

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 800

Short Title: Allow Unpaid Investigatory Suspensions/DHHS. (Public)

Sponsors: Senator Rand.

Referred to: State and Local Government.

March 25, 2009

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT
2 OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY
3 SUSPENSION WITHOUT PAY AND WITHOUT WARNING.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 122C-181 is amended by adding a new subsection to read:

7 "(d) Notwithstanding G.S. 115C-325, the Department may place any permanent
8 employee of any facility or school operated by the Secretary pursuant to subsection (a) of this
9 section on investigatory suspension without pay and without warning if the employee is
10 accused of abuse, neglect, or exploitation of a patient, client, student, or other person over
11 whom the Department has charge, in order to protect the safety of persons or property or other
12 serious reasons. The Department shall provide the employee with written reasons for the
13 placement on investigatory suspension without pay not later than the employee's second
14 scheduled workday after the beginning of the suspension. Within 15 calendar days after placing
15 an employee on investigatory suspension without pay under this subsection, the Department
16 shall initiate procedures for dismissal, demotion, or disciplinary suspension without pay, as
17 provided in G.S. 126-35 or G.S. 115C-325, as applicable. If it is finally determined that no
18 grounds for dismissal, demotion, or disciplinary suspension without pay exist, the employee
19 shall be reinstated immediately, shall be paid for the period of the investigatory suspension
20 without pay, and all records of the suspension shall be removed from the employee's personnel
21 file. Placement of an employee on investigatory suspension without pay under this subsection
22 shall not affect the employee's health insurance coverage, retirement and State service credits,
23 longevity credits, or other earned benefits during the period of the suspension."

24 **SECTION 2.** G.S. 143B-146.21 is amended by adding a new subsection to read:

25 "(f) Notwithstanding G.S. 115C-325, the Department may place any permanent
26 employee of any facility or school operated by the Secretary pursuant to G.S. 143B-164.10 and
27 G.S. 143B-216.40 on investigatory suspension without pay and without warning if the
28 employee is accused of abuse, neglect, or exploitation of a patient, client, student, or other
29 person over whom the Department has charge, in order to protect the safety of persons or
30 property or other serious reasons. The Department shall provide the employee with written
31 reasons for the placement on investigatory suspension without pay not later than the employee's
32 second scheduled workday after the beginning of the suspension. Within 15 calendar days after
33 placing an employee on investigatory suspension without pay under this subsection, the
34 Department shall initiate procedures for dismissal, demotion, or disciplinary suspension
35 without pay, as provided in G.S. 126-35 or G.S. 115C-325, as applicable. If it is finally
36 determined that no grounds for dismissal, demotion, or disciplinary suspension without pay
37 exist, the employee shall be reinstated immediately, shall be paid for the period of the



1 investigatory suspension without pay, and all records of the suspension shall be removed from
2 the employee's personnel file. Placement of an employee on investigatory suspension without
3 pay under this subsection shall not affect the employee's health insurance coverage, retirement
4 and State service credits, longevity credits, or other earned benefits during the period of the
5 suspension."

6 **SECTION 3.** This act is effective October 1, 2009, and applies to charges of abuse,
7 neglect, or exploitation made on or after that date against permanent employees of facilities or
8 schools operated by the Secretary of Health and Human Services.