

1 25 NCAC 01H .0801 is proposed for amendment as follows:
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3 **SECTION .0800 - PROMOTIONAL PRIORITY**
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5 **25 NCAC 01H .0801 PROMOTIONAL PRIORITY CONSIDERATION FOR CURRENT EMPLOYEES**

6 (a) Promotional priority consideration shall be provided when a career State employee, as defined in G.S. 126-1.1,
7 applies for a position that is a higher salary grade (salary grade equivalency) or has a higher ~~statewide journey~~ market
8 rate and the eligible employee is in competition with outside applicants.

9 (b) If it is determined that an eligible employee and an outside applicant have "substantially equal qualifications,"
10 then the eligible employee ~~must~~ shall receive the job offer over an outside applicant.

11 (c) "Substantially equal qualifications" occur when the employer cannot make a reasonable or justifiable
12 determination that the job-related qualifications held by one applicant are significantly better suited for the position
13 than the job-related qualifications held by another applicant.

14 (d) For purposes of this Rule, an outside applicant is any applicant who is not a member of the State government
15 workforce as defined in 25 NCAC 01H .0631(c).
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17 *History Note: Authority G.S. 126-1A; 126-4; 126-7.1;*

18 *Temporary Adoption Eff. October 1, 1987, for a Period of 180 Days to Expire on March 28, 1988;*

19 *ARRC Objection January 21, 1988;*

20 *Curative Eff. November 1, 1988;*

21 *Amended Eff. March 1, 1994;*

22 *Recodified from 25 NCAC 01H .0625 Eff. December 29, 2003;*

23 *Amended Eff. February 1, 2016; February 1, 2007.*
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