

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 861

Short Title: Review State Government/UNC Employment. (Public)

Sponsors: Representatives Earle, Wainwright (Primary Sponsors); Adams, Alexander, B. Allen, Bell, Carney, Cunningham, Farmer-Butterfield, Hunter, Insko, Jones, Lucas, Luebke, McAllister, Michaux, Miller, Womble, and Wright.

Referred to: State Government, if favorable, Rules, Calendar, and Operations of the House.

April 7, 2003

A BILL TO BE ENTITLED
AN ACT PROVIDING FOR THE REVIEW OF DISPARITIES IN HIRING,
COMPENSATION, ADVANCEMENT, AND RETENTION ACROSS
DEMOGRAPHIC GROUPS WITHIN STATE GOVERNMENT EMPLOYMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) By October 1, 2003, the Office of State Personnel (OSP) shall conduct an analysis across demographic groups to determine the existence and extent of disparities in the hiring, compensation, advancement, and retention of State employees within the following occupational categories:

- (1) Officials and administrators.
- (2) Management related.
- (3) Professionals.
- (4) Technical.
- (5) Administrative support.
- (6) Law enforcement.
- (7) Service.
- (8) Skilled craft.

The analysis shall cover employees of State agencies, departments, and institutions and employees at The University of North Carolina and its constituent institutions.

SECTION 1.(b) The OSP's analysis of State employee hiring, compensation, advancement, and retention across demographic groups in State government employment shall be comprehensive. The analysis shall include, but is not limited to, the following:

- 1 (1) Whether any disparities in hiring exist among State agencies,
2 departments, and institutions whereby certain demographic groups are
3 underrepresented.
- 4 (2) Relative compensation among the different demographic groups.
- 5 (3) Differences in opportunities for advancement, including the
6 availability of training and promotions and differences in performance
7 ratings.
- 8 (4) Differences regarding the incidence and outcome of disciplinary
9 actions.
- 10 (5) Trends relative to retaining State employees, including the labor
11 market forces affecting retention.
- 12 (6) Trends and issues that may have a negative impact on different
13 demographic groups.
- 14 (7) Factors that may have a unique impact on members of specific
15 demographic groups.
- 16 (8) Factors relating to any adverse patterns that may exist in the terms of
17 conditions of State government employment.

18 **SECTION 2.(a)** There is created the Task Force on State Government
19 Employment ("Task Force"). The Task Force shall review the OSP's analysis of
20 disparities in hiring, compensation, advancement, and retention across demographic
21 groups in State government employment and shall examine possible remedial measures.
22 The Task Force shall make recommendations to the Governor, the General Assembly,
23 and the State Personnel Commission regarding appropriate measures to remedy or
24 lessen any disparities it finds to exist. The Task Force shall be within the Department of
25 Administration for administrative purposes. The Task Force shall consist of 19 voting
26 members and two ex officio members, as follows:

- 27 (1) Four persons appointed by the Governor, one of whom shall be a State
28 employee and one of whom shall be a representative of a statewide
29 organization whose primary purpose is to represent the interests of
30 African-American citizens.
- 31 (2) Three persons appointed by the President Pro Tempore of the Senate,
32 one of whom shall be a human resources professional in a private
33 business or firm employing more than 500 employees in this State.
- 34 (3) Three persons appointed by the Speaker of the House of
35 Representatives, one of whom shall be a human resources professional
36 in a private business or firm employing less than 500 employees in this
37 State.
- 38 (4) Two persons appointed by the Board of Governors of The University
39 of North Carolina, including one person associated with a historically
40 African-American campus.
- 41 (5) One person appointed by each of the following to represent each
42 respective organization:
 - 43 a. North Carolina Council for Women.
 - 44 b. Governor's Advisory Council on Aging.

- 1 c. Commission of Indian Affairs.
- 2 d. Council on Veterans Affairs.
- 3 e. Governor's Advocacy Council for Persons With Disabilities.
- 4 f. Governor's Advisory Group on Hispanic and Latino Affairs.
- 5 g. North Carolina Human Relations Commission.
- 6 (6) The State Personnel Director and the Chair of the State Personnel
- 7 Commission, or their respective designees, who shall serve as
- 8 nonvoting members.

9 **SECTION 2.(b)** All appointments shall be effective September 15, 2003,
10 and an organizational meeting of the Task Force shall be held by October 15, 2003, at
11 which time the Task Force shall elect its chair and vice-chair from among its members.
12 Subsequent meetings shall be held at the call of the chair. A majority of the members
13 shall constitute a quorum. Members shall receive subsistence, per diem, and travel
14 allowances as provided by G.S. 138-5. The appointing authority shall fill vacancies.

15 **SECTION 2.(c)** The OSP's Division of Equal Opportunity Services shall
16 provide staff support to the Task Force. All State agencies shall cooperate with the Task
17 Force and, upon the chair's request, assist the Task Force in the performance of its
18 duties and responsibilities.

19 **SECTION 2.(d)** By May 15, 2004, the Task Force shall complete its review
20 of the OSP's analysis of disparities in hiring, compensation, advancement, and retention
21 across demographic groups in State government employment and shall adopt
22 recommendations to remedy or lessen any disparities found to exist. The Task Force
23 shall expire upon submitting its final report to the Governor, the President Pro Tempore
24 of the Senate, the Speaker of the House of Representatives, and the State Personnel
25 Commission. A copy of the final report shall be provided to the head of each State
26 department, agency, and institution; to the Board of Governors of The University of
27 North Carolina and the governing board of each constituent university; and to the Fiscal
28 Research Division of the Legislative Services Office.

29 **SECTION 3.** The State Personnel Commission may adopt policies and rules
30 to remedy or lessen disparities across demographic groups based upon the findings of
31 the OSP and the final recommendations of the Task Force.

32 **SECTION 4.** This act is effective when it becomes law.