Article 28E.

Judicial Human Resources System.

Part 1. Policies.

§ 7A-337. Judicial Human Resources System.

(a) The Director of the Administrative Office of the Courts is authorized to establish policies to:

(1) Confirm an individual's legal status or authorization to work in the United States after hiring the individual as an employee, in accordance with the E-Verify Program administered by the United States Department of Homeland Security pursuant to 8 U.S.C. § 1101, et seq.

(2) Establish vacation leave, sick leave, parental leave, and other types of leave benefits and holidays for judicial branch officers and employees. When an individual transfers employment from an executive or legislative branch position to a position in the judicial branch, the leave policies shall credit any vacation and sick leave accrued with the transferring branch if the employee is entitled to vacation and sick leave in the judicial branch position.

(b) At the Director's request, the Office of State Human Resources shall coordinate to:

(1) Offer flexible compensation benefits for judicial branch employees as provided in G.S. 126A-7-30.

(2) Offer safety, health, and workers' compensation programs for judicial branch employees.

(3) Provide recruitment assistance for judicial branch positions.

(4) Provide training to judicial branch employees.

(5) Secure temporary employees for the judicial branch.

(6) Provide a performance management system for the judicial branch. (2026-40, s. 3.)

§ 7A-337.5. Equal employment opportunity.

The judicial branch shall give equal opportunity for employment and compensation, without regard to race, religion, color, national origin, sex, age, disability, or genetic information to all persons otherwise qualified, and shall not retaliate against an employee for protesting alleged violations of this section. (2026-40, s. 3.)

§ 7A-337.10. Ensuring dignity and nondiscrimination in workplaces.

(a) The General Assembly finds that Article I, Section 1 of the Constitution of this State recognizes the equality and rights of all persons. Therefore, it is the intent of the General Assembly that employees respect the dignity of others, acknowledge the right of others to express differing opinions and the right to freedom of speech and association, and that the judicial branch employ training methods and procedures to further that intent.

(b) The judicial branch shall not compel employees to affirm or profess belief in any of the following concepts in the workplace or as part of any employee training program:

(1) One race or sex is inherently superior to another race or sex.

(2) An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.

(3) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.

(4) An individual's moral character is necessarily determined by his or her race or sex.
(5) An individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
(6) Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.
(7) A meritocracy is inherently racist or sexist.
(8) The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.
(9) The United States government should be violently overthrown.
(10) Particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race or sex or to an individual because of the individual's race or sex.
(11) The rule of law does not exist but instead is a series of power relationships and struggles among racial or other groups.
(12) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness.
(13) Governments should deny to any person within the government's jurisdiction the equal protection of the law.

(c) Nothing in this section prevents a private contractor who provides training to employees from responding to questions that are raised by participants in the training and which pertain to the concepts in subsection (b) of this section. However, the private contractor must make it clear that the employer does not endorse those concepts.

(d) This section does not apply to speech protected by the First Amendment of the U.S. Constitution. (2026-40, s. 3.)

Part 2. Protection for Reporting Improper Government Activities.

§ 7A-338. Duty to report improper government activities.

(a) It is the policy of the State that employees shall have a duty to report verbally or in writing to their supervisor or other appropriate authority evidence of activity in the judicial branch or an employee constituting any of the following:

(1) A violation of State or federal law, rule, or regulation.
(2) Fraud.
(3) Misappropriation of State resources.
(4) Substantial and specific danger to the public health and safety.
(5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

(b) Further, it is the policy of this State that employees be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative panels, or providing statements or testimony to agents and employees of legislative panels duly appointed by the President Pro Tempore of the Senate or the Speaker of the House of Representatives designated to conduct inquiries on behalf of a legislative panel.

(c) Officers of the judicial branch and employees exercising supervisory authority shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because of any of the following:

(1) The employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in subsection (a) of this section, unless the employee knows or has reason to believe that the report is inaccurate.

(2) The employee has refused to carry out a directive that in fact constitutes a violation of State or federal law, rule, or regulation or poses a substantial and specific danger to the public health and safety.

(d) Employees shall not retaliate against another employee because of any of the following:

(1) The employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in subsection (a) of this section.

(2) The employee has refused to carry out a directive that may constitute a violation of State or federal law, rule, or regulation or poses a substantial and specific danger to the public health and safety.

(e) The protections of this Part apply to employees who report any activity described in subsection (a) of this section to the State Auditor as authorized by G.S. 147-64.6B, to the Joint Legislative Commission on Governmental Operations as authorized by G.S. 120-75.1, or to a legislative committee as required by G.S. 120-19.

(f) Any employee injured by a violation of this section may maintain an action in superior court against the person or employer who committed the alleged violation within one year after the occurrence. Any claim arising under Article 21 of Chapter 95 of the General Statutes may be maintained pursuant to the provisions of that Article only and may be redressed only by the remedies and relief available under that Article.

(g) A court, in rendering a judgment in an action brought pursuant to this section, may order any one or more of the following:

(1) An injunction.

(2) Damages.

(3) Reinstatement of the employee.

(4) Payment of back wages.

(5) Full reinstatement of fringe benefits and seniority rights.

(6) Payment of costs.

(7) Reasonable attorneys' fees.

(8) Any combination of the subdivisions in this subsection.

(h) If an application for a permanent injunction is granted, the employee shall be awarded costs and reasonable attorneys' fees.

(i) If in an action for damages the court finds that the employee was injured by a willful violation of this section, the court shall award as damages three times the amount of actual damages plus costs and reasonable attorneys' fees against the individual or individuals found to be in violation of this section.

(j) The judicial branch shall post notice in accordance with G.S. 95-9 or use other appropriate means to keep employees informed of their protections and obligations under this Part.

(k) An employee's right to speak to a member of the General Assembly at the member's request shall not be directly or indirectly limited by the employee's supervisor or by any policy of the judicial branch. (2026-40, s. 3.)

Part 3. Employee Personnel Records.

§ 7A-339. Privacy of employee personnel records.

(a) The following definitions apply in this Part:

(1) Employee. – A current judicial branch employee, former judicial branch employee, or applicant for employment with the judicial branch.

(2) Judicial branch employer. – The office within the judicial branch that hired an employee and has the power to separate the employee from a position. For elected officials, the judicial branch employer is the office to which the individual was elected. For magistrates, the judicial branch employer is the office of the chief district court judge for the judicial district that includes the magistrate's county of appointment.

(3) Personnel file. – Any employment-related or personal information gathered by the judicial branch. Employment-related information contained in a personnel file includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries.

(4) Record. – The personnel information that is maintained in accordance with G.S. 7A-339.5.

(b) Except as otherwise provided in this Part, personnel files of employees shall not be subject to inspection and examination under G.S. 132-6. Personnel files of former employees who have been separated from employment for 10 or more years may be open to inspection and examination, except for papers and documents relating to demotions and to disciplinary actions resulting in the dismissal of the former employee. (2026-40, s. 3.)

§ 7A-339.5. Certain records to be kept open to inspection.

(a) The Administrative Office of the Courts shall maintain a record with the following information for each judicial branch employee:

(1) Name.

(2) Date of original employment or appointment to service.

(3) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the judicial branch has such record in its possession.

(4) Current position.

(5) Title.

(6) Current salary.

(7) Date and amount of each increase or decrease in salary with the judicial branch.

(8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the judicial branch.

(9) Date and general description of the reasons for each promotion with the judicial branch.

(10) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the judicial branch. If the disciplinary action was a dismissal, a

copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal.

(11) The office or station to which the employee is currently assigned.

(b) For the purposes of this section, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the judicial branch.

(c) The Administrative Office of the Courts shall permit records made public by this section to be inspected, examined, and copied by any person during regular business hours. Except as provided in G.S. 7A-339.10, any person who is denied access to a record shall have the right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief. (2026-40, s. 3.)

§ 7A-339.10. Certain restrictions on access to records.

The Administrative Office of the Courts is not required to provide persons in the custody of or under the supervision of the Division of Institutions of the Department of Adult Correction and persons in the custody of local confinement facilities access to the records made public under G.S. 7A-339.5, absent a court order authorizing access, custody, or possession of the records. (2026-40, s. 3.)

§ 7A-339.15. Confidential information in personnel files.

(a) Other than information made public by G.S. 7A-339.5, all other information contained in a personnel file is confidential and shall not be open for inspection and examination, except to the following persons:

(1) The employee or his or her properly authorized agent, who may examine his or her own personnel file in its entirety except for (i) letter of references solicited prior to employment or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee.

(2) The supervisor and indirect supervisors of the employee.

(3) A potential supervisor during the interview process, only with regard to performance management documents or to prevent application fraud.

(4) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19.

(5) A party by authority of a proper court order may inspect and examine a particular confidential portion of an employee's personnel file. In this subdivision, "court order" includes a lawfully issued subpoena or discovery request so long as the parties have moved for the court to issue a protective order regarding the confidential personnel file information. A party may lawfully delay producing requested confidential personnel file documents until the court has ruled on that party's motion for protective order regarding those documents.

(6) An official of an agency of the federal government, State government, or any political subdivision thereof. Such an official may inspect any personnel records when the inspection is deemed by the judicial branch employer as necessary and essential to the proper function of the judicial branch or to protect the safety of another person. This information shall not be divulged for purposes

of assisting in a criminal prosecution or for purposes of assisting in a tax investigation.

(7) Staff performing human resources functions for the judicial branch, including staff at the Office of State Human Resources, only to the extent necessary to maintain human resources data on behalf of the judicial branch.

(8) Persons accessing a personnel file under G.S. 17C-10.2 or G.S. 17E-7.1.

(b) Notwithstanding any other provision of this Article, the judicial branch employer may, in its discretion, disclose to a person any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment, or nonemployment of any employee and the reasons for the action. The judicial branch employer may also permit any person to inspect or examine the personnel file, or any portion of the file, of an employee when it determines that disclosure is essential to maintaining the integrity of the judicial branch employer or the level or quality of services it provides. Before releasing any information or making any file available under this subsection, the judicial branch employer shall prepare a memorandum stating the circumstances requiring disclosure and identifying the information to be disclosed. The memorandum shall be retained in the judicial branch employer's files and shall be a public record. (2026-40, s. 3.)

§ 7A-339.20. Remedies of employee objecting to material in file.

(a) An employee who objects to material in the employee's personnel file because he or she considers it inaccurate or misleading may place in his or her file a written statement relating to the material considered inaccurate or misleading.

(b) If the judicial branch employer determines that material in the employee's personnel file is inaccurate or misleading, the judicial branch employer shall remove or amend the inaccurate material to ensure that the file is accurate.

(c) Nothing in this section shall be construed to permit an employee to appeal the contents of a performance appraisal or written disciplinary action. (2026-40, s. 3.)

§ 7A-339.25. Penalty for permitting access to confidential file by unauthorized person.

Any public official or employee who knowingly and willfully permits any person not specifically authorized by this Part to have access, custody, or possession of any portion of a personnel file designated as confidential by this Part shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars ($500.00). (2026-40, s. 3.)

§ 7A-339.30. Penalty for accessing confidential file without authority.

Any person not specifically authorized by this Part to have access to a personnel file designated as confidential by this Part who knowingly and willfully examines in its official filing place, or removes or copies any portion of a confidential personnel file, shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars ($500.00). (2026-40, s. 3.)