

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS65222-LR-89 (03/07)

Short Title: Clarify Public Access To Personnel Records. (Public)

Sponsors: Senators Hoyle, and Dalton.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE
3 PERSONNEL RECORDS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-320 reads as rewritten:

6 "§ 115C-320. **Certain records open to inspection.**

7 Each local board of education shall maintain a record of each of its employees,
8 showing the following information with respect to each employee: name, age, date of
9 original employment or appointment, the terms of any contract by which the employee
10 is employed whether written or oral, past and current, to the extent that the board has the
11 written contract or a record of the oral contract in its possession, current position, title,
12 current salary, date and amount of most recent increase or decrease in salary, date of
13 most recent promotion, demotion, transfer, suspension, separation, or other change in
14 position classification, and the office or station to which the employee is currently
15 assigned. For the purposes of this section, the term "salary" includes pay, benefits,
16 incentives, bonuses, and deferred and all other forms of compensation. Subject only to
17 rules and regulations for the safekeeping of records adopted by the local board of
18 education, every person having custody of the records shall permit them to be inspected
19 and examined and copies made by any person during regular business hours. The name
20 of a participant in the Address Confidentiality Program established pursuant to Chapter
21 15C of the General Statutes shall not be open to inspection and shall be redacted from
22 any record released pursuant to this section. Any person who is denied access to any
23 record for the purpose of inspecting, examining or copying the record shall have a right
24 to compel compliance with the provisions of this section by application to a court of
25 competent jurisdiction for a writ of mandamus or other appropriate relief."

26 SECTION 2. G.S. 115D-28 reads as rewritten:

27 "§ 115D-28. **Certain records open to inspection.**

1 Each board of trustees shall maintain a record of each of its employees, showing the
2 following information with respect to each employee: name, age, date of original
3 employment or appointment, the terms of any contract by which the employee is
4 employed whether written or oral, past and current, to the extent that the board has the
5 written contract or a record of the oral contract in its possession, current position, title,
6 current salary, date and amount of most recent increase or decrease in salary, date of
7 most recent promotion, demotion, transfer, suspension, separation, or other change in
8 position classification, and the office or station to which the employee is currently
9 assigned. For the purposes of this section, the term "salary" includes pay, benefits,
10 incentives, bonuses, and deferred and all other forms of compensation. Subject only to
11 rules and regulations for the safekeeping of records adopted by the board of trustees,
12 every person having custody of the records shall permit them to be inspected and
13 examined and copies made by any person during regular business hours. Any person
14 who is denied access to any record for the purpose of inspecting, examining or copying
15 the record shall have a right to compel compliance with the provisions of this section by
16 application to a court of competent jurisdiction for a writ of mandamus or other
17 appropriate relief."

18 **SECTION 3.** G.S. 122C-158(b) reads as rewritten:

19 "(b) The following information with respect to each employee is a matter of public
20 record: name; age; date of original employment or appointment to the area authority; the
21 terms of any contract by which the employee is employed whether written or oral, past
22 and current, to the extent that the agency has the written contract or a record of the oral
23 contract in its possession; current position title; current salary; date and amount of most
24 recent increase or decrease in salary; date of the most recent promotion, demotion,
25 transfer, suspension, separation, or other change in position classification; and the office
26 to which the employee is currently assigned. For the purposes of this subsection, the
27 term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other
28 forms of compensation. The area authority shall determine in what form and by whom
29 this information will be maintained. Any person may have access to this information for
30 the purpose of inspection, examination, and copying during regular business hours,
31 subject only to rules for the safekeeping of public records as the area authority may
32 have adopted. Any person denied access to this information may apply to the
33 appropriate division of the General Court of Justice for an order compelling disclosure,
34 and the court shall have jurisdiction to issue these orders."

35 **SECTION 4.** G.S. 126-23 reads as rewritten:

36 "**§ 126-23. Certain records to be kept by State agencies open to inspection.**

37 Each department, agency, institution, commission and bureau of the State shall
38 maintain a record of each of its employees, showing the following information with
39 respect to each such employee: name, age, date of original employment or appointment
40 to the State service, the terms of any contract by which the employee is employed
41 whether written or oral, past and current, to the extent that the agency has the written
42 contract or a record of the oral contract in its possession, current position, title, current
43 salary, date and amount of most recent increase or decrease in salary, date of most
44 recent promotion, demotion, transfer, suspension, separation, or other change in position

1 classification, and the office or station to which the employee is currently assigned. For
2 the purposes of this section, the term "salary" includes pay, benefits, incentives,
3 bonuses, and deferred and all other forms of compensation. Subject only to rules and
4 regulations for the safekeeping of the records, adopted by the State Personnel
5 Commission, every person having custody of such records shall permit them to be
6 inspected and examined and copies thereof made by any person during regular business
7 hours. Any person who is denied access to any such record for the purpose of
8 inspecting, examining or copying the same shall have a right to compel compliance with
9 the provisions of this section by application to a court of competent jurisdiction for a
10 writ of mandamus or other appropriate relief."

11 **SECTION 5.** G.S. 130A-45.9(b) reads as rewritten:

12 "(b) The following information with respect to each employee of a public health
13 authority is a matter of public record: name; age; date of original employment or
14 appointment; beginning and ending dates, position title, position descriptions, and total
15 compensation of current and former positions; the terms of any contract by which the
16 employee is employed whether written or oral, past and current, to the extent that the
17 authority has the written contract or a record of the oral contract in its possession, and
18 date of the most recent promotion, demotion, transfer, suspension, separation, or other
19 change in position classification. In addition, the following information with respect to
20 each licensed medical provider employed by or having privileges to practice in a public
21 health facility shall be a matter of public record: educational history and qualifications,
22 date and jurisdiction or original and current licensure; and information relating to
23 medical board certifications or other qualifications of medical specialists. For the
24 purposes of this subsection, the term "total compensation" includes pay, benefits,
25 incentives, bonuses, and deferred and all other forms of compensation."

26 **SECTION 6.** G.S. 131E-257.2(b) reads as rewritten:

27 "(b) The following information with respect to each public hospital employee is a
28 matter of public record:

- 29 (1) Name.
- 30 (2) Age.
- 31 (3) Date of original ~~employment~~ employment and the terms of any
32 contract by which the employee is employed whether written or oral,
33 past and current, to the extent that the hospital has the written contract
34 or a record of the oral contract in its possession.
- 35 (4) Current position title, current salary, and the date and amount of the
36 most recent increase or decrease in salary. For the purposes of this
37 subdivision, the term "salary" includes pay, benefits, incentives,
38 bonuses, and deferred and all other forms of compensation.
- 39 (5) Date of the most recent promotion, demotion, transfer, suspension,
40 separation or other change in position classification.
- 41 (6) The office to which the employee is currently assigned.

42 In addition, the following information with respect to each licensed medical provider
43 employed by or having privileges to practice in a public hospital shall be a matter of
44 public record: educational history and qualifications, date and jurisdiction or original

1 and current licensure; and information relating to medical board certifications or other
2 qualifications of medical specialists.

3 The governing board of a public hospital shall determine in what form and by whom
4 this information will be maintained. Any person may have access to this information for
5 the purpose of inspection, examination, and copying, during regular business hours,
6 subject only to such rules and regulations for the safekeeping of public records as the
7 governing board of the public hospital may have adopted. Any person denied access to
8 this information may apply to the appropriate division of the General Court of Justice
9 for an order compelling disclosure, and the court shall have jurisdiction to issue such
10 orders."

11 **SECTION 7.** G.S. 153A-98(b) reads as rewritten:

12 "(b) The following information with respect to each county employee is a matter
13 of public record: name; age; date of original employment or appointment to the county
14 service; the terms of any contract by which the employee is employed whether written
15 or oral, past and current, to the extent that the county has the written contract or a record
16 of the oral contract in its possession; current position title; current salary; date and
17 amount of the most recent increase or decrease in salary; date of the most recent
18 promotion, demotion, transfer, suspension, separation or other change in position
19 classification; and the office to which the employee is currently assigned. For the
20 purposes of this subsection, the term "salary" includes pay, benefits, incentives,
21 bonuses, and deferred and all other forms of compensation. The board of county
22 commissioners shall determine in what form and by whom this information will be
23 maintained. Any person may have access to this information for the purpose of
24 inspection, examination, and copying, during regular business hours, subject only to
25 such rules and regulations for the safekeeping of public records as the board of
26 commissioners may have adopted. Any person denied access to this information may
27 apply to the appropriate division of the General Court of Justice for an order compelling
28 disclosure, and the court shall have jurisdiction to issue such orders."

29 **SECTION 8.** G.S. 160A-168(b) reads as rewritten:

30 "(b) The following information with respect to each city employee is a matter of
31 public record: name; age; date of original employment or appointment to the service;
32 the terms of any contract by which the employee is employed whether written or oral,
33 past and current, to the extent that the city has the written contract or a record of the oral
34 contract in its possession; current position title; current salary; date and amount of the
35 most recent increase or decrease in salary; date of the most recent promotion, demotion,
36 transfer, suspension, separation, or other change in position classification; and the office
37 to which the employee is currently assigned. For the purposes of this subsection, the
38 term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other
39 forms of compensation. The city council shall determine in what form and by whom this
40 information will be maintained. Any person may have access to this information for the
41 purpose of inspection, examination, and copying, during regular business hours, subject
42 only to such rules and regulations for the safekeeping of public records as the city
43 council may have adopted. Any person denied access to this information may apply to

1 the appropriate division of the General Court of Justice for an order compelling
2 disclosure, and the court shall have jurisdiction to issue such orders."

3 **SECTION 9.** G.S. 162A-6.1(b) reads as rewritten:

4 "(b) The following information with respect to each authority employee is a
5 matter of public record: name; age; date of original employment or appointment to the
6 service; the terms of any contract by which the employee is employed whether written
7 or oral, past and current, to the extent that the authority has the written contract or a
8 record of the oral contract in its possession; current position title; current salary; date
9 and amount of the most recent increase or decrease in salary; date of the most recent
10 promotion, demotion, transfer, suspension, separation, or other change in position
11 classification; and the office to which the employee is currently assigned. For the
12 purposes of this subsection, the term "salary" includes pay, benefits, incentives,
13 bonuses, and deferred and all other forms of compensation. The authority shall
14 determine in what form and by whom this information will be maintained. Any person
15 may have access to this information for the purpose of inspection, examination, and
16 copying, during regular business hours, subject only to such rules and regulations for
17 the safekeeping of public records as the authority may have adopted. Any person denied
18 access to this information may apply to the appropriate division of the General Court of
19 Justice for an order compelling disclosure, and the court shall have jurisdiction to issue
20 such orders."

21 **SECTION 10.** This act is effective when it becomes law.