

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 942

Committee Substitute Favorable 5/9/91

Senate State Personnel and State Government Committee Substitute Adopted 6/17/91

Short Title: Reduction in Force Priority.

(Public)

Sponsors:

Referred to:

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PRIORITY CONSIDERATION TO STATE EMPLOYEES WHO RECEIVE REDUCTION IN FORCE NOTIFICATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-7.1 reads as rewritten:

"§ 126-7.1. Posting requirement; State employees receive priority consideration.

(a) All vacancies for which any State agency, department, or institution openly recruit shall be posted within at least the following:

(1) The personnel office of the agency, department, or institution having the vacancy; and

(2) The particular work unit of the agency, department, or institution having the vacancy

in a location readily accessible to employees. If the decision is made, initially or at any time while the vacancy remains open, to receive applicants from outside the recruiting agency, department, or institution, the vacancy shall be listed with the Office of State Personnel for the purpose of informing current State employees of such vacancy. The State agency, department, or institution may not receive approval from the Office of State Personnel to fill a job vacancy if the agency, department, or institution cannot prove to the satisfaction of the Office of State Personnel that it complied with these posting requirements. The agency, department, or institution which hires any person in violation of these posting requirements shall pay such person when employment is

1 discontinued as a result of such violation for the work performed during the period of
2 time between his initial employment and separation.

3 (b) Subsection (a) of this section does not apply to vacancies which must be
4 filled immediately to prevent work stoppage or the protection of the public health,
5 safety, or security.

6 (c) If a State employee:

7 (1) Applies for another position of State employment; and

8 (2) Has substantially equal qualifications as an applicant who is not a State
9 employee then the State employee shall receive priority consideration
10 over the applicant who is not a State employee.

11 (c1) If a State employee who has been separated due to reduction in force or who
12 has been given notice of imminent separation due to reduction in force:

13 (1) Applies for another position of State employment equal to or lower in
14 salary grade than the position held by the employee at the time of
15 notification or separation; and

16 (2) Is determined qualified for that position

17 then within the separating agency, the State employee shall receive priority
18 consideration over other applicants including those who are current State employees not
19 affected by the reduction in force. Within all other agencies, the State employee shall
20 receive priority consideration over other applicants from outside State government, but
21 shall receive equal consideration with other applicants who are current State employees
22 not affected by the reduction in force. This priority shall remain in effect for a period of
23 12 months from the date the employee receives notification of separation by reduction
24 in force. State employees separated due to reduction in force shall receive higher
25 priority than other applicants with employment or reemployment priorities, except that
26 the reemployment priority created by G.S. 126-5(e)(1) shall be considered as equal. The
27 reduction in force priority created by this act shall be administered in accordance with
28 rules promulgated by the State Personnel Commission.

29 (d) 'Qualifications' within the meaning of subsection (c) of this section shall
30 consist of:

31 (1) Training or education;

32 (2) Years of experience; and

33 (3) Other skills, knowledge, and abilities that bear a reasonable functional
34 relationship to the abilities and skills required in the job vacancy
35 applied for."

36 Sec. 2. This act is effective upon ratification.