

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 942

Short Title: Reduction in Force Priority.

(Public)

Sponsors: Representative Hensley.

Referred to: Public Employees.

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 reduction in force:

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

12 (2) Is determined qualified for that position

13 then the State employee shall receive priority consideration over other applicants
14 including those who are current State employees not affected by the reduction in force.
15 State employees separated due to reduction in force shall receive highest priority.

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

18 (1) Training or education;

19 (2) Years of experience; and

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

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