

**25 NCAC 01J .1307 FRONT PAY**

In grievances:

- (1) Front pay may be awarded in all cases in which front pay is warranted by law.
- (2) "Front pay" is the payment to an employee above his or her regular salary, the excess amount representing the difference between the employee's salary in his or her current position and a higher salary determined to be appropriate due to a finding of discrimination.
- (3) Front pay may also result from an order of reinstatement to a position of a particular level that the agency is unable to accommodate at the time of the order. Front pay shall be paid for such period as the agency is unable to hire, promote, or reinstate the employee to a position at the appropriate level and as warranted by law.
- (4) Front pay shall terminate upon acceptance or rejection of a position to which the employee has been determined to be entitled.
- (5) Front pay shall be available as a remedy in cases involving hiring, promotion, demotion, or dismissal.
- (6) Front pay shall be payable under the same conditions as back pay except that the only deductions from front pay shall be for usual and regular deductions for State and federal withholding taxes and the employee's retirement contribution. There may also be a deduction for other employment earnings, whether paid by the State or another employer, so as to avoid unjust enrichment of the grievant.
- (7) Shift pay and holiday premium pay shall not be available on front pay.

*History Note: Authority G.S. 126-4(9); 126-34.01; 126-34.02;  
Temporary Adoption Eff. May 23, 2014;  
Eff. April 1, 2015;  
Readopted Eff. April 1, 2018.*