

Labor and Employment

See full summary documents for additional detail

H103 - 2022 Appropriations Act.

Sec. 8.4: UNC and ECU Dental School Clinical Operations Personnel Flexibility. (SL 2022-74)

Section 8.4 of S.L. 2022-74 modifies the employment requirements that apply to personnel of Dental School Clinical Operations at the University of North Carolina at Chapel Hill and East Carolina University. Employees of both entities are deemed to be State employees and subject to relevant provisions of State law, including the following provisions of Chapter 126:

- Article 5 (Political Activity of Employees)
- Article 6 (Equal Employment and Compensation Opportunity; Assisting in Obtaining State Employment)
- Article 7 (The Privacy of State Employee Personnel Records)
- Article 14 (Protection for Reporting Improper Government Activities)

Except for the provisions described above, these employees are not subject to Chapter 126 of the General Statutes. Each entity's respective board of trustees is responsible for setting policies and procedures governing the terms and conditions of employment for these employees, including:

- Leave policies.
- Partial pay supplementing workers' compensation payments.
- Working conditions.
- Service awards and incentive award programs.
- Grounds for dismissal, demotion, or discipline.
- Other personnel policies or measures that promote the hiring and retention of capable, diligent, and effective career employees.
- Setting office hours, workdays, and holidays to be observed.
- Establishing boards, committees, or councils to conduct hearings upon the appeal of employees who have been suspended, demoted, otherwise disciplined, or discharged.

The board of trustees must submit initial classification and pay plans, as well as other rules and regulations, to the Office of State Human Resources for review.

Employees who achieve career State employee status by June 30, 2022, cannot have their compensation reduced by any rules or regulations adopted by the board of trustees pursuant to this authority. Additionally, these career status employees must be subject to the discipline or discharge rules that were effective on June 30, 2022, and not any rules adopted after that date.

This section became effective July 1, 2022.

H103 - 2022 Appropriations Act.

Sec. 13.1: Occupational Health and Safety Division Issuance of Citations. (SL 2022-74)

Section 13.1 of S.L. 2022-74 amends the Occupational Safety and Health Act of North Carolina to provide that no citation may be issued after six months following the initiation of an inspection, rather than six months after the occurrence of a violation.

This section becomes effective October 1, 2022, and applies to inspections initiated on or after that date.

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Sec. 13.2: OSH Penalty Modifications. (SL 2022-74)

Section 13.2 of S.L. 2022-74 amends statutes setting out the civil penalties assessed against an employer who violates occupational safety and health requirements. The section increases from \$14,000 to \$29,000 the maximum amount assessed for each serious violation that involves injury to an employee under the age of 18. The section also removes all other dollar amounts for penalties set out in statute but requires the Commissioner of Labor to adjust minimum and maximum civil penalties in accordance with the requirements established in the United States Consumer Price Index for All Urban Consumers published by the US Department of Labor, as necessary to comply with federal law. The Commissioner has 60 calendar days from the date the final rule is published in the Federal Register to publish the civil penalties in the North Carolina Register.

The section becomes effective October 1, 2022, and applies to civil penalties assessed on or after that date.

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Sec. 19.C.1: Make Prison Wardens Exempt Employees. (SL 2022-74)

Section 19.C.1 of S.L. 2022-74 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and compensation opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. Employees in these positions are public servants and must file Statements of Economic Interest.

This section became effective July 1, 2022, and applies to persons hired before, on, or after that date.

*Please note that Sec. 20 of S.L. 2022-58 makes a similar change to the same statute.

H560 - Public Safety Reform.

Sec. 20: Make Prison Wardens Exempt Employees. (SL 2022-58)

Section 20 of S.L. 2022-58 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and compensation

opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. This section became effective July 1, 2022, and applies to persons hired on or after that date.

*Please note that Sec. 19C.1 of S.L. 2022-74 makes a similar change to the same statute.

H661 - Age Requirement Modifications/Capital Projects Oversight/BEAD Corrections. (SL 2022-69)

S.L. 2022-69 does the following:

- Clarifies that qualified youth 15 years of age and older can enroll in fire training courses at community colleges on or after January 1, 2021.
- Reduces the age requirement for malt beverage wholesaler salesmen from 21 to 18 years.
- Allows persons 15 years of age to work inside premises that serve alcohol until December 31, 2023.
- Eliminates a requirement that the State Building Commission and Director of the Budget approve guidelines adopted by the State Board of Community Colleges that must be met by community colleges in order to be delegated authority over capital improvement projects.
- Provides that the Department of Administration is not required to review and approve plans and specifications for a State-funded capital improvement project costing less than \$2 million that has been delegated to a community college unless requested to do so in writing by the State Board of Community Colleges.
- Eliminates an annual reporting obligation of the Community Colleges System Office for capital improvement projects estimated to require expenditure of less than \$2 million of public funds.
- Makes a technical correction to the 2022 Appropriations Act relating to the use of federal infrastructure funds by the Department of Information Technology for grants in the Broadband Equity, Access, and Deployment Program.

Except as otherwise provided, this act became effective July 8, 2022.

H911 - Regulatory Reform Act of 2022.

Sec. 13: Waterslide Dispatcher Change. (SL 2022-75)

Section 13 of S.L. 2022-75 defines "waterslide dispatcher" as an employee stationed at the top of a waterslide for the purpose of managing the ride queue and dispatching waterslide users and provides that waterslide dispatchers must be at least 16 years of age.

This section became effective July 12, 2022.