

25 NCAC 01N .0409 EMERGENCY LAY-OFF

(a) An emergency layoff is a temporary separation from payroll because funds are not available, work is not available or because of another emergency situation requiring employees to remain away from the worksite. The employer believes that the condition will change and intends to recall the employees as soon as feasible.

(b) An emergency lay-off may be declared if the agency or university remains totally closed or partially closed for an indefinite period of time due to the public health emergency. The agency head shall make this decision after consultation with the Governor's Office and the State Budget Director.

(c) During an emergency layoff, employees who are laid off shall be eligible to participate in the State Health Plan. State agencies shall pay the employer contribution and may pay the employee contribution for the month following the layoff, with the provision that the employees shall repay the State for any contribution made on their behalf.

(d) An employee shall not be paid for leave at the time of the emergency lay-off; however, vacation and sick leave will continue to accrue during the lay-off to be credited to the employee's account upon return from the lay-off. If a reduction-in force should occur before the employee returns, the vacation leave accumulated while on lay-off shall be paid along with other unused vacation/bonus leave that was on hand at the time of the layoff.

(e) An employee shall continue to receive total State service while on an emergency lay-off.

(f) An employee may be eligible for unemployment benefits with the North Carolina Employment Security Commission while on an emergency lay-off. Employees should contact the North Carolina Employment Security Commission for further details.

*History Note: Authority G.S. 126-4;
 Eff. December 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,
 2016.*