

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

D

HOUSE BILL 64
PROPOSED SENATE COMMITTEE SUBSTITUTE H64-PCS40635-ST-17

Short Title: Government Transparency Act of 2021.

(Public)

Sponsors:

Referred to:

February 10, 2021

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

5 The General Assembly of North Carolina enacts:

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

7 "§ 126-23. Certain records to be kept by State agencies open to inspection.

8 (a) Each department, agency, institution, commission and bureau of the State shall
9 maintain a record of each of its employees, showing the following information with respect to
10 each such employee:

11 (1) Name.

12 (2) Age.

13 (3) Date of original employment or appointment to State service.

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

17 (5) Current position.

18 (6) Title.

19 (7) Current salary.

20 (8) Date and amount of each increase or decrease in salary with that department,
21 agency, institution, commission, or bureau.

22 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
23 or other change in position classification with that department, agency,
24 institution, commission, or bureau.

25 (10) ~~Date~~ Subject to subsection (g) of this section, date and general description of
26 the reasons for each ~~promotion~~ of the following with that department, agency,
27 institution, commission, or ~~bureau~~. bureau:

28 a. Promotion.

29 b. Demotion.

30 c. Transfer.

31 d. Suspension.

32 e. Separation.

33 f. Dismissal.

34 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
35 disciplinary reasons taken by the department, agency, institution, commission,
36 or ~~bureau~~. bureau. If the disciplinary action was a ~~dismissal~~, bureau, a copy of the



* H 6 4 - P C S 4 0 6 3 5 - S T - 1 7 *

1 written notice of the final decision of the head of the department setting forth
2 the specific acts or omissions that are the basis of the dismissal.

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

4 ...

5 (f) Nothing in this section shall be construed to authorize the disclosure of any
6 confidential information protected by the Health Insurance Portability and Accountability Act of
7 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
8 327, or other applicable law.

9 (g) The following shall apply to the general descriptions as required by subdivision
10 (a)(10) of this section:

11 (1) No general description shall disclose information otherwise prohibited from
12 disclosure by an applicable law but shall be listed as "description of action
13 prohibited by applicable law."

14 (2) The general description for each promotion, demotion, transfer, suspension,
15 separation, or dismissal shall become part of the record maintained under
16 subsection (a) of this section upon the later of the expiration of the time period
17 to file an appeal under any applicable administrative appeals process or a final
18 decision being entered in that administrative appeals process."

19 **SECTION 1.(b)** G.S. 126-22(b) reads as rewritten:

20 "(b) For purposes of this Article the following definitions apply:

21 (1) "Employee" means any current State employee, former State employee, or
22 applicant for State ~~employment~~employment subject to this Article.

23 (2) "Employer" means any State department, university, division, bureau,
24 commission, council, or other agency subject to ~~Article 7 of this Chapter~~this
25 Article. The term "university" shall include all of the following, as defined in
26 G.S. 116-2:

27 a. The Board.

28 b. The Board of Trustees.

29 c. Chancellor.

30 d. Constituent institutions.

31 e. The President.

32 (3) "Personnel file" means any employment-related or personal information
33 gathered by an employer or by the Office of State Human Resources.
34 Employment-related information contained in a personnel file includes
35 information related to an individual's application, selection, promotion,
36 demotion, transfer, leave, salary, contract for employment, benefits,
37 suspension, performance evaluation, disciplinary actions, and termination.
38 Personal information contained in a personnel file includes an individual's
39 home address, social security number, medical history, personal financial
40 data, marital status, dependents, and beneficiaries.

41 (4) "Record" means the personnel information that each employer is required to
42 maintain in accordance with G.S. 126-23."

43 **SECTION 2.** G.S. 115C-320 reads as rewritten:

44 "**§ 115C-320. Certain records open to inspection.**

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

47 (1) Name.

48 (2) Age.

49 (3) Date of original employment or appointment.

- 1 (4) The terms of any contract by which the employee is employed whether written
- 2 or oral, past and current, to the extent that the board has the written contract
- 3 or a record of the oral contract in its possession.
- 4 (5) Current position.
- 5 (6) Title.
- 6 (7) Current salary.
- 7 (8) Date and amount of each increase or decrease in salary with that local board
- 8 of education.
- 9 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 10 or other change in position classification with that local board of education.
- 11 (10) ~~Date~~ Subject to subsection (e) of this section, date and general description of
- 12 the reasons for each ~~promotion of the following~~ with that local board of
- 13 ~~education.~~ education:
- 14 a. Promotion.
- 15 b. Demotion.
- 16 c. Transfer.
- 17 d. Suspension.
- 18 e. Separation.
- 19 f. Dismissal.
- 20 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
- 21 disciplinary reasons taken by the local board of ~~education.~~ If the disciplinary
- 22 ~~action was a dismissal,~~ education, a copy of the written notice of the final
- 23 decision of the local board education setting forth the specific acts or
- 24 omissions that are the basis of the dismissal.
- 25 (12) The office or station to which the employee is currently assigned.

26 ...

27 (d) Nothing in this section shall be construed to authorize the disclosure of any

28 confidential information protected by the Health Insurance Portability and Accountability Act of

29 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.

30 327, or other applicable law.

31 (e) The following shall apply to the general descriptions as required by subdivision

32 (a)(10) of this section:

- 33 (1) No general description shall disclose information otherwise prohibited from
- 34 disclosure by an applicable law but shall be listed as "description of action
- 35 prohibited by applicable law."
- 36 (2) The general description for each promotion, demotion, transfer, suspension,
- 37 separation, or dismissal shall become part of the record maintained under
- 38 subsection (a) of this section upon the later of the expiration of the time period
- 39 to file an appeal under any applicable administrative appeals process or a final
- 40 decision being entered in that administrative appeals process."

41 **SECTION 3.** G.S. 115D-28 reads as rewritten:

42 **"§ 115D-28. Certain records open to inspection.**

43 (a) Each board of trustees shall maintain a record of each of its employees, showing the

44 following information with respect to each employee:

- 45 (1) Name.
- 46 (2) Age.
- 47 (3) Date of original employment or appointment.
- 48 (4) The terms of any contract by which the employee is employed whether written
- 49 or oral, past and current, to the extent that the board has the written contract
- 50 or a record of the oral contract in its possession.
- 51 (5) Current position.

- 1 (6) Title.
- 2 (7) Current salary.
- 3 (8) Date and amount of each increase or decrease in salary with that community
- 4 college.
- 5 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 6 or other change in position classification with that community college.
- 7 (10) ~~Date~~ Subject to subsection (e) of this section, date and general description of
- 8 the reasons for each ~~promotion of the following~~ with that community
- 9 college.college:
- 10 a. Promotion.
- 11 b. Demotion.
- 12 c. Transfer.
- 13 d. Suspension.
- 14 e. Separation.
- 15 f. Dismissal.
- 16 (11) ~~Date and type of~~ For each dismissal, suspension, or demotion dismissal
- 17 disciplinary reasons taken by the community college. If the disciplinary action
- 18 was a dismissal, college, a copy of the written notice of the final decision of
- 19 the board of trustees setting forth the specific acts or omissions that are the
- 20 basis of the dismissal.
- 21 (12) The office or station to which the employee is currently assigned.

22 ...
 23 (d) Nothing in this section shall be construed to authorize the disclosure of any
 24 confidential information protected by the Health Insurance Portability and Accountability Act of
 25 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 26 327, or other applicable law.

27 (e) The following shall apply to the general descriptions as required by subdivision
 28 (a)(10) of this section:

- 29 (1) No general description shall disclose information otherwise prohibited from
- 30 disclosure by an applicable law but shall be listed as "description of action
- 31 prohibited by applicable law."
- 32 (2) The general description for each promotion, demotion, transfer, suspension,
- 33 separation, or dismissal shall become part of the record maintained under
- 34 subsection (a) of this section upon the later of the expiration of the time period
- 35 to file an appeal under any applicable administrative appeals process or a final
- 36 decision being entered in that administrative appeals process."

37 **SECTION 4.** G.S. 122C-158 reads as rewritten:

38 **"§ 122C-158. Privacy of personnel records.**

- 39 ...
- 40 (b) The following information with respect to each employee is a matter of public record:
- 41 (1) Name.
- 42 (2) Age.
- 43 (3) Date of original employment or appointment to the area authority.
- 44 (4) The terms of any contract by which the employee is employed whether written
- 45 or oral, past and current, to the extent that the agency has the written contract
- 46 or a record of the oral contract in its possession.
- 47 (5) Current position.
- 48 (6) Title.
- 49 (7) Current salary.
- 50 (8) Date and amount of each increase or decrease in salary with that area
- 51 authority.

- 1 (9) Date and type each promotion, demotion, transfer, suspension, separation, or
- 2 other change in position classification with that area authority.
- 3 (10) ~~Date~~ Subject to subsection (j) of this section, date and general description of
- 4 the reasons for each ~~promotion~~ of the following with that area
- 5 ~~authority~~ authority:
- 6 a. Promotion.
- 7 b. Demotion.
- 8 c. Transfer.
- 9 d. Suspension.
- 10 e. Separation.
- 11 f. Dismissal.
- 12 (11) ~~Date and type of~~ For each dismissal, suspension, or demotion ~~dismissal~~ for
- 13 disciplinary reasons taken by the area authority. ~~If the disciplinary action was~~
- 14 ~~a dismissal,~~ authority, a copy of the written notice of the final decision of the
- 15 area authority setting forth the specific acts or omissions that are the basis of
- 16 the dismissal.
- 17 (12) The office or station to which the employee is currently assigned.

18 ...
 19 (i) Nothing in this section shall be construed to authorize the disclosure of any
 20 confidential information protected by the Health Insurance Portability and Accountability Act of
 21 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 22 327, or other applicable law.

23 (j) The following shall apply to the general descriptions as required by subdivision
 24 (b)(10) of this section:

- 25 (1) No general description shall disclose information otherwise prohibited from
 26 disclosure by an applicable law but shall be listed as "description of action
 27 prohibited by applicable law."
- 28 (2) The general description for each promotion, demotion, transfer, suspension,
 29 separation, or dismissal shall become part of the record maintained under
 30 subsection (b) of this section upon the later of the expiration of the time period
 31 to file an appeal under any applicable administrative appeals process or a final
 32 decision being entered in that administrative appeals process."

33 **SECTION 5.** G.S. 130A-45.9 reads as rewritten:

34 **"§ 130A-45.9. Confidentiality of personnel information.**

35 ...
 36 (b) The following information with respect to each employee of a public health authority
 37 is a matter of public record:

- 38 (1) ~~name;~~ Name.
- 39 (2) ~~age;~~ Age.
- 40 (3) ~~date~~ Date of original employment or ~~appointment;~~ appointment.
- 41 (4) ~~beginning~~ Beginning and ending ~~dates;~~ dates.
- 42 (5) ~~position title;~~ Current position and title.
- 43 (6) ~~position descriptions;~~ Position description.
- 44 (7) Current salary and total compensation of current and former positions;
 45 positions. For the purposes of this subdivision, the term "total compensation"
 46 includes pay, benefits, incentives, bonuses, and deferred and all other forms
 47 of compensation paid by the employing entity.
- 48 (8) ~~the~~ The terms of any contract by which the employee is employed whether
 49 written or oral, past and current, to the extent that the authority has the written
 50 contract or a record of the oral contract in its ~~possession;~~ possession.

- (9) ~~and date~~ Date and type of the most recent each promotion, demotion, transfer, suspension, separation, or other change in position classification.
- (10) Subject to subsection (e) of this section, date and general description of the reasons for each of the following with that public health authority:
 - a. Promotion.
 - b. Demotion.
 - c. Transfer.
 - d. Suspension.
 - e. Separation.
 - f. Dismissal.

(11) For each dismissal for disciplinary reasons taken by the public health authority, a copy of the written notice of the final decision of the public health authority setting forth the specific acts or omissions that are the basis of the dismissal.

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

(13) In addition, the following information with respect to each licensed medical provider employed by or having privileges to practice in a public health facility shall be a matter of public record: educational history and qualifications, date and jurisdiction or original and current licensure; and information relating to medical board certifications or other qualifications of medical specialists. ~~For the purposes of this subsection, the term "total compensation" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.~~

...

(d) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(e) The following shall apply to the general descriptions as required by subdivision (b)(10) of this section:

- (1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."
- (2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (b) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 6. G.S. 131E-257.2 reads as rewritten:

"§ 131E-257.2. Privacy of employee personnel records.

...

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

- (1) Name.
- (2) Age.
- (3) Date of original employment.
- (4) Current position title.
- (5) ~~Date of the most recent~~ and type for each promotion, demotion, transfer, suspension, separation or other change in position classification.
- (6) The office to which the employee is currently assigned.

- (7) Subject to subsection (j) of this section, date and general description of the reasons for each of the following with that public hospital:
 - a. Promotion.
 - b. Demotion.
 - c. Transfer.
 - d. Suspension.
 - e. Separation.
 - f. Dismissal.

(8) For each dismissal for disciplinary reasons taken by the public hospital, a copy of the written notice of the final decision of the public hospital setting forth the specific acts or omissions that are the basis of the dismissal.

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

...

(i) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(j) The following shall apply to the general descriptions as required by subdivision (b)(7) of this section:

- (1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."
- (2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (b) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 7.(a) G.S. 153A-98 reads as rewritten:

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

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a county are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the county with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the county.

(a1) This section shall apply to all employees subject to G.S. 153A-103.

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

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to the county service.

- 1 (4) The terms of any contract by which the employee is employed whether written
- 2 or oral, past and current, to the extent that the county has the written contract
- 3 or a record of the oral contract in its possession.
- 4 (5) Current position.
- 5 (6) Title.
- 6 (7) Current salary.
- 7 (8) Date and amount of each increase or decrease in salary with that county.
- 8 (9) Date and type of each promotion, demotion, transfer, suspension, separation
- 9 or other change in position classification with that county.
- 10 (10) ~~Date~~ Subject to subsection (h) of this section, date and general description of
- 11 the reasons for each ~~promotion~~ of the following with that ~~county~~ county:
- 12 a. Promotion.
- 13 b. Demotion.
- 14 c. Transfer.
- 15 d. Suspension.
- 16 e. Separation.
- 17 f. Dismissal.
- 18 (11) ~~Date and type of~~ For each dismissal, suspension, or demotion dismissal for
- 19 disciplinary reasons taken by the county. If the disciplinary action was a
- 20 dismissal, county, a copy of the written notice of the final decision of the
- 21 county setting forth the specific acts or omissions that are the basis of the
- 22 dismissal.
- 23 (12) The office to which the employee is currently assigned.

24 ...

25 (g) Nothing in this section shall be construed to authorize the disclosure of any

26 confidential information protected by the Health Insurance Portability and Accountability Act of

27 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.

28 327, or other applicable law.

29 (h) The following shall apply to the general descriptions as required by subdivision

30 (b)(10) of this section:

- 31 (1) No general description shall disclose information otherwise prohibited from
- 32 disclosure by an applicable law but shall be listed as "description of action
- 33 prohibited by applicable law."
- 34 (2) The general description for each promotion, demotion, transfer, suspension,
- 35 separation, or dismissal shall become part of the record maintained under
- 36 subsection (b) of this section upon the later of the expiration of the time period
- 37 to file an appeal under any applicable administrative appeals process or a final
- 38 decision being entered in that administrative appeals process."

39 **SECTION 7.(b)** G.S. 153A-99(b) reads as rewritten:

40 "(b) Definitions. For the purposes of this section:

- 41 (1) "County employee" or "employee" means any person employed by a county
- 42 or any department or program thereof that is supported, in whole or in part, by
- 43 county ~~funds~~;funds but shall not include employees subject to G.S. 153A-103.
- 44 (2) "On duty" means that time period when an employee is engaged in the duties
- 45 of his or her employment; and
- 46 (3) "Workplace" means any place where an employee engages in his or her job
- 47 duties."

48 **SECTION 8.** G.S. 160A-168 reads as rewritten:

49 "§ 160A-168. Privacy of employee personnel records.

50 ...

1 (b) The following information with respect to each city employee is a matter of public
2 record:

- 3 (1) Name.
- 4 (2) Age.
- 5 (3) Date of original employment or appointment to the service.
- 6 (4) The terms of any contract by which the employee is employed whether written
7 or oral, past and current, to the extent that the city has the written contract or
8 a record of the oral contract in its possession.
- 9 (5) Current position.
- 10 (6) Title.
- 11 (7) Current salary.
- 12 (8) Date and amount of each increase or decrease in salary with that municipality.
- 13 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
14 or other change in position classification with that municipality.
- 15 (10) ~~Date~~ Subject to subsection (h) of this section, date and general description of
16 the reasons for each promotion—of the following with that
17 municipality-municipality:
 - 18 a. Promotion.
 - 19 b. Demotion.
 - 20 c. Transfer.
 - 21 d. Suspension.
 - 22 e. Separation.
 - 23 f. Dismissal.
- 24 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
25 disciplinary reasons taken by the ~~municipality~~. ~~If the disciplinary action was~~
26 ~~a dismissal, municipality,~~ a copy of the written notice of the final decision of
27 the municipality setting forth the specific acts or omissions that are the basis
28 of the dismissal.
- 29 (12) The office to which the employee is currently assigned.

30 ...

31 (g) Nothing in this section shall be construed to authorize the disclosure of any
32 confidential information protected by the Health Insurance Portability and Accountability Act of
33 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
34 327, or other applicable law.

35 (h) The following shall apply to the general descriptions as required by subdivision
36 (b)(10) of this section:

- 37 (1) No general description shall disclose information otherwise prohibited from
38 disclosure by an applicable law but shall be listed as "description of action
39 prohibited by applicable law."
- 40 (2) The general description for each promotion, demotion, transfer, suspension,
41 separation, or dismissal shall become part of the record maintained under
42 subsection (b) of this section upon the later of the expiration of the time period
43 to file an appeal under any applicable administrative appeals process or a final
44 decision being entered in that administrative appeals process."

45 **SECTION 9.** G.S. 162A-6.1 reads as rewritten:

46 **"§ 162A-6.1. Privacy of employee personnel records.**

47 ...

48 (b) The following information with respect to each authority employee is a matter of
49 public record:

- 50 (1) Name.
- 51 (2) Age.

- 1 (3) Date of original employment or appointment to the service.
- 2 (4) The terms of any contract by which the employee is employed whether written
- 3 or oral, past and current, to the extent that the authority has the written contract
- 4 or a record of the oral contract in its possession.
- 5 (5) Current position.
- 6 (6) Title.
- 7 (7) Current salary.
- 8 (8) Date and amount of each increase or decrease in salary with that authority.
- 9 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
- 10 or other change in position classification with that authority.
- 11 (10) ~~Date~~ Subject to subsection (j) of this section, date and general description of
- 12 the reasons for each ~~promotion~~ of the following with that ~~authority~~ authority:
- 13 a. Promotion.
- 14 b. Demotion.
- 15 c. Transfer.
- 16 d. Suspension.
- 17 e. Separation.
- 18 f. Dismissal.
- 19 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
- 20 disciplinary reasons taken by the ~~authority~~. If the ~~disciplinary action was a~~
- 21 ~~dismissal, authority~~, a copy of the written notice of the final decision of the
- 22 authority setting forth the specific acts or omissions that are the basis of the
- 23 dismissal.
- 24 (12) The office to which the employee is currently assigned.

25 ...

26 (i) Nothing in this section shall be construed to authorize the disclosure of any
 27 confidential information protected by the Health Insurance Portability and Accountability Act of
 28 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 29 327, or other applicable law.

30 (j) The following shall apply to the general descriptions as required by subdivision
 31 (b)(10) of this section:

- 32 (1) No general description shall disclose information otherwise prohibited from
 33 disclosure by an applicable law but shall be listed as "description of action
 34 prohibited by applicable law."
- 35 (2) The general description for each promotion, demotion, transfer, suspension,
 36 separation, or dismissal shall become part of the record maintained under
 37 subsection (b) of this section upon the later of the expiration of the time period
 38 to file an appeal under any applicable administrative appeals process or a final
 39 decision being entered in that administrative appeals process."

40 **SECTION 10.(a)** No later than November 30, 2021, each employer affected by this
 41 act shall adopt personnel policies to effectuate this act to permit all of its employees to challenge
 42 the wording of the general description of any promotion, demotion, transfer, suspension,
 43 separation, or dismissal occurring on or after December 1, 2021.

44 **SECTION 10.(b)** This section is effective when it becomes law.

45 **SECTION 11.** Except as otherwise provided, this act becomes effective December
 46 1, 2021, and applies to promotions, demotions, transfers, suspensions, separations, and dismissals
 47 occurring on or after that date.