

April 2, 2009

**H 1049. NONDISCRIMINATION IN STATE/TEACHER EMP.** Filed 4/2/09. *AMENDING THE STATE PERSONNEL ACT TO INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION TO THE LIST OF CLASSIFICATIONS COVERED BY THE STATE'S EQUAL EMPLOYMENT OPPORTUNITY LAW AND REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES FOR NONDISCRIMINATION IN EMPLOYMENT INCLUDING SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION AMONG THE COVERED CLASSIFICATIONS.*

Amends GS 126-16 (Equal opportunity for employment and compensation by state departments and agencies and local political subdivisions), GS 126-34.1 (Grounds for contested case under the State Personnel Act defined), and GS 126-36 (Appeal of unlawful state employment practice) as title indicates. Enacts new Part 9 of Article 22 of GS Chapter 115C to require that each local board of education adopt a policy of nondiscrimination in its personnel policies and practices on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, or disability. Defines *school personnel* as any (1) full- or part-time employee of a local board of education or (2) independent contractor or employee of an independent contractor of a local board of education, if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, state, local, or other funds and (3) substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians. Prohibits the act from being construed as requiring the State, or any employer, employment agency, or labor organization to give preferential treatment or special rights based on sexual orientation, gender identity or expression, or to implement special affirmative action policies or programs based on sexual orientation or gender identity or expression.

**Intro. by Luebke, Bryant, M. Alexander,** GS 115C, 126  
**Womble.**