

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL 126
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Short Title: Pay Increases/State Highway Patrol.

(Public)

Sponsors:

Referred to:

February 21, 2019

1 A BILL TO BE ENTITLED
2 AN ACT AWARDING LEGISLATIVELY MANDATED SALARY INCREASES AND
3 SPECIAL ANNUAL LEAVE TO THE LAW ENFORCEMENT OFFICERS OF THE
4 STATE HIGHWAY PATROL.

5 The General Assembly of North Carolina enacts:

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7 **PART I. APPROPRIATIONS**

8 **SECTION 1.1.(a)** There is appropriated from the General Fund to the Department
9 of Public Safety (DPS) the sum of three million six hundred thousand dollars (\$3,600,000) in
10 recurring funds for the 2019-2020 fiscal year and the sum of seven million two hundred thousand
11 dollars (\$7,200,000) in recurring funds for the 2020-2021 fiscal year to award compensation
12 increases to the State Highway Patrol.

13 **SECTION 1.1.(b)** State funds, as defined in G.S. 143C-1-1(d)(25), are appropriated
14 for each year of the 2019-2021 fiscal biennium, as agency receipts up to the amounts needed to
15 implement the legislatively mandated salary increases provided in this act for each year of the
16 2019-2021 fiscal biennium.

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18 **PART II. ELIGIBLE EMPLOYEES AWARDED LEGISLATIVE SALARY**
19 **INCREASES/EFFECTIVE JULY 1, 2019, AND JULY 1, 2020**

20 **SECTION 2.1.(a)** Effective July 1, 2019, a State employee who (i) is a law
21 enforcement officer employed by the State Highway Patrol and (ii) was employed in a
22 State-funded position on June 30, 2019, is awarded:

23 (1) A legislative salary increase in the amount of two and one-half percent (2.5%)
24 of annual salary in the 2019-2020 fiscal year.

25 (2) Any salary adjustment otherwise allowed or provided by law.

26 **SECTION 2.1.(a1)** Effective July 1, 2020, a State employee who (i) is a law
27 enforcement officer employed by the State Highway Patrol and (ii) was employed in a
28 State-funded position on June 30, 2020, is awarded:

29 (1) A legislative salary increase in the amount of two and one-half percent (2.5%)
30 of annual salary in the 2020-2021 fiscal year.

31 (2) Any salary adjustment otherwise allowed or provided by law.

32 **SECTION 2.1.(a2)** For the 2019-2021 fiscal biennium, members of the State
33 Highway Patrol paid according to the experience-based pay schedule established in Part III of



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1 this act are not eligible to receive the legislative salary increase authorized by subsections (a) and
2 (a1) of this section.

3 **SECTION 2.1.(b)** Part-time employees shall receive the increases authorized by this
4 section on a prorated and equitable basis.

5 **SECTION 2.1.(c)** No eligible State-funded employee shall be prohibited from
6 receiving the full salary increases provided in this section solely because the employee's salary
7 after applying the legislative increase is above the maximum of the salary range prescribed by
8 the State Human Resources Commission.

9 **SECTION 2.2.** The legislative salary increases provided by this act in each year of
10 the 2019-2021 fiscal biennium do not apply to persons separated from service due to resignation,
11 dismissal, reduction in force, death, or retirement or whose last workday is prior to June 30, 2019,
12 for the 2019-2020 fiscal year or June 30, 2020, for the 2020-2021 fiscal year. For the 2019-2021
13 fiscal biennium, payroll checks issued to employees after July 1, 2019, and July 1, 2020,
14 respectively, that represent payment of services provided prior to July 1 of each year shall not be
15 eligible for salary increases provided for in this act.

16 **SECTION 2.3.** Funds appropriated by this act may not be used to adjust the budgeted
17 salaries of vacant positions, to provide salary increases in excess of those required by the General
18 Assembly, or to increase the budgeted salary of filled positions to the minimum of the position's
19 respective salary range unless otherwise specifically provided by law.

20 **SECTION 2.4.** Any funds appropriated for legislatively mandated salary increases
21 in excess of the amounts required to implement the increases authorized by this act shall be
22 credited to the Pay Plan Reserve established within the General Fund by G.S. 143C-4-9.

23 **SECTION 2.5.** No later than May 1, 2020, for the 2019-2020 fiscal year, and
24 subsequently May 1, 2021, for the 2020-2021 fiscal year, the Office of State Budget and
25 Management shall report to the Joint Legislative Commission on Governmental Operations and
26 the Fiscal Research Division on the expenditure of funds under this act. This report shall include
27 at least the following information:

- 28 (1) The total amount of funds that the Department received for legislatively
29 mandated salary increases.
- 30 (2) The total amount of funds used by the Department for legislative increases.
- 31 (3) The amount of funds credited to the Pay Plan Reserve.

32 **PART III. LAW ENFORCEMENT EXPERIENCE-BASED PAY**

33 **SECTION 3.1.** In order to maintain an experience-based pay structure progression,
34 the entry-level annual salary of members of the State Highway Patrol is set in the amount of
35 forty-five thousand one hundred dollars (\$45,100) for the 2019-2020 fiscal year and forty-six
36 thousand two hundred twenty-eight dollars (\$46,228) for the 2020-2021 fiscal year.
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38 **PART IV. PAY PLAN RESERVE**

39 **SECTION 4.1.** G.S. 143C-4-9(a) reads as rewritten:

40 "(a) Creation. – The Pay Plan Reserve is established within the General Fund. The General
41 Assembly shall appropriate in the Current Operations Appropriations Act (Act) or other
42 appropriations act a specific amount to this reserve for allocation, on an as-needed basis only, to
43 fund statutory and scheduled pay expenses authorized by:

- 44 (1) ~~G.S. 20-187.3.~~ G.S. 20-187.3, for troopers of the State Highway Patrol
45 compensated pursuant to an experience-based salary schedule.
- 46 (2) G.S. 7A-102.
- 47 (3) G.S. 7A-171.1.
- 48 (4) Teacher Salary Schedule, as enacted by the General Assembly.
- 49 (5) Pay Plans for Principals and Assistant Principals, as enacted by the General
50 Assembly."
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2 **PART V. SPECIAL ANNUAL LEAVE**

3 **SECTION 5.1.** Special Annual Leave. – Any person who is (i) a law enforcement
4 officer employed by the State Highway Patrol on July 1, 2019, and (ii) eligible to earn annual
5 leave shall have a one-time additional five days of annual leave credited on July 1, 2019.

6 The additional leave granted in this section shall be accounted for separately in the
7 same manner as the leave provided by Section 35.26 of S.L. 2018-5 and shall remain available
8 during the length of the employee's employment, notwithstanding any other limitation on the
9 total number of days of annual leave that may be carried forward. Part-time permanent employees
10 shall receive a pro rata amount of the five days awarded by this section.

11 The additional leave awarded under this section has no cash value and is not eligible
12 for cash in. If not used prior to the time of separation or retirement, the bonus leave cannot be
13 paid out and is lost.

14 Notwithstanding any provision of G.S. 126-8 to the contrary, any vacation leave
15 remaining on December 31 of each year in excess of 30 days shall be reduced by the number of
16 days awarded in this section that were actually used by the employee during the year, such that
17 the calculation of vacation leave days that would convert to sick leave shall reflect a deduction
18 of those days of special annual leave awarded in this section that were used by the employee
19 during the year.

20 The number of days awarded by this section that carry forward to each following year
21 shall equal the number of days awarded in this section remaining on December 31 of each year
22 plus the number of days awarded in this section that were deducted from vacation leave in excess
23 of 30 days for the calculation of sick leave.

24 No employee may be required to take the additional leave awarded by this section.
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26 **PART VI. STATE BUDGET ACT APPLICABILITY**

27 **SECTION 6.1.** If any provision of this act and G.S. 143C-5-4 are in conflict, the
28 provisions of this act shall prevail. The appropriations and the authorizations to allocate and
29 spend funds which are set out in this act shall remain in effect until the Current Operations
30 Appropriations Act for the applicable fiscal year becomes law, at which time that act shall
31 become effective and shall govern appropriations and expenditures. When the Current
32 Operations Appropriations Act for that fiscal year becomes law, the Director of the Budget shall
33 adjust allotments to give effect to that act from July 1 of the fiscal year.
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35 **PART VII. EFFECTIVE DATE**

36 **SECTION 7.1.** Except as otherwise provided, this act becomes effective July 1,
37 2019.