

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**1**

HOUSE BILL 1989

Short Title: EEO Enforcement/Funds.

(Public)

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Sponsors: Representatives Fitch; and Kennedy.

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Referred to: Public Employees.

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June 2, 1994

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO STRENGTHEN THE EQUAL  
2 EMPLOYMENT OPPORTUNITY RESEARCH, EVALUATION, AND  
3 OVERSIGHT FUNCTION OF THE OFFICE OF STATE PERSONNEL AND TO  
4 ENFORCE THE STATE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. There is appropriated from the General Fund to the Office of State  
8 Personnel, Department of Administration, for the Equal Opportunity Services Division,  
9 the sum of one hundred thirty-one thousand three hundred thirty-one dollars (\$131,331)  
10 for the 1994-95 fiscal year to be used for research, evaluation, and oversight relative to  
11 the overall effectiveness of State policies, procedures, programs, and practices  
12 pertaining to equal employment opportunities in State government, including:

- 13 (1) The development by the Equal Opportunity Services Division of  
14 appropriate research methods and measures to evaluate biannually the  
15 condition and status of equal employment opportunity efforts by State  
16 agencies, departments, and institutions, and by The University of  
17 North Carolina. The Office of State Personnel shall measure the  
18 effectiveness of equal employment opportunity efforts in reference to  
19 the fair, consistent, and impartial administration of policies,  
20 procedures, programs, and practices relating to all of the terms and  
21 conditions of employment of State employees, including employees  
22 subject to the State Personnel Act and employees exempt from the Act.  
23 (2) The development of standards and guidelines for the evaluation of the  
24 policies, systems, practices, and procedures of each State agency,

1 department, and institution, and The University of North Carolina, in  
2 order to determine whether the policies, systems, practices, and  
3 procedures are implemented in a nondiscriminatory manner and  
4 designed to attract, retain, develop, and promote a diverse workforce at  
5 all occupational levels representative of North Carolina's citizens.

6 (3) The development of criteria for the evaluation of the equal  
7 employment opportunity policies and practices of the judicial branch  
8 or of the Legislative Services Office upon request of the respective  
9 branch.

10 (4) The funding of staff positions for providing additional support  
11 resources for the equal employment opportunity evaluation function of  
12 the Office of State Personnel, including the preparation of evaluation  
13 reports of the equal employment opportunity progress and status of  
14 each State department, agency, and institution, and The University of  
15 North Carolina.

16 Sec. 2. Article 6 of Chapter 126 of the General Statutes is amended by  
17 adding a new section to read:

18 **"§ 126-19.1. Equal employment opportunity enforcement.**

19 (a) Each member of the Council of State under G.S. 143A-11, each of the  
20 principal departments enumerated in G.S. 143B-6, and The University of North  
21 Carolina, shall:

22 (1) Cooperate in equal employment opportunity research and evaluations  
23 conducted by the Office of State Personnel.

24 (2) Comply with equal employment opportunity standards and guidelines  
25 developed by the Office of State Personnel.

26 (b) If any State agency, department, or institution, or The University of North  
27 Carolina fails to cooperate or comply with the equal employment opportunity standards  
28 and guidelines of the Office of State Personnel, then upon receipt of a written statement  
29 of noncooperation or noncompliance certified by the State Personnel Director, the head  
30 of the State agency, department, or institution, or The University of North Carolina shall  
31 not distribute any cost-of-living adjustments or performance bonuses to eligible  
32 employees subject to G.S. 126-7 until such time as the State Personnel Director  
33 authorizes distribution.

34 (c) **Effective until January 1, 1995.** If the head of any State agency,  
35 department, or institution, or The University of North Carolina, fails to comply with  
36 subsection (b) of this section then he or she shall be subject to penalty of two hundred  
37 fifty dollars (\$250.00), to be recovered in an action instituted either in Wake County  
38 Superior Court, or any other county, by the Attorney General for the use of the State of  
39 North Carolina, and the failure to comply with this section shall also constitute a  
40 misdemeanor, punishable by a fine, imprisonment, or both, in the discretion of the court.  
41 If the offender be not an officer elected by vote of the people, such offense shall be  
42 sufficient cause for removal from office or dismissal from employment by the Governor  
43 upon 30 days' notice in writing to such offender.

1       (c) **Effective January 1, 1995.** If the head of any State agency, department, or  
2 institution, or The University of North Carolina, fails to comply with subsection (b) of  
3 this section then he or she shall be subject to penalty of two hundred fifty dollars  
4 (\$250.00), to be recovered in an action instituted either in Wake County Superior Court,  
5 or any other county, by the Attorney General for the use of the State of North Carolina,  
6 and the failure to comply with this section shall also constitute a Class 1 misdemeanor.  
7 If the offender be not an officer elected by vote of the people, such offense shall be  
8 sufficient cause for removal from office or dismissal from employment by the Governor  
9 upon 30 days' notice in writing to such offender."

10               Sec. 3. This act becomes effective July 1, 1994.