

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 547

Short Title: Employment Procedures Study.

(Public)

Sponsors: Senator Gulley.

Referred to: Appropriations

April 3, 1995

A BILL TO BE ENTITLED

**AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
CONTINUE A STUDY OF EMPLOYMENT PROCEDURES.**

Whereas, the Legislative Research Commission created a Committee on Employment Procedures in Part II, Sections 2.1(3) and (22) of the 2nd Edition of House Bill 1319 of the 1993 Session; and

Whereas, the Legislative Research Commission authorized the Committee to study the desirability of various approaches that might be taken in State law to deal with discrimination in employment, including, but not limited to, enacting the contents of federal antidiscrimination legislation and empowering the Human Relations Commission to enforce those provisions; and

Whereas, North Carolina follows the employment-at-will doctrine despite recent qualifications of case law and statute prohibiting discharges for certain "bad reasons", and leaving many contractual employees unprotected from wrongful discharge; and

Whereas, the Committee on Employment Procedures has determined the issues involving alternative approaches to deal with discrimination in employment and the Model Employment Termination Act are too complex to fully analyze and make informed recommendations to the 1995 General Assembly and that additional study and review is necessary; Now, therefore,

The General Assembly of North Carolina enacts:

1 Section 1. The Legislative Research Commission is authorized to appoint a
2 Committee to continue a study of Employment Procedures to include alternative
3 approaches to deal with discrimination in employment and the Model Employment
4 Termination Act.

5 Sec. 2. The Committee shall be composed of 16 members: eight to be
6 appointed by the Speaker of the House of Representatives, two of whom shall represent
7 the respective management and labor segments of private industry and eight to be
8 appointed by the President Pro Tempore of the Senate, two of whom shall represent the
9 respective management and labor segments of private industry. The Speaker of the
10 House and the President Pro Tempore of the Senate shall each designate a cochair from
11 among their appointees. Either cochair may call the first meeting of the Committee.
12 Vacancies shall be filled in the same manner as the original appointments were made.

13 Sec. 3. The Committee shall study the desirability of various alternative
14 approaches that might be taken in State law to deal with discrimination in employment,
15 including, but not limited to, enacting the contents of federal antidiscrimination
16 legislation and empowering the Human Relations Commission to enforce those
17 provisions, and shall continue to review the employee grievance process for employees
18 subject to the State Personnel Act.

19 Sec. 4. The Committee shall continue the examination of the Model
20 Employment Termination Act, including, but not limited to, a review of proposed
21 legislation and related statutory protections in other states.

22 Sec. 5. With the approval of the Legislative Services Commission,
23 professional and clerical staff of the Legislative Services Office shall be available to the
24 Committee and the Committee may meet in the State Legislative Building or the
25 Legislative Office Building.

26 Sec. 6. Members of the Committee who are members of the General Assembly
27 shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members
28 who are State officers or employees shall receive subsistence and travel allowances as
29 provided by G.S. 138-6. All other members shall receive per diem, subsistence, and
30 travel allowances as provided by G.S. 138-5.

31 Sec. 7. Upon the request of the Committee, any State department, agency,
32 institution, or officer shall provide any information available to them and cooperate to the
33 fullest extent.

34 Sec. 8. The Committee may report its findings, together with any
35 recommended legislation, to the 1996 Regular Session of the 1995 General Assembly, to
36 the 1997 General Assembly, or to both.

37 Sec. 9. This act is effective upon ratification.