

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 425

State Personnel and State Government Committee Substitute Adopted 4/24/91

Short Title: State Employment Just Cause.

(Public)

Sponsors:

Referred to:

April 1, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE STATE PERSONNEL COMMISSION TO ADOPT  
3 RULES FOR DISCIPLINARY ACTIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 126-35 reads as rewritten:

6 "**§ 126-35. ~~Written statement of reason for disciplinary action.~~ Just cause; disciplinary**  
7 **actions for State employees.**

8 (a) No permanent employee subject to the State Personnel Act shall be  
9 discharged, suspended, or reduced in pay or position, except for just cause. In cases of  
10 such disciplinary action, the employee shall, before the action is taken, be furnished  
11 with a statement in writing setting forth in numerical order the specific acts or omissions  
12 that are the reasons for the disciplinary action and the employee's appeal rights. The  
13 employee shall be permitted 15 days from the date the statement is delivered to appeal  
14 to the head of the department. A copy of the written statement given the employee and  
15 the employee's appeal shall be filed by the department with the State Personnel Director  
16 within five days of their delivery. However, an employee may be suspended without  
17 warning for causes relating to personal conduct detrimental to State service, pending the  
18 giving of written reasons, in order to avoid undue disruption of work or to protect the  
19 safety of persons or property or for other serious reasons. The employee, if he is not  
20 satisfied with the final decision of the head of the department, or if he is unable, within  
21 a reasonable period of time, to obtain a final decision by the head of the department,  
22 may appeal to the State Personnel Commission. Such appeal shall be filed not later than  
23 30 days after receipt of notice of the department head's decision. The State Personnel

1 Commission may adopt, subject to the approval of the Governor, rules that define just  
2 cause and such other rules, policies, and procedures necessary to effect the purpose of  
3 this Article.

4 (b) Notwithstanding any other provision of this Chapter, a reduction in pay or  
5 position which is not imposed for disciplinary reasons shall not be considered a  
6 disciplinary action within the meaning of this Article. Disciplinary actions, for the  
7 purpose of this Article, are those actions taken in accordance with the disciplinary  
8 procedures adopted by the State Personnel Commission and specifically based on  
9 unsatisfactory job performance, unacceptable personal conduct or a combination of the  
10 two.

11 (c) For the purposes of contested case hearings under Chapter 150B, an  
12 involuntary separation (such as a separation due to a reduction in force) shall be treated  
13 in the same fashion as if it were a disciplinary action.”

14 Sec. 2. This act is effective upon ratification.