

**North Carolina State Law Enforcement Personnel  
State Highway Patrol Merit Pay Increase**

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# NORTH CAROLINA STATE LAW ENFORCEMENT PERSONNEL STATE HIGHWAY PATROL MERIT PAY INCREASE

## Issue Statement

Should the special merit pay increase provision that applies only to State Highway Patrol personnel be revised or eliminated?

In its 1991 report to the Joint Legislative Commission on Governmental Operations, Systems Design Group found that overall North Carolina pays its law enforcement personnel well. Of 139 job classes evaluated, 107 exceeded Southeast regional averages, 16 equaled the average, and only 3 were less than average. The report did recommend the following changes in North Carolina compensation practices:

- Elimination of special pay provision (N.C. Statutes 20-187.3) that benefits the Highway Patrol alone and that compromise the overall integrity of the law enforcement pay plan (Recommendation B-2).

## Background

North Carolina law (N.C. Statutes Section 20-187.3) provides for Highway Patrol Officers (but not for other state law enforcement officers) an automatic annual merit salary increase of 5% in addition to any other general salary increase granted, until such time as the employee reaches the top step of the pay range. This provision of law results in sworn highway patrol personnel receiving merit pay increases in years when funding is not provided for merit increases for other state law enforcement personnel performing comparable duties. The law states"

"... Beginning July 1, 1985 and annually thereafter, each member of the Highway Patrol shall be granted a salary increase in an amount corresponding to the increments between steps within the salary range established for the class to which the member's position is assigned by the State Personnel Commission, not to exceed the maximum of each applicable salary range."

## GOVERNMENT PERFORMANCE AUDIT COMMITTEE

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This statute was suspended for one year during the 1991-92 fiscal year. It resumed operation in the current fiscal year and will continue to operate unless specifically repealed by action of the General Assembly.

### Findings

1. This special provision for the Highway Patrol has created morale problems on the part of other state law enforcement officers. Morale problems arise when officers (outside SHP) whose performance would otherwise earn a merit increase are not able to receive similar merit increases when the budget does not provide funding for merit raises.
2. A basic principle of a well-run pay and classification program is that employees in similar jobs, operating at comparable levels of performance should be compensated in a similar fashion. The provision violates this basic principle. This provision singles out a one group of law enforcement officers for more favored treatment without a compelling reason (such as high turnover or other market factors justifying higher pay or special pay increase practices). Turnover statistics provided to us by the Office of State Personnel did not indicate that the State Highway Patrol was experiencing a turnover problem that would warrant special pay considerations such as this.
3. The special provision for State Highway Patrol officers was added to the statutes in the same section that prohibits the State Highway Patrol from setting a minimum quota of traffic citations for patrol officers. It further prohibits using such quotas in evaluating officers for pay and promotions. While prohibition of citation quotas is a valid public policy concern, there is no necessary connection between prohibition of the use of such quotas in employee pay and promotion decisions and the requirement that highway patrol officers receive *automatic* merit pay increases. Other non-quota performance evaluation criteria could be used to make personnel decisions.

### Recommendations

1. The General Assembly should repeal Section 20-187.3 which provides for automatic annual merit pay increases for State Highway Patrol officers. This will reduce state costs (paid from the Highway Fund) in years when current practice provides State Highway Patrol officers with merit increases greater than those budgeted for other state employees.
2. Merit pay increases for State Highway Patrol officers should be subject to the same budgetary and personnel evaluation processes as are applicable to other state law enforcement officers.

### Implications

1. The State Highway Patrol will need to base individual merit pay increase decisions (when funding is available for such increases) on evaluations of employee performance.
2. The General Assembly will gain additional fiscal flexibility since it will not have to automatically provide funding for State Highway Patrol merit increases in years when it does not budget for such increases for other employee groups.

### Implementation Considerations

1. Possible opposition from State Highway Patrol officers to the loss of a special provision that benefits them.

### References

1. *A Study of Law Enforcement in the State of North Carolina*, Systems Design Group, April 1991.