

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**HOUSE BILL 423
RATIFIED BILL**

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

The General Assembly of North Carolina enacts:

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

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

- (1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (2) A ~~license~~-licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- (5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- (6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (7) The city manager, with concurrence of the council, or, in cities not having a manager, the council may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and

quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

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

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

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

In the General Assembly read three times and ratified this the 16th day of April, 2001.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives