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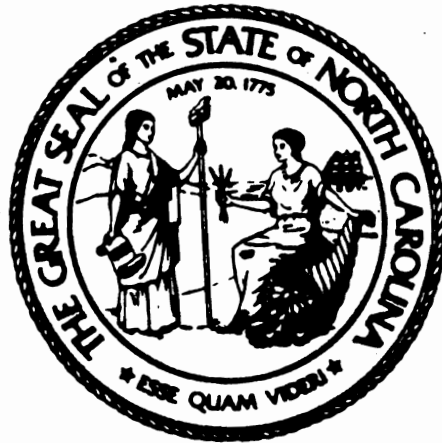
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**REPORT**

TO THE

**1979**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SECOND SESSION, 1980**



**LAW ENFORCEMENT OFFICERS  
SALARY CONTINUATION PLAN**

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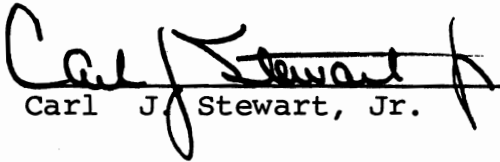


May 29, 1980

TO THE MEMBERS OF THE 1979 GENERAL ASSEMBLY (SECOND SESSION 1980)

Transmitted herewith is the report prepared by the Committee to study a State Law Enforcement Officers' Salary Continuation Plan. The study was conducted pursuant to Senate Bill 683, Chapter 943 of the 1979 General Assembly, and this report is submitted to the members of the General Assembly for their consideration.

Respectfully submitted,

  
Carl J. Stewart, Jr.

  
W. Craig Lawing

Cochairmen

LEGISLATIVE RESEARCH COMMISSION

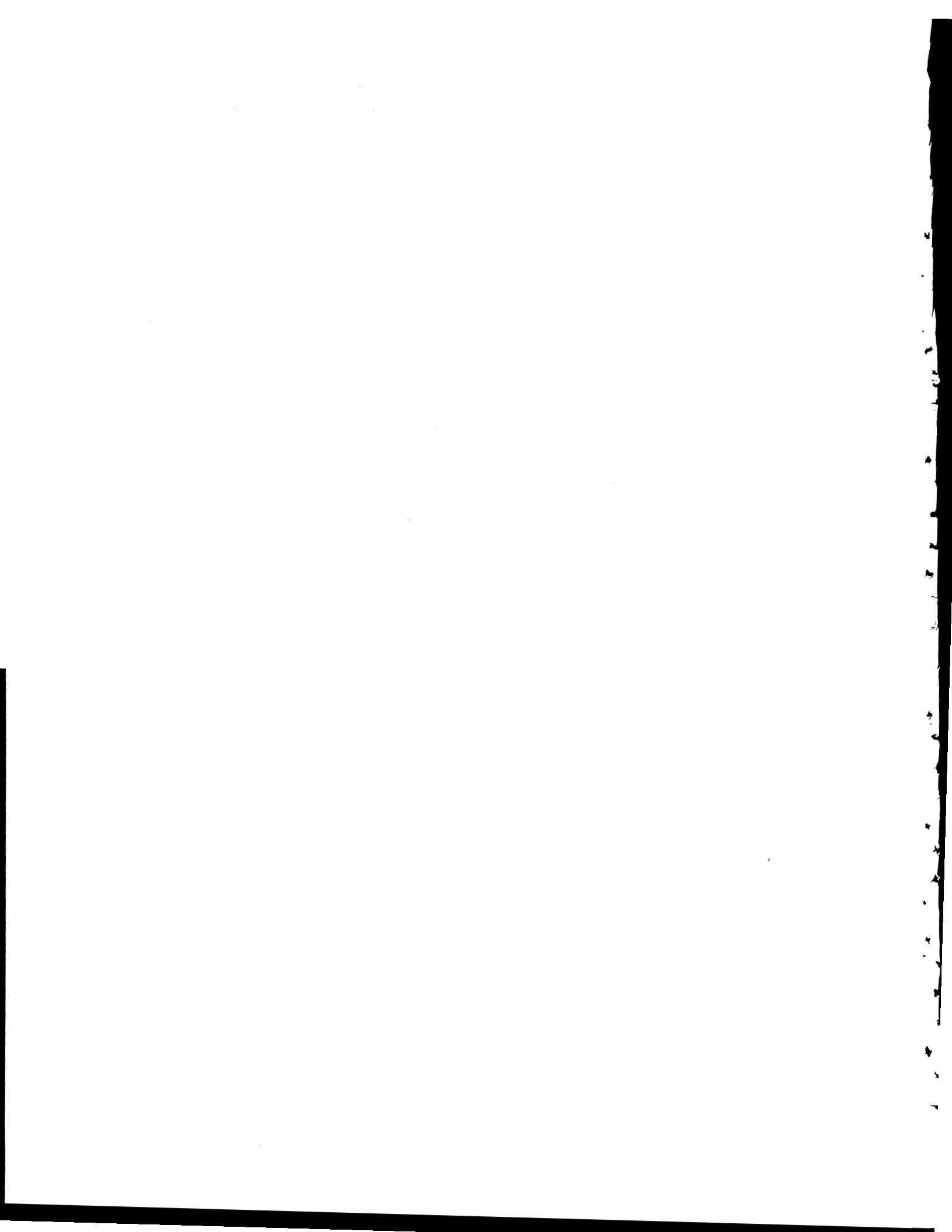
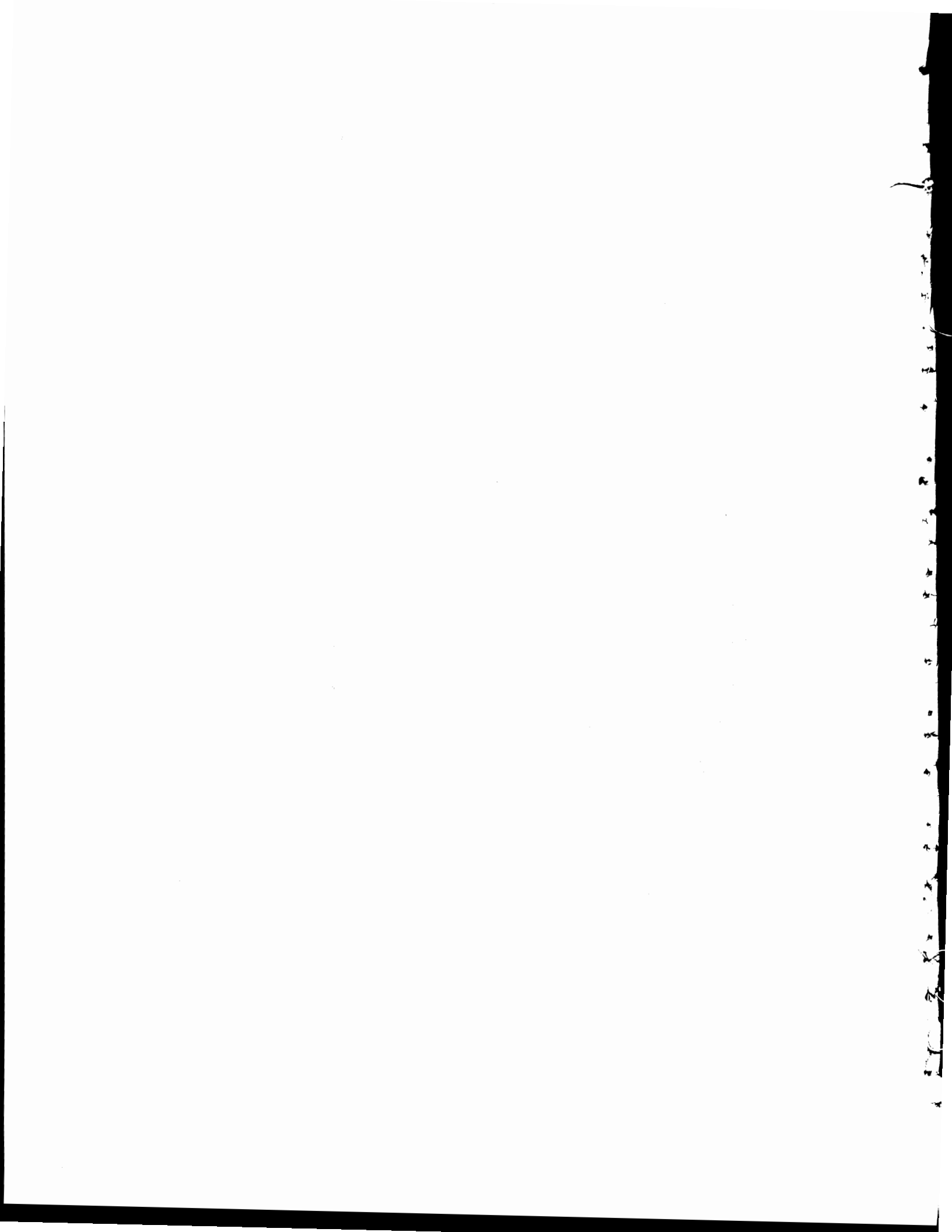


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## PREFACE

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1979 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories, and each member of the Commission was given responsibility for one category of studies. The Cochairmen of the Legislative Research Commission, under the authority of General Statutes 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and of the public to conduct the studies. Cochairmen, one from each house of the General Assembly, were designated for each committee.

The study of State Law Enforcement Salary Continuation Plan was directed by Senate Bill 683, Chapter 943 of the 1979 General Assembly

(First Session, 1979). The charge to the Committee in Section 1 of the Bill is to study the need, cost and feasibility for and all issues relating to the establishment of a salary continuation plan for all state law enforcement officers. A copy of this Bill is found in Appendix A of this report along with membership lists of the Legislative Research Commission and the Committee on State Law Enforcement Officers' Salary Continuation Plans.



## COMMITTEE PROCEEDINGS

The Legislative Research Study Committee on State Law Enforcement Officers' Salary Continuation Plans met five times during the fall and winter of 1979-80. The cochairmen Senator Ollie Harris and Representative William H. McMillan convened the first meeting on November 1, 1979, with the approval of the budget. The history of the Committee was discussed, as were the statutory provisions granting a salary continuation plan to State Highway Patrolmen, and Senate Bill 683, First Edition, introduced at the last session of the General Assembly by Senator Edward Renfrow. (See Appendices C,D). S.B. 683 extended coverage of a salary continuation plan to additional groups of state law enforcement officers injured on the job. The tasks of the present study were defined as the determination whether there was a real need to extend coverage to any state law enforcement officer other than a Highway Patrolman, the determination of specifically to whom coverage should be extended, and the recommendation of legislation to implement this coverage. The Committee will make its report to the 1979 General Assembly, (Second Session, 1980).

Dennis Ducker of the Department of State Treasurer, Retirement Division, explained benefits presently available to state law enforcement officers injured on the job, including benefits available under the Disability Salary Continuation Plan. The Disability Salary Continuation Plan can pay out to a qualified state employee 60% of monthly salary, up to \$1,000.

The Committee discussed the State Highway Patrol Salary Continuation Plan available under G.S.20-185(b). (See Appendix D). It was stressed that as the Plan is run, there are no replacement salary expenses and thus, no significant additional costs.

The Committee requested staff research other states' legislation in this area, and adjourned after hearing from Emmett Burden of the North Carolina State Employees' Association and J. Arch Laney of the North Carolina State Government Employees' Association. Mr. Burden and Mr. Laney underlined their support of a program of salary continuation for all state law enforcement officers similar to the present plan for Highway Patrolmen. They stressed the need to treat all law enforcement employees equally with respect to on-the-job injuries.

The Committee met for the second time on December 13, 1979. Staff presented the results of the research inquiring into other states' practice. Of the states reporting, most have no provisions other than for worker's compensation and retirement disability. Two states, Georgia and Virginia, have no statutory salary continuation plan but do have a policy which allows a state trooper who is disabled to receive his full salary until he returns to service or accepts disability retirement. Pennsylvania has a full statutory salary continuation plan. (See Appendix E ). No additional appropriations are made to fund the plan.

The Committee then discussed at some length all benefits available to state law enforcement officers and to other state employees, and requested staff make a presentation at the next meeting which would

enable the Committee to understand the pattern of available benefits and how the several benefits meshed. The Committee adjourned after restating its concern that the state appears to have two levels of benefits for law enforcement officers depending on whether the officers are Highway Patrolmen, and that a determination must be made whether the Committee will recommend to the General Assembly that all state law enforcement officers be brought up to the same level of benefits when they are permanently and totally disabled as a result of an on-the-job injury.

The third meeting of the Committee was held on February 1, 1980. Staff presented and reviewed graphs and narrative designed to illustrate the various benefit plans available to state employees in general and law enforcement officers in particular. (See Appendix F ). Each graph illustrated the several benefits available to a different class of employee, aged 26, permanently and totally disabled after a certain specified length of service. The following plans were considered: The State Highway Patrol Salary Continuation Plan, The Law Enforcement Officers' Benefit and Retirement System, the Disability Salary Continuation Plan, Worker's Compensation and Social Security.

Lieutenant Jack Powell of the State Highway Patrol, who administers the Salary Continuation Plan for the Highway Patrol told staff that he considered the Plan the most important benefit available to Highway Patrolmen. He stressed that the Highway Patrol carefully regulates and supervises the Plan. (See Appendix G ).

The Committee discussed coverage and decided to limit it to certain specified state employees who are also certified by the Criminal Justice Training and Standards Act, (See Appendix H ), and are either sworn state law enforcement officers with the power of arrest or employees specified in the Criminal Justice Training and Standards Act as having specific, titled custodial duties.

The Committee adjourned after voicing its opinion that State Alcohol Law Enforcement Agents be carefully considered. Staff was directed to determine the number of these agents and their incidence of violent, job-related injury.

The fourth meeting was held on March 27, 1980 and the Committee again heard from members of the North Carolina State Government Employees Association. The members of the Association reiterated support for increased coverage to state law enforcement officers. (See Appendix I ). They agreed basically with the coverage extended in S.B. 683, (See Appendix C ), and accepted that the basic qualifying criterion for coverage should be certification pursuant to the Criminal Justice Training and Standards Act, even though they recognized that many state employees who come in direct, daily contact with dangerous people as part of their jobs would not be covered.

Donald Murray, Director of the Alcohol Law Enforcement Division of the Department of Crime Control and Public Safety, spoke strongly in favor of extension of coverage to all state law enforcement officers in general and State Alcohol Law Enforcement Agents in particular. He also spoke to the issue of the very real morale problem created by

dealing differently with the Highway Patrolmen and Alcohol Law Enforcement Agents, with respect to benefits available for on-the-job injuries. The morale problem is exacerbated by the fact that both groups of law enforcement officers are in the same department, Crime Control and Public Safety.

Staff submitted figures of violent, job-related injuries. Senator Raynor moved that, as it was clear that a real need for extended coverage existed, the Committee give a favorable report to S.B. 683, (See Appendix C ), when staff has modified it as specifically instructed. Senator Cockerham offered an amendment to include a statement that the funding to implement the bill come from the several budgets of the agencies covered, with no additional funding to come from the General Assembly. The note on the bill as amended passed.

Cochairman Representative McMillan requested staff also draft legislation to repeal the special provisions authorizing the State Highway Patrol Salary Continuation Plan and the State Bureau of Investigation Plan and incorporate coverage for the Highway Patrol, the other employees listed in G.S. 20-185 (b) through (f) and the State Bureau of Investigation in the same bill as the newly covered state law enforcement officers. One group of employees not certified by the Criminal Justice Training and Standards Act will be covered because it was covered by the Highway Patrol Plan--Drivers' License Examiners injured by accident arising out of and in the course of giving a road test. The Committee adjourned, after agreeing to consider the staff bill at the last meeting.

The final meeting of the Committee was held on May 21, 1980. The staff presented a draft report to be made to the 1980 General Assembly which contained the findings and recommendations following. The Committee approved the draft, findings and recommendations and Legislative proposal contained in this report.

## FINDINGS AND RECOMMENDATIONS

After having reviewed the information brought forth during its meetings, the Legislative Research Commission's Committee on State Law Enforcement Officers' Salary Continuation Plans makes the following findings and recommendations:

FINDING 1. The Committee finds that there is a real and pressing need to provide state law enforcement officers a viable salary continuation plan to be available to these officers when they are permanently and totally disabled because of a job-related injury.

FINDING 2. The Committee finds that the State Highway Patrol Salary Continuation Plan has not cost the state significant monies to implement and that the extension of coverage of this sort of plan to additional state law enforcement officers will not cost the state significant monies to implement.

FINDING 3. The Committee finds that, with one exception, the qualifying criterion for coverage of certain specified classes of state employees shall be certification under the Criminal Justice Training and Standards Act.

FINDING 4. The Committee finds that one group of employees, who may not be certified under the Criminal Justice Training and Standards Act, are to be covered, namely Drivers' License Examiners injured by accident arising out of and in the course of giving a road test, Division of Motor Vehicles, Department of Transportation.

FINDING 5. The Committee finds a modified version of Senate Bill 683, First Edition, introduced by Senator Renfrow last session to be a proper legislative vehicle to implement the extension of coverage of a salary continuation plan to certain state law enforcement officers.

FINDING 6. The Committee finds that all covered state employees should be extended coverage under the same statutory provisions and that State Highway Patrolmen, certain specified members of the Division of Motor Vehicles and State Bureau of Investigation officers and agents be covered under the same statutory provisions that provide for the newly covered employees.

RECOMMENDATION 1. The General Assembly should enact legislation to provide a salary continuation plan for permanent and total disability arising from a job-related injury:

a. to the following state employees who are certified by the Criminal Justice Training and Standards Act:

(1) State Government Security Officers,  
Department of Administration;

(2) State Correctional Officers, Department  
of Corrections;

(3) State Probation and Parole Officers,  
Department of Corrections;

(4) Sworn State Law Enforcement Officers with  
power of arrest, Department of Corrections;



- (5) Alcohol Law Enforcement Agents,  
Department of Crime Control and Public Safety;
- (6) State Highway Patrol Officers, Department  
of Crime Control and Public Safety;
- (7) State Legislative Building Special  
Police, General Assembly;
- (8) Sworn State Law Enforcement Officers with  
the power of arrest, Department of Human Resources;
- (9) Youth Correctional Officers, Department  
of Human Resources;
- (10) State Bureau of Investigation Agents,  
Department of Justice;
- (11) Insurance Investigators, Department of  
Insurance;
- (12) Director and Assistant Director, License  
and Theft Enforcement Section, Division of Motor Vehicles, Department of  
Transportation;
- (13) Members of License and Theft Enforcement  
Section, Division of Motor Vehicles, Department of Transportation,  
designated by Commissioner of Motor Vehicles as either "inspectors"  
or uniformed weigh station personnel;
- (14) Utilities Commission Transportation  
Inspectors and Special Investigators.

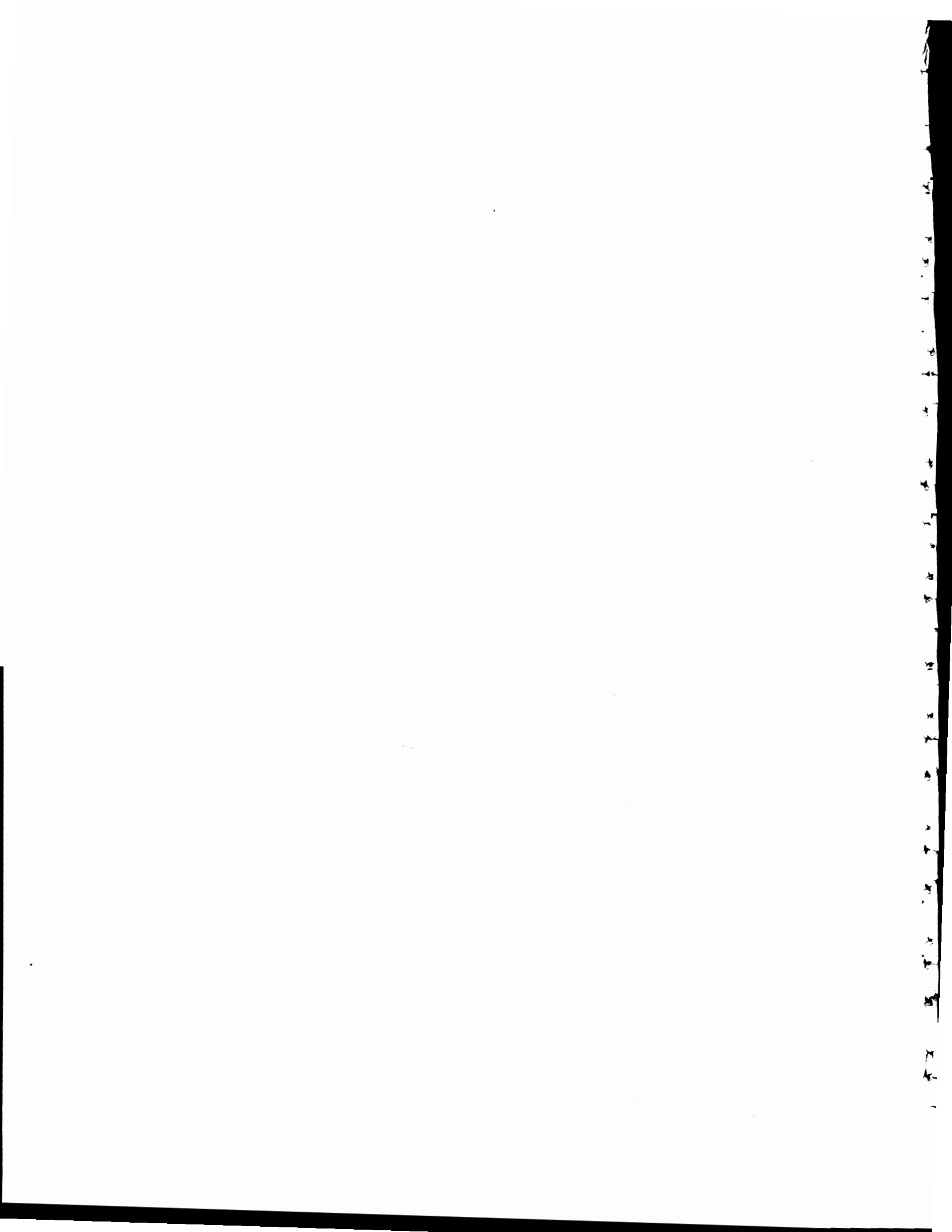
b. to the following state employees regardless  
of whether they are certified by the Criminal Justice Training and

Standards Act:

(1) Drivers' License Examiners injured by accident arising out of and in the course of giving a road test, Division of Motor Vehicles, Department of Transportation.

RECOMMENDATION 2. The General Assembly should enact the legislative proposal contained in Appendix J1.

APPENDIX A



1979 - 1981

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

House Speaker Carl J. Stewart, Jr.  
Chairman

Senate President Pro Tempore  
W. Craig Lawing, Chairman

Representative Chris S. Barker, Jr.

Senator Henson P. Barnes

Representative John R. Gamble, Jr.

Senator Carolyn Mathis

Representative George A. Hux

Senator Charles E. Vickery

Representative Parks Helms

Senator R. C. Soles, Jr.

Representative Lura S. Tally

Senator Melvin R. Daniels, Jr.

LEGISLATIVE RESEARCH COMMISSION

Study Committee on State Law Enforcement Officers'  
Salary Continuation Plan

Representative Chris S. Barker, Jr., LRC Member

Senator Ollie Harris, Cochairman

Representative William H. McMillan, Cochairman

Senator Walter C. Cockerham

Colonel Edwin Guy

Senator John T. Henley\*

Mr. Howard Kramer

Mr. Thomas H. Morrissey

Senator Joe B. Raynor

\* Resigned on November 1, 1979, replaced by  
Senator Glenn R. Jernigan

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1979  
RATIFIED BILL

CHAPTER 943

SENATE BILL 683

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY-  
THE ESTABLISHMENT OF A SALARY CONTINUATION PLAN FOR  
INCAPACITATED STATE LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study the need, cost, and feasibility for and all issues relating to the establishment of a salary continuation plan for all State law enforcement officers who are totally or partially incapacitated while performing official duties, and may report to the 1979 General Assembly, Second Session 1980.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified,  
this the 8th day of June, 1979.

JAMES C. GREEN

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James C. Green

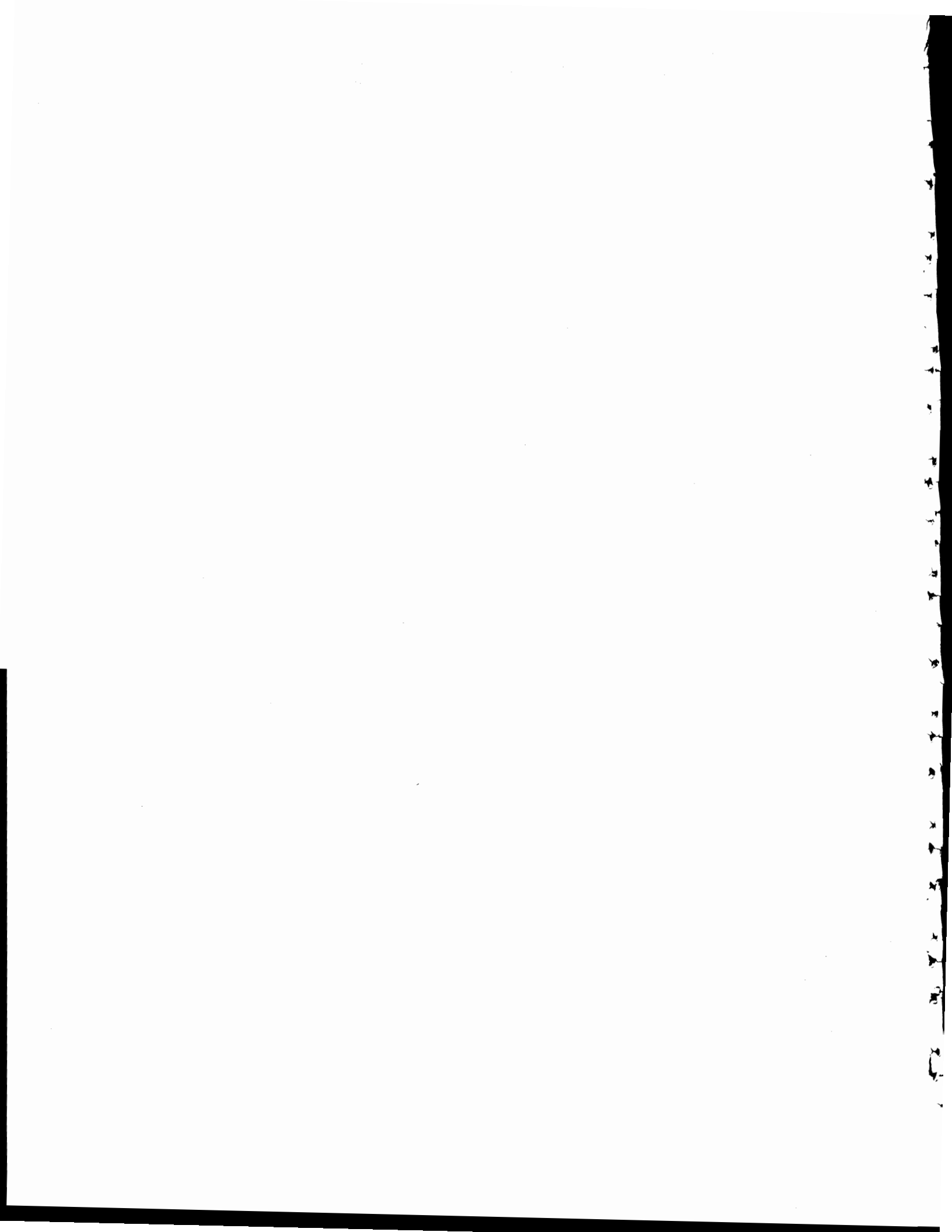
President of the Senate

CARL J. STEWART, JR.

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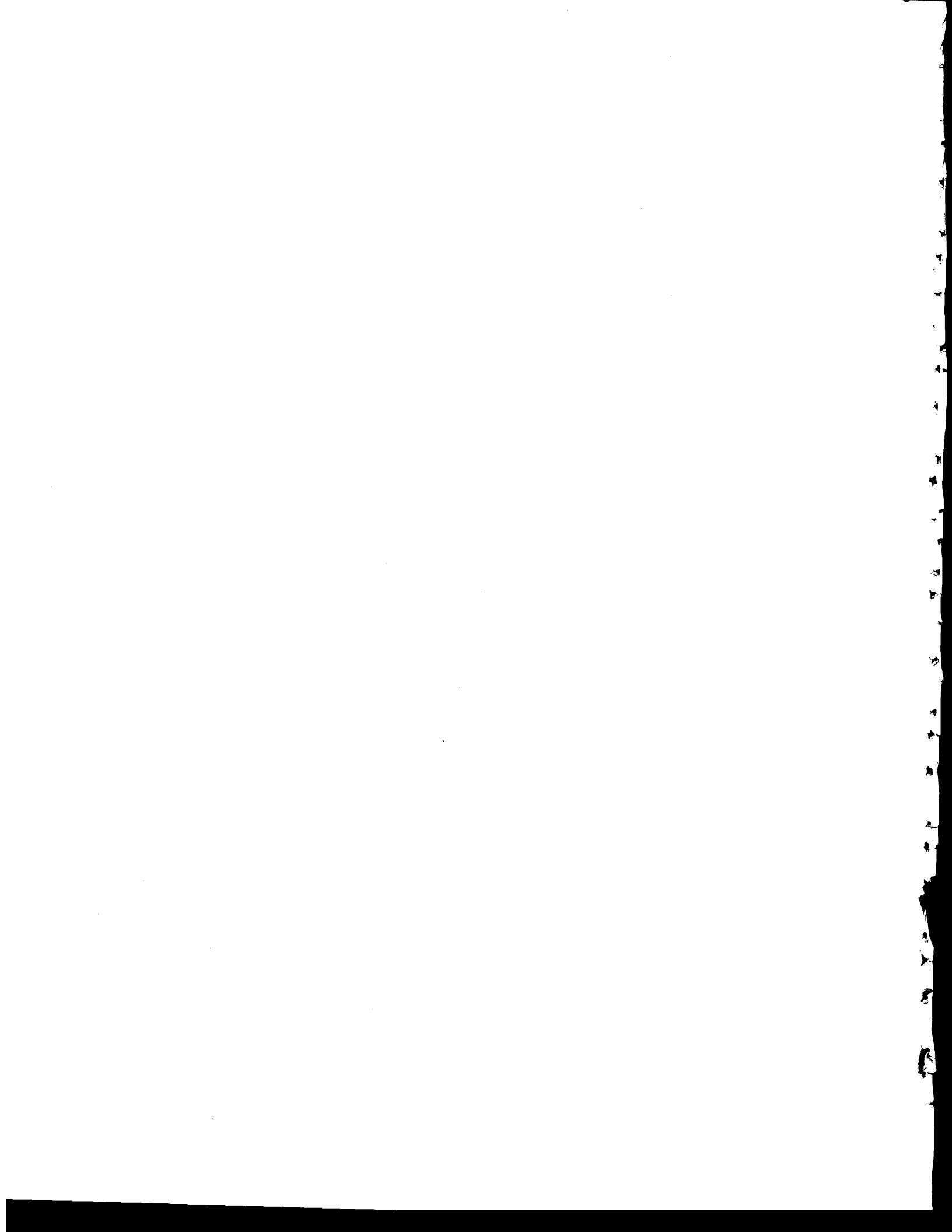
Carl J. Stewart, Jr.

Speaker of the House of Representatives





APPENDIX B



WITNESSES APPEARING

Mr. Dennis D. Ducker  
Assistant Director of Retirement & Health Benefits  
Department of State Treasurer  
Raleigh, N. C.

Mr. J. Arch Laney, Executive Director  
N. C. State Government Employees Association, Inc.  
Raleigh, N. C.

Mr. Emmett Burden, Executive Director  
N. C. State Employees Association  
Raleigh, N. C.

Mr. Don Murray, Director  
Alcohol Law Enforcement Division  
Department of Crime Control and Public Safety  
Raleigh, N. C.

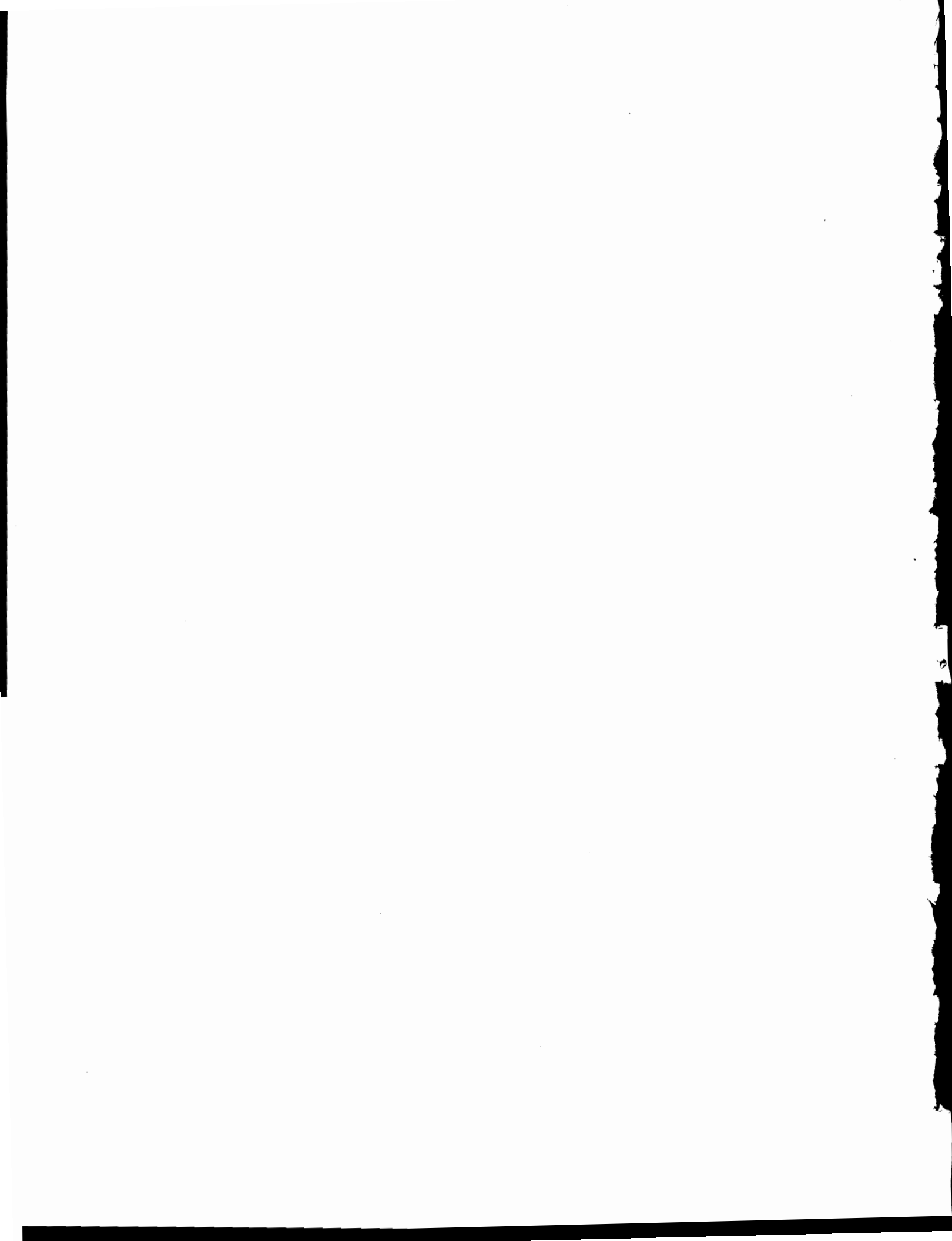
Lt. Jack Powell  
Benefits Officer  
State Highway Patrol  
Raleigh, N. C.

Mrs. Sandra Cloutier  
Department of Correction  
Goldsboro Youth Center  
Goldsboro, N. C.

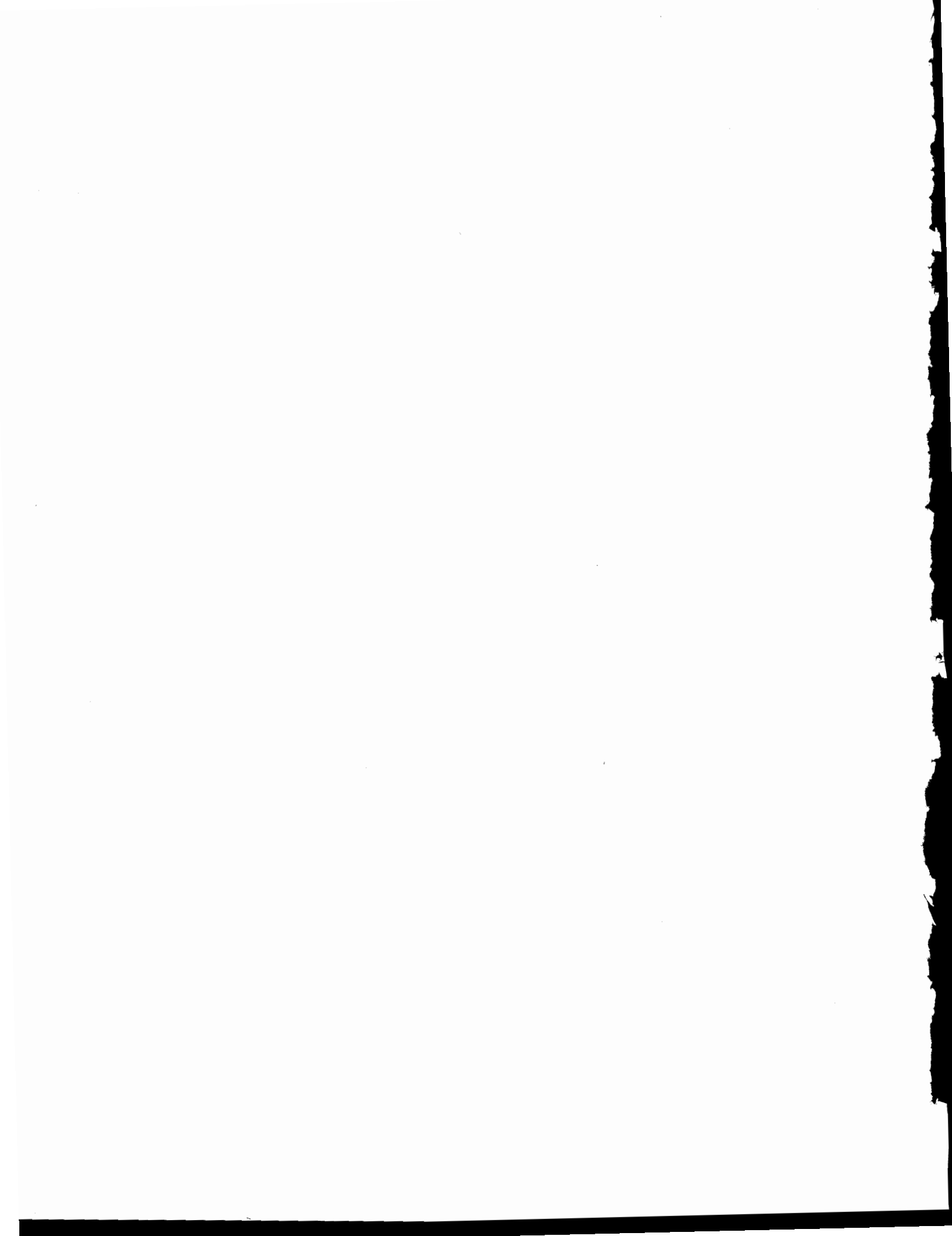
Captain Jim Thornton, Superintendent  
Johnston County Youth Center  
Smithfield, N. C.

Mr. David Blackwell  
N. C. Department of Corrections  
Raleigh, N. C.

Senator Edward Renfrow  
Smithfield, N. C.



APPENDIX C



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1979

S

I

SENATE BILL 683

Short Title: Full Pay for Injured Law Officers. (Public)

Sponsors: Senator Renfrow.

Referred to: Appropriations.

April 12, 1979

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE TWO YEARS' SALARY CONTINUATION FOR CERTAIN  
3 STATE LAW ENFORCEMENT OFFICERS INJURED IN LINE OF DUTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. A new Article is added to Chapter 143 of the  
6 General Statutes to read as follows:

7 "Article 12B.

8 "Salary Continuation for Certain State Law Enforcement Officers.

9 "§ 143-167. The following persons are entitled to benefits  
10 under this Article:

11 (a) Alcohol Law Enforcement Agents, Department of Crime  
12 Control and Public Safety;

13 (b) State Government Security Officers, Department of  
14 Administration;

15 (c) State Legislative Building Special Police, General  
16 Assembly;

17 (d) Inspectors of the Marine Fisheries Commission, Department  
18 of Natural Resources and Community Development;

19 (e) Wildlife Protectors and Commercial and Sports Fisheries

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1 Inspectors, Department of Natural Resources and Community  
2 Development;

3 (f) Full-time Custodial Employees, Department of Correction.

4 "§ 143-167.1. The salary of any of the above listed persons  
5 shall be paid as long as his employment in that position  
6 continues, notwithstanding his total or partial incapacity to  
7 perform any duties to which he may be lawfully assigned, if that  
8 incapacity is the result of an injury by accident or an  
9 occupational disease arising out of and in the course of the  
10 performance by him of his official duties, except if that  
11 incapacity continues for more than two years from its inception,  
12 the person shall, during the further continuance of that  
13 incapacity, be subject to the provisions of Chapter 97 of the  
14 General Statutes pertaining to Workmen's Compensation. Salary  
15 paid to a person pursuant to this Article shall cease upon the  
16 resumption of his regularly assigned duties, retirement,  
17 resignation, or death, whichever first occurs, except that  
18 temporary return to duty shall not prohibit payment of salary for  
19 a subsequent period of incapacity which can be shown to be  
20 directly related to the original injury.

21 "§ 143-167.2. Notwithstanding the provisions of G.S. 143-167.1  
22 of this Article, the persons entitled to benefits shall be  
23 subject to the provisions of G.S. 97-27 during the two-year  
24 period of payment of full salary. All payments of salary shall  
25 be made at the same time and in the same manner as other salaries  
26 are paid to other persons in the same department.

27 "§ 143-167.3. The provisions of G.S. 143-167.1 shall be in



1 lieu of all compensation provided for the first two years of  
2 incapacity by G.S. 97-29 and G.S. 97-30, but shall be in addition  
3 to any other benefits or compensation to which such person shall  
4 be entitled under the provisions of the Workmen's Compensation  
5 Act. The provisions of G.S. 97-24 will commence at the end of  
6 the two-year period for which salary is paid pursuant to G.S.  
7 143-167.1.

8 "§ 143-167.4. Any person designated in G.S. 143-167, who, as a  
9 result of an injury by accident arising out of and in the course  
10 of the performance by him of his official duties, is totally or  
11 partially incapacitated to perform any duties to which he may be  
12 lawfully assigned, shall report the incapacity as soon as  
13 practicable in the manner required by the secretary or other head  
14 of the department to which the agency is assigned by statute.

15 "§ 143-167.5. Upon the filing of the report, the secretary or  
16 other head of the department, or, in the case of the General  
17 Assembly, the Legislative Services Officer, shall determine the  
18 cause of the incapacity and to what extent the claimant may be  
19 assigned to other than his normal duties. The finding of the  
20 secretary or other head of the department shall determine the  
21 right of the claimant to benefits under this Article. Notice of  
22 the finding shall be filed with the North Carolina Industrial  
23 Commission. Unless the claimant, within 30 days after he  
24 receives notice, files with the North Carolina Industrial  
25 Commission, upon the form it shall require, a request for a  
26 hearing, the finding of the secretary or other department head  
27 shall be final. Upon the filing of a request, the North Carolina

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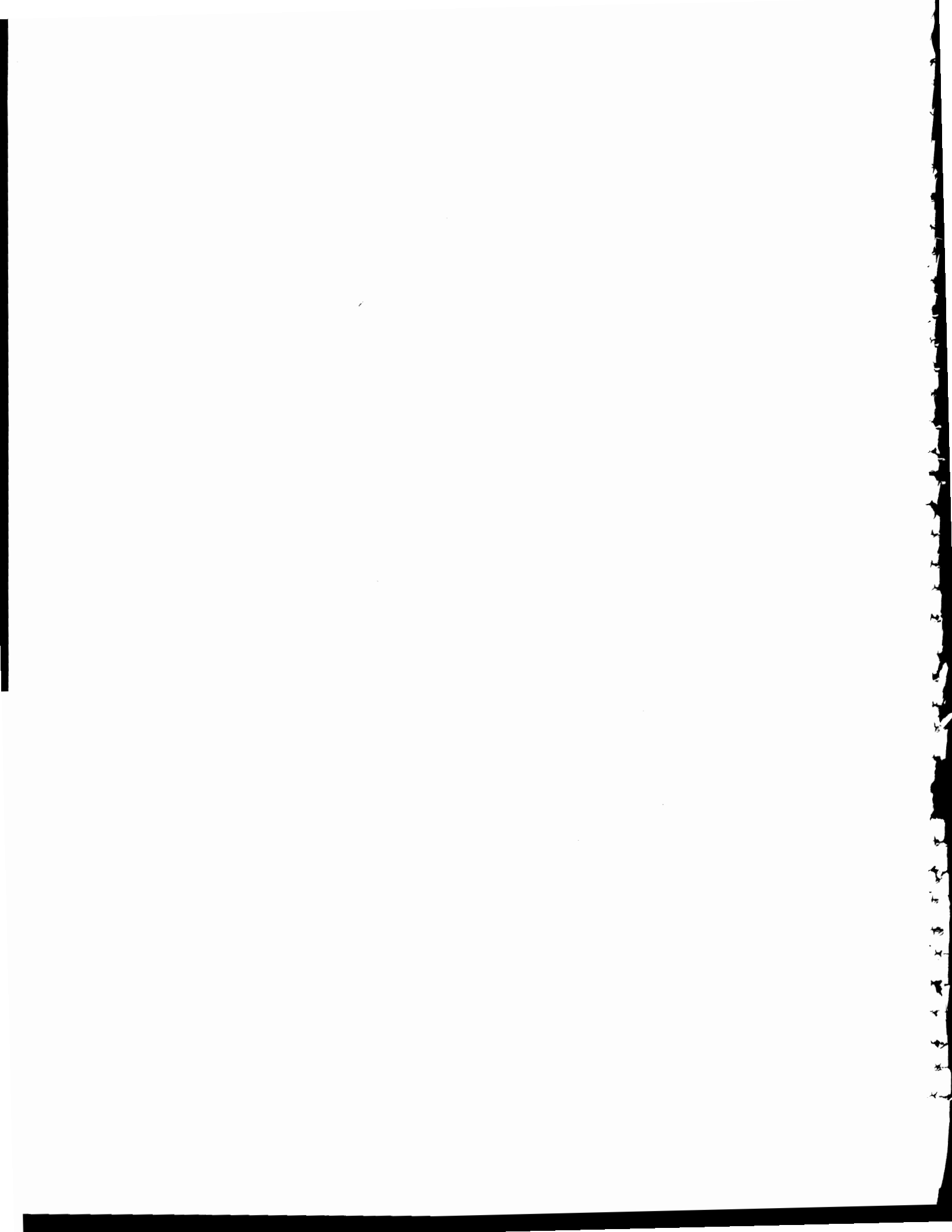
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1 Industrial Commission shall proceed to hear the matter in  
2 accordance with its regularly established procedure for hearing  
3 claims filed under the Workmen's Compensation Act, and shall  
4 report its findings to the secretary or other head of the  
5 department. From the decision of the North Carolina Industrial  
6 Commission an appeal shall lie as in other matters heard and  
7 determined by such commission. Any person who shall refuse to  
8 perform any duties to which he may properly be assigned as the  
9 result of the finding of the secretary or other head of the  
10 department, or of the North Carolina Industrial Commission shall  
11 be entitled to no benefits pursuant to this Article so long as  
12 the refusal shall continue."

13           Sec. 2. This act is effective upon ratification and  
14 shall apply to all injuries occurring on or after November 1,  
15 1979.

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APPENDIX D



STATE HIGHWAY PATROL SALARY CONTINUATION PLAN

§ 20-185. Personnel; appointment; salaries. —

(b) The salary of any officer or member of the State Highway Patrol shall be paid to him so long as his employment as such officer or member of the patrol shall continue, notwithstanding his total or partial incapacity to perform any duties to which he may lawfully be assigned by the commanding officer of the State Highway Patrol, if such incapacity be the result of an injury by accident or occupational disease arising out of and in the course of the performance by him of his official duties; provided, however, that if such incapacity continue for more than two years from its inception, such officer or member of the State Highway Patrol shall during the further continuance of such incapacity be subject to the provisions of Chapter 97 of the General Statutes. Salary paid to an officer or member of the State Highway Patrol pursuant to this subsection

shall cease upon the resumption of his regularly assigned duties, retirement, resignation, or death, whichever first occurs; provided, however, that temporary return to duty shall not prohibit payment of salary to such officer or member of the State Highway Patrol provided the officer or member submits to the commanding officer of the State Highway Patrol prior to the beginning of each subsequent period of disability during the two-year period medical evidence that such disability is directly related to the original cause of incapacity; provided further, that officers or members of the State Highway Patrol, notwithstanding the provisions of subsection (c) of this section, shall during the two-year period salary is paid pursuant to this subsection be subject to the provisions of G.S. 97-27. All payments of salary provided for in this subsection shall be made at the same time and in the same manner as other salaries are paid to members of the State Highway Patrol.

(c) The provisions of subsection (b) of this section shall be in lieu of all compensation provided for the first two years of such incapacity by G.S. 97-29 and 97-30, but shall be in addition to any other benefits or compensation to which such officer or member of the State Highway Patrol shall be entitled under the provisions of the Workers' Compensation Act. The provisions of G.S. 97-24 will commence at the end of the two-year period salary is paid under subsection (b) of this section to any officer or member of the State Highway Patrol.

(d) The period for which the salary of any officer or member of the State Highway Patrol shall be paid to him, pursuant to subsection (b) of this section, while he is incapacitated as a result of injury by accident arising out of and in the course of the performance of his official duties, shall not be charged against any sick or other leave to which he shall be entitled under any other provision of law.

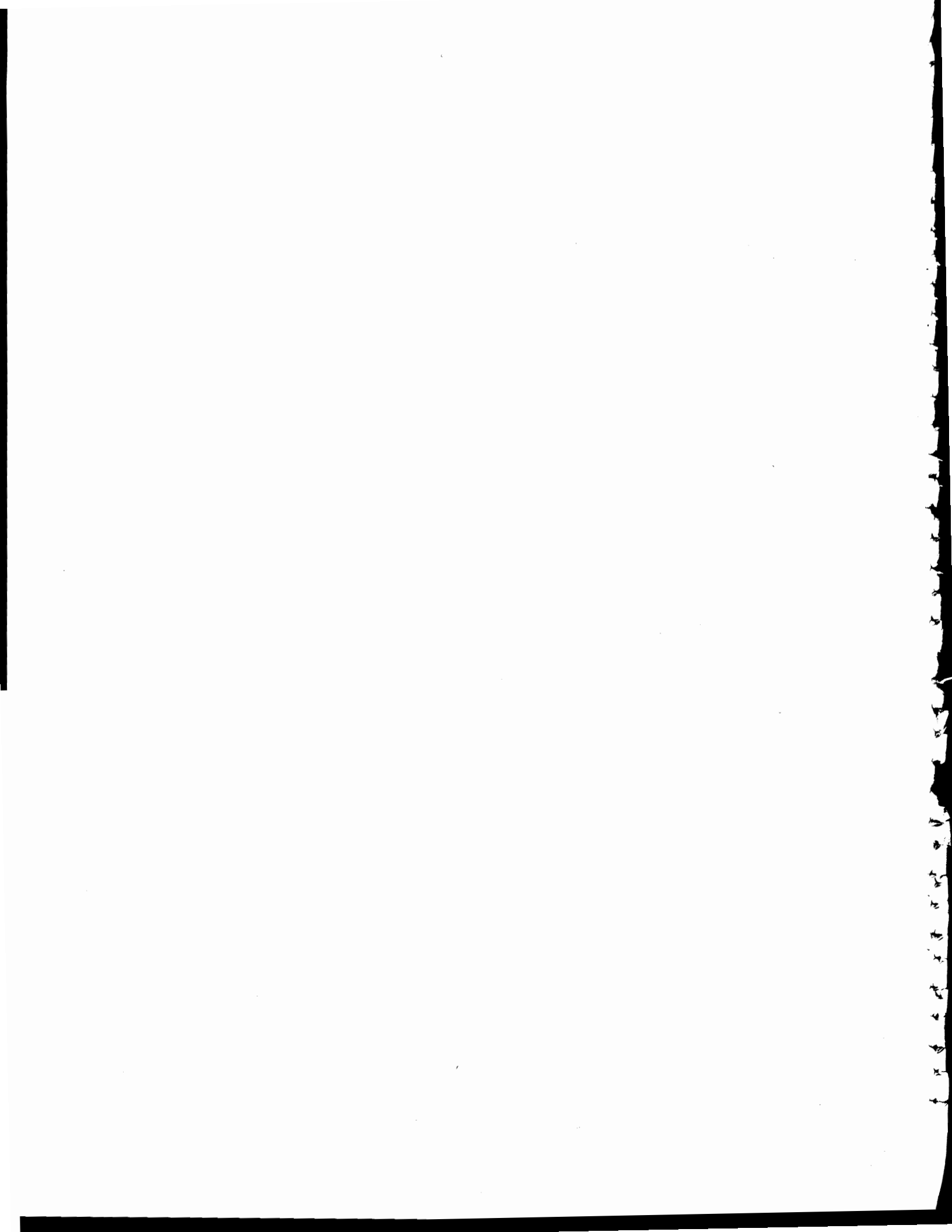
(e) Any officer or member of the State Highway Patrol, who as a result of an injury by accident arising out of and in the course of the performance by him of his official duties, shall be totally or partially incapacitated to perform any duties to which he may be lawfully assigned, shall report such incapacity to the commanding officer of the State Highway Patrol as soon as may be practicable in such manner as the commanding officer of the State Highway Patrol shall require. Upon the filing of such report, the commanding officer of the State Highway Patrol shall determine the cause of such incapacity, and to what extent the claimant may be assigned to other than his normal duties. The finding of the commanding officer of the State Highway Patrol shall determine the right of the claimant to benefits under subsection (b) of this section, unless the claimant, within 30 days after he receives notice thereof, files with the North Carolina Industrial Commission, upon such form as it shall require, a request for a hearing. Upon the filing of such request, the North Carolina Industrial Commission shall proceed to hear the matter in accordance with its regularly established procedure for hearing claims filed under the Workers' Compensation Act, and shall report its findings to the commanding officer of the State Highway Patrol. From the decision of the North Carolina Industrial Commission an appeal shall lie as in other matters heard and determined by such Commission. Any officer or member of the State Highway Patrol who shall refuse to perform any duties to which he may properly be assigned as the result of the finding of the commanding officer of the State Highway Patrol, or of the North Carolina Industrial Commission, shall be entitled to no benefits pursuant to subsection (b) of this section so long as such refusal shall continue.

(f) The benefits provided for members of the State Highway Patrol under the provisions of subsections (b), (c), (d), and (e) of this section shall be granted to the Director and assistant director of the License and Theft Enforcement Section of the Division of Motor Vehicles, Department of Transportation, and to members of the License and Theft Enforcement Section of the Division of Motor Vehicles, Department of Transportation, designated by the Commissioner of

Motor Vehicles as "inspectors," and uniformed weigh station personnel in the same manner and under the same circumstances and subject to the same limitations as if the Director and assistant director and the inspectors were members of the State Highway Patrol. The benefits provided for members of the State Highway Patrol under the provisions of subsections (b), (c), (d), and (e) of this section shall be granted to incapacitated driver license examiners, if such total or partial incapacity is the result of an injury by accident arising out of and in the course of giving a road test.

(g), (h) Struck out by Session Laws 1961, c. 833, s. 6.2. (1929, c. 218, s. 1; 1931, c. 381; 1935, c. 324, s. 1; 1937, c. 313, s. 1; 1941, c. 36; 1947, c. 461, s. 1; 1953, c. 1195, s. 1; 1955, c. 372; 1957, c. 1394; 1959, cc. 370, 1320; 1961, c. 833, s. 6.2; 1973, c. 59; 1975, c. 61, ss. 1, 2; c. 716, s. 5; 1977, c. 70, ss. 6-8, 13; c. 329, ss. 1-3; cc. 749, 889.)

APPENDIX E

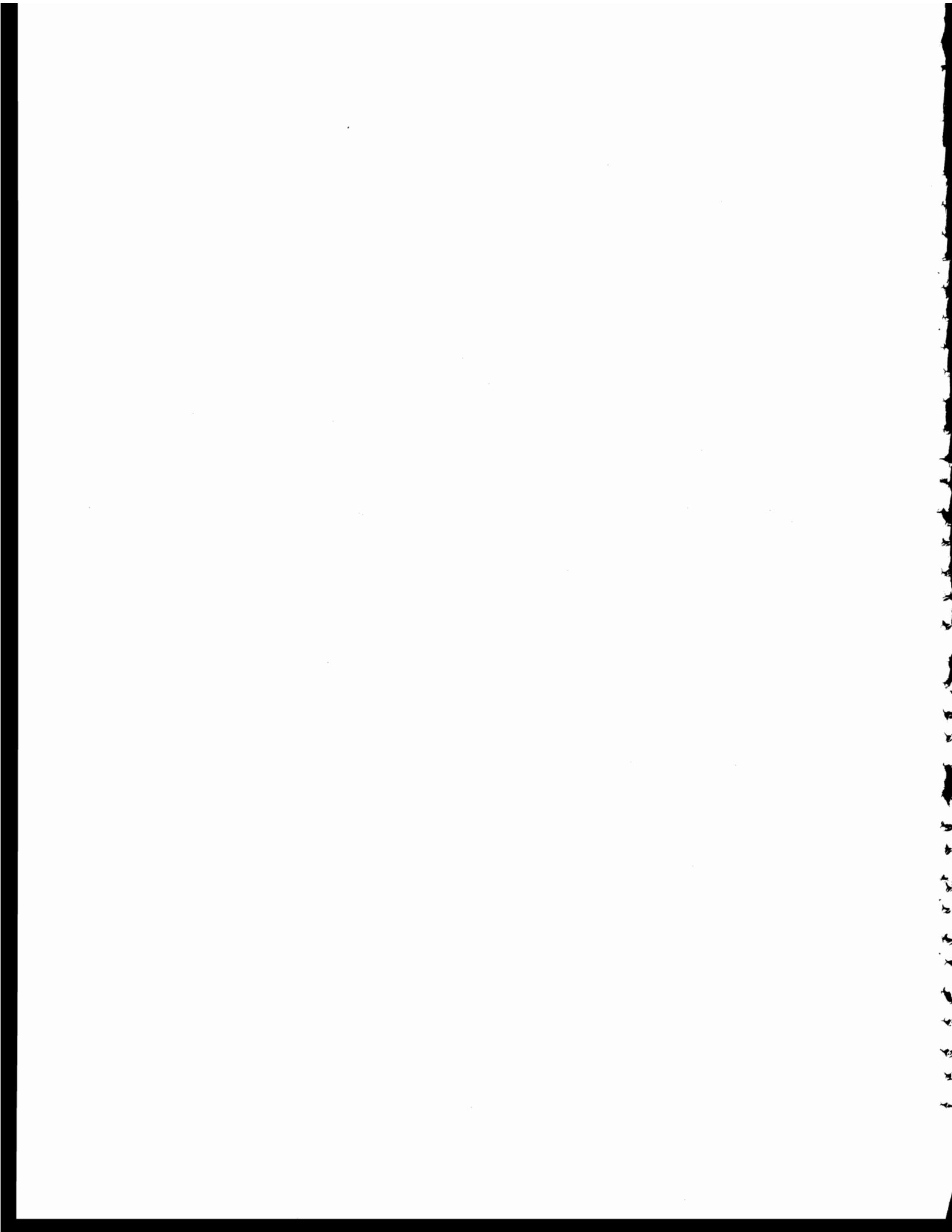




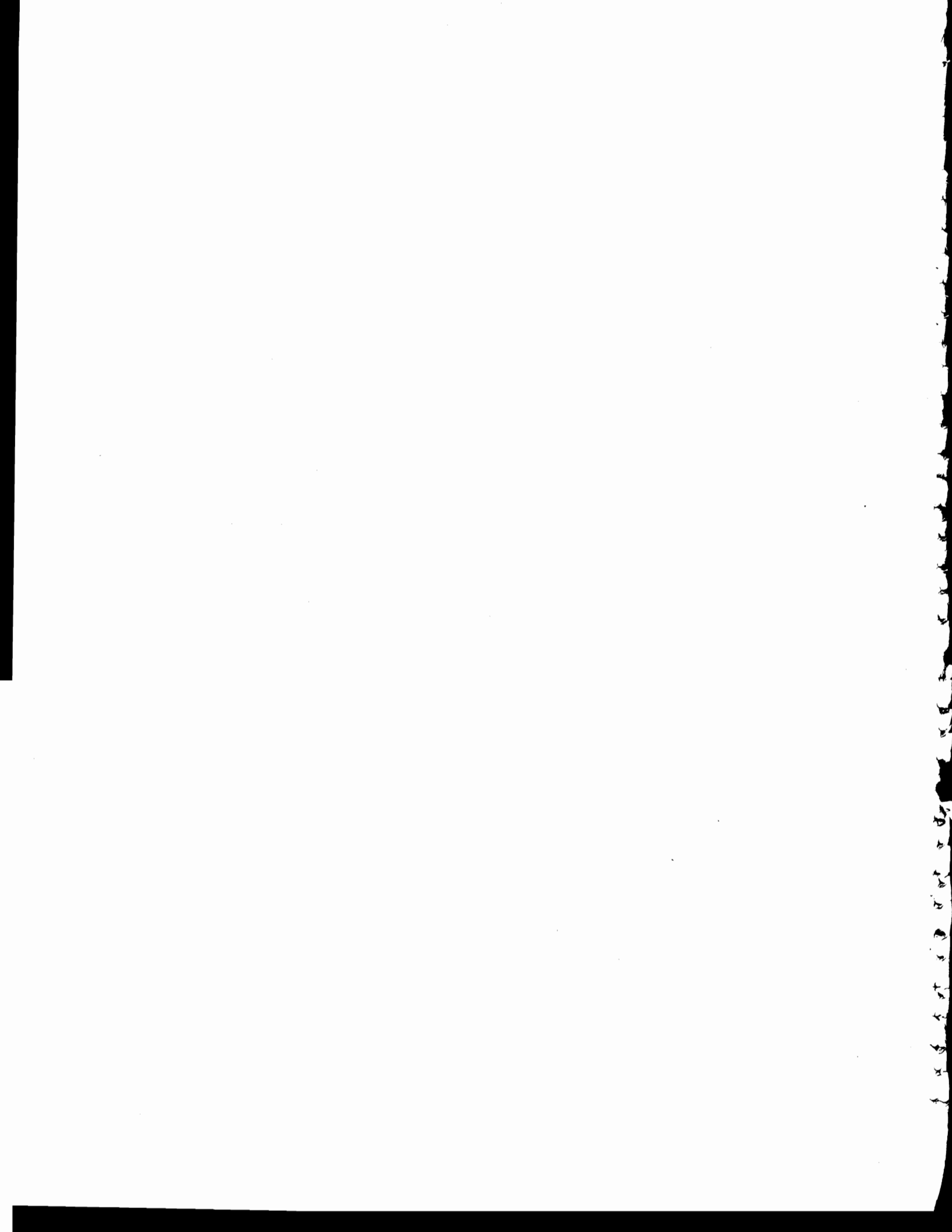
PENNSYLVANIA COVERAGE OF SPECIFIED STATE EMPLOYEES

(Public Law 477, No. 193, 1935).

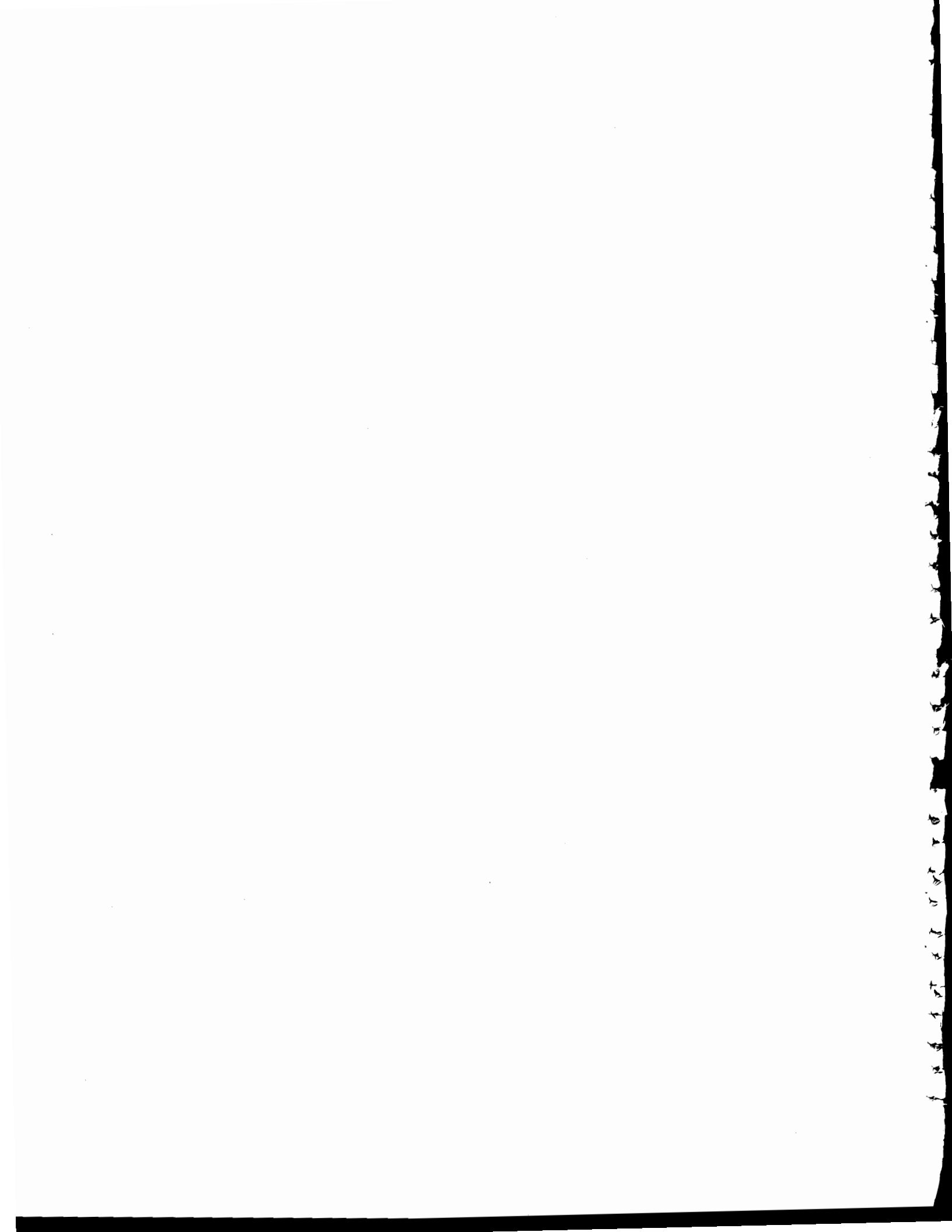
Pennsylvania extends salary coverage to provide for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, correction officers employed by the Bureau of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aids employed by the Department of Public Welfare and the Bureau of Corrections whose principal duty is the care, custody, and control of the criminally insane, and drug enforcement agents of the Department of Justice whose principal duty is the enforcement of the drug laws of the Commonwealth, members of the Delaware River Port Authority Police and of policemen, firemen and park guards by the Commonwealth of Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, who are injured or contract certain diseases in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period.



APPENDIX F



GRAPHS AND NARRATIVE ANALYSES OF BENEFIT PROGRAMS



KEY TO INITIALS AND SYMBOLS USED IN GRAPHS



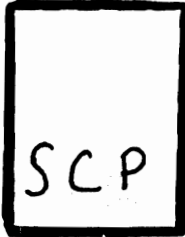
Waiting Period.

AFC

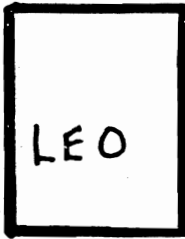
Average Final Compensation (Average of 4 highest years' salary).



Salary ; fully taxed.



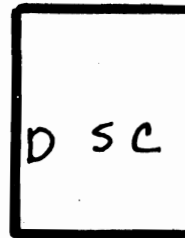
Salary Continuation Plan ; GS 20-185(b) ; fully taxed.



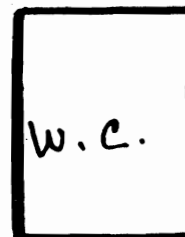
LEO Disability Retirement (Law Enforcement Officers) ; not state taxed.



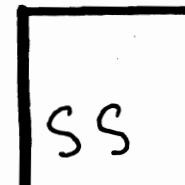
TSERS Disability Retirement (Teachers and State Employees) ; not state taxed.



Disability Salary Continuation ; not state taxed.



Workers' Compensation ; not state taxed.

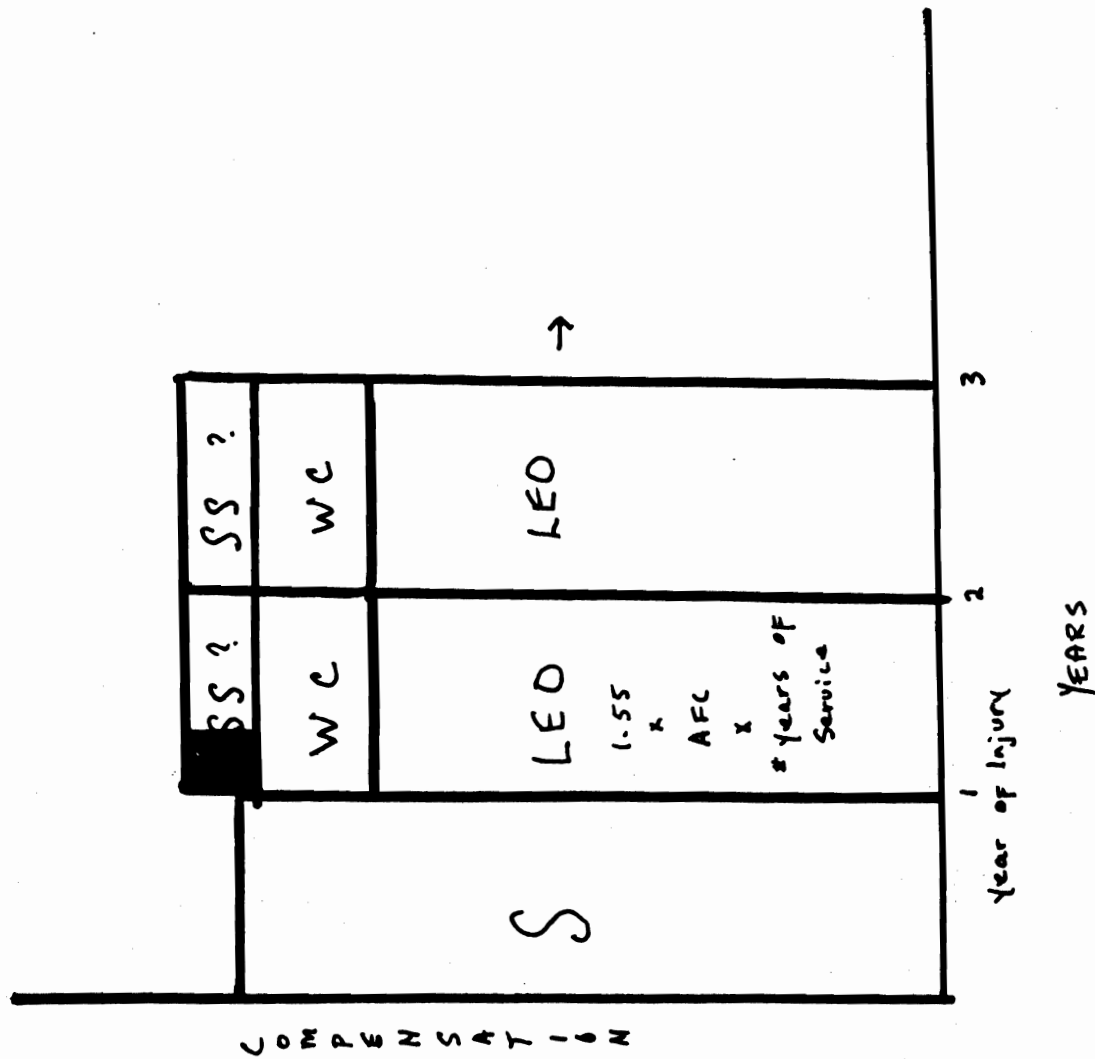


Social Security ; not taxed.

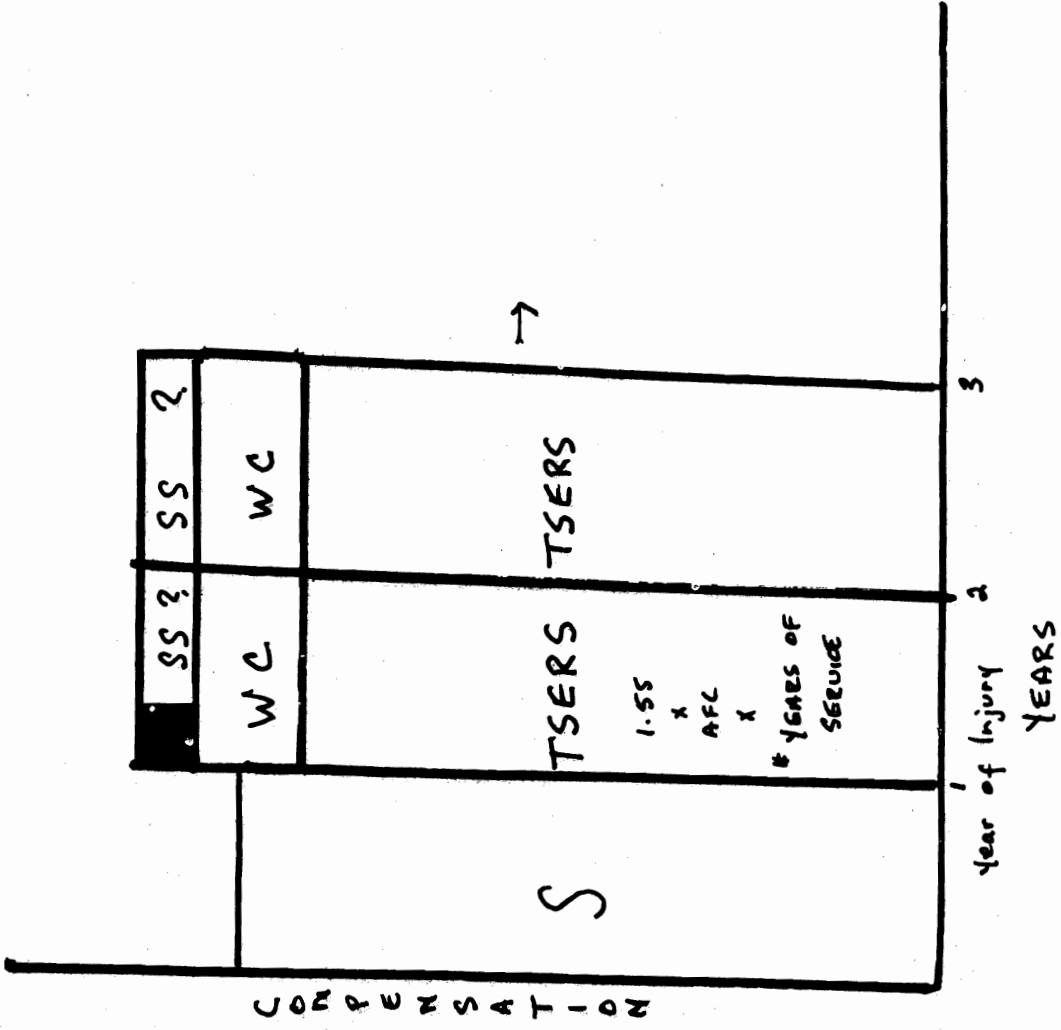




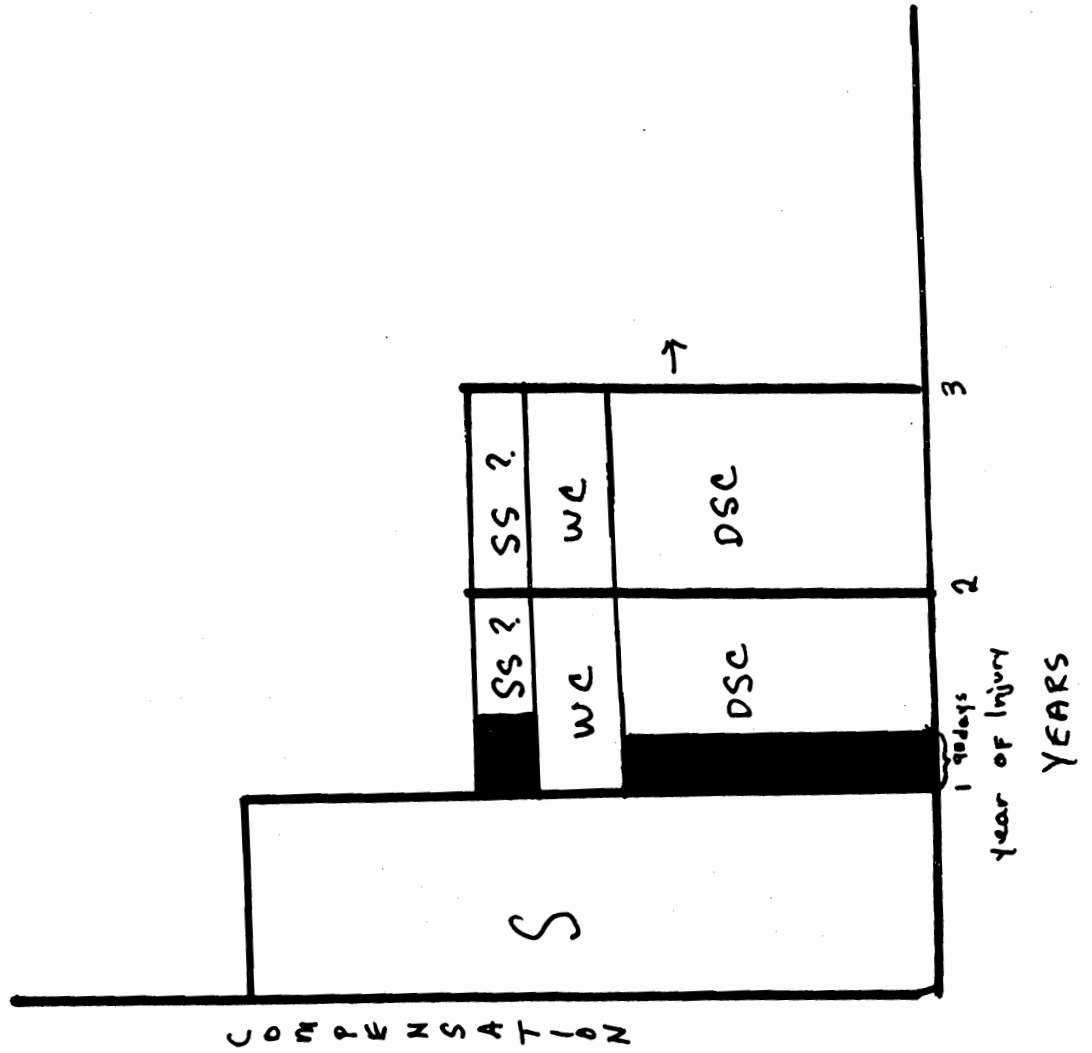
II ( )  
 Law Enforcement Officer; Age 26; More than 1 year Service; Job-related Injury  
 Total, Permanent Disability.



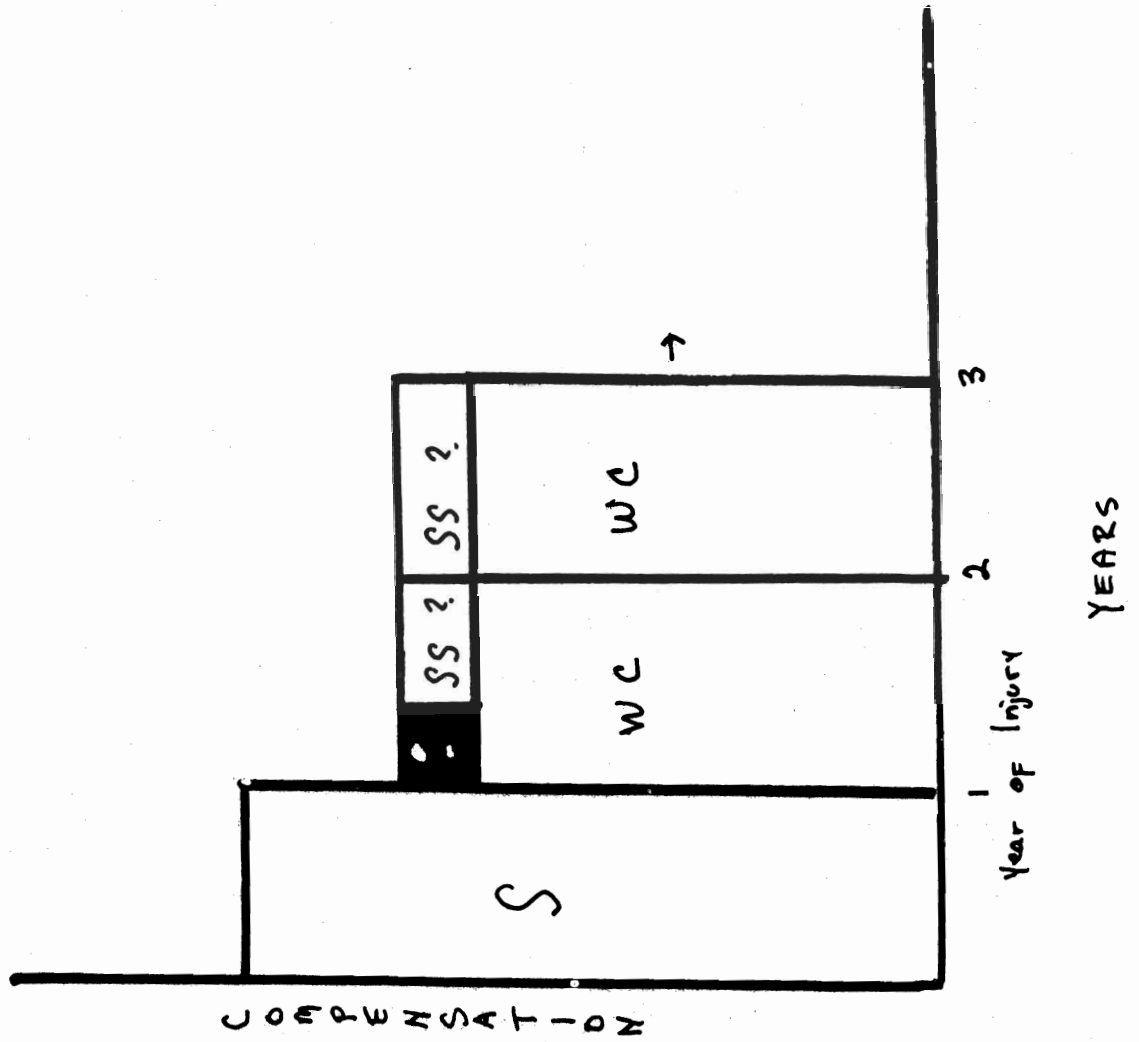
State Employee; Age 26; 5 years Service; Total, Permanent Disability.



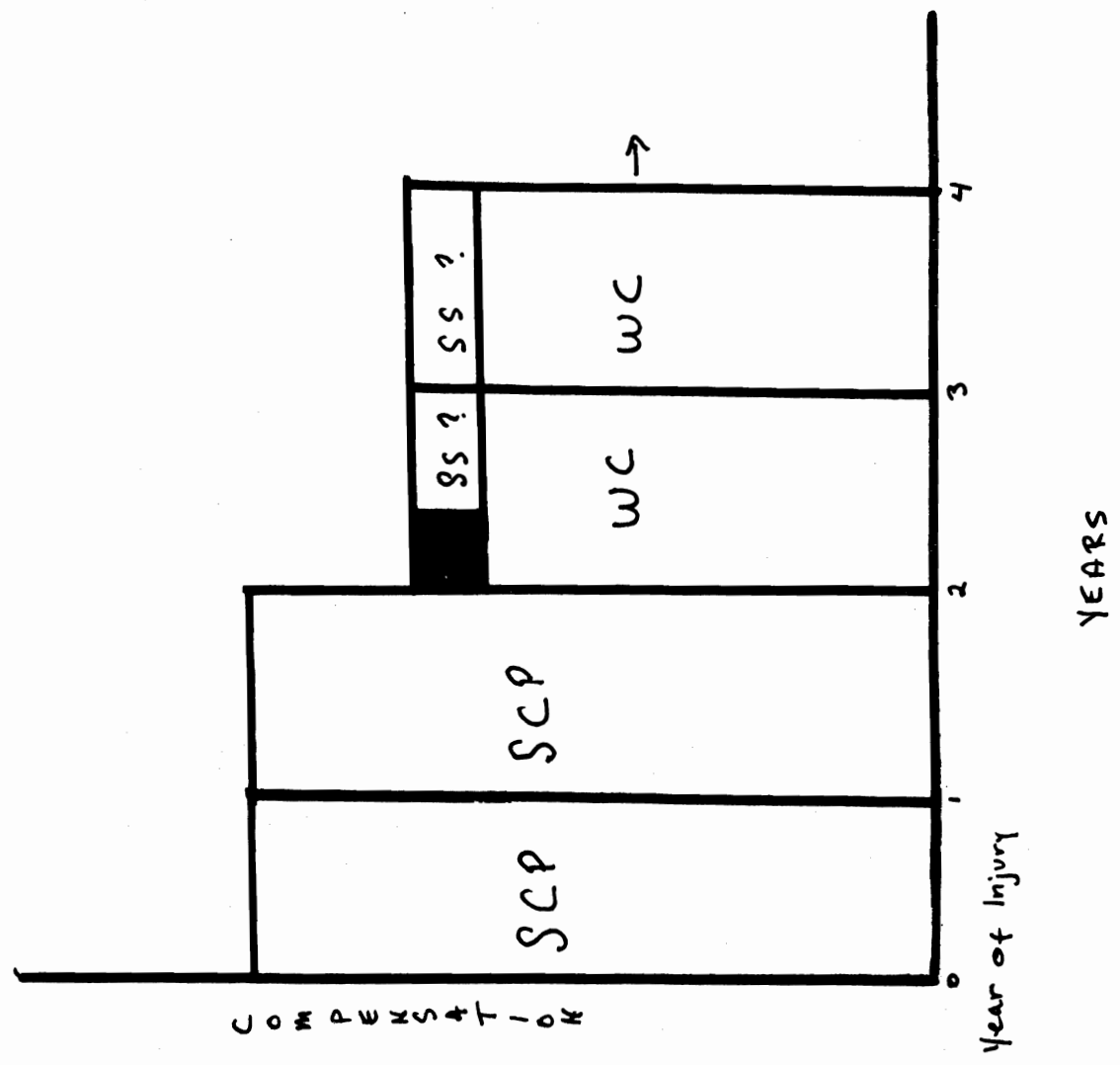
- (i) State Employee; Age 26; Less than 5 years Service; Total, Permanent Disability;  
 or  
 (ii) Law Enforcement Officer; Age 26; Less than 5 years Service; not Job-Related Injury;  
 Total; Permanent Disability.



Any State Employee, LEO or TSERS; Age 26; Less than 1 year service; Total, permanent



Highway Patrolman; Age 26; less than 1 year service; Permanent, Total Disability



I. A. Disability Salary Plan - GS 20-185 (h)

Requirements

1. No service minimum must apply within two years of injury
2. "On the job" injury arising out of and in course of
3. Total or partial disability for job

Duration-Total 2 years then apply for LEO retirement

4. Medical management of program.

Taxation - Fully taxed creditable service for retirement, no membership service.

5. If compensation denied appeal to Industrial Commission

B. Law Enforcement Officers Benefit and Retirement Fund

Requirements

1. 1 Year of service for job related injury
2. Medical Board makes determination of permanent and total disability pension for review - no statutory requirement
3.  $1.55 \times AFC \times$  number of years service to age 55

C. Worker's compensation

Requirements

1. On the job injury
2.  $\frac{2}{3}$  average weekly compensation on \$194.00
3. File medical certification from physician
4. Seven day waiting period
5. Not state taxed.

D. Social Security

Requirements

1. Make application to Social Security
2. DHR disability determination decides whether a compensable disability
3. Need service credits at age 26 of 10 quarters
4. No compensation if able to work in any capacity for which he has training.
5. No compensation for first 5 months, first payment at the end of the 6th month.  
Social Security is offset by worker's compensation so that not exceed 80% of average monthly.

II. See No. I. above.

III. A. Teachers and State Employees Retirement System

Requirements

1. 5 Years of service
2. Medical Board makes determination of disability provision of review annually for 5 years, every 3 years to age 65.
3.  $1.55 \times \text{AFC} \times \text{No. of years of service to age 65.}$

B. Worker's Compensation

See No. I. only if job related injury.

C. Social Security

See No. I. above.

IV. A. Disability Salary Continuation

Requirements

1. One year of service
2. Three tests - must qualify for one.
  - a. Social Security Disability without duration requirement
  - b. Disability retirement
  - c. Disability determination of DHR
3. Three certifications: employees, employers and personal physician

Benefit

1. No state tax offset by Social Security and worker's compensation.
2. No more than 60% total of annual salary over ~~xxxxxx~~ previous 12 months.

With LEO only receive benefit after 1 year of service for "on the job" injury and no worker's comp. Upon reemployment no DSC and no social security.

B. See No. I.

C. See No. I.

V. Worker's Compensation

See No. I.

Requirement - Job related injury

Social Security

See No. I.

No benefit unless service requirement met and cannot be employed in any job for which trained.

VI. Not eligible for LEO or TSERS Retirement

A. Disability Salary Plan 20-185 (b)

See No. I.

1. Only if job related injury

B. Worker's Compensation

See No. I.

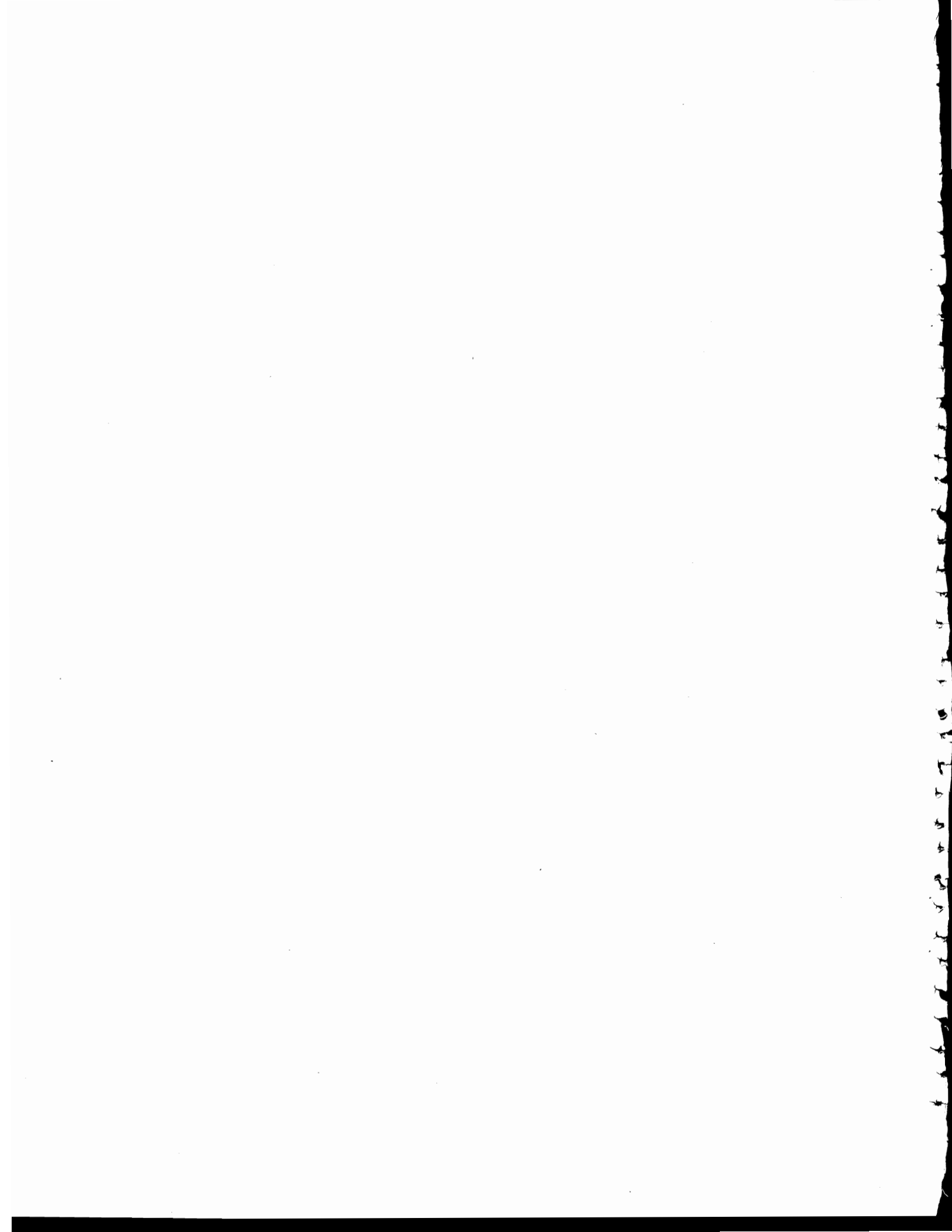
1. Only if job related injury.

C. Social Security

See No. I.



APPENDIX G



## HIGHWAY PATROL RULES FOR DISABILITY PLAN

### I. GENERAL

- A. Special benefits afforded Patrol members (some optional and some compulsory) shall include Social Security, Workmen's Compensation group insurance programs, retirement systems, Separate Benefit Fund, Special Death Benefit Acts for Law Enforcement Officers (State and Federal), and the State's Disability Salary Continuation Plan.
- B. Members who have questions concerning these statutory or group benefits shall first consult with their Troop Health Benefits Representative or Operations Officer. If the member needs information which cannot be supplied at the field level, he may consult with the Department's Benefits and Safety Officer.
- C. The Benefits and Safety Officer shall be held responsible for notifying the affected section director concerning any special benefit matter coming to his attention which might have a bearing upon supervisory decisions.

### II. JOB-RELATED ACCIDENTS

- A. An injured member or his representative shall immediately on the occurrence of an accident, or as soon thereafter as possible, give or cause to be given a written statement to his supervisor describing the accident. The injured member shall report to a physician for diagnosis and treatment and shall obtain a statement from the physician as to the nature of the injury and the length of disability, if applicable. The injured member or his representative shall, within 24 hours from accident occurrence, present to his supervisor the original copy of his statement and that of the attending physician. The supervisor shall, within 3 days from accident date, complete three copies of Industrial Commission Form 19, and forward as required in the Patrol Forms and Reports Manual.
- B. In the event an injured member is unable to obtain a statement from the attending physician, he will inform his supervisor immediately. If the injury is obviously minor in nature, the supervisor will have the discretion to have the member resume his regular duties. However, the supervisor shall personally attempt to obtain the statement from the attending physician in time to accompany the Form 19 to Troop Headquarters. If the supervisor is unsuccessful in obtaining the doctor's statement, he will document this fact and attach his statement to the Form 19 prior

to routing. The doctor's name, address, and telephone number shall be specified. Upon receipt of the statement, the Benefits and Safety Officer will take the necessary steps to procure the doctor's statement.

- C. The supervisor's action will be based upon information provided by the physician. If the physician's statement indicates a non-disabling injury, the member shall be required to return to his duties immediately. If disability is indicated, the member is to remain on injury leave until such time as it is confirmed in writing by the attending physician that he is able to resume his normal duties.
- D. When a job-related injury requires a member to be hospitalized immediately, it will be the responsibility of his supervisor to obtain a statement from the attending physician relative to the member's condition and anticipated length of disability. If possible, the supervisor will attach the statement to the Form 19 prior to routing.
- E. When a member is not disabled initially, but requires home or hospital confinement at a later date, an attending physician's statement will be required certifying that the member's disability is justified. Such certification shall be provided by the member to his supervisor, who in turn will forward it to the Benefits and Safety Officer through the Troop Commander.
- F. After being placed upon injury leave and prior to a member's return to duty, the member shall provide his supervisor with a statement from the attending physician, setting forth the date the member is or will be able to resume his normal duties. The member shall not be allowed to return to duty until the date set forth in the physician's statement. The supervisor shall forward a copy of this statement to the Benefits and Safety Officer through the Troop Commander.
- G. When a member is on injury leave, his supervisor will personally contact him once weekly to determine his needs and progress. Any suspicion of abuse of leave shall immediately be brought to the attention of the Benefits and Safety Officer through established channels. An independent physical evaluation may be required in such cases.
- H. Supervisory personnel shall closely scrutinize a member's report of a job-related injury. If the report appears to describe the injury incorrectly, the supervisor shall investigate and forward a report of his findings, opinions, and recommendations to the Benefits and Safety Officer through established channels.
- I. The salary of a member disabled as the result of an accident arising out of and in the course of employment shall continue as long as such disability lasts, not to exceed two years from the date of

initial incapacity. In the event disability continues beyond the two-year period, the member will contact the Department's Benefits and Safety Officer through channels prior to the end of the two-year period to arrange for continued benefits provided by the Workmen's Compensation Act. The member will at that time be given an opportunity to select one of the four options provided by the State Personnel Act relative to injury leave. The District First Sergeant shall assist members in this regard.

- J. Injury leave shall not be charged to sick or other leave during the first two (2) years of a member's disability.
- K. A request for salary continuation as provided by G.S. 20-185(b) must be made within two years after the accident. A claim for Workmen's Compensation must be filed within two years after the end of the two-year period for which salary continuation is paid. Provided, if salary continuation is denied a member, a claim for Workmen's Compensation must be filed within two years after the accident. The right to benefits under G.S. 20-185(b) and under the Workmen's Compensation Act shall be forever barred unless a request or claim is filed within the periods specified herein.
- L. An approval will be given for a ward or semi-private room service only, except:
  - (1) When the condition of the patient requires other accommodations and the attending physician or surgeon so recommends in writing.
  - (2) When a ward or semi-private service is not available, private room service will be approved. A statement from the hospital administrator must accompany the Industrial Commission claim form, indicating that ward or semi-private service was not available.

If the patient for personal reasons alone desires a private room and the patient and hospital officials agree, hospitals are authorized by the Industrial Commission to collect the difference between its regular semi-private and regular private room service directly from the patient. When such an agreement is made between the patient and hospital officials, the hospital shall not bill the Patrol for the difference between semi-private and private room service.

- M. An employee sustaining a job-related injury as a result of negligence on behalf of a third party and who subsequently agrees to a settlement with the third party shall notify the Department's Benefits and Safety Officer prior to settlement. The Benefits and Safety Officer will take appropriate action to assure that the State is reimbursed for all benefits paid on behalf of the employee through Workmen's Compensation.

- N. Members disabled from job-or non-job-related injuries shall, in addition to statutory requirements, be governed by policies and procedures established by the Secretary and the Patrol Commander.
- O. It is unlawful for any person including physicians, nurses and hospitals to accept a fee, gift, or any remuneration for any service rendered in connection with the claim of any person awarded compensation unless such fee or other consideration has been approved by the Industrial Commission. No member should pay any such fee unless so approved.

### III. INTERPRETATION

All special benefits described in this Directive are subject to interpretation by the appropriate administering agencies, contracts with insurers, and applicable State statutes.

Issued this 17th day of January, 1978.

  
\_\_\_\_\_  
Commander  
STATE HIGHWAY PATROL

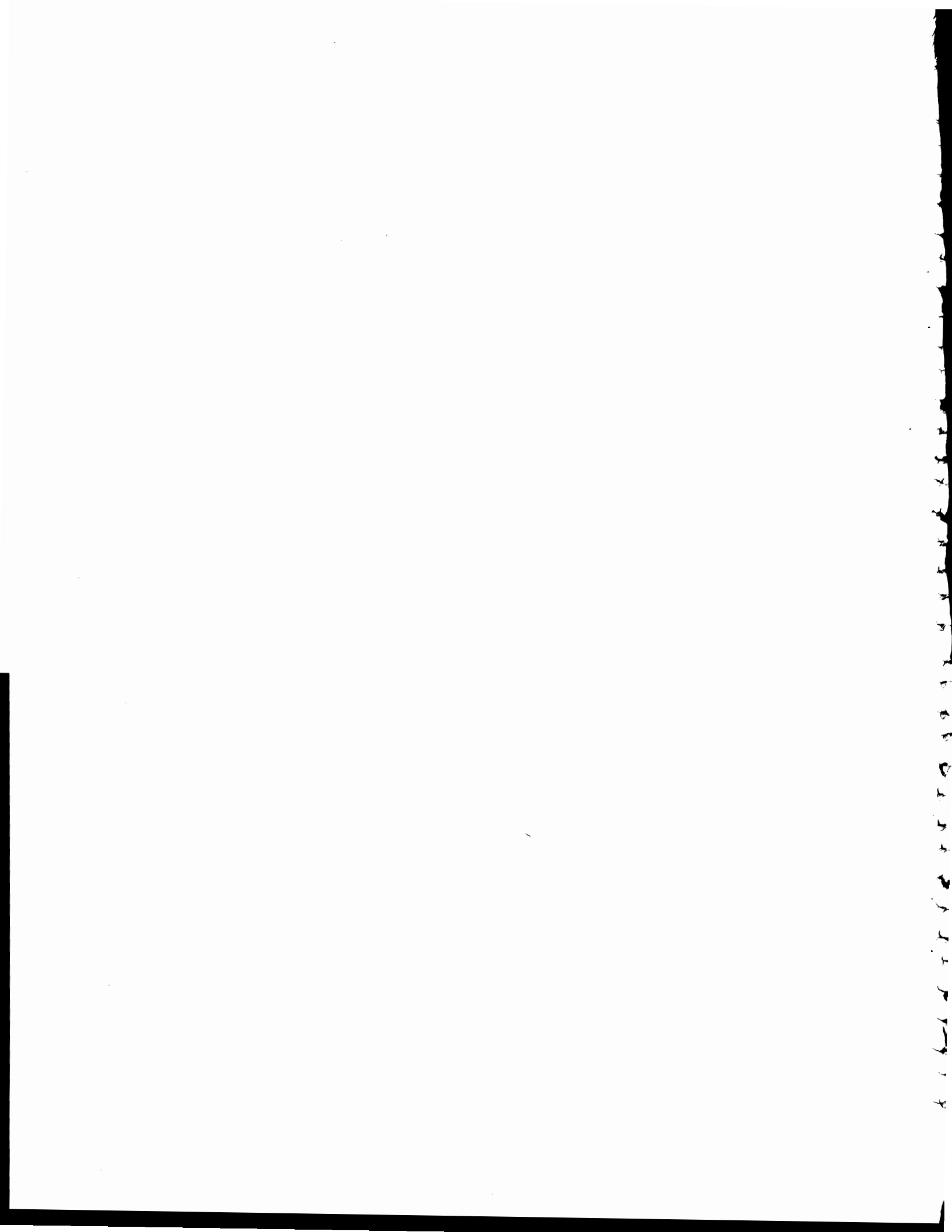
I concur:

  
\_\_\_\_\_  
Secretary, Department of Crime Control  
and Public Safety

I have read and I understand this Directive.

\_\_\_\_\_  
(Signature) (Date)

APPENDIX H





STATE EMPLOYEES COVERED BY THE CRIMINAL JUSTICE TRAINING AND STANDARDS ACT, G.S. 17C-1 through 17C-12.

§ 17C-2. Definitions. -- Unless the context clearly otherwise requires, the following definitions apply in this Chapter:

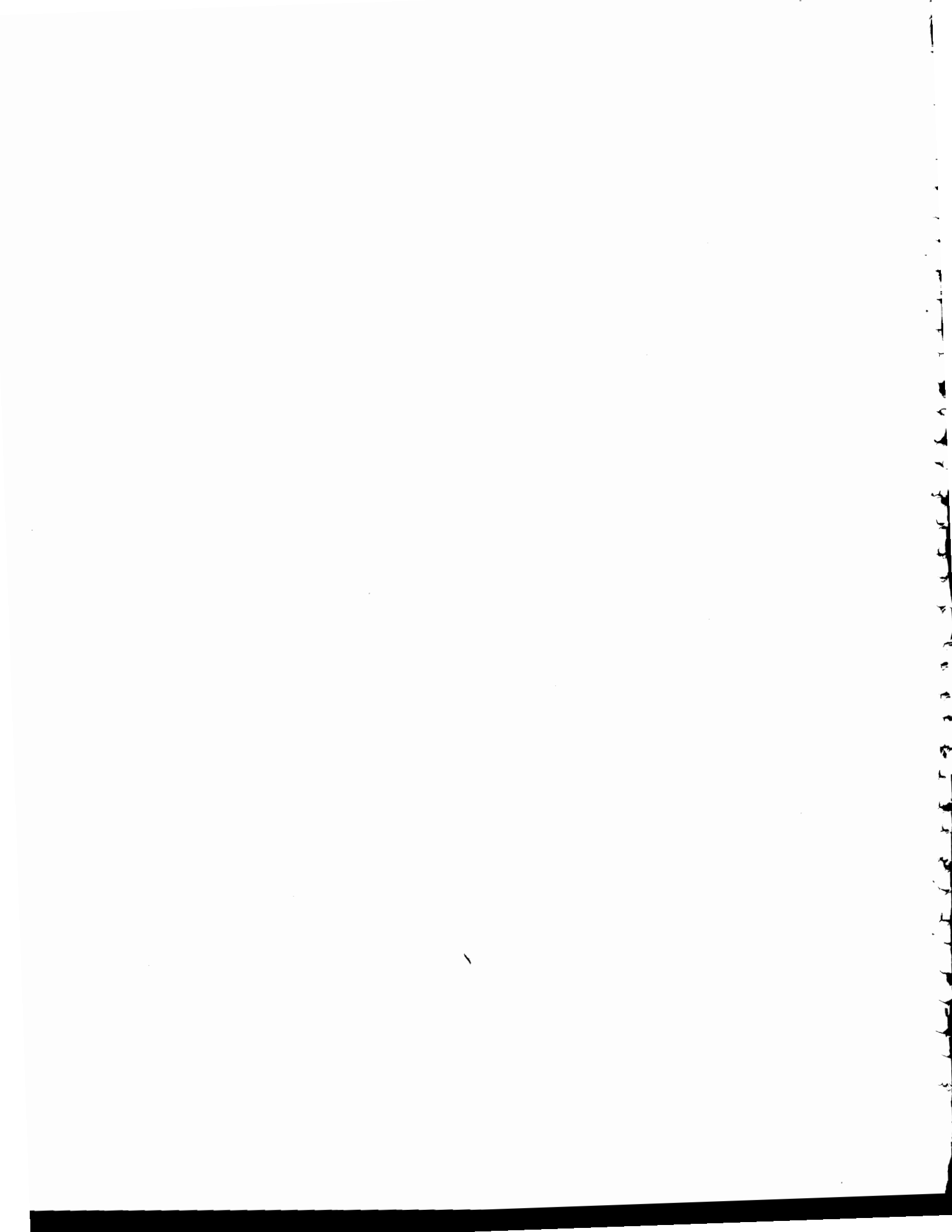
(a) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission;

(b) "Criminal justice agencies" means the State and local law enforcement agencies, the State correctional agencies, the jails and other correctional agencies maintained by local governments, and the juvenile justice agencies;

(c) "Criminal justice officer(s)" means and incorporates the administrative and subordinate personnel of all of the departments, agencies, units or entities comprising the "criminal justice agencies," as defined in subsection (a), who are sworn law enforcement officers, both State and local, with the power of arrest; State correctional officers; State probation and parole officers; or youth correctional officers. However, those individuals who are elected or appointed to criminal justice offices created under the Constitution of North Carolina are expressly exempted from the application of any minimum qualification standards or position certification requirements developed under the provision of this Chapter. This exemption shall not apply to relevant subordinate personnel of these constituted officials.



APPENDIX I





# North Carolina State Government Employees' Association, Inc.

## OFFICERS

MS GAYLE WATSON  
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First Vice President  
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MS ALICE GREENE  
Secretary  
Post Office Box 5436  
Winston-Salem, N C 27103

BOBBY L REARDON  
Treasurer  
6109 Oak Forest Rd  
Raleigh, N C 27604

## ADVISORY COMMITTEE

SAM P GARRISON  
G P PRICE  
DONALD L COOPER

ARCH LANEY  
Executive Director

## STATEMENT BY

THE NORTH CAROLINA STATE GOVERNMENT EMPLOYEES' ASSOCIATION

FOR

THE COMMITTEE ON LAW ENFORCEMENT OFFICERS' SALARY CONTINUATION PLAN

The primary concern of both state employee associations is one of equity. We are concerned that state law enforcement and custodial personnel, involved in protecting the citizens of North Carolina from those who abuse our laws, be able to carry out their duties without fear of financial loss if injured by those who are detained in institutions of correction.

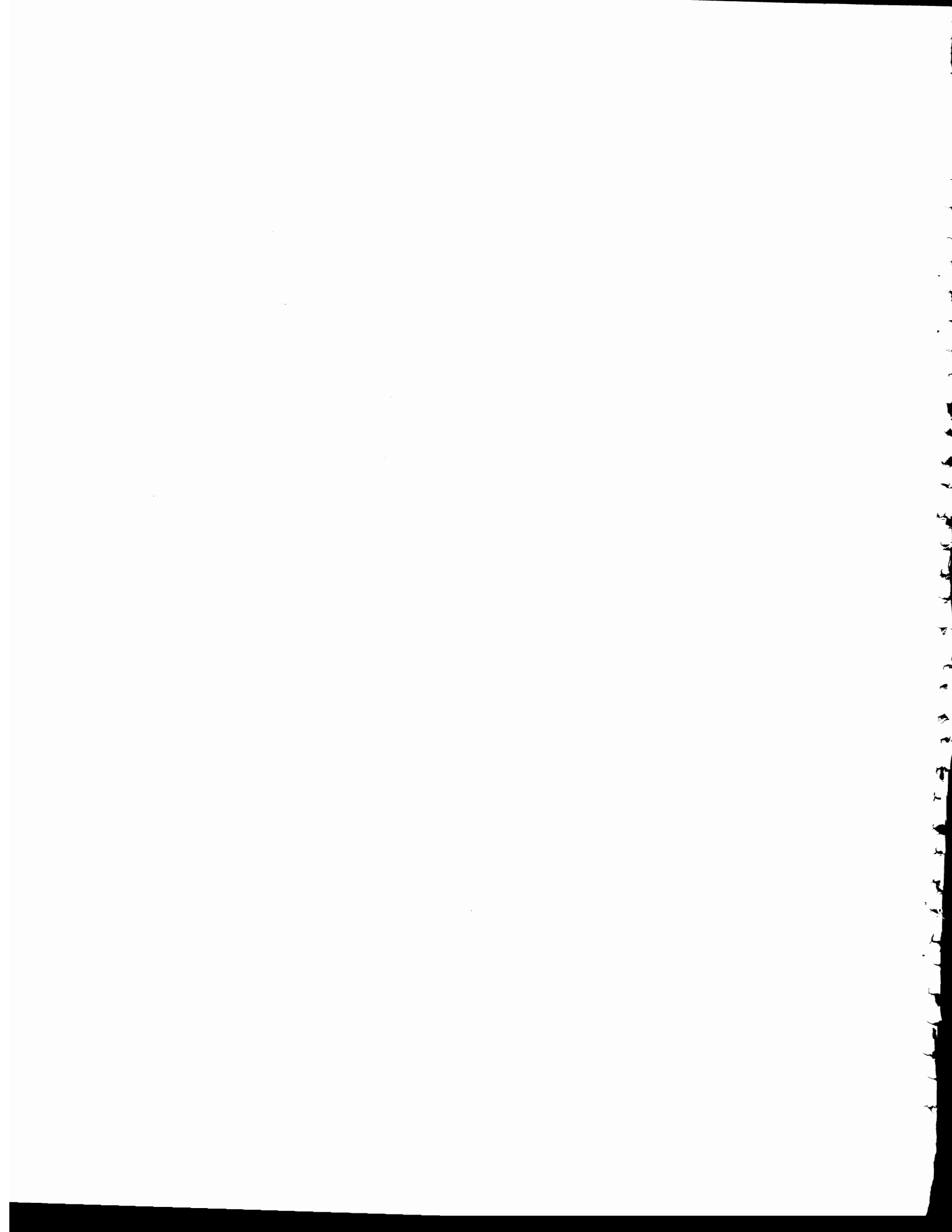
The law that now guarantees up to two years full salary (G.S. 20-185 and G.S. 114-13) for members of the Highway Patrol, designated members of the License and Theft Enforcement Division, Uniform Weigh Station Personnel, Drivers License Examiners and SBI Personnel is a good one, but there are other areas of custody and enforcement with equal risk to life and limb that should be addressed.

Since our association represents primarily the Department of Correction and Division of Highways, our knowledge is concentrated in the area of Correctional Officers, but we are equally interested in the other areas included in the Senate bill introduced by Senator Edward Renfrow. The major problem seems to be defining who should be covered and the attendant cost. We propose that the common denominator should be those personnel who are required to be certified by the Criminal Justice Training and Standards Council, which does include Custodial Personnel and Probation and Parole officers, as defined in G.S. 17A.

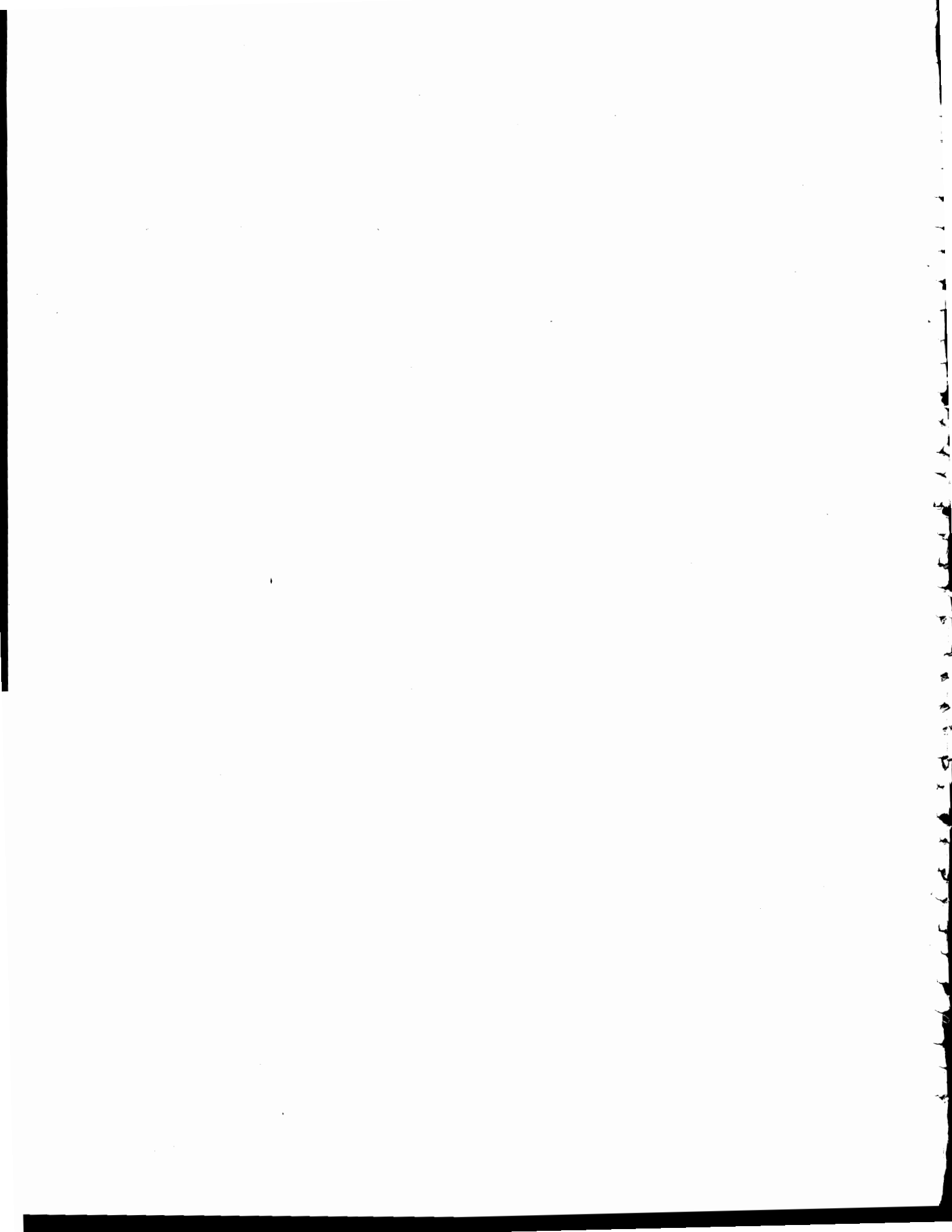
These dedicated officers put their life on the line daily, protecting citizens from those who violate the law. It is difficult to put a cost figure on this proposal but history shows that it would be minimal.

We urge you to base your considerations on equity and fairness to all concerned and recommend this legislation to the General Assembly.

I-1



APPENDIX J





INTRODUCED BY:

LEGISLATIVE PROPOSAL I

Referred to:

1 A BILL TO BE ENTITLED AN ACT TO PROVIDE TWO YEARS' SALARY  
2 CONTINUATION FOR CERTAIN STATE LAW ENFORCEMENT OFFICERS INJURED IN  
3 THE LINE OF DUTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. A new Article is added to Chapter 143 of the  
6 General Statutes to read as follows:

7 "Article 12B

8 Salary Continuation Plan for Certain State Law  
9 Enforcement Officers

10 §143-166.8. (a) The following persons who are subject to  
11 the Criminal Justice Training and Standards Act are entitled to  
12 benefits under this Article:

- 13 (1) State Government Security Officers,  
14 Department of Administration;
- 15 (2) State Correctional Officers, Department  
16 of Corrections;
- 17 (3) State Probation and Parole Officers,  
18 Department of Corrections;
- 19 (4) Sworn State Law Enforcement Officers with the  
20 power of arrest, Department of Corrections;
- 21 (5) Alcohol Law Enforcement Agents, Department of  
22 Crime Control and Public Safety;
- 23 (6) State Highway Patrol Officers, Department of  
24 Crime Control and Public Safety;

- 1 (7) State Legislative Building Special Police,  
2 General Assembly;
- 3 (8) Sworn State Law Enforcement Officers with the  
4 power of arrest, Department of Human Resources;
- 5 (9) Youth Correctional Officers, Department of  
6 Human Resources;
- 7 (10) Insurance Investigators, Department of Insurance;
- 8 (11) State Bureau of Investigation Officers and Agents,  
9 Department of Justice;
- 10 (12) Director and Assistant Director, License and Theft  
11 Enforcement Section, Division of Motor Vehicles,  
12 Department of Transportation;
- 13 (13) Members of License and Theft Enforcement Section, Division  
14 of Motor Vehicles, Department of Transportation,  
15 designated by the Commissioner of Motor Vehicles as either  
16 "inspectors" and uniformed weigh station personnel;
- 17 (14) Utilities Commission Transportation Inspectors and  
18 Special Investigators.

19 (b) The following persons are entitled to benefits under  
20 this Article regardless of whether they are subject to the Criminal  
21 Justice Training and Standards Act:

- 22 (1) Driver License Examiners injured by accident arising out  
23 of and in the course of giving a road test, Division of  
24 Motor Vehicles, Department of Transportation.

25 "§143-166.9. The salary of any of the above listed  
26 persons shall be paid as long as his employment in that position  
27 continues, notwithstanding his total or partial incapacity to  
28 perform any duties to which he may be lawfully assigned, if

1 that incapacity is the result of an injury by accident or an  
2 occupational disease arising out of and in the course of the  
3 performance by him of his official duties, except if that in-  
4 capacity continues for more than two years from its inception,  
5 the person shall, during the further continuance of that  
6 incapacity, be subject to the provisions of Chapter 97 of the  
7 General Statutes pertaining to Worker's Compensation. Salary  
8 paid to a person pursuant to this Article shall cease upon  
9 the resumption of his regularly assigned duties, retirement,  
10 resignation, or death, whichever first occurs, except that  
11 temporary return to duty shall not prohibit payment of salary  
12 for a subsequent period of incapacity which can be shown to be  
13 directly related to the original injury.

14           "§143-166.10. Notwithstanding the provisions of  
15 G.S. 143-166.9 of this Article, the persons entitled to benefits  
16 shall be subject to the provisions of G.S. 97-27 during the  
17 two-year period of payment of full salary. All payments of  
18 salary shall be made at the same time and in the same manner  
19 as other salaries are paid to other persons in the same department.

20           "§143-166.11. The provisions of G.S. 143-166.9 shall  
21 be in lieu of all compensation provided for the first two years  
22 of incapacity by G.S. 97-29 and G.S. 97-30, but shall be in  
23 addition to any other benefits or compensation to which such  
24 person shall be entitled under the provisions of the Worker's  
25 Compensation Act. The provisions of G.S. 97-24 will commence at  
26 the end of the two-year period for which salary is paid pursuant  
27 to G.S. 143-166.9.

28           "§143-166.12. The period for which the salary of

1 any person is paid pursuant to G.S. 143-166.9 while he is  
2 incapacitated as a result of an injury by accident or an  
3 occupational disease arising out of and in the course of the  
4 performance by him or his official duties, shall not be  
5 charged against any sick or other leave to which he shall be  
6 entitled under any other provision of law.

7           "§143-166.13. Any person designated in G.S. 143-166.8,  
8 who, as a result of an injury by accident arising out of and  
9 in the course of the performance by him of his official duties,  
10 is totally or partially incapacitated to perform any duties to  
11 which he may be lawfully assigned, shall report the incapacity  
12 as soon as practicable in the manner required by the secretary,  
13 or other head of the department to which the agency is assigned  
14 by statute, or the commanding officer of the State Highway  
15 Patrol in the case of the Highway Patrol.

16           "§143-166.14. Upon the filing of the report, the  
17 secretary or other head of the department, or, in the case  
18 of the General Assembly, the Legislative Services Officer,  
19 or the commanding officer of the State Highway Patrol in the  
20 case of the Highway Patrol, shall determine the cause of the  
21 incapacity and to what extent the claimant may be assigned to  
22 other than his normal duties. The finding of the secretary,  
23 other head of the department, or the commanding officer of the  
24 State Highway Patrol in the case of the Highway Patrol, shall  
25 determine the right of the claimant to benefits under this  
26 Article. Notice of the finding shall be filed with the North  
27 Carolina Industrial Commission. Unless the claimant, within  
28 30 days after he receives notice, files with the North Carolina

1 Industrial Commission, upon the form it shall require, a request  
2 for a hearing, the finding of the secretary, other department  
3 head, or the commanding officer of the State Highway Patrol in  
4 the case of the Highway Patrol, shall be final. Upon the filing  
5 of a request, the North Carolina Industrial Commission, shall  
6 proceed to hear the matter in accordance with its regularly  
7 established procedure for hearing claims filed under the Worker's  
8 Compensation Act, and shall report its findings to the secretary,  
9 or other head of the department, or the commanding officer of the  
10 State Highway Patrol in the case of the Highway Patrol. From  
11 the decision of the North Carolina Industrial Commission an  
12 appeal shall lie as in other matters heard and determined by  
13 such commission. Any person who shall refuse to perform any  
14 duties to which he may properly be assigned as the result of  
15 the finding of the secretary, other head of the department, or  
16 the commanding officer of the State Highway Patrol in the case  
17 of the Highway Patrol, or of the North Carolina Industrial  
18 Commission shall be entitled to no benefits pursuant to this  
19 Article so long as the refusal shall continue."

20           Sec. 2. Chapter 20 of the General Statutes is amended  
21 by repealing §§ 20-185(b) through 185(f).

22           Sec. 3. Chapter 114 of the General Statutes is amended  
23 by repealing the second paragraph of G.S. 114-13.

24           Sec. 4. The funds to implement this program shall come  
25 from the budgets of the several covered agencies, with no  
26 additional appropriations from the General Assembly.

27           Sec. 5. This act is effective upon ratification and shall

1 apply to persons injured or contracting an occupational disease  
2 on or after January 1, 1981.

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