



HOUSE BILL 223: OSHR/Various SHRA Changes.

2023-2024 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 5, 2023
Introduced by:	Reps. Cleveland, Riddell	Prepared by:	Brad Krehely
Analysis of:	PCS to Second Edition H223-CSR-N-10		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 223 makes various technical and clarifying changes to the State Human Resources Act and related statutes.*

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 in a personnel file 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 21 days after listing 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 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 temporary rules and permanent rules to allow local agencies to hire and pay trainees for local government positions that are subject to the State Human Resources Act.

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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: The act is effective when it becomes law.

Jessica Boney, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.