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(Public)

Sponsors:

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April 16, 2019

A BILL TO BE ENTITLED

AN ACT AWARDING LEGISLATIVELY MANDATED SALARY INCREASES AND  
SPECIAL ANNUAL LEAVE TO LAW ENFORCEMENT OFFICERS OF THE STATE  
BUREAU OF INVESTIGATION AND ALCOHOL LAW ENFORCEMENT.

The General Assembly of North Carolina enacts:

**PART I. APPROPRIATIONS**

**SECTION 1.1.(a)** There is appropriated from the General Fund to the Department of Public Safety (DPS) the sum of two million six hundred eighty thousand dollars (\$2,680,000) in recurring funds for the 2019-2020 fiscal year and the sum of three million three hundred sixty thousand dollars (\$3,360,000) in recurring funds for the 2020-2021 fiscal year to award compensation increases to agents of the State Bureau of Investigation and officers of Alcohol Law Enforcement in accordance with the provisions of this act.

**SECTION 1.1.(b)** State funds, as defined in G.S. 143C-1-1(d)(25), are appropriated for each year of the 2019-2021 fiscal biennium, as agency receipts up to the amounts needed to implement the legislatively mandated salary increases provided in this act for each year of the 2019-2021 fiscal biennium.

**PART II. ELIGIBLE EMPLOYEES AWARDED LEGISLATIVE SALARY INCREASES/EFFECTIVE JULY 1, 2019, AND JULY 1, 2020**

**SECTION 2.1.(a)** Effective July 1, 2019, a State employee who (i) is employed as a law enforcement officer of the State Bureau of Investigation or Alcohol Law Enforcement and (ii) was employed in a State-funded position on June 30, 2019, is awarded:

- (1) A legislative salary increase in the amount of two and one-half percent (2.5%) of annual salary in the 2019-2020 fiscal year.
- (2) Any salary adjustment otherwise allowed or provided by law.

**SECTION 2.1.(a1)** Effective July 1, 2020, a State employee who (i) is employed as a law enforcement officer of the State Bureau of Investigation or Alcohol Law Enforcement and (ii) was employed in a State-funded position on June 30, 2019, is awarded:

- (1) A legislative salary increase in the amount of two and one-half percent (2.5%) of annual salary in the 2020-2021 fiscal year.
- (2) Any salary adjustment otherwise allowed or provided by law.

**SECTION 2.1.(a2)** For the 2019-2021 fiscal biennium, law enforcement officers paid according to the experience-based pay schedule established in Part IV of this act are not



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1 eligible to receive the legislative salary increase authorized by subsections (a) and (a1) of this  
2 section.

3 **SECTION 2.1.(b)** Part-time employees shall receive the increases authorized by this  
4 section on a prorated and equitable basis.

5 **SECTION 2.1.(c)** No eligible State-funded employee shall be prohibited from  
6 receiving the full salary increases provided in this section solely because the employee's salary  
7 after applying the legislative increase is above the maximum of the salary range prescribed by  
8 the State Human Resources Commission.

9 **SECTION 2.2.** The legislative salary increases provided by this act in each year of  
10 the 2019-2021 fiscal biennium do not apply to persons separated from service due to resignation,  
11 dismissal, reduction in force, death, or retirement or whose last workday is prior to June 30, 2019,  
12 for the 2019-2020 fiscal year or June 30, 2020, for the 2020-2021 fiscal year. For the 2019-2021  
13 fiscal biennium, payroll checks issued to employees after July 1, 2019, and July 1, 2020,  
14 respectively, that represent payment of services provided prior to July 1 of each year shall not be  
15 eligible for salary increases provided for in this act.

16 **SECTION 2.3.** Funds appropriated by this act may not be used to adjust the budgeted  
17 salaries of vacant positions, to provide salary increases in excess of those required by the General  
18 Assembly, or to increase the budgeted salary of filled positions to the minimum of the position's  
19 respective salary range unless otherwise specifically provided by law.

20 **SECTION 2.4.** Any funds appropriated for legislatively mandated salary increases  
21 in excess of the amounts required to implement the increases authorized by this act shall be  
22 credited to the Pay Plan Reserve established within the General Fund by G.S. 143C-4-9.

23 **SECTION 2.5.** No later than May 1, 2020, for the 2019-2020 fiscal year, and  
24 subsequently May 1, 2021, for the 2020-2021 fiscal year, the Office of State Budget and  
25 Management shall report to the Joint Legislative Commission on Governmental Operations and  
26 the Fiscal Research Division on the expenditure of funds under this act. This report shall include  
27 at least the following information:

- 28 (1) The total amount of funds that the Department received for legislatively  
29 mandated salary increases.
- 30 (2) The total amount of funds used by the Department for legislative increases.
- 31 (3) The amount of funds credited to the Pay Plan Reserve.

### 32 **PART III. LAW ENFORCEMENT EXPERIENCE-BASED PAY**

33 **SECTION 3.1.(a)** In order to maintain an experience-based pay structure  
34 progression, the entry-level annual salary of agents of the State Bureau of Investigation and  
35 officers of Alcohol Law Enforcement is set in the amount of forty-five thousand one hundred  
36 dollars (\$45,100) for the 2019-2020 fiscal year and forty-six thousand two hundred twenty-eight  
37 dollars (\$46,228) for the 2020-2021 fiscal year.

38 **SECTION 3.1.(b)** During the 2019-2021 fiscal biennium, the State Bureau of  
39 Investigation may pay salaries in excess of the scheduled amounts for supervisory  
40 responsibilities.

41 **SECTION 3.1.(c)** During the 2019-2021 fiscal biennium, Alcohol Law Enforcement  
42 may pay salaries in excess of the scheduled amounts for supervisory responsibilities.  
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### 45 **PART IV. PAY SCHEDULE**

46 **SECTION 4.1.** Of the funds appropriated in this act to the DPS for the 2019-2020  
47 fiscal year, the sum of two million dollars (\$2,000,000) shall be allocated to establish a pay  
48 schedule for law enforcement officers in the State Bureau of Investigation (SBI) and Alcohol  
49 Law Enforcement (ALE) that (i) increases the annual beginning officer salary to forty-five  
50 thousand one hundred dollars (\$45,100) and (ii) sets a stepped progression from beginning officer  
51 pay to sixty-five thousand eight hundred seven dollars (\$65,807) over a period of six years by

1 providing increases of six and one-half percent (6.5%) per year. These funds shall not be used to  
2 adjust the pay of other SBI or ALE employees. The pay schedule shall be adjusted to effectuate  
3 any future across-the-board legislative or other authorized salary increases. The State Human  
4 Resources Commission shall provide technical assistance to the SBI and ALE upon request.  
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#### 6 **PART V. PAY PLAN RESERVE**

7 **SECTION 5.1.** G.S. 143C-4-9(a) reads as rewritten:

8 "(a) Creation. – The Pay Plan Reserve is established within the General Fund. The General  
9 Assembly shall appropriate in the Current Operations Appropriations Act (Act) or other  
10 appropriations act a specific amount to this reserve for allocation, on an as-needed basis only, to  
11 fund statutory and scheduled pay expenses authorized by:

12 (1) G.S. 20-187.3.

13 (2) G.S. 7A-102.

14 (3) G.S. 7A-171.1.

15 (4) Teacher Salary Schedule, as enacted by the General Assembly.

16 (5) Pay Plans for Principals and Assistant Principals, as enacted by the General  
17 Assembly.

18 (6) The Act, for law enforcement officers of the State Bureau of Investigation and  
19 Alcohol Law Enforcement."  
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#### 21 **PART VI. SPECIAL ANNUAL LEAVE**

22 **SECTION 6.1.** Special Annual Leave. – Any person who is, on July 1, 2019, (i)  
23 employed as a law enforcement officer of the State Bureau of Investigation or Alcohol Law  
24 Enforcement and (ii) eligible to earn annual leave shall have a one-time additional five days of  
25 annual leave credited on July 1, 2019.

26 The additional leave granted in this section shall be accounted for separately in the  
27 same manner as the leave provided by Section 35.26 of S.L. 2018-5 and shall remain available  
28 during the length of the employee's employment, notwithstanding any other limitation on the  
29 total number of days of annual leave that may be carried forward. Part-time permanent employees  
30 shall receive a pro rata amount of the five days awarded by this section.

31 The additional leave awarded under this section has no cash value and is not eligible  
32 for cash in. If not used prior to the time of separation or retirement, the bonus leave cannot be  
33 paid out and is lost.

34 Notwithstanding any provision of G.S. 126-8 to the contrary, any vacation leave  
35 remaining on December 31 of each year in excess of 30 days shall be reduced by the number of  
36 days awarded in this section that were actually used by the employee during the year, such that  
37 the calculation of vacation leave days that would convert to sick leave shall reflect a deduction  
38 of those days of special annual leave awarded in this section that were used by the employee  
39 during the year.

40 The number of days awarded by this section that carry forward to each following year  
41 shall equal the number of days awarded in this section remaining on December 31 of each year  
42 plus the number of days awarded in this section that were deducted from vacation leave in excess  
43 of 30 days for the calculation of sick leave.

44 No employee may be required to take the additional leave awarded by this section.  
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#### 46 **PART VII. STATE BUDGET ACT APPLICABILITY**

47 **SECTION 7.1.** If any provision of this act and G.S. 143C-5-4 are in conflict, the  
48 provisions of this act shall prevail. The appropriations and the authorizations to allocate and  
49 spend funds which are set out in this act shall remain in effect until the Current Operations  
50 Appropriations Act for the applicable fiscal year becomes law, at which time that act shall  
51 become effective and shall govern appropriations and expenditures. When the Current

1 Operations Appropriations Act for that fiscal year becomes law, the Director of the Budget shall  
2 adjust allotments to give effect to that act from July 1 of the fiscal year.

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4 **PART VIII. EFFECTIVE DATE**

5 **SECTION 8.1.** Except as otherwise provided, this act becomes effective July 1,  
6 2019.