

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC EMPLOYMENT - NORTH CAROLINA

Rouse v. Forsyth County Department of Social Services

Supreme Court of North Carolina - February 28, 2020 - S.E.2d - 2020 WL 967571

County department of social services appealed ALJ's decision, which ordered former employee to be reinstated to her position and awarded back pay and attorneys' fees.

The Court of Appeals affirmed in part and vacated in part. Employee's request for discretionary review was allowed, and department's request was denied.

The Supreme Court held that the ALJ had authority to award back pay and attorneys' fees, overruling *Watlington v. Dep't of Soc. Servs. Rockingham Cty.*, 252 N.C. App. 512, 799 S.E.2d 396.

ALJ had authority under Human Resources Act to award former county employee back pay and attorneys' fees, after concluding that employee was unlawfully discharged; even though administrative code and different statutory section contained no provision authorizing award of back pay or attorneys' fees to wrongfully discharged local government employees, employee was protected employee for purposes of Human Resources Act, which gave ALJ explicit authority to award back pay and attorneys' fees; overruling *Watlington v. Dep't of Soc. Servs. Rockingham Cty.*, 252 N.C. App. 512, 799 S.E.2d 396.