

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 409
SENATE BILL 221

AN ACT TO CONSOLIDATE AND REWRITE THE LAWS PERTAINING TO THE
CIVIL SERVICE BOARD OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 75 of the Public-Local Laws of 1933 and all amendments thereto are hereby rewritten as set out in this Act but nothing in this Act shall affect the continuity of the Civil Service Board of Mecklenburg County nor the continuity of service of any member of the rural police department of Mecklenburg County.

Sec. 2. The Civil Service Board of Mecklenburg County is continued and its three present members shall continue to serve until, on March 4 of the applicable year, their respective terms expire. At the expiration of the term of each member the Senior Regular Resident Judge of the Superior Court shall appoint a successor to serve for a term of three years. Any vacancy shall be filled by the judge, and the person appointed shall serve for the unexpired term of the member whose place he fills. Members of the board shall hold office until their successors are appointed and have qualified. No member of the board who has served for a full term of three years shall be qualified to succeed himself.

Sec. 3. The members of the said Civil Service Board shall possess the qualifications of a voter of Mecklenburg County and shall take an oath (or affirmation) for the faithful discharge of the duties of their office. One of the members of the said Civil Service Board shall be a citizen and resident of Charlotte Township, Mecklenburg County, and the other two members of the board shall be residents of sections of Mecklenburg County other than Charlotte Township. The members of the board shall be subject to removal from office by the Senior Resident Judge of the Superior Court for malfeasance in office, or for neglect or violation of any official duty connected with the Civil Service Board, or for any violation of the laws of the State of North Carolina, or for any cause which, in the discretion of the said judge, makes such removal in the best interest of the public.

Sec. 4. The Civil Service Board shall establish and fix requirements of applicants for employment in the rural police department of the County of Mecklenburg, and shall make all such general rules and regulations for requirements of applicants, the conduct and the services of the employees of the said department as it may consider advisable. Said rules and regulations shall be printed and made available for public inspection and for the use of the employees of, and the applicants for employment in, said department.

Sec. 5. All applicants for positions on the rural police force of Mecklenburg County shall be subject to an examination by the Civil Service Board, which examination shall be competitive and open to all persons who are qualified voters of Mecklenburg County, subject to a reasonable limitation as to residence, age, health, moral character and general reputation. Said examination shall relate to those matters which will fairly test the relative ability of the person examined to discharge in a proper fashion the duties of the position to which he seeks to be appointed, and shall include tests of physical, mental and moral qualifications, but no applicant shall be examined concerning his political opinions or affiliations. Due regard shall be given by said Civil Service Board in its examination of applicants for positions in the rural police force to the experience or training of any applicant which may fit him for the duties which he would be called upon to discharge as a member of the department. When, in the judgment of the Civil Service Board, it is for the best interest of the force and the public good, the board may select and appoint a chief who is not, at the time of his appointment, a resident and qualified voter of Mecklenburg County.

Section 6. Notice of the time and place of every examination shall be given by the Civil Service Board by publication daily for one week immediately preceding such examination in some newspaper published in Mecklenburg County, said notice to set forth the number and kind of vacancies in the department which are to be filled by the Civil Service Board.

Sec. 7. The Civil Service Board shall prepare and keep a register of persons successfully passing examinations given by them, such persons to be graded according to their respective showing upon said examination; and the Civil Service Board shall make appointments to vacancies which occur in the department on a basis of the written, oral, moral, and physical examinations so given. All examinations given by the Civil Service Board shall be made under rules and regulations established by the Civil Service Board.

Sec. 8. The Civil Service Board shall have authority to elect from its members a permanent secretary, who shall hold office for one year subject to re-election upon the approval of the Civil Service Board. Said secretary shall keep the minutes of the proceedings of the Civil Service Board and shall be the custodian of all the papers and records pertaining to the business of the board, and shall keep an accurate record of all examinations held and the results thereof, and shall perform such other duties as the board shall direct. All of the records of the Civil Service Board shall be open to the inspection of the public at all times.

Sec. 9. The Chairman and members of the Board of County Commissioners of the County of Mecklenburg shall provide suitable rooms for the Civil Service Board and shall allow such reasonable use of public buildings for the holding of examinations by said board as may be necessary for a proper conduct of the affairs of the board.

Sec. 10. The members of said Civil Service Board shall receive the sum of eight dollars (\$8.00) per diem each, plus five cents (5¢) per mile for any member living outside of the City of Charlotte for each meeting of the said Civil Service Board not to exceed two meetings per month.

Sec. 11. The rural police department shall consist of a chief, a captain or assistant chief, such supervisory personnel as deemed needed by the Civil Service Board, and such number of rural police as the Board of County Commissioners shall, in its discretion, deem sufficient to patrol in a satisfactory manner the rural section of Mecklenburg County. All employees of the rural police department shall receive such compensation as the Board of County Commissioners may deem adequate and sufficient, with the approval of the Civil Service Board. The compensation of all employees in the rural police department shall be paid by the treasurer of the county, upon order from the Board of County Commissioners, on the first and fifteenth of each and every month. The Board of County Commissioners shall have authority to employ a person or persons, not exceeding three, at times when deemed necessary, to do special investigation and police work in the City of Charlotte and in Mecklenburg County, said appointed employee or employees to be paid out of the general fund of Mecklenburg County such compensation as is deemed adequate and sufficient by the Board of County Commissioners.

Sec. 12. The chief of the rural police department shall be appointed by a majority vote of the Civil Service Board. The chief of the rural police department and the members of said department shall be under the direction and control of, and shall be directly responsible to, the Board of County Commissioners of Mecklenburg County for the proper enforcement of the laws of the State of North Carolina in the rural sections of Mecklenburg County. The Board of County Commissioners of Mecklenburg County shall have the power in their discretion to suspend from office the chief of the rural police department for malfeasance in office, drunkenness, dishonesty, neglect of official duty, or for failure to obey the order duly issued to him by the Chairman of the Board of County Commissioners. In case of such suspension of the chief of the rural police department by the Board of County Commissioners, as herein provided, the Board of County Commissioners shall certify such action on their part in writing, together with a statement of the causes for the suspension to the Civil Service Board, which shall, within ten days from the receipt of such certificate, overrule such suspension and restore said chief to duty or shall confirm such suspension, take such additional action as it sees fit, and proceed immediately to the election or appointment of a new chief of said department. It shall notify the Board of County Commissioners of the action taken.

Sec. 13. All promotions within the rural police department in Mecklenburg County shall be made by the chief of the department by and with the approval of the Civil Service Board, and the members of the department shall be under the control and direction of the chief of the rural police, who shall be held responsible for the proper conduct of the various duties of his department. The chief of the rural police department may suspend any employee of the department for any misconduct in office, drunkenness, dishonesty, insubordination, or for the infraction of any rules laid down by the Civil Service Board, pending an investigation by the Civil Service Board, such suspension not to exceed fifteen days at one time. In case of suspension of any officer or employee as provided in this Act, the Civil Service Board shall make a thorough investigation into the charges made against the officer or employee by any citizen or official of Mecklenburg County, or member of the Civil Service Board; and the Civil

Service Board may dismiss, remove or discharge any officer or employee of the department upon the conclusion of any such hearing for the causes hereinbefore set out, after first giving the accused employee ample opportunity to be heard in his own behalf.

Sec. 14. On the first of each calendar month the chief of the rural police department shall make out and certify to the Board of County Commissioners and to the Civil Service Board a statement of the conduct of the affairs of his department, which report shall contain any suggestions which the chief may have for improvement in the service or personnel of the department. Said report shall be kept in the files of the Civil Service Board and in the files of the Board of County Commissioners and shall constitute an official record with said bodies.

Sec. 15. On the first of each year the Civil Service Board shall make an annual report of its actions for the preceding year, including the rules and regulations in force, to the Senior Resident Judge of the Superior Court. Said report may include any recommendations of the board as to the practical effects of the rules or system in use, together with any suggestions which the members of the board may deem proper for the improvement of the department.

Sec. 16. No officer or employee of the rural police department of Mecklenburg County shall take any part in any election or political function other than that of exercising his right of suffrage, and the Civil Service Board is hereby empowered to dismiss summarily from the department any officer or employee who shall be guilty of conduct in violation of this Section.

Sec. 17. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 18. This Act shall be in full force and effect from and after July 1, 1961.

In the General Assembly read three times and ratified, this the 12th day of May, 1961.