

Priority Reemployment and Mandatory Reassignment for Exempt Policymaking and Exempt Managerial Employees Policy

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§ 1. Statutory Authority

This policy applies to employees hired on or before August 20, 2013. N.C.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.

An employee hired effective August 21, 2013 or after has no priority reemployment or mandatory reassignment rights when he or she is removed from an exempt policymaking or exempt managerial position.

§ 2. Mandatory Reassignment

Who is eligible?

- 1) An employee has a mandatory right to reassignment if the employee:
 - obtained career status prior to placement in an exempt policymaking or exempt managerial position, and
 - was removed from an exempt policymaking position or an exempt managerial position, and
 - was removed for reasons other than just cause, and

had 10 or more years of cumulative State service in subject positions, including the immediately preceding 12 months prior to placement in the exempt position.
- 2) An employee has a mandatory right to reassignment if the employee:

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- had 10 or more years of cumulative State service and obtained career status prior to placement in an exempt policymaking or exempt managerial position and moved from one exempt policymaking or exempt managerial position to another exempt policymaking or exempt managerial position without a break in service, and was removed from the last exempt position, for reasons other than just cause.

If the employee meets either of the above eligibility requirements, the employee 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; and
- within a 35-mile radius of the exempt position from which separated, except for employees who are separated effective August 7, 2014 or after, and who were hired prior to June 30, 2013, who are no longer subject to the 35-mile radius limitation for reassignment.

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

Example: Employee with 15 years continuous service-no breaks

Currently in Exempt Policymaking position at salary grade 80 at \$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

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§ 3. One-Time Priority Reemployment Consideration

Who is eligible?

- 1) An employee has a one-time priority to a position if the employee:
 - obtained career status prior to placement in an exempt policymaking or exempt managerial position, and
 - was removed from (1) an exempt policymaking position or from (2) an exempt managerial position, and
 - was removed for reasons other than just cause, and
 - had less than ten (10) years of cumulative State service in subject positions prior to placement in the exempt position.
- 2) An employee has a one-time priority to a position if the employee:
 - had more than 2 but less than 10 years of cumulative State service and obtained career status prior to placement in an exempt policymaking or exempt managerial position, and
 - moved from one exempt policymaking or exempt managerial position to another exempt policymaking or exempt managerial position without a break in service, and
 - was removed from the last exempt position, for reasons other than just cause.

If the employee meets either of 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 subject 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 reassignment, 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.

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§ 4. 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.

§ 5. Termination of Priority Reemployment Consideration

Priority consideration is terminated when an eligible employee:

- refuses an interview or offer for a position for which he or she has applied, or
- accepts a position for which he or she has applied or
- has received twelve (12) months priority consideration from the date of separation.

§ 6. Priority Consideration Continues

An employee may accept the following employment and retain priority consideration throughout the 12-month priority period:

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

§ 7. Agency Responsibilities

The employing agency shall inform the employee in writing of the priority reemployment consideration to be afforded no later than the time of separation.

§ 8. Sources of Authority

This policy is adopted under the authority of:

- N.C.G.S. § [126-4\(6\)](#), [126-4\(10\)](#).

This policy is consistent with the following statutes and rules:

- N.C.G.S. §§ [126-1.1](#); [126-5\(b\)](#), [\(e\)](#), [\(f\)](#), [\(g\)](#); [126-14.2](#)
- [25 NCAC 01H .0701](#); [.1001](#); [.1003](#); [.1004](#); [.1005](#)

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§ 9. History of This Policy

Date	Version
March 1, 2007	<ul style="list-style-type: none"> • Clarified priority consideration for employees separated from positions designated as exempt
January 1, 2013	<ul style="list-style-type: none"> • HB 834 change N.C.G.S. § 126, the State Human Resources Act, to reflect a change in conditions under which an employee removed from an exempt position is eligible for priority reemployment when separated for reasons other than cause. • Priority reemployment is only provided to designated employees who were hired on or before June 29, 2013. • Eligible employees have a one-time priority for any position applied for at the same level or below that held at time of separation and priority is satisfied if an employee is offered or accepts any position regardless of distance from the employee's original workstation. • Removed priority consideration for exempt managerial employees removed for violations of N.C.G.S. § 126-14.2
August 11, 2014	<ul style="list-style-type: none"> • A clarification statement was added to the "Statutory Authority" section that states "Exempt employees hired on or after August 21, 2013 do not have priority reemployment rights." • Reference to "mandated reemployment" has been revised to "mandated reassignment" to match the terminology used in the law. Reference to "mandatory right to a position" has been changed to "mandatory right to reassignment." • Change in law to include priority reemployment or mandatory reassignment rights for exempt employees who transfer between exempt positions without a break in service. • Added "reemployment" when referencing the "one-time priority" to match the terminology in the law.

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	<ul style="list-style-type: none">• Employees who were hired prior to June 30, 2013 and separated from the exempt position on or after August 7, 2014, who meet the eligible requirements for the mandated reassignment rights are no longer subject to the 35-mile radius limitation for reassignment.• In the “Who is Eligible” section, deleted the bullet that referenced an offer being made to a RIF employee as having greater rights than an exempt employee. The priority rights are equal for these employees as stated in the “Relationship to Other Priorities” section of the policy.
December 3, 2020	<ul style="list-style-type: none">• Policy reviewed by the Recruitment Division to confirm alignment with current practices and by the Legal, Commission, and Policy Division to confirm alignment with statutory, rule(s), and other policies. No substantive changes. Reported to SHRC on October 1, 2020.• General editorial changes to text, grammar, and language. All changes were minor wording and format changes for clarification.
February 20, 2025	<ul style="list-style-type: none">• Removed text suggesting that being reemployed after August 20, 2013 removes an employee’s eligibility for reassignment under N.C.G.S. § 126-5(e), even if the employee was first hired before that date. The rehired limitation is not stated in the statute, which is silent on this point.