

## Appointment Types and Career Status Policy

(For employees hired or reemployed before, on or after October 1, 2015)

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### § 1. Purpose

The purpose of this policy is to define employment requirements and summarize eligibility for benefits for the different types of employee appointments and define career State employee status.

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### § 2. Definition of Appointment

An appointment is the approval or certification of an applicant or employee to perform the duties and responsibilities of an established position subject to the provisions of the State Human Resources Act. The selection and appointment of all personnel into classified state service shall be made by the head of the agency subject to final approval of the State Human Resources Director. The following are the types of employee appointments:

- Probationary
- Permanent
- Time-Limited
- Temporary

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### § 3. Probationary Appointment

Individuals receiving initial appointments to permanent positions must serve a probationary period. The probationary period is an extension of the selection process, and provides the time the new employee needs to achieve performance at or above the expectations of the job or to be separated if performance does not meet acceptable standards.

Individuals who are reemployed to a permanent position after a separation shall also serve a probationary period.

The probationary period shall be 12 months of either full-time or part-time employment from the actual date of employment or reemployment. Periods of extended leave of absence with or without pay do not suspend or increase the duration of the probationary period beyond 12 months. Extended leave is defined as leave in excess of one-half of the regularly scheduled workdays and holidays in the month. The probationary period in this policy is not the same as the probationary period prescribed for criminal justice officers.

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### § 4. Responsibility of Supervisor during Probationary Period

The conditions of the probationary appointment shall be clearly conveyed to the applicant prior to appointment. During the probationary period, the supervisor shall work closely with the employee in counseling and assisting the employee to achieve satisfactory performance. The supervisor shall establish a work plan for the probationary employee and shall review the probationary employee's performance in compliance with the timeframes outlined in the Performance Management Policy located in Section 10 of the State Human Resources Manual. At the end of the probationary period when the supervisor, in consultation with other appropriate administrators, determines that the employee's performance indicates capability to perform satisfactorily and merits retention in the position, the employee shall be given a permanent appointment to the class. If instead, the supervisor determines that the employee's performance indicates that the employee is not suited for the position and does not meet acceptable performance standards, or for other causes related to performance of duties or personal conduct detrimental to the agency, the employee shall be separated from that position. The supervisor has the discretion to separate any employee not meeting acceptable performance standards or for other causes related to performance

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of duties or for personal conduct detrimental to the agency, prior to the completion of the 12-month probationary period. In this case, the supervisor should document the justification for the separation based on the previously documented performance discussions.

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### § 5. Personnel Changes not subject to a Probationary Period

A probationary period shall not be required when an employee with a permanent appointment has any of the following changes:

- Promotion,
- Transfer,
- Demotion,
- Reinstatement after leave of absence, or
- Return of a policy-making/confidential exempt employee to a non-policy-making position.

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### § 6. Probationary Period Requirement for Reduction-In-Force Reemployment

An employee with reduction-in-force priority consideration will be required to serve a new probationary period if the employee returns to work after a 31-day break in service. The employee must work another 12-month probationary period before career status is attained.

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### § 7. Local Government Transfer Provisions

Employees transferring from a local government entity subject to the State Human Resources Act and who have already attained career status are not required to serve another probationary period. Employees who have a break in service (more than 31 days) between employment with the local government entity subject to the State Human Resources Act and the receiving state agency will be required to work a new probationary period of 12 months before career status is attained. Employees transferring from a local government entity that is exempt from the State Human Resources Act shall be required to work a 12-month probationary period before career status is attained.

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### § 8. Permanent Appointment

A permanent appointment is an appointment to a permanently established position when the incumbent is expected to be retained in the position on a permanent basis. A permanent appointment shall be given when the requirements of the probationary period have been satisfied, or a time-limited appointment extends beyond three years of continuous employment in the same time-limited position.

Individuals receiving initial appointments or reemploying after a break in service in state government must first serve a probationary appointment before being eligible for a permanent appointment.

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### § 9. Time-Limited Appointment

A time-limited appointment is an appointment that has a limited duration:

- A time-limited appointment may be made in a permanent position that is vacant due to the incumbent's leave of absence. Time-limited appointments in a permanent position may be made when the replacement employee's services will be needed for a period of one year or less.
  - A time-limited appointment may also be made in a time-limited position. If an employee is retained in a time-limited position beyond three years, the employee shall be designated as having a permanent-appointment.
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### § 10. Temporary Appointment

A temporary appointment is an appointment for a limited term, normally not to exceed three to six months, to a permanent or temporary position. Upon request, the Office of State Human Resources shall approve a longer period of time; but in no case shall the temporary employment period exceed 11 consecutive months.

Exceptions:

- Full-time students are exempt from the 11-month maximum limit. For purposes of this policy, "full-time students" are defined as those undergraduate students taking at least 12 credit hours or graduate students taking at least 9 credit hours.

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- Retired employees are exempt from the 11-month maximum limit if they sign a statement that they are not available for nor seeking permanent employment, and are drawing a retirement income and/or Social Security benefits.
  - Inmates that are on a work-release program are exempt from the 11-month maximum limit.
  - Interns are exempt from the 11-month maximum limit. For purposes of this policy, “interns” are defined as those students who, regardless of the number of credit hours enrolled, work to gain occupational experience for a period of time not to exceed three months.
  - Externs are exempt from the 11-month maximum limit. For purposes of this policy, “externs” are defined as those students who, regardless of the number of credit hours enrolled, are employed as part of a written agreement between the State and an academic institution through which the student is paid and earns course credit.

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### § 11. Trainee Status

As stated in the Pay Administration Policy, a trainee progression can be established where appropriate to allow hiring of trainees when knowledge or skills, for a job classification, are not available in the existing labor pool or cannot be learned in a short period. See the Pay Administration Policy for specific information on setting salary progressions for trainees.

Trainees need not meet the minimum education and experience requirements for the position. Trainees may be hired only if no qualified candidate remains under consideration who meets the minimum education and experience requirements. The employee must meet the minimum education and experience requirements for the position within 24 months after the beginning of the trainee progression.

Trainee status is not a type of appointment. A trainee in a permanent position is a permanent employee and will become a career state employee if the trainee meets the criteria below.

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### § 12. Career State Employee Defined

Career State employee is a State employee or a local government employee who:

- is in a permanent position; and

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- has been continuously employed by the State of North Carolina or a local entity as provided in N.C.G.S. § 126-5(a)(2) in a position subject to the State Human Resources Act for the immediate 12 preceding months.

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.

### § 13. Separation Prior to or After Achieving Career Status

Prior to achieving career status, an employee may be separated from service for causes relating to performance of duties or for personal conduct detrimental to the agency without right of appeal or hearing. Except in cases of discrimination, a separation prior to achieving career status is not subject to the right of appeal. An employee alleging discrimination may file a complaint following the process outlined in the Employee Grievance Policy located in the State Human Resources Manual.

Once an employee has achieved career status, the employee may be separated from service for causes relating to performance of duties, grossly inefficient job performance or for unacceptable personal conduct by following the process outlined in the Disciplinary Action, Suspension and Dismissal policy found in the State Human Resources Manual. The career State employee may appeal the separation by following the process outlined in the Employee Grievance Policy located in the State Human Resources Manual.

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### § 14. Eligibility for Employee Benefits Based on Appointment Type

Eligibility for employee benefits such as accrued leave, paid holidays, total state service credit (TSS), retirement and health insurance benefits is based on an employee's type of appointment and the number of hours regularly scheduled to work in the workweek as follows:

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| Appointment Type                         | Full-Time (40 or more hours)  | Part-Time (30 to 39 hours)   | Part-Time (20 to 29 hours)  | Part-Time (less than 20 hours)   |
|--|---|--|---|--|
| Probationary, Permanent and Time-limited | Leave – Yes<br>Holidays – Yes<br>TSS Credit – Yes<br>Retirement – Yes<br>Health Ins.- Yes | Leave – Prorated<br>Holidays– Prorated<br>TSS Credit – Yes<br>Must work at least 9 months per year to be eligible for retirement and full coverage health insurance. | Leave – Prorated<br>Holidays– Prorated<br>TSS Credit – Yes<br>Retirement – No<br>Health Ins. – No but do have the option for self -pay coverage | Leave – No<br>Holidays– No<br>TSS Credit – No<br>Retirement – No<br>Health Ins. - No |
| Temporary                                | No benefits   | No benefits  | No benefits   | No benefits  |

Eligibility for severance pay consideration and reduction in force priority reemployment is based on appointment type as follows:

| Appointment Type | Eligibility  |
|------------------|--|
| Probationary     | Not eligible for severance or priority reemployment  |
| Permanent        | Eligible for severance consideration and priority reemployment   |
| Time-Limited     | Only eligible for severance consideration and priority reemployment if continuously employed for 36 months in the same time-limited position |
| Temporary        | Not eligible for severance consideration or priority reemployment  |

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Disclaimer: This is just a summary overview of eligibility for benefits. You should refer to the associated policy in the State Human Resources Manual for specific provisions related to the administration of accrued leave, paid holidays, total state service, severance pay, and priority reemployment. For policy provisions associated with retirement and health insurance benefits, you should contact the N.C. Office of the State Treasurer.

### § 15. Sources of Authority

- This policy is issued under the authority of [N.C.G.S. § 126-4\(6\)](#) (authorizing the Commission, subject to the approval of the Governor, to establish policies on the “appointment, promotion, transfer, demotion and suspension of employees”) and [N.C.G.S. § 126-4\(7a\)](#) (authorizing the same for policies on “separation of employees”).
- This policy is consistent with the administrative rules adopted by the Commission on this topic, [25 N.C.A.C. 01C .0401 to .0413](#).

### § 16. History of This Policy

| Date             | Version   |
|------------------|---|
| August 4, 2016   | First version   |
| August 18, 2017  | Added the full definition of “Career State employee” per HB495 and HB1044 Included: 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. |
| October 13, 2022 | Modified policy to make clear that three-year time period calculation for time-limited positions counts time in the same time-limited position. Updated the policy’s limit on continuous temporary employment to match change in Administrative Code rule.  |



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| December 8, 2022<br>(effective Feb. 15,<br>2023) | Provided more information on trainee status, including making clear that trainee status is not a type of appointment, and that trainees may be hired if no qualified candidate remains under consideration who meets the minimum education and experience requirements. |
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