

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 807

Short Title: Raleigh Civil Service Act.

(Local)

Sponsors: Representatives Blue; Fussell, Stamey, and Wisser.

Referred to: Government.

March 23, 1989

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE RALEIGH CIVIL SERVICE ACT TO MAKE A
2 TECHNICAL CORRECTION AND CLARIFY THAT INTERVENING PARTIES
3 MAY NOT BE AWARDED ATTORNEY FEES.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 5 of Chapter 241, Session Laws of 1981, reads as
7 rewritten:

8 "Sec. 5. Appeal board. The Civil Service Commission shall act as an appeal board
9 to hear all appeals of employees regarding violation of city ~~policy~~, policy relating to
10 suspensions, layoff, removal, promotions, forfeiture of pay or loss of time, but the
11 Commission shall have no jurisdiction to hear an appeal until all administrative
12 remedies have been exhausted pursuant to the city's established grievance procedure.
13 The Commission shall have no jurisdiction to hear matters involving lateral transfers
14 unless it finds that such transfer was in effect a demotion. The Commission shall have
15 the authority to affirm, modify, or reverse, as it deems necessary, those actions over
16 which it has jurisdiction; provided, however, the Commission may not institute any
17 action that will affect the right of other employees without first making all such
18 employees a party to the proceeding. The Commission shall hear no appeals based on a
19 failure to be promoted until the City Manager has completed the formal procedure for
20 filling the vacancy and has named a person to fill the vacant position. Any modification
21 or reversal of an administrative officers' decision or any other decision by the
22 Commission shall require four affirmative votes. The Commission shall not have the
23 authority to award actual damages, except salary adjustment and back pay. It shall not
24 have the authority to award punitive damages. Reasonable attorney fees may be

1 awarded upon the rendering of a decision or settlement in favor of the petitioning
2 employee. The Commission shall have no authority to award attorney fees or costs to
3 anyone allowed to intervene pursuant to this section."

4 Sec. 2. This act is effective upon ratification.