Amends Title [YES]  
Third Edition  

Senator Sanderson  

moves to amend the bill on page 1, line 2, by deleting "NOTARIZATION," and substituting "NOTARIZATION AND TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO CERTAIN PUBLIC PERSONNEL PERFORMANCE AND DISMISSAL RECORDS.";

and on page 13, lines 31-35, by rewriting those lines to read:

"SECTION 5.(a) G.S. 126-23 reads as rewritten:

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

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

(1) Name.
(2) Age.
(3) Date of original employment or appointment to State service.
(4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
(5) Current position.
(6) Title.
(7) Current salary.
(8) Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau.
(9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau.
(10) Date Subject to subsection (g) of this section, date and general description of the reasons for each promotion of the following with that department, agency, institution, commission, or bureau:

a. Promotion.
b. Demotion.
c. Transfer.
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1. Suspension.
2. Separation.
3. Dismissal.

(11) Date and type of For each dismissal, suspension, or demotion dismissal for disciplinary reasons taken by the department, agency, institution, commission, or bureau. If the disciplinary action was a dismissal, bureau, a copy of the written notice of the final decision of the head of the department 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.

... (f) 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.

(g) The following shall apply to the general descriptions as required by subdivision (a)(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 (a) 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 5.(b) G.S. 126-22(b) reads as rewritten:

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

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

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

a. The Board.
b. The Board of Trustees.
c. Chancellor.
d. Constituent institutions.
e. The President.

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

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

SECTION 6. G.S. 115C-320 reads as rewritten:

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

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

1. Name.
2. Age.
3. Date of original employment or appointment.
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.
8. Date and amount of each increase or decrease in salary with that local board of education.
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that local board of education:
   a. Promotion.
   b. Demotion.
   c. Transfer.
   d. Suspension.
   e. Separation.
   f. Dismissal.
10. Date Subject to subsection (e) of this section, date and general description of the reasons for each promotion of the following with that local board of education:
11. Date and type of For each dismissal, suspension, or demotion dismissal for disciplinary reasons taken by the local board of education. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the local board education 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.

(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.
The following shall apply to the general descriptions as required by subdivision 1(a)(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 (a) 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. G.S. 115D-28 reads as rewritten:

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

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

(1) Name.
(2) Age.
(3) Date of original employment or appointment.
(4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession.
(5) Current position.
(6) Title.
(7) Current salary.
(8) Date and amount of each increase or decrease in salary with that community college.
(9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that community college.

(10) Subject to subsection (e) of this section, date and general description of the reasons for each promotion of the following with that community college:

a. Promotion.
b. Demotion.
c. Transfer.
d. Suspension.
e. Separation.
f. Dismissal.

(11) Date and type of dismissal for disciplinary reasons taken by the community college. If the disciplinary action was a dismissal-college, a copy of the written notice of the final decision of the board of trustees 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.

...
(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 (a)(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 (a) 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 8. G.S. 122C-158 reads as rewritten:

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

..."
area 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.

…

(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)(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 9. G.S. 130A-45.9 reads as rewritten:

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

…

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

(1) name; Name.

(2) age; Age.

(3) date-Date of original employment or appointment.

(4) beginning-Beginning and ending dates.

(5) position title, Current position and title.

(6) position descriptions; Position description.

(7) Current salary and total compensation of current and former positions.

For the purposes of this subdivision, the term "total compensation"
includes pay, benefits, incentives, bonuses, and deferred and all other forms
of compensation paid by the employing entity.

(8) The terms of any contract by which the employee is employed whether
written or oral, past and current, to the extent that the authority has the written
contract or a record of the oral contract in its 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 10. 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."
Subject to subsection (i) 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.

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.

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:

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.

…

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.

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 11.(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.
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.
8. Date and amount of each increase or decrease in salary with that county.
9. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with that county.
10. Date and type of each promotion of the following with that county:
   a. Promotion.
   b. Demotion.
   c. Transfer.
   d. Suspension.
   e. Separation.
   f. Dismissal.
11. Date and type of each dismissal, suspension, or demotion dismissal for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, the county setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office to which the employee is currently assigned.

(g) 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.

(h) 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 11. (b) G.S. 153A-99(b) reads as rewritten:

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

(1) "County employee" or "employee" means any person employed by a county or any department or program thereof that is supported, in whole or in part, by county funds but shall not include employees subject to G.S. 153A-103.

(2) "On duty" means that time period when an employee is engaged in the duties of his or her employment; and

(3) "Workplace" means any place where an employee engages in his or her job duties."

SECTION 12. G.S. 160A-168 reads as rewritten:


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

(1) Name.

(2) Age.

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

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

(5) Current position.

(6) Title.

(7) Current salary.

(8) Date and amount of each increase or decrease in salary with that municipality.

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

(10) Date Subject to subsection (h) of this section, date and general description of the reasons for each promotion—of the following with that municipality:

a. Promotion.

b. Demotion.

c. Transfer.

d. Suspension.

e. Separation.

f. Dismissal.

(11) Date and type of For each dismissal, suspension, or demotion dismissal for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal—municipality, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.

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

(g) 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.

(h) 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 13. G.S. 162A-6.1 reads as rewritten:

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

…

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

(1) Name.
(2) Age.
(3) Date of original employment or appointment to the service.
(4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the authority has the written contract or a record of the oral contract in its possession.
(5) Current position.
(6) Title.
(7) Current salary.
(8) Date and amount of each increase or decrease in salary with that authority.
(9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that authority.
(10) Date—Subject to subsection (j) of this section, date and general description of the reasons for each promotion of the following with that authority: a. Promotion.
b. Demotion.
c. Transfer.
d. Suspension.
e. Separation.
f. Dismissal.

(11) Date and type of For each dismissal, suspension, or demotion dismissal for disciplinary reasons taken by the authority. If the disciplinary action was a dismissal, authority a copy of the written notice of the final decision of the
authority setting forth the specific acts or omissions that are the basis of the dismissal.

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

... 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.

(i) 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 14. No later than November 30, 2021, each employer affected by this act shall adopt personnel policies to effectuate this act to permit all of its employees to challenge the wording of the general description of any promotion, demotion, transfer, suspension, separation, or dismissal occurring on or after December 1, 2021.

SECTION 15. Sections 1 through 4 of this act become effective January 1, 2022. In order to implement remote notarization on the effective date of this act, the Secretary of State may begin rulemaking to implement Part 4A of Article 2 of Chapter 10B of the General Statutes, as enacted by this act, prior to January 1, 2022, but no temporary or permanent rule shall become effective prior to January 1, 2022. Sections 5 through 14 of this act become effective December 1, 2021, and apply to promotions, demotions, transfers, suspensions, separations, and dismissals occurring on or after that date. The remainder of this act is effective when it becomes law."

And by rewriting the short title to read "Remote Notarization/Gov't Transparency.".

SIGNED ____________________________________________

Amendment Sponsor

The official copy of this document, with signatures and vote information, is available in the Senate Principal Clerk's Office.