

**§ 126A-5-5. Hiring from pool of most qualified candidates.**

(a) Agencies shall select an applicant to hire for a position from the pool of the most qualified candidates using fair and valid selection criteria. A qualified candidate is a person who timely applied for the position and meets the minimum qualifications for the position classification. Any additional knowledge, skills, and abilities listed in the posting for the position beyond the minimum qualifications are management preferences.

(b) When selecting qualified candidates pursuant to subsection (a) of this section, an agency may use skills-based hiring to determine whether a person meets the minimum qualifications based on demonstrated competencies, instead of solely based on education, experience, or credentials. An agency may use an assessment process that tests whether the applicant demonstrates sufficient competency or skill level in a technical discipline, behavioral skills, or other relevant competencies necessary to perform the work for the position classification. Agencies using an assessment process shall ensure that it is fair and reasonably related to predicting success in the position.

(c) Notwithstanding subsection (a) of this section, agencies may offer experiential programs to candidates not meeting the minimum qualifications for the position classification. An agency may identify positions appropriate for a permanent or non-permanent experiential appointment and hire an applicant who is expected to meet the minimum qualifications for the position classification following a fixed time period of employment and education or training that occurs while employed, not to exceed four years. Employees hired into experiential appointments may be selected for the position regardless of whether there are qualified candidates in the applicant pool. An experiential appointment hiring is exempt from the hiring priorities identified in G.S. 126A-5-11. (2026-40, s. 1.)