

Priority Consideration for Exempt Managerial Employees Removed from Positions for Violations of G.S. 126-14.2

Contents:

- [Statutory Authority](#)
 - [Mandated Reemployment](#)
 - [One-Time Priority Consideration](#)
 - [Relationship to Other Priorities](#)
 - [Termination of Priority Consideration](#)
 - [Priority Consideration Continues](#)
 - [Reemployment After Priority Expires](#)
 - [Agency Responsibilities](#)
-

Statutory Authority

G.S. 126-14.4(g) mandates the requirements for (1) the reassignment of, or (2) priority consideration for, employees removed from exempt managerial positions for violations of G.S. 126-14.2.

MANDATED REEMPLOYMENT

Who is eligible?

A career State employee has a mandatory right to a position if the employee:

- was removed from an exempt managerial position 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, 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 the most recent 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.

Priority Consideration for Exempt Managerial Employees Removed from Positions for Violations of G.S. 126-14.2 (continued)

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

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 an exempt managerial position 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 prior to placement in the exempt position.

If the employee meets the above eligibility requirements, the employee shall be given priority consideration for 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:
 - 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, separated from exempt policy-making or exempt managerial positions and the priority for employees separated by reduction-in-force is equal.

Priority Consideration for Exempt Managerial Employees Removed from Positions for Violations of G.S. 126-14.2 (continued)

The priority for exempt policy-making is higher than for other applicants who are current State employees unless the current State employee has greater cumulative State service subject to the Human Resources Act, in which case the priority is 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 equal to or greater than that held in their most recent position;
 - accepts a position for which they have exercised priority; or
 - has received twelve months priority consideration.
-

Priority Consideration Continues

If an eligible exempt managerial employee applies for and accepts a position through the regular, non-priority selection process, which is at a salary grade below that held in their most recent position, that employee shall retain the one-time priority for higher level positions up to and including that held at the time of separation, for the remainder of the twelve-month period.

Or, 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.
-

Priority Consideration for Exempt Managerial Employees Removed from Positions for Violations of G.S. 126-14.2 (continued)

Reemployment after Priority Expires

If an appointment has not been received within the priority period, a person previously eligible for priority consideration will be considered for reemployment under regular applicant procedures.

Agency Responsibilities

Agency responsibilities for assisting employees and reporting to the Office of State Personnel are outlined in the Priority referral System Procedures.
