## GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2007**

S D SENATE DRS65155-LR-48A (02/26)

	Short Title	e: Deputy Sheriff Employment Protection. (Public)	
	Sponsors:	Senators East, and Berger of Franklin.	
	Referred to:		
1		A BILL TO BE ENTITLED	
2	AN ACT RELATING TO THE "JUST CAUSE" TERMINATION OF DEPUTY		
3	SHERIFFS, AFFORDING ADMINISTRATIVE AND JUDICIAL REVIEW OF		
4	DISCIPLINARY ACTIONS.		
5	The General Assembly of North Carolina enacts:		
6		<b>SECTION 1.</b> G.S. 126-5(a) reads as rewritten:	
7	"(a)	The provisions of this Chapter shall apply to:	
8		(1) All State employees not herein exempt, and	
9		(2) All employees of the following local entities:	
10		a. Area mental health, developmental disabilities, and substance	
11		abuse authorities.	
12		b. Local social services departments.	
13		c. County health departments and district health departments.	
14		d. Local emergency management agencies that receive federal	
15		grant-in-aid funds.	
16		An employee of a consolidated county human services agency created	
17		pursuant to G.S. 153A-77(b) is not considered an employee of an	
18		entity listed in this subdivision.	
19		(3) County employees not included under subdivision (2) of this	
20		subsection as the several boards of county commissioners may from	
21		time to time determine.	
22		(4) Sheriffs' deputies as provided by G.S. 153A-103(b)."	
23		<b>SECTION 2.</b> G.S. 153A-103 reads as rewritten:	
24	"§ 153A-1	03. Number of employees in offices of sheriff and register of deeds.	
25	<u>(a)</u>	Subject to the limitations set forth below, the board of commissioners may fix	

the number of salaried employees in the offices of the sheriff and office of the register

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of deeds. In exercising the authority granted by this section, the board of commissioners is subject to the following limitations:

- (1) Each sheriff and register of deeds elected by the people has the exclusive right to hire, discharge, and supervise the employees in his the register's office. However, the board of commissioners must approve the appointment by such an the officer of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.
- (2) Each sheriff and register of deeds elected by the people is entitled to at least two deputies who shall be reasonably compensated by the county, provided that the register of deeds justifies to the Board of County Commissioners the necessity of the second deputy. Each deputy so appointed shall serve at the pleasure of the appointing officer.

Notwithstanding the foregoing provisions of this section, approval of the board of commissioners is not required for the reappointment or continued employment of a near relative of a sheriff or register of deeds who was not related to the appointing officer at the time of initial appointment.

- (b) The board of commissioners may fix the number of salaried employees in the office of the sheriff. Each sheriff elected by the people has the right to hire, discharge, and supervise employees as follows:
  - (1) Policy-making and executive managerial deputies serve at the pleasure of the sheriff. Non-sworn employees serve at the pleasure of the sheriff.
  - (2) Rank and file deputies may be terminated by the sheriff only for just cause and may request a contested case hearing under Article 3 of Chapter 150B of the General Statutes, with judicial review pursuant to Article 4 of Chapter 150B of the General Statutes.
  - (3) The board of commissioners must approve the appointment by the sheriff of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude. Approval of the board of commissioners is not required for the reappointment or continued employment of a near relative of a sheriff who was not related to the sheriff at the time of initial appointment."

**SECTION 3.** This act becomes effective July 1, 2007, and applies to disciplinary actions commenced on or after that date.

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