

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS55271-MG-67 (3/13)

Short Title: Allow Unpaid Investigatory Suspensions/DHHS.

(Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY
SUSPENSION WITHOUT PAY AND WITHOUT WARNING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-181 is amended by adding a new subsection to read:

"(d) Notwithstanding G.S. 115C-325, the Department may place any permanent employee of any facility or school operated by the Secretary pursuant to subsection (a) of this section on investigatory suspension without pay and without warning if the employee is accused of abuse, neglect, or exploitation of a patient, client, student, or other person over whom the Department has charge, in order to protect the safety of persons or property or other serious reasons. The Department shall provide the employee with written reasons for the placement on investigatory suspension without pay not later than the employee's second scheduled workday after the beginning of the suspension. Within 15 calendar days after placing an employee on investigatory suspension without pay under this subsection, the Department shall initiate procedures for dismissal, demotion, or disciplinary suspension without pay, as provided in G.S. 126-35 or G.S. 115C-325, as applicable. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the employee shall be reinstated immediately, shall be paid for the period of the investigatory suspension without pay, and all records of the suspension shall be removed from the employee's personnel file. Placement of an employee on investigatory suspension without pay under this subsection shall not affect the employee's health insurance coverage, retirement and State service credits, longevity credits, or other earned benefits during the period of the suspension."

SECTION 2. G.S. 143B-146.21 is amended by adding a new subsection to read:

"(f) Notwithstanding G.S. 115C-325, the Department may place any permanent employee of any facility or school operated by the Secretary pursuant to G.S. 143B-164.10 and G.S. 143B-216.40 on investigatory suspension without pay and without warning if the employee is accused of abuse, neglect, or exploitation of a patient, client, student, or other person over whom the Department has charge, in order to protect the safety of persons or property or other serious reasons. The Department shall provide the employee with written reasons for the placement on investigatory suspension without pay not later than the employee's second scheduled workday after the beginning of the suspension. Within 15 calendar days after placing an employee on investigatory suspension without pay under this subsection, the Department shall initiate procedures for dismissal, demotion, or disciplinary suspension without pay, as provided in G.S. 126-35 or G.S. 115C-325, as applicable. If it is finally



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1 determined that no grounds for dismissal, demotion, or disciplinary suspension without pay
2 exist, the employee shall be reinstated immediately, shall be paid for the period of the
3 investigatory suspension without pay, and all records of the suspension shall be removed from
4 the employee's personnel file. Placement of an employee on investigatory suspension without
5 pay under this subsection shall not affect the employee's health insurance coverage, retirement
6 and State service credits, longevity credits, or other earned benefits during the period of the
7 suspension."

8 **SECTION 3.** This act is effective October 1, 2009, and applies to charges of abuse,
9 neglect, or exploitation made on or after that date against permanent employees of facilities or
10 schools operated by the Secretary of Health and Human Services.