

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 81

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S81-ALB-116 [v.2]

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Comm. Sub. [YES]
Amends Title [NO]
Ninth Edition

Date _____, 2013

Representative Samuelson

1 moves to amend the bill on page 2, lines 38-42, by rewriting those lines to read:

2 "In order to effectuate a seamless transfer of the Airport from the ownership and operation
3 of the City of Charlotte to the ownership and operation by the Authority, and to give the
4 Appointing Authorities time to consider candidates for and to appoint members as provided
5 herein, the initial Members of the Authority from the time this act becomes law shall be the
6 members of the Airport Advisory Committee of the City of Charlotte who shall serve only until
7 six Members shall have been appointed by the Appointing Authorities and qualified by taking
8 their oath of office. The powers of the Airport Advisory Committee serving as initial members
9 shall be limited to ministerial acts and no employment or management contracts shall be
10 awarded or entered into by the initial Members and any such contracts as the initial Members
11 shall award or enter into shall not be effective or binding on the Members selected by the
12 Appointing Authorities; provided, however, the initial Members may take such actions as are
13 appropriate in accordance with Section 11 of this act. The Appointing Authorities shall appoint
14 initial members no later than October 1, 2013. The Authority shall appoint the 11th member no
15 later than December 1, 2013. Members, when practical shall have experience in aviation,
16 logistics, construction and/or facilities management, law, accounting, and/or finance."

17
18 Further moves to amend the bill on page 7, line 8, by deleting "on January 1, 2014", and
19 substituting "when this act becomes law"

20
21 Further moves to amend the bill on page 7, line 39, by deleting "transfer." and substituting
22 "transfer, and any commercial agreements, development agreements and other contracts of the
23 City of Charlotte pertaining to or related to the Airport Property and Airport Facilities that are
24 in effect at the time of the transfer, including without limitation any contracts of insurance,
25 shall remain in full force and effect after the transfer."

26
27 Further moves to amend the bill on page 8, line 6, by deleting "effective January 1, 2014,"

28
29 Further moves to amend the bill on page 8, line 9, by deleting "compensation as was", and
30 substituting "compensation and benefits as were"



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1 Further moves to amend the bill on page 8, lines 14-22 by deleting those lines and renumbering
2 the succeeding subdivisions accordingly

3
4 Further moves to amend the bill on page 8, line 36, by adding the following between lines 36
5 and 37:

6 **"SECTION 7.(b4)** From the enactment of this act until December 31, 2013, unless
7 earlier terminated by the agreement of the City and Authority (the "Employee Transition
8 Period"), the City shall continue to employ, subject to the provisions of this subsection, the
9 employees of City's Aviation Department and under the direction of the Aviation Director as of
10 the date of this act (the "Airport Employees"), and the Authority shall lease the Airport
11 Employees from the City. The City shall provide the following services in support of the
12 Authority's lease of the Airport Employees, upon the terms and compensation set forth in this
13 section, and the following provisions of this section shall be applicable during the Employee
14 Transition Period:

15 (1) During the Employee Transition Period, the Airport Employees shall be
16 employees of the City and not of the Authority. The City shall be
17 responsible for all matters related to the payment of federal, state, and local
18 payroll taxes, workers' compensation insurance or self-insurance under
19 Chapter 97 of the General Statutes, salaries, and benefits, including
20 healthcare and retirement benefits, for Airport Employees. The Airport
21 Employees shall be directed by the City to perform work in a manner that
22 meets the standards established by the Authority, and that conforms to the
23 Authority's policies, procedures, practices, and rules with respect to the
24 Airport's operation. The Airport Employees shall be subject to all of the
25 City's employment-related policies, as in effect from time to time (such as
26 policies relating to terms of employment and eligibility for employee
27 benefits). The City, as the employer, shall have ultimate control over the
28 Airport Employees during the Employee Transition Period, including but not
29 limited to, the right to terminate the employment of any Airport Employee.
30 Notwithstanding the foregoing, the Authority may at any time request the
31 removal of any specific Airport Employee if, in the good faith judgment of
32 the Authority, removal would be in the best interests of the operation of the
33 Airport. In such event, the City will remove any such person within a
34 reasonable time, subject to compliance with applicable personnel policies
35 and procedures, applicable law, and the City's ability to secure a replacement
36 reasonably acceptable to the Authority.

37 (2) The City shall process the payroll for the Airport Employees during the
38 Employee Transition Period. As consideration for such service and the lease
39 of the Airport Employees, the Authority shall compensate the City by
40 reimbursing the City the cost of all salaries, wages, bonuses, and benefits,
41 including healthcare and retirement benefits, of the Airport Employees for
42 their time worked during the Employee Transition Period and as required by
43 law, as well as administrative costs incurred in processing such payroll.

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- 1 Upon the City's request, the Authority shall transfer to and deposit with the
- 2 City sufficient funds to process payroll for Airport Employees in advance of
- 3 each payroll date during the Employee Transition Period. At the conclusion
- 4 of the Employee Transition Period, the City shall then refund the Authority
- 5 any portion of such advance payments not used to process the payroll for the
- 6 Airport Employees.
- 7 (3) During the Employee Transition Period, the City shall continue to provide
- 8 all employment benefits currently available to the Airport Employees,
- 9 including but not limited to, healthcare benefits, retirement benefits,
- 10 disability insurance, life insurance, and accrued time off or leave, and the
- 11 Authority shall promptly reimburse the City the costs of providing such
- 12 benefits.
- 13 (4) During the Employee Transition Period, the City shall keep in full force and
- 14 effect workers' compensation insurance, self-insurance under Chapter 97 of
- 15 the General Statutes, and any other insurance policy concerning the Airport
- 16 Employees and the Authority shall promptly reimburse the City the costs of
- 17 maintaining such insurance.
- 18 (5) The Authority shall indemnify, defend, and hold harmless the City from
- 19 and against any and all losses and expenses incurred as a result of or in
- 20 connection with any action or inaction taken by the Authority with respect to
- 21 the Airport Employees during the Employee Transition Period, unless
- 22 caused by the gross negligent action or willful misconduct of the City.
- 23 (6) On January 1, 2014, or upon the earlier termination of the Employee
- 24 Transition Period as provided in this subsection, the City shall terminate the
- 25 employment of all Airport Employees and the Authority shall be deemed to
- 26 have hired the Airport Employees as of that date as the initial employees of
- 27 the Authority. The initial terms of employment, compensation, and benefits
- 28 of the Airport Employees under their employment with the Authority shall
- 29 be the same as those provided or made available to them by the City of
- 30 Charlotte as of December 31, 2013, or as of the earlier termination of the
- 31 Employee Transition Period if terminated by agreement of the City and the
- 32 Authority as provided in this subsection."

33
34 Further moves to amend the bill on page 8, line 46, by deleting "7(b)" and substituting "7(b1)"

35
36 Further moves to amend the bill on page 9, lines 40-44 by deleting those lines and renumbering
37 the succeeding sections accordingly
38

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**