

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 195

Short Title: UNC Omnibus. (Public)

Sponsors: Senators Galey, Barnes, and Proctor (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 6, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS CONCERNING THE
3 UNIVERSITY OF NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

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6 **PART I. EXEMPT FROM THE STATE HUMAN RESOURCES ACT CERTAIN**
7 **EMPLOYEES OF NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE**
8 **UNIVERSITY DESIGNATED AS COUNTY OPERATIONS SUPPORT STAFF**

9 **SECTION 1.(a)** G.S. 126-5(c1)(9a) reads as rewritten:

10 "(9a) Employees of the North Carolina Cooperative Extension Service of North
11 Carolina State University and North Carolina Agricultural and Technical State
12 University who are employed in county operations and who are not exempt
13 pursuant to subdivision (8) or (9) of this subsection."

14 **SECTION 1.(b)** G.S. 153A-439(b) reads as rewritten:

15 "(b) The policies adopted by the Board of Trustees of North Carolina State University and
16 North Carolina Agricultural and Technical State University, respectively, for the employees of
17 the North Carolina Cooperative Extension Service shall govern the employment of employees
18 exempted from certain provisions of Chapter 126 of the General Statutes pursuant to
19 G.S. 126-5(c1)(9a). The policies adopted by the University of North Carolina Board of
20 Governors and the employing constituent institution shall govern the employment of employees
21 of the North Carolina Cooperative Extension Service exempted from certain provisions of
22 Chapter 126 of the General Statutes pursuant to G.S. 126-5(c1)(8)."

23
24 **PART II. INCLUDE NCSSM IN THE DISTINGUISHED PROFESSOR ENDOWMENT**
25 **FUND**

26 **SECTION 2.** Part 4A of Article 1 of Chapter 116 of the General Statutes reads as
27 rewritten:

28 "Part 4A. Distinguished Professors Endowment Trust Fund.

29 **"§ 116-41.13. Distinguished Professors Endowment Trust Fund; purpose.**

30 The General Assembly of North Carolina recognizes that ~~the public university system~~ each
31 constituent institution of The University of North Carolina would be greatly strengthened by the
32 addition of distinguished scholars. It further recognizes that private as well as State support is
33 preferred in helping to obtain distinguished scholars for ~~the State universities~~ constituent
34 institutions and that private support will help strengthen the commitment of citizens and
35 organizations in promoting excellence throughout ~~all State universities.~~ The University of North
36 Carolina. It is the intent of the General Assembly to establish a trust fund to provide the



1 opportunity to each ~~State university-constituent institution~~ to receive and match challenge grants
 2 to create endowments for selected distinguished professors to occupy chairs within the ~~university-~~
 3 ~~institution.~~ The associated foundations that serve the ~~universities-constituent institutions~~ shall
 4 solicit and receive gifts from private sources to provide for matching funds to the trust fund
 5 challenge grants for the establishment of endowments for chairs within ~~universities-constituent~~
 6 ~~institutions.~~

7 **"§ 116-41.13A. Distinguished Professors Endowment Trust Fund; definitions.**

8 The following definitions apply in this Part:

- 9 (1) "Focused growth institution" means Elizabeth City State University,
 10 Fayetteville State University, North Carolina Agricultural and Technical
 11 University, North Carolina Central University, The University of North
 12 Carolina at Pembroke, Western Carolina University, and Winston-Salem State
 13 University.
 14 (2) "Special needs institution" means the North Carolina School of the Arts,
 15 redesignated effective August 1, 2008, as the "University of North Carolina
 16 School of the Arts," the North Carolina School of Science and Mathematics,
 17 and The University of North Carolina at Asheville.

18"

19
 20 **PART III. PROVIDE EFFICIENCY AND FLEXIBILITY TO THE UNIVERSITY OF**
 21 **NORTH CAROLINA BY EXEMPTING CERTAIN FLSA-EXEMPT EMPLOYEES OF**
 22 **THE UNIVERSITY FROM THE STATE HUMAN RESOURCES ACT AND MAKING**
 23 **THOSE EMPLOYEES SUBJECT TO THE DIRECT AUTHORITY OF THE BOARD OF**
 24 **GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA**

25 **SECTION 3.(a)** Effective July 1, 2023, G.S. 126-5(c1)(8) reads as rewritten:

26 "(c1) Except as to Articles 6 and 7 of this Chapter, this Chapter does not apply to any of the
 27 following:

28 ...

- 29 (8) Instructional and research staff, finance professionals, business office
 30 professionals, auditor professionals, information technology professionals,
 31 physicians, ~~and dentists-dentists, pilots, and all other employees~~ of The
 32 University of North ~~Carolina,~~ Carolina who are exempt from the minimum
 33 wage and overtime compensation provisions of the Fair Labor Standards Act,
 34 including the faculty of the North Carolina School of Science and
 35 Mathematics. The Board of Governors of The University of North Carolina
 36 shall have the authority to establish positions under this subdivision to be
 37 exempt from this Chapter without further review or approval by any other
 38 State agency."

39 **SECTION 3.(b)** Effective July 1, 2023, G.S. 126-1.1 reads as rewritten:

40 **"§ 126-1.1. Career State employee defined.**

41 (a) For the purposes of this Chapter, unless the context clearly indicates otherwise,
 42 "career State employee" means a State employee or an employee of a local entity who is covered
 43 by this Chapter pursuant to G.S. 126-5(a)(2) who:

- 44 (1) Is in a permanent position with a permanent appointment, and
 45 (2) Has been continuously employed by the State of North Carolina or a local
 46 entity as provided in G.S. 126-5(a)(2) in a position subject to the North
 47 Carolina Human Resources Act for the immediate 12 preceding months.

48 (b) As used in this Chapter, "probationary State employee" means a State employee who
 49 is in a probationary appointment and is exempt from the provisions of the North Carolina Human
 50 Resources Act only because the employee has not been continuously employed by the State for
 51 the time period required by subsection (a) or (c) of this section.

1 (c) Notwithstanding the provisions of subsection (a) ~~above, employees above:~~

2 (1) Employees who are hired by a State agency, department or university in a
3 sworn law enforcement position or forensic scientist position and who are
4 required to complete a formal training program prior to assuming law
5 enforcement or forensic scientist duties with the hiring agency, department or
6 university shall become career State employees only after being employed by
7 the agency, department or university for 24 continuous months.

8 (2) Employees of The University of North Carolina who are exempt from the
9 minimum wage and overtime compensation provisions of the Fair Labor
10 Standards Act and who attained career status before July 1, 2023, have the
11 option of either (i) continuing employment with career State employee status
12 if the employee remains in the position the employee occupied on June 30,
13 2023, or (ii) waiving career State employee status and continuing employment
14 as an exempt employee under G.S. 126-5(c1)(8). The University shall provide
15 each affected employee with a written explanation of the impact of an election
16 to waive career State employee status. An employee's election to waive career
17 State employee status must be acknowledged either through the employee's
18 written or electronic signature."

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20 **PART IV. EFFECTIVE DATE**

21 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
22 law.