

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 470
Mar 23, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30205-LM-48B

Short Title: Greensboro/Winston-Salem Civil Service Board. (Local)

Sponsors: Representative Zenger.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITIES OF GREENSBORO AND WINSTON-SALEM TO
3 ESTABLISH A CIVIL SERVICE BOARD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter VII of the Charter of the City of Greensboro, being Chapter
6 1137 of the 1959 Session Laws, as amended, is amended by adding a new Subchapter to read:

7 "SUBCHAPTER D. CIVIL SERVICE.

8 "Sec. 7.45. Civil Service Board.

9 (a) There is hereby established as a part of government of the City of Greensboro a Civil
10 Service Board which shall have the powers and perform the duties specified in this Subchapter
11 with respect to the classified service of the City of Greensboro as defined in this section. The city
12 manager shall recommend, and the city council shall approve, funding for the operational needs
13 of the Civil Service Board in the city's annual budget.

14 (b) The Civil Service Board (hereinafter "Board") shall consist of five members who shall
15 be appointed as follows: (i) two members who shall be chosen by the city council at a meeting
16 of the council and they shall serve at the pleasure of the council; (ii) two members who shall be
17 elected by the members of the classified service of the city, as defined in this section, at an
18 election held for that purpose and on a normal city workday not less than 10 nor more than 30
19 days after written notice of the date of the election is provided to each member of the classified
20 service; and (iii) one member who shall be selected by majority vote of the four other members
21 already selected or elected at a meeting held within 30 days after the members elected by the
22 classified service have taken office. If a member is not elected by majority vote of the four other
23 members, the city council shall appoint a member to the Board. Members of the Board shall serve
24 two-year terms. All members of the Board shall be eligible for successive terms, in the same
25 manner in which they were initially selected or elected, and may serve beyond the end of their
26 respective terms until their successors take office. The chair of the Board shall be appointed
27 annually by the city council, or more often as needed, from among the membership of the Board.
28 The members of the Board shall serve without compensation but may be reimbursed for expenses
29 pursuant to policies adopted by the city.

30 The city council shall, by ordinance not inconsistent with this section, establish the procedure
31 for the election of the representatives of the employees in the classified service and provide for
32 meeting the expenses for the elections. The members of the Board must all be qualified voters of
33 the City of Greensboro, not employed by the city, or serving on the city council. In the event of
34 a vacancy on the Board, the vacancy shall be filled by the body or group that chooses the member,
35 a successor to whom is to be chosen in the manner provided in this subsection for the selection
36 of the member.



1 (c) Former employees of the city shall be eligible to serve as members of the Board
2 provided they have been separated from city employment for a period of not less than seven
3 consecutive years prior to becoming members of the Board. No person shall be eligible to serve
4 as a member of the Board if the person, directly or indirectly, through any corporation,
5 partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a
6 business relationship with the city or if the person has an immediate family member or spouse of
7 the immediate family member who, directly or indirectly, through any corporation, partnership,
8 or other entity, or contract, subcontract, or otherwise benefits financially from a business
9 relationship with the city. No person shall engage or benefit, directly or indirectly, from any
10 contractual work or employment with the city for a period of not less than two years following
11 the end of that person's term as a member of the Board.

12 (d) The city clerk, or the clerk's designee, shall be the Board Secretary and shall perform
13 all required ministerial functions and duties for the Board, including, but not limited to, the
14 electronic recording of and the preparation of minutes of all Board meetings and hearings, the
15 custody of all Board records, and the posting and issuing of meeting notices to members of the
16 Board and the public in accordance with the Open Meetings Law, Article 33C of Chapter 143 of
17 the General Statutes. The Secretary shall distribute the agenda for regular meetings and the
18 approved minutes for all regular meetings to all city employees. Posting the agenda and minutes
19 on an electronic bulletin board or similar location accessible to all employees shall be sufficient
20 compliance with the distribution requirement under this subsection. To assist the Secretary in
21 performing the functions and duties, all Board meetings shall be electronically recorded and
22 transcripts thereof made available to members of the Board upon request and without charge. All
23 other persons shall be entitled to the recordings and records, upon request, except for those items
24 to which disclosure is prohibited by G.S. 160A-168, Chapter 132 of the General Statutes, or other
25 laws governing the privacy or confidentiality of employee or personnel records.

26 (e) The Board shall meet in January of each year to adopt a regular meeting schedule.
27 The deadline for receiving items for regular Board meetings shall be seven days prior to the
28 meeting. Special meetings may be called by the chair and shall be called upon written request
29 signed by two or more members of the Board and submitted to the Secretary not less than seven
30 days prior to the date of the requested special meeting. The notice for all meetings shall contain
31 a meeting agenda, which shall include a section for other business to hear and consider any other
32 matters related to the Board's functions and duties, and which may be addressed by any member
33 of the Board and by any person in attendance. Within a reasonable time after a meeting, the Board
34 shall supply the city's Director of Human Resources with notification of any actions, reports, or
35 recommendations made by the Board, and the Human Resources Department shall notify affected
36 members of the classified service of actions, reports, and recommendations made by the Board.

37 (f) No uniform employees of the city shall be prohibited, directed, or discouraged in any
38 manner by a supervisor from wearing that employee's uniform while in attendance at any meeting
39 of the Board.

40 (g) The classified service of the city shall include all officers and employees of the City
41 of Greensboro, except officers elected by the people, the city manager, directors of departments,
42 assistant directors of departments, by whatever title designated in the city's organizational plan,
43 members of advisory boards appointed by directors of departments, the city clerk or any deputy
44 city clerk, members of any board or commission appointed by the council, and employees of
45 independent boards choosing their own employees.

46 (h) The Board shall make, and may amend, substantive rules for promoting efficiency in
47 the classified service of the city as authorized in subsection (i) of this section. The rules, and any
48 amendments to the rules, shall be submitted to the council for approval and shall be open to
49 public inspection when filed with the council for approval. The council, after giving members of
50 the classified service and citizens of Greensboro an opportunity to be heard at a public hearing,
51 shall act upon the proposed rules and amendments, and the rules and amendments, when

1 approved by a majority vote of the council, shall be in full force and effect. The Board shall also
2 make, and may amend, procedural rules for the conduct of its official proceedings and functions
3 as provided for by this Subchapter. The council may, before approval, amend the rules or
4 amendments to the rules, submitted to it for approval.

5 (i) The rules authorized by subsection (h) of this section, among other things, may
6 provide:

7 (1) For the standardization and classification of all positions and employment in
8 the classified service of the city. Such classification into groups and
9 subdivisions shall be based upon and graded according to duties and
10 responsibilities, and so arranged as to promote the filling of the higher grades,
11 so far as practicable, through promotions. The city manager, or the city
12 manager's designee, shall consult representative employees in the police and
13 fire departments to establish criteria to be used to fill each position within
14 those respective departments, including lateral entry positions. If only one
15 respective employee is consulted, he or she shall be a representative chosen
16 by the employees of the respective departments. If a group of two or more
17 employees is established for purposes of this subdivision, at least one-half of
18 the employees shall be chosen by the employees of the respective department.
19 The Board shall have the authority to approve any criteria established and the
20 criteria shall apply only to persons promoted or hired after the effective date
21 of the approval; provided, however, the Board's approval of criteria
22 established shall not apply to hiring or promotional processes initiated prior
23 to the effective date of this Subchapter.

24 (2) For temporary or part-time employment to meet the transitory or seasonal
25 needs of the city, except no temporary or part-time employment may occur or
26 continue in violation of applicable State or federal law.

27 (3) For the establishment of a probationary period for new city employees prior
28 to employees becoming members of the classified service, except no
29 probationary period or any extension thereof may exceed one year in the
30 aggregate.

31 (4) For suspension for purpose of discipline, with or without pay, for not longer
32 than 90 days.

33 (5) For discharge or reduction in rank or compensation after the person to be
34 discharged or reduced has, if he or she so requests, been presented by the
35 person responsible for his or her appointment with the reasons therefore
36 specifically stated in writing and has been given an opportunity to be publicly
37 heard in his or her own defense by the Board, in accordance with subsection
38 (k) of this section. The written reasons for the discharge or reduction and any
39 reply in writing thereto by the officer or employee shall be filed with the
40 Director of Human Resources.

41 (6) For investigation and keeping a record of the efficiency of officers and
42 employees in the classified service and for requiring markings and reports
43 relative thereto from appointing authorities.

44 (j) The council, by majority vote of its total membership, the city manager, or the Board,
45 by majority vote of its total membership, may make official investigations concerning the facts
46 with respect to (i) the operation and enforcement of the provisions of this Subchapter, (ii) the
47 rules established pursuant to the authority granted by this Subchapter, and (iii) the condition of
48 the civil service of the city or any branch thereof, and may refer such matters to the Board for
49 hearing in accordance with subsection (k) of this section, or for further investigation, as
50 appropriate. Any person or body making any investigation authorized or required by this
51 Subchapter shall have the power to subpoena and require the attendance of witnesses. A copy of

1 the report of the investigation shall be filed with the city clerk and be open for public inspection,
2 subject to the provisions of G.S. 160A-168, Chapter 132 of the General Statutes, or any other
3 law governing the disclosure of public records in this State.

4 (k) Whenever any member of the classified service of the city is discharged, suspended,
5 reduced in rank, transferred against his or her will, or denied any promotion or raise in pay which
6 he or she would be entitled to, that member shall be entitled to a hearing before the Board to
7 determine whether the action complained of is justified. The Board may also conduct hearings
8 on such matters as may be referred to it pursuant to subsection (j) of this section.

9 (l) Any member of the classified service of the city who desires a hearing shall file a
10 request for hearing with the city clerk within 10 days after learning of the action or omission of
11 which the member complains, but not before the member has exhausted all remedies provided
12 by the grievance procedures established by ordinance or policy of the city. The grievance
13 procedure shall be concluded within 30 days. If the grievance procedure is not concluded within
14 30 days, the member may proceed as provided in this subsection. Upon receipt of the request for
15 hearing, the city clerk shall set the matter for hearing before the Board at a date not less than five
16 nor more than 15 days from the clerk's receipt of the request. Except for the time for filing the
17 initial request for hearing with the Board, the Board may extend the time for taking action for
18 cause or by agreement of the parties to the proceeding. Any member of the classified service of
19 the city who requests a hearing as authorized by this Subchapter shall be entitled to be represented
20 at the hearing by his or her attorney. For purposes of the hearings, the Board is authorized to
21 issue subpoenas for the attendance of witnesses or the production of documents.

22 (m) At the hearing, the burden of proving the justification of the action or omission
23 complained of shall be upon the city, and the member requesting the hearing shall be entitled to
24 inspect and copy any records upon which the city plans to rely upon at the hearing if the records
25 are requested, in writing, by the member or the member's attorney prior to the day set for the
26 hearing.

27 (n) Within 10 days after the conclusion of the hearing, the Board shall render its decision
28 in writing. If the Board determines the action or omission complained of is not justified, the
29 Board shall order to rescind whatever action the Board has found to be unjustified and may order
30 the city to take such steps as are necessary for a just conclusion of the matter before the Board.
31 The Board's decision shall contain findings of fact and conclusions and shall be based on
32 competent material and substantial evidence in the record. The Board shall, in writing,
33 immediately inform the city clerk and the member requesting the hearing of the Board's decision.

34 (o) Within 10 days of receipt of the Board's decision, either party may appeal to the
35 Superior Court Division of the General Court of Justice for Guilford County for a trial de novo.
36 The appeal shall be effected by filing with the Clerk of Superior Court of Guilford County a
37 petition for trial in superior court, setting out the facts upon which the petitioner relies for relief.
38 If the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the petition,
39 the Clerk of Superior Court of Guilford County shall issue a civil summons as in regular civil
40 action, and the sheriff of Guilford County shall serve the summons and petition on all parties
41 who did not join in the petition for trial. It shall be sufficient service upon the city for the sheriff
42 to serve the petition and summons upon the city clerk. Therefore, the matter shall proceed to trial
43 as any other civil action.

44 (p) By a majority vote of those members present and voting at any of its official meetings,
45 the Board may designate independent legal counsel of its choice to advise or represent the Board,
46 or both, on such occasions and in such matters as the majority of those Board members present
47 and voting deem to be appropriate and necessary. The Board shall establish a roster of attorneys
48 from which it may select counsel for the purpose of advising the Board during or in connection
49 with grievance hearings held pursuant to subsection (k) of this section. The list shall be subject
50 to review and approval by the city attorney as to qualifications and fees. The city shall be
51 responsible for the payment of the professional legal services authorized by this subsection. The

1 use of independent counsel for matters other than grievance hearings held pursuant to subsection
2 (k) of this section shall be limited to 20 hours each year. In order to avoid the appearance of any
3 possible conflict of interest, the Office of the City Attorney shall serve as legal advisor to or
4 attorney for the Board, or both, only for those matters or proceedings when specifically requested
5 to do so in a writing that has been signed by no fewer than four members of the Board.

6 (q) It shall be the duty of the Board to supervise the execution of the provisions of this
7 Subchapter and the rules adopted pursuant to the authority granted by this Subchapter, and it
8 shall be the duty of all persons in the service of the city to comply with the rules and to aid in
9 their enforcement. Willful or deliberate violation of the provisions of this Subchapter or rules
10 adopted as authorized by this Subchapter by any person shall result in the city taking appropriate
11 disciplinary action up to and including dismissal. Any city employee or any city official who
12 threatens or intimidates other employees from exercising their rights under the provisions of this
13 Subchapter or rules adopted as authorized by this Subchapter shall be subject to the city taking
14 appropriate disciplinary action up to and including dismissal."

15 **SECTION 2.** Article XVI of the Charter of the City of Winston-Salem, being
16 Chapter 232 of the Private Laws of 1927, as amended, is amended by adding a new section to
17 read:

18 "Sec. 111.1. Civil Service Board. (a) There is hereby established as a part of the government
19 of the City of Winston-Salem a Civil Service Board which shall have the powers and perform
20 the duties specified in this section with respect to the classified service of the City of
21 Winston-Salem as defined in this section. The city manager shall recommend, and the city
22 council shall approve, funding for the operational needs of the Civil Service Board in the city's
23 annual budget.

24 (b) The Civil Service Board (hereinafter "Board") shall consist of five members who shall
25 be appointed as follows: (i) two members who shall be chosen by the city council at a meeting
26 of the council and they shall serve at the pleasure of the council; (ii) two members who shall be
27 elected by the members of the classified service of the city, as defined in this section, at an
28 election held for that purpose and on a normal city workday not less than 10 nor more than 30
29 days after written notice of the date of the election is provided to each member of the classified
30 service; and (iii) one member who shall be selected by majority vote of the four other members
31 already selected or elected at a meeting held within 30 days after the members elected by the
32 classified service have taken office. If a member is not elected by majority vote of the four other
33 members, the city council shall appoint a member to the Board. Members of the Board shall serve
34 two-year terms. All members of the Board shall be eligible for successive terms, in the same
35 manner in which they were initially selected or elected, and may serve beyond the end of their
36 respective terms until their successors take office. The chair of the Board shall be appointed
37 annually by the city council, or more often as needed, from among the membership of the Board.
38 The members of the Board shall serve without compensation but may be reimbursed for expenses
39 pursuant to policies adopted by the city. The city council shall, by ordinance not inconsistent
40 with this section, establish the procedure for the election of the representatives of the employees
41 in the classified service and provide for meeting the expenses for the elections. The members of
42 the Board must all be qualified voters of the City of Winston-Salem, not employed by the city or
43 serving on the city council. In the event of a vacancy on the Board, the vacancy shall be filled by
44 the body or group that chooses the member, a successor to whom is to be chosen in the manner
45 provided in this subsection for the selection of the member.

46 (c) Former employees of the city shall be eligible to serve as members of the Board
47 provided they have been separated from city employment for a period of not less than seven
48 consecutive years prior to becoming members of the Board. No person shall be eligible to serve
49 as a member of the Board if the person, directly or indirectly, through any corporation,
50 partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a
51 business relationship with the city or if the person has an immediate family member or spouse of

1 the immediate family member who, directly or indirectly, through any corporation, partnership,
2 or other entity, or contract, subcontract, or otherwise benefits financially from a business
3 relationship with the city. No person shall engage or benefit, directly or indirectly, from any
4 contractual work or employment with the city for a period of not less than two years following
5 the end of that person's term as a member of the Board.

6 (d) The city clerk, or the clerk's designee, shall be the Board Secretary and shall perform
7 all required ministerial functions and duties for the Board, including, but not limited to, the
8 electronic recording of and the preparation of minutes of all Board meetings and hearings, the
9 custody of all Board records, and the posting and issuing of meeting notices to members of the
10 Board and the public in accordance with Article 33C of Chapter 143 of the General Statutes. The
11 Secretary shall distribute the agenda for regular meetings and the approved minutes for all regular
12 meetings to all city employees. Posting the agenda and minutes on an electronic bulletin board
13 or similar location accessible to all employees shall be sufficient compliance with the distribution
14 requirement under this subsection. To assist the Secretary in performing the functions and duties,
15 all Board meetings shall be electronically recorded and transcripts thereof made available to
16 members of the Board upon request and without charge. All other persons shall be entitled to the
17 recordings and records, upon request, except for those items to which disclosure is prohibited by
18 G.S. 160A-168, Chapter 132 of the General Statutes, or other laws governing the privacy or
19 confidentiality of employee or personnel records.

20 (e) The Board shall meet in January of each year to adopt a regular meeting schedule.
21 The deadline for receiving items for regular Board meetings shall be seven days prior to the
22 meeting. Special meetings may be called by the chair and shall be called upon written request
23 signed by two or more members of the Board and submitted to the Secretary not less than seven
24 days prior to the date of the requested special meeting. The notice for all meetings shall contain
25 a meeting agenda, which shall include a section for other business to hear and consider any other
26 matters related to the Board's functions and duties and which may be addressed by any member
27 of the Board and by any person in attendance. Within a reasonable time after a meeting, the Board
28 shall supply the city's Director of Human Resources with notification of any actions, reports, or
29 recommendations made by the Board, and the Human Resources Department shall notify affected
30 members of the classified service of actions, reports, and recommendations made by the Board.

31 (f) No uniform employees of the city shall be prohibited, directed, or discouraged in any
32 manner by a supervisor from wearing that employee's uniform while in attendance at any meeting
33 of the Board.

34 (g) The classified service of the city shall include all officers and employees of the City
35 of Winston-Salem, except officers elected by the people, the city manager, directors of
36 departments, assistant directors of departments, by whatever title designated in the city's
37 organizational plan, members of advisory boards appointed by directors of departments, the city
38 clerk or any deputy city clerk, members of any board or commission appointed by the council,
39 and employees of independent boards choosing their own employees.

40 (h) The Board shall make, and may amend, substantive rules for promoting efficiency in
41 the classified service of the city as authorized in subsection (i) of this section. The rules, and any
42 amendments to the rules, shall be submitted to the council for approval and shall be open to
43 public inspection when filed with the council for approval. The council, after giving members of
44 the classified service and citizens of Winston-Salem an opportunity to be heard at a public
45 hearing, shall act upon the proposed rules and amendments, and the rules and amendments, when
46 approved by a majority vote of the council, shall be in full force and effect. The Board shall also
47 make, and may amend, procedural rules for the conduct of its official proceedings and functions
48 as provided for by this section. The council may, before approval, amend the rules or amendments
49 to the rules submitted to it for approval.

50 (i) The rules authorized by subsection (h) of this section, among other things, may
51 provide:

- 1 (1) For the standardization and classification of all positions and employment in
2 the classified service of the city. Such classification into groups and
3 subdivisions shall be based upon and graded according to duties and
4 responsibilities, and so arranged as to promote the filling of the higher grades,
5 so far as practicable, through promotions. The city manager, or the city
6 manager's designee, shall consult representative employees in the police and
7 fire departments to establish criteria to be used to fill each position within
8 those respective departments, including lateral entry positions. If only one
9 respective employee is consulted, he or she shall be a representative chosen
10 by the employees of the respective departments. If a group of two or more
11 employees is established for purposes of this subdivision, at least one-half of
12 the employees shall be chosen by the employees of the respective department.
13 The Board shall have the authority to approve any criteria established and the
14 criteria shall apply only to persons promoted or hired after the effective date
15 of the approval; provided, however, the Board's approval of criteria
16 established shall not apply to hiring or promotional processes initiated prior
17 to the effective date of this section.
- 18 (2) For temporary or part-time employment to meet the transitory or seasonal
19 needs of the city, except no temporary or part-time employment may occur or
20 continue in violation of applicable State or federal law.
- 21 (3) For the establishment of a probationary period for new city employees prior
22 to employees becoming members of the classified service, except no
23 probationary period or any extension thereof may exceed one year in the
24 aggregate.
- 25 (4) For suspension for purpose of discipline, with or without pay, for not longer
26 than 90 days.
- 27 (5) For discharge or reduction in rank or compensation after the person to be
28 discharged or reduced has, if he or she so requests, been presented by the
29 person responsible for his or her appointment with the reasons therefore
30 specifically stated in writing and has been given an opportunity to be publicly
31 heard in his or her own defense by the Board, in accordance with subsection
32 (k) of this section. The written reasons for the discharge or reduction and any
33 reply in writing thereto by the officer or employee shall be filed with the
34 Director of Human Resources.
- 35 (6) For investigation and keeping a record of the efficiency of officers and
36 employees in the classified service and for requiring markings and reports
37 relative thereto from appointing authorities.
- 38 (j) The council, by majority vote of its total membership, the city manager, or the Board,
39 by majority vote of its total membership, may make official investigations concerning the facts
40 with respect to (i) the operation and enforcement of the provisions of this section, (ii) the rules
41 established pursuant to the authority granted by this section, and (iii) the condition of the civil
42 service of the city or any branch thereof, and may refer such matters to the Board for hearing in
43 accordance with subsection (k) of this section, or for further investigation, as appropriate. Any
44 person or body making any investigation authorized or required by this section shall have the
45 power to subpoena and require the attendance of witnesses. A copy of the report of the
46 investigation shall be filed with the city clerk and shall be open for public inspection, subject to
47 the provisions of G.S. 160A-168, Chapter 132 of the General Statutes, or any other law governing
48 the disclosure of public records in this State.
- 49 (k) Whenever any member of the classified service of the city is discharged, suspended,
50 reduced in rank, transferred against his or her will, or denied any promotion or raise in pay which
51 he or she would be entitled to, that member shall be entitled to a hearing before the Board to

1 determine whether the action complained of is justified. The Board may also conduct hearings
2 on such matters as may be referred to it pursuant to subsection (j) of this section.

3 (l) Any member of the classified service of the city who desires a hearing shall file a
4 request for hearing with the city clerk within 10 days after learning of the action or omission of
5 which the member complains, but not before the member has exhausted all remedies provided
6 by the grievance procedures established by ordinance or policy of the city. The grievance
7 procedure shall be concluded within 30 days. If the grievance procedure is not concluded within
8 30 days, the member may proceed as provided in this subsection. Upon receipt of the request for
9 hearing, the city clerk shall set the matter for hearing before the Board at a date not less than five
10 nor more than 15 days from the clerk's receipt of the request. Except for the time for filing the
11 initial request for hearing with the Board, the Board may extend the time for taking action for
12 cause or by agreement of the parties to the proceeding. Any member of the classified service of
13 the city who requests a hearing as authorized by this section shall be entitled to be represented at
14 the hearing by his or her attorney. For purposes of the hearings, the Board is authorized to issue
15 subpoenas for the attendance of witnesses or the production of documents.

16 (m) At the hearing, the burden of proving the justification of the action or omission
17 complained of shall be upon the city, and the member requesting the hearing shall be entitled to
18 inspect and copy any records upon which the city plans to rely upon at the hearing if the records
19 are requested, in writing, by the member or the member's attorney prior to the day set for the
20 hearing.

21 (n) Within 10 days after the conclusion of the hearing, the Board shall render its decision
22 in writing. If the Board determines the action or omission complained of is not justified, the
23 Board shall order to rescind whatever action the Board has found to be unjustified and may order
24 the city to take such steps as are necessary for a just conclusion of the matter before the Board.
25 The Board's decision shall contain findings of fact and conclusions and shall be based on
26 competent material and substantial evidence in the record. The Board shall, in writing,
27 immediately inform the city clerk and the member requesting the hearing of the Board's decision.

28 (o) Within 10 days of receipt of the Board's decision, either party may appeal to the
29 Superior Court Division of the General Court of Justice for Forsyth County for a trial de novo.
30 The appeal shall be effected by filing with the Clerk of Superior Court of Forsyth County a
31 petition for trial in superior court, setting out the facts upon which the petitioner relies for relief.
32 If the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the petition,
33 the Clerk of Superior Court of Forsyth County shall issue a civil summons as in regular civil
34 action, and the sheriff of Forsyth County shall serve the summons and petition on all parties who
35 did not join in the petition for trial. It shall be sufficient service upon the city for the sheriff to
36 serve the petition and summons upon the city clerk. Therefore, the matter shall proceed to trial
37 as any other civil action.

38 (p) By a majority vote of those members present and voting at any of its official meetings,
39 the Board may designate independent legal counsel of its choice to advise or represent the Board,
40 or both, on such occasions and in such matters as the majority of those Board members present
41 and voting deem to be appropriate and necessary. The Board shall establish a roster of attorneys
42 from which it may select counsel for the purpose of advising the Board during or in connection
43 with grievance hearings held pursuant to subsection (k) of this section. The list shall be subject
44 to review and approval by the city attorney as to qualifications and fees. The city shall be
45 responsible for the payment of the professional legal services authorized by this subsection. The
46 use of independent counsel for matters other than grievance hearings held pursuant to subsection
47 (k) of this section shall be limited to 20 hours each year. In order to avoid the appearance of any
48 possible conflict of interest, the Office of the City Attorney shall serve as legal advisor to or
49 attorney for the Board, or both, only for those matters or proceedings when specifically requested
50 to do so in a writing that has been signed by no fewer than four members of the Board.

1 (q) It shall be the duty of the Board to supervise the execution of the provisions of this
2 section and the rules adopted pursuant to the authority granted by this section, and it shall be the
3 duty of all persons in the service of the city to comply with the rules and to aid in their
4 enforcement. Willful or deliberate violation of the provisions of this section or rules adopted as
5 authorized by this section by any person shall result in the city taking appropriate disciplinary
6 action up to and including dismissal. Any city employee or any city official who threatens or
7 intimidates other employees from exercising their rights under the provisions of this section or
8 rules adopted as authorized by this section shall be subject to the city taking appropriate
9 disciplinary action up to and including dismissal."

10 **SECTION 3.** If any provision of this act shall for any reason be held to be invalid or
11 unconstitutional, the decision shall not affect the validity of the remaining portion of this act.

12 **SECTION 4.** All laws, rules, or clauses in conflict with the provisions of this act are
13 hereby superseded or repealed as appropriate.

14 **SECTION 5.** This act is effective when it becomes law.