

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

2

HOUSE BILL 470
Second Edition Engrossed 4/26/23

Short Title: Greensboro/Winston-Salem Civil Service Board. (Local)

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

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 27, 2023

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITIES OF GREENSBORO AND WINSTON-SALEM TO
3 ESTABLISH A CIVIL SERVICE BOARD.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter VII of the Charter of the City of Greensboro, being Chapter
6 1137 of the 1959 Session Laws, as amended, is amended by adding a new Subchapter to read:

7 "SUBCHAPTER D. CIVIL SERVICE.

8 "Sec. 7.45. Civil Service Board.

9 (a) There is hereby established as a part of government of the City of Greensboro a Civil
10 Service Board which shall have the powers and perform the duties specified in this Subchapter
11 with respect to the classified service of the City of Greensboro as defined in this section. The city
12 manager shall recommend, and the city council shall approve, funding for the operational needs
13 of the Civil Service Board in the city's annual budget.

14 (b) The Civil Service Board (hereinafter "Board") shall consist of five members who shall
15 be appointed as follows: (i) one member who shall be chosen by the city council at a meeting of
16 the council and who shall serve at the pleasure of the council; (ii) two members who shall be
17 elected by the members of the classified service of the city, as defined in this section, at an
18 election held for that purpose and on a normal city workday not less than 10 nor more than 30
19 days after written notice of the date of the election is provided to each member of the classified
20 service; (iii) one member who shall be chosen by the mutual agreement of the Chief of Police
21 and the Fire Chief; and (iv) one member who shall be selected by majority vote of the four other
22 members already selected or elected at a meeting held within 30 days after the members elected
23 by the classified service have taken office. If a member is not elected by majority vote of the four
24 other members, the city council shall appoint a member to the Board. Members of the Board shall
25 serve two-year terms. All members of the Board shall be eligible for successive terms, in the
26 same manner in which they were initially selected or elected, and may serve beyond the end of
27 their respective terms until their successors take office. The chair of the Board shall be appointed
28 annually by the city council, or more often as needed, from among the membership of the Board.
29 The members of the Board shall serve without compensation but may be reimbursed for expenses
30 pursuant to policies adopted by the city.

31 The city council shall, by ordinance not inconsistent with this section, establish the procedure
32 for the election of the representatives of the employees in the classified service and provide for
33 meeting the expenses for the elections. The members of the Board must all be qualified voters of
34 the City of Greensboro, not employed by the city, or serving on the city council. In the event of
35 a vacancy on the Board, the vacancy shall be filled by the body or group that chooses the member,



1 a successor to whom is to be chosen in the manner provided in this subsection for the selection
2 of the member.

3 (c) Former employees of the city shall be eligible to serve as members of the Board
4 provided they have been separated from city employment for a period of not less than seven
5 consecutive years prior to becoming members of the Board. No person shall be eligible to serve
6 as a member of the Board if the person, directly or indirectly, through any corporation,
7 partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a
8 business relationship with the city or if the person has an immediate family member or spouse of
9 the immediate family member who, directly or indirectly, through any corporation, partnership,
10 or other entity, or contract, subcontract, or otherwise benefits financially from a business
11 relationship with the city. No person shall engage or benefit, directly or indirectly, from any
12 contractual work or employment with the city for a period of not less than two years following
13 the end of that person's term as a member of the Board.

14 (d) The city clerk, or the clerk's designee, shall be the Board Secretary and shall perform
15 all required ministerial functions and duties for the Board, including, but not limited to, the
16 electronic recording of and the preparation of minutes of all Board meetings and hearings, the
17 custody of all Board records, and the posting and issuing of meeting notices to members of the
18 Board and the public in accordance with the Open Meetings Law, Article 33C of Chapter 143 of
19 the General Statutes. The Secretary shall distribute the agenda for regular meetings and the
20 approved minutes for all regular meetings to all city employees. Posting the agenda and minutes
21 on an electronic bulletin board or similar location accessible to all employees shall be sufficient
22 compliance with the distribution requirement under this subsection. To assist the Secretary in
23 performing the functions and duties, all Board meetings shall be electronically recorded and
24 transcripts thereof made available to members of the Board upon request and without charge. All
25 other persons shall be entitled to the recordings and records, upon request, except for those items
26 to which disclosure is prohibited by G.S. 160A-168, Chapter 132 of the General Statutes, or other
27 laws governing the privacy or confidentiality of employee or personnel records.

28 (e) The Board shall meet in January of each year to adopt a regular meeting schedule.
29 The deadline for receiving items for regular Board meetings shall be seven days prior to the
30 meeting. Special meetings may be called by the chair and shall be called upon written request
31 signed by two or more members of the Board and submitted to the Secretary not less than seven
32 days prior to the date of the requested special meeting. The notice for all meetings shall contain
33 a meeting agenda, which shall include a section for other business to hear and consider any other
34 matters related to the Board's functions and duties, and which may be addressed by any member
35 of the Board and by any person in attendance. Within a reasonable time after a meeting, the Board
36 shall supply the city's Director of Human Resources with notification of any actions, reports, or
37 recommendations made by the Board, and the Human Resources Department shall notify affected
38 members of the classified service of actions, reports, and recommendations made by the Board.

39 (f) No uniform employees of the city shall be prohibited, directed, or discouraged in any
40 manner by a supervisor from wearing that employee's uniform while in attendance at any meeting
41 of the Board.

42 (g) The classified service of the city shall include all officers and employees of the City
43 of Greensboro, except officers elected by the people, the city manager, the Chief of Police, the
44 Deputy Chief of Police, Assistant Chiefs of Police, the Fire Chief, the Deputy Fire Chief,
45 Assistant Fire Chiefs, directors of departments, assistant directors of departments, by whatever
46 title designated in the city's organizational plan, members of advisory boards appointed by
47 directors of departments, the city clerk or any deputy city clerk, members of any board or
48 commission appointed by the council, and employees of independent boards choosing their own
49 employees.

50 (h) The Board shall make, and may amend, substantive rules for promoting efficiency in
51 the classified service of the city as authorized in subsection (i) of this section. The rules, and any

1 amendments to the rules, shall be submitted to the council for approval and shall be open to
2 public inspection when filed with the council for approval. The council, after giving members of
3 the classified service and citizens of Greensboro an opportunity to be heard at a public hearing,
4 shall act upon the proposed rules and amendments, and the rules and amendments, when
5 approved by a majority vote of the council, shall be in full force and effect. The Board shall also
6 make, and may amend, procedural rules for the conduct of its official proceedings and functions
7 as provided for by this Subchapter. The council may, before approval, amend the rules or
8 amendments to the rules, submitted to it for approval.

9 (i) The rules authorized by subsection (h) of this section, among other things, may
10 provide:

- 11 (1) For the standardization and classification of all positions and employment in
12 the classified service of the city. Such classification into groups and
13 subdivisions shall be based upon and graded according to duties and
14 responsibilities, and so arranged as to promote the filling of the higher grades,
15 so far as practicable, through promotions. The city manager, or the city
16 manager's designee, shall consult representative employees in the police and
17 fire departments to establish criteria to be used to fill each position within
18 those respective departments, including lateral entry positions. If only one
19 respective employee is consulted, he or she shall be a representative chosen
20 by the employees of the respective departments. If a group of two or more
21 employees is established for purposes of this subdivision, at least one-half of
22 the employees shall be chosen by the employees of the respective department.
23 The Board shall have the authority to approve any criteria established and the
24 criteria shall apply only to persons promoted or hired after the effective date
25 of the approval; provided, however, the Board's approval of criteria
26 established shall not apply to hiring or promotional processes initiated prior
27 to the effective date of this Subchapter nor shall it be construed to authorize
28 the Board to make any hiring decisions.
- 29 (2) For temporary or part-time employment to meet the transitory or seasonal
30 needs of the city, except no temporary or part-time employment may occur or
31 continue in violation of applicable State or federal law.
- 32 (3) For the establishment of a probationary period for new city employees prior
33 to employees becoming members of the classified service, except no
34 probationary period or any extension thereof may exceed one year in the
35 aggregate.
- 36 (4) For suspension for purpose of discipline, with or without pay, for not longer
37 than 90 days.
- 38 (5) For discharge or reduction in rank or compensation after the person to be
39 discharged or reduced has, if he or she so requests, been presented by the
40 person responsible for his or her appointment with the reasons therefore
41 specifically stated in writing and has been given an opportunity to be publicly
42 heard in his or her own defense by the Board, in accordance with subsection
43 (k) of this section. The written reasons for the discharge or reduction and any
44 reply in writing thereto by the officer or employee shall be filed with the
45 Director of Human Resources.
- 46 (6) For investigation and keeping a record of the efficiency of officers and
47 employees in the classified service and for requiring markings and reports
48 relative thereto from appointing authorities.

49 (j) The council, by majority vote of its total membership, the city manager, or the Board,
50 by majority vote of its total membership, may make official investigations concerning the facts
51 with respect to (i) the operation and enforcement of the provisions of this Subchapter, (ii) the

1 rules established pursuant to the authority granted by this Subchapter, and (iii) the condition of
2 the civil service of the city or any branch thereof, and may refer such matters to the Board for
3 hearing in accordance with subsection (k) of this section, or for further investigation, as
4 appropriate. Any person or body making any investigation authorized or required by this
5 Subchapter shall have the power to subpoena and require the attendance of witnesses. A copy of
6 the report of the investigation shall be filed with the city clerk and be open for public inspection,
7 subject to the provisions of G.S. 160A-168, Chapter 132 of the General Statutes, or any other
8 law governing the disclosure of public records in this State.

9 (k) Whenever any member of the classified service of the city is discharged, suspended,
10 reduced in rank, transferred against his or her will, or denied any promotion or raise in pay which
11 he or she would be entitled to, that member shall be entitled to a hearing before the Board to
12 determine whether the action complained of is justified. The Board may also conduct hearings
13 on such matters as may be referred to it pursuant to subsection (j) of this section.

14 (l) Any member of the classified service of the city who desires a hearing shall file a
15 request for hearing with the city clerk within 10 days after learning of the action or omission of
16 which the member complains, but not before the member has exhausted all remedies provided
17 by the grievance procedures established by ordinance or policy of the city. The grievance
18 procedure shall be concluded within 30 days. If the grievance procedure is not concluded within
19 30 days, the member may proceed as provided in this subsection. Upon receipt of the request for
20 hearing, the city clerk shall set the matter for hearing before the Board at a date not less than five
21 nor more than 15 days from the clerk's receipt of the request. Except for the time for filing the
22 initial request for hearing with the Board, the Board may extend the time for taking action for
23 cause or by agreement of the parties to the proceeding. Any member of the classified service of
24 the city who requests a hearing as authorized by this Subchapter shall be entitled to be represented
25 at the hearing by his or her attorney. For purposes of the hearings, the Board is authorized to
26 issue subpoenas for the attendance of witnesses or the production of documents.

27 (m) At the hearing, the burden of proving the justification of the action or omission
28 complained of shall be upon the city, and the member requesting the hearing shall be entitled to
29 inspect and copy any records upon which the city plans to rely upon at the hearing if the records
30 are requested, in writing, by the member or the member's attorney prior to the day set for the
31 hearing.

32 (n) Within 10 days after the conclusion of the hearing, the Board shall render its decision
33 in writing. If the Board determines the action or omission complained of is not justified, the
34 Board shall order to rescind whatever action the Board has found to be unjustified and may order
35 the city to take such steps as are necessary for a just conclusion of the matter before the Board.
36 The Board's decision shall contain findings of fact and conclusions and shall be based on
37 competent material and substantial evidence in the record. The Board shall, in writing,
38 immediately inform the city clerk and the member requesting the hearing of the Board's decision.

39 (o) Within 10 days of receipt of the Board's decision, either party may appeal to the
40 Superior Court Division of the General Court of Justice for Guilford County for a trial de novo.
41 The appeal shall be effected by filing with the Clerk of Superior Court of Guilford County a
42 petition for trial in superior court, setting out the facts upon which the petitioner relies for relief.
43 If the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the petition,
44 the Clerk of Superior Court of Guilford County shall issue a civil summons as in regular civil
45 action, and the sheriff of Guilford County shall serve the summons and petition on all parties
46 who did not join in the petition for trial. It shall be sufficient service upon the city for the sheriff
47 to serve the petition and summons upon the city clerk. Therefore, the matter shall proceed to trial
48 as any other civil action.

49 (p) By a majority vote of those members present and voting at any of its official meetings,
50 the Board may designate independent legal counsel of its choice to advise or represent the Board,
51 or both, on such occasions and in such matters as the majority of those Board members present

1 and voting deem to be appropriate and necessary. The Board shall establish a roster of attorneys
2 from which it may select counsel for the purpose of advising the Board during or in connection
3 with grievance hearings held pursuant to subsection (k) of this section. The list shall be subject
4 to review and approval by the city attorney as to qualifications and fees. The city shall be
5 responsible for the payment of the professional legal services authorized by this subsection. The
6 use of independent counsel for matters other than grievance hearings held pursuant to subsection
7 (k) of this section shall be limited to 20 hours each year. In order to avoid the appearance of any
8 possible conflict of interest, the Office of the City Attorney shall serve as legal advisor to or
9 attorney for the Board, or both, only for those matters or proceedings when specifically requested
10 to do so in a writing that has been signed by no fewer than four members of the Board.

11 (q) It shall be the duty of the Board to supervise the execution of the provisions of this
12 Subchapter and the rules adopted pursuant to the authority granted by this Subchapter, and it
13 shall be the duty of all persons in the service of the city to comply with the rules and to aid in
14 their enforcement. Willful or deliberate violation of the provisions of this Subchapter or rules
15 adopted as authorized by this Subchapter by any person shall result in the city taking appropriate
16 disciplinary action up to and including dismissal. Any city employee or any city official who
17 threatens or intimidates other employees from exercising their rights under the provisions of this
18 Subchapter or rules adopted as authorized by this Subchapter shall be subject to the city taking
19 appropriate disciplinary action up to and including dismissal."

20 **SECTION 2.** Article XVI of the Charter of the City of Winston-Salem, being
21 Chapter 232 of the Private Laws of 1927, as amended, is amended by adding a new section to
22 read:

23 "Sec. 111.1. Civil Service Board. (a) There is hereby established as a part of the government
24 of the City of Winston-Salem a Civil Service Board which shall have the powers and perform
25 the duties specified in this section with respect to the classified service of the City of
26 Winston-Salem as defined in this section. The city manager shall recommend, and the city
27 council shall approve, funding for the operational needs of the Civil Service Board in the city's
28 annual budget.

29 (b) The Civil Service Board (hereinafter "Board") shall consist of five members who shall
30 be appointed as follows: (i) one member who shall be chosen by the city council at a meeting of
31 the council and who shall serve at the pleasure of the council; (ii) two members who shall be
32 elected by the members of the classified service of the city, as defined in this section, at an
33 election held for that purpose and on a normal city workday not less than 10 nor more than 30
34 days after written notice of the date of the election is provided to each member of the classified
35 service; (iii) one member who shall be chosen by the mutual agreement of the Chief of Police
36 and the Fire Chief; and (iv) one member who shall be selected by majority vote of the four other
37 members already selected or elected at a meeting held within 30 days after the members elected
38 by the classified service have taken office. If a member is not elected by majority vote of the four
39 other members, the city council shall appoint a member to the Board. Members of the Board shall
40 serve two-year terms. All members of the Board shall be eligible for successive terms, in the
41 same manner in which they were initially selected or elected, and may serve beyond the end of
42 their respective terms until their successors take office. The chair of the Board shall be appointed
43 annually by the city council, or more often as needed, from among the membership of the Board.
44 The members of the Board shall serve without compensation but may be reimbursed for expenses
45 pursuant to policies adopted by the city. The city council shall, by ordinance not inconsistent
46 with this section, establish the procedure for the election of the representatives of the employees
47 in the classified service and provide for meeting the expenses for the elections. The members of
48 the Board must all be qualified voters of the City of Winston-Salem, not employed by the city or
49 serving on the city council. In the event of a vacancy on the Board, the vacancy shall be filled by
50 the body or group that chooses the member, a successor to whom is to be chosen in the manner
51 provided in this subsection for the selection of the member.

1 (c) Former employees of the city shall be eligible to serve as members of the Board
2 provided they have been separated from city employment for a period of not less than seven
3 consecutive years prior to becoming members of the Board. No person shall be eligible to serve
4 as a member of the Board if the person, directly or indirectly, through any corporation,
5 partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a
6 business relationship with the city or if the person has an immediate family member or spouse of
7 the immediate family member who, directly or indirectly, through any corporation, partnership,
8 or other entity, or contract, subcontract, or otherwise benefits financially from a business
9 relationship with the city. No person shall engage or benefit, directly or indirectly, from any
10 contractual work or employment with the city for a period of not less than two years following
11 the end of that person's term as a member of the Board.

12 (d) The city clerk, or the clerk's designee, shall be the Board Secretary and shall perform
13 all required ministerial functions and duties for the Board, including, but not limited to, the
14 electronic recording of and the preparation of minutes of all Board meetings and hearings, the
15 custody of all Board records, and the posting and issuing of meeting notices to members of the
16 Board and the public in accordance with Article 33C of Chapter 143 of the General Statutes. The
17 Secretary shall distribute the agenda for regular meetings and the approved minutes for all regular
18 meetings to all city employees. Posting the agenda and minutes on an electronic bulletin board
19 or similar location accessible to all employees shall be sufficient compliance with the distribution
20 requirement under this subsection. To assist the Secretary in performing the functions and duties,
21 all Board meetings shall be electronically recorded and transcripts thereof made available to
22 members of the Board upon request and without charge. All other persons shall be entitled to the
23 recordings and records, upon request, except for those items to which disclosure is prohibited by
24 G.S. 160A-168, Chapter 132 of the General Statutes, or other laws governing the privacy or
25 confidentiality of employee or personnel records.

26 (e) The Board shall meet in January of each year to adopt a regular meeting schedule.
27 The deadline for receiving items for regular Board meetings shall be seven days prior to the
28 meeting. Special meetings may be called by the chair and shall be called upon written request
29 signed by two or more members of the Board and submitted to the Secretary not less than seven
30 days prior to the date of the requested special meeting. The notice for all meetings shall contain
31 a meeting agenda, which shall include a section for other business to hear and consider any other
32 matters related to the Board's functions and duties and which may be addressed by any member
33 of the Board and by any person in attendance. Within a reasonable time after a meeting, the Board
34 shall supply the city's Director of Human Resources with notification of any actions, reports, or
35 recommendations made by the Board, and the Human Resources Department shall notify affected
36 members of the classified service of actions, reports, and recommendations made by the Board.

37 (f) No uniform employees of the city shall be prohibited, directed, or discouraged in any
38 manner by a supervisor from wearing that employee's uniform while in attendance at any meeting
39 of the Board.

40 (g) The classified service of the city shall include all officers and employees of the City
41 of Winston-Salem, except officers elected by the people, the city manager, the Chief of Police,
42 the Deputy Chief of Police, Assistant Chiefs of Police, the Fire Chief, the Deputy Fire Chief,
43 Assistant Fire Chiefs, directors of departments, assistant directors of departments, by whatever
44 title designated in the city's organizational plan, members of advisory boards appointed by
45 directors of departments, the city clerk or any deputy city clerk, members of any board or
46 commission appointed by the council, and employees of independent boards choosing their own
47 employees.

48 (h) The Board shall make, and may amend, substantive rules for promoting efficiency in
49 the classified service of the city as authorized in subsection (i) of this section. The rules, and any
50 amendments to the rules, shall be submitted to the council for approval and shall be open to
51 public inspection when filed with the council for approval. The council, after giving members of

1 the classified service and citizens of Winston-Salem an opportunity to be heard at a public
2 hearing, shall act upon the proposed rules and amendments, and the rules and amendments, when
3 approved by a majority vote of the council, shall be in full force and effect. The Board shall also
4 make, and may amend, procedural rules for the conduct of its official proceedings and functions
5 as provided for by this section. The council may, before approval, amend the rules or amendments
6 to the rules submitted to it for approval.

7 (i) The rules authorized by subsection (h) of this section, among other things, may
8 provide:

9 (1) For the standardization and classification of all positions and employment in
10 the classified service of the city. Such classification into groups and
11 subdivisions shall be based upon and graded according to duties and
12 responsibilities, and so arranged as to promote the filling of the higher grades,
13 so far as practicable, through promotions. The city manager, or the city
14 manager's designee, shall consult representative employees in the police and
15 fire departments to establish criteria to be used to fill each position within
16 those respective departments, including lateral entry positions. If only one
17 respective employee is consulted, he or she shall be a representative chosen
18 by the employees of the respective departments. If a group of two or more
19 employees is established for purposes of this subdivision, at least one-half of
20 the employees shall be chosen by the employees of the respective department.
21 The Board shall have the authority to approve any criteria established and the
22 criteria shall apply only to persons promoted or hired after the effective date
23 of the approval; provided, however, the Board's approval of criteria
24 established shall not apply to hiring or promotional processes initiated prior
25 to the effective date of this section nor shall it be construed to authorize the
26 Board to make any hiring decisions.

27 (2) For temporary or part-time employment to meet the transitory or seasonal
28 needs of the city, except no temporary or part-time employment may occur or
29 continue in violation of applicable State or federal law.

30 (3) For the establishment of a probationary period for new city employees prior
31 to employees becoming members of the classified service, except no
32 probationary period or any extension thereof may exceed one year in the
33 aggregate.

34 (4) For suspension for purpose of discipline, with or without pay, for not longer
35 than 90 days.

36 (5) For discharge or reduction in rank or compensation after the person to be
37 discharged or reduced has, if he or she so requests, been presented by the
38 person responsible for his or her appointment with the reasons therefore
39 specifically stated in writing and has been given an opportunity to be publicly
40 heard in his or her own defense by the Board, in accordance with subsection
41 (k) of this section. The written reasons for the discharge or reduction and any
42 reply in writing thereto by the officer or employee shall be filed with the
43 Director of Human Resources.

44 (6) For investigation and keeping a record of the efficiency of officers and
45 employees in the classified service and for requiring markings and reports
46 relative thereto from appointing authorities.

47 (j) The council, by majority vote of its total membership, the city manager, or the Board,
48 by majority vote of its total membership, may make official investigations concerning the facts
49 with respect to (i) the operation and enforcement of the provisions of this section, (ii) the rules
50 established pursuant to the authority granted by this section, and (iii) the condition of the civil
51 service of the city or any branch thereof, and may refer such matters to the Board for hearing in

1 accordance with subsection (k) of this section, or for further investigation, as appropriate. Any
2 person or body making any investigation authorized or required by this section shall have the
3 power to subpoena and require the attendance of witnesses. A copy of the report of the
4 investigation shall be filed with the city clerk and shall be open for public inspection, subject to
5 the provisions of G.S. 160A-168, Chapter 132 of the General Statutes, or any other law governing
6 the disclosure of public records in this State.

7 (k) Whenever any member of the classified service of the city is discharged, suspended,
8 reduced in rank, transferred against his or her will, or denied any promotion or raise in pay which
9 he or she would be entitled to, that member shall be entitled to a hearing before the Board to
10 determine whether the action complained of is justified. The Board may also conduct hearings
11 on such matters as may be referred to it pursuant to subsection (j) of this section.

12 (l) Any member of the classified service of the city who desires a hearing shall file a
13 request for hearing with the city clerk within 10 days after learning of the action or omission of
14 which the member complains, but not before the member has exhausted all remedies provided
15 by the grievance procedures established by ordinance or policy of the city. The grievance
16 procedure shall be concluded within 30 days. If the grievance procedure is not concluded within
17 30 days, the member may proceed as provided in this subsection. Upon receipt of the request for
18 hearing, the city clerk shall set the matter for hearing before the Board at a date not less than five
19 nor more than 15 days from the clerk's receipt of the request. Except for the time for filing the
20 initial request for hearing with the Board, the Board may extend the time for taking action for
21 cause or by agreement of the parties to the proceeding. Any member of the classified service of
22 the city who requests a hearing as authorized by this section shall be entitled to be represented at
23 the hearing by his or her attorney. For purposes of the hearings, the Board is authorized to issue
24 subpoenas for the attendance of witnesses or the production of documents.

25 (m) At the hearing, the burden of proving the justification of the action or omission
26 complained of shall be upon the city, and the member requesting the hearing shall be entitled to
27 inspect and copy any records upon which the city plans to rely upon at the hearing if the records
28 are requested, in writing, by the member or the member's attorney prior to the day set for the
29 hearing.

30 (n) Within 10 days after the conclusion of the hearing, the Board shall render its decision
31 in writing. If the Board determines the action or omission complained of is not justified, the
32 Board shall order to rescind whatever action the Board has found to be unjustified and may order
33 the city to take such steps as are necessary for a just conclusion of the matter before the Board.
34 The Board's decision shall contain findings of fact and conclusions and shall be based on
35 competent material and substantial evidence in the record. The Board shall, in writing,
36 immediately inform the city clerk and the member requesting the hearing of the Board's decision.

37 (o) Within 10 days of receipt of the Board's decision, either party may appeal to the
38 Superior Court Division of the General Court of Justice for Forsyth County for a trial de novo.
39 The appeal shall be effected by filing with the Clerk of Superior Court of Forsyth County a
40 petition for trial in superior court, setting out the facts upon which the petitioner relies for relief.
41 If the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the petition,
42 the Clerk of Superior Court of Forsyth County shall issue a civil summons as in regular civil
43 action, and the sheriff of Forsyth County shall serve the summons and petition on all parties who
44 did not join in the petition for trial. It shall be sufficient service upon the city for the sheriff to
45 serve the petition and summons upon the city clerk. Therefore, the matter shall proceed to trial
46 as any other civil action.

47 (p) By a majority vote of those members present and voting at any of its official meetings,
48 the Board may designate independent legal counsel of its choice to advise or represent the Board,
49 or both, on such occasions and in such matters as the majority of those Board members present
50 and voting deem to be appropriate and necessary. The Board shall establish a roster of attorneys
51 from which it may select counsel for the purpose of advising the Board during or in connection

1 with grievance hearings held pursuant to subsection (k) of this section. The list shall be subject
2 to review and approval by the city attorney as to qualifications and fees. The city shall be
3 responsible for the payment of the professional legal services authorized by this subsection. The
4 use of independent counsel for matters other than grievance hearings held pursuant to subsection
5 (k) of this section shall be limited to 20 hours each year. In order to avoid the appearance of any
6 possible conflict of interest, the Office of the City Attorney shall serve as legal advisor to or
7 attorney for the Board, or both, only for those matters or proceedings when specifically requested
8 to do so in a writing that has been signed by no fewer than four members of the Board.

9 (q) It shall be the duty of the Board to supervise the execution of the provisions of this
10 section and the rules adopted pursuant to the authority granted by this section, and it shall be the
11 duty of all persons in the service of the city to comply with the rules and to aid in their
12 enforcement. Willful or deliberate violation of the provisions of this section or rules adopted as
13 authorized by this section by any person shall result in the city taking appropriate disciplinary
14 action up to and including dismissal. Any city employee or any city official who threatens or
15 intimidates other employees from exercising their rights under the provisions of this section or
16 rules adopted as authorized by this section shall be subject to the city taking appropriate
17 disciplinary action up to and including dismissal."

18 **SECTION 3.** If any provision of this act shall for any reason be held to be invalid or
19 unconstitutional, the decision shall not affect the validity of the remaining portion of this act.

20 **SECTION 4.** All laws, rules, or clauses in conflict with the provisions of this act are
21 hereby superseded or repealed as appropriate.

22 **SECTION 5.** This act is effective when it becomes law.