

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 143
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HOUSE PRINCIPAL CLERK

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HOUSE DRH40061-LM-22A (01/20)

Short Title: Charlotte/Civil Service Board. (Local)

Sponsors: Representatives Bishop, Cunningham, Cotham, and Bradford (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO INCREASE
3 THE NUMBER OF MEMBERS ON THE CIVIL SERVICE BOARD FROM SEVEN TO
4 NINE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 4.61 of Article III of Chapter 4 of the Charter of the City of
7 Charlotte, being S.L. 2000-26, as amended by S.L. 2006-124, reads as rewritten:

8 "Section 4.61. **Civil service board; Membership, Powers and Duties.** (a) Establishment.
9 There is hereby continued a Civil Service Board for the City of Charlotte, to consist of ~~seven~~
10 nine members; ~~four-six~~ members to be appointed by the Council and three members to be
11 appointed by the Mayor. Each member shall serve for a term of three years. In case of a
12 vacancy on the Board, the Council or the Mayor, as the case may be, shall fill such vacancy for
13 the unexpired term of said member. ~~For the purposes of establishing a quorum of the Board,~~
14 ~~any combination of Board members and alternates totaling three~~ Five members shall constitute a
15 quorum. All Board members shall attend regular meetings for the purposes of meeting
16 attendance policy and familiarity with Board business and procedures. Attendance at meetings
17 and continued service on the Board shall be governed by the attendance policies established by
18 the Council. Vacancies resulting from a member's failure to attend the required number of
19 meetings or hearings shall be filled as provided herein.

20 (a1) Council May Increase Board Membership. Notwithstanding the provisions of
21 subsection (a) of this section, the Council may, in its discretion, increase the number of Board
22 members from nine to 11; seven members to be appointed by the Council and four members to
23 be appointed by the Mayor. Six members shall constitute a quorum for the 11-member Board.
24 At any time after increasing the number of Board members as authorized in this subsection, the
25 Council may, in its discretion, reduce the number of members to nine, and those members shall
26 be appointed as provided in subsection (a) of this section.

27 ...

28 (j) Appeal Hearings. Upon receipt of a citation for termination from either chief or
29 upon receipt of notice of appeal for a suspension from any civil service covered police officer
30 or firefighter, the Board shall hold a hearing not less than 15 days nor more than 30 days from
31 the date the notice of appeal, or the citation, is received by the Board, and shall promptly notify
32 the officer of the hearing date. Termination hearings shall be held with a panel of five ~~made up~~
33 ~~of any combination of available members or alternates,~~ members, and suspension hearings shall
34 be held with a panel of three ~~made up of any combination of available members or~~
35 ~~alternates,~~ members. In the event an officer desires a hearing at a date other than that set by the



1 Board within the period set forth above, such officer may file a written request for a change of
2 hearing date setting forth the reasons for such request, and the Chair of the Board is empowered
3 to approve or disapprove such request; provided that such request must be received by the
4 Board at least seven days prior to the date set for the hearing. For good cause, the Chair of the
5 Board may set a hearing date other than within the period set forth above, or may continue the
6 hearing from time to time. In the conduct of its hearing, each member of the Board shall have
7 the power to subpoena witnesses, administer oaths, and compel the production of evidence. If a
8 person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board may
9 apply to the General Court of Justice, Superior Court Division, for an order requiring that its
10 subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all
11 parties. If any person, while under oath at a hearing of the Board, willfully swears falsely, such
12 person shall be guilty of a Class 1 misdemeanor. Both the officer and the police or fire
13 department shall have the right to present relevant evidence to the Board at its hearing. The
14 officer must be furnished with a copy of the charges which have been brought against an officer
15 and which will be heard by the Board. The officer shall be required to answer questions from
16 members of the Board or the Board's counsel; however, the officer may refuse to answer any
17 question where the answer might incriminate the officer with respect to any criminal violation
18 of State or federal laws. The officer may be present at all evidentiary portions of the hearing,
19 may retain counsel to represent the officer at the hearing, and may cross-examine those
20 witnesses who testify against the officer. The officer will be given the right to an open or closed
21 hearing as he may elect. After the evidentiary portion of the hearing is concluded, the Board
22 will consider the evidence in closed session, and the Board will make findings of facts which
23 will be provided to the officer together with a statement of the action taken by the Board on the
24 basis of its findings of fact.

25"

26 **SECTION 2.** This act is effective when it becomes law.