

1 Section 1. G.S. 126-5(c1)(10) is repealed.

2 Sec. 2. G.S. 126-5(c2) reads as rewritten:

3 "(c2) The provisions of this Chapter shall not apply to:

4 (1) Public school superintendents, principals, teachers, and other public
5 school employees.

6 (2) Recodified as G.S. 126-5(c)(4) by Session Laws 1985 (Reg. Sess.,
7 1986), c. 1014, s. 41.

8 (3) Employees of community colleges whose salaries are fixed in
9 accordance with the provisions of G.S. 115D-5 and G.S. 115D-20."

10 Sec. 3. Chapter 115D of the General Statutes is amended by adding a new
11 Article 2A as follows:

12 **"ARTICLE 2A.**

13 **"PRIVACY OF EMPLOYEE PERSONNEL RECORDS.**

14 **"§ 115D-27. Personnel files not subject to inspection.**

15 Personnel files of employees of boards of trustees, former employees of boards of
16 trustees, or applicants for employment with boards of trustees shall not be subject to
17 inspection and examination as authorized by G.S. 132-6. For purposes of this Article, a
18 personnel file consists of any information gathered by the board of trustees which
19 employs an individual, previously employed an individual, or considered an individual's
20 application for employment, and which information relates to the individual's
21 application, selection or nonselection, promotion, demotion, transfer, leave, salary,
22 suspension, performance evaluation, disciplinary action, or termination of employment
23 wherever located or in whatever form.

24 **"§ 115D-28. Certain records open to inspection.**

25 Each board of trustees shall maintain a record of each of its employees, showing the
26 following information with respect to each employee: name, age, date of original
27 employment or appointment, current position, title, current salary, date and amount of
28 most recent increase or decrease in salary, date of most recent promotion, demotion,
29 transfer, suspension, separation, or other change in position classification, and the office
30 or station to which the employee is currently assigned. Subject only to rules and
31 regulations for the safekeeping of records adopted by the board of trustees, every person
32 having custody of the records shall permit them to be inspected and examined and
33 copies made by any person during regular business hours. Any person who is denied
34 access to any record for the purpose of inspecting, examining or copying the record
35 shall have a right to compel compliance with the provisions of this section by
36 application to a court of competent jurisdiction for a writ of mandamus or other
37 appropriate relief.

38 **"§ 115D-29. Confidential information in personnel files; access to information.**

39 All information contained in a personnel file, except as otherwise provided in this
40 Article, is confidential and shall not be open for inspection and examination except to
41 the following persons:

42 (1) The employee, applicant for employment, former employee, or his
43 properly authorized agent, who may examine his own personnel file at

1 all reasonable times in its entirety except for letters of reference
2 solicited prior to employment;

3 (2) The president and other supervisory personnel;

4 (3) Members of the board of trustees and the board's attorney;

5 (4) A party by authority of a subpoena or proper court order may inspect
6 and examine a particular confidential portion of an employee's
7 personnel file; and

8 (5) An official of an agency of the federal government, State government
9 or any political subdivision thereof. Such an official may inspect any
10 personnel records when such inspection is deemed by the college of
11 the employee, applicant, or former employee whose record is to be
12 inspected as necessary and essential to the pursuance of a proper
13 function of said agency; provided, however, that such information
14 shall not be divulged for purposes of assisting in a criminal
15 prosecution, nor for purposes of assisting in a tax investigation.

16 Notwithstanding any other provision of this Article, any president may, in his
17 discretion, or shall at the direction of the board of trustees, inform any person or
18 corporation of any promotion, demotion, suspension, reinstatement, transfer, separation,
19 dismissal, employment or nonemployment of any applicant, employee or former
20 employee employed by or assigned to the board of trustees or whose personnel file is
21 maintained by the board and the reasons therefor and may allow the personnel file of the
22 person or any portion to be inspected and examined by any person or corporation
23 provided that the board has determined that the release of the information or the
24 inspection and examination of the file or any portion is essential to maintaining the
25 integrity of the board or to maintaining the level or quality of services provided by the
26 board; provided, that prior to releasing the information or making the file or any portion
27 available as provided herein, the president shall prepare a memorandum setting forth the
28 circumstances which he and the board deem to require the disclosure and the
29 information to be disclosed. The memorandum shall be retained in the files of the
30 president and shall be a public record.

31 **"§ 115D-30. Remedy of employee objecting to material in file.**

32 An employee, former employee or applicant for employment who objects to material
33 in his file may place in his file a statement relating to the materials he considers to be
34 inaccurate or misleading. An employee, former employee or applicant for employment
35 who objects to material in his file because he considers it inaccurate or misleading, and
36 the material has not been placed there in connection with a grievance procedure
37 established by the board of trustees, may seek the removal of such material from the file
38 through grievance procedures to be established by each board of trustees."

39 Sec. 4. G.S. 115D-77 reads as rewritten:

40 **"§ 115D-77. Nondiscrimination policy.**

41 It is the policy of the State Board of Community Colleges and of local boards of
42 trustees of the State of North Carolina not to discriminate among students on the basis
43 of race, gender or national origin.

1 ~~In the employment of professional and all other personnel for institutions operating~~
2 ~~pursuant to this Chapter, neither the State Board of Community Colleges nor local~~
3 ~~boards of trustees shall discriminate on the basis of race, gender or national origin.~~

4 The State Board and each board of trustees shall give equal opportunity for
5 employment and compensation of personnel at community colleges, without regard to
6 race, religion, color, creed, national origin, sex, age, or handicapping conditions, except
7 where specific age, sex or physical or mental requirements constitute bona fide
8 occupational qualifications."

9 Sec. 5. This act is effective upon ratification.