§ 126A-11-2. Use of JoinNC Program.

(a) All Cabinet agencies that utilize temporary employees shall employ them through the JoinNC Program administered by OSHR, except as provided in subsection (e) of this section.

(b) Council of State agencies, constituent institutions of The University of North Carolina, local agencies, and consolidated agencies as defined in G.S. 153A-77(b) may use the JoinNC Program in accordance with this section.

(c) Temporary employees shall not be employed for longer than 11 consecutive months, unless an exception is granted under subsection (f) of this section. After 11 consecutive months of employment, a temporary employee is eligible for reinstatement on the job assignment after the employee is separated for at least 31 consecutive calendar days. It is the responsibility of participating agencies to provide a separation request or notification of a 31-day separation to OSHR before the temporary employee exceeds 11 consecutive months of employment, unless an exception under subsection (f) of this section applies. Failure to provide a timely separation request to OSHR may limit an agency's future access to temporary employees.

(d) OSHR may prohibit any agency or entity, except the North Carolina National Guard, from acquiring new temporary employees if the agency or entity has an invoice owed to JoinNC that is (i) more than 90 days overdue and (ii) exceeds two hundred thousand dollars ($200,000). If an agency or entity is prohibited, the prohibition shall continue until all overdue invoices are paid.

(e) Notwithstanding the requirement of subsection (a) of this section, Cabinet agencies may employ temporary employees outside of the JoinNC Program in the following circumstances:

(1) The temporary employees are performing work that is information technology-related.

(2) The Department of Transportation, Ferry Division, is employing temporary employees when there is an established need for peak-season hires or when the work requires a specific skillset beyond the scope of a temporary employee.

(3) The Director in his or her discretion creates an exception when all of the following conditions are met:

a. The JoinNC Program cannot meet the agency's employment needs for the temporary position's classification.

b. Failure to recruit for the positions will cause severe harm to the agency's ability to provide services to the public.

(4) The Department of Natural and Cultural Resources is employing temporary employees in any of the following administrative divisions:

a. Division of Parks and Recreation.

b. Division of North Carolina Aquariums.

c. Division of State Historic Sites.

d. Division of State History Museums.

e. North Carolina Museum of Art.

f. North Carolina State Museum of Natural Sciences.

g. North Carolina Zoological Park.

h. Tryon Palace Commission.

i. U.S.S. North Carolina Battleship Commission.

(f) Notwithstanding the limitations of subsection (c) of this section, a temporary employee may be employed for longer than 11 consecutive months in the following circumstances:

(1) The temporary employee is a full-time student, a retired employee, an offender, an intern, or an extern. The following definitions apply to this subdivision:

a. Extern. – A student who, regardless of the number of credit hours enrolled, is employed as part of a written agreement between the agency and an academic institution through which the student is paid and earns course credit.

b. Full-time student. – A student considered to be a full-time student by his or her institution of higher education.

c. Intern. – A student who, regardless of the number of credit hours enrolled, works to gain occupational experience for a period of at least one academic semester.

d. Offender. – An individual in the custody of the Department of Adult Correction participating in a work release program.

e. Retired employee. – An individual drawing retirement benefits who has signed a statement that he or she is not available for or seeking permanent employment with an agency.

(2) The Director in his or her discretion creates an exception when all of the following conditions are met:

a. The exception is in the best interests of the State because removing the temporary employee from the assignment will cause severe harm to the agency's ability to provide vital services to the public.

b. The exception will not result in extending the length of temporary employment beyond 22 months from the employee's initial hire date.

(g) The North Carolina National Guard may request exceptions as provided in subsection (f) of this section by the Director who shall not deny the exception. Requests for exceptions shall be in writing, contain a justification of why the exception is necessary, and be kept on file in the JoinNC Program office.

(h) To the extent practicable, the Director or his or her designee shall advise agencies of alternative position classification options prior to approving any exceptions under subsection (e) or (f) of this section.

(i) OSHR shall monitor the employment of all temporary employees placed through JoinNC and directly employed by Cabinet agencies and Council of State agencies. When an employee has exceeded 11 consecutive months of employment, OSHR shall intiate separation from any applicable human resources and payroll systems no more than two weeks past the 11-month limit, unless an exception under subsection (f) of this section applies. OSHR shall provide written notice to employing agencies at intervals of 90, 60, and 30 days prior to a temporary employee reaching 11 consecutive months of employment. (2026-40, ss. 1, 5.9(k).)