

25 NCAC 01H.1005 MANDATORY RIGHT TO A POSITION

(a) A State employee removed from an exempt policymaking position for reasons other than cause with 10 or more years of cumulative service in subject positions, including the immediately preceding 12 months prior to placement in the exempt policymaking position, shall be reassigned to a subject position within the same agency, or if necessary within another agency, at the same salary grade (or salary grade equivalency) and salary rate as their most recent subject position, including all across-the-board legislative increases since placement in the position designated as exempt policymaking. The reassignment must be within a 35-mile radius of the exempt position from which separated. If an employee is offered a reassignment that meets these criteria and refuses to accept, the mandatory right to a position is terminated.

(b) A State employee removed from an exempt managerial position for reasons other than cause, but not because the employee's selection violated G.S. 126-14.2, with 10 or more years of cumulative service in subject positions, including the immediately preceding 12 months prior to placement in the exempt managerial position, shall be reassigned to a subject position within the same agency, or if necessary within another agency, at the same salary grade (or salary grade equivalency) and salary rate as their most recent subject position, including all across-the-board legislative increases since placement in the position designated as exempt managerial. The reassignment must be within a 35-mile radius of the exempt managerial position from which separated. If an employee is offered a reassignment that meets these criteria and refuses to accept, the mandatory right to a position is terminated.

(c) A career State employee removed from an exempt managerial position because the employee's selection violated G.S. 126-14.2 with 10 or more years service shall be placed in a comparable position at the same salary grade (or salary grade equivalency) and salary equal to that held in the most recent position.

(d) If an employee does not receive notice as described in 25 NCAC 01H .0630(b), 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 the employee is removed from the position designated as exempt, the employee shall be placed in a position at the same salary grade (or salary grade equivalency) and salary equal to that held in the most recent subject position.

*History Note: Authority G.S. 126-1.1; 126-5;
Eff. February 1, 2007.*