

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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**HOUSE BILL 2762**  
**Senate Appropriations/Base Budget Committee Substitute Adopted 7/19/06**

Short Title: DCR Employees/Personnel Act.

(Public)

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Sponsors:

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Referred to:

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May 30, 2006

A BILL TO BE ENTITLED

1  
2 AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE  
3 EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S.  
4 NORTH CAROLINA BATTLESHIP COMMISSION AND RELATING TO  
5 COVERAGE UNDER THE STATE PERSONNEL ACT OF CERTAIN  
6 EMPLOYEES OF THE DEPARTMENT OF CULTURAL RESOURCES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 143B-74.2 reads as rewritten:

9 "**§ 143B-74.2. U.S.S. North Carolina Battleship Commission – employees.**

10 The Department of Cultural Resources is hereby authorized to hire laborers, artisans,  
11 caretakers, stenographic and administrative employees, and other personnel, in  
12 accordance with the provisions of the State Personnel Act, as may be necessary in  
13 carrying out the purposes and provisions of this Article, and to maintain the ship in a  
14 clean, neat, and attractive condition satisfactory for exhibition to the public. The  
15 Commission shall appoint and fix the salary of an Executive Director and Assistant  
16 Director to serve at its pleasure. Employees shall be residents of the State of North  
17 Carolina except as may, in emergency conditions, be necessary for the procurement of  
18 specially trained or specially skilled employees. Any materials used for any purpose in  
19 maintaining and operating the ship for the purposes of this Article shall be, insofar as  
20 practicable, North Carolina materials."

21 **SECTION 2.** G.S. 126-5(c1) is amended by adding a new subdivision to  
22 read:

23 "(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions  
24 of this Chapter shall not apply to:

25 ...

26 (26) The Executive Director and the Assistant Director of the U.S.S. North  
27 Carolina Battleship Commission."

28 **SECTION 3.** Chapter 143B of the General Statutes is amended by adding a  
29 new section to read:

1 "§ 143B-54. Salaries, promotions, and leave of employees of the North Carolina  
2 Department of Cultural Resources.

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

10 (b) The following employees of the Department of Cultural Resources are  
11 exempt as provided in subsection (c) of this section:

- 12 (1) Director and Associate Directors of the North Carolina Museum of  
13 History.
- 14 (2) Program Chiefs and Curators.
- 15 (3) Regional History Museum Administrators and Curators.
- 16 (4) North Carolina Symphony.
- 17 (5) Director, Associate Directors, and Curators of Tryon Palace.
- 18 (6) Director, Associate Directors, and Curators of Transportation  
19 Museum.
- 20 (7) Director and Associate Directors of the North Carolina Arts Council.
- 21 (8) Director, Assistant Directors, and Curators of the Division of State  
22 Historic Sites.

23 (c) The exemptions authorized by subsection (a) of this section and enumerated  
24 in subsection (b) of this section shall be used to develop organizational classification  
25 and compensation innovations that will result in the enhanced efficiency of operations.  
26 The Office of State Personnel shall assist the Secretary of the Department of Cultural  
27 Resources in the development and implementation of an organizational structure and  
28 human resources programs that make the most appropriate use of the exemptions,  
29 including (i) a system of job categories or descriptions tailored to the agency's needs;  
30 (ii) policies regarding paid time off for agency personnel and the voluntary sharing of  
31 such time off; and (iii) a system of uniform performance assessments for agency  
32 personnel tailored to the agency's needs. The Secretary of the Department of Cultural  
33 Resources may, under the supervision of the Office of State Personnel, develop and  
34 implement organizational classification and compensation innovations having the  
35 potential to benefit all State agencies."

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