

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 423  
Committee Substitute Favorable 3/22/01**

Short Title: Greensboro/Public Info./Police Discipline.

(Public)

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Sponsors:

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Referred to:

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March 1, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED  
3 PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF  
4 DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-168(c) reads as rewritten:

7 "(c) All information contained in a city employee's personnel file, other than the  
8 information made public by subsection (b) of this section, is confidential and shall be  
9 open to inspection only in the following instances:

- 10 (1) The employee or his duly authorized agent may examine all portions  
11 of his personnel file except (i) letters of reference solicited prior to  
12 employment, and (ii) information concerning a medical disability,  
13 mental or physical, that a prudent physician would not divulge to his  
14 patient.
- 15 (2) A ~~license-~~licensed physician designated in writing by the employee  
16 may examine the employee's medical record.
- 17 (3) A city employee having supervisory authority over the employee may  
18 examine all material in the employee's personnel file.
- 19 (4) By order of a court of competent jurisdiction, any person may examine  
20 such portion of an employee's personnel file as may be ordered by the  
21 court.
- 22 (5) An official of an agency of the State or federal government, or any  
23 political subdivision of the State, may inspect any portion of a  
24 personnel file when such inspection is deemed by the official having  
25 custody of such records to be necessary and essential to  
26 the pursuance of a proper function of the inspecting agency, but no  
27 information shall be divulged for the purpose of assisting in a criminal  
28 prosecution (of the employee), or for the purpose of assisting in an  
29 investigation of (the employee's) tax liability. However, the official

1 having custody of such records may release the name, address, and  
2 telephone number from a personnel file for the purpose of assisting in  
3 a criminal investigation.

4 (6) An employee may sign a written release, to be placed with his  
5 personnel file, that permits the person with custody of the file to  
6 provide, either in person, by telephone, or by mail, information  
7 specified in the release to prospective employers, educational  
8 institutions, or other persons specified in the release.

9 (7) The city manager, with concurrence of the council, or, in cities not  
10 having a manager, the council may inform any person of the  
11 employment or nonemployment, promotion, demotion, suspension or  
12 other disciplinary action, reinstatement, transfer, or termination of a  
13 city employee and the reasons for that personnel action. Before  
14 releasing the information, the manager or council shall determine in  
15 writing that the release is essential to maintaining public confidence in  
16 the administration of city services or to maintaining the level and  
17 quality of city services. This written determination shall be retained in  
18 the office of the manager or the city clerk, and is a record available for  
19 public inspection and shall become part of the employee's personnel  
20 file.

21 (8) In order to facilitate citizen review of the police disciplinary process,  
22 the city manager or the chief of police, or their designees may release  
23 the disposition of disciplinary charges against a police officer and the  
24 facts relied upon in determining that disposition to the Human  
25 Relations Commission Complaint Subcommittee, and may release the  
26 disposition of the disciplinary charges to the person alleged to have  
27 been aggrieved by the officer's actions or to that person's survivor.  
28 Commission members shall maintain as confidential all personnel  
29 information released to them under this subdivision that is not a matter  
30 of public record under this section, and any member who violates that  
31 confidentiality is guilty of the violations set forth in subsections (e)  
32 and (f) of this section. Each member of the Commission shall execute  
33 and adhere to a confidentiality agreement that is satisfactory to the  
34 city. For purposes of this subdivision, the term "disposition of  
35 disciplinary charges" includes determinations that the charges are  
36 sustained, not sustained, unfounded, exonerated, classified as an  
37 information file, or classified as any other disciplinary disposition  
38 category subsequently adopted by the Greensboro Police Department."

39 **SECTION 2.** The act applies only to the City of Greensboro.

40 **SECTION 3.** This act is effective when it becomes law.