

## Reinstatement Policy

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### Contents:

§ 1.	Definition .....	127
§ 2.	Salary Rate - Return from Extended Leave of Absence.....	127
§ 3.	Salary Rate – Return from Break in Service .....	127
§ 4.	Effective Date.....	127
§ 5.	Sources of Authority .....	128
§ 6.	History of This Policy .....	128

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### § 1. Definition

Reinstatement is the return to state employment from an extended leave of absence or after a break in service from a state agency. Employees who reinstate must possess at least the minimum requirements or their equivalent, as set forth in the class specification of the position to which reinstated. If reinstatement is from leave without pay, the employee is automatically qualified provided employment is in the same classification or in a lower class in the same field of work.

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### § 2. Salary Rate - Return from Extended Leave of Absence

The employee's salary shall be based on the last salary plus any general salary increase due while on extended leave of absence.

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### § 3. Salary Rate – Return from Break in Service

When a separated employee returns to state employment after a break in service, salary must be set based upon application of all pay factors in accordance with the New Hire Salary policy. Reinstatements within one year to the same grade and/or classification may not warrant an increase.

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### § 4. Effective Date

A reinstatement may be made effective on any scheduled workday in the pay period. When the first day of a pay period falls on a nonwork day and the employee begins work on the first workday, the date to begin work shall be shown as the first day of the pay period. However, if the position requires work on such days, the date shall be the day the employee actually begins work.

## Reinstatement Policy (cont.)

### § 5. Sources of Authority

This policy is issued under any and all of the following sources of law:

- [N.C.G.S. § 126-4\(2\)](#) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish policies governing “[c]ompensation plans.”
- [N.C.G.S. § 126-4\(4\)](#) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish “[r]ecruitment programs designed to promote public employment, ... attract a sufficient flow of internal and external applicants; and determine the relative fitness of applicants for the respective positions.”
- [N.C.G.S. § 126-4\(5\)](#) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish policies governing leave “and other matters pertaining to the conditions of employment.”
- [N.C.G.S. § 126-4\(10\)](#) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish “[p]rograms of employee assistance, ... safety and health as required by Part 1 of Article 63 of Chapter 143 of the General Statutes, and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration.”

### § 6.

#### History of This Policy

Date	Version
July 28, 1949	First version: Policy established that employees separated from State service through no fault of their own would retain accumulated sick leave if reemployed by the State within 1 year from the time of separation.
July 6, 1950	Reinstatement to same class - may pay at rate receiving at time of termination or in accordance with new hires.
September 18, 1953	Revision of reinstatement policy - may be reinstated within 5 years and spelled out how salary can be set if same class, higher class, lower class.
December 15, 1969	If a former employee is re-employed before the date through which

**Reinstatement Policy (cont.)**

	annual leave was paid, the payment for unused annual leave shall not be considered as dual compensation.
July 1, 1970	Break in service changed to 31 calendar days from last day of work. Reinstatement of an employee before terminal leave ends is not considered as dual compensation.
December 17, 1970	Sick leave accrued shall be credited or reinstated within one year from date of separation due to reduction in force, authorized leave without pay or while drawing workmen's compensation. If employee is separated for other reasons and is reinstated within one year the employing agency may consider reinstatement of sick leave credits.
January 1, 1976	Revised policy to provide that a State agency may consider reinstating sick leave credits for employees who separated from a subject local government position within one year. Changes time period for eligibility for reinstatement to provide consistency between competitive and non-competitive positions. Added provision for reinstatement under competitive service based on reinstatement rights in other governmental jurisdictions.
July 1, 1977	Redefines reinstatement to include the return to a non-exempt position of an employee who transferred to or occupied a position designated as exempt.
October 1, 1978	Reinstatement option for reemployment of a former state employee. An agency has option of either reinstatement (if employee is eligible) or a probationary appointment to a former State employee being considered for new appointment.
December 1, 1978	Probationary Period Options. Offers the option of either a probationary or permanent appointment upon reinstatement.
May 1, 1979	Employees separated because of a reduction in force shall be credited with accrued sick leave if reinstated within one year, and may receive such credit up to three years following separation.
January 1, 1980	Adds employees of public school, community and technical colleges.

**Reinstatement Policy (cont.)**

January 1, 1983	Made it mandatory to reinstate sick leave when an employee returns to State service after three years.
December 1, 1985	Competitive Service provisions deleted.
August 1, 1988	Definition of reinstatement changed to 5 years. Reinstatement of sick leave changed from 3 to 5 years.
January 1, 1989	Pay status changed to half the workdays and holidays.
March 1, 1992	In order to avoid abuses and to close a loophole in policy, policy is changed to require that an employee be away from State employment for at least a year before using the New Appointments Policy for setting salaries. If reinstated within one year, the salary would be set by adjusting the previous salary by the amount of any across-theboard increases and then applying the appropriate policies, i.e., promotion, demotion, etc. A provisions is included that would allow for a higher salary if intervening employment justifies it.
April 1, 1993	RIF person reinstated may be required to serve a probationary period in certain situations.
August 1, 1995	Changed the terminology in other policies to “permanent, probationary, trainee appointment” rather than “permanent, probationary, trainee employment.” In addition, “time-limited” appointment has been spelled out in the appropriate policies, whereas, in the past, this type of appointment was considered to be a type of “permanent” appointment.
December 1, 1995	Revised to include salary requirements of a RIF employee with priority reemployment consideration.
July 1, 2002	1. Statement added to “Benefits Reinstated” to clarify that a RIF employee may reinstate excess vacation leave when reemployed within one year. 2. Statement revised to clarify retirement credit for military service.
November 1, 2013	HB 834 – Modernization of the Human Resources Act change G.S. 126 to include a new definition for probationary period. The period changed from three to nine months to a consistent twenty-four

**Reinstatement Policy (cont.)**

	<p>months of continuous SHR employment in a permanent position. Any employee who has a break in service, must serve a new probationary period. For periods of leave with or without pay, credit toward the probationary period now continues instead of stopping.</p>
March 3, 2016	<p>Currently the new Statewide Compensation System Project is in implementation phase and requires corresponding Compensation/Salary Administration policies in order to fully implement. Current policies do not align with the market based system. These changes will align with the intent of the new Compensation Project. Policy changes are required to provide more flexibility in setting pay and gives management the ability to set pay competitively with the market. Because we operate under two primary pay systems, we have two separate policies. This new system will allow for one unified policy. Additionally, current policies are very long and repeat policies from other sections. This change will shorten the policy and create more meaningful titles and terminology related to the new compensation system.</p>