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SENATE BILL DRS45228-LR-33C

Short Title: Temporary Solutions Program Changes.

(Public)

Sponsors: Senators Alexander, Jarvis, and Ford (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TEMPORARY SOLUTIONS PROGRAM.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 126-6.3 reads as rewritten:

5 "**§ 126-6.3. Temporary employment needs of Cabinet and Council of State agencies; use of**
6 **the Temporary Solutions Program.**

7 (a) Use of Temporary Solutions Required for Cabinet Agencies. – Notwithstanding
8 G.S. 126-5 or any other provision of law, all Cabinet agencies that utilize temporary employees
9 to perform work that is not information technology-related shall employ them through the
10 Temporary Solutions Program administered by the Office of State Human Resources. ~~The~~
11 ~~Director of the Office of State Human Resources may create exceptions to this requirement when~~
12 ~~doing so would be in the best interests of the State in the sole discretion of the Director. An~~
13 ~~exception shall be invalid unless it is in writing.~~ Resources (OSHR). Council of State agencies
14 may use the Temporary Solutions Program in the discretion of the agency.

15 (a1) Temporary Employment Restrictions. – No temporary employee shall be employed
16 more than 11 consecutive months. A temporary employee shall only continue the job assignment
17 after working 11 consecutive months if the temporary employee takes a 31-day break in service.
18 Temporary employees shall not be used to permanently expand the workforce beyond authorized
19 levels. A temporary employee is not considered a career State employee as defined in
20 G.S. 126-1.1 for purposes of this Chapter.

21 (a2) The OSHR shall prohibit from acquiring new temporary employees any agency
22 having an invoice owed to the OSHR that is over 90 days overdue or a total overdue invoice
23 amount exceeding two hundred thousand dollars (\$200,000) for any number of days. When an
24 agency is restricted from acquiring a new temporary employee under this subsection, the agency
25 shall not be allowed to acquire new temporary employees until the agency has paid all overdue
26 invoices. The provisions of this subsection do not apply to the North Carolina National Guard.

27 (a3) Exceptions. – A temporary employee who is a full-time student, a retired employee,
28 an inmate on a work-release program, an intern, or an extern is exempt from the requirements of
29 subsection (a1) of this section. The Director of the OSHR may create exceptions to the
30 requirements of subsections (a) and (a1) of this section only when all of the following conditions
31 are met:

32 (1) The exception would be in the best interests of the State because removing the
33 employee from the job assignment will cause severe harm to the agency's
34 ability to provide vital services to the public.



1 (2) The exception will not result in extending the 11-month maximum length of
2 temporary employment beyond 22 months from the employee's initial hire
3 date.

4 All exceptions shall be in the sole discretion of the Director of the OSHR except that the North
5 Carolina National Guard is hereby granted preferred status for exceptions which shall not be
6 denied by the Director. All exceptions shall include a justification of why the exception is
7 necessary. An exception is invalid unless it is submitted in writing and on file in the Temporary
8 Solutions Program Office. To the extent possible, the Director of the OSHR or the Director's
9 designee shall advise agencies of alternative job classification options prior to approval of
10 exceptions to subsection (a1) of this section.

11 (a4) Cabinet and Council of State Agency Responsibilities. – Cabinet and Council of State
12 agencies are responsible for sending a separation request or notification of the 31-day break in
13 service to the OSHR before a temporary employee exceeds 11 consecutive months unless an
14 exception from subsection (a1) of this section applies. Failure to provide timely separation
15 requests may limit an agency from future access to temporary employees.

16 (a5) OSHR Responsibilities. – The OSHR shall monitor the employment of all temporary
17 employees by Cabinet and Council of State agencies. Temporary employees still employed
18 beyond 11 consecutive months shall be separated from BEACON, or the system which
19 supersedes BEACON, by the OSHR no more than two weeks past the 11-month limit. The OSHR
20 shall provide written notice to the agency at intervals of 90, 60, and 30 days prior to the temporary
21 employee reaching 11 consecutive months of service.

22 (a6) Reporting. – Beginning July 1, 2023, and then quarterly thereafter, the OSHR shall
23 report to the Joint Legislative Oversight Committee on General Government and to the Fiscal
24 Research Division on agency compliance with this section and policies and rules adopted
25 pursuant to it, including, but not limited to:

26 (1) The number and type of all exceptions made by the Director of the OSHR.

27 (2) Any agency invoices with due dates greater than 60 days.

28 (3) Compliance with G.S. 147-86.11(e)(3) through (4).

29 (4) The number of temporary employees who exceeded 11 months of consecutive
30 employment, and the number of days each employee exceeded 11 months of
31 employment, separated by State agency.

32 Each State agency granted an exception under this section from using the Temporary
33 Solutions Program and any Council of State agency that elected to not use the Temporary
34 Solutions Program shall record the time worked by each temporary employee in the agency,
35 including the number of hours worked per week, number of months worked, and the amount of
36 time the employee was not employed after 11 consecutive months of service with the agency and
37 report the information monthly to the OSHR. To the extent possible for temporary employees,
38 agencies shall use BEACON, or the State payroll system that supersedes BEACON, for payroll
39 purposes. If it is not feasible for an agency to use BEACON, or the superseding system for payroll
40 purposes, the agency shall report monthly the information required by this section to the OSHR
41 in accordance with guidelines and requirements established by the Director of Temporary
42 Solutions.

43 ~~(b) Compliance Monitoring. — The Office of State Human Resources shall monitor the~~
44 ~~employment of temporary employees by Cabinet and Council of State agencies and shall report~~
45 ~~biannually to the Joint Legislative Oversight Committee on General Government and to the~~
46 ~~Fiscal Research Division on agency compliance with this section and policies and rules adopted~~
47 ~~pursuant to it. Each State agency granted an exception under this section from using the~~
48 ~~Temporary Solutions Program and any Council of State agency that elected to not use the~~
49 ~~Temporary Solutions Program shall record the time worked by each temporary employee in the~~
50 ~~agency, including the number of hours worked per week, number of months worked, and the~~
51 ~~amount of time the employee was not employed after 11 consecutive months of service with the~~

1 agency. To the extent possible for temporary employees, agencies shall use BEACON, or the
2 State payroll system that supersedes BEACON, for payroll purposes. If it is not feasible for an
3 agency to use BEACON, or the superseding system for payroll purposes, the agency shall report
4 the information required by this section to the Office of State Human Resources in accordance
5 with guidelines and requirements established by the Director of Temporary Solutions.

6 (c) Definitions. – For purposes of this section, the following definitions shall apply:

- 7 (1) Cabinet agency. – A unit of the executive branch of State government, such
8 as a department, an institution, a division, a commission, a board, or a council
9 that is under the control of the Governor. The term does not include an agency
10 that is under the control of an official who is a member of the Council of State.
- 11 (2) Council of State agency. – An agency that is under the control of an official
12 who is a member of the Council of State.
- 13 (3) Extern. – A student who, regardless of the number of credit hours enrolled, is
14 employed as part of a written agreement between the State and an academic
15 institution through which the student is paid and earns course credit.
- 16 (4) Full-time student. – An undergraduate student taking at least 12 credit hours
17 or a graduate student taking at least nine credit hours.
- 18 (5) Intern. – A student who, regardless of the number of credit hours enrolled,
19 works to gain occupational experience for a period of time not to exceed three
20 months.
- 21 (6) Retired employee. – An individual drawing a retirement income or Social
22 Security benefits and who has signed a statement that the individual is not
23 available for, nor seeking, permanent employment.
- 24 (7) Temporary employee. – A State employee who is employed in a temporary
25 appointment for a limited term, including a State employee hired from the
26 OSHR Temporary Solutions Program, directly hired by an agency, hired by
27 an agency from a private staffing firm, or hired by any other method used to
28 fill a workforce need for a limited period of time. The term does not include a
29 career State employee as defined by G.S. 126-1.1."

30 **SECTION 2.** This act is effective when it becomes law. When this act becomes law,
31 any temporary employee as defined in G.S. 126-6.3(c)(7), as enacted in Section 1 of this act, who
32 has exceeded 11 months of consecutive employment and who is not exempt from the 31-day
33 break in service required by G.S. 126-6.3(a1), as enacted in Section 1 of this act, shall either take
34 a 31-day break in service or be separated from the job assignment, no later than 90 days after the
35 effective date of this act.