



HOUSE BILL 495: OSHR Modernization/Technical Changes

2015-2016 General Assembly

Committee:	House State Personnel	Date:	April 15, 2015
Introduced by:	Reps. Collins, Hurley, Floyd	Prepared by:	Tawanda Foster
Analysis of:	PCS to First Edition H495-CSTV		Committee Counsel

SUMMARY: *The PCS to House Bill 495 would make changes to the State's system of Human Resources Management.*

[As introduced, this bill was identical to S663, as introduced by Sen. Apodaca, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: Chapter 126 of the General Statutes provides rules and requirements for the State Personnel System. The purpose of the Chapter is to establish a uniform system of State personnel administration under the Governor. The Chapter provides regulations relating to State employee compensation, local discretion, political activities, personnel records, and grievance and disciplinary action provisions.

BILL ANALYSIS:

Section 1 amends the current definition of a "career State employee" to specify the employee is a State employee or employee of a local entity who is in a permanent position with a permanent appointment, as distinguished from a temporary employee in a permanent position, and reduces the amount of time required in that position to qualify as permanent from 24 to 12 months.

Section 2 deletes the language preventing G.S.126-4(10) from being construed to authorize the establishment of an incentive pay program, and authorizes the Office of State Human Resources (OSHR) to administer the State government temporary employment service.

Section 3 establishes the State government's temporary employment service in the OSHR. All State divisions, departments, and agencies must employ temporary employees through this temporary service. A temporary assignment in the same agency and job function cannot exceed 12 months without an extension from the Human Resources Director.

Section 4 changes certain State agency reports to OSHR from quarterly to annually.

Section 5.1 does the following:

- Amends the law to require the State Human Resources Commission to adopt policies in addition to rules governing the priority and salary rights of State employees separated from State employment as a result of reductions in force.
- Amends the requirement for State employees to be given priority over non-State employees from being substantially equally qualified to having greater qualifications in situations where the

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employee applies for an opening in State government or applies for a position as a result of being RIF'd (reduction in force).

- Amends the law to waive a RIF'd employees 12 months reemployment priority if the employee applies for another State position equal to or higher than the position held by the employee previously, but declines an interview for the position for which the employee applied. The State Human Resources Commission is authorized to adopt a policy to carry out this requirement.
- Amends part of the definition of "qualifications" used in this section from "years of experience" to "applicable experience" for determining greater qualifications.
- Adds a provision to allow a cabinet or council of state department or office to reorganize and restructure its positions through a voluntary separation process in accordance with a policy approved by the State Human Resources Commission and subject to funding and approval by the Office of State Budget Management.

Section 5.2 changes the rulemaking authority for determining which State employees can get paid leave for participating in Pan American, Olympic or international athletic competitions from the Department of Administration to the Office of State Human Resources.

Section 5.3 eliminates a requirement that the "most qualified" person should be hired and only requires that a "qualified" person be hired for State employment.

Section 5.4 removes age from the list of information required to be kept in an employee's personnel records.

Section 5.5 amends the law to allow employee personnel files to be opened for inspection and examination by a potential State or local government supervisor, during the interview process, only with regard to performance management documents and disciplinary actions.

EFFECTIVE DATE: Section 5 of this act becomes effective October 1, 2015 and applies to employees separated on or after that date. The remainder of this act is effective when it becomes law.