

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 817
HOUSE BILL 807

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

The General Assembly of North Carolina enacts:

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

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of June, 1990.