

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-204
HOUSE BILL 2762**

AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF THE EXECUTIVE DIRECTOR AND ASSISTANT DIRECTOR OF THE U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION AND RELATING TO COVERAGE UNDER THE STATE PERSONNEL ACT OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CULTURAL RESOURCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-74.2 reads as rewritten:

"§ 143B-74.2. U.S.S. North Carolina Battleship Commission – employees.

The Department of Cultural Resources is ~~hereby~~ authorized to hire laborers, artisans, caretakers, stenographic and administrative employees, and other personnel, in accordance with the provisions of the State Personnel Act, as may be necessary in carrying out the purposes and provisions of this Article, and to maintain the ship in a clean, neat, and attractive condition satisfactory for exhibition to the public. The Commission shall appoint and fix the salary of an Executive Director and Assistant Director to serve at its pleasure. Employees shall be residents of the State of North Carolina except as may, in emergency conditions, be necessary for the procurement of specially trained or specially skilled employees. Any materials used for any purpose in maintaining and operating the ship for the purposes of this Article shall be, insofar as practicable, North Carolina materials."

SECTION 2. G.S. 126-5(c1) is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(26) The Executive Director and the Assistant Director of the U.S.S. North Carolina Battleship Commission."

SECTION 3. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-54. Salaries, promotions, and leave of employees of the North Carolina Department of Cultural Resources.

(a) The employees listed in subsection (b) of this section are exempt from the classification and compensation rules established by the State Personnel Commission pursuant to G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to hours and days of work, vacation, and sick leave; G.S. 126-4(6) only as it applies to promotion and transfer; G.S. 126-4(10) only as it applies to the prohibition of the establishment of

incentive pay programs; and Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1.

(b) The following employees of the Department of Cultural Resources are exempt as provided in subsection (c) of this section:

- (1) Director and Associate Directors of the North Carolina Museum of History.
- (2) Program Chiefs and Curators.
- (3) Regional History Museum Administrators and Curators.
- (4) North Carolina Symphony.
- (5) Director, Associate Directors, and Curators of Tryon Palace.
- (6) Director, Associate Directors, and Curators of Transportation Museum.
- (7) Director and Associate Directors of the North Carolina Arts Council.
- (8) Director, Assistant Directors, and Curators of the Division of State Historic Sites.

(c) The exemptions authorized by subsection (a) of this section and enumerated in subsection (b) of this section shall be used to develop organizational classification and compensation innovations that will result in the enhanced efficiency of operations. The Office of State Personnel shall assist the Secretary of the Department of Cultural Resources in the development and implementation of an organizational structure and human resources programs that make the most appropriate use of the exemptions, including (i) a system of job categories or descriptions tailored to the agency's needs; (ii) policies regarding paid time off for agency personnel and the voluntary sharing of such time off; and (iii) a system of uniform performance assessments for agency personnel tailored to the agency's needs. The Secretary of the Department of Cultural Resources may, under the supervision of the Office of State Personnel, develop and implement organizational classification and compensation innovations having the potential to benefit all State agencies."

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 9:45 a.m. this 8th day of August, 2006