

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 556

Short Title: Asheville City Civil Service Board. (Local)

Sponsors: Senator Nesbitt.

Referred to: State and Local Government.

March 12, 2009

A BILL TO BE ENTITLED
AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 2. (a) The Civil Service Board shall consist of five members as follows: (i) two members who shall be chosen by the City Council at a meeting of the Council and they shall serve at the pleasure of the Council; (ii) two members who shall be elected by the members of the classified service of the City, as defined in this Act, at an election held for that purpose and on a normal City workday not less than 10 nor more than 30 days after written notice of the date of the election is provided to each member of the classified service; and (iii) one member who shall be selected by majority vote of the four other members already selected or elected at a meeting held within 30 days after the members elected by the classified service have taken office. If a member is not elected by majority vote of the four other members, the City Council shall appoint a member to the Board. Members of the Board shall serve two-year terms. All members of the Board shall be eligible for successive terms, in the same manner in which they were initially selected or elected and may serve beyond the end of their respective terms until their successors take office. The chair of the Civil Service Board shall be appointed annually by the City Council, or more often as needed, from among the membership of the Board. The members of the Board shall serve without compensation but may be reimbursed for expenses pursuant to policies adopted by the City.

The City Council shall, by ordinance not inconsistent with this act, establish the procedure for the election of the representatives of the employees in the classified service, and provide for meeting the expense for such elections. The members of the Civil Service Board must all be qualified voters of the City of Asheville, not employed by the ~~city~~ City or serving on the City Council. In the event of a vacancy on the Board, such vacancy shall be filled by the body or group, choosing the member, a successor to whom is to be chosen, and in the manner herein provided for the selection of such member.

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1 (b) Former employees of the City of Asheville shall be eligible to serve as a member of
2 the Asheville Civil Service Board provided they have been separated from City employment
3 for a period of not less than 10 consecutive years prior to becoming a member of the Board. No
4 person shall be eligible to serve as a Civil Service Board member if such person directly, or
5 indirectly through any corporation, partnership or other entity, or contract, subcontract or
6 otherwise benefits financially from a business relationship with the City, or if such person has
7 an immediate family member or spouse of the immediate family member who directly, or
8 indirectly through any corporation, partnership or other entity, or contract, subcontract or
9 otherwise benefits financially from a business relationship with the City. No person shall
10 engage or benefit directly or indirectly from any contractual work or employment with the City
11 for a period of not less than two years following the expiration date of that person's term of
12 office as a member of the Civil Service Board. The foregoing restrictions shall not be
13 retroactively applied to anyone currently serving on the Board at the time this subsection is
14 enacted.

15 (c) The Asheville Civil Service Board Secretary shall perform all required ministerial
16 functions and duties for the Board including, but not limited to, the electronic recording of and
17 the preparation of minutes of all Civil Service Board meetings and hearings, the custody of all
18 Board records and the posting and issuing of meeting notices to Board members and to the
19 public in accordance with the Open Meetings Law, Article 33C of Chapter 143 of the General
20 Statutes. To assist the Secretary in performing the functions and duties, all Civil Service Board
21 meetings shall be electronically recorded and transcripts thereof made available to the Board
22 members upon request without charge. All other persons shall be entitled to the Civil Service
23 Board's recordings and records upon request made pursuant to the Public Records Act, Chapter
24 132 of the General Statutes.

25 (d) Regular meetings of the Asheville Civil Service Board shall be held at least once
26 every month at a time and place to be determined by Board members. The deadline for
27 receiving items for the regular monthly Board's meetings shall be seven days prior to the
28 meeting. Special meetings may be called by the chairman and shall be called upon written
29 request signed by two or more Board members and submitted to the Board Secretary not less
30 than seven days prior to the date of the requested special meeting. The notice for all meetings
31 shall contain a meeting agenda which shall include a section for other business to hear and
32 consider any other matters related to the Board's function and duties and which may be
33 addressed by any member of the Board and by any person in attendance.

34 (e) No uniform employees of the City of Asheville shall be prohibited, directed, or
35 discouraged in any manner by a supervisor from wearing that employee's uniform while in
36 attendance at any Civil Service Board meeting."

37 **SECTION 2.** Chapter 757 of the 1953 Session Laws, as amended, and as rewritten
38 by S.L. 1999-303, is amended by adding a new section to read:

39 "Section 8.1. By a majority vote of those members present and voting at any of its official
40 meetings, the Asheville Civil Service Board may designate independent legal counsel of its
41 choice to advise or represent the Board, or both, on such occasions and in such matters as the
42 majority of those Board members present and voting deem to be appropriate and necessary.
43 The City shall be responsible for the payment of such professional legal services. In order to
44 avoid the appearance of any possible conflict of interest, the Office of the City Attorney shall
45 serve as legal advisor to or attorney for the Board, or both, only for those matters or
46 proceedings when specifically requested to do so in a writing that has been signed by no fewer
47 than four members of the Board."

48 **SECTION 3.** Section 10 of Chapter 757 of the 1953 Session Laws, as amended,
49 and as rewritten by S.L. 1999-303, reads as rewritten:

50 "Section 10. It shall be the duty of the Civil Service Board to supervise the execution of the
51 foregoing civil service provisions of this Act and of the rules made thereunder, and it shall be

1 the duty of all persons in the service of the City to comply with such rules and to aid in their
2 enforcement. Willful or deliberate violation of the Asheville Civil Service Law (this act) or
3 Civil Service Rules by any person shall constitute a misdemeanor punishable by a fine not to
4 exceed the sum of five hundred dollars (\$500.00). Any City employee or any City official who
5 threatens or intimidates other employees from exercising their rights under the Asheville Civil
6 Service Law (this act) or Civil Service Rules shall be subject to discipline by the City,
7 including dismissal of employment with the City."

8 **SECTION 4.** If any section, subsection, subdivision, sentence, clause, or phrase of
9 this act shall for any reason be held to be invalid or unconstitutional, such decision shall not
10 affect the validity of the remaining portion of this act.

11 **SECTION 5.** All laws, rules, or clauses in conflict with the provisions of this act
12 are hereby superseded or repealed as appropriate.

13 **SECTION 6.** This act is effective when it becomes law.