

Personnel Records

Kristina Wilson, Assistant Professor of Public Law and Gov't





36,000-foot view...

(Some of) the statutes

- G.S. 160A-168 (city employees)
- G.S. 153A-98 (county employees)
- G.S. 115C-319, -320 (local board of education employees)
- G.S. 126A-161 through -163 (state employees and employees of area authorities, local social services departments, county health departments or district health departments, and local emergency management agencies receiving federal grant-in-aid funds)
- G.S. 131E-257.2 (public hospital employees)
- G.S. 130A-45.9 (public health authority employees)

New state law

**NCGS 126-22, 23, 24,
etc.**



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Attention Counties: Important Changes to the State Human Resources Act Became Effective October 1, 2026

[Diane M. Juffras](#)

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With Session Law 2026-40 (Senate Bill 1041), the North Carolina General Assembly repealed North Carolina General Statutes Chapter 126, better known as the State Human Resources Act, and replaced it with a new Chapter 126A. Chapter 126A's stated purpose is "to establish a decentralized human resources system . . . , based on modern principles of personnel administration, that applies the best methods evolved through government and industry." What does that mean for county departments of social services and health, district health departments, and area authorities/local management entities that were previously subject to Chapter 126? Not as much as you might think.

Background



[Diane M. Juffras](#)

Albert and Gladys Coates Term Professor; Professor of Public Law and Government

juffras@sog.unc.edu

What are personnel records?



Personnel Files under G.S. 126A-161

- “Personnel File”= Any employment-related or personal information gathered by an employing agency or OSHR.
- Employment-related includes (but is not limited to):
 - Application
 - Selection/Nonselection
 - Performance
 - Promotions/Demotions
 - Transfers
 - Disciplinary actions
- **Personnel file information is confidential!***

**Location, location,
location**

**....does not
matter!**



Personnel file information is confidential but...

**KEEP.
READING.**

Public Personnel File Information

- Employee name
- Date of original employment or appointment
- Contract terms if the agency has such in its possession
- Current Position
- Current Title
- Current salary

Public Personnel File Information

- Date and amount of salary increase or decrease
- Date and type of change in position classification
- Date and general description of reasons for promotions
- Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county
- The office to which the employee is currently assigned

Who can access personnel files?

- Employee or their agent (with some exceptions)
- Supervisors and indirect supervisors
- Agency supervisor during interview process



Who can access personnel files?

- General Assembly members under G.S. 120-19
- Court order (subpoena and discovery request with protective order)
- A government official if agency head determines to be necessary and essential to the proper function of the agency or to protect the safety of another person.

Who can access personnel files?

- Employing agency or OSHR human resources staff
- Persons accessing a personnel files under G.S. 17C-10.2 or G.S. 17E-7.1.
- A grievant during a grievance hearing held by the employing agency

Who can access personnel files?

- Employing agency conducting quasi-judicial hearing may access and introduce copies of relevant personnel files as evidence with employee consent or upon subpoena.

Who can access personnel files?

- Agency head may disclose certain employment actions and the underlying reasons and may permit “any person” to access the personnel file





IMPORTANT

Statute may only permit inspection!*

Consequences of violation

A public official or employee who knowingly and willfully permits unauthorized access...is guilty of a Class 3 misdemeanor and a fine of no more than five hundred dollars (\$500.00).

Consequences of violation

Any unauthorized person who **knowingly and willfully** accesses a confidential personnel file shall be guilty of a **Class 3 misdemeanor** and a fine not to exceed of five hundred dollars (\$500.00)



CLOSED SESSIONS



What are closed sessions?

Opportunities to exclude the public from otherwise open meetings of public bodies



How does closed session work?

- **Step 1:** Make motion to enter closed session in front of public
 - Motion must identify the general purpose of the closed session
 - EX: Motion to enter closed session to discuss personnel matters
- **Step 2:** Await a second if one is required

How does closed session work?

- **Step 3:** Assuming a majority vote in favor, exit the room, or send the public out
- **Step 4:** Hold closed session
- **Step 5:** Return to open session before adjourning or continuing meeting

Personnel Closed Session purposes

(a)(1): To prevent the disclosure of confidential or privileged information or information that is not public record.

Personnel Closed Session purposes: (a)(1)

Use this purpose to discuss personnel records or information contained in personnel records

Personnel Closed Session purposes

(a)(6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Personnel Closed Session purposes: (a)(6)

- Use this purpose for hiring, firing, performance evaluations, and discussions of individual employees or public officers
- Also use this purpose for hearing and investigating complaints, charges, or grievances by or against individual public officers or employees

Personnel Closed Session purposes: (a)(6)

- Probably need to have supervisory authority over the employee discussed



Personnel Closed Session purposes: (a)(6)

- DO NOT use this purpose for:
 - General personnel policy discussions
 - Discussions of public officials (unless they are also employees)
 - Filling vacancies in the membership of the body holding the meeting
 - Final hiring and firing actions



We're here to help!



Kristina Wilson
919.843.8930
wilson@sog.unc.edu