

CAREER STATUS 25 NCAC 11.2002

Definitions

Break in Service – Not being employed by an SPA agency for a period of at least 31 consecutive calendar days. Periods of leave with or without pay within an overall period of employment do not constitute a break in service. Periods of less than 31 days do not constitute a break in service. A break in service cancels creditable service toward career status.

Career Status – A status achieved after 24 continuous months of service in one or more positions subject to the State Personnel Act. Employees with career status may only be disciplined or dismissed for just cause, in compliance with certain procedures and have a right to grieve that action.

Continuous – Without a break in service.

Probationary period - A period of not less than three months nor more than 9 months as established by the director of the county/district/area SPA agency. Service in a probationary period is “at will” and can be dismissed for any reason (as long as it is not illegal discrimination). A probationary employee may be dismissed, without right of appeal. The usual disciplinary procedures established by the State Personnel Commission do not apply.

Effective Date – This rule [25 NCAC 11.2002] is effective May 1, 2009.

I. Employees who have already achieved career status prior to changing employers.

A. When an employee of a county SPA agency, with career status, accepts a job with a different SPA agency in the same county, without a 31 day (or longer) break in service, the employee must serve a probationary period. During the probationary period, the employee is at will. Upon successful completion of the probationary period, the employee resumes career status.

B. When an employee of a county SPA agency, with career status, accepts a job with an SPA agency in a different county, without a 31 day (or longer) break in service, the employee must serve a probationary period. During the new probationary period, the employee is at will.

C. When an employee of a county SPA agency, with career status, is rehired with the same SPA agency in the same county without a 31 day (or longer) break in service, that employee may be required to serve a new probationary period. The decision to impose a new probationary period in this situation is at the discretion of the agency director. During the new probationary period, the employee is at will.

D. If an employee is dismissed during the probationary period imposed following a move to a different agency or county, the employee must be given notice of the dismissal and the reasons for the dismissal. A best practice is to give this notice in writing and to provide at least general reasons for the termination.

E. An employee who had achieved career status prior to the move to a different SPA agency or to a different county and who successfully completes the probationary period shall be returned to career status.

F. An employee with career status who leaves an SPA agency, and then, more than 31 days later goes to work for the same or another SPA agency, in the same or a different county, loses career

status protection and must be employed another 24 continuous months to have career status protection again.

II. Employees who have accumulated some, but not all of the continuous service required for career status.

A. When an employee of a county SPA agency, without career status, accepts a job with a different SPA agency in the same county, without a 31 day (or longer) break in service, that employee must serve a probationary period. The continuous service the employee has already accumulated will be transferred and credited toward achieving career status.

B. When an employee of a county SPA agency, without career status, accepts a job with a different county, without a 31 day (or longer) break in service, that employee must serve a probationary period. The continuous service the employee has already accumulated will be transferred and credited toward achieving career status.

Examples:

Within the same county

Employee has achieved 12 continuous months toward career status in County A DSS. The employee takes a job, without a break in service, with County A DPH. The employee has to serve a new 9 month probationary period in County A DPH, and then must serve 3 more months before achieving career status with County A DPH.

Employee has achieved 18 continuous months toward career status in County A DSS. The employee takes a job, without a break in service, with County A DPH. The employee has to serve a 6 month probationary period in County A DPH. Upon successful completion of the probationary period, the employee has career status with County A DPH.

Employee has achieved 18 continuous months toward career status in County A DSS. The employee takes a job, without a break in service, with County A DPH. The employee has to serve a 9 month probationary period in County A DPH. Upon successful completion of the probationary period, the employee has career status with County A DPH.

From County A to County B

Employee has achieved 12 continuous months toward career status in County A. The employee takes a job, without a break in service, with County B. The employee has to serve a 9 month probationary period in County B, and then must serve 3 more months before achieving career status with County B.

Employee has achieved 18 continuous months toward career status in County A. The employee takes a job, without a break in service, with County B. The employee has to serve a 6 month probationary period in County B. Upon successful completion of the probationary period, the employee has career status with County B.

Employee has achieved 18 continuous months toward career status in County A. The employee takes a job, without a break in service, with County B. The employee has to serve a 9 month probationary period in County B. Upon successful completion of the probationary period, the employee has career status with County B.