

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 800
State and Local Government Committee Substitute Adopted 4/22/09

Short Title: Allow Unpaid Investigatory Suspensions/DHHS. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY SUSPENSION WITHOUT PAY AND WITHOUT WARNING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-181 is amended by adding a new subsection to read:

"(d) Notwithstanding G.S. 126-35 and G.S. 115C-325, the Department may place any permanent employee of any facility or school operated by the Secretary pursuant to subsection (a) of this section on investigatory suspension without pay and without warning if the employee is accused of abuse, neglect, or exploitation of a patient, client, student, or other person over whom the Department has charge, in order to protect the safety of persons or property or other serious reasons. The Department shall provide the employee with written reasons for the placement on investigatory suspension without pay not later than the employee's second scheduled workday after the beginning of the suspension. Within 15 calendar days after placing an employee on investigatory suspension without pay under this subsection, the Department shall initiate procedures for dismissal, demotion, or disciplinary suspension without pay, as provided in G.S. 126-35 or G.S. 115C-325, as applicable. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the employee shall be reinstated immediately, shall be paid for the period of the investigatory suspension without pay, and all records of the suspension shall be removed from the employee's personnel file. Placement of an employee on investigatory suspension without pay under this subsection shall not affect the employee's health insurance coverage, retirement and State service credits, longevity credits, or other earned benefits during the period of the suspension."

SECTION 2. G.S. 143B-146.21 is amended by adding a new subsection to read:

"(f) Notwithstanding G.S. 126-35 and G.S. 115C-325, the Department may place any permanent employee of any facility or school operated by the Secretary pursuant to G.S. 143B-164.10 and G.S. 143B-216.40 on investigatory suspension without pay and without warning if the employee is accused of abuse, neglect, or exploitation of a patient, client, student, or other person over whom the Department has charge, in order to protect the safety of persons or property or other serious reasons. The Department shall provide the employee with written reasons for the placement on investigatory suspension without pay not later than the employee's second scheduled workday after the beginning of the suspension. Within 15 calendar days after placing an employee on investigatory suspension without pay under this subsection, the Department shall initiate procedures for dismissal, demotion, or disciplinary suspension without pay, as provided in G.S. 126-35 or G.S. 115C-325, as applicable. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the employee shall be reinstated immediately, shall be paid for the period of the



1 investigatory suspension without pay, and all records of the suspension shall be removed from
2 the employee's personnel file. Placement of an employee on investigatory suspension without
3 pay under this subsection shall not affect the employee's health insurance coverage, retirement
4 and State service credits, longevity credits, or other earned benefits during the period of the
5 suspension."

6 **SECTION 3.** This act becomes effective October 1, 2009, and applies to charges of
7 abuse, neglect, or exploitation made on or after that date against permanent employees of
8 facilities or schools operated by the Department of Health and Human Services.