

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 180
HOUSE BILL 532

AN ACT TO MAKE AMENDMENTS TO THE HIGH POINT CAREER SERVICE LAW.

The General Assembly of North Carolina enacts:

Section 1. Sections 5.1 through 5.3 of the Charter of the City of High Point, being Chapter 501, Session Laws of 1979, are rewritten to read:

"Sec. 5.1. Composition of Commission. There shall be established a Career Service Commission which shall consist of five members. The members shall be appointed by the Council of the City of High Point. One member shall be appointed to a term of one year. Two members shall be appointed for a term of two years. Two members shall be appointed for a term of three years. Thereafter, members shall be appointed for three-year terms. A chairman and other officers deemed necessary shall be selected annually by the members of the commission. A member shall not be able to succeed himself more than one time unless the appointment is for less than a complete term. A member can be removed by the council prior to the expiration of his term only for cause. Membership of the Career Service Commission shall consist of qualified voters of the City of High Point.

Sec. 5.2. Employee Representation on the Commission. The Career Service Commission shall provide for two employee members in any event in which the commission shall assume the role of an administrative hearing board as defined in Section 5.3(b). Employees shall be selected in an objective and impartial manner by the members of the Commission to the extent that any appellant shall have peer representation on the hearing board, and that no member of the appellant's department shall sit on the hearing board at the time the appellant's hearing is being conducted. The employee peer representative shall not be more than one salary range above or below the salary range of the appellant. The appellant or the city shall have the right to challenge for cause the peer representatives chosen by the commission for reasons satisfactory to the chairman of the commission.

Sec. 5.3. Function of Commission. (a) The Career Service Commission shall serve as an administrative hearing board as well as an advisory board to the City Manager and personnel director in matters relating to personnel administration of the city. The personnel director shall provide staff assistance as needed. The Career Service Commission may make recommendations to the personnel director and the City Manager as it relates to Section 5.3(c).

(b) The Career Service Commission shall serve as an administrative hearing board in the event any permanent employee who has completed his or her initial

probationary period is suspended, demoted or dismissed from the city service. The commission shall act as a hearing board only at the request of the suspended, demoted or dismissed employee. Such request shall be submitted in writing within 10 working days of the date of the action being appealed. Any suspended, demoted or dismissed employee shall have the right to appeal directly to the City Manager, provided such appeal shall be requested in writing within 10 working days of the date of the action being appealed, and further that such request shall waive the right to appeal to the Career Service Commission. Hearings before the City Manager shall be administrative in nature and shall be conducted in closed session. Both the employee and the City Manager may have any person of his choice available to represent him. Hearings before the Career Service Commission shall be administrative in nature and shall be conducted in closed session, unless an open session is requested by the employee. Both the employee and the appointing authority may have any person of his choice available to represent him. In this capacity, the Career Service Commission or the City Manager, as the case may be, shall gather facts through written and oral testimony from the employee and the appointing authority and/or witnesses for the employee and the appointing authority; determine facts derived from such written and oral testimony; and submit finding or facts and final conclusions in writing to the employee and/or the City Manager within 10 working days from the date of the hearing. For the purpose of conducting a hearing, the City Manager or the Career Service Commission, as the case may be, shall have the power to subpoena witnesses necessary to the efficient conduct of the hearing. The decision of the City Manager or the Career Service Commission, as the case may be, shall be final.

(c) The Career Service Commission shall have the authority, as deemed necessary to review and make recommendations on matters relating to personnel administration. These matters shall include but not be limited to: procedures for recruitment and selection of candidates; maintenance of the city's classification plan; affirmative action programs; performance appraisal systems; fringe benefit programs; employer-employee relations programs; and training and safety programs."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1983.