

Part 3. Application of the North Carolina Human Resources Act.

§ 126A-1-20. Definitions.

For the purposes of this Part, the terms used in Part 2 of this Article and the following definitions apply:

- (1) Designated employees of policymakers. – Any of the following who have been designated as exempt by the agency head and provided written notice:
 - a. For each agency, three confidential assistants for each agency head and one confidential assistant for each chief deputy or chief administrative assistant.
 - b. The chief deputy or chief administrative assistant to the head of each agency.
- (2) Exempt managerial employee. – A position designated under G.S. 126A-1-24.
- (3) Exempt policymaking employee. – A position designated under G.S. 126A-1-24.
- (4) Exempt wardens. – Wardens of State adult correctional facilities that have been designated as exempt by the agency head and provided written notice. Exempt wardens shall be public servants under G.S. 138A-3(70) and shall file Statements of Economic Interest under G.S. 138A-22.
- (5) Limited exemption employees. – Any of the following:
 - a. The Office of the Commissioner of Banks and its employees.
 - b. The following employees of the Department of Natural and Cultural Resources:
 1. Director and Associate Directors of the North Carolina Museum of History.
 2. Program Chiefs and Curators.
 3. Regional History Museum Administrators and Curators.
 4. Employees assigned to assist the North Carolina Symphony Society, Incorporated.
 5. Director, Associate Directors, and Curators of Tryon Palace.
 6. Director, Associate Directors, and Curators of the Transportation Museum.
 7. Director and Associate Directors of the North Carolina Arts Council.
 8. Director, Assistant Directors, and Curators of the Division of State Historic Sites.
 - c. Employees of the Department of Information Technology (DIT), and employees in all agencies, departments, and institutions with similar classifications as DIT employees, who voluntarily relinquish annual longevity payments, relinquish any claim to longevity pay, or voluntarily relinquish any claim to career status or eligibility for career status as approved by the State Chief Information Officer and the Director of OSHR.
 - d. Employees of the Utilities Commission's Public Staff.
- (6) Specialized Treasurer's Office employees. – All of the following:
 - a. Employees of the Department of State Treasurer possessing specialized skills or knowledge necessary for the proper administration of investment programs and compensated pursuant to G.S. 147-65.2(b).

- b. Employees of the Department of State Treasurer possessing specialized skills or knowledge necessary for the proper administration of the Supplemental Retirement Plans and compensated pursuant to G.S. 135-91(c2).
- (7) State employees compensated as teachers. – Teaching and related educational classes of employees of the Division of Juvenile Justice of the Department of Public Safety, the Department of Health and Human Services, and any other agency whose salaries are set in the same manner as for corresponding public school employees in accordance with Chapter 115C of the General Statutes.
- (8) Statutorily exempt employees. – Any of the following:
 - a. Constitutional officers of the executive branch of the State.
 - b. Deputy commissioners appointed pursuant to G.S. 97-79.
 - c. Members of executive branch boards, committees, commissions, councils, and advisory councils compensated on a per diem basis.
 - d. Officials or employees whose salaries are fixed by the General Assembly, except for those employees on a legislatively established salary schedule not otherwise exempted by this Chapter, or by the Governor, or by the Governor and Council of State, or by the Governor subject to the approval of the Council of State.
 - e. Employees of the Office of the Governor that the Governor, at any time, in the Governor's discretion, exempts from the application of this Chapter by means of a letter to the Director designating these employees.
 - f. Employees of the Office of the Lieutenant Governor, that the Lieutenant Governor, at any time, in the Lieutenant Governor's discretion, exempts from the application of this Chapter by means of a letter to the Director designating these employees.
 - g. Employees of The University of North Carolina who are exempt from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act, instructional and research staff, student-oriented professionals, finance professionals, business office professionals, auditor professionals, information technology professionals, physicians, dentists, pilots, and the faculty of the North Carolina School of Science and Mathematics, and all temporary employees. The Board of Governors of The University of North Carolina shall have the authority to establish positions under this subdivision to be exempt from this Chapter without further review or approval by any other agency.
 - h. Employees of a regional school established pursuant to Article 15A of Chapter 115C of the General Statutes.
 - i. Employees of a school for the deaf or blind governed by Article 9C of Chapter 115C of the General Statutes hired on or after July 1, 2024.
 - j. Employees whose salaries are fixed under the authority vested in the Board of Governors of The University of North Carolina by the provisions of G.S. 116-11(4), 116-11(5), and 116-14.
 - k. Employees of the North Carolina Cooperative Extension Service of North Carolina State University and North Carolina Agricultural and Technical State University who are employed in county operations and who are not exempt pursuant to sub-subdivision g. or j. of this subdivision.

- l. Employees of the North Carolina State Ports Authority.
- m. Employees of the North Carolina Global TransPark Authority.
- n. The executive director and one associate director of the North Carolina Center for Nursing established under Article 9F of Chapter 90 of the General Statutes.
- o. Employees of the Tobacco Trust Fund Commission established in Article 75 of Chapter 143 of the General Statutes.
- p. Employees of the North Carolina Turnpike Authority.
- q. The Executive Administrator of the State Health Plan for Teachers and State Employees and employees of the State Health Plan for Teachers and State Employees as designated by law or by the Executive Administrator of the Plan.
- r. The North Carolina State Lottery Director and employees of the North Carolina State Lottery.
- s. The Chief Administrative Law Judge of the Office of Administrative Hearings and five employees of the Office of Administrative Hearings as designated by the Chief Administrative Law Judge.
- t. The Executive Director and the Assistant Director of the U.S.S. North Carolina Battleship Commission.
- u. The Executive Director, Deputy Director, all other directors, assistant and associate directors, and Center fellows of the North Carolina Center for the Advancement of Teaching.
- v. Employees of the Department of Commerce employed in the Rural Economic Development Division.
- w. Employees of the North Carolina Health Information Exchange Authority.
- x. Employees of the Division of Health Benefits of the Department of Health and Human Services.
- y. The Associate Superintendent of Early Education of the Department of Public Instruction who serves as chief academic officer of early education.
- z. Employees of the North Carolina Youth Outdoor Engagement Commission.
- aa. Employees of the Division of State Operated Healthcare Facilities of the Department of Health and Human Services who are (i) health care professionals licensed under Chapter 90 or Chapter 90B of the General Statutes or (ii) engineers responsible for maintenance or buildings operations at one of the health care facilities operated by the Secretary of the Department of Health and Human Services under G.S. 122C-181.
- bb. The Executive Director of the North Carolina Boxing and Combat Sports Commission created pursuant to G.S. 143-652.2.
- cc. No more than 10 employees of the State Bureau of Investigation designated by the Director of the State Bureau of Investigation.
- dd. No more than 17 employees of the State Highway Patrol as designated by the Commander of the State Highway Patrol.
- ee. The Chief Investment Officer of the North Carolina Investment Authority and employees of the North Carolina Investment Authority who possess specialized skills or knowledge necessary for the proper administration of investment programs and who are employed in a

- position designated by the Chief Investment Officer as exempt in accordance with G.S. 147-72.1.
- ff. Liaisons to the Collaboration for Prosperity Zones set out in G.S. 143B-28.1 for the Departments of Commerce, Environmental Quality, and Transportation.
 - gg. Employees of the Utilities Commission who work under the direction of the Commission as provided by G.S. 62-14.
 - hh. **(For effective date, see note).** Employees of the Building Codes and Interpretations Bureau established pursuant to Article 24 of Chapter 95 of the General Statutes.
- (9) University health employees. – Any of the following:
- a. Employees of the University of North Carolina Health Care System.
 - b. Employees of the University of North Carolina Hospitals at Chapel Hill.
 - c. Employees of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill.
 - d. Employees of the Medical Faculty Practice Plan, a division of the School of Medicine of East Carolina University.
 - e. Employees of UNC-CH Dental School Clinical Operations, a division of the Adams School of Dentistry at the University of North Carolina at Chapel Hill.
 - f. Employees of ECU Dental School Clinical Operations, a division of the School of Dental Medicine at East Carolina University.
- (10) University police officers. - Commissioned police officer positions of The University of North Carolina. Employees in these positions are eligible for all employment and retirement benefits provided to State law enforcement officers subject to this Chapter. (2026-40, ss. 1, 5(e)-(g), (j).)