

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1272
HOUSE BILL 1623

AN ACT TO PROVIDE TWO YEARS' SALARY CONTINUATION FOR CERTAIN STATE
LAW ENFORCEMENT OFFICERS INJURED IN THE LINE OF DUTY.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to Chapter 143 of the General Statutes to read as follows:

"Article 12B.

"Salary Continuation Plan for Certain State Law Enforcement Officers.

"§ 143-166.8. (a) The following persons who are subject to the Criminal Justice Training and Standards Act are entitled to benefits under this Article:

- (1) State Government Security Officers, Department of Administration;
- (2) State Correctional Officers, Department of Corrections;
- (3) State Probation and Parole Officers, Department of Corrections;
- (4) Sworn State Law Enforcement Officers with the power of arrest, Department of Corrections;
- (5) Alcohol Law Enforcement Agents, Department of Crime Control and Public Safety;
- (6) State Highway Patrol Officers, Department of Crime Control and Public Safety;
- (7) State Legislative Building Special Police, General Assembly;
- (8) Sworn State Law Enforcement Officers with the power of arrest, Department of Human Resources;
- (9) Youth Correctional Officers, Department of Human Resources;
- (10) Insurance Investigators, Department of Insurance;
- (11) State Bureau of Investigation Officers and Agents, Department of Justice;
- (12) Director and Assistant Director, License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation;
- (13) Members of License and Theft Enforcement Section, Division of Motor Vehicles, Department of Transportation, designated by the Commissioner of Motor Vehicles as either 'inspectors' and uniformed weigh station personnel;
- (14) Utilities Commission Transportation Inspectors and Special Investigators;
- (15) North Carolina Ports Authority Police, Department of Commerce;
- (16) Sworn State Law Enforcement Officers with the power of arrest, Department of Natural Resources and Community Development.

(b) The following persons are entitled to benefits under this Article regardless of whether they are subject to the Criminal Justice Training and Standards Act:

- (1) Driver License Examiners injured by accident arising out of and in the course of giving a road test, Division of Motor Vehicles, Department of Transportation.

"§ 143-166.9. The salary of any of the above listed persons shall be paid as long as his employment in that position continues, notwithstanding his total or partial incapacity to perform any duties to which he may be lawfully assigned, if that incapacity is the result of an

injury by accident or an occupational disease arising out of and in the course of the performance by him of his official duties, except if that incapacity continues for more than two years from its inception, the person shall, during the further continuance of that incapacity, be subject to the provisions of Chapter 97 of the General Statutes pertaining to Worker's Compensation. Salary paid to a person pursuant to this Article shall cease upon the resumption of his regularly assigned duties, retirement, resignation, or death, whichever first occurs, except that temporary return to duty shall not prohibit payment of salary for a subsequent period of incapacity which can be shown to be directly related to the original injury.

"§ 143-166.10. Notwithstanding the provisions of G.S. 143-166.9 of this Article, the persons entitled to benefits shall be subject to the provisions of G.S. 97-27 during the two-year period of payment of full salary. All payments of salary shall be made at the same time and in the same manner as other salaries are paid to other persons in the same department.

"§ 143-166.11. The provisions of G.S. 143-166.9 shall be in lieu of all compensation provided for the first two years of incapacity by G.S. 97-29 and G.S. 97-30, but shall be in addition to any other benefits or compensation to which such person shall be entitled under the provisions of the Worker's Compensation Act. The provisions of G.S. 97-24 will commence at the end of the two-year period for which salary is paid pursuant to G.S. 143-166.9.

"§ 143-166.12. The period for which the salary of any person is paid pursuant to G.S. 143-166.9 while he is incapacitated as a result of an injury by accident or an occupational disease arising out of and in the course of the performance by him of his official duties, shall not be charged against any sick or other leave to which he shall be entitled under any other provision of law.

"§ 143-166.13. Any person designated in G.S. 143-166.8, who, as a result of an injury by accident arising out of and in the course of the performance by him of his official duties, is totally or partially incapacitated to perform any duties to which he may be lawfully assigned, shall report the incapacity as soon as practicable in the manner required by the secretary, or other head of the department to which the agency is assigned by statute, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol.

"§ 143-166.14. Upon the filing of the report, the secretary or other head of the department, or, in the case of the General Assembly, the Legislative Services Officer, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, shall determine the cause of the incapacity and to what extent the claimant may be assigned to other than his normal duties. The finding of the secretary, other head of the department, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, shall determine the right of the claimant to benefits under this Article. Notice of the finding shall be filed with the North Carolina Industrial Commission. Unless the claimant, within 30 days after he receives notice, files with the North Carolina Industrial Commission, upon the form it shall require, a request for a hearing, the finding of the secretary, other department head, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, shall be final. Upon the filing of a request, the North Carolina Industrial Commission, shall proceed to hear the matter in accordance with its regularly established procedure for hearing claims filed under the Worker's Compensation Act, and shall report its findings to the secretary, or other head of the department, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol. From the decision of the North Carolina Industrial Commission an appeal shall lie as in other matters heard and determined by such commission. Any person who shall refuse to perform any duties to which he may properly be assigned as the result of the finding of the secretary, other head of the department, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol, or of the North Carolina Industrial Commission shall be entitled to no benefits pursuant to this Article so long as the refusal shall continue."

Sec. 2. Chapter 20 of the General Statutes is amended by repealing G.S. 20-185(b) through 185(f).

Sec. 3. Chapter 114 of the General Statutes is amended by repealing the second paragraph of G.S. 114-13.

Sec. 4. The funds to implement this program shall come from the budgets of the several covered agencies, with no additional appropriations from the General Assembly.

Sec. 5. This act is effective upon ratification and shall apply to persons injured or contracting an occupational disease on or after January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.