

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 429  
House Committee Substitute Favorable 5/29/97

Short Title: Charlotte Civil Service Board.

(Local)

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Sponsors:

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Referred to:

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March 19, 1997

A BILL TO BE ENTITLED

1 AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND  
2 PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE  
3 BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE  
4 LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF  
5 DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. The first six sentences of Section 4.61 of the Charter of the City of  
9 Charlotte, being Chapter 713 of the 1965 Session Laws, as rewritten by Chapter 623 of  
10 the 1995 Session Laws, reads as rewritten:

11 "Sec. 4.61. There is hereby continued a Civil Service Board for the City of Charlotte,  
12 to consist of five ~~members,~~ members and two alternates; three members and one alternate  
13 to be appointed by the City Council and two members and one alternate to be appointed  
14 by the Mayor. Each member shall serve for a term of three (3) years. In case of a vacancy  
15 on the Board, the City Council or the Mayor, as the case may be, shall fill such vacancy  
16 for the unexpired term of said member. For the purposes of establishing a quorum of the  
17 Board, any combination of Board members and alternates totaling three shall constitute a  
18 quorum. All board members and alternates shall attend regular meetings for the purposes  
19 of meeting attendance policy and familiarity with Board business and procedures.

1 Alternates shall attend hearings when needed due to scheduling conflicts of regular Board  
2 members and shall vote only when serving in the absence of a regular Board member.  
3 Attendance at meetings and continued service on the Board shall be governed by the  
4 attendance policies established by the City Council. Vacancies resulting from a member's  
5 failure to attend the required number of meetings or hearings shall be filled as provided  
6 herein."

7 Section 2. Section 4.61(7)c. of the Charter of the City of Charlotte, being  
8 Chapter 713 of the 1965 Session Laws, as enacted by Chapter 449 of the 1979 Session  
9 Laws, reads as rewritten:

10 "c. Appeal hearings. Upon receipt of a citation for termination from either Chief or  
11 upon receipt of notice of appeal for a suspension from any Civil Service covered police  
12 officer or employee of the Fire or Police Department, or firefighter, the Board shall hold a  
13 hearing not less than 15 days nor more than 30 days from the date the notice of appeal, or  
14 the citation, is received by the Board, and shall promptly notify the officer of the hearing  
15 date. Termination hearings shall be held with a panel of five made up of any combination  
16 of available members or alternates, and suspension hearings shall be held with a panel of  
17 three made up of any combination of available members or alternates. In the event an  
18 officer desires a hearing at a date other than that set by the Board within the period set  
19 forth above, such officer may file a written request for a change of hearing date setting  
20 forth the reasons for such request, and the Chairman of the Board is empowered to  
21 approve or disapprove such request; provided, that such request must be received by the  
22 Board at least seven days prior to the date set for the hearing. For good cause, the  
23 Chairman of the Board may set a hearing date other than within the period set forth  
24 above, or may continue the hearing from time to time."

25 Section 3. G.S. 160A-168(c) reads as rewritten:

26 "(c) All information contained in a city employee's personnel file, other than the  
27 information made public by subsection (b) of this section, is confidential and shall be  
28 open to inspection only in the following instances:

- 29 (1) The employee or his duly authorized agent may examine all portions of  
30 his personnel file except (i) letters of reference solicited prior to  
31 employment, and (ii) information concerning a medical disability,  
32 mental or physical, that a prudent physician would not divulge to his  
33 patient.
- 34 (2) A licensed physician designated in writing by the employee may  
35 examine the employee's medical record.
- 36 (3) A city employee having supervisory authority over the employee may  
37 examine all material in the employee's personnel file.
- 38 (4) By order of a court of competent jurisdiction, any person may examine  
39 such portion of an employee's personnel file as may be ordered by the  
40 court.
- 41 (5) An official of an agency of the State or federal government, or any  
42 political subdivision of the State, may inspect any portion of a personnel  
43 file when such inspection is deemed by the official having custody of

1 such records to be inspected to be necessary and essential to the  
2 pursuance of a proper function of the inspecting agency, but no  
3 information shall be divulged for the purpose of assisting in a criminal  
4 prosecution (of the employee), or for the purpose of assisting in an  
5 investigation of (the employee's) tax liability. However, the official  
6 having custody of such records may release the name, address, and  
7 telephone number from a personnel file for the purpose of assisting in a  
8 criminal investigation.

9 (6) An employee may sign a written release, to be placed with his personnel  
10 file, that permits the person with custody of the file to provide, either in  
11 person, by telephone, or by mail, information specified in the release to  
12 prospective employers, educational institutions, or other persons  
13 specified in the release.

14 (7) The city manager, with concurrence of the council, or, in cities not  
15 having a manager, the council may inform any person of the  
16 employment or nonemployment, promotion, demotion, suspension or  
17 other disciplinary action, reinstatement, transfer, or termination of a city  
18 employee and the reasons for that personnel action. Before releasing  
19 the information, the manager or council shall determine in writing that  
20 the release is essential to maintaining public confidence in the  
21 administration of city services or to maintaining the level and quality of  
22 city services. This written determination shall be retained in the office  
23 of the manager or the city clerk, and is a record available for public  
24 inspection and shall become part of the employee's personnel file.

25 (8) In order to facilitate citizen review of the police disciplinary process, the  
26 city manager or the chief of police, or their designees, may release the  
27 disposition of disciplinary charges against a police officer and the facts  
28 relied upon in determining the disposition to the person alleged to have  
29 been aggrieved by the officer's actions or to that person's survivor and to  
30 members of the citizens' review board. For purposes of this subdivision,  
31 the 'disposition of disciplinary charges' includes determinations that the  
32 charges are sustained, not sustained, unfounded, or exonerated, as well  
33 as the information file. In the event that the citizens' review board hears  
34 an appeal of a police disciplinary case, the disposition of the case, as  
35 defined in this subdivision, as well as the facts and circumstances of the  
36 case, may be released by the city manager or the chief of police, or their  
37 designees, to any person whose presence is necessary to the appeals  
38 hearing as determined by the chief of police or his designee.

39 (9) That portion of a video or audio tape produced by a mobile video  
40 recorder (MVR) in a police department vehicle which recorded an event  
41 resulting in a citizen complaint against a police officer may be reviewed  
42 by the person alleged to have been aggrieved by the officer's actions."

43 Section 4. This act applies only to the City of Charlotte.

1           Section 5. This act is effective when it becomes law.