

25 NCAC 01H .0631 POSTING AND ANNOUNCEMENT OF VACANCIES

- (a) An agency shall post its vacant positions.
- (b) Vacancies that shall be filled from within the agency workforce shall have an application period of not less than five business days and shall be posted in at least the locations required by G.S. 126-7.1(a).
- (c) Vacancies to be filled from within or outside the State government workforce are to be listed with the Office of State Human Resources and as required by G.S. 96-29. The vacancies shall have an application period of not less than five business days. For purposes of this Rule, "State government workforce" means those employees who are subject to Articles 1, 2, 5, 6, 7, 8, 13, and 14 of Chapter 126 of the North Carolina General Statutes.
- (d) Each vacancy shall be described in an announcement 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, 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, or quality of care for clients. The critical classifications shall be approved by the State Human Resources Commission. On those classes determined to be critical, which 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 based upon a business need shall be made by the agency head. This includes vacancies:
- (1) that are committed to a budget reduction;
 - (2) used to avoid a reduction in force;
 - (3) used for disciplinary transfers or demotions;
 - (4) to be filled by transfer of an employee to avoid the threat of bodily harm;
 - (5) that are designated exempt policymaking under G.S. 126-5(d);
 - (6) that must be filled immediately to prevent work stoppage in constant demand situations, or to protect the public health, safety, or security;
 - (7) 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) 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) to be filled by a legally binding settlement agreement;
 - (10) to be filled in accordance with a pre-existing written agency workforce plan; and
 - (11) 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); 126-7.1; 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.