

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 1386

Short Title: Government Employees Port Benefits. (Public)

Sponsors: Senators East; Allran, Berger of Rockingham, Bingham, Blake, Brock, Brown, Forrester, Goodall, Hunt, Jacumin, Preston, Rouzer, Rucho, and Tillman.

Referred to: State and Local Government.

May 26, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW EMPLOYEES MOVING BETWEEN STATE, CITY, AND COUNTY  
3 GOVERNMENT TO PORT THEIR SICK AND ANNUAL LEAVE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 126-4(5) reads as rewritten:

6 "**§ 126-4. Powers and duties of State Personnel Commission.**

7 Subject to the approval of the Governor, the State Personnel Commission shall establish  
8 policies and rules governing each of the following:

9 ...

10 (5) Hours and days of work, holidays, vacation, sick leave, and other matters  
11 pertaining to the conditions of employment. If an employee earns vacation or  
12 sick leave, the Commission shall allow transfer of any accrued vacation or  
13 sick leave from a city or county, to the extent that vacation was not paid as  
14 terminal leave nor did the employee retire with sick leave included as  
15 creditable service. The legal public holidays established by the Commission  
16 as paid holidays for State employees shall include Martin Luther King, Jr.'s  
17 Birthday and Veterans Day. The Commission shall not provide for more  
18 than 11 paid holidays per year except that in those years in which Christmas  
19 Day falls on a Tuesday, Wednesday, or Thursday, the Commission shall not  
20 provide for more than 12 paid holidays.

21 ...."

22 **SECTION 2.** G.S. 153A-92(a) reads as rewritten:

23 "(a) Subject to the limitations set forth in subsection (b) of this section, the board of  
24 commissioners shall fix or approve the schedule of pay, expense allowances, and other  
25 compensation of all county officers and employees, whether elected or appointed, and may  
26 adopt position classification plans. If an employee earns vacation or sick leave, the city shall  
27 allow transfer of any accrued vacation or sick leave from (i) the State of North Carolina, (ii) a  
28 city, or (iii) another county, to the extent that vacation was not paid as terminal leave nor did  
29 the employee retire with sick leave included as creditable service."

30 **SECTION 3.** G.S. 160A-162(a) reads as rewritten:

31 "(a) The council shall fix or approve the schedule of pay, expense allowances, and other  
32 compensation of all city employees, and may adopt position classification plans; any  
33 compensation or pay plan may include provisions for payments to employees on account of  
34 sickness or disability. In cities with the council-manager form of government, the manager  
35 shall be responsible for preparing position classification and pay plans for submission to the  
36 council and, after any such plans have been adopted by the council, shall administer them. In



1 cities with the mayor-council form of government, the council shall appoint a personnel officer  
2 (or confer the duties of personnel officer on some city administrative officer); the personnel  
3 officer shall then be responsible for administering the pay plan and any position classification  
4 plan in accordance with general policies and directives adopted by the council. If an employee  
5 earns vacation or sick leave, the city shall allow transfer of any accrued vacation or sick leave  
6 from (i) the State of North Carolina, (ii) a county, or (iii) another city, to the extent that  
7 vacation was not paid as terminal leave nor did the employee retire with sick leave included as  
8 creditable service."

9 **SECTION 4.** This act is effective when it becomes law.