 reorganization as of January 1, 1975, and specifically notwithstanding the provisions of
23 Chapter 864 of the 1971 North Carolina Session Laws [Chapter 143A], the Office of
24 State Personnel shall exercise all of its statutory powers in this Chapter independent of
25 control by the Secretary of Administration and shall be under the administration and
26 supervision of a State Personnel Director (hereinafter referred to as 'the Director')
27 appointed by the Governor and subject to the supervision of the Commission for
28 purposes of this Chapter. The Commission shall develop job requirements for the
29 Director that include education and experience requirements. The Director shall be
30 appointed to serve a term concurrent with the term of the appointing Governor and shall
31 be removed only for cause. The salary of the Director shall be fixed by the General
32 Assembly in the Current Operations Appropriations Act. The Director shall serve at the
33 pleasure of the Governor."

34 Sec. 3. G.S. 143B-9 reads as rewritten:

35 **"§ 143B-9. Appointment of officers and employees.**

36 The head of each principal State department, except those departments headed by
37 popularly elected officers, shall be appointed by the Governor and serve at his pleasure.

38 The salary of the head of each of the principal State departments and of elected
39 officials shall be as provided by law.

40 The head of a principal State department shall appoint a chief deputy or chief
41 assistant, and such chief deputy or chief assistant shall not be subject to the State
42 Personnel Act. The salary of such chief deputy or chief assistant shall, upon the
43 recommendation of the Governor, be set by the General Assembly. Unless otherwise
44 provided for in the Executive Organization Act of 1973, and subject to the provisions of

1 the Personnel Act, the head of each principal State department shall designate the
2 administrative head of each transferred agency and all employees of each division,
3 section, or other unit of the principal State department.

4 The head of a principal State department shall appoint a personnel director following
5 a competitive process based upon educational and experience guidelines established by
6 the State Personnel Commission."

7 Sec. 4. Departments headed by a member of the Council of State, other than
8 the Governor and Lieutenant Governor, shall employ a personnel director appointed
9 following a competitive process based upon educational and experience guidelines
10 established by the State Personnel Commission.

11 Sec. 5. This act is effective upon ratification.