

25 NCAC 01D .0913 is adopted as published in 33:05 NCR 506 with changes as follows:

25 NCAC 01D .0913 SALARY RATE

(a) If an employee transfers to a position having the same salary grade, the salary may be increased as long as ~~such the~~ increase does not create internal salary inequity. For the purposes of this Rule, “internal salary inequity” exists when an employee’s salary is 10% above or below that of others in similar classification having similar duties and responsibilities and with similar knowledge, skills, abilities, education and training, experience, and performance.

~~Exception-~~The salary may be reduced if there is a lack of sufficient funds or if it results in the creation of internal salary inequity. ~~This exception does not apply to-~~ A reduction shall not occur when applied to employees with reduction-in-force priority consideration in which case the salary shall remain unchanged, unchanged in accordance with G.S. 126-7.1(a2), unless the employee voluntarily offers or agrees to accept a lower salary rate by waiver obtained in the pre-screening phase of the selection process. If the employee is being reinstated to a higher class, the rules of Section .0300 of this Subchapter shall apply.

(b) ~~If~~ When the transfer is to a higher class and results in a promotion, ~~the Promotion Policy shall apply. (See 25 NCAC 1D .0300.)~~ the rules in Section .0300 of this Subchapter shall apply.

(c) If the transfer is to a lower class and results in a demotion or reassignment, ~~the Demotion/Reassignment Policy shall apply. (See 25 NCAC 1D .0400.)~~ then the rules in Section .0400 of this Subchapter shall apply.

(d) If an employee is in an agency not utilizing ~~an authorized~~ a special entry rate and transfers to an agency ~~which~~ that does, the special entry rate cannot be used as justification for a salary increase if both work stations are within the same geographic area.

(e) If an employee is receiving a higher rate of pay by virtue of working in a position ~~to which~~ where a geographic differential applies and transfers to a position ~~to which~~ where a geographic differential does not apply, whether in the same geographic area to a position without a differential, or to the same job in a geographic area without a differential, the employee’s pay rate ~~must~~ shall be reduced by the amount of the differential the employee had been receiving.

*History Note: Authority G.S. 126-4;
Eff. March 1, 2019.*

25 NCAC 01H .0631 is amended as published in 33:04 NCR 424 with changes as follows:

25 NCAC 01H .0631 POSTING AND ANNOUNCEMENT OF VACANCIES

(a) ~~Vacant positions shall be publicized by the agency having the vacancy. An agency shall post its vacant positions.~~

(b) Vacancies ~~which that~~ shall be filled from within the agency workforce ~~are to shall~~ have an application period of not less than five ~~working-business~~ days and shall ~~be posted in at least the following locations; be posted in at least the locations required by G.S. 126-7.1(a).~~

~~(1) The personnel office of the agency having the vacancy; and~~

~~(2) The particular work unit of the agency having the vacancy.~~

(c) Vacancies to be filled from within or outside the ~~state~~ State government workforce are to be listed with the Office of State Human Resources and ~~the Employment Security Commission~~ as required by G.S. 96-29. The vacancies shall have an application period of not less than five ~~working-business~~ days. For purposes of this Rule, ~~"state~~ "State government workforce" means those employees who are subject to Articles 1, 2, 5, 6, 7, 8, ~~43~~ 13, and 14 of Chapter 126 of the North Carolina General Statutes.

(d) Each vacancy shall be described in an announcement ~~which that~~ includes:

~~(1)~~ For graded classes: the position number, classification title, salary grade and range, essential functions, knowledge, skills, abilities, minimum training and experience, and any vacancy-specific qualifications as determined by the agency in accordance with 25 NCAC 01H .0635(c) the application period, and the contact information;

~~(2)~~ For banded classes: the position number, banded class title, competency level, banded class salary range or recruitment range corresponding to the competencies and duties, salary grade equivalency, essential functions, competencies, minimum training and experience, vacancy-specific qualifications as determined by the agency in accordance with 25 NCAC 01H .0635(c), the application period, and the contact information; and

(3) For all vacancy listings: a closing ~~date-date~~, unless the classification has been determined as critical. Factors used in determining critical classifications include agency turnover; number of positions in class; geographic location of the position; scarcity of individuals with the required skills; and safety, ~~health-health~~, or quality of care for clients. The critical classifications shall be approved by the State Human Resources Commission. ~~[Director or her designee.]~~ On those classes determined to be critical, which ~~are shall be~~ considered open and continuous postings, agencies shall determine how long applications shall be considered active. The State Human Resources Director or his or her designee shall report the number and type of continuous postings to the State Human Resources Commission.

(e) Posting is not required when an agency determines that it will not openly recruit. This decision ~~shall be~~ based upon a ~~bona fide~~ business need ~~and is the responsibility of shall be made by~~ the agency head. ~~Examples are: This includes vacancies:~~

~~(1) Vacancies~~ that are committed to a budget reduction;

- (2) ~~Vacancies~~ used to avoid a reduction in force;
- (3) ~~Vacancies~~ used for disciplinary transfers or demotions;
- (4) ~~Vacancies~~ to be filled by transfer of an employee to avoid the threat of bodily harm;
- (5) ~~Vacancies~~ that are designated exempt policymaking under G.S. 126-5(d);
- (6) ~~Vacancies~~ that must be filled immediately to prevent work stoppage in constant demand situations, or to protect the public health, safety, or security;
- (7) ~~Vacancies~~ to be filled by chief deputies and chief administrative assistants to elected or appointed department heads; and vacancies for positions to be filled by confidential assistants and confidential secretaries to elected or appointed department heads, chief deputies, or chief administrative assistants;
- (8) ~~Vacancies~~ to be filled by an eligible exempt employee who has been removed from an exempt position and is being placed back in a position subject to all provisions of the State Human Resources Act;
- (9) ~~Vacancies~~ to be filled by a legally binding settlement agreement;
- (10) ~~Vacancies~~ to be filled in accordance with a pre-existing written agency workforce plan; and
- (11) ~~Vacancies~~ that must be filled immediately because of a widespread outbreak of a serious communicable disease.

(f) The Office of State Human Resources may withhold approval for an agency to fill a job vacancy as set out in G.S. 126-7.1.

*History Note: Authority G.S. 96-29; 126-3(b); 126-4(4); 126-5(d); 126-7.1; 126-14;
Eff. March 1, 2007;
Amended Eff. August 1, 2009; May 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;
Amended Eff. March 1, 2019.*