

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 355  
Judiciary Committee Substitute Adopted 4/27/21  
Judiciary Committee Substitute Adopted 5/5/21

Short Title: Government Transparency Act of 2021.

(Public)

Sponsors:

Referred to:

March 29, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING  
3 ACCESSIBILITY TO PUBLIC PERSONNEL HIRING, FIRING, AND PERFORMANCE  
4 RECORDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 126-23(a) reads as rewritten:

7 "(a) Each department, agency, institution, commission and bureau of the ~~State~~ State,  
8 including all persons and entities defined in G.S. 116-2, shall maintain a record of each of its  
9 employees, showing the following information with respect to each such employee:

10 (1) Name.

11 (2) Age.

12 (3) Date of original employment or appointment to State service.

13 (4) The terms of any contract by which the employee is employed whether written  
14 or oral, past and current, to the extent that the agency has the written contract  
15 or a record of the oral contract in its possession.

16 (5) Current position.

17 (6) Title.

18 (7) Current salary.

19 (8) Date and amount of each increase or decrease in salary with that department,  
20 agency, institution, commission, or bureau.

21 (9) Date and type of each promotion, demotion, transfer, suspension, separation,  
22 or other change in position classification with that department, agency,  
23 institution, commission, or bureau.

24 (10) Date and general description of the reasons for each ~~promotion~~ promotion,  
25 demotion, dismissal, transfer, suspension, separation, or other change in  
26 position classification with that department, agency, institution, commission,  
27 or bureau.

28 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~  
29 ~~reasons taken by the department, agency, institution, commission, or bureau.~~

30 If the ~~disciplinary personnel~~ action was a dismissal, a copy of the written  
31 notice of the final decision of the head of the department setting forth the  
32 specific acts or omissions that are the basis of the dismissal. Nothing in this  
33 section shall be construed to authorize the disclosure of any confidential  
34 information protected by the Health Insurance Portability and Accountability  
35 Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of



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1 1990 (ADA), 104 Stat. 327, or other applicable law. If the reason for an  
2 employee's promotion, demotion, dismissal, transfer, suspension, separation,  
3 or other change in position classification is prohibited from disclosure by an  
4 applicable law, the general description to be provided shall be listed as  
5 "description of action prohibited by applicable law." The date and general  
6 description for each promotion, dismissal, transfer, suspension, separation, or  
7 other change in position classification shall not be disclosed before the  
8 employee has exhausted all administrative appeals that the employee is  
9 entitled to pursue under applicable law. However, once the employee has  
10 exhausted all administrative appeals, the date and general description for each  
11 promotion, dismissal, transfer, suspension, separation, or other change in  
12 position classification shall be disclosed within 30 days of any final decision.

13 (12) The office or station to which the employee is currently assigned."

14 **SECTION 2.** G.S. 115C-320(a) reads as rewritten:

15 "(a) Each local board of education shall maintain a record of each of its employees,  
16 showing the following information with respect to each employee:

- 17 (1) Name.
- 18 (2) Age.
- 19 (3) Date of original employment or appointment.
- 20 (4) The terms of any contract by which the employee is employed whether written  
21 or oral, past and current, to the extent that the board has the written contract  
22 or a record of the oral contract in its possession.
- 23 (5) Current position.
- 24 (6) Title.
- 25 (7) Current salary.
- 26 (8) Date and amount of each increase or decrease in salary with that local board  
27 of education.
- 28 (9) Date and type of each promotion, demotion, transfer, suspension, separation,  
29 or other change in position classification with that local board of education.
- 30 (10) Date and general description of the reasons for each ~~promotion~~ promotion,  
31 demotion, dismissal, transfer, suspension, separation, or other change in  
32 position classification with that local board of education.
- 33 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~  
34 ~~reasons taken by the local board of education. If the disciplinary personnel~~  
35 ~~action was a dismissal, a copy of the written notice of the final decision of the~~  
36 ~~local board education setting forth the specific acts or omissions that are the~~  
37 ~~basis of the dismissal. Nothing in this section shall be construed to authorize~~  
38 ~~the disclosure of any confidential information protected by the Health~~  
39 ~~Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat.~~  
40 ~~1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or~~  
41 ~~other applicable law. If the reason for an employee's promotion, demotion,~~  
42 ~~dismissal, transfer, suspension, separation, or other change in position~~  
43 ~~classification is prohibited from disclosure by an applicable law, the general~~  
44 ~~description to be provided shall be listed as "description of action prohibited~~  
45 ~~by applicable law." The date and general description for each promotion,~~  
46 ~~dismissal, transfer, suspension, separation, or other change in position~~  
47 ~~classification shall not be disclosed before the employee has exhausted all~~  
48 ~~administrative appeals that the employee is entitled to pursue under applicable~~  
49 ~~law. However, once the employee has exhausted all administrative appeals,~~  
50 ~~the date and general description for each promotion, dismissal, transfer,~~

1 suspension, separation, or other change in position classification shall be  
2 disclosed within 30 days of any final decision.

3 (12) The office or station to which the employee is currently assigned."

4 **SECTION 3.** G.S. 115D-28(a) reads as rewritten:

5 "(a) Each board of trustees shall maintain a record of each of its employees, showing the  
6 following information with respect to each employee:

7 (1) Name.

8 (2) Age.

9 (3) Date of original employment or appointment.

10 (4) The terms of any contract by which the employee is employed whether written  
11 or oral, past and current, to the extent that the board has the written contract  
12 or a record of the oral contract in its possession.

13 (5) Current position.

14 (6) Title.

15 (7) Current salary.

16 (8) Date and amount of each increase or decrease in salary with that community  
17 college.

18 (9) Date and type of each promotion, demotion, transfer, suspension, separation,  
19 or other change in position classification with that community college.

20 (10) Date and general description of the reasons for each ~~promotion~~-promotion,  
21 demotion, dismissal, transfer, suspension, separation, or other change in  
22 position classification with that community college.

23 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~  
24 ~~reasons taken by the community college.~~ If the ~~disciplinary personnel action~~  
25 was a dismissal, a copy of the written notice of the final decision of the board  
26 of trustees setting forth the specific acts or omissions that are the basis of the  
27 dismissal. Nothing in this section shall be construed to authorize the disclosure  
28 of any confidential information protected by the Health Insurance Portability  
29 and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with  
30 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the  
31 reason for an employee's promotion, demotion, dismissal, transfer,  
32 suspension, separation, or other change in position classification is prohibited  
33 from disclosure by an applicable law, the general description to be provided  
34 shall be listed as "description of action prohibited by applicable law." The date  
35 and general description for each promotion, dismissal, transfer, suspension,  
36 separation, or other change in position classification shall not be disclosed  
37 before the employee has exhausted all administrative appeals that the  
38 employee is entitled to pursue under applicable law. However, once the  
39 employee has exhausted all administrative appeals, the date and general  
40 description for each promotion, dismissal, transfer, suspension, separation, or  
41 other change in position classification shall be disclosed within 30 days of any  
42 final decision.

43 (12) The office or station to which the employee is currently assigned."

44 **SECTION 4.** G.S. 122C-158(b) reads as rewritten:

45 "(b) The following information with respect to each employee is a matter of public record:

46 (1) Name.

47 (2) Age.

48 (3) Date of original employment or appointment to the area authority.

49 (4) The terms of any contract by which the employee is employed whether written  
50 or oral, past and current, to the extent that the agency has the written contract  
51 or a record of the oral contract in its possession.

- 1 (5) Current position.  
 2 (6) Title.  
 3 (7) Current salary.  
 4 (8) Date and amount of each increase or decrease in salary with that area  
 5 authority.  
 6 (9) Date and type of each promotion, demotion, transfer, suspension, separation,  
 7 or other change in position classification with that area authority.  
 8 (10) Date and general description of the reasons for each ~~promotion~~ promotion,  
 9 demotion, dismissal, transfer, suspension, separation, or other change in  
 10 position classification with that area authority.  
 11 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~  
 12 ~~reasons taken by the area authority.~~ If the disciplinary personnel action was a  
 13 dismissal, a copy of the written notice of the final decision of the area authority  
 14 setting forth the specific acts or omissions that are the basis of the dismissal.  
 15 Nothing in this section shall be construed to authorize the disclosure of any  
 16 confidential information protected by the Health Insurance Portability and  
 17 Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with  
 18 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the  
 19 reason for an employee's promotion, demotion, dismissal, transfer,  
 20 suspension, separation, or other change in position classification is prohibited  
 21 from disclosure by an applicable law, the general description to be provided  
 22 shall be listed as "description of action prohibited by applicable law." The date  
 23 and general description for each promotion, dismissal, transfer, suspension,  
 24 separation, or other change in position classification shall not be disclosed  
 25 before the employee has exhausted all administrative appeals that the  
 26 employee is entitled to pursue under applicable law. However, once the  
 27 employee has exhausted all administrative appeals, the date and general  
 28 description for each promotion, dismissal, transfer, suspension, separation, or  
 29 other change in position classification shall be disclosed within 30 days of any  
 30 final decision.  
 31 (12) The office to which the employee is currently assigned."

32 **SECTION 5.** G.S. 153A-98 reads as rewritten:

33 **"§ 153A-98. Privacy of employee personnel records.**

34 (a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act  
 35 concerning access to public records, personnel files of employees, former employees, or  
 36 applicants for employment maintained by a county are subject to inspection and may be disclosed  
 37 only as provided by this section. For purposes of this section, an employee's personnel file  
 38 consists of any information in any form gathered by the county with respect to that employee  
 39 and, by way of illustration but not limitation, relating to his application, selection or nonselection,  
 40 performance, promotions, demotions, transfers, suspension and other disciplinary actions,  
 41 evaluation forms, leave, salary, and termination of employment. As used in this section,  
 42 "employee" includes employees of county officers and former employees of the county  
 43 or county officers.

44 (b) The following information with respect to each county employee is a matter of public  
 45 record:

- 46 (1) Name.  
 47 (2) Age.  
 48 (3) Date of original employment or appointment to the county service.  
 49 (4) The terms of any contract by which the employee is employed whether written  
 50 or oral, past and current, to the extent that the county has the written contract  
 51 or a record of the oral contract in its possession.

- 1 (5) Current position.
- 2 (6) Title.
- 3 (7) Current salary.
- 4 (8) Date and amount of each increase or decrease in salary with that county.
- 5 (9) Date and type of each promotion, demotion, transfer, suspension, separation
- 6 or other change in position classification with that county.
- 7 (10) Date and general description of the reasons for each ~~promotion~~promotion,
- 8 demotion, dismissal, transfer, suspension, separation, or other change in
- 9 position classification with that county.
- 10 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
- 11 ~~reasons taken by the county. If the disciplinary personnel action was a~~
- 12 ~~dismissal, a copy of the written notice of the final decision of the county~~
- 13 ~~setting forth the specific acts or omissions that are the basis of the dismissal.~~
- 14 ~~Nothing in this section shall be construed to authorize the disclosure of any~~
- 15 ~~confidential information protected by the Health Insurance Portability and~~
- 16 ~~Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with~~
- 17 ~~Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the~~
- 18 ~~reason for an employee's promotion, demotion, dismissal, transfer,~~
- 19 ~~suspension, separation, or other change in position classification is prohibited~~
- 20 ~~from disclosure by an applicable law, the general description to be provided~~
- 21 ~~shall be listed as "description of action prohibited by applicable law." The date~~
- 22 ~~and general description for each promotion, dismissal, transfer, suspension,~~
- 23 ~~separation, or other change in position classification shall not be disclosed~~
- 24 ~~before the employee has exhausted all administrative appeals that the~~
- 25 ~~employee is entitled to pursue under applicable law. However, once the~~
- 26 ~~employee has exhausted all administrative appeals, the date and general~~
- 27 ~~description for each promotion, dismissal, transfer, suspension, separation, or~~
- 28 ~~other change in position classification shall be disclosed within 30 days of any~~
- 29 ~~final decision.~~
- 30 (12) The office to which the employee is currently assigned.

31 ...."

32 **SECTION 6.** G.S. 160A-168(b) reads as rewritten:

33 "(b) The following information with respect to each city employee is a matter of public  
34 record:

- 35 (1) Name.
- 36 (2) Age.
- 37 (3) Date of original employment or appointment to the service.
- 38 (4) The terms of any contract by which the employee is employed whether written
- 39 or oral, past and current, to the extent that the city has the written contract or
- 40 a record of the oral contract in its possession.
- 41 (5) Current position.
- 42 (6) Title.
- 43 (7) Current salary.
- 44 (8) Date and amount of each increase or decrease in salary with that municipality.
- 45 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 46 or other change in position classification with that municipality.
- 47 (10) Date and general description of the reasons for each ~~promotion~~promotion,
- 48 demotion, dismissal, transfer, suspension, separation, or other change in
- 49 position classification with that municipality.
- 50 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
- 51 ~~reasons taken by the municipality. If the disciplinary personnel action was a~~

1 dismissal, a copy of the written notice of the final decision of the municipality  
 2 setting forth the specific acts or omissions that are the basis of the dismissal.  
 3 Nothing in this section shall be construed to authorize the disclosure of any  
 4 confidential information protected by the Health Insurance Portability and  
 5 Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with  
 6 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the  
 7 reason for an employee's promotion, demotion, dismissal, transfer,  
 8 suspension, separation, or other change in position classification is prohibited  
 9 from disclosure by an applicable law, the general description to be provided  
 10 shall be listed as "description of action prohibited by applicable law." The date  
 11 and general description for each promotion, dismissal, transfer, suspension,  
 12 separation, or other change in position classification shall not be disclosed  
 13 before the employee has exhausted all administrative appeals that the  
 14 employee is entitled to pursue under applicable law. However, once the  
 15 employee has exhausted all administrative appeals, the date and general  
 16 description for each promotion, dismissal, transfer, suspension, separation, or  
 17 other change in position classification shall be disclosed within 30 days of any  
 18 final decision.

19 (12) The office to which the employee is currently assigned."

20 **SECTION 7.** G.S. 162A-6.1(b) reads as rewritten:

21 "(b) The following information with respect to each authority employee is a matter of  
 22 public record:

- 23 (1) Name.
- 24 (2) Age.
- 25 (3) Date of original employment or appointment to the service.
- 26 (4) The terms of any contract by which the employee is employed whether written  
 27 or oral, past and current, to the extent that the authority has the written contract  
 28 or a record of the oral contract in its possession.
- 29 (5) Current position.
- 30 (6) Title.
- 31 (7) Current salary.
- 32 (8) Date and amount of each increase or decrease in salary with that authority.
- 33 (9) Date and type of each promotion, demotion, transfer, suspension, separation,  
 34 or other change in position classification with that authority.
- 35 (10) Date and general description of the reasons for each ~~promotion~~ promotion,  
 36 demotion, dismissal, transfer, suspension, separation, or other change in  
 37 position classification with that authority.
- 38 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~  
 39 ~~reasons taken by the authority. If the disciplinary personnel action was a~~  
 40 ~~dismissal, a copy of the written notice of the final decision of the authority~~  
 41 ~~setting forth the specific acts or omissions that are the basis of the dismissal.~~  
 42 Nothing in this section shall be construed to authorize the disclosure of any  
 43 confidential information protected by the Health Insurance Portability and  
 44 Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with  
 45 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the  
 46 reason for an employee's promotion, demotion, dismissal, transfer,  
 47 suspension, separation, or other change in position classification is prohibited  
 48 from disclosure by an applicable law, the general description to be provided  
 49 shall be listed as "description of action prohibited by applicable law." The date  
 50 and general description for each promotion, dismissal, transfer, suspension,  
 51 separation, or other change in position classification shall not be disclosed

1 before the employee has exhausted all administrative appeals that the  
2 employee is entitled to pursue under applicable law. However, once the  
3 employee has exhausted all administrative appeals, the date and general  
4 description for each promotion, dismissal, transfer, suspension, separation, or  
5 other change in position classification shall be disclosed within 30 days of any  
6 final decision.

7 (12) The office to which the employee is currently assigned."

8 **SECTION 7.5.** G.S. 131E-257.2(b) reads as rewritten:

9 "(b) The following information with respect to each public hospital employee is a matter  
10 of public record:

11 (1) Name.

12 (2) Age.

13 (3) Date of original employment.

14 (4) Current position title.

15 (5) Date of the most recent and general description of the reasons for each  
16 promotion, demotion, dismissal, transfer, suspension, separation-separation,  
17 or other change in position classification. Nothing in this section shall be  
18 construed to authorize the disclosure of any confidential information protected  
19 by the Health Insurance Portability and Accountability Act of 1996 (HIPAA),  
20 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.  
21 327, or other applicable law. If the reason for an employee's promotion,  
22 demotion, dismissal, transfer, suspension, separation, or other change in  
23 position classification is prohibited from disclosure by an applicable law, the  
24 general description to be provided shall be listed as "description of action  
25 prohibited by applicable law." The date and general description for each  
26 promotion, dismissal, transfer, suspension, separation, or other change in  
27 position classification shall not be disclosed before the employee has  
28 exhausted all administrative appeals that the employee is entitled to pursue  
29 under applicable law. However, once the employee has exhausted all  
30 administrative appeals, the date and general description for each promotion,  
31 dismissal, transfer, suspension, separation, or other change in position  
32 classification shall be disclosed within 30 days of any final decision.

33 (6) The office to which the employee is currently assigned.

34 In addition, the following information with respect to each licensed medical provider  
35 employed by or having privileges to practice in a public hospital shall be a matter of public  
36 record: educational history and qualifications, date and jurisdiction or original and current  
37 licensure; and information relating to medical board certifications or other qualifications of  
38 medical specialists."

39 **SECTION 8.** This act becomes effective December 1, 2021.