

Priority Reemployment for Exempt Policymaking and Exempt Managerial Employees

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Statutory Authority

This policy applies to employees hired on or before June 29, 2013. G.S. 126-5(e) mandates the requirements for (1) the reassignment of, or (2) priority reemployment consideration for, employees removed from exempt policymaking or exempt managerial positions for reasons other than just cause.

MANDATED REEMPLOYMENT

Who is eligible?

An employee has a mandatory right to a position if the employee:

- was removed from (1) an exempt policymaking position or (2) an exempt managerial position.
- was removed for reasons other than cause, and
- had 10 or more years of cumulative service in subject positions, including the immediately preceding 12 months prior to placement in the exempt position.

If the employee meets the above eligibility requirements, the employee shall be reassigned to a 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 and
- within a 35-mile radius of the exempt position from which separated.

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If the employee is offered a reassignment that meets the above criteria and refuses to accept, the mandatory right to a position is terminated.

Example:

Employee with 15 year's continuous service-no breaks

Currently in Exempt Policymaking position at salary grade 80 - \$61,500

Placed in Exempt Policymaking position after 12 years of employment

Last subject position was salary grade 75 at \$49,545

Salary Grade mandate = Salary Grade 75

Salary Rate mandate = \$49,545 plus three (3) legislative increases since placement in Exempt Policymaking position

+ 2% legislative increase ($\$49,545.00 \times .02$) = \$ 990.90 = \$50,535.90

+ 4% legislative increase ($\$50,535.90 \times .04$) = \$2,021.44 = \$52,557.34

+ 2% legislative increase ($\$52,557.34 \times .02$) = \$2,102.30 = \$53,608.49

Salary Rate mandate = \$53,608.49

ONE-TIME PRIORITY CONSIDERATION

Who is eligible?

A career State employee has a one-time priority to a position if the employee:

- was removed from (1) an exempt policymaking position or from (2) an exempt managerial position.
- was removed for reasons other than cause, and
- had less than 10 years of cumulative service in subject positions prior to placement in the exempt position.

If the employee meets the above eligibility requirements, the employee shall be offered any available non-exempt position:

- for which the employee has formally applied and is qualified, and
- when the position for which applied is equal to or below the salary grade (or salary grade equivalency) of the most recent position held prior to placement in the exempt position unless an offer has been made, and accepted, by:

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- an employee with a mandated right to a position, 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 Human Resources Act.

Relationship to Other Priorities

The priority for employees with less than 10 years of service who are separated from exempt policymaking or exempt managerial positions and the priority for employees separated by reduction-in-force are equal.

Termination of Priority Consideration

Priority consideration is **terminated** when an eligible employee:

- refuses an interview or offer for a position for which they have applied
- accepts a position for which they have applied or
- has received twelve months priority consideration.

Priority Consideration Continues

An employee may accept the following employment and retain priority consideration throughout the twelve-month priority period:

- employment outside State government,
- a State position not subject to the Human Resources Act,
- a temporary position, or
- a contractual arrangement.

Agency Responsibilities

The employing agency shall inform the employee of the priority consideration to be afforded.
