

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**HOUSE BILL 126
RATIFIED BILL**

AN ACT AWARDING LEGISLATIVELY MANDATED SALARY INCREASES AND
SPECIAL ANNUAL LEAVE TO THE LAW ENFORCEMENT OFFICERS OF THE
STATE HIGHWAY PATROL.

The General Assembly of North Carolina enacts:

PART I. APPROPRIATIONS

SECTION 1.1.(a) There is appropriated from the General Fund to the Department of Public Safety (DPS) the sum of three million six hundred thousand dollars (\$3,600,000) in recurring funds for the 2019-2020 fiscal year and the sum of seven million two hundred thousand dollars (\$7,200,000) in recurring funds for the 2020-2021 fiscal year to award compensation increases to the State Highway Patrol.

SECTION 1.1.(b) State funds, as defined in G.S. 143C-1-1(d)(25), are appropriated for each year of the 2019-2021 fiscal biennium, as agency receipts up to the amounts needed to implement the legislatively mandated salary increases provided in this act for each year of the 2019-2021 fiscal biennium.

PART II. ELIGIBLE EMPLOYEES AWARDED LEGISLATIVE SALARY INCREASES/EFFECTIVE JULY 1, 2019, AND JULY 1, 2020

SECTION 2.1.(a) Effective July 1, 2019, a State employee who (i) is a law enforcement officer employed by the State Highway Patrol and (ii) was employed in a State-funded position on June 30, 2019, is awarded:

- (1) A legislative salary increase in the amount of two and one-half percent (2.5%) of annual salary in the 2019-2020 fiscal year.
- (2) Any salary adjustment otherwise allowed or provided by law.

SECTION 2.1.(a1) Effective July 1, 2020, a State employee who (i) is a law enforcement officer employed by the State Highway Patrol and (ii) was employed in a State-funded position on June 30, 2020, is awarded:

- (1) A legislative salary increase in the amount of two and one-half percent (2.5%) of annual salary in the 2020-2021 fiscal year.
- (2) Any salary adjustment otherwise allowed or provided by law.

SECTION 2.1.(a2) For the 2019-2021 fiscal biennium, members of the State Highway Patrol paid according to the experience-based pay schedule established in Part III of this act are not eligible to receive the legislative salary increase authorized by subsections (a) and (a1) of this section.

SECTION 2.1.(b) Part-time employees shall receive the increases authorized by this section on a prorated and equitable basis.

SECTION 2.1.(c) No eligible State-funded employee shall be prohibited from receiving the full salary increases provided in this section solely because the employee's salary after applying the legislative increase is above the maximum of the salary range prescribed by the State Human Resources Commission.



SECTION 2.2. The legislative salary increases provided by this act in each year of the 2019-2021 fiscal biennium do not apply to persons separated from service due to resignation, dismissal, reduction in force, death, or retirement or whose last workday is prior to June 30, 2019, for the 2019-2020 fiscal year or June 30, 2020, for the 2020-2021 fiscal year. For the 2019-2021 fiscal biennium, payroll checks issued to employees after July 1, 2019, and July 1, 2020, respectively, that represent payment of services provided prior to July 1 of each year shall not be eligible for salary increases provided for in this act.

SECTION 2.3. Funds appropriated by this act may not be used to adjust the budgeted salaries of vacant positions, to provide salary increases in excess of those required by the General Assembly, or to increase the budgeted salary of filled positions to the minimum of the position's respective salary range unless otherwise specifically provided by law.

SECTION 2.4. Any funds appropriated for legislatively mandated salary increases in excess of the amounts required to implement the increases authorized by this act shall be credited to the Pay Plan Reserve established within the General Fund by G.S. 143C-4-9.

SECTION 2.5. No later than May 1, 2020, for the 2019-2020 fiscal year, and subsequently May 1, 2021, for the 2020-2021 fiscal year, the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the expenditure of funds under this act. This report shall include at least the following information:

- (1) The total amount of funds that the Department received for legislatively mandated salary increases.
- (2) The total amount of funds used by the Department for legislative increases.
- (3) The amount of funds credited to the Pay Plan Reserve.

PART III. LAW ENFORCEMENT EXPERIENCE-BASED PAY

SECTION 3.1. In order to maintain an experience-based pay structure progression, the entry-level annual salary of members of the State Highway Patrol is set in the amount of forty-five thousand one hundred dollars (\$45,100) for the 2019-2020 fiscal year and forty-six thousand two hundred twenty-eight dollars (\$46,228) for the 2020-2021 fiscal year.

PART IV. PAY PLAN RESERVE

SECTION 4.1. G.S. 143C-4-9(a) reads as rewritten:

"(a) Creation. – The Pay Plan Reserve is established within the General Fund. The General Assembly shall appropriate in the Current Operations Appropriations Act (Act) or other appropriations act a specific amount to this reserve for allocation, on an as-needed basis only, to fund statutory and scheduled pay expenses authorized by:

- (1) G.S. 20-187.3-G.S. 20-187.3, for troopers of the State Highway Patrol compensated pursuant to an experience-based salary schedule.
- (2) G.S. 7A-102.
- (3) G.S. 7A-171.1.
- (4) Teacher Salary Schedule, as enacted by the General Assembly.
- (5) Pay Plans for Principals and Assistant Principals, as enacted by the General Assembly."

PART V. SPECIAL ANNUAL LEAVE

SECTION 5.1. Special Annual Leave. – Any person who is (i) a law enforcement officer employed by the State Highway Patrol on July 1, 2019, and (ii) eligible to earn annual leave shall have a one-time additional five days of annual leave credited on July 1, 2019.

The additional leave granted in this section shall be accounted for separately in the same manner as the leave provided by Section 35.26 of S.L. 2018-5 and shall remain available during the length of the employee's employment, notwithstanding any other limitation on the

total number of days of annual leave that may be carried forward. Part-time permanent employees shall receive a pro rata amount of the five days awarded by this section.

The additional leave awarded under this section has no cash value and is not eligible for cash in. If not used prior to the time of separation or retirement, the bonus leave cannot be paid out and is lost.

Notwithstanding any provision of G.S. 126-8 to the contrary, any vacation leave remaining on December 31 of each year in excess of 30 days shall be reduced by the number of days awarded in this section that were actually used by the employee during the year, such that the calculation of vacation leave days that would convert to sick leave shall reflect a deduction of those days of special annual leave awarded in this section that were used by the employee during the year.

The number of days awarded by this section that carry forward to each following year shall equal the number of days awarded in this section remaining on December 31 of each year plus the number of days awarded in this section that were deducted from vacation leave in excess of 30 days for the calculation of sick leave.

No employee may be required to take the additional leave awarded by this section.

PART VI. STATE BUDGET ACT APPLICABILITY

SECTION 6.1. If any provision of this act and G.S. 143C-5-4 are in conflict, the provisions of this act shall prevail. The appropriations and the authorizations to allocate and spend funds which are set out in this act shall remain in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations Appropriations Act for that fiscal year becomes law, the Director of the Budget shall adjust allotments to give effect to that act from July 1 of the fiscal year.

PART VII. EFFECTIVE DATE

SECTION 7.1. Except as otherwise provided, this act becomes effective July 1, 2019.

In the General Assembly read three times and ratified this the 28th day of August, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2019