



HOUSE BILL 470: Greensboro/Winston-Salem Civil Service Board.

2023-2024 General Assembly

Committee:	House Local Government. If favorable, re- refer to Rules, Calendar, and Operations of the House	Date:	April 25, 2023
Introduced by:	Reps. Zenger, Hardister, K. Hall	Prepared by:	Billy Godwin Anna Parsons Staff Attorneys
Analysis of:	First Edition		

OVERVIEW: *House Bill 470 would amend the Charter of the City of Greensboro and the Charter of the City of Winston-Salem to establish a Civil Service Board in both municipalities.*

BILL ANALYSIS: House Bill 470 would amend the Charter of the City of Greensboro and the Charter of the City of Winston-Salem to establish a Civil Service Board (Board) in both municipalities. The Boards would exercise certain enumerated duties and powers with respect to the classified services of each city. **Section 1** amends the Charter of the City of Greensboro and **Section 2** amends the Charter of the City of Winston-Salem. The Board provisions for each municipality are the same:

Classified Service Defined.

The classified service of each city would include all city officers and city employees except officers elected by the people, the city manager, department directors, assistant department directors, advisory members appointed by department directors, the city clerk or any deputy city clerk, members of any board or commission appointed by the council, and employees of independent boards choosing their own employees.

Board Composition, Terms, and Appointment.

The Boards would be composed of five members who serve two-year terms. All Board members would be eligible for successive terms. Two members would be appointed by the city council, two members elected by members of the classified service of the city, and one member selected by a majority vote of the other four Board members. The Board chair would be appointed annually by the city council. The city clerk, or the clerk's designee, would serve as the Board Secretary.

Board Eligibility.

Board members would be chosen from the qualified voters of their respective city but could not be employed by the city, could not serve on the city council, could not benefit financially from a business relationship with the city, and could not engage in or benefit from contract work with the city for two years following service on the Board. Former city employees would be eligible to serve on the Board seven or more years after separated from city employment.

Meetings.

The Boards would be required to meet in January of each year to adopt a regular meeting schedule. Special meetings could be called by the Chair or by written request of two or more Board members. Uniform employees of the classified service would be allowed to wear their uniforms to Board meetings and could

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not be discouraged from doing so by a supervisor. All Board meetings would be electronically recorded and transcripts would be made available without charge to Board members. Members of the public would be entitled to recordings and records of meetings except those records protected by statutes protecting the privacy of employee personnel records such as G.S. 160A-168 (Privacy of Employee Personnel Records), Chapter 132 of the General Statutes (Public Records), or any other law protecting the privacy of employee records.

Rulemaking Authority.

The Boards would be responsible for making and amending both substantive and procedural rules for promoting efficiency in the classified service of the city. Rules and amendments would be submitted to the city council for approval. The city council would be required to give the citizens of the city and the employees of the classified service an opportunity to be heard at a public hearing prior to acting on any proposed rule or amendment. The rules may provide for the following:

- The standardization and classification of positions in the classified service. The city manager would consult with representatives from the police and fire departments to establish criteria used to fill positions within those departments.
- The hiring of temporary or part-time employees.
- The establishment of a probationary period, not to exceed two years, for new city employees.
- Employee suspension for the purpose of discipline with or without pay for up to 90 days.
- The discharge or reduction in rank or compensation after the employee has had a hearing before the Board.
- The investigation and record keeping of the efficiency of officers and employees in the classified service.

Official Investigations.

The city council, the city manager, or the Board would be authorized to make official investigations concerning facts regarding the operation of the Board, the Board rules, and the condition of the civil service of the city and to refer any investigation to the Board for a hearing or for further investigation. The investigating authority would have subpoena power. The report of any investigation would be open for public inspection subject to laws governing the disclosure of public records.

Hearings Before the Board.

Any classified service member discharged, suspended, reduced in rank, transferred against their will, or denied any promotion or raise they were entitled to could request a hearing before the Board to determine whether the action was justified once the member exhausts all remedies provided by the city grievance procedure. The member could be represented by an attorney during the hearing. For the hearing, the Board could issue subpoenas and compel attendance of witnesses and production of documents. At the hearing, the burden of proof would be on the city. The Board would have 10 days after the hearing to issue a written decision containing findings and conclusions. If the Board finds by competent, material, and substantial evidence that the city's action was not justified, it may order the city to take such steps necessary for a just conclusion. The Board's decision would be appealable to the Superior Court of the respective county.

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Legal Representation for the Board.

The Board would have the authority to designate independent legal counsel, for up to 20 hours each year, to represent the Board in general matters deemed necessary and appropriate. For grievance hearings, the Board must establish a roster of attorneys, approved by the city attorney, from which it may select counsel to advise the Board during or in connection with grievance hearings. The 20 hour limitation would not apply to attorneys hired by the Board for grievance hearings. All legal fees for the Board's attorney would be paid the by city. The city attorney would only represent the Board when specifically requested.

Violation of Board Rules and Procedures.

Willful or deliberate violation of the Board's rules would result in disciplinary action up to and including dismissal. This would include any city employee or city official who threatens or intimidates other employees from exercising their rights under the civil service Board procedures.

Section 3 provides if any portion of this act is held invalid or unconstitutional, that decision does not affect the validity of the remainder of the act.

Section 4 provides that laws and rules that conflict with this act are superseded or repealed.

EFFECTIVE DATE: The act would be effective when it becomes law.

BACKGROUND: The following other North Carolina municipalities have civil service boards: the Cities of Asheville, Charlotte, New Bern, Raleigh, Statesville, and Wilmington. The civil service boards for the cities of Charlotte, New Bern, Statesville, and Wilmington conduct grievance hearings only for the police department, the fire department, or both.