



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 202

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S202-ALH-26 [v.1]

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Comm. Sub. [YES]
Amends Title [NO]
PCS20513-LRxf-27

Date _____, 2009

Representative Dollar

1 moves to amend the bill on page 243, line 14,
2 by rewriting that line to read:

3 **"LIMIT CERTAIN STATE EMPLOYEE BONUSES AND TRANSITION SALARY**
4 **PACKAGES"**;

5

6 And further moves to amend the bill on page 243, line 33,
7 By rewriting that line to read as follows:

8 **"SECTION 26.14A.(b)** Effective for the 2009-2011 fiscal biennium, the amount of
9 any transition salary package payable to certain State employees employed by State agencies,
10 departments, institutions and The University of North Carolina shall be limited by the
11 provisions of this section.

12 (1) Notwithstanding any other provision of law, no State employee who leaves the
13 position that the employee most recently held shall continue to be paid the
14 salary for that position when the employee is no longer carrying out the
15 responsibilities for that position. This includes periods of transition.

16 (2) Notwithstanding subdivision (1) of this subsection, a State employee who leaves
17 the position that the employee most recently held may continue to be paid
18 the salary for a position that he or she no longer holds in the following
19 circumstances only:

20 a. The payment is included as a term of the contract that was entered into at
21 the time the person was hired for, or promoted to, the position most
22 recently held; and

23 b. The contract is signed by the appropriate finance officer or a properly
24 designated deputy finance officer for the agency hiring the person,
25 approved by the agency head, and approved by the Office of State
26 Budget and Management. If the State agency is The University of
27 North Carolina or a constituent institution of The University of North
28 Carolina, then the contract must be signed by the appropriate finance
29 officer or a properly designated deputy finance officer for The
30 University of North Carolina or the constituent institution, approved
31 by the appropriate chancellor, and approved by the UNC Board of
32 Governors or by the Board of Trustees of the constituent institution
33 as appropriate.

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- 1 (3) This subsection does not affect or impair a State employee's rights to severance
2 wages or a discontinued service retirement allowance as provided by G.S.
3 126-8.5, or terminal leave payments for vacation leave, bonus leave, and
4 longevity, if applicable.
5 (4) The following definitions apply in this section:
6 a. State employee who leaves the position that the employee most recently
7 held. -- Includes those circumstances in which a person retires,
8 resigns, or voluntarily or involuntarily terminates employment. The
9 phrase also includes those circumstances in which a person continues
10 to work for the State but accepts a lesser position with the State.
11 b. Transition. – When a State employee moves from the position that the employee
12 most recently held to a lesser position of employment. The term includes a 'golden
13 parachute' or a sabbatical.
14 **SECTION 26.14A.(c)** Subsection (a) of this section expires June 30, 2011.
15 Subdivision (1) of subsection (b) of this section applies retroactively unless there is a legally
16 enforceable contract to pay, and also applies to payments that have not yet been made unless
17 there is a legally enforceable contract to pay."
18
19

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____