

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS55393-LR-187 (05/11)

Short Title: Deputy Sheriffs' Employment Protection/Funds. (Public)

Sponsors: Senator East.

Referred to:

A BILL TO BE ENTITLED

AN ACT RELATING TO THE "JUST CAUSE" TERMINATION OF DEPUTY SHERIFFS, AFFORDING ADMINISTRATIVE AND JUDICIAL REVIEW OF DISCIPLINARY ACTIONS, AND APPROPRIATING FUNDS TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-5(a) reads as rewritten:

"(a) The provisions of this Chapter shall apply to:

(1) All State employees not herein exempt, and

(2) All employees of the following local entities:

a. Area mental health, developmental disabilities, and substance abuse authorities.

b. Local social services departments.

c. County health departments and district health departments.

d. Local emergency management agencies that receive federal grant-in-aid funds.

An employee of a consolidated county human services agency created pursuant to G.S. 153A-77(b) is not considered an employee of an entity listed in this subdivision.

(3) County employees not included under subdivision (2) of this subsection as the several boards of county commissioners may from time to time determine.

(4) Sheriffs' deputies as provided by G.S. 153A-103(b)."

SECTION 2. G.S. 153A-103 reads as rewritten:

"§ 153A-103. **Number of employees in offices of sheriff and register of deeds.**

(a) Subject to the limitations set forth below, the board of commissioners may fix the number of salaried employees in the ~~offices of the sheriff and~~ office of the register

1 of deeds. In exercising the authority granted by this section, the board of commissioners
2 is subject to the following limitations:

3 (1) Each ~~sheriff and~~ register of deeds elected by the people has the
4 exclusive right to hire, discharge, and supervise the employees in ~~his~~
5 the register's office. However, the board of commissioners must
6 approve the appointment by ~~such an~~ the officer of a relative by blood
7 or marriage of nearer kinship than first cousin or of a person who has
8 been convicted of a crime involving moral turpitude.

9 (2) Each ~~sheriff and~~ register of deeds elected by the people is entitled to at
10 least two deputies who shall be reasonably compensated by the county,
11 provided that the register of deeds justifies to the Board of County
12 Commissioners the necessity of the second deputy. Each deputy so
13 appointed shall serve at the pleasure of the appointing officer.

14 Notwithstanding the foregoing provisions of this section, approval of the board of
15 commissioners is not required for the reappointment or continued employment of a ~~near~~
16 ~~relative of a sheriff or~~ register of deeds who was not related to the appointing officer at
17 the time of initial appointment.

18 (b) The board of commissioners may fix the number of salaried employees in the
19 office of the sheriff. Each sheriff elected by the people has the right to hire, discharge,
20 and supervise employees as follows:

21 (1) Policy-making and executive managerial deputies serve at the pleasure
22 of the sheriff. Non-sworn employees serve at the pleasure of the
23 sheriff.

24 (2) Rank and file deputies may be terminated by the sheriff only for just
25 cause and may request a contested case hearing under Article 3 of
26 Chapter 150B of the General Statutes, with judicial review pursuant to
27 Article 4 of Chapter 150B of the General Statutes.

28 (3) The board of commissioners must approve the appointment by the
29 sheriff of a relative by blood or marriage of nearer kinship than first
30 cousin or of a person who has been convicted of a crime involving
31 moral turpitude. Approval of the board of commissioners is not
32 required for the reappointment or continued employment of a near
33 relative of a sheriff who was not related to the sheriff at the time of
34 initial appointment."

35 **SECTION 3.** There is appropriated from the General Fund to the
36 Department of Administration, Office of Administrative Hearings, the sum of one
37 hundred thousand dollars (\$100,000) for the 2006-2007 fiscal year to implement the
38 administrative review requirements mandated by this act.

39 **SECTION 4.** This act becomes effective July 1, 2006, and applies to
40 disciplinary actions commenced on or after that date.