

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 403
Committee Substitute Favorable 5/4/07

Short Title: Consultation Required for SPA Class. Changes.

(Public)

Sponsors:

Referred to:

February 28, 2007

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3 A BILL TO BE ENTITLED
4 AN ACT REQUIRING CONSULTATION WITH THE GENERAL ASSEMBLY
5 BEFORE ADOPTION OF CLASSIFICATION AND PAY SYSTEMS BY THE
6 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.

9 Subject to the approval of the Governor, and with respect to subdivisions (1) and (2)
10 of this section, as it pertains to career-banding, shall be subject to consultation with the
11 General Assembly, the State Personnel Commission shall establish policies and rules
12 governing each of the following:

- 13 (1) Position classification plans which shall provide for the classification
14 and reclassification of all positions subject to this Chapter according to
15 the duties and responsibilities of the positions.
- 16 (2) Compensation plans which shall provide for minimum, maximum, and
17 intermediate rates of pay for all employees subject to the provisions of
18 this Chapter.
- 19 (3) For each class of positions, reasonable qualifications as to education,
20 experience, specialized training, licenses, certifications, and other
21 job-related requirements pertinent to the work to be performed.
- 22 (4) Recruitment programs designed to promote public employment,
23 communicate current hiring activities within State government, and
24 attract a sufficient flow of internal and external applicants; and
25 determine the relative fitness of applicants for the respective positions.
- 26 (5) Hours and days of work, holidays, vacation, sick leave, and other
27 matters pertaining to the conditions of employment. The legal public
28 holidays established by the Commission as paid holidays for State
29 employees shall include Martin Luther King, Jr.'s Birthday and

1 Veterans Day. The Commission shall not provide for more than 11
2 paid holidays per year except that in those years in which Christmas
3 Day falls on a Tuesday, Wednesday, or Thursday, the Commission
4 shall not provide for more than 12 paid holidays.

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

16 (6) The appointment, promotion, transfer, demotion and suspension of
17 employees.

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

26 (7a) The separation of employees.

27 (8) A program of meritorious service awards.

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

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

40 (11) In cases where the Commission finds discrimination, harassment, or
41 orders reinstatement or back pay whether (i) heard by the Commission
42 or (ii) appealed for limited review after settlement or (iii) resolved at
43 the agency level, the assessment of reasonable attorneys' fees and
44 witnesses' fees against the State agency involved.

- 1 (12) Repealed by Session Laws 1987, c. 320, s. 2.
2 (13) Repealed by Session Laws 1987, c. 320, s. 3.
3 (14) The implementation of G.S. 126-5(e).
4 (15) Recognition of State employees, public personnel management, and
5 management excellence.
6 (16) The implementation of G.S. 126-7.
7 (17) An alternative dispute resolution procedure.
8 (18) Delegation of authority for approval of personnel actions through
9 decentralization agreements with the heads of State agencies,
10 departments, and institutions.
11 a. Decentralization agreements with Executive Branch agencies
12 shall require a person, designated in the agency, to be
13 accountable to the State Personnel Director for the compliance
14 of all personnel actions taken pursuant to the delegated
15 authority of the agency. Such agreements shall specify the
16 required rules and standards for agency personnel
17 administration.
18 b. The State Personnel Director shall have the authority to take
19 appropriate corrective actions including adjusting employee
20 salaries and changing employee classifications that are not in
21 compliance with policy or standards and to suspend
22 decentralization agreements for agency noncompliance with the
23 required personnel administration standards.

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

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