

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 70
Committee Substitute Favorable 4/22/91

Short Title: Military Pay Supplement.

(Public)

Sponsors:

Referred to:

February 14, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE SUPPLEMENTAL PAY TO STATE AGENCY EMPLOYEES, UNIVERSITY EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE INSTITUTIONAL EMPLOYEES WHO HAVE BEEN ORDERED TO ACTIVE DUTY AS A RESULT OF THE PERSIAN GULF WAR.

The General Assembly of North Carolina enacts:

Section 1. (a) Notwithstanding any other provision of law:

(1) Any employee of a State department, agency, institution, board, or commission; or

(2) Any employee of a local public school administrative unit or a local community college or technical institute or college,

paid in whole or in part from State funds, who has been ordered to active military duty and, as a result, has served in active military service pursuant to the Persian Gulf War shall receive supplemental pay as provided in this section when such employee is on leave without pay for military service from his employing agency. Subject to the limitations set forth in subsection (c) of this section, the amount of supplemental pay shall be the actual difference between the employee's monthly rate of pay on a State salary schedule and the employee's monthly amount of active military duty pay.

(b) For purposes of this act:

(1) The employee's monthly rate of State pay includes base rates, authorized premium rates, and longevity rates at the time of entry into active military service; and

1 (2) The employee's monthly amount of active military duty pay includes
2 base rates, exceptional duty rates, and allowances for quarters and
3 subsistence.

4 (c) The amount of supplemental pay for each employee shall not exceed two
5 hundred twenty-five dollars (\$225.00) per month. No supplemental pay shall be paid
6 when:

7 (1) The employee's monthly rate of pay on a State salary schedule is less
8 than the monthly amount of active military duty pay; or

9 (2) An employer provides any nonsalary compensation to the employee
10 while such employee is on leave without pay for military service.

11 Supplemental pay shall not be subject to any payroll-related employer contributions for
12 benefits provided by the State.

13 (d) The supplemental pay shall be payable by the employee's employing agency
14 from the first day of the month following his entry into active military service, when the
15 employee is on leave without pay for military service. It shall be payable through the
16 end of the month in which an employee's active military service ended.

17 Sec. 2. Notwithstanding any other provision of law: the State Personnel
18 Commission shall develop temporary rules for the payment of the supplement for State
19 agency employees not otherwise specified by this section; the Administrative Officer of
20 the Courts shall develop temporary rules for the payment of the supplement for
21 employees and officers of the courts and Administrative Office of the Courts; the
22 Legislative Services Commission shall develop temporary policies for the payment of
23 the supplement for employees and officers of the General Assembly; the Board of
24 Governors of The University of North Carolina shall develop temporary policies for the
25 payment of the supplement for administrators and faculty of constituent institutions who
26 are exempt from Chapter 126 of the General Statutes; the State Board of Education shall
27 develop temporary rules for the payment of the supplement for employees of local
28 public school administrative units, and the State Board of Community Colleges shall
29 develop temporary policies for the payment of the supplement for institutional
30 employees of the community colleges and technical institutes or colleges.

31 Sec. 3. The costs to implement the provisions of this act for fiscal year 1990-
32 91 shall be funded from appropriations made by Chapter 1066 of the 1989 Session
33 Laws. There is appropriated from the General Fund the sum of \$170,000 to a Reserve
34 for Employee Military Pay Continuation for fiscal year 1991-92 to implement the
35 provisions of this act. There is appropriated from the Highway Fund the sum of
36 \$40,000 to the Reserve for fiscal year 1991-92 to implement the provisions of this act.

37 Sec. 4. This act is effective upon ratification and applies retroactively from
38 August 1, 1990, through December 31, 1991.