

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE 388*

Short Title: Greensboro/Public Info./Police Discipline.

(Local)

Sponsors: Senator Hagan.

Referred to: Judiciary II.

March 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED
3 PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF
4 DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-168(c) reads as rewritten:

7 "(c) All information contained in a city employee's personnel file, other than the
8 information made public by subsection (b) of this section, is confidential and shall be
9 open to inspection only in the following instances:

- 10 (1) The employee or his duly authorized agent may examine all portions
11 of his personnel file except (i) letters of reference solicited prior to
12 employment, and (ii) information concerning a medical disability,
13 mental or physical, that a prudent physician would not divulge to his
14 patient.
- 15 (2) A licensed physician designated in writing by the employee may
16 examine the employee's medical record.
- 17 (3) A city employee having supervisory authority over the employee may
18 examine all material in the employee's personnel file.
- 19 (4) By order of a court of competent jurisdiction, any person may examine
20 such portion of an employee's personnel file as may be ordered by the
21 court.
- 22 (5) An official of an agency of the State or federal government, or any
23 political subdivision of the State, may inspect any portion of a
24 personnel file when such inspection is deemed by the official having
25 custody of such records to be inspected to be necessary and essential to
26 the pursuance of a proper function of the inspecting agency, but no
27 information shall be divulged for the purpose of assisting in a criminal
28 prosecution (of the employee), or for the purpose of assisting in an

1 investigation of (the employee's) tax liability. However, the official
2 having custody of such records may release the name, address, and
3 telephone number from a personnel file for the purpose of assisting in
4 a criminal investigation.

5 (6) An employee may sign a written release, to be placed with his
6 personnel file, that permits the person with custody of the file to
7 provide, either in person, by telephone, or by mail, information
8 specified in the release to prospective employers, educational
9 institutions, or other persons specified in the release.

10 (7) The city manager, with concurrence of the council, or, in cities not
11 having a manager, the council may inform any person of the
12 employment or nonemployment, promotion, demotion, suspension or
13 other disciplinary action, reinstatement, transfer, or termination of a
14 city employee and the reasons for that personnel action. Before
15 releasing the information, the manager or council shall determine in
16 writing that the release is essential to maintaining public confidence in
17 the administration of city services or to maintaining the level and
18 quality of city services. This written determination shall be retained in
19 the office of the manager or the city clerk, and is a record available for
20 public inspection and shall become part of the employee's personnel
21 file.

22 (8) In order to facilitate citizen review of the police disciplinary process,
23 the city manager or the chief of police, or their designees, may release
24 the disposition of disciplinary charges against a police officer and the
25 facts relied upon in determining that disposition, to the Human
26 Relations Commission Complaint Subcommittee and may release the
27 disposition of the disciplinary charges to the person alleged to have
28 been aggrieved by the officer's actions or to that person's survivor.
29 Commission members shall maintain as confidential all personnel
30 information released to them under this subsection that is not a matter
31 of public record under this section, and any member who violates that
32 confidentiality is guilty of the violations set forth in subsections (e)
33 and (f) of this section. Each member of the Commission shall execute
34 and adhere to a confidentiality agreement that is satisfactory to the
35 city. For purposes of this subdivision, the term "disposition of
36 disciplinary charges" includes determinations that the charges are
37 sustained, not sustained, unfounded, exonerated, classified as an
38 information file, or classified as any other disciplinary disposition
39 category subsequently adopted by the Greensboro Police Department."

40 **SECTION 2.** The act applies only to the City of Greensboro.

41 **SECTION 3.** This act is effective when it becomes law.