

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1069

Short Title: Encourage State Work First Hires.

(Public)

Sponsors: Representatives Womble; Adams, Blue, Bonner, Boyd-McIntyre, Braswell, Buchanan, Cole, Cunningham, Davis, Decker, Earle, Eddins, Fitch, Fox, Gamble, Goodwin, Hightower, H. Hunter, Hurley, Jarrell, Jeffus, Kinney, Luebke, McAllister, McCrary, Mercer, Michaux, Moore, Mosley, Oldham, Rayfield, Redwine, Saunders, Sexton, Smith, Sutton, Wainwright, Warner, Warwick, Watson, C. Wilson, Wright, and Yongue.

Referred to: State Government.

April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE STATE PERSONNEL ACT TO ENCOURAGE THE
2 HIRING INTO STATE GOVERNMENT EMPLOYMENT OF QUALIFIED WORK
3 FIRST PROGRAM PARTICIPANTS.
4

5 The General Assembly of North Carolina enacts:

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

7 "**§ 126-7.1. Posting requirement; State employees receive priority consideration;**
8 **reduction-in-force ~~rights~~-rights; Work First hiring.**

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

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

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

1 in a location readily accessible to employees. If the decision is made, initially or at any
2 time while the vacancy remains open, to receive applicants from outside the recruiting
3 agency, department, or institution, the vacancy shall be listed with the Office of State
4 Personnel for the purpose of informing current State employees of such vacancy. The
5 State agency, department, or institution may not receive approval from the Office of State
6 Personnel to fill a job vacancy if the agency, department, or institution cannot prove to
7 the satisfaction of the Office of State Personnel that it complied with these posting
8 requirements. The agency, department, or institution which hires any person in violation
9 of these posting requirements shall pay such person when employment is discontinued as
10 a result of such violation for the work performed during the period of time between his
11 initial employment and separation.

12 (a1) State employees to be affected by a reduction in force shall be notified of the
13 reduction in force as soon as practicable, and in any event, no less than 30 days prior to
14 the effective date of the reduction in force.

15 (a2) The State Personnel Commission shall adopt rules to provide that priority
16 consideration for State employees separated from State employment as the result of
17 reductions in force is to enable a State employee's return to career service at a salary
18 grade and salary rate equal to that held in the most recent position. The State Personnel
19 Commission shall provide that a State employee who:

20 (1) Accepts a position at the same salary grade shall be paid at the same
21 salary rate as the employee's previous position.

22 (2) Accepts a position at a lower salary grade than the employee's previous
23 position shall be paid at the same rate as the previous position unless the
24 salary rate exceeds the maximum of the new salary grade. When the
25 salary rate exceeds the maximum of the salary grade, the employee's
26 new salary rate shall be reduced to the maximum of the new salary
27 grade.

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

31 (c) If a State employee subject to this section:

32 (1) Applies for another position of State employment that would constitute
33 a promotion and;

34 (2) Has substantially equal qualifications as an applicant who is not a State
35 employee

36 then the State employee shall receive priority consideration over the applicant who is not
37 a State employee. This priority consideration shall not apply when the only applicants
38 considered for the vacancy are current State employees.

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

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

1 (2) Is determined qualified for that position
2 then within all State agencies, the State employee shall receive priority consideration
3 over all other applicants but shall receive equal consideration with other applicants who
4 are current State employees not affected by the reduction in force. This priority shall
5 remain in effect for a period of 12 months from the date the employee receives
6 notification of separation by reduction in force. State employees separated due to
7 reduction in force shall receive higher priority than other applicants with employment or
8 reemployment priorities, except that the reemployment priority created by G.S. 126-
9 5(e)(1) shall be considered as equal. The reduction-in-force priority created by this
10 subsection shall be administered in accordance with rules promulgated by the State
11 Personnel Commission.

12 (c2) If the applicants for reemployment for a position include current State
13 employees, a State employee with more than 10 years of service shall receive priority
14 consideration over a State employee having less than 10 years of service in the same or
15 related position classification. This reemployment priority shall be given by all State
16 departments, agencies, and institutions with regard to positions subject to this Chapter.

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

19 (1) Training or education;

20 (2) Years of experience; and

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

24 (e) Each State agency, department, and institution is encouraged to hire into State
25 government employment qualified applicants who are current or former Work First
26 program participants."

27 Section 2. This act is effective when it becomes law.