



State Employees Association of North Carolina • www.seanc.org

# LEGISLATIVE *Update*

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## Senate passes personnel bill giving agency the power to make laws

*(Bigger government, fewer rights)*

With the Senate's budget still stalled and yet to be announced, SEANC focused once again this week on a harmful personnel bill, House Bill 495.

The bill went to a floor vote on Tuesday, and Senators Ronald Rabin (R-Harnett), John Alexander (R-Wake) and Paul Lowe (D-Forsyth) offered amendments that would have made the bill fairer for state employees, protected the state from lawsuits and kept lawmaking power with the General Assembly where it belongs, rather than with the arm of an agency.

In the end, we were able to get just one amendment passed, thanks to Sen. Rabin. It changed part of the hiring section language to ensure that the state hires the "most qualified" applicant, rather than just someone who is "qualified." Without this change, well-qualified state employees would have been overlooked for jobs and promotions for political friends of the administration who are just "qualified."

Since the amendment passed, the version of the full bill the Senate passed differs from the version that passed the House, meaning the House will either have to vote to concur with the Senate's change or it will have to go to a conference committee.

The bill as it stands cedes authority from the General Assembly to the State Human Resources Commission, allowing it to create policies **with the effect of law** with regard to priority and salary rights of separated employees.

Writing the laws on these rights and restrictions of employees has been and should remain the job of the General Assembly. The power given to the Commission by this language is far too broad and exceeds reasonable limits for agency or commission power over taxpayers.

The State Human Resources Commission is not a truly independent commission. The Office of State Human Resources website describes the Commission as adopting policies and practices "with the approval of the Governor". The agency and thus the Commission belong to the governor's office and answer to him, not the legislature. Ceding this power grants excessive powers to the Commission that should be reserved for the General Assembly. This bill is the antithesis of the regulatory reform efforts taken by the General Assembly in recent years.

SEANC is asking the House members NOT to concur so that conferees can work to address this serious issue by amending the bill to retain the current statutory language, therefore allowing the Commission to continue to adopt rules but not policies.

The concurrence vote should take place next week. We urge all SEANC members to contact their legislators to tell them why this bill needs to be changed. Unless, of course, you want the governor's office setting all the policies for your job.

### **Senate budget proposal may come next week**

As stated earlier, we're still waiting on the Senate's budget proposal. But that wait may end soon. Sen. Harry Brown (R-Onslow) told The Insider this week that he expects votes on the proposal next Wednesday or Thursday, meaning it will likely be made public on Monday so committees can consider changes.

The main holdup, as usual, is Medicaid costs. As of Tuesday, DHHS had yet to give Senate budget writers details on its needs for the coming year.

SEANC expects the Senate to give state employees and retirees a pay increase, though the size of that raise is yet to be determined. The House gave a 2-percent increase to both working employees and retirees and gave active state employees 40 hours of bankable vacation leave. The Governor opted for targeted raises rather than across-the-board increases.

SEANC continues to remind senators that [state employees have fallen behind the price of goods and services over the last five years](#) to the point that salaries aren't worth nearly as much as they were. This has resulted in a net salary decrease for state employees in that time of almost 7 percent. Retiree cost-of-living adjustments have been even worse, resulting in a net decrease in buying power of more than 8 percent for our state's retirees over the last five years.

### **Contact your legislators**

Now is the time for you to [contact your lawmakers](#). Make your voice heard on the need for all state employees to receive a pay raise and all retirees to receive a cost-of-living increase. We need all hands on deck. Help your legislators put a face to state employees, SEANC and their constituents. Not sure who your legislators are? [Click here](#). Curious whether they were endorsed by EMPAC? [Click here](#). Want to make note of all of SEANC's legislative priorities before talking to them? [Click here](#).

SEANC staff can also help you schedule meetings with your lawmakers and make sure you have the most up-to-date information possible about SEANC's legislative priorities, so you can have a good and productive conversation. All you have to do is let us know you're coming. Just email [tbooe@seanc.org](mailto:tbooe@seanc.org) or call 800-222-2758.

Can't make it to Raleigh? No problem. You can call, write or email your legislators – or even schedule your own time to meet with them in your hometown. Again, you can find your lawmakers and their contact information [here](#).