

Priority Reemployment for Exempt Policy-Making and Exempt Managerial Employees

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Statutory Authority

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, but not because the employee's selection violated G.S. 126-14.2,
- 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, but not because the employee's selection violated G.S. 126-14.2
- 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

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- 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:
 - 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.
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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 exercised priority within 35 miles of the employee's original work station if the position is at an appointment status and salary grade (or salary grade equivalency) equal to or greater than that held in their most recent subject position;
 - accepts a position for which they have exercised priority equal to or greater than the appointment status and salary grade (or salary grade equivalency) of the position held in their most recent subject position; or
 - has received twelve months priority consideration.
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Priority Consideration Continues

If an eligible exempt policymaking or exempt managerial 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 their most recent subject position, that employee shall retain the one-time priority for higher level positions up to and including positions at the salary grade (or salary grade

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equivalency) held at the time of separation, for the remainder of the twelve-month period.

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

Agency responsibilities for assisting employees and reporting to the Office of State Human Resources are outlined in the Priority Referral System Procedures.
