



LEGISLATIVE *Update*

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March 15, 2013

SEANC: State Can't Afford the Liability of Making Performance Reviews Public

Sen. Thom Goolsby filed a bill, SB 332 this week. The measure proposes to make state employees' performance evaluations available to anyone who wants to see them under the public records act.

Performance evaluations are, of course, subjective determinations of an employee's performance - one person's opinion. As anyone who has ever had a performance evaluation knows, frequently these evaluations are challenged. Under Sen. Goolsby's bill, the employees would have these evaluations released before they ever had a chance to pursue appeal.

So what happens when what a supervisor writes in an evaluation is later proven to be patently false? The answer is that the state could incur tremendous liability.

SB 332 opens the door to 14th Amendment lawsuits which forbid states to "deny to any person within its jurisdiction the equal protection of the laws." The U.S. 4th Circuit Court of Appeals has held that property rights of employees whose records were released before they had a right to challenge the validity of the records was violated by potentially impacting their future employment prospects. You can read more about this topic from [an article in *The Wilson Times*](#).

SEANC always advocates maintaining the privacy rights and equal protection of the laws on behalf of state employees and specifically fights opening state employee personnel files in any manner that divulges personal information about employees without serving a legitimate purpose. Laws like SB 332 only serve to lower employee morale, invite gossip, and ultimately cost taxpayers money when property rights are violated and employees' good names ruined.

As of this writing, the bill has not been assigned to a committee. SEANC will keep you updated on this bill and let you know which legislators members need to contact at the appropriate time.

THE BUDGET IS COMING

Gov. Pat McCrory's first budget is expected to be released within the next week.

In the meantime, legislative subcommittees on appropriations have continued their work.

SEANC has been following these subcommittees and we have also been busy answering member questions about what is happening with agencies where they work.

As always, we encourage SEANC members to notify our SEANC Legislative Affairs Department of any information you hear about the budget situation in your agency. This information has helped us to get key information to legislators in the past.

CERTIFICATE OF NEED BILL TO END HOSPITALS MONOPOLY/PRICE GOUGING

SEANC continues to work on HB 177, a pro-consumer bill to end the quasi-monopoly hospitals enjoy on providing certain health care services. The measure would permit qualified health care providers to build and operate ambulatory surgery centers for outpatient surgeries or provide radiology services.

When a similar bill went through the North Carolina General Assembly for procedures performed by gastroenterologists, it appears as though the cost to the State Health Plan of these procedures at ambulatory surgical centers was one-third of what the hospitals charged.

The bill is important to state employees and all citizens by encouraging competition in health care services and increasing patient choice and access.

SEANC AGENCY HEADS MEET AND GREETS CONTINUE

SEANC Executive Director Dana Cope and Legislative Affairs Director Ardis Watkins continue to meet with agency leaders in the new administration.

Today they meet with the Director of the Office of State Personnel Neal Alexander. They look forward to hearing his ideas.

The SEANC Legislative Update is published every Friday when the N.C. General Assembly is in session by SEANC's Legislative Affairs Department. For more information, contact Legislative Affairs Director Ardis Watkins at awatkins@seanc.org.