

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 317

Short Title: UNC Omnibus. (Public)

Sponsors: Representatives Hardister, Pickett, Blackwell, and Hawkins (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Universities, if favorable, Rules, Calendar, and Operations of the House

March 13, 2023

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS CONCERNING THE
UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**PART I. EXEMPT FROM THE STATE HUMAN RESOURCES ACT CERTAIN
EMPLOYEES OF NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE
UNIVERSITY DESIGNATED AS COUNTY OPERATIONS SUPPORT STAFF**

SECTION 1.(a) G.S. 126-5(c1)(9a) reads as rewritten:

"(9a) Employees of the North Carolina Cooperative Extension Service of North Carolina State University and North Carolina Agricultural and Technical State University who are employed in county operations and who are not exempt pursuant to subdivision (8) or (9) of this subsection."

SECTION 1.(b) G.S. 153A-439(b) reads as rewritten:

"(b) The policies adopted by the Board of Trustees of North Carolina State University and North Carolina Agricultural and Technical State University, respectively, for the employees of the North Carolina Cooperative Extension Service shall govern the employment of employees exempted from certain provisions of Chapter 126 of the General Statutes pursuant to G.S. 126-5(c1)(9a). The policies adopted by the University of North Carolina Board of Governors and the employing constituent institution shall govern the employment of employees of the North Carolina Cooperative Extension Service exempted from certain provisions of Chapter 126 of the General Statutes pursuant to G.S. 126-5(c1)(8)."

**PART II. INCLUDE NCSSM IN THE DISTINGUISHED PROFESSOR ENDOWMENT
FUND**

SECTION 2. Part 4A of Article 1 of Chapter 116 of the General Statutes reads as rewritten:

"Part 4A. Distinguished Professors Endowment Trust Fund.

"§ 116-41.13. Distinguished Professors Endowment Trust Fund; purpose.

The General Assembly of North Carolina recognizes that ~~the public university system~~ each constituent institution of The University of North Carolina would be greatly strengthened by the addition of distinguished scholars. It further recognizes that private as well as State support is preferred in helping to obtain distinguished scholars for ~~the State universities~~ constituent institutions and that private support will help strengthen the commitment of citizens and



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1 organizations in promoting excellence throughout ~~all State universities.~~ The University of North
2 Carolina. It is the intent of the General Assembly to establish a trust fund to provide the
3 opportunity to each ~~State university constituent institution~~ to receive and match challenge grants
4 to create endowments for selected distinguished professors to occupy chairs within the ~~university-~~
5 constituent institution. The associated foundations that serve the ~~universities-constituent~~
6 institutions shall solicit and receive gifts from private sources to provide for matching funds to
7 the trust fund challenge grants for the establishment of endowments for chairs within
8 ~~universities-constituent institutions.~~

9 **"§ 116-41.13A. Distinguished Professors Endowment Trust Fund; definitions.**

10 The following definitions apply in this Part:

- 11 (1) "Focused growth institution" means Elizabeth City State University,
12 Fayetteville State University, North Carolina Agricultural and Technical
13 University, North Carolina Central University, The University of North
14 Carolina at Pembroke, Western Carolina University, and Winston-Salem State
15 University.
16 (2) "Special needs institution" means the North Carolina School of the Arts,
17 redesignated effective August 1, 2008, as the "University of North Carolina
18 School of the Arts," the North Carolina School of Science and Mathematics,
19 and The University of North Carolina at Asheville.

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22 **PART III. PROVIDE EFFICIENCY AND FLEXIBILITY TO THE UNIVERSITY OF**
23 **NORTH CAROLINA BY EXEMPTING CERTAIN FLSA-EXEMPT EMPLOYEES OF**
24 **THE UNIVERSITY FROM THE STATE HUMAN RESOURCES ACT AND MAKING**
25 **THOSE EMPLOYEES SUBJECT TO THE DIRECT AUTHORITY OF THE BOARD OF**
26 **GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA**

27 **SECTION 3.(a)** Effective July 1, 2023, G.S. 126-5(c1)(8) reads as rewritten:

28 "(c1) Except as to Articles 6 and 7 of this Chapter, this Chapter does not apply to any of the
29 following:

30 ...

- 31 (8) Instructional and research staff, finance professionals, business office
32 professionals, auditor professionals, information technology professionals,
33 physicians, ~~and dentists-dentists, pilots, and all other employees of~~ The
34 University of North ~~Carolina,~~ Carolina who are exempt from the minimum
35 wage and overtime compensation provisions of the Fair Labor Standards Act,
36 including the faculty of the North Carolina School of Science and
37 Mathematics. The Board of Governors of The University of North Carolina
38 shall have the authority to establish positions under this subdivision to be
39 exempt from this Chapter without further review or approval by any other
40 State agency."

41 **SECTION 3.(b)** Effective July 1, 2023, G.S. 126-1.1 reads as rewritten:

42 **"§ 126-1.1. Career State employee defined.**

43 (a) For the purposes of this Chapter, unless the context clearly indicates otherwise,
44 "career State employee" means a State employee or an employee of a local entity who is covered
45 by this Chapter pursuant to G.S. 126-5(a)(2) who:

- 46 (1) Is in a permanent position with a permanent appointment, and
47 (2) Has been continuously employed by the State of North Carolina or a local
48 entity as provided in G.S. 126-5(a)(2) in a position subject to the North
49 Carolina Human Resources Act for the immediate 12 preceding months.

50 (b) As used in this Chapter, "probationary State employee" means a State employee who
51 is in a probationary appointment and is exempt from the provisions of the North Carolina Human

Resources Act only because the employee has not been continuously employed by the State for the time period required by subsection (a) or (c) of this section.

(c) Notwithstanding the provisions of subsection (a) ~~above, employees of this section:~~

(1) Employees who are hired by a State agency, department or university in a sworn law enforcement position or forensic scientist position and who are required to complete a formal training program prior to assuming law enforcement or forensic scientist duties with the hiring agency, department or university shall become career State employees only after being employed by the agency, department or university for 24 continuous months.

(2) Employees of The University of North Carolina who are exempt from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act and who attained career status before July 1, 2023, have the option of either (i) continuing employment with career State employee status if the employee remains in the position the employee occupied on June 30, 2023, or (ii) waiving career State employee status and continuing employment as an exempt employee under G.S. 126-5(c1)(8). The University shall provide each affected employee with a written explanation of the impact of an election to waive career State employee status. An employee's election to waive career State employee status must be acknowledged either through the employee's written or electronic signature."

PART IV. EFFECTIVE DATE

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.