

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1546

Short Title: Clarify Public Access To Personnel Records. (Public)

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Sponsors: Senators Hoyle and Dalton.

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Referred to: Judiciary I (Civil).

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March 28, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE  
3 PERSONNEL RECORDS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-320 reads as rewritten:

6 "§ 115C-320. **Certain records open to inspection.**

7 Each local board of education shall maintain a record of each of its employees,  
8 showing the following information with respect to each employee: name, age, date of  
9 original employment or appointment, the terms of any contract by which the employee  
10 is employed whether written or oral, past and current, to the extent that the board has the  
11 written contract or a record of the oral contract in its possession, current position, title,  
12 current salary, date and amount of most recent increase or decrease in salary, date of  
13 most recent promotion, demotion, transfer, suspension, separation, or other change in  
14 position classification, and the office or station to which the employee is currently  
15 assigned. For the purposes of this section, the term "salary" includes pay, benefits,  
16 incentives, bonuses, and deferred and all other forms of compensation. Subject only to  
17 rules and regulations for the safekeeping of records adopted by the local board of  
18 education, every person having custody of the records shall permit them to be inspected  
19 and examined and copies made by any person during regular business hours. The name  
20 of a participant in the Address Confidentiality Program established pursuant to Chapter  
21 15C of the General Statutes shall not be open to inspection and shall be redacted from  
22 any record released pursuant to this section. Any person who is denied access to any  
23 record for the purpose of inspecting, examining or copying the record shall have a right  
24 to compel compliance with the provisions of this section by application to a court of  
25 competent jurisdiction for a writ of mandamus or other appropriate relief."

26 SECTION 2. G.S. 115D-28 reads as rewritten:

27 "§ 115D-28. **Certain records open to inspection.**

28 Each board of trustees shall maintain a record of each of its employees, showing the  
29 following information with respect to each employee: name, age, date of original

1 employment or appointment, the terms of any contract by which the employee is  
2 employed whether written or oral, past and current, to the extent that the board has the  
3 written contract or a record of the oral contract in its possession, current position, title,  
4 current salary, date and amount of most recent increase or decrease in salary, date of  
5 most recent promotion, demotion, transfer, suspension, separation, or other change in  
6 position classification, and the office or station to which the employee is currently  
7 assigned. For the purposes of this section, the term "salary" includes pay, benefits,  
8 incentives, bonuses, and deferred and all other forms of compensation. Subject only to  
9 rules and regulations for the safekeeping of records adopted by the board of trustees,  
10 every person having custody of the records shall permit them to be inspected and  
11 examined and copies made by any person during regular business hours. Any person  
12 who is denied access to any record for the purpose of inspecting, examining or copying  
13 the record shall have a right to compel compliance with the provisions of this section by  
14 application to a court of competent jurisdiction for a writ of mandamus or other  
15 appropriate relief."

16 **SECTION 3.** G.S. 122C-158(b) reads as rewritten:

17 "(b) The following information with respect to each employee is a matter of public  
18 record: name; age; date of original employment or appointment to the area authority; the  
19 terms of any contract by which the employee is employed whether written or oral, past  
20 and current, to the extent that the agency has the written contract or a record of the oral  
21 contract in its possession; current position title; current salary; date and amount of most  
22 recent increase or decrease in salary; date of the most recent promotion, demotion,  
23 transfer, suspension, separation, or other change in position classification; and the office  
24 to which the employee is currently assigned. For the purposes of this subsection, the  
25 term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other  
26 forms of compensation. The area authority shall determine in what form and by whom  
27 this information will be maintained. Any person may have access to this information for  
28 the purpose of inspection, examination, and copying during regular business hours,  
29 subject only to rules for the safekeeping of public records as the area authority may  
30 have adopted. Any person denied access to this information may apply to the  
31 appropriate division of the General Court of Justice for an order compelling disclosure,  
32 and the court shall have jurisdiction to issue these orders."

33 **SECTION 4.** G.S. 126-23 reads as rewritten:

34 **"§ 126-23. Certain records to be kept by State agencies open to inspection.**

35 Each department, agency, institution, commission and bureau of the State shall  
36 maintain a record of each of its employees, showing the following information with  
37 respect to each such employee: name, age, date of original employment or appointment  
38 to the State service, the terms of any contract by which the employee is employed  
39 whether written or oral, past and current, to the extent that the agency has the written  
40 contract or a record of the oral contract in its possession, current position, title, current  
41 salary, date and amount of most recent increase or decrease in salary, date of most  
42 recent promotion, demotion, transfer, suspension, separation, or other change in position  
43 classification, and the office or station to which the employee is currently assigned. For  
44 the purposes of this section, the term "salary" includes pay, benefits, incentives,

1 bonuses, and deferred and all other forms of compensation. Subject only to rules and  
2 regulations for the safekeeping of the records, adopted by the State Personnel  
3 Commission, every person having custody of such records shall permit them to be  
4 inspected and examined and copies thereof made by any person during regular business  
5 hours. Any person who is denied access to any such record for the purpose of  
6 inspecting, examining or copying the same shall have a right to compel compliance with  
7 the provisions of this section by application to a court of competent jurisdiction for a  
8 writ of mandamus or other appropriate relief."

9 **SECTION 5.** G.S. 130A-45.9(b) reads as rewritten:

10 "(b) The following information with respect to each employee of a public health  
11 authority is a matter of public record: name; age; date of original employment or  
12 appointment; beginning and ending dates, position title, position descriptions, and total  
13 compensation of current and former positions; the terms of any contract by which the  
14 employee is employed whether written or oral, past and current, to the extent that the  
15 authority has the written contract or a record of the oral contract in its possession, and  
16 date of the most recent promotion, demotion, transfer, suspension, separation, or other  
17 change in position classification. In addition, the following information with respect to  
18 each licensed medical provider employed by or having privileges to practice in a public  
19 health facility shall be a matter of public record: educational history and qualifications,  
20 date and jurisdiction or original and current licensure; and information relating to  
21 medical board certifications or other qualifications of medical specialists. For the  
22 purposes of this subsection, the term "total compensation" includes pay, benefits,  
23 incentives, bonuses, and deferred and all other forms of compensation."

24 **SECTION 6.** G.S. 131E-257.2(b) reads as rewritten:

25 "(b) The following information with respect to each public hospital employee is a  
26 matter of public record:

- 27 (1) Name.
- 28 (2) Age.
- 29 (3) Date of original ~~employment~~ employment and the terms of any  
30 contract by which the employee is employed whether written or oral,  
31 past and current, to the extent that the hospital has the written contract  
32 or a record of the oral contract in its possession.
- 33 (4) Current position title, current salary, and the date and amount of the  
34 most recent increase or decrease in salary. For the purposes of this  
35 subdivision, the term "salary" includes pay, benefits, incentives,  
36 bonuses, and deferred and all other forms of compensation.
- 37 (5) Date of the most recent promotion, demotion, transfer, suspension,  
38 separation or other change in position classification.
- 39 (6) The office to which the employee is currently assigned.

40 In addition, the following information with respect to each licensed medical provider  
41 employed by or having privileges to practice in a public hospital shall be a matter of  
42 public record: educational history and qualifications, date and jurisdiction or original  
43 and current licensure; and information relating to medical board certifications or other  
44 qualifications of medical specialists.

1 The governing board of a public hospital shall determine in what form and by whom  
2 this information will be maintained. Any person may have access to this information for  
3 the purpose of inspection, examination, and copying, during regular business hours,  
4 subject only to such rules and regulations for the safekeeping of public records as the  
5 governing board of the public hospital may have adopted. Any person denied access to  
6 this information may apply to the appropriate division of the General Court of Justice  
7 for an order compelling disclosure, and the court shall have jurisdiction to issue such  
8 orders."

9 **SECTION 7.** G.S. 153A-98(b) reads as rewritten:

10 "(b) The following information with respect to each county employee is a matter  
11 of public record: name; age; date of original employment or appointment to the county  
12 service; the terms of any contract by which the employee is employed whether written  
13 or oral, past and current, to the extent that the county has the written contract or a record  
14 of the oral contract in its possession; current position title; current salary; date and  
15 amount of the most recent increase or decrease in salary; date of the most recent  
16 promotion, demotion, transfer, suspension, separation or other change in position  
17 classification; and the office to which the employee is currently assigned. For the  
18 purposes of this subsection, the term "salary" includes pay, benefits, incentives,  
19 bonuses, and deferred and all other forms of compensation. The board of county  
20 commissioners shall determine in what form and by whom this information will be  
21 maintained. Any person may have access to this information for the purpose of  
22 inspection, examination, and copying, during regular business hours, subject only to  
23 such rules and regulations for the safekeeping of public records as the board of  
24 commissioners may have adopted. Any person denied access to this information may  
25 apply to the appropriate division of the General Court of Justice for an order compelling  
26 disclosure, and the court shall have jurisdiction to issue such orders."

27 **SECTION 8.** G.S. 160A-168(b) reads as rewritten:

28 "(b) The following information with respect to each city employee is a matter of  
29 public record: name; age; date of original employment or appointment to the service;  
30 the terms of any contract by which the employee is employed whether written or oral,  
31 past and current, to the extent that the city has the written contract or a record of the oral  
32 contract in its possession; current position title; current salary; date and amount of the  
33 most recent increase or decrease in salary; date of the most recent promotion, demotion,  
34 transfer, suspension, separation, or other change in position classification; and the office  
35 to which the employee is currently assigned. For the purposes of this subsection, the  
36 term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other  
37 forms of compensation. The city council shall determine in what form and by whom this  
38 information will be maintained. Any person may have access to this information for the  
39 purpose of inspection, examination, and copying, during regular business hours, subject  
40 only to such rules and regulations for the safekeeping of public records as the city  
41 council may have adopted. Any person denied access to this information may apply to  
42 the appropriate division of the General Court of Justice for an order compelling  
43 disclosure, and the court shall have jurisdiction to issue such orders."

44 **SECTION 9.** G.S. 162A-6.1(b) reads as rewritten:

1       "(b) The following information with respect to each authority employee is a  
2 matter of public record: name; age; date of original employment or appointment to the  
3 service; the terms of any contract by which the employee is employed whether written  
4 or oral, past and current, to the extent that the authority has the written contract or a  
5 record of the oral contract in its possession; current position title; current salary; date  
6 and amount of the most recent increase or decrease in salary; date of the most recent  
7 promotion, demotion, transfer, suspension, separation, or other change in position  
8 classification; and the office to which the employee is currently assigned. For the  
9 purposes of this subsection, the term "salary" includes pay, benefits, incentives,  
10 bonuses, and deferred and all other forms of compensation. The authority shall  
11 determine in what form and by whom this information will be maintained. Any person  
12 may have access to this information for the purpose of inspection, examination, and  
13 copying, during regular business hours, subject only to such rules and regulations for  
14 the safekeeping of public records as the authority may have adopted. Any person denied  
15 access to this information may apply to the appropriate division of the General Court of  
16 Justice for an order compelling disclosure, and the court shall have jurisdiction to issue  
17 such orders."

18           **SECTION 10.** This act is effective when it becomes law.