



**NORTH CAROLINA GENERAL ASSEMBLY
CONFERENCE REPORT
Senate Bill 781***

S781-CRRO-39 [v.3]

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[NO] Title Change

[YES] For Committee Substitute

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 781, A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATORY EFFICIENCY IN ORDER TO BALANCE JOB CREATION AND ENVIRONMENTAL PROTECTION, House Committee Substitute Favorable 6/14/11, Fourth Edition Engrossed 6/15/11, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee substitute Favorable 6/14/11, Fourth Edition Engrossed 6/15/11, as amended:

on page 11, lines 17 through 29, by deleting the lines;

and on page 17, lines 7 through 30, by rewriting the lines to read:

"SECTION 41. G.S. 126-4.1 is repealed.

SECTION 42. G.S. 126-14.4(e) reads as rewritten:

"(e) Within 90 days after the filing of a contested case petition, the administrative law judge shall issue a ~~recommended~~ final decision to the State Personnel Commission which shall include findings of fact and conclusions of law and, if the administrative law judge has found a violation of G.S. 126-14.2, an appropriate ~~recommended remedy~~ remedy, which may include:

- (1) Directing the State agency, department, or institution to declare the position vacant and to hire from among the most qualified State employees or applicants for initial State employment who had applied for the position, or
- (2) Requiring that the vacancy be posted pursuant to this Chapter."

SECTION 43. G.S. 126-14.4(f) is repealed.

SECTION 44. G.S. 126-37 reads as rewritten:

"§ 126-37. ~~Personnel Commission to review Administrative Law Judge's recommended decision and make final decision.~~

(a) Appeals involving a disciplinary action, alleged discrimination or harassment, and any other contested case arising under this Chapter shall be conducted in the Office of Administrative Hearings as provided in Article 3 of Chapter 150B; provided that no grievance may be appealed unless the employee has complied with G.S. 126-34. ~~The State Personnel Commission shall make a final decision in these cases as provided in G.S. 150B-36, except as provided in subsection (b1) of this section.~~ The State Personnel Commission administrative law judge is hereby authorized to reinstate any employee to the position from which the employee



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has been removed, to order the employment, promotion, transfer, or salary adjustment of any individual to whom it has been wrongfully denied or to direct other suitable action to correct the abuse which may include the requirement of payment for any loss of salary which has resulted from the improperly discriminatory action of the appointing authority."".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 16, 2011.

Conferees for the Senate

Conferees for the
House of Representatives

David Ronzer

David Ronzer, Chair

Harry Brown

Harry Brown

Don East

Don East

Brent Jackson

Brent Jackson

Doug Berger

Doug Berger

Mitch Gillespie

Mitch Gillespie

Marilyn Avila

Marilyn Avila

Bill Owens

Bill Owens

Pat McElraft

Pat McElraft

Mike Hager

Mike Hager

House	Submitted	<u>6/16/11</u>	<u>placed on calendar 6/17/11</u>	
House	ADOPTED	<u>6/17/11</u>	<u>(6543)</u>	Message Received
	ADOPTED		<u>(/)</u>	Ordered Enrolled

Senate notified

Special Message

JUN 17 2011

Denise Weeks

OK
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