

Reduction In Force Priority

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Policy

Legislation provides an employment priority to career state employees, subject to the North Carolina (NC) Human Resources Act, who have been officially notified in writing of Reduction in Force (RIF) to enable a State employee to return to state service.

Coverage

Employees with career status (as defined by GS 126-1.1), who have received official written notification of imminent separation due to reduction in force, are eligible for priority consideration under the provisions outlined below.

An employee who is separated from a time-limited appointment is not eligible for priority unless the appointment extends beyond three years.

Relationship to Other Priorities

The priority for employees separated by reduction in force (RIF) and the priority for employees with less than 10 years of service subject to the NC Human Resources Act separated from exempt policy-making or exempt managerial positions are equal.

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Appeals

A career State employee, as defined in G.S. 126-1.1, with priority consideration who has reason to believe priority consideration was denied in a selection decision, shall appeal through the agency grievance procedure in accordance with G.S. 126-34.02.

Period of Priority

An employee shall receive priority consideration for a period of 12 months from the date of the official written notification.

Employees who have priority status at the time of application for a vacant position and who apply during the designated agency recruitment period will be considered as priority applicants until the selection process is completed for that position.

Once an employee has been officially notified of separation by reduction in force, the employee's 12-month period of priority begins. Agencies may, however, if funds are identified to continue employment for the employee, delay the separation date beyond the date originally stated in order to continue employment as long as funds are available. Regardless, the 12-month priority period begins from the date of initial notification of reduction in force.

Priority Consideration

Within all State agencies, an employee officially notified of reduction in force shall receive priority consideration. If it is determined that an eligible employee and any other applicant have "substantially equal qualifications," then the eligible RIF employee must receive the job offer. However, the priority for employees separated by reduction in force (RIF) and the priority for employees with less than 10 years of service subject to the NC Human Resources Act separated from exempt policy-making or exempt managerial positions are equal.

"Substantially equal qualifications" occur when the employer cannot make a reasonable determination that the job-related qualifications held by one applicant are significantly better suited for the position than the job-related qualifications held by another applicant.

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The nature of the priority to be provided is as follows:

Employees in a permanent full-time position that are notified of reduction in force shall have priority consideration to permanent full-time and permanent part-time positions. Employees in a permanent part-time position that are notified of reduction in force shall have priority consideration to permanent part-time positions only.

Grade to Grade

RIF applicants shall have priority for positions at the same salary grade or below as held at the time of official written notification.

Grade to Band or Band to Grade

For RIF applicants applying for positions in a different classification system than their classification at the time of official written notification (i.e., from graded to career banded or vice versa), a salary grade equivalent will be assigned for each competency level within a career banded classification. Applicants shall have priority for positions at the same salary grade (or salary grade equivalency) or below.

Band to Band

The salary grade equivalent should not be used when determining the RIF priority for a RIF applicant who was in a banded class at the time of notification and is applying for a position in a banded class. RIF applicants shall have priority for positions in the same banded classification at the same competency level or lower as that held at the time of notification, or for positions in a different banded classification with the same or lower journey market rate as that held at the time of notification.

Employees do not have priority consideration to exempt policymaking or exempt managerial positions.

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RIF from Trainee Positions

For employees receiving notification of imminent separation from trainee positions, who are eligible for priority consideration, the salary grade for which priority is to be afforded is the salary grade of the full class.

RIF from Flat Rate Positions

For employees receiving notification of imminent separation from flat-rate positions, who are eligible for priority consideration, the salary grade for which priority is to be afforded is the salary grade which has as its maximum a rate nearest to the flat rate salary of the eligible employee.

Priority for Retiring Employees

An employee who, after receiving official written notice of imminent reduction in force, retires or applies for retirement prior to the separation date waives the right to priority.

Priority for Employees Currently Possessing Priority

An employee notified of imminent separation through reduction in force while actively possessing priority consideration from a previous reduction in force shall retain the initial priority for the remainder of the 12-month priority period. A new priority consideration period shall then begin at the salary grade (or salary grade equivalency), of the position held at the most recent notification of separation, and expires 12 months from the most recent notification of separation and shall expire 12 months from the most recent notification date.

Salary Requirements

The salary paid to a RIF applicant shall be calculated according to the salary administration policies. A RIF applicant shall not be paid a salary higher than the maximum of the salary grade (or banded salary range) of the position accepted.

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Probationary Period

An employee with reduction in force priority status is required to serve a new probationary period when there is a break in service.

Termination of RIF Priority Consideration

Priority consideration for an eligible employee is terminated when:

- an employee applies for a position but declines an interview or offer of the position if the position is at a salary grade (or salary grade equivalency) or salary rate equal to or greater than that held at the time of notification; or
- an employee accepts a position with the State at the same salary rate or higher rate than the salary rate at the time of notification of separation; or
- If an employee accepts a permanent or time-limited position with the State at the same salary grade (salary grade equivalency) or higher than the position held at the time of notification of separation; or
- an employee accepts a career banded position at the same or higher competency level in the same banded classification as held at the time of notification, or
- an employee accepts a career banded position in a different banded classification with the same or higher journey market rate than held at the time of notification; or
- an employee with priority status accepts a position at a lower salary rate or lower employee's salary grade (or salary grade equivalency) and is subsequently terminated by disciplinary action, any remaining priority consideration ceases; or
- an employee has received 12 months priority, consideration; or
- an employee applies for retirement or retires from State employment.

Priority reemployment consideration is **not terminated** when an eligible employee is **placed** in a position within 35 miles of the employee's original work station prior to the separation date due to reduction in force, if the position is at a lower salary grade (or salary grade equivalency) or salary rate less than that held at the time of notification, and if the position is at the same appointment status.

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Effect on Priority if Lower Level Position and Lower Salary Rate Accepted

When an employee applies for and accepts a permanent or time-limited position with a lower salary grade (or salary grade equivalency) and salary rate than that held at the time of notification, the employee retains priority for higher salary grades (or salary grade equivalencies) up to and including that held at the time of the notification of separation.

RIF Priority Consideration and Other Employment

An employee may accept the following employment and retain priority consideration throughout the 12-month priority period:

- employment outside State government,
- a State position not subject to the NC Human Resources Act,
- a temporary position, or
- a contractual arrangement (see Advisory Note).

Any employee separated from State government and currently receiving severance wages shall not be employed under a contractual arrangement by any State agency, other than the constituent institutions of the UNC System and the constituent institutions of the N. C. Community College System, until 12 months have elapsed since the separation as provided by G.S. 126-8.5.

Notification to the Office of State Human Resources

State agencies shall notify the Office of State Human Resources when employees are officially notified in writing of the reduction in force. Also, state agencies shall notify the Office of State Human Resources when a RIF applicant is hired and when their priority is satisfied or terminated. Timely notification to the Office of State Human Resources is required to ensure the Priority Verification List is accurate. The Priority Verification List is a tool for agency HR staff to quickly assess priority status of applicants.