

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 689  
HOUSE BILL 927

AN ACT TO REQUIRE THAT STATE JOB VACANCIES BE POSTED AND THAT  
CURRENT STATE EMPLOYEES RECEIVE PRIORITY CONSIDERATION FOR  
PROMOTIONS OVER OUTSIDE APPLICANTS WITH EQUAL  
QUALIFICATIONS.

The General Assembly of North Carolina enacts:

Section 1. The title of Article 2 of Chapter 126 of the General Statutes reads as rewritten:

"Salaries, Promotions, and Leave of State Employees."

Sec. 2. Article 2 of Chapter 126 is amended by adding a section after G.S. 126-7 to read:

**"§ 126-7.1. Posting requirement; State employees receive priority consideration. –**

(a) All vacancies for which any State agency, department, or institution openly recruit shall be posted within at least the following:

- (1) The personnel office of the agency, department, or institution having the vacancy; and
- (2) The particular work unit of the agency, department, or institution having the vacancy

in a location readily accessible to employees. If the decision is made, initially or at any time while the vacancy remains open, to receive applicants from outside the recruiting agency, department, or institution, the vacancy shall be listed with the Office of State Personnel for the purpose of informing current State employees of such vacancy. The State agency, department, or institution may not receive approval from the Office of State Personnel to fill a job vacancy if the agency, department, or institution cannot prove to the satisfaction of the Office of State Personnel that it complied with these posting requirements. The agency, department, or institution which hires any person in violation of these posting requirements shall pay such person when employment is discontinued as a result of such violation for the work performed during the period of time between his initial employment and separation.

(b) Subsection (a) of this section does not apply to vacancies which must be filled immediately to prevent work stoppage or the protection of the public health, safety, or security.

(c) If a State employee:

- (1) Applies for another position of State employment; and
- (2) Has substantially equal qualifications as an applicant who is not a State employee

then the State employee shall receive priority consideration over the applicant who is not a State employee.

(d) 'Qualifications' within the meaning of subsection (c) of this section shall consist of:

- (1) Training or education;
- (2) Years of experience; and
- (3) Other skills, knowledge, and abilities that bear a reasonable functional relationship to the abilities and skills required in the job vacancy applied for."

Sec. 3. Article 8 of Chapter 126 of the General Statutes is amended by adding a section after G.S. 126-36.1 to read:

**"§ 126-36.2. Appeal to Personnel Commission by State employee denied notice of vacancy or priority consideration.**—Any State employee who has reason to believe that he was denied promotion due to the failure of the agency, department, or institution that had a job vacancy to:

- (1) Post notice of the job vacancy pursuant to G.S. 126-7.1(a) or;
- (2) Give him priority consideration pursuant to G.S. 126-7.1(c)

may appeal directly to the State Personnel Commission."

Sec 4. The State Personnel Director shall present a report to the 1989 General Assembly, no later than March 1, 1989, containing the following:

- (a) An assessment of the impact of this act on employing agencies and current State employees seeking promotional opportunities;
- (b) An assessment of the ability of State agencies to recruit and hire outside applicants for State government employment; and
- (c) An assessment of the appeals process set forth in G.S. 126-36.2, including the number of appeals filed as a result of this act.

Sec. 5. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 31st day of July, 1987.