

§ 126A-1-11. Qualification as career employee.

(a) An employee in a probationary appointment shall be assigned a career appointment as follows:

- (1) An employee who successfully completes 12 months of employment in a probationary appointment shall be assigned a career appointment except as provided in subdivisions (2) and (3) of this subsection. The employee shall be assigned a career appointment unless there is a supervisory extension of the probationary period or separation based on performance or conduct prior to the completion of the 12 months of employment.
- (2) If the employee's supervisor determines an additional six-month period is needed to assess whether the employee's performance in the probationary appointment is successful or needs improvement, the employee who successfully completes a total of 18 months of probationary appointment shall be assigned a career appointment.
- (3) An employee hired in a sworn law enforcement position or forensic scientist position who is required to complete a formal training program prior to assuming law enforcement or forensic scientist duties with the employing agency shall be assigned a career appointment only after being employed by the agency for 24 continuous months in a probationary appointment. An employee who has a career appointment retains that appointment if the employee transfers from a position that does not require completion of a formal training program into a position under this subdivision that does require a formal training program, even if the employee has worked for the agency for fewer than 24 continuous months.

(b) An employee in a permanent experiential appointment shall be assigned a career appointment as follows:

- (1) For experiential programs of 12 months or longer, an employee who successfully completes an experiential program in a permanent experiential appointment shall be assigned a career appointment. The employee shall be assigned a career appointment unless there is a separation based on performance or conduct prior to the completion of the experiential program.
- (2) For experiential programs of less than 12 months, an employee who successfully completes the experiential program shall be assigned a probationary appointment and shall receive a career appointment as provided in subsection (a) of this section.

(c) When an employee transfers employment between two local agencies, or between an executive branch agency and a local agency, that employee resets the period of consecutive service required in subsection (a) of this section.

(d) Employees of The University of North Carolina who are exempt from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act and who attained career status before September 1, 2023, have the option of either (i) continuing employment with a career employee appointment if the employee remains in the position the employee occupied on August 31, 2023, or (ii) waiving the career employee appointment and continuing employment as a statutorily exempt employee, as defined in Part 3 of this Article. The University shall provide each affected employee with a written explanation of the impact of an election to waive the career employee appointment. An employee's election to waive the career employee appointment must be acknowledged either through the employee's written or electronic signature within 60 days of receiving the written explanation. (2026-40, s. 1.)