

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 644  
Second Edition Engrossed 4/28/05  
House Committee Substitute Favorable 7/6/05  
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Short Title: Exempt Banking Comm. Staff from SPA.

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING  
COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION  
AND COMPENSATION RELATED PROVISIONS OF THE STATE  
PERSONNEL ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8 of Chapter 53 of the General Statutes is amended by  
adding the following section to read:

**§ 53-96.1. Salaries, promotions, and leave of employees of the Office of the  
Commissioner of Banks.**

(a) The Office of the Commissioner of Banks and its employees are exempt from  
the classification and compensation rules established by the State Personnel  
Commission pursuant to G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to  
hours and days of work, vacation and sick leave; G.S. 126-4(6) only as it applies to  
promotion and transfer; G.S. 126-4(10) only as it applies to the prohibition of the  
establishment of incentive pay programs; and Article 2 of Chapter 126 of the General  
Statutes, except for G.S. 126-7.1.

(b) The exemptions authorized by this section shall be used to develop  
organizational classification and compensation innovations that will result in the  
enhanced efficiency of operations. The Office of State Personnel shall assist the  
Commissioner of Banks in the development and implementation of an organizational  
structure and human resources programs that make the most appropriate use of the  
exemptions, including (i) a system of job categories or descriptions tailored to the  
agency's needs; (ii) policies regarding paid time off for agency personnel and the  
voluntary sharing of such time off; and (iii) a system of uniform performance  
assessments for agency personnel tailored to the agency's needs. The Commissioner of  
Banks may, under the supervision of the Office of State Personnel, develop and

1 implement organizational classification and compensation innovations having the  
2 potential to benefit all State agencies."

3           **SECTION 2.** G.S. 53-101 reads as rewritten:

4 **"§ 53-101. Clerical help.**

5       The Commissioner of Banks is empowered to employ sufficient clerical and  
6 secretarial help, and other necessary labor to conduct the affairs of ~~his—the~~  
7 Commissioner's office with economy and efficiency, efficiently and effectively. ~~Persons~~  
8 ~~so employed shall be paid as other employees in the departments of the State and shall~~  
9 ~~be under the same rules and regulations."~~

10           **SECTION 3.** By April 1, 2007, the Commissioner of Banks and the Office  
11 of State Personnel shall report jointly to the General Assembly on the results of these  
12 efforts in meeting the agency's personnel needs and enhancing the efficiency and  
13 effectiveness of its operations.

14           **SECTION 4.** This act is effective when it becomes law.