

SECTION .1000 – EXEMPT PRIORITY CONSIDERATION

25 NCAC 01H.1001 EXEMPT PRIORITY CONSIDERATION – POLICY AND SCOPE

(a) The rules in this Section H .1000 apply to employees hired on or before August 20, 2013 and removed from:

- (1) Exempt policymaking positions for reasons other than just cause; and
- (2) Exempt managerial positions for reasons other than just cause.

(b) A career State employee with less than 10 years cumulative service in subject positions prior to placement in an exempt policymaking position, who is removed from an exempt policymaking position for reasons other than just cause, shall receive a one-time priority. This priority shall be exercised by the employee within one year following the date of the employee's separation. Upon notice to the agency that priority is being requested, the employee shall be offered any available non-exempt position for which the employee has applied and is qualified when the position applied for is equal to or below the salary grade (or salary grade equivalency) of the most recent subject position held prior to placement in the exempt policymaking position unless an offer has been made to, and accepted by, a person qualified under Rule .1005 of this Section or an employee notified of or separated by a reduction in force, or a current State employee with greater cumulative State service subject to the State Human Resources Act.

(c) A career State employee with less than 10 years cumulative service in subject positions prior to placement in an exempt managerial position, who is removed from an exempt managerial position for reasons other than just cause shall receive a one-time reemployment priority, to be exercised by the employee within one year following the date of the employee's separation. Upon notice to the agency that priority is being requested, the employee shall be offered any available non-exempt position for which the employee has applied and is qualified, when the position applied for is equal to or below the salary grade (or salary grade equivalency) of the most recent subject position held prior to placement in the exempt managerial position unless an offer has been made to, and accepted by, a person qualified under Rule .1005 of this Section, or an employee notified of or separated by a reduction in force, or a current State employee with greater cumulative State service subject to the State Human Resources Act.

(d) The priority considerations described in Paragraphs (b) and (c) of this Rule shall expire when a written offer is extended for employment in the position for which the employee has applied regardless of the position's salary grade (or salary grade equivalency) if the employee has notified the agency in writing that the employee wishes to exercise priority consideration.

(f) If an eligible exempt employee applies for and accepts a position through the regular, non-priority selection process, which is at a salary grade (or salary grade equivalency) below that held in the most recent subject position, that person shall retain the one-time priority for higher level positions for the remainder of the 12-month period.

(g) If an employee does not receive notice as described in Rule .0630(b) of this Subchapter, the employee remains subject to the State Human Resources Act until 10 working days after the employee receives written notification of the exempt status. If an otherwise eligible employee is removed from the position designated as exempt, the employee has priority consideration to a position at the same salary grade (or salary grade equivalency) as the most recent subject position.

History Note: Authority G.S. 126-1.1; 126-5; S.L. 2013-382, s. 4.3, 4.4, 4.6, 7.6.;
Eff. March 1, 1987;
Amended Eff. June 1, 1994; June 1, 1992; November 1, 1988;
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