

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 749

Short Title: Voters' Right to Know. (Public)

Sponsors: Representative Cotham (Primary Sponsor).

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

Referred to: Rules, Calendar, and Operations of the House.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT A WRITTEN COMPLAINT ALLEGING HARASSMENT,
SEXUAL HARASSMENT, PHYSICAL ASSAULT, THREATENED PHYSICAL
ASSAULT, OR OTHER UNLAWFUL CONDUCT BY CERTAIN ELECTED
OFFICIALS AGAINST A PUBLIC EMPLOYEE IS A PUBLIC RECORD.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 132 of the General Statutes is amended by adding a new section to read as follows:

"§ 132-1.3A. Certain complaints against elected officials.

Public records, as defined in G.S. 132-1, shall include any written complaint alleging that, prior to or during any term of elective office, an elected official of any county, city, local board of education, or other political subdivision of the State, in his or her official or individual capacity, or both, harassed, sexually harassed, physically assaulted, threatened to physically assault, or committed any other unlawful act against an employee of the county, city, local board of education, or other political subdivision. The name of the employee making the allegation, and any other information identifying the employee, shall be deemed a part of the employee's personnel file and shall be confidential as provided in G.S. 115C-321, 153A-98, and 160A-168."

SECTION 2. G.S. 115C-319 reads as rewritten:

"§ 115C-319. Personnel files not subject to inspection.

~~Personnel~~ Except for any document that is a public record under G.S. 132-1.3A, personnel files of employees of local boards of education, former employees of local boards of education, or applicants for employment with local boards of education shall not be subject to inspection and examination as authorized by G.S. 132-6. For purposes of this Article, a personnel file consists of any information gathered by the local board of education which employs an individual, previously employed an individual, or considered an individual's application for employment, and which information relates to the individual's application, selection or nonselection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment wherever located or in whatever form.

Nothing in this section shall be construed to prevent local boards of education from disclosing the certification status and other information about employees as required by Section 1111(h)(6) of P.L. 107-110."

SECTION 3. G.S. 115C-321 reads as rewritten:

"§ 115C-321. Confidential information in personnel files; access to information.



1 (a) All information contained in a personnel file, except as otherwise provided in this
2 ~~Chapter, Chapter~~ or G.S. 132-1.3A, is confidential and shall not be open for inspection and
3 examination except to any of the following persons:

4"

5 **SECTION 4.** G.S. 153A-98 reads as rewritten:

6 **"§ 153A-98. Privacy of employee personnel records.**

7 ...

8 (c) All information contained in a county employee's personnel file, other than the
9 information made public by subsection (b) of this ~~section, section~~ or G.S. 132-1.3A, is
10 confidential and shall be open to inspection only in the following instances:

11"

12 **SECTION 5.** G.S. 160A-168 reads as rewritten:

13 **"§ 160A-168. Privacy of employee personnel records.**

14 ...

15 (c) All information contained in a city employee's personnel file, other than the
16 information made public by subsection (b) of this ~~section, section~~ or G.S. 132-1.3A, is
17 confidential and shall be open to inspection only in the following instances:

18"

19 **SECTION 6.** This act is effective when it becomes law.