

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 398
HOUSE BILL 814

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

The General Assembly of North Carolina enacts:

Section 1. Chapter 409 of the Session Laws of 1961 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 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. The members of the said Civil Service Board shall be citizens and residents of Mecklenburg County. 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 recommend requirements of applicants for employment in the police department of the County of Mecklenburg, and shall recommend all such general rules and regulations for requirements of applicants, the conduct and the services of the employees of the said department to the Board of County Commissioners for approval and adoption. 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 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 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.

Sec. 6. Notice of the time and place of every examination shall be made public 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. All other news media is to be notified by a press release at least one week prior to said examination.

Sec. 7. The Civil Service Board shall prepare and keep a register of persons successfully passing examinations given by the Board for appointments and promotions, such persons to be graded according to their respective showing upon said examination. The Chief of Police shall recommend to the Civil Service Board who shall approve appointments to vacancies and promotions 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 and approved by the Board of County Commissioners.

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 reelection 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 meeting 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 ten dollars (\$10.00) per diem for each meeting of the said Civil Service Board not to exceed two meetings per month.

Sec. 11. The police department shall consist of a chief, supervisory personnel, police officers, and other personnel that the Board of County Commissioners shall, in its discretion, deem necessary. All employees of the police department shall receive such compensation as the Board of County Commissioners may deem adequate and sufficient. The compensation of all employees in the police department shall be paid as

other county employees. 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 anywhere 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 police department shall be appointed by the Board of County Commissioners or its designated official. The chief of the 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, or its designated official for the proper administration and the enforcement of the laws of the State of North Carolina, Mecklenburg County. The Board of County Commissioners of Mecklenburg County shall have the power in their discretion to dismiss from office the chief of the 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 or its designated official. The right of appeal for the chief for dismissal shall be the same as other county department heads.

Sec. 13. The chief of the 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 Board of County Commissioners or the Civil Service Board, pending an investigation by the Civil Service Board, such suspension not to exceed 15 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. Each calendar month the chief of the 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 and the County Commissioners. 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. Officers or employees of the police department of Mecklenburg County shall be subject to the same rules, regulations and laws regarding political activities as other county employees.

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

Sec. 18. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1973.