

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 297
HOUSE BILL 876

AN ACT ESTABLISHING THE BUNCOMBE COUNTY PERSONNEL ADVISORY BOARD.

The General Assembly of North Carolina enacts:

Section 1. Creation. There is hereby created a Personnel Advisory Board for the Sheriff's Department of Buncombe County which shall be composed of three members to be appointed by the senior regular resident Superior Court judge of the 28th Judicial District.

Sec. 2. Terms, and Qualifications and Removal. The senior judge of Superior Court shall, on or before July 1, 1973, appoint the three members of his selection who shall constitute the Personnel Advisory Board. The term of office of one member of the Board shall be for one year; the term of office of one member shall be for two years; and the term of office of one member shall be for three years. The resident judge shall determine and announce the terms of the respective members of the Board.

"At the expiration of the term of each member of said Board the resident judge shall appoint a successor for a term of three years. Any vacancy in the Personnel Advisory Board shall be filled in the manner herein provided for the appointment of members, and the person so 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 qualified.

All persons appointed to the Personnel Advisory Board shall be interested in promoting a merit system of personnel administration and none shall practice or have practiced law in the criminal courts of Buncombe County or hold or have held political office or an office in a political party during the previous three years.

The members of the Board shall serve without pay or remuneration but shall be reimbursed for travel expenses incurred in the course of their duties.

The Board shall annually elect one of its members as chairman.

A member of the Board may be removed by the senior resident judge only for cause, after being given a copy of the charges against him and an opportunity to be heard publicly on such charges."

Sec. 3. Duties of Personnel Advisory Board. The duties of the Personnel Board shall be as follows:

- (1) to represent the public interest in the improvement of personnel administration;
- (2) to advise the Sheriff of Buncombe County concerning personnel administration, including minimum standards of employment established by the

Criminal Justice and Training and Standards Council, and the methods used to publicize vacancies;

(3) to make any investigations which it may consider desirable concerning the administration of personnel in the Department;

(4) to advise the Sheriff on such personnel rules as he shall establish; and

(5) to hear appeals, receive evidence, determine facts and make recommendations to the Sheriff in case of employee appeals of suspension, demotion and dismissal.

Sec. 4. General Principles. (1) All appointments and promotions shall be made solely on the basis of merit and fitness and all residents of Buncombe County shall be given equal opportunity for employment without regard to race, religion, color, creed and national origin.

(2) Tenure of employees covered by this act shall be subject to good behavior, satisfactory work performance, necessity for performance of work, and the availability of funds.

(3) Any employee who contends that he was demoted, suspended or dismissed because of bias, political affiliation, or for reasons not related to merit, fitness or availability of positions, shall have the right to appeal to the Personnel Advisory Board.

Sec. 5. Political Activity Restricted. Every employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee of the Department shall (1) engage in any political activity while on duty, (2) be required as a duty of his office or employment, or as a condition for employment, promotion, or tenure of office, to contribute funds for political or partisan purposes, (3) solicit, or act as custodian of, funds for political or partisan purposes, (4) coerce or compel contributions for political or partisan purposes by any other employee of the County, or (5) use any supplies or equipment of the County for political purposes. Any violation of this section shall be deemed improper conduct and shall subject such employee to dismissal or other disciplinary action by the Sheriff.

Sec. 6. Exemptions. All employees in the Sheriff's Department shall be subject to this act except the Sheriff, the Chief Deputy Sheriff, the Assistant Chief Deputy Sheriff and the Administrative Deputy Sheriff.

Sec. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 8. This act shall become effective July 1, 1973.

In the General Assembly read three times and ratified, this the 1st day of May, 1973.