

1 25 NCAC 01D.2702 is proposed for adoption as follows:

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3 **25 NCAC 01D .2702 SEVERANCE SALARY CONTINUATION ELIGIBILITY**

4 (a) An employee who has been reduced in force and who does not obtain employment to another position in State
5 government or any other position that is funded in part or in whole by the State by the effective date of the
6 separation shall be eligible for severance salary continuation as follows:

7 (1) full-time and part-time (half time or more) permanent employees;

8 (2) trainee employees with 24 or more months of State service;

9 (3) trainee employees who obtained career status with no break in service, as defined in 25 NCAC
10 01D .0114, prior to entering a trainee appointment;

11 (4) time-limited employees with 36 or more months of continuous State service; and

12 (5) employees in exempt policymaking or exempt managerial positions as defined in G.S. 126-5(b)
13 are eligible for severance salary continuation if the position is abolished as result of a reduction in
14 force.

15 (b) Trainee employees with less than 24 continuous months of service, time-limited employees with less than 36
16 continuous months of service, probationary, and temporary employees are not eligible for severance salary
17 continuation.

18 (c) An employee who is separated, or who has received written notification of separation due to reduction in force
19 and who applies for or begins receiving retirement benefits based on early retirement, service retirement, long term
20 disability, or a discontinued service retirement as provided by G.S. 126-8.5 shall not be eligible for severance salary
21 continuation. An employee who is eligible for early or service retirement may elect to delay retirement and receive
22 severance salary continuation.

23 (d) An employee who is reemployed from any retired status with the State and who is subsequently terminated as a
24 result of reduction in force shall be eligible for severance salary continuation if the employee meets the eligibility
25 requirements in paragraph (a) of this Rule.

26 (e) An employee who is receiving workers' compensation or short-term disability payments is eligible for severance
27 salary continuation if the employee meets the eligibility requirements in paragraph (a) of the Rule;

28 (f) An employee on leave with or without pay shall be separated on the effective date of the reduction-in-force, the
29 same as other employees, and shall be eligible to receive severance salary continuation if the employee meets the
30 eligibility requirements in paragraph (a) of this Rule.

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32 *History Note: Authority G.S. 126-4(10); 126-8.5;*

33 *Eff. February 1, 2016.*

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