

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-284
SENATE BILL 644**

AN ACT EXEMPTING THE EMPLOYEES OF THE STATE BANKING COMMISSION FROM COVERAGE UNDER CERTAIN CLASSIFICATION AND COMPENSATION RELATED PROVISIONS OF THE STATE PERSONNEL ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 53 of the General Statutes is amended by adding the following section to read:

"§ 53-96.1. Salaries, promotions, and leave of employees of the Office of the Commissioner of Banks.

(a) The Office of the Commissioner of Banks and its employees are exempt from the classification and compensation rules established by the State Personnel Commission pursuant to G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to hours and days of work, vacation and sick leave; G.S. 126-4(6) only as it applies to promotion and transfer; G.S. 126-4(10) only as it applies to the prohibition of the establishment of incentive pay programs; and Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1.

(b) The exemptions authorized by this section shall be used to develop organizational classification and compensation innovations that will result in the enhanced efficiency of operations. The Office of State Personnel shall assist the Commissioner of Banks in the development and implementation of an organizational structure and human resources programs that make the most appropriate use of the exemptions, including (i) a system of job categories or descriptions tailored to the agency's needs; (ii) policies regarding paid time off for agency personnel and the voluntary sharing of such time off; and (iii) a system of uniform performance assessments for agency personnel tailored to the agency's needs. The Commissioner of Banks may, under the supervision of the Office of State Personnel, develop and implement organizational classification and compensation innovations having the potential to benefit all State agencies."

SECTION 2. G.S. 53-101 reads as rewritten:

"§ 53-101. Clerical help.

The Commissioner of Banks is empowered to employ sufficient clerical and secretarial help, and other necessary labor to conduct the affairs of his—the Commissioner's office with economy and efficiency, efficiently and effectively. Persons so employed shall be paid as other employees in the departments of the State and shall be under the same rules and regulations."

SECTION 3. By April 1, 2007, the Commissioner of Banks and the Office of State Personnel shall report jointly to the General Assembly on the results of these efforts in meeting the agency's personnel needs and enhancing the efficiency and effectiveness of its operations.

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:40 p.m. this 18th day of August, 2005