

1 25 NCAC 01H.1001 is amended with changes as published in 29:15 NCR 1745 as follows:

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3 **25 NCAC 01H .1001 EXEMPT PRIORITY REEMPLOYMENT CONSIDERATION – POLICY AND**
4 **SCOPE**

5 (a) The rules in this Section ~~H.1000~~ apply to employees hired on or before August 20, 2013 and removed from:

- 6 (1) Exempt policymaking positions for reasons other than just cause; and
7 (2) Exempt managerial positions for reasons other than just cause, ~~cause but not because the~~
8 ~~employee's selection violated G.S. 126-14.2; and~~
9 (3) ~~Exempt managerial positions because the employee's selection violated G.S. 126-14.2.~~

10 (b) A career State employee as defined in G.S. 126-1.1 with less than 10 years cumulative service in subject
11 positions prior to placement in an exempt policymaking or exempt managerial position, who is removed from an
12 exempt policymaking or exempt managerial position for reasons other than just cause, shall receive a one-time
13 reemployment priority. This reemployment priority shall be exercised by the employee in writing on the application
14 for employment within one year following the date of the employee's separation. ~~Upon notice to the agency that~~
15 ~~priority is being requested, the~~ The employee shall be offered any available non-exempt subject position for which
16 the employee has applied and is qualified as set forth in the job vacancy announcement when the position applied for
17 is equal to or below the salary grade (or salary grade equivalency) of the most recent subject position held prior to
18 placement in the exempt policymaking or exempt managerial position unless an offer has been made to, and
19 accepted by, a person qualified for mandated reassignment under ~~25 NCAC 01H .1005~~ G.S. 126-5(e)(2) or G.S.
20 126-5(e)(4) or an employee notified of or separated by a reduction in force, or a current State employee with greater
21 cumulative State service subject to the State Human Resources Act.

22 ~~(c) A career State employee with less than 10 years cumulative service in subject positions prior to placement in an~~
23 ~~exempt managerial position, who is removed from an exempt managerial position for reasons other than just cause~~
24 ~~but not because the employee's selection violated G.S. 126-14.2, shall receive a one time reemployment priority, to~~
25 ~~be exercised by the employee within one year following the date of the employee's separation. The employee shall~~
26 ~~be offered any available non-exempt position for which the employee has applied and is qualified, when the position~~
27 ~~applied for is equal to or below the salary grade (or salary grade equivalency) of the most recent subject position~~
28 ~~held prior to placement in the exempt managerial position unless an offer has been made to, and accepted by, a~~
29 ~~person qualified under 25 NCAC 01H .1005, or an employee notified of or separated by a reduction in force, or a~~
30 ~~current State employee with greater cumulative State service subject to the State Human Resources Act.~~

31 ~~(d) A career State employee with less than 10 years of service who was removed from an exempt managerial~~
32 ~~position because the employee's selection violated G. S. 126-14.2 shall receive a one-time reemployment priority, to~~
33 ~~be exercised by the employee within one year following the date of the employee's separation. Upon notice to the~~
34 ~~agency that priority is being requested, the employee shall be offered any available non-exempt position for which~~
35 ~~the employee has applied and is qualified, when the position applied for is equal to or below the salary grade (or~~
36 ~~salary grade equivalency) of the most recent position held prior to placement in the exempt managerial position~~
37 ~~unless an offer has been made to, and accepted by, a person qualified under 25 NCAC 01H .1005, or an employee~~

1 notified of or separated by a reduction in force, or a current State employee with greater cumulative State service
2 subject to the State Human Resources Act.

3 (c) A career State employee as defined in G.S. 126-1.1 who had more than ~~two~~ 2 but less than 10 years of
4 cumulative service in a subject position who moves from one exempt policymaking or exempt managerial position
5 to another exempt policymaking or exempt managerial position without a break in service, who is ~~later~~ removed
6 from the last exempt position for reasons other than just cause, shall receive a one-time reemployment priority. This
7 reemployment priority shall be exercised by the employee within one year following the date of the employee's
8 separation. The employee shall be offered any available subject position for which the employee has applied and is
9 qualified as set forth in the job vacancy announcement, when the position applied for is equal to or below the salary
10 grade (or salary grade equivalency) of the most recent subject position held prior to placement in the exempt
11 managerial position unless an offer has been ~~made to, and~~ accepted ~~by,~~ by a person qualified for mandated
12 reassignment under G.S. 126-5(e)(2) or G.S. 126-5(e)(4) or an employee notified of or separated by a reduction in
13 force, or a current State employee with greater cumulative State service subject to the State Human Resources Act.

14 ~~(e)~~ (d) The reemployment priority considerations described in ~~Paragraph~~ Paragraphs (a), (b) and ~~(c)~~ ~~(b)~~ and (c)
15 of this Rule shall expire when ~~a formal~~ an employee refuses an interview or offer ~~is extended for employment in the~~
16 ~~position~~ for a position for which the employee has ~~applied-applied~~, regardless of the position's salary grade (or
17 salary grade ~~equivalency~~-equivalency), or when an employee accepts a position with the State for which he or she
18 has applied.

19 (e) If an employee does not receive notice as described in ~~25 NCAC 01H .0630(b)~~, Rule ~~[01H]~~ .0630(b) of this
20 Subchapter, the employee ~~remains~~-shall remain subject to the State Human Resources Act until 10 working days
21 after the employee receives written notification of the exempt status. If an otherwise eligible employee is removed
22 from the position designated as exempt, the employee ~~has~~ shall receive reemployment priority consideration to a
23 position at the same salary grade (or salary grade equivalency) as the most recent subject position.

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25 *History Note:* Authority G.S. 126-1.1; 126-5; ~~S.L. 2013-382, s. 4.3, 4.4, 4.6, 7.6;~~
26 *Eff. March 1, 1987;*
27 *Amended Eff. June 1, 1994; June 1, 1992; November 1, 1988;*
28 *Recodified from 25 NCAC 01D .0512 Eff. December 29, 2003;*
29 *Amended Eff. February 1, 2007;*
30 *Temporary Amendment Eff. ~~May 23, 2014.~~ May 23, 2014;*
31 *Amended Eff. August 1, 2015.*
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1 25 NCAC 01H.1003 is amended with changes as published in 29:15 NCR 1746 as follows:

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3 **25 NCAC 01H .1003 AGENCY RESPONSIBILITIES**

4 ~~(a)~~—The employing agency shall inform the employee in writing of the priority reemployment consideration to be

5 ~~afforded.~~ afforded by Rule .1001 (b) and (c) of this Section no later than the time of separation.

6 ~~(b)~~ The Agency shall notify the Office of State Human Resources when:

7 (1) ~~an employee is officially notified of reduction in force;~~

8 (2) ~~an eligible employee accepts a position that satisfies the priority consideration;~~

9 (3) ~~an employee with priority status due to reduction in force is offered a lateral transfer or promotion~~
10 ~~and refuses, unless the position offered is more than 35 miles from the employee's original~~
11 ~~workstation; or~~

12 (4) ~~other conditions that would satisfy or terminate an eligible employee's priority consideration are~~
13 ~~discovered.~~

14 *History Note:* Authority ~~G.S. 126-4(6),(10); S.L. 2013-382;~~ 126-4(4); G.S. 126-5;

15 *Eff. February 1, 2007;*

16 *Amended Eff. August 1, 2015; November 1, 2011.*

1 25 NCAC 01H .1004 - .1005 are repealed as published in 29:15 NCR 1747 as follows:

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3 **25 NCAC 01H .1004 OFFICE OF STATE HUMAN RESOURCES RESPONSIBILITIES**

4 **25 NCAC 01H .1005 MANDATORY RIGHT TO A POSITION**

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6 *History Note: Authority G.S. 126-1.1; 126-4(6), (10); 126-5;*

7 *Eff. February 1, 2007;*

8 *Amended Eff. ~~November 1, 2011~~ November 1, 2011;*

9 *Repealed Eff. August 1, 2015.*