

§ 126A-5-13. Reemployment rights for employees hired before August 21, 2013.

(a) An exempt policymaking or exempt managerial employee may be transferred, demoted, or separated from his or her position by the agency head authorized to designate the exempt position except as follows:

- (1) When an employee who has the minimum service requirements to be a career employee but less than 10 years of cumulative service in subject positions prior to placement in an exempt policymaking or exempt managerial position is removed from an exempt policymaking or exempt managerial position, for reasons other than just cause, the employee shall have priority to any position that becomes available for which the employee is qualified, according to policies regulating and defining priority established by the Commission.
- (2) When an employee who has 10 years or more cumulative service, including the immediately preceding 12 months, in subject positions prior to placement in an exempt policymaking or exempt managerial position is removed from an exempt policymaking or exempt managerial position, for reasons other than just cause, the employee shall be reassigned to a subject position within the same agency, or if necessary within another agency, at the same grade and salary, including all across-the-board increases since placement in the position designated as exempt, as his or her most recent subject position.
- (3) When a career employee who has more than two but less than 10 years of cumulative service in a subject position moves from one exempt policymaking or exempt managerial position covered by this subsection to another exempt policymaking or exempt managerial position covered by this subsection without a break in service and that employee is later removed from the last exempt policymaking or exempt managerial position, for reasons other than just cause, the employee shall have priority to any position that becomes available for which the employee is qualified, according to the policies regulating and defining priority as established by the Commission.
- (4) When a career employee who has 10 years or more of cumulative service moves from one exempt policymaking or exempt managerial position covered by this subsection to another exempt policymaking or exempt managerial covered by this subsection without a break in service and that employee is later removed from the last exempt policymaking or exempt managerial position, for reasons other than just cause, the employee shall be reassigned to a subject position within the same agency, or if necessary, within another agency. The employee shall be paid at the same grade and salary as the employee's most recent subject position, including all across-the-board legislative increases awarded since the employee's placement in the position that was designated as exempt.

(b) An agency head is authorized to use existing budgeted positions within his or her agency to carry out the provisions of subsection (a) of this section. If it is necessary to meet the requirements of subsection (a) of this section, an agency head may use salary reserve funds authorized for his or her agency. (2026-40, s. 1.)