



HOUSE BILL 223: OSHR/Various SHRA Changes.

2023-2024 General Assembly

Committee:	House State Personnel. If favorable, re-refer to Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 22, 2023
Introduced by:	Reps. Cleveland, Riddell	Prepared by:	Jessica Boney Staff Attorney
Analysis of:	PCS to First Edition H223-CSBP-5		

OVERVIEW: *House Bill 223 makes various technical and clarifying changes to the State Human Resources Act and related statutes.*

The Proposed Committee Substitute ("PCS") to House Bill 223 adds further clarifying changes related to the State Human Resources Commission ("Commission"), allows for contingent offers and classification changes to be made quicker, grants standing to National Guard preference hires in contested case hearings, and applies fraudulent disclosure penalties to application attached documents.

BILL ANALYSIS:

Section 1 allows the Commission to adopt rules or policies allowing an individual's application to be considered for future job positions and authorizing agencies to make contingent job offers as soon as possible.

Section 2 makes technical changes to **G.S. 126-24** (Confidential information in personnel files; access to such information) and clarifies a potential State or local government supervisor may inspect confidential information to prevent application fraud.

Section 3 provides a framework for escalation if a local entity obtains a determination that an individual does not meet the class specification's minimum qualifications for the role, but the local entity hires the individual anyway.

Section 4(a) adds a cross reference in **G.S. 95-47.6** (Prohibited Acts) to **G.S. 126-18** (Compensation for assisting person in obtaining State employment barred; exception). This clarifies a private personnel service shall not impose or attempt to collect any fee from the State for aiding any person with employment with the State.

Section 4(b) updates **G.S. 126-18** (Compensation for assisting person in obtaining State employment barred; exception) to use the term private personnel services, clarifies that the license referred to is a private personnel service, and requires retention of documents for private personnel services in accordance with the Department of Labor's record keeping statute.

Section 5 removes the requirement that job openings be filled no sooner than twenty-one days after listing in order to facilitate hiring new employees faster, as authorized in Section 1 of this act.

Section 6 allows the Director of the Office of State Human Resources to make class specification changes immediately (previously only the Commission could grant approval at monthly meetings). Any

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classification changes by the Director must be consistent with the Commission approved classification structure and reported to the Commission.

Section 7 grants the Commission the authority to adopt a temporary rule to allow local agencies to hire and pay trainees for local government positions.

Section 8 allows an applicant for State employment or a State employee to allege denial of National Guard preference and file for a contested case hearing after following the grievance appeal process.

Section 9 clarifies that **G.S. 126-30** (Fraudulent disclosure and willful nondisclosure on application for State employment; penalties) applies to any document attached to or supplementing an application and requires a statement informing applicants of consequences of fraudulent disclosures to appear on the screen.

EFFECTIVE DATE: This act would be effective when it became law.