

## SECTION .1000 – EXEMPT PRIORITY CONSIDERATION

### 25 NCAC 01H .1001 EXEMPT PRIORITY REEMPLOYMENT CONSIDERATION – POLICY AND SCOPE

- (a) The rules in this Section apply to employees hired on or before August 20, 2013 and removed from:
- (1) Exempt policymaking positions for reasons other than just cause; and
  - (2) Exempt managerial positions for reasons other than just cause.
- (b) A career State employee as defined in G.S. 126-1.1 with less than 10 years cumulative service in subject positions prior to placement in an exempt policymaking or exempt managerial position, who is removed from an exempt policymaking or exempt managerial position for reasons other than just cause, shall receive a one-time reemployment priority. This reemployment priority shall be exercised by the employee in writing on the application for employment within one year following the date of the employee's separation. The employee shall be offered any available subject position for which the employee has applied and is qualified as set forth in the job vacancy announcement when the position applied for is equal to or below the salary grade (or salary grade equivalency) of the most recent subject position held prior to placement in the exempt policymaking or exempt managerial position unless an offer has been made to, and accepted by, a person qualified for mandated 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 force, or a current State employee with greater cumulative State service subject to the State Human Resources Act.
- (c) A career State employee as defined in G.S. 126-1.1 who had more than 2 but less than 10 years of cumulative service in a subject position who moves from one exempt policymaking or exempt managerial position to another exempt policymaking or exempt managerial position without a break in service, who is removed from the last exempt position for reasons other than just cause, shall receive a one-time reemployment priority. This reemployment priority shall be exercised by the employee within one year following the date of the employee's separation. The employee shall be offered any available subject position for which the employee has applied and is qualified as set forth in the job vacancy announcement, when the position applied for is equal to or below the salary grade (or salary grade equivalency) of the most recent subject position held prior to placement in the exempt managerial position unless an offer has been accepted by a person qualified for mandated 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 force, or a current State employee with greater cumulative State service subject to the State Human Resources Act.
- (d) The reemployment priority considerations described in Paragraphs (b) and (c) of this Rule shall expire when an employee refuses an interview or offer for a position for which the employee has applied, regardless of the position's salary grade (or salary grade equivalency), or when an employee accepts a position with the State for which he or she has applied.
- (e) If an employee does not receive notice as described in Rule .0630(b) of this Subchapter, the employee shall remain subject to the State Human Resources Act until 10 working days after the employee receives written notification of the exempt status. If an otherwise eligible employee is removed from the position designated as exempt, the employee shall receive reemployment priority consideration to a position at the same salary grade (or salary grade equivalency) as the most recent subject position.

*History Note: Authority G.S. 126-1.1; 126-5;  
Eff. March 1, 1987;  
Amended Eff. June 1, 1994; June 1, 1992; November 1, 1988;  
Recodified from 25 NCAC 01D .0512 Eff. December 29, 2003;  
Amended Eff. February 1, 2007;  
Temporary Amendment Eff. May 23, 2014;  
Temporary Amendment Expired March 13, 2015;  
Amended Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.*