

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 744
Committee Substitute Favorable 4/26/17

Short Title: State Emps./Amend Salary Continuation.

(Public)

Sponsors:

Referred to:

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE SALARY CONTINUATION BENEFITS OF STATE
3 EMPLOYEES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-166.14 reads as rewritten:

6 "**§ 143-166.14. Payment of salary notwithstanding incapacity; Workers' Compensation**
7 **Act applicable after two years; duration of payment.**

8 The salary of any eligible person shall be paid as long as the person's employment in that
9 position continues, notwithstanding the person's total or partial incapacity to perform any duties
10 to which the person may be lawfully assigned, if that incapacity is the result of an injury or
11 injuries resulting from or arising out of an episode of violence, resistance, or due to other
12 special hazards that occur while the eligible person is performing official duties, except if that
13 incapacity continues for more than two years from its inception, the person shall, during the
14 further continuance of that incapacity, be subject to the provisions of Chapter 97 of the General
15 Statutes pertaining to workers' compensation. The time period for which an eligible person
16 receives benefits pursuant to this section shall be deducted from the eligible person's total
17 eligibility for benefits pursuant to G.S. 97-29 and G.S. 97-30. For purposes of this section, the
18 term "salary" shall be defined as the total base pay of the person reflected on the person's salary
19 statement and shall not include overtime pay, shift differential pay, holiday pay, or other
20 additional earnings to which the person may have been entitled prior to such incapacity. Salary
21 paid to an eligible person pursuant to this Article shall cease upon the resumption of the
22 person's regularly assigned ~~duties, duties; assignment of duties which comply with the treating~~
23 ~~physician's or physician assistant's restrictions; or retirement, resignation, or death, whichever~~
24 ~~first occurs, occurs; provided that salary payments will be ceased or may be equitably reduced~~
25 ~~when the employee has returned to work for the same or a different employer. except that A~~
26 temporary return to duty shall not prohibit payment of salary for a subsequent period of
27 incapacity which can be shown to be directly related to the original injury."

28 **SECTION 2.** G.S. 143-166.19 reads as rewritten:

29 "**§ 143-166.19. Determination of cause and extent of incapacity; hearing before Industrial**
30 **Commission; appeal; effect of refusal to perform duties.**

31 Upon the filing of the report, the secretary or other head of the department or, in the case of
32 the General Assembly, the Legislative Services Officer, shall determine the cause of the
33 incapacity and to what extent the claimant may be assigned to other than the claimant's normal
34 duties. The finding of the secretary or other head of the department shall determine the right of
35 the claimant to benefits under this Article. Notice of the finding shall be filed with the North
36 Carolina Industrial Commission. The finding of the secretary or other department head shall be



1 final unless the claimant, within 30 days of receipt of the notice, files a request for a hearing
2 with the North Carolina Industrial Commission using a form required by the Commission.
3 Upon the filing of a request, the North Carolina Industrial Commission shall proceed to hear
4 the matter in accordance with its regularly established procedure for hearing claims filed under
5 the Worker's Compensation Act, and shall report its findings to the secretary or other head of
6 the department. From the decision of the North Carolina Industrial Commission, an appeal shall
7 lie as in other matters heard and determined by the Commission. Any person who refuses to
8 perform any duties to which the person may be properly assigned as a result of the finding of
9 the secretary, other head of the department or of the North Carolina Industrial Commission
10 shall be entitled to no benefits pursuant to this Article as long as the refusal continues. A duty is
11 properly assigned if the duty complies with the authorized treating physician's or physician
12 assistant's restrictions. Any eligible person whose salary continuation benefits are terminated by
13 the secretary or other head of the department shall be immediately entitled to benefits under
14 G.S. 97-29 or G.S. 97-30. Such benefits under G.S. 97-29 or G.S. 97-30 shall only be
15 suspended or terminated by the employer pursuant to G.S. 97-18.1."

16 **SECTION 3.** This act is effective when it becomes law and applies to State
17 employees incapacitated on or after that date.