

25 NCAC 01C .1004 REDUCTION IN FORCE

(a) A State government agency may separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. Retention of employees in classes affected shall be based on systematic consideration of all the following factors: type of appointment, relative efficiency, actual or potential adverse impact on the diversity of the workforce, and length of service. No temporary or probationary State employee as defined in G.S. 126-1.1 shall be retained where an employee with a permanent appointment shall be separated in the same or related class.

(b) Agency Responsibilities:

- (1) Each agency shall develop written guidelines for reduction in force that meets its particular needs with potential reductions being considered on a fair and systematic basis in accordance with factors listed in Paragraph (a) of this Rule. Each agency's guidelines shall be reviewed and approved by the Office of State Human Resources and filed with the Office of State Human Resources as a public record; and
- (2) The employing agency shall notify the employee in writing of separation as soon as possible and in any case not less than 30 calendar days prior to the effective date of separation. The written notification shall include the reasons for the reduction in force, expected date of separation, the employee's eligibility for priority reemployment consideration, applicable appeal rights, and other benefits described in the agency's reduction in force guidelines.

(c) Appeals: An employee may appeal the reduction in force separation in accordance with 25 NCAC 01H .0901.

(d) The agency shall analyze any application of its reduction in force guidelines to determine its impact on equal employment opportunity in accordance with the Equal Employment Opportunities Commission's (EEOC) Uniform Guidelines on Employee Selection Procedures in the code of federal regulations at 29 C.F.R. part 1607, section 6A, which is hereby incorporated by reference including any subsequent amendments and editions. These guidelines are available for free on the EEOC website at <http://www.eeoc.gov/laws/regulations/index.cfm>.

(e) Severance salary continuation shall be administered in accordance with 25 NCAC 01D .2700.

*History Note: Authority G.S. 126-4(2);
Eff. February 1, 1976;
Amended Eff. May 1, 1980; January 1, 1980;
Emergency Amendment (a) Eff. March 16, 1981 for a Period of 77 Days to Expire on June 1, 1981;
Emergency Amendment (a) Made Permanent with Change Eff. April 8, 1981;
Amended Eff. December 1, 1995; March 1, 1994; November 1, 1990; March 1, 1987;
Recodified from 25 NCAC 01D .0504 Eff. December 29, 2003;
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Amended Eff. April 1, 2017; April 1, 2015.*