

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 7

Short Title: Protect City Employees From Retaliation. (Public)

Sponsors: Representatives Hanig, Bradford, and Hardister (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

January 28, 2021

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT CITIES SHALL ADOPT RULES AND REGULATIONS ENCOURAGING THEIR EMPLOYEES TO REPORT IMPROPER OR UNLAWFUL ACTIVITY AND REQUIRING CITIES TO PROTECT EMPLOYEES WHO REPORT SUCH ACTIVITY FROM RETALIATION OR OTHER DISCRIMINATORY ACTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-164 reads as rewritten:

"§ 160A-164. **Personnel ~~rules~~; adopt rules to encourage reporting of improper or unlawful activity; protect employees from retaliation.**

(a) The council may adopt or provide for rules and regulations or ordinances concerning but not limited to annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, hours of employment, holidays, working conditions, service award and incentive award programs, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and honest career employees.

(b) The council that does not have a binding personnel policy, code of conduct, or other procedure protecting employees from retaliation shall adopt rules and regulations or ordinances that encourage city employees to report to their immediate supervisor, department head, or other appropriate authority evidence of any of the following: (i) violations of federal, State, or city laws, rules, or regulations, (ii) fraud, (iii) misappropriation of State or city government resources, (iv) any activity that poses a substantial or specific danger to public health and safety, and (v) gross mismanagement, including the gross waste of public monies or the gross abuse of authority. The council shall, by binding policy, prohibit any employee from taking action against another employee who reported any of the activities described in this subsection, including prohibiting retaliation against that employee, discharging the employee, threatening the employee in any way, or otherwise discriminating against the employee regarding the employee's compensation or the employee's terms, conditions, or privileges of employment. The council shall cause notice to be published in accordance with the provisions of G.S. 95-9, or use other appropriate means, to keep city employees informed of their rights and responsibilities under this subsection.

SECTION 2. This act is effective when it becomes law.

