

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 914
Second Edition Engrossed 6/8/95

Short Title: Sch. Emp./State Emp. Sick Leave.

(Public)

Sponsors: Senators Dannelly, Albertson, Winner, Hoyle, Hobbs, Gulley, Rand, Martin of Guilford, Allran, and Warren.

Referred to: Children and Human Resources

May 1, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE SHARING OF SICK LEAVE BETWEEN PUBLIC
3 SCHOOL EMPLOYEES AND STATE EMPLOYEES SUBJECT TO THE STATE
4 PERSONNEL ACT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-336 is amended by adding a new subsection to read:
7 "(c) The State Board of Education shall adopt, in cooperation with the State
8 Personnel Commission, policies and rules to provide for the sharing of sick leave
9 between public school employees and State employees subject to the State Personnel
10 Act."

11 Sec. 2. G.S. 126-4 reads as rewritten:

12 **"§ 126-4. Powers and duties of State Personnel Commission.**

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

15 (1) Position classification plans which shall provide for the classification
16 and reclassification of all positions subject to this Chapter according to
17 the duties and responsibilities of the positions.

- 1 (2) Compensation plans which shall provide for minimum, maximum, and
2 intermediate rates of pay for all employees subject to the provisions of
3 this Chapter.
- 4 (3) For each class of positions, reasonable qualifications as to education,
5 experience, specialized training, licenses, certifications, and other job-
6 related requirements pertinent to the work to be performed.
- 7 (4) Recruitment programs designed to promote public employment,
8 communicate current hiring activities within State government, and
9 attract a sufficient flow of internal and external applicants; and
10 determine the relative fitness of applicants for the respective positions.
- 11 (5) Hours and days of work, holidays, vacation, sick leave, and other
12 matters pertaining to the conditions of employment. The legal public
13 holidays established by the Commission as paid holidays for State
14 employees shall include Martin Luther King, Jr.'s Birthday and Veterans
15 Day. The Commission shall not provide for more than 11 paid holidays
16 per year except that in those years in which Christmas Day falls on a
17 Tuesday, Wednesday, or Thursday, the Commission shall not provide
18 for more than 12 paid holidays.
- 19 (5b) In cooperation with the State Board of Education, the sharing of sick
20 leave between employees subject to the provisions of this Chapter and
21 public school employees subject to Chapter 115C of the General
22 Statutes.
- 23 (6) The appointment, promotion, transfer, demotion and suspension of
24 employees.
- 25 (7) Cooperation with the State Board of Education, the Department of
26 Public Instruction, the University of North Carolina, and the
27 Community Colleges of the State and other appropriate resources in
28 developing programs in, including but not limited to, management and
29 supervisory skills, performance evaluation, specialized employee skills,
30 accident prevention, equal employment opportunity awareness, and
31 customer service; and to maintain an accredited Certified Public
32 Manager program.
- 33 (7a) The separation of employees.
- 34 (8) A program of meritorious service awards.
- 35 (9) The investigation of complaints and the issuing of such binding
36 corrective orders or such other appropriate action concerning
37 employment, promotion, demotion, transfer, discharge, reinstatement,
38 and any other issue defined as a contested case issue by this Chapter in
39 all cases as the Commission shall find justified.
- 40 (10) Programs of employee assistance, productivity incentives, equal
41 opportunity, safety and health as required by Part 1 of Article 63 of
42 Chapter 143 of the General Statutes, and such other programs and
43 procedures as may be necessary to promote efficiency of administration

1 and provide for a fair and modern system of personnel administration.
2 This subdivision may not be construed to authorize the establishment of
3 an incentive pay program.

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

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

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

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

12 (15) Recognition of State employees, public personnel management, and
13 management excellence.

14 (16) The implementation of G.S. 126-7.

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

18 (1) Employee in a primary level position who has not been continuously
19 employed by the State of North Carolina for the immediate 12 preceding
20 months;

21 (2) Employee in a secondary level or professional position who has not
22 been continuously employed by the State of North Carolina for the
23 immediate 24 preceding months; [or]

24 (3) Employee in a management level or consultant position who has not
25 been continuously employed by the State of North Carolina for the
26 immediate 36 preceding months.

27 (4) Repealed by Session Laws 1991, c. 354, s. 2, effective July 1, 1993."
28 Sec. 3. This act is effective upon ratification.