

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1042

Short Title: State Employees Holidays Revised.

(Public)

Sponsors: Representative Arnold.

Referred to: Public Employees.

April 6, 1989

A BILL TO BE ENTITLED

AN ACT TO REPLACE MARTIN LUTHER KING, JR'S BIRTHDAY WITH CIVIL RIGHTS DAY AS A PUBLIC HOLIDAY, TO SPECIFY TEN PAID HOLIDAYS FOR STATE EMPLOYEES, AND TO GIVE STATE EMPLOYEES THE OPTION OF SELECTING AN ELEVENTH PAID HOLIDAY EACH YEAR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 103-4(a) reads as rewritten:

"§ 103-4. Dates of public holidays.

(a) The following are declared to be legal public holidays:

(1) New Year's Day, January 1.

~~(1a) Martin Luther King, Jr.'s Birthday, the third Monday in January.~~

(1a) Civil Rights Day, the third Monday in January.

(2) Robert E. Lee's Birthday, January 19.

(3) Washington's Birthday, the third Monday in February.

(3a) Greek Independence Day, March 25.

(4) Anniversary of signing of Halifax Resolves, April 12.

(5) Confederate Memorial Day, May 10.

(6) Anniversary of Mecklenburg Declaration of Independence, May 20.

(7) Memorial Day, the last Monday in May.

(8) Good Friday.

(9) Independence Day, July 4.

(10) Labor Day, the first Monday in September.

(11) Columbus Day, the second Monday in October.

(11a) Yom Kippur.

- 1 (12) Veterans Day, November 11.
2 (13) Tuesday after the first Monday in November in years in which a
3 general election is to be held.
4 (14) Thanksgiving Day, the fourth Thursday in November.
5 (15) Christmas Day, December 25.

6 (b) Whenever any public holiday shall fall upon Sunday, the Monday following
7 shall be a public holiday."

8 Sec. 2. G.S. 126-4 reads as rewritten:

9 **"§ 126-4. Powers and duties of State Personnel Commission.**

10 Subject to the approval of the Governor, the State Personnel Commission shall
11 establish policies and rules governing each of the following:

- 12 (1) A position classification plan which shall provide for the classification
13 and reclassification of all positions subject to this Chapter according to
14 the duties and responsibilities of the positions.
15 (2) A compensation plan which shall provide for minimum, maximum,
16 and intermediate rates of pay for all employees subject to the
17 provisions of this Chapter.
18 (3) For each class of positions, reasonable qualifications, as to age,
19 character, physical condition, and other attributes pertinent to the work
20 to be performed.
21 (4) A recruitment program to attract applicants to public employment and
22 determine the relative fitness of applicants for the respective positions.
23 (5) Hours and days of work, ~~holidays, holidays~~ subject to the provisions of
24 G.S. 126-8.3, vacation, sick leave, and other matters pertaining to the
25 conditions of employment. ~~The legal public holidays established by the~~
26 ~~Commission as paid holidays for State employees shall include Martin~~
27 ~~Luther King, Jr.'s, Birthday for all years after 1987. Provided, however, that~~
28 ~~the Commission shall not provide for a greater number of total paid holidays~~
29 ~~than were established for the year 1986. The Commission shall not delete~~
30 ~~Veterans Day as a holiday.~~
31 (6) The appointment, promotion, transfer, demotion and suspension.
32 (7) Cooperation with the Department of Public Instruction, the State
33 Board of Education, the Board of Governors of the University of North
34 Carolina, and the colleges and universities of the State in developing
35 pre-service and in-service training programs.
36 (7a) The separation of employees.
37 (8) The evaluation of employee performance, the granting of salary
38 increments, and a program of meritorious service awards.
39 (9) The investigation of complaints and the issuing of such binding
40 corrective orders or such other appropriate action concerning
41 employment, promotion, demotion, transfer, discharge, and
42 reinstatement in all cases as the Commission shall find justified.
43 (10) Such other programs and procedures as may be necessary to promote
44 efficiency of administration and provide for a fair and reasonable

1 system of personnel administration. This subdivision may not be
2 construed to authorize the establishment of an incentive pay program.

3 (11) In cases where the Commission finds discrimination or orders
4 reinstatement or back pay whether (i) heard by the Commission or (ii)
5 appealed for limited review after settlement or (iii) resolved at the
6 agency level, the assessment of reasonable attorneys' fees and
7 witnesses' fees against the State agency involved.

8 (14) The implementation of G.S. 126-5(e).

9 (15) Recognition of State employees, public personnel management, and
10 management excellence.

11 Such policies and rules shall not limit the power of any elected or appointed
12 department head, in his discretion and upon his determination that it is in the best
13 interest of the Department, to transfer, demote, or separate a State

14 (1) Employee in a grade 60 or lower position who has not been
15 continuously employed by the State of North Carolina for the
16 immediate 12 preceding months;

17 (2) Employee in a grade 61 to grade 65 position who has not been
18 continuously employed by the State of North Carolina for the
19 immediate 36 preceding months;

20 (3) Employee in a grade 66 to grade 70 position who has not been
21 continuously employed by the State of North Carolina for the
22 immediate 48 preceding months; or

23 (4) Employee in a grade 71 or higher position who has not been
24 continuously employed by the State of North Carolina for the
25 immediate 60 preceding months."

26 Sec. 3. Article 2 of Chapter 126 of the General Statutes is amended by
27 adding a section to read:

28 "**§ 126-8.3. Employee's paid holidays.**

29 (a) A permanent full-time State employee may observe as paid holidays the
30 following public holidays or related days:

31 (1) New Year's Day,

32 (2) Good Friday,

33 (3) Memorial Day,

34 (4) Independence Day,

35 (5) Labor Day,

36 (6) Veteran's Day,

37 (7) Thanksgiving Day and the Friday following Thanksgiving Day, and

38 (8) Christmas and one day in close proximity to Christmas.

39 (b) A permanent full-time employee may select in writing prior to the first day of
40 January, on a form provided by his employer, one of the following:

41 (1) Lincoln's Birthday,

42 (2) Easter Monday,

43 (3) Jefferson's Birthday,

44 (4) Flag Day,

- 1 (5) Rosh Hashana, or
2 (6) Any legal public holiday listed in G.S. 103-4,
3 as a paid holiday, in addition to the 10 paid holidays listed in subsection (a) of this
4 section.
5 (c) The State Personnel Commission may substitute days in close proximity to
6 the paid holiday when the holiday falls upon a Saturday or Sunday.”
7 Sec. 4. This act is effective upon ratification and applies to the holiday
8 schedule for State employees beginning with the 1990 calendar year.