

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 403
Committee Substitute Favorable 5/4/07
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Short Title: Consultation Required for SPA Class. Changes. (Public)

Sponsors:

Referred to:

February 28, 2007

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A BILL TO BE ENTITLED
AN ACT REQUIRING CONSULTATION WITH THE GENERAL ASSEMBLY
BEFORE ADOPTION OF CLASSIFICATION AND PAY SYSTEMS BY THE
STATE PERSONNEL COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-4 reads as rewritten:

"§ 126-4. Powers and duties of State Personnel Commission.

Subject to the approval of the Governor, and with respect to subdivisions (1) and (2) of this section, as those subdivisions pertain to career-banding, subject to consultation with the Joint Legislative Commission on Governmental Operations, the State Personnel Commission shall establish policies and rules governing each of the following:

- (1) Position classification plans which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.
- (2) Compensation plans which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this Chapter.
- (3) For each class of positions, reasonable qualifications as to education, experience, specialized training, licenses, certifications, and other job-related requirements pertinent to the work to be performed.
- (4) Recruitment programs designed to promote public employment, communicate current hiring activities within State government, and attract a sufficient flow of internal and external applicants; and determine the relative fitness of applicants for the respective positions.
- (5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment. The legal public

1 holidays established by the Commission as paid holidays for State
2 employees shall include Martin Luther King, Jr.'s Birthday and
3 Veterans Day. The Commission shall not provide for more than 11
4 paid holidays per year except that in those years in which Christmas
5 Day falls on a Tuesday, Wednesday, or Thursday, the Commission
6 shall not provide for more than 12 paid holidays.

7 (5a) In years in which New Year's Day falls on Saturday, the Commission
8 may designate December 31 of the previous calendar year as the New
9 Year's holiday, provided that the number of holidays for the previous
10 calendar year does not exceed 12 and the number of holidays for the
11 current year does not exceed 10. When New Year's Day falls on either
12 Saturday or Sunday, the constituent institutions of The University of
13 North Carolina that adopt alternative dates to recognize the legal
14 public holidays set forth in subdivision (5) of this section and
15 established by the Commission may designate, in accordance with the
16 rules of the Commission and the requirements of this subdivision,
17 December 31 of the previous calendar year as the New Year's holiday.

18 (6) The appointment, promotion, transfer, demotion and suspension of
19 employees.

20 (7) Cooperation with the State Board of Education, the Department of
21 Public Instruction, the University of North Carolina, and the
22 Community Colleges of the State and other appropriate resources in
23 developing programs in, including but not limited to, management and
24 supervisory skills, performance evaluation, specialized employee
25 skills, accident prevention, equal employment opportunity awareness,
26 and customer service; and to maintain an accredited Certified Public
27 Manager program.

28 (7a) The separation of employees.

29 (8) A program of meritorious service awards.

30 (9) The investigation of complaints and the issuing of such binding
31 corrective orders or such other appropriate action concerning
32 employment, promotion, demotion, transfer, discharge, reinstatement,
33 and any other issue defined as a contested case issue by this Chapter in
34 all cases as the Commission shall find justified.

35 (10) Programs of employee assistance, productivity incentives, equal
36 opportunity, safety and health as required by Part 1 of Article 63 of
37 Chapter 143 of the General Statutes, and such other programs and
38 procedures as may be necessary to promote efficiency of
39 administration and provide for a fair and modern system of personnel
40 administration. This subdivision may not be construed to authorize the
41 establishment of an incentive pay program.

42 (11) In cases where the Commission finds discrimination, harassment, or
43 orders reinstatement or back pay whether (i) heard by the Commission
44 or (ii) appealed for limited review after settlement or (iii) resolved at

1 the agency level, the assessment of reasonable attorneys' fees and
2 witnesses' fees against the State agency involved.

3 (12) Repealed by Session Laws 1987, c. 320, s. 2.

4 (13) Repealed by Session Laws 1987, c. 320, s. 3.

5 (14) The implementation of G.S. 126-5(e).

6 (15) Recognition of State employees, public personnel management, and
7 management excellence.

8 (16) The implementation of G.S. 126-7.

9 (17) An alternative dispute resolution procedure.

10 (18) Delegation of authority for approval of personnel actions through
11 decentralization agreements with the heads of State agencies,
12 departments, and institutions.

13 a. Decentralization agreements with Executive Branch agencies
14 shall require a person, designated in the agency, to be
15 accountable to the State Personnel Director for the compliance
16 of all personnel actions taken pursuant to the delegated
17 authority of the agency. Such agreements shall specify the
18 required rules and standards for agency personnel
19 administration.

20 b. The State Personnel Director shall have the authority to take
21 appropriate corrective actions including adjusting employee
22 salaries and changing employee classifications that are not in
23 compliance with policy or standards and to suspend
24 decentralization agreements for agency noncompliance with the
25 required personnel administration standards.

26 The policies and rules of the Commission shall not limit the power of any elected or
27 appointed department head, in the department head's discretion and upon the department
28 head's determination that it is in the best interest of the Department, to transfer, demote,
29 or separate a State employee who is not a career State employee as defined by this
30 Chapter."

31 **SECTION 2.** This act is effective when it becomes law.