

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 355
Judiciary Committee Substitute Adopted 4/27/21
PROPOSED COMMITTEE SUBSTITUTE S355-PCS15289-CE-20

Short Title: Government Transparency Act of 2021.

(Public)

Sponsors:

Referred to:

March 29, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING
3 ACCESSIBILITY TO PUBLIC PERSONNEL HIRING, FIRING, AND PERFORMANCE
4 RECORDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 126-23(a) reads as rewritten:

7 "(a) Each department, agency, institution, commission and bureau of the ~~State~~ State,
8 including all persons and entities defined in G.S. 116-2, shall maintain a record of each of its
9 employees, showing the following information with respect to each such employee:

- 10 (1) Name.
11 (2) Age.
12 (3) Date of original employment or appointment to State service.
13 (4) The terms of any contract by which the employee is employed whether written
14 or oral, past and current, to the extent that the agency has the written contract
15 or a record of the oral contract in its possession.
16 (5) Current position.
17 (6) Title.
18 (7) Current salary.
19 (8) Date and amount of each increase or decrease in salary with that department,
20 agency, institution, commission, or bureau.
21 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
22 or other change in position classification with that department, agency,
23 institution, commission, or bureau.
24 (10) Date and general description of the reasons for each ~~promotion~~ promotion,
25 demotion, dismissal, transfer, suspension, separation, or other change in
26 position classification with that department, agency, institution, commission,
27 or bureau.
28 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
29 ~~reasons taken by the department, agency, institution, commission, or bureau.~~
30 If the ~~disciplinary personnel~~ action was a dismissal, a copy of the written
31 notice of the final decision of the head of the department setting forth the
32 specific acts or omissions that are the basis of the dismissal. Nothing in this
33 section shall be construed to authorize the disclosure of any confidential
34 information protected by the Health Insurance Portability and Accountability
35 Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of



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1 1990 (ADA), 104 Stat. 327, or other applicable law. If the reason for an
2 employee's promotion, demotion, dismissal, transfer, suspension, separation,
3 or other change in position classification is prohibited from disclosure by an
4 applicable law, the general description to be provided shall be listed as
5 "description of action prohibited by applicable law." The date and general
6 description for each promotion, dismissal, transfer, suspension, separation, or
7 other change in position classification shall not be disclosed before the
8 employee has exhausted all administrative appeals that the employee is
9 entitled to pursue under applicable law. However, once the employee has
10 exhausted all administrative appeals, the date and general description for each
11 promotion, dismissal, transfer, suspension, separation, or other change in
12 position classification shall be disclosed within 30 days of any final decision.

13 (12) The office or station to which the employee is currently assigned."

14 **SECTION 2.** G.S. 115C-320(a) reads as rewritten:

15 "(a) Each local board of education shall maintain a record of each of its employees,
16 showing the following information with respect to each employee:

- 17 (1) Name.
- 18 (2) Age.
- 19 (3) Date of original employment or appointment.
- 20 (4) The terms of any contract by which the employee is employed whether written
21 or oral, past and current, to the extent that the board has the written contract
22 or a record of the oral contract in its possession.
- 23 (5) Current position.
- 24 (6) Title.
- 25 (7) Current salary.
- 26 (8) Date and amount of each increase or decrease in salary with that local board
27 of education.
- 28 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
29 or other change in position classification with that local board of education.
- 30 (10) Date and general description of the reasons for each ~~promotion~~ promotion,
31 demotion, dismissal, transfer, suspension, separation, or other change in
32 position classification with that local board of education.
- 33 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~
34 ~~reasons taken by the local board of education. If the disciplinary personnel~~
35 ~~action was a dismissal, a copy of the written notice of the final decision of the~~
36 ~~local board education setting forth the specific acts or omissions that are the~~
37 ~~basis of the dismissal. Nothing in this section shall be construed to authorize~~
38 ~~the disclosure of any confidential information protected by the Health~~
39 ~~Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat.~~
40 ~~1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or~~
41 ~~other applicable law. If the reason for an employee's promotion, demotion,~~
42 ~~dismissal, transfer, suspension, separation, or other change in position~~
43 ~~classification is prohibited from disclosure by an applicable law, the general~~
44 ~~description to be provided shall be listed as "description of action prohibited~~
45 ~~by applicable law." The date and general description for each promotion,~~
46 ~~dismissal, transfer, suspension, separation, or other change in position~~
47 ~~classification shall not be disclosed before the employee has exhausted all~~
48 ~~administrative appeals that the employee is entitled to pursue under applicable~~
49 ~~law. However, once the employee has exhausted all administrative appeals,~~
50 ~~the date and general description for each promotion, dismissal, transfer,~~

1 suspension, separation, or other change in position classification shall be
2 disclosed within 30 days of any final decision.

3 (12) The office or station to which the employee is currently assigned."

4 **SECTION 3.** G.S. 115D-28(a) reads as rewritten:

5 "(a) Each board of trustees shall maintain a record of each of its employees, showing the
6 following information with respect to each employee:

7 (1) Name.

8 (2) Age.

9 (3) Date of original employment or appointment.

10 (4) The terms of any contract by which the employee is employed whether written
11 or oral, past and current, to the extent that the board has the written contract
12 or a record of the oral contract in its possession.

13 (5) Current position.

14 (6) Title.

15 (7) Current salary.

16 (8) Date and amount of each increase or decrease in salary with that community
17 college.

18 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
19 or other change in position classification with that community college.

20 (10) Date and general description of the reasons for each ~~promotion~~promotion,
21 demotion, dismissal, transfer, suspension, separation, or other change in
22 position classification with that community college.

23 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~
24 ~~reasons taken by the community college.~~ If the ~~disciplinary personnel action~~
25 was a dismissal, a copy of the written notice of the final decision of the board
26 of trustees setting forth the specific acts or omissions that are the basis of the
27 dismissal. Nothing in this section shall be construed to authorize the disclosure
28 of any confidential information protected by the Health Insurance Portability
29 and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with
30 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the
31 reason for an employee's promotion, demotion, dismissal, transfer,
32 suspension, separation, or other change in position classification is prohibited
33 from disclosure by an applicable law, the general description to be provided
34 shall be listed as "description of action prohibited by applicable law." The date
35 and general description for each promotion, dismissal, transfer, suspension,
36 separation, or other change in position classification shall not be disclosed
37 before the employee has exhausted all administrative appeals that the
38 employee is entitled to pursue under applicable law. However, once the
39 employee has exhausted all administrative appeals, the date and general
40 description for each promotion, dismissal, transfer, suspension, separation, or
41 other change in position classification shall be disclosed within 30 days of any
42 final decision.

43 (12) The office or station to which the employee is currently assigned."

44 **SECTION 4.** G.S. 122C-158(b) reads as rewritten:

45 "(b) The following information with respect to each employee is a matter of public record:

46 (1) Name.

47 (2) Age.

48 (3) Date of original employment or appointment to the area authority.

49 (4) The terms of any contract by which the employee is employed whether written
50 or oral, past and current, to the extent that the agency has the written contract
51 or a record of the oral contract in its possession.

- 1 (5) Current position.
- 2 (6) Title.
- 3 (7) Current salary.
- 4 (8) Date and amount of each increase or decrease in salary with that area
- 5 authority.
- 6 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 7 or other change in position classification with that area authority.
- 8 (10) Date and general description of the reasons for each ~~promotion~~ promotion,
- 9 demotion, dismissal, transfer, suspension, separation, or other change in
- 10 position classification with that area authority.
- 11 ~~(11) Date and type of each dismissal, suspension, or demotion for disciplinary~~
- 12 ~~reasons taken by the area authority.~~ If the disciplinary personnel action was a
- 13 dismissal, a copy of the written notice of the final decision of the area authority
- 14 setting forth the specific acts or omissions that are the basis of the dismissal.
- 15 Nothing in this section shall be construed to authorize the disclosure of any
- 16 confidential information protected by the Health Insurance Portability and
- 17 Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with
- 18 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the
- 19 reason for an employee's promotion, demotion, dismissal, transfer,
- 20 suspension, separation, or other change in position classification is prohibited
- 21 from disclosure by an applicable law, the general description to be provided
- 22 shall be listed as "description of action prohibited by applicable law." The date
- 23 and general description for each promotion, dismissal, transfer, suspension,
- 24 separation, or other change in position classification shall not be disclosed
- 25 before the employee has exhausted all administrative appeals that the
- 26 employee is entitled to pursue under applicable law. However, once the
- 27 employee has exhausted all administrative appeals, the date and general
- 28 description for each promotion, dismissal, transfer, suspension, separation, or
- 29 other change in position classification shall be disclosed within 30 days of any
- 30 final decision.
- 31 (12) The office to which the employee is currently assigned."

SECTION 5. G.S. 153A-98 reads as rewritten:

"§ 153A-98. Privacy of employee personnel records.

- 34 (a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act
- 35 concerning access to public records, personnel files of employees, former employees, or
- 36 applicants for employment maintained by a county are subject to inspection and may be disclosed
- 37 only as provided by this section. For purposes of this section, an employee's personnel file
- 38 consists of any information in any form gathered by the county with respect to that employee
- 39 and, by way of illustration but not limitation, relating to his application, selection or nonselection,
- 40 performance, promotions, demotions, transfers, suspension and other disciplinary actions,
- 41 evaluation forms, leave, salary, and termination of employment. As used in this section,
- 42 "employee" includes employees of county officers and former employees of the county
- 43 or county officers.
- 44 (b) The following information with respect to each county employee is a matter of public
- 45 record:
- 46 (1) Name.
- 47 (2) Age.
- 48 (3) Date of original employment or appointment to the county service.
- 49 (4) The terms of any contract by which the employee is employed whether written
- 50 or oral, past and current, to the extent that the county has the written contract
- 51 or a record of the oral contract in its possession.

- 1 (5) Current position.
- 2 (6) Title.
- 3 (7) Current salary.
- 4 (8) Date and amount of each increase or decrease in salary with that county.
- 5 (9) Date and type of each promotion, demotion, transfer, suspension, separation
- 6 or other change in position classification with that county.
- 7 (10) Date and general description of the reasons for each ~~promotion~~promotion,
- 8 demotion, dismissal, transfer, suspension, separation, or other change in
- 9 position classification with that county.
- 10 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
- 11 ~~reasons taken by the county. If the disciplinary personnel action was a~~
- 12 ~~dismissal, a copy of the written notice of the final decision of the county~~
- 13 ~~setting forth the specific acts or omissions that are the basis of the dismissal.~~
- 14 ~~Nothing in this section shall be construed to authorize the disclosure of any~~
- 15 ~~confidential information protected by the Health Insurance Portability and~~
- 16 ~~Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with~~
- 17 ~~Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the~~
- 18 ~~reason for an employee's promotion, demotion, dismissal, transfer,~~
- 19 ~~suspension, separation, or other change in position classification is prohibited~~
- 20 ~~from disclosure by an applicable law, the general description to be provided~~
- 21 ~~shall be listed as "description of action prohibited by applicable law." The date~~
- 22 ~~and general description for each promotion, dismissal, transfer, suspension,~~
- 23 ~~separation, or other change in position classification shall not be disclosed~~
- 24 ~~before the employee has exhausted all administrative appeals that the~~
- 25 ~~employee is entitled to pursue under applicable law. However, once the~~
- 26 ~~employee has exhausted all administrative appeals, the date and general~~
- 27 ~~description for each promotion, dismissal, transfer, suspension, separation, or~~
- 28 ~~other change in position classification shall be disclosed within 30 days of any~~
- 29 ~~final decision.~~
- 30 (12) The office to which the employee is currently assigned.

31"

32 **SECTION 6.** G.S. 160A-168(b) reads as rewritten:

33 "(b) The following information with respect to each city employee is a matter of public
34 record:

- 35 (1) Name.
- 36 (2) Age.
- 37 (3) Date of original employment or appointment to the service.
- 38 (4) The terms of any contract by which the employee is employed whether written
- 39 or oral, past and current, to the extent that the city has the written contract or
- 40 a record of the oral contract in its possession.
- 41 (5) Current position.
- 42 (6) Title.
- 43 (7) Current salary.
- 44 (8) Date and amount of each increase or decrease in salary with that municipality.
- 45 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 46 or other change in position classification with that municipality.
- 47 (10) Date and general description of the reasons for each ~~promotion~~promotion,
- 48 demotion, dismissal, transfer, suspension, separation, or other change in
- 49 position classification with that municipality.
- 50 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
- 51 ~~reasons taken by the municipality. If the disciplinary personnel action was a~~

1 dismissal, a copy of the written notice of the final decision of the municipality
2 setting forth the specific acts or omissions that are the basis of the dismissal.
3 Nothing in this section shall be construed to authorize the disclosure of any
4 confidential information protected by the Health Insurance Portability and
5 Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with
6 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the
7 reason for an employee's promotion, demotion, dismissal, transfer,
8 suspension, separation, or other change in position classification is prohibited
9 from disclosure by an applicable law, the general description to be provided
10 shall be listed as "description of action prohibited by applicable law." The date
11 and general description for each promotion, dismissal, transfer, suspension,
12 separation, or other change in position classification shall not be disclosed
13 before the employee has exhausted all administrative appeals that the
14 employee is entitled to pursue under applicable law. However, once the
15 employee has exhausted all administrative appeals, the date and general
16 description for each promotion, dismissal, transfer, suspension, separation, or
17 other change in position classification shall be disclosed within 30 days of any
18 final decision.

19 (12) The office to which the employee is currently assigned."

20 **SECTION 7.** G.S. 162A-6.1(b) reads as rewritten:

21 "(b) The following information with respect to each authority employee is a matter of
22 public record:

- 23 (1) Name.
- 24 (2) Age.
- 25 (3) Date of original employment or appointment to the service.
- 26 (4) The terms of any contract by which the employee is employed whether written
27 or oral, past and current, to the extent that the authority has the written contract
28 or a record of the oral contract in its possession.
- 29 (5) Current position.
- 30 (6) Title.
- 31 (7) Current salary.
- 32 (8) Date and amount of each increase or decrease in salary with that authority.
- 33 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
34 or other change in position classification with that authority.
- 35 (10) Date and general description of the reasons for each ~~promotion~~ promotion,
36 demotion, dismissal, transfer, suspension, separation, or other change in
37 position classification with that authority.
- 38 (11) ~~Date and type of each dismissal, suspension, or demotion for disciplinary~~
39 ~~reasons taken by the authority. If the disciplinary personnel action was a~~
40 ~~dismissal, a copy of the written notice of the final decision of the authority~~
41 ~~setting forth the specific acts or omissions that are the basis of the dismissal.~~
42 Nothing in this section shall be construed to authorize the disclosure of any
43 confidential information protected by the Health Insurance Portability and
44 Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with
45 Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law. If the
46 reason for an employee's promotion, demotion, dismissal, transfer,
47 suspension, separation, or other change in position classification is prohibited
48 from disclosure by an applicable law, the general description to be provided
49 shall be listed as "description of action prohibited by applicable law." The date
50 and general description for each promotion, dismissal, transfer, suspension,
51 separation, or other change in position classification shall not be disclosed

1 before the employee has exhausted all administrative appeals that the
2 employee is entitled to pursue under applicable law. However, once the
3 employee has exhausted all administrative appeals, the date and general
4 description for each promotion, dismissal, transfer, suspension, separation, or
5 other change in position classification shall be disclosed within 30 days of any
6 final decision.

7 (12) The office to which the employee is currently assigned."

8 **SECTION 7.5.** G.S. 131E-257.2(b) reads as rewritten:

9 "(b) The following information with respect to each public hospital employee is a matter
10 of public record:

11 (1) Name.

12 (2) Age.

13 (3) Date of original employment.

14 (4) Current position title.

15 (5) Date of the most recent and general description of the reasons for each
16 promotion, demotion, dismissal, transfer, suspension, ~~separation~~-separation,
17 or other change in position classification. Nothing in this section shall be
18 construed to authorize the disclosure of any confidential information protected
19 by the Health Insurance Portability and Accountability Act of 1996 (HIPAA),
20 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
21 327, or other applicable law. If the reason for an employee's promotion,
22 demotion, dismissal, transfer, suspension, separation, or other change in
23 position classification is prohibited from disclosure by an applicable law, the
24 general description to be provided shall be listed as "description of action
25 prohibited by applicable law." The date and general description for each
26 promotion, dismissal, transfer, suspension, separation, or other change in
27 position classification shall not be disclosed before the employee has
28 exhausted all administrative appeals that the employee is entitled to pursue
29 under applicable law. However, once the employee has exhausted all
30 administrative appeals, the date and general description for each promotion,
31 dismissal, transfer, suspension, separation, or other change in position
32 classification shall be disclosed within 30 days of any final decision.

33 (6) The office to which the employee is currently assigned.

34 In addition, the following information with respect to each licensed medical provider
35 employed by or having privileges to practice in a public hospital shall be a matter of public
36 record: educational history and qualifications, date and jurisdiction or original and current
37 licensure; and information relating to medical board certifications or other qualifications of
38 medical specialists."

39 **SECTION 8.** This act becomes effective December 1, 2021.