

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1014

Short Title: St. Emp./Christmas Holiday.

(Public)

Sponsors: Representatives Fitch; Beall, N.J. Crawford, Greenwood, Hardaway, Hensley, H. Hunter, Justus, and Nesbitt.

Referred to: Public Employees.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE TRADITIONAL CHRISTMAS HOLIDAY SCHEDULE TO STATE EMPLOYEES.

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.

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

- (1) A position classification plan which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.
- (2) A compensation plan which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this Chapter.
- (3) For each class of positions, reasonable qualifications, as to age, character, physical condition, and other attributes pertinent to the work to be performed.
- (4) A recruitment program to attract applicants to public employment and determine the relative fitness of applicants for the respective positions.
- (5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment. The legal public holidays established by the Commission as paid holidays for State employees shall include Martin Luther King, Jr.'s, ~~Birth~~day for all years

1 ~~after 1987. Birthday and Veterans Day. Provided, however, that the~~
2 ~~Commission shall not provide for a greater number of total paid holidays~~
3 ~~than were established for the year 1986. The Commission shall not delete~~
4 ~~Veterans Day as a holiday. more than 12 paid holidays per year.~~

- 5 (6) The appointment, promotion, transfer, demotion and suspension.
6 (7) Cooperation with the Department of Public Instruction, the State
7 Board of Education, the Board of Governors of the University of North
8 Carolina, and the colleges and universities of the State in developing
9 pre-service and in-service training programs.
10 (7a) The separation of employees.
11 (8) The evaluation of employee performance, the granting of salary
12 increments, and a program of meritorious ~~seriee~~ service awards.
13 (9) The investigation of complaints and the issuing of such binding
14 corrective orders or such other appropriate action concerning
15 employment, promotion, demotion, transfer, discharge, and
16 reinstatement in all cases as the Commission shall find justified.
17 (10) Such other programs and procedures as may be necessary to promote
18 efficiency of administration and provide for a fair and reasonable
19 system of personnel administration. This subdivision may not be
20 construed to authorize the establishment of an incentive pay program.
21 (11) In cases where the Commission finds discrimination or orders
22 reinstatement or back pay whether (i) heard by the Commission or (ii)
23 appealed for limited review after settlement or (iii) resolved at the
24 agency level, the assessment of reasonable attorneys' fees and
25 witnesses' fees against the State agency involved.
26 (12) Repealed by Session Laws 1987, c. 320, s. 2.
27 (13) Repealed by Session Laws 1987, c. 320, s. 3.
28 (14) The implementation of G.S. 126-5(e).
29 (15) Recognition of State employees, public personnel management, and
30 management excellence.

31 Such policies and rules shall not limit the power of any elected or appointed
32 department head, in his discretion and upon his determination that it is in the best
33 interest of the Department, to transfer, demote, or separate a State

- 34 (1) Employee in a grade 60 or lower position who has not been
35 continuously employed by the State of North Carolina for the
36 immediate 12 preceding months;
37 (2) Employee in a grade 61 to grade 65 position who has not been
38 continuously employed by the State of North Carolina for the
39 immediate 36 preceding months;
40 (3) Employee in a grade 66 to grade 70 position who has not been
41 continuously employed by the State of North Carolina for the
42 immediate 48 preceding months; or

- 1 (4) Employee in a grade 71 or higher position who has not been
2 continuously employed by the State of North Carolina for the
3 immediate 60 preceding months."
4 Sec. 2. This act is effective upon ratification.