

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 942  
Committee Substitute Favorable 5/9/91

Short Title: Reduction in Force Priority.

(Public)

Sponsors:

Referred to:

April 19, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE PRIORITY CONSIDERATION TO STATE EMPLOYEES  
3 WHO RECEIVE REDUCTION IN FORCE NOTIFICATION.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 126-7.1 reads as rewritten:  
6 "§ 126-7.1. Posting requirement; State employees receive priority consideration.  
7 (a) All vacancies for which any State agency, department, or institution openly  
8 recruit shall be posted within at least the following:  
9 (1) The personnel office of the agency, department, or institution having  
10 the vacancy; and  
11 (2) The particular work unit of the agency, department, or institution  
12 having the vacancy  
13 in a location readily accessible to employees. If the decision is made, initially or at any  
14 time while the vacancy remains open, to receive applicants from outside the recruiting  
15 agency, department, or institution, the vacancy shall be listed with the Office of State  
16 Personnel for the purpose of informing current State employees of such vacancy. The  
17 State agency, department, or institution may not receive approval from the Office of  
18 State Personnel to fill a job vacancy if the agency, department, or institution cannot  
19 prove to the satisfaction of the Office of State Personnel that it complied with these  
20 posting requirements. The agency, department, or institution which hires any person in  
21 violation of these posting requirements shall pay such person when employment is  
22 discontinued as a result of such violation for the work performed during the period of  
23 time between his initial employment and separation.

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

4 (c) If a State employee:

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

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

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

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

14 (2) Is determined qualified for that position

15 then the State employee shall receive priority consideration over other applicants  
16 including those who are current State employees not affected by the reduction in force.  
17 This priority shall remain in effect for a period of twelve months from the date the  
18 employee receives notification of separation by reduction in force. State employees  
19 separated due to reduction in force shall receive higher priority than other applicants  
20 with employment or reemployment priorities, except that the reemployment priority  
21 created by G.S. 126-5(c)(1) shall be considered as equal.

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

24 (1) Training or education;

25 (2) Years of experience; and

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

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