

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 143

Short Title: Charlotte/Civil Service Board. (Local)

Sponsors: Representatives Bishop, Cunningham, Cotham, and Bradford (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

March 4, 2015

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO INCREASE THE NUMBER OF MEMBERS ON THE CIVIL SERVICE BOARD FROM SEVEN TO NINE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.61 of Article III of Chapter 4 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by S.L. 2006-124, reads as rewritten:

"Section 4.61. **Civil service board; Membership, Powers and Duties.** (a) Establishment. There is hereby continued a Civil Service Board for the City of Charlotte, to consist of ~~seven~~ nine members; ~~four~~ six members to be appointed by the Council and three members to be appointed by the Mayor. Each member shall serve for a term of three years. In case of a vacancy on the Board, the Council or the Mayor, as the case may be, shall fill such vacancy for the unexpired term of said member. ~~For the purposes of establishing a quorum of the Board, any combination of Board members and alternates totaling three~~ Five members shall constitute a quorum. All Board members shall attend regular meetings for the purposes of meeting attendance policy and familiarity with Board business and procedures. Attendance at meetings and continued service on the Board shall be governed by the attendance policies established by the Council. Vacancies resulting from a member's failure to attend the required number of meetings or hearings shall be filled as provided herein.

(a1) Council May Increase Board Membership. Notwithstanding the provisions of subsection (a) of this section, the Council may, in its discretion, increase the number of Board members from nine to 11; seven members to be appointed by the Council and four members to be appointed by the Mayor. Six members shall constitute a quorum for the 11-member Board. At any time after increasing the number of Board members as authorized in this subsection, the Council may, in its discretion, reduce the number of members to nine, and those members shall be appointed as provided in subsection (a) of this section.

...

(j) Appeal Hearings. Upon receipt of a citation for termination from either chief or upon receipt of notice of appeal for a suspension from any civil service covered police officer or firefighter, the Board shall hold a hearing not less than 15 days nor more than 30 days from the date the notice of appeal, or the citation, is received by the Board, and shall promptly notify the officer of the hearing date. Termination hearings shall be held with a panel of five ~~made up of any combination of available members or alternates,~~ members, and suspension hearings shall be held with a panel of three ~~made up of any combination of available members or~~



1 ~~alternates-members.~~ In the event an officer desires a hearing at a date other than that set by the
2 Board within the period set forth above, such officer may file a written request for a change of
3 hearing date setting forth the reasons for such request, and the Chair of the Board is empowered
4 to approve or disapprove such request; provided that such request must be received by the
5 Board at least seven days prior to the date set for the hearing. For good cause, the Chair of the
6 Board may set a hearing date other than within the period set forth above, or may continue the
7 hearing from time to time. In the conduct of its hearing, each member of the Board shall have
8 the power to subpoena witnesses, administer oaths, and compel the production of evidence. If a
9 person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board may
10 apply to the General Court of Justice, Superior Court Division, for an order requiring that its
11 subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all
12 parties. If any person, while under oath at a hearing of the Board, willfully swears falsely, such
13 person shall be guilty of a Class 1 misdemeanor. Both the officer and the police or fire
14 department shall have the right to present relevant evidence to the Board at its hearing. The
15 officer must be furnished with a copy of the charges which have been brought against an officer
16 and which will be heard by the Board. The officer shall be required to answer questions from
17 members of the Board or the Board's counsel; however, the officer may refuse to answer any
18 question where the answer might incriminate the officer with respect to any criminal violation
19 of State or federal laws. The officer may be present at all evidentiary portions of the hearing,
20 may retain counsel to represent the officer at the hearing, and may cross-examine those
21 witnesses who testify against the officer. The officer will be given the right to an open or closed
22 hearing as he may elect. After the evidentiary portion of the hearing is concluded, the Board
23 will consider the evidence in closed session, and the Board will make findings of facts which
24 will be provided to the officer together with a statement of the action taken by the Board on the
25 basis of its findings of fact.

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27 **SECTION 2.** This act is effective when it becomes law.