

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 355
Judiciary Committee Substitute Adopted 4/27/21

Short Title: Government Transparency Act of 2021.

(Public)

Sponsors:

Referred to:

March 29, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING
3 ACCESSIBILITY TO PUBLIC PERSONNEL HIRING, FIRING, AND PERFORMANCE
4 RECORDS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 126-23(a) reads as rewritten:

7 "(a) Each department, agency, institution, commission and bureau of the ~~State~~State,
8 including all persons and entities defined in G.S. 116-2, shall maintain a record of each of its
9 employees, showing the following information with respect to each such employee:

- 10 (1) Name.
- 11 (2) Age.
- 12 (3) Date of original employment or appointment to State service.
- 13 (4) The terms of any contract by which the employee is employed whether written
14 or oral, past and current, to the extent that the agency has the written contract
15 or a record of the oral contract in its possession.
- 16 (5) Current position.
- 17 (6) Title.
- 18 (7) Current salary.
- 19 (8) Date and amount of each increase or decrease in salary with that department,
20 agency, institution, commission, or bureau.
- 21 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
22 or other change in position classification with that department, agency,
23 institution, commission, or bureau.
- 24 (10) Date and general description of the reasons for each ~~promotion~~promotion,
25 demotion, dismissal, transfer, suspension, separation, or other change in
26 position classification with that department, agency, institution, commission,
27 or bureau.
- 28 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
29 ~~reasons taken by the department, agency, institution, commission, or bureau.~~
30 If the ~~disciplinary personnel~~ action was a dismissal, a copy of the written
31 notice of the final decision of the head of the department setting forth the
32 specific acts or omissions that are the basis of the dismissal.
- 33 (12) The office or station to which the employee is currently assigned."

34 SECTION 2. G.S. 115C-320(a) reads as rewritten:

35 "(a) Each local board of education shall maintain a record of each of its employees,
36 showing the following information with respect to each employee:



- 1 (1) Name.
- 2 (2) Age.
- 3 (3) Date of original employment or appointment.
- 4 (4) The terms of any contract by which the employee is employed whether written
- 5 or oral, past and current, to the extent that the board has the written contract
- 6 or a record of the oral contract in its possession.
- 7 (5) Current position.
- 8 (6) Title.
- 9 (7) Current salary.
- 10 (8) Date and amount of each increase or decrease in salary with that local board
- 11 of education.
- 12 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 13 or other change in position classification with that local board of education.
- 14 (10) Date and general description of the reasons for each ~~promotion~~promotion,
- 15 demotion, dismissal, transfer, suspension, separation, or other change in
- 16 position classification with that local board of education.
- 17 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~
- 18 ~~reasons taken by the local board of education. If the disciplinary personnel~~
- 19 ~~action was a dismissal, a copy of the written notice of the final decision of the~~
- 20 ~~local board education setting forth the specific acts or omissions that are the~~
- 21 ~~basis of the dismissal.~~
- 22 (12) The office or station to which the employee is currently assigned."

SECTION 3. G.S. 115D-28(a) reads as rewritten:

"(a) Each board of trustees shall maintain a record of each of its employees, showing the following information with respect to each employee:

- 26 (1) Name.
- 27 (2) Age.
- 28 (3) Date of original employment or appointment.
- 29 (4) The terms of any contract by which the employee is employed whether written
- 30 or oral, past and current, to the extent that the board has the written contract
- 31 or a record of the oral contract in its possession.
- 32 (5) Current position.
- 33 (6) Title.
- 34 (7) Current salary.
- 35 (8) Date and amount of each increase or decrease in salary with that community
- 36 college.
- 37 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 38 or other change in position classification with that community college.
- 39 (10) Date and general description of the reasons for each ~~promotion~~promotion,
- 40 demotion, dismissal, transfer, suspension, separation, or other change in
- 41 position classification with that community college.
- 42 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~
- 43 ~~reasons taken by the community college. If the disciplinary personnel action~~
- 44 ~~was a dismissal, a copy of the written notice of the final decision of the board~~
- 45 ~~of trustees setting forth the specific acts or omissions that are the basis of the~~
- 46 ~~dismissal.~~
- 47 (12) The office or station to which the employee is currently assigned."

SECTION 4. G.S. 122C-158(b) reads as rewritten:

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

- 50 (1) Name.
- 51 (2) Age.

- 1 (3) Date of original employment or appointment to the area authority.
 2 (4) The terms of any contract by which the employee is employed whether written
 3 or oral, past and current, to the extent that the agency has the written contract
 4 or a record of the oral contract in its possession.
 5 (5) Current position.
 6 (6) Title.
 7 (7) Current salary.
 8 (8) Date and amount of each increase or decrease in salary with that area
 9 authority.
 10 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
 11 or other change in position classification with that area authority.
 12 (10) Date and general description of the reasons for each ~~promotion~~promotion,
 13 demotion, dismissal, transfer, suspension, separation, or other change in
 14 position classification with that area authority.
 15 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
 16 ~~reasons taken by the area authority.~~ If the ~~disciplinary personnel~~ action was a
 17 dismissal, a copy of the written notice of the final decision of the area authority
 18 setting forth the specific acts or omissions that are the basis of the dismissal.
 19 (12) The office to which the employee is currently assigned."

20 **SECTION 5.** G.S. 153A-98 reads as rewritten:

21 "**§ 153A-98. Privacy of employee personnel records.**

22 (a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act
 23 concerning access to public records, personnel files of employees, former employees, or
 24 applicants for employment maintained by a county are subject to inspection and may be disclosed
 25 only as provided by this section. For purposes of this section, an employee's personnel file
 26 consists of any information in any form gathered by the county with respect to that employee
 27 and, by way of illustration but not limitation, relating to his application, selection or nonselection,
 28 performance, promotions, demotions, transfers, suspension and other disciplinary actions,
 29 evaluation forms, leave, salary, and termination of employment. As used in this section,
 30 "employee" includes employees of county officers and former employees of the county
 31 or county officers.

32 (b) The following information with respect to each county employee is a matter of public
 33 record:

- 34 (1) Name.
 35 (2) Age.
 36 (3) Date of original employment or appointment to the county service.
 37 (4) The terms of any contract by which the employee is employed whether written
 38 or oral, past and current, to the extent that the county has the written contract
 39 or a record of the oral contract in its possession.
 40 (5) Current position.
 41 (6) Title.
 42 (7) Current salary.
 43 (8) Date and amount of each increase or decrease in salary with that county.
 44 (9) Date and type of each promotion, demotion, transfer, suspension, separation
 45 or other change in position classification with that county.
 46 (10) Date and general description of the reasons for each ~~promotion~~promotion,
 47 demotion, dismissal, transfer, suspension, separation, or other change in
 48 position classification with that county.
 49 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
 50 ~~reasons taken by the county.~~ If the ~~disciplinary personnel~~ action was a

- 1 dismissal, a copy of the written notice of the final decision of the county
 2 setting forth the specific acts or omissions that are the basis of the dismissal.
 3 (12) The office to which the employee is currently assigned.
 4"
 5 **SECTION 6.** G.S. 160A-168(b) reads as rewritten:
 6 "(b) The following information with respect to each city employee is a matter of public
 7 record:
 8 (1) Name.
 9 (2) Age.
 10 (3) Date of original employment or appointment to the service.
 11 (4) The terms of any contract by which the employee is employed whether written
 12 or oral, past and current, to the extent that the city has the written contract or
 13 a record of the oral contract in its possession.
 14 (5) Current position.
 15 (6) Title.
 16 (7) Current salary.
 17 (8) Date and amount of each increase or decrease in salary with that municipality.
 18 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
 19 or other change in position classification with that municipality.
 20 (10) Date and general description of the reasons for each ~~promotion~~promotion,
 21 demotion, dismissal, transfer, suspension, separation, or other change in
 22 position classification with that municipality.
 23 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~
 24 ~~reasons taken by the municipality. If the disciplinary personnel action was a~~
 25 ~~dismissal, a copy of the written notice of the final decision of the municipality~~
 26 ~~setting forth the specific acts or omissions that are the basis of the dismissal.~~
 27 (12) The office to which the employee is currently assigned."
 28 **SECTION 7.** G.S. 162A-6.1(b) reads as rewritten:
 29 "(b) The following information with respect to each authority employee is a matter of
 30 public record:
 31 (1) Name.
 32 (2) Age.
 33 (3) Date of original employment or appointment to the service.
 34 (4) The terms of any contract by which the employee is employed whether written
 35 or oral, past and current, to the extent that the authority has the written contract
 36 or a record of the oral contract in its possession.
 37 (5) Current position.
 38 (6) Title.
 39 (7) Current salary.
 40 (8) Date and amount of each increase or decrease in salary with that authority.
 41 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
 42 or other change in position classification with that authority.
 43 (10) Date and general description of the reasons for each ~~promotion~~promotion,
 44 demotion, dismissal, transfer, suspension, separation, or other change in
 45 position classification with that authority.
 46 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~
 47 ~~reasons taken by the authority. If the disciplinary personnel action was a~~
 48 ~~dismissal, a copy of the written notice of the final decision of the authority~~
 49 ~~setting forth the specific acts or omissions that are the basis of the dismissal.~~
 50 (12) The office to which the employee is currently assigned."
 51 **SECTION 7.5.** G.S. 131E-257.2(b) reads as rewritten:

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

3 (1) Name.

4 (2) Age.

5 (3) Date of original employment.

6 (4) Current position title.

7 (5) Date of the most recent and general description of the reasons for each
8 promotion, demotion, dismissal, transfer, suspension, ~~separation~~-separation,
9 or other change in position classification.

10 (6) The office to which the employee is currently assigned.

11 In addition, the following information with respect to each licensed medical provider
12 employed by or having privileges to practice in a public hospital shall be a matter of public
13 record: educational history and qualifications, date and jurisdiction or original and current
14 licensure; and information relating to medical board certifications or other qualifications of
15 medical specialists."

16 **SECTION 8.** This act becomes effective December 1, 2021.