SUBCHAPTER 01D - COMPENSATION

SECTION .0100 - ADMINISTRATION OF THE PAY PLAN

25 NCAC 01D .0101 COMPENSATION PLAN
The State Human Resources Commission shall maintain a compensation plan by providing a salary rate structure or structures adequate to appropriately compensate all positions subject to the State Human Resources Act. This structure or structures may be revised in response to labor market trends and to legislative actions affecting salaries; provided that such action is dependent on the availability of funds. "Appropriate compensation" shall mean compensation that encourages exceptional performance and maintains labor market competitiveness within the limits of financial resources.

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015;
Amended Eff. April 1, 2017.

25 NCAC 01D .0102 SALARY STRUCTURES
(a) The salary structures in the compensation plan maintained pursuant to Rule .0101 of this Section shall include all positions subject to the State Human Resources Act. Each such position shall be assigned to a pay grade with an associated salary range based on similar employment in the defined labor market. Each pay grade shall be assigned a minimum, midpoint, and maximum salary rate that is competitive with rates in the external labor market, consistent with the state's ability to pay and the hierarchy within state government employment. The minimum and maximum salary rates shall be the lowest and highest salary rates paid for a job assigned to that pay grade.
(b) Based on labor market demands, salary rates for some classifications may be approved above the standard rates. When a higher salary range (i.e., both the minimums and maximums are raised) is needed to recruit employees to certain areas of the state, the higher range(s) will be known as geographic differentials. When only the entry rates (and not the maximums) need to be higher, the higher rates will be known as special entry rates. Special entry rates may be approved on a geographic basis also.
(c) When geographic differentials are in effect, all salary administration policies are applied as if the classification were at the higher grade. Provisions for applying special entry rates are included in each policy.

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015;
Amended Eff. April 1, 2017.

25 NCAC 01D .0103 STATE SALARY SCHEDULE

History Note: Authority G.S. 126-4(2); 150B-14(c);
Eff. September 1, 1976;
Amended Eff. January 1, 1990; October 1, 1984; June 1, 1984; September 1, 1983;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0104 APPENDICES TO STATE SALARY SCHEDULE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. December 1, 1983; October 1, 1983; September 1, 1983; August 1, 1983;

25 NCAC 01D .0105 PAY STATUS
An employee shall be deemed to be in pay status when working, when on paid leave, when exhausting vacation or sick leave, or when on workers’ compensation leave. Lump sum payment of vacation leave upon separation shall not constitute paid leave status.

(b) An employee shall not be deemed to be in pay status after the last day of work if separated because of resignation, dismissal, death, retirement, reduction in force, or in accordance with any rule.


25 NCAC 01D .0106 TOTAL COMPENSATION AND TOTAL EMPLOYMENT
An employee being paid for full-time employment shall not receive additional compensation for additional work performed for the state except as provided under the dual employment policy and under the overtime policies. Under the dual employment policy, an agency may secure the services of an employee in another agency on a part-time, consulting or contractual basis when the demand for an employee with special skills and abilities is required for efficient operation of a program.

History Note: Authority G.S. 126-4; Eff. February 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015.

25 NCAC 01D .0107 CROSS HIRING

History Note: Authority G.S. 126-4; Eff. February 1, 1976; Repealed Eff. July 1, 2012.

25 NCAC 01D .0108 AVAILABILITY OF FUNDS

History Note: Authority G.S. 126-4; Eff. February 1, 1976; Repealed Eff. January 1, 1990.

25 NCAC 01D .0109 COMPENSATION FOR POSITIONS EXEMPT EXCEPT AS TO SALARY

History Note: Authority G.S. 126-4; 126-5(b)(3); Eff. July 1, 1977; Repealed Eff. October 1, 1977.

25 NCAC 01D .0110 POLICY

History Note: Authority G.S. 126-4; Eff. February 1, 1985; Repealed Eff. March 1, 1988.

25 NCAC 01D .0111 TECHNICAL ADJUSTMENTS TO THE PAY PLAN
(a) Technical adjustments to the pay plan are refinements to the pay system approved by the State Human Resources Commission that include, but are not limited to, such actions as establishing special pay plans, renumbering salary ranges, changing the length of salary ranges, and adding or deleting salary ranges. This type of change is not directly related to current labor market fluctuations, and therefore is not defined as a Salary Range
Revision. Neither are technical changes related to position classification changes, and therefore are not Reallocations.

(b) Technical adjustments to the pay plan do not create entitlement or authorization to change individual employee salaries.

History Note: Authority G.S. 126-4;
Eff. January 1, 1991;

25 NCAC 01D .0112 TOTAL STATE SERVICE DEFINED
(a) Total state service shall mean the time of full-time or part-time (half-time or over) employment of an employee with a permanent, probationary, or time-limited appointment, whether subject to or exempt from the State Human Resources Act. If an employee is in pay status, on authorized military leave in accordance with 25 NCAC 01E .0800, or on workers’ compensation leave for at least one-half of the regularly scheduled workdays and holidays in a pay period, credit toward total state service shall be given for the entire pay period.

(b) If an employee’s work schedule is less than 12 months and the employee works all the months scheduled, such as a school year, credit toward total state service shall be given for the full year; however, if the employee works less than the scheduled time, credit toward total state service shall be given on a month-for-month basis for the actual months worked.

(c) Credit toward total state service shall be given for:
   (1) Employment with other governmental units which are now North Carolina State agencies, such as county highway maintenance forces, War Manpower Commission, and judicial system;
   (2) Employment with the North Carolina county agricultural extension service;
   (3) Employment with the Community College system and the public school system of North Carolina;
   (4) Employment with a local mental health, public health, social services, or emergency management agency in North Carolina if such employment is subject to the State Human Resources Act; and
   (5) Employment with the General Assembly of North Carolina, except for participants in the Legislative Intern Program and pages, including all of the time, both permanent and temporary, of the employees and the full legislative terms of the members.

History Note: Authority G.S. 126-4(5),(10);
Eff. February 1, 1976;
Amended Eff. July 1, 1983;
Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;
Amended Eff. August 1, 1995; July 1, 1989; March 1, 1989;
Recodified from 25 NCAC 01D .1204(g) Eff. December 29, 2003;
Amended Eff. August 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015;
Amended Eff. April 1, 2017.

25 NCAC 01D .0113 PAYMENT OF SALARY TO EMPLOYEES
(a) Every state agency shall pay every employee all wages earned and accruing to that employee on the regular payday for that agency. If the date of separation precludes payment on the regularly scheduled payday, then payment shall be made as soon as possible, but not later than the next scheduled payday. This Rule shall not be construed to require agencies to compensate FLSA exempt employees for compensatory time earned and accrued in accordance with 25 NCAC 1E .1006.

(b) Employees who separate from employment with the state shall be paid all salary due no later than the next scheduled payday. If the date of separation precludes payment on that date, then payment shall be made in accordance with Rule .2201 of this Section.

(c) No money shall be withheld from a final payment to a separated employee except for reasons set forth in this Rule or as otherwise provided for by law or the rules of the Office of State Budget.

(d) The employing agency may withhold money from a final salary payment to a separated employee to recover the cost of state property, equipment, uniforms, tools or other items owned by the state and not returned to the employing agency by the separated employee.
(e) The employing agency shall withhold money from a final salary payment to a separated employee to pay for overdrawn vacation or sick leave or other financial obligation to the employing agency arising out of the employment relationship outstanding at the time of the employee's separation.

(f) Failure by the separated employee to perform one or more job responsibilities or other work-related acts prior to separation shall not be cause for withholding of any salary due to the employee at separation.

(g) An employee shall be notified in advance in writing of any deductions to be made from his final payment of salary pursuant to this Rule. The notice shall specify what amounts are being deducted, and the reasons for the deductions.

(h) Provisions of this Section shall be posted prominently at least in every agency and university personnel office and elsewhere as the employing agency deems necessary.

**History Note:**
Authority G.S. 126-4(10);
Eff. November 1, 1989;
Recodified from 25 NCAC 01D .2201-.2203 Eff. December 29, 2003;

### 25 NCAC 01D .0114 \ BREAK IN SERVICE

A break in service shall be deemed to occur when an employee is not in pay status, as defined in 25 NCAC 01D .0105, for more than 31 calendar days. Periods of leave without pay, as defined in 25 NCAC 01E .1100, shall not constitute a break in service.

**History Note:**
Authority G.S. 126-4;
Eff. February 1, 1976;
Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire on June 29, 1989;
Amended Eff. March 1, 1989;
Recodified from 25 NCAC 01D .1003 Eff. December 29, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015;
Amended Eff. April 1, 2017.

### 25 NCAC 01D .0115 \ SUPPLEMENTAL SALARY

(a) Supplemental salary is any compensation from an affiliated public charity, foundation or other private source paid to a state employee for services that are part of the employee's regular job and is in addition to the employee's base salary paid by the state and any other compensation authorized by this Chapter.

(b) Receipt of supplements shall be subject to the approval of the agency head with final approval by the State Human Resources Commission. Requests shall be submitted to the Office of State Human Resources and shall include documentation of relevant labor market information and any other information that the agency head believes justifies a salary supplement. The documentation shall also include why the payment of the supplement will not result in any conflict of interest. In the absence of a conflict of interest, the State Human Resources Commission shall base its decision on documented labor market information submitted by the agency and any additional information of prevailing practices in the applicable labor market supplied by the Office of State Human Resources.

(c) Salary supplements in existence on the effective date of this Rule shall be submitted for review and approval within 90 days.

(d) Any proposed changes in the amount of a salary supplement shall be resubmitted to the Office of State Human Resources with documented labor market information and shall be subject to final approval by the State Human Resources Commission. The State Human Resources Commission shall base its decision on documented labor market information submitted by the agency and any additional information of prevailing practices in the applicable labor market supplied by the Office of State Human Resources.

**History Note:**
Authority G.S. 126-4;
Eff. September 1, 2006;

### 25 NCAC 01D .0116 \ SIGN-ON BONUS
SECTION 0200 - EMPLOYEE SUGGESTION SYSTEM

25 NCAC 01D .0201 INITIAL EMPLOYMENT
(a) A new hire is the initial employment of an individual to a position in State government. A new hire shall possess the minimum qualifications for the position, or their equivalent, as set forth in the class specification. A new hire shall begin work on any scheduled workday in a pay period. When the first day of a pay period does not fall on a workday and the new hire begins work on the first workday of a pay period, the date to begin work shall be shown as the first day of the pay period.

(b) An employee entering into state service in a permanent or time-limited position shall be given a probationary appointment in accordance with G.S. 126-1.1. The probationary appointment period shall serve as an extension of the selection process to determine whether the person meets satisfactory performance standards for the work for which employed. The employee shall earn all the benefits of an employee with a permanent appointment during this probationary period.

(c) The conditions of the probationary appointment shall be conveyed to the applicant prior to appointment. During the probationary period, the supervisor shall work with the employee in coaching and assisting the employee to achieve a satisfactory performance level; progress of the employee shall be reviewed during documented feedback discussions between the employee and the supervisor in accordance with 25 NCAC 01O .0207.

(d) Following the probationary period, the employee shall be given a permanent appointment when the supervisor, in consultation with other appropriate administrators, determines the employee’s performance indicated capability to become a satisfactory performer and merits retention in the position. If the employee’s performance indicates that the employee is not suited for the position and does not meet acceptable performance standards, the employee shall be separated from that position. Employees may be separated during a probationary appointment for causes related to performance of duties or unacceptable personal conduct.

History Note: Authority G.S. 126-1.1; 126-4; 126-34.01; 126-34.02;
Eff. February 1, 1976;
Amended Eff. August 1, 1995; December 1, 1988; January 1, 1979; December 1, 1978;
Temporary Amendment Eff. May 23, 2014;
Amended Eff. April 1, 2015;

25 NCAC 01D .0202 HIRING RATE
25 NCAC 01D .0203 JUSTIFICATION
25 NCAC 01D .0204 TEMPORARY OR PART-TIME EMPLOYEES

History Note: Filed as a Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;
Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. May 1, 1989; March 1, 1989; November 1, 1988; June 1, 1983;

25 NCAC 01D .0205 EFFECTIVE DATE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Filed as a Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;
Amended Eff. August 1, 1995; March 1, 1994; March 1, 1989;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.
25 NCAC 01D .0206 PERFORMANCE INCREASE ANNIVERSARY DATE

History Note: Authority G.S. 126-4; Eff. February 1, 1976; Amended Eff. August 1, 1982; July 1, 1980; August 1, 1978; Repealed Eff. March 1, 1989.

25 NCAC 01D .0207 QUALIFICATIONS
25 NCAC 01D .0208 TRAINEE APPOINTMENTS
25 NCAC 01D .0209 TRAINEE SALARIES
25 NCAC 01D .0210 TRAINEE SALARY ADJUSTMENTS

History Note: Authority G.S. 126-4; Filed as a Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989; Eff. February 1, 1976; Amended Eff. August 1, 1995; January 1, 1990; March 1, 1989; January 1, 1989; July 1, 1980; August 1, 1978; Expired Eff. January 1, 2016 pursuant to G.S. 150B 21.3A.

25 NCAC 01D .0211 SALARY RATE
25 NCAC 01D .0212 JUSTIFICATION
25 NCAC 01D .0213 TEMPORARY AND PART-TIME EMPLOYEES

History Note: Authority G.S. 126-4; 126-4(2); Eff. January 1, 1990; Amended Eff. August 1, 1995; March 1, 1994; September 1, 1991; January 1, 1991; Expired Eff. January 1, 2016 pursuant to G.S. 150B 21.3A.

SECTION .0300 - PROMOTION

(a) Promotion is an advancement from one position to another with a higher pay grade as described in 25 NCAC 01D .0102, within the same pay plan, or an advancement from one position to another with a higher market rate in a different pay plan. For a promotion, an employee shall possess at least the minimum qualifications for the position, or their equivalent, as set forth in the class specification. "Market rate" means the average market value for a particular job.

(b) When it is practical and feasible, a vacancy shall be filled from among eligible employees; a vacancy shall be filled by an applying employee if required by 25 NCAC 01H .0801.

History Note: Authority G.S. 126-4; 126-7.1; Eff. February 1, 1976; Amended Eff. December 1, 1993; July 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015; Amended Eff. April 1, 2017.

25 NCAC 01D .0302 SALARY RATE

History Note: Authority G.S. 126-4; Eff. February 1, 1976; Amended Eff. July 1, 1989; January 1, 1989; December 1, 1984; April 1, 1984; Repealed Eff. January 1, 1990.

25 NCAC 01D .0303 EFFECTIVE DATE OF PROMOTIONS FOR GRADED POSITIONS
25 NCAC 01D .0304 PERFORMANCE INCREASE ANNIVERSARY DATE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. July 1, 2012; March 1, 1992; July 1, 1990; January 1, 1990; December 1, 1983;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0305 QUALIFICATIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. December 1, 1983; December 1, 1980; July 1, 1980; December 1, 1978;

25 NCAC 01D .0306 NON-COMPETITIVE PROMOTION UNDER COMPETITIVE SERVICE
25 NCAC 01D .0307 PROMOTION DURING PROBATIONARY OR TRAINEE PERIOD

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. June 1, 1983; January 1, 1979; December 1, 1978;

25 NCAC 01D .0308 SALARY INCREASES FOR PROMOTIONS FOR GRADED POSITIONS

History Note: Authority G.S. 126-4;
Eff. January 1, 1990;
Amended Eff. July 1, 2012; March 1, 1992; September 1, 1991; July 1, 1990;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .0400 - DEMOTION OR REASSIGNMENT

25 NCAC 01D .0401 DEMOTION AND REASSIGNMENT
(a) Demotion shall mean an assignment to a position with a lower pay grade or a salary reduction in an employee's current position, caused by unsatisfactory performance or a disciplinary action in accordance with 25 NCAC 01J .0604. A career state employee, as defined in G.S. 126-1.1, shall have the right to appeal a demotion through their agency's internal grievance procedure.
(b) Reassignment shall mean an assignment to a position with a lower pay grade within the same pay plan or a lower market rate, as defined in 25 NCAC 01D .0301, if assigned to a different pay plan, resulting from a mutual agreement between the employee and employer. A reassignment shall not be deemed the result of disciplinary action.

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. December 1, 1995; March 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015;
Amended Eff. April 1, 2017.

25 NCAC 01D .0402 SALARY RATE

History Note: Authority G.S. 126-4;
25 NCAC 01D .0403  EFFECTIVE DATE

History Note:  Authority G.S. 126-4;
   Eff. February 1, 1976;
   Amended Eff. December 1, 1978; April 1, 1978; August 1, 1977;

25 NCAC 01D .0404  PERFORMANCE INCREASE ANNIVERSARY DATE

History Note:  Authority G.S. 126-4;
   Eff. February 1, 1976;
   Amended Eff. December 1, 1978; Repealed Eff. January 1, 1978; December 1, 1978;

25 NCAC 01D .0405  QUALIFICATIONS

History Note:  Authority G.S. 126-4;
   Eff. February 1, 1976;
   Amended Eff. March 1, 1994; December 1, 1978;

25 NCAC 01D .0406  SALARY RATE

History Note:  Authority G.S. 126-4;
   Eff. January 1, 1990;
   Amended Eff. December 1, 1995; July 1, 1990;
   Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .0500 - SEPARATION

25 NCAC 01D .0501  DEFINED

History Note:  Authority G.S. 126-4; 126-5(c);
   Eff. February 1, 1976;
   Amended Eff. May 1, 1989; October 1, 1977;

25 NCAC 01D .0502  RESIGNATION

History Note:  Authority G.S. 126-4;
   Eff. February 1, 1976;
   Amended Eff. November 1, 1988; February 1, 1983;

25 NCAC 01D .0503  RETIREMENT

History Note:  Authority G.S. 126-4;
   Eff. February 1, 1976;
   Amended Eff. November 1, 1988; February 1, 1983;

25 NCAC 01D .0504  REDUCTION IN FORCE
25 NCAC 01D .0505  DISMISSAL


25 NCAC 01D .0506  CLOSING OF A STATE INSTITUTION

History Note:  Authority G.S. 126-4; 143-27.2; Eff. July 1, 1979; Repealed Eff. October 1, 1984.

25 NCAC 01D .0507  PRIORITY REEMPLOYMENT CONSIDERATION

History Note:  Authority G.S. 126-5(e); Eff. June 1, 1985; Repealed Eff. March 1, 1987.

25 NCAC 01D .0508  PRIORITY REEMPLOYMENT CONSIDERATION: (EFF. JULY 1, 1985)

History Note:  Authority G.S. 126-5(e); Eff. October 1, 1985; Repealed Eff. March 1, 1987.

25 NCAC 01D .0509  SEVERANCE SALARY CONTINUATION

History Note:  Authority G.S. 126-4(10); 143-27.2; Eff. October 1, 1985; Amended Eff. October 1, 1995; September 1, 1991; November 1, 1990; November 1, 1988; Recodified to 25 NCAC 01D .2701 Eff. December 29, 2003.

25 NCAC 01D .0510  PRIORITY REEMPLOYMENT CONSIDERATION

History Note:  Authority G.S. 126-1A; 126-5(c)(2); 126-5(d)(1); 126-7.1; Eff. March 1, 1987; Amended Eff. December 1, 1995; March 1, 1994; June 1, 1992; March 1, 199; Recodified to 25 NCAC 01H .0901 Eff. December 29, 2003.

25 NCAC 01D .0511  REDUCTION IN FORCE PRIORITY CONSIDERATION

History Note:  Authority G.S. 126-4(6),(10); Eff. March 1, 1987; Amended Eff. December 1, 1995; April 1, 1993; June 1, 1992; January 1, 1990; Recodified to 25 NCAC 01H .0902 Eff. December 29, 2003.
25 NCAC 01D .0512  POLICY-MAKING/CONFIDENTIAL EXEMPT PRIORITY CONSIDERATION

History Note:  Authority G.S. 126-1A; 126-5;  
Eff. March 1, 1987;  
Amended Eff. June 1, 1994; June 1, 1992; November 1, 1988;  

25 NCAC 01D .0513  CUMULATIVE STATE SERVICE

History Note:  Authority G.S. 126-4(6),(10);  
Eff. March 1, 1987;  

25 NCAC 01D .0514  REEMPLOYMENT AFTER PRIORITY EXPIRATION

History Note:  Authority G.S. 126-4(6),(10);  
Eff. March 1, 1987  

25 NCAC 01D .0515  AGENCY RESPONSIBILITIES

History Note:  Authority G.S. 126-4(6),(10);  
Eff. March 1, 1987;  
Amended Eff. December 1, 1995; June 1, 1992; November 1, 1988;  

25 NCAC 01D .0516  OFFICE OF STATE PERSONNEL RESPONSIBILITY

History Note:  Authority G.S. 126-4(6),(10);  
Eff. March 1, 1987;  

25 NCAC 01D .0517  LEAVE

History Note:  Authority G.S. 126-4(6),(10);  
Eff. March 1, 1987;  
Amended Eff. November 1, 1990;  

25 NCAC 01D .0518  VOLUNTARY RESIGNATION WITHOUT NOTICE

History Note:  Authority G.S. 126-4(7a);  
Eff. November 1, 1989;  

25 NCAC 01D .0519  UNAVAILABILITY WHEN LEAVE IS EXHAUSTED

History Note:  Authority G.S. 126-4(7a); 126-35;  
Eff. November 1, 1989;  

25 NCAC 01D .0520  APPOINTMENT ENDED

History Note:  Authority G.S. 126-4; 126-5;  
Eff. March 1, 1996;  
SECTION .0600 - REALLOCATION

25 NCAC 01D .0601 REALLOCATION DEFINED
25 NCAC 01D .0602 ASSIGNMENT TO HIGHER GRADE
25 NCAC 01D .0603 ASSIGNMENT TO A LOWER GRADE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. April 1, 1984; August 1, 1980; July 1, 1980; January 1, 1979;

25 NCAC 01D .0604 ASSIGNMENT TO SAME GRADE
25 NCAC 01D .0605 EFFECTIVE DATE OF REALLOCATIONS FOR GRADED POSITIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. July 1, 2012; July 1, 1990; January 1, 1990;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0606 PERFORMANCE INCREASE ANNIVERSARY DATE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. July 1, 1980; December 1, 1978;

25 NCAC 01D .0607 QUALIFICATIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. December 1, 1985;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0608 REALLOCATION
Reallocation shall mean the reclassification of a position that may warrant a new job title and job description. Reallocation of a position shall be documented through data collection and analysis approved by the State Human Resources Director or designee if there is an approved delegation of authority in accordance with 25 NCAC 01A .0106.

History Note: Authority G.S. 126-4;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015;
Amended Eff. April 1, 2017.

25 NCAC 01D .0609 REALLOCATION TO A HIGHER GRADE
25 NCAC 01D .0610 REALLOCATION TO A LOWER GRADE

History Note: Authority G.S. 126-4(2);
Eff. January 1, 1990;
Amended Eff. November 1, 1990;

25 NCAC 01D .0611 REALLOCATION/SALARY RATE FOR GRADED POSITIONS
SECTION .0700 - SALARY RANGE REVISION

25 NCAC 01D .0701 DEFINITION
(a) Salary range revision is any change in a salary range approved by the State Human Resources Commission and resulting from changes in the labor market.
(b) The primary purpose of a range revision is to provide current and competitive salary rates for the use of managers with recruitment responsibilities. Revisions resulting from upward changes in the labor market serve another purpose in helping reduce the vulnerability of employees to external job offers when their salaries are below the market average as reflected by the mid-point of the salary range.
(c) Salary increases as a result of salary range revision are not rewards for job performance or assumption of greater responsibility. Increases provided by this policy are for maintenance of labor market competitive pay levels for affected employees. For employees below the midpoint, management is encouraged to increase salaries. Factors that influence the amount of increase include current salary relationship to the minimum and midpoint rates, salary equity among affected employees and satisfactory job performance.

25 NCAC 01D .0702 ASSIGNMENT TO HIGHER GRADE

25 NCAC 01D .0703 ASSIGNMENT TO A LOWER GRADE

25 NCAC 01D .0704 PERFORMANCE INCREASE ANNIVERSARY DATE

25 NCAC 01D .0705 CLASSES DETERMINED NOT LABOR-MARKET-COMPETITIVE

25 NCAC 01D .0706 ASSIGNMENT TO A HIGHER GRADE
25 NCAC 01D .0707 EFFECTIVE DATE
25 NCAC 01D.0708 SPECIAL ENTRY RATES
25 NCAC 01D.0709 GEOGRAPHIC DIFFERENTIAL
25 NCAC 01D.0710 AVOIDANCE OF SALARY INEQUITIES

History Note: Authority G.S. 126-4(2);
Eff. January 1, 1990;
Amended Eff. March 1, 1991; September 1, 1991; January 1, 1991; July 1, 1990;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .0800 - INITIAL CLASSIFICATION

25 NCAC 01D.0801 POLICY

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. January 1, 1990;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D.0802 RATE BELOW MINIMUM
25 NCAC 01D.0803 RATE WITHIN ASSIGNED RANGE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. May 1, 1989; July 1, 1980; August 1, 1978;

25 NCAC 01D.0804 CHANGE OF DUTIES
25 NCAC 01D.0805 RATE ABOVE THE MAXIMUM

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. May 1, 1989; August 1, 1978;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D.0806 PERFORMANCE INCREASE ANNIVERSARY DATE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. July 1, 1980; August 1, 1978;

25 NCAC 01D.0807 QUALIFICATIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. May 1, 1989; December 1, 1985; December 1, 1978;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D.0808 SALARY RATE UPON INITIAL CLASSIFICATION INTO THE GRADED CLASSIFICATION/PAY SYSTEM

History Note: Authority G.S. 126-4;
Eff. January 1, 1990;
Amended Eff. July 1, 2012; August 1, 1995;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.
SECTION .0900 - TRANSFER

25 NCAC 01D .0901 TRANSFER
A transfer shall mean the movement of an employee between positions having the same pay grade within the same pay plan or movement to a different pay plan with the same market rate, as defined in 25 NCAC 01D .0301, without a break in service as defined in 25 NCAC 01D .0114.

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. January 1, 1990; November 1, 1988; December 1, 1985; December 1, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015;
Amended Eff. April 1, 2017.

25 NCAC 01D .0902 TRANSFER TO COMPETITIVE SERVICE POSITION

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;

25 NCAC 01D .0903 REPORTING DATE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. December 1, 1978;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0904 SALARY RATE: PERFORMANCE INCREASE ANNIVERSARY DATE

25 NCAC 01D .0905 BENEFITS TRANSFERRED

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. June 1, 1983; August 1, 1981; July 1, 1980; December 1, 1978;

25 NCAC 01D .0906 DETERMINING DATE OF TRANSFER

25 NCAC 01D .0907 PAYMENT FOR VACATION LEAVE

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. January 1, 1990; November 1, 1988; June 1, 1983; December 1, 1978;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0908 JOB QUALIFICATIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. January 1, 1990; November 1, 1988; December 1, 1978;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0909 ADDITIONAL PROVISIONS FOR COMPETITIVE SERVICE POSITIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. December 1, 1978;
25 NCAC 01D .0910  SALARY RATE

History Note:  Authority G.S. 126-4;
Eff. January 1, 1990;
Amended Eff. December 1, 1995;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .0911  BENEFITS AND RECORDS TRANSFERRED
(a) When an employee transfers to another agency, all unused sick and vacation leave shall be transferred. If the employee transfers to an exempt position in which leave will not be credited the same as for employees subject to the Personnel Act, accumulated vacation shall be paid for in a lump sum. Accumulated sick leave will be transferred.
(b) The personnel file, as defined by statute, shall be transferred to the receiving agency.

History Note:  Authority G.S. 126-4; 126-22;
Eff. January 1, 1990;

25 NCAC 01D .0912  REDEPLOYMENT
(a) A redeployment is the movement of an employee, without a break in service, from one position to another position within the same agency or the movement of an employee, or an employee and a position, from one agency to another when the move is due to an enterprise-wide project that results in the need to utilize an employee's competencies for greater effectiveness in another area of an agency or in another agency. The following shall apply:
(1) The employee's salary rate shall not be reduced. When necessary, management may maintain the employee's current class by working the employee against the position; and
(2) The redeployment of an employee is not a grievable issue under G.S. 126-34.
(b) The receiving agency does not have to post a vacant position to accommodate a redeployment arrangement.

History Note:  Authority 126-4;
Eff. January 1, 2007;

25 NCAC 01D .0913  SALARY RATE
(a) If an employee transfers to a position having the same salary grade, the salary may be increased as long as the increase does not create internal salary inequity. For the purposes of this Rule, "internal salary inequity" exists when an employee's salary is 10 percent above or below that of others in similar classification having similar duties and responsibilities and with similar knowledge, skills, abilities, education and training, experience, and performance. The salary may be reduced if there is a lack of sufficient funds or if it results in the creation of internal salary inequity. A reduction shall not occur when applied to employees with reduction-in-force priority consideration in which case the salary shall remain unchanged, unless the employee voluntarily offers or agrees to accept a lower salary rate by waiver obtained in the pre-screening phase of the selection process. If the employee is being reinstated to a higher class, the rules of Section .0300 of this Subchapter shall apply.
(b) When the transfer is to a higher class and results in a promotion, the rules in Section .0300 of this Subchapter shall apply.
(c) If the transfer is to a lower class and results in a demotion or reassignment, then the rules in Section .0400 of this Subchapter shall apply.
(d) If an employee is in an agency not utilizing a special entry rate and transfers to an agency that does, the special entry rate cannot be used as justification for a salary increase if both work stations are within the same geographic area.
(e) If an employee is receiving a higher rate of pay by virtue of working in a position where a geographic differential applies and transfers to a position where a geographic differential does not apply, whether in the same geographic area to a position without a differential, or to the same job in a geographic area without a differential, the employee's pay rate shall be reduced by the amount of the differential the employee had been receiving.
SECTION .1000 - REINSTATEMENT

25 NCAC 01D .1001  REINSTATEMENT
Reinstatement shall mean the return to state employment from an extended leave of absence or after a break in service as defined in 25 NCAC 01D .0114 from a state agency. Employees who are reinstated shall meet the minimum qualifications, or their equivalent, as set forth in the class specification of the position to which they are reinstated. If reinstatement is from leave without pay as defined in 25 NCAC 01E .1100, the employee shall be automatically qualified provided that employment is in the same classification or in a lower classification in the same field of work.

History Note:  Authority G.S. 126-4;  

25 NCAC 01D .1003  BREAK IN SERVICE

History Note:  Filed as a Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire on June 29, 1989;  
Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. March 1, 1989;  
Revised Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .1004  SALARY RATE UPON REINSTATEMENT

History Note:  Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1983; August 1, 1978;  

25 NCAC 01D .1005  EFFECTIVE DATE

History Note:  Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1983; December 1, 1978;  
Filed as a Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;  
Amended Eff. December 1, 1995; March 1, 1989;  
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .1006  BENEFITS REINSTATED
(a) Sick leave shall be reinstated when an employee returns from authorized leave without pay or when reinstated within five years from any type of separation.
(b) Employees who enter the armed services or who engage in active military service and who return to state employment within a period of two years after being separated or released, or becoming entitled to be separated or released, from active military service under other than dishonorable conditions shall be entitled to full retirement membership service credit for the period of such active service in the armed services. Under this provision, credit is received for such service upon furnishing an acceptable copy of a military discharge to the Teachers’ and State Employees’ Retirement System.

History Note: Authority G.S. 126-4; Eff. February 1, 1976; Amended Eff. March 1, 1992; February 1, 1983; July 1, 1980; December 1, 1978; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015.

25 NCAC 01D .1007 PERFORMANCE INCREASE ANNIVERSARY DATE


25 NCAC 01D .1008 QUALIFICATIONS

25 NCAC 01D .1009 VETERANS

History Note: Authority G.S. 126-4; Eff. February 1, 1976; Amended Eff. December 1, 1995; August 1, 1995; December 1, 1985; June 1, 1983; December 1, 1978; Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .1010 SALARY RATE UPON REINSTATEMENT

History Note: Authority G.S. 126-4; Eff. March 1, 1992; Amended Eff. December 1, 1995; Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .1100 - PERFORMANCE SALARY INCREASES

25 NCAC 01D .1101 POLICY

25 NCAC 01D .1102 PERFORMANCE SALARY INCREASES BELOW THE THIRD STEP

25 NCAC 01D .1103 PERFORMANCE SALARY INCREASES AT THIRD STEP OR ABOVE

25 NCAC 01D .1104 EMPLOYEES ON FLAT RATE

25 NCAC 01D .1105 SPECIAL SALARY INCREASES

25 NCAC 01D .1106 BASIS FOR AWARDING INCREASE

History Note: Authority G.S. 126-4; 126-7; Eff. February 1, 1976; Amended Eff. November 1, 1988; August 1, 1985; June 1, 1983; August 1, 1980; Repealed Eff. January 1, 1990.

25 NCAC 01D .1107 EFFECTIVE DATE OF ANNUAL INCREASES

History Note: Authority G.S. 126-4; 126-7; Eff. February 1, 1976; Amended Eff. August 1, 1978;
25 NCAC 01D .1108 COMMUNICATION WITH EMPLOYEES
25 NCAC 01D .1109 SALARY INCREASE FUNDS BECOME PART OF BASE SALARY

History Note: Authority G.S. 126-4; 126-7;
Eff. February 1, 1976;
Amended Eff. August 1, 1978; December 1, 1980; July 1, 1980; August 1, 1978;

25 NCAC 01D .1110 UNUSED ANNUAL SALARY INCREASE SUBSTITUTION
25 NCAC 01D .1111 UNUSED SALARY INCREASE FUNDS: WHEN AVAILABLE
25 NCAC 01D .1112 UNUSED ANNUAL INCREASE FUNDS: USE FOR ANOTHER EMPLOYEE
25 NCAC 01D .1113 UNUSED ANNUAL INCREASE FUNDS: SCHEDULING BY AGENCY HEADS

History Note: Authority G.S. 126-4; 126-7;
Eff. February 1, 1976;
Amended Eff. August 1, 1978;

25 NCAC 01D .1114 SALARY INCREASE FUNDS BECOME PART OF BASE SALARY

History Note: Authority G.S. 126-4; 126-7;
Eff. February 1, 1976;
Amended Eff. August 1, 1978;

25 NCAC 01D .1115 COMPUTATION OF FUNDS FOR PERFORMANCE INCREASES

History Note: Authority G.S. 126-4; 126-7;
Eff. February 1, 1976;
Amended Eff. January 1, 1989; August 1, 1985; January 1, 1982; October 1, 1980;

25 NCAC 01D .1116 EXEMPTION FROM TWO-THIRDS LIMITATION

History Note: Authority G.S. 126-4; 126-7;
Eff. February 1, 1976;
Amended Eff. July 1, 1980; August 1, 1978;

25 NCAC 01D .1117 ANNIVERSARY DATES FOR EMPLOYEES BELOW STEP THREE
25 NCAC 01D .1118 REVISION OF ANNIVERSARY DATES
25 NCAC 01D .1119 NO CHANGE IN ANNIVERSARY DATE

History Note: Authority G.S. 126-4; 126-7;
Eff. February 1, 1976;
Amended Eff. November 1, 1988; August 1, 1985; June 1, 1983; August 1, 1982;

25 NCAC 01D .1120 PAYMENT DATES

History Note: Authority G.S. 126-4; 126-7;
Eff. August 1, 1978;
Amended Eff. August 1, 1985; July 1, 1980;
25 NCAC 01D .1121 PAYMENT DATES

History Note: Authority G.S. 126-4; 126-7;
Eff. July 1, 1980;
Amended Eff. January 1, 1982;

25 NCAC 01D .1122 ANNUAL PERFORMANCE PAY COMPENSATION SURVEY
25 NCAC 01D .1123 ELIGIBLE EMPLOYEES
25 NCAC 01D .1124 BASIS FOR AWARDING INCREASES
25 NCAC 01D .1125 AMOUNT OF INCREASE
25 NCAC 01D .1126 PERFORMANCE SALARY INCREASE EFFECTIVE DATES
25 NCAC 01D .1127 LIMITATION ON FUNDS FOR PERFORMANCE INCREASE
25 NCAC 01D .1128 SALARY INCREASE FUNDS BECOME PART OF BASE SALARY

History Note: Authority G.S. 126-4(2); 126-7;
Eff. January 1, 1990;
Amended Eff. July 1, 1991; January 1, 1991;

SECTION .1200 - LONGEVITY PAY

25 NCAC 01D .1201 PURPOSE
25 NCAC 01D .1202 TIME AND METHOD OF PAY
25 NCAC 01D .1203 AMOUNT OF LONGEVITY PAY
25 NCAC 01D .1204 ELIGIBILITY REQUIREMENTS

History Note: Authority G.S. 126-4; 126-4(5),(10);
Eff. February 1, 1976;
Amended Eff. May 1, 1980; July 1, 1977;
Filed as a Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;
Amended Eff. August 1, 1995; July 1, 1989; March 1, 1989;
Recodified 25 NCAC 01D .1204(g) to 25 NCAC 01D .0112 Eff. December 29, 2003;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .1205 AGENCY RESPONSIBILITY

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. May 1, 1989;

25 NCAC 01D .1206 EFFECT OF LONGEVITY PAY

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .1300 - HOLIDAY PREMIUM PAY

25 NCAC 01D .1301 POLICY
25 NCAC 01D .1302 CONTINUANCE OF EQUAL TIME OFF POLICY

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;  
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A

SECTION .1400 - SHIFT PREMIUM PAY

25 NCAC 01D .1401 PURPOSE
25 NCAC 01D .1402 APPLICATION

History Note: Authority G.S. 126-4; S.L. 1987, c. 738, s. 9; S.L. 1988, c. 1086, s. 100;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1981;  
Temporary Amendment Eff. September 21, 1988 for a Period of 180 Days to Expire on March 20, 1989;  
Amended Eff. September 1, 2004; August 1, 2004; August 1, 1995; January 1, 1991; January 1, 1989; October 1, 1979;  
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .1500 – ON-CALL/EMERGENCY CALL-BACK PAY COMPENSATION

25 NCAC 01D .1501 POLICY
25 NCAC 01D .1502 APPLICATION

History Note: Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2004; November 1, 1988; August 1, 1984;  
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .1503 ADMINISTRATIVE OR EXECUTIVE EMPLOYEES

History Note: Authority G.S. 126-4;  
Eff. February 1, 1976;  

25 NCAC 01D .1504 COMPENSATORY TIME AND CASH PAYMENT: INCLUDING OVERTIME

History Note: Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2004; November 1, 1988; August 1, 1984;  
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .1600 - FOREIGN SERVICE PAY

25 NCAC 01D .1601 DEFINITION OF FOREIGN SERVICE EMPLOYEE
25 NCAC 01D .1602 FOREIGN SERVICE COMPENSATION
25 NCAC 01D .1603 BENEFIT PLANS

History Note: Authority G.S. 126-4;  
Eff. September 1, 1976;  
Amended Eff. February 1, 1989; January 1, 1989; February 1, 1983; May 1, 1980; January 1, 1978;  
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .1700 - OVERTIME COMPENSATION

25 NCAC 01D .1701 MINIMUM WAGE
25 NCAC 01D .1702  OVERTIME COMPENSATION
25 NCAC 01D .1703  EXEMPT EMPLOYEES
25 NCAC 01D .1704  SALARY
25 NCAC 01D .1705  THE WORKWEEK
25 NCAC 01D .1706  HOURS WORKED
25 NCAC 01D .1707  SPECIAL TYPES OF HOURS WORKED
25 NCAC 01D .1708  EQUAL PAY
25 NCAC 01D .1709  RECORDKEEPING
25 NCAC 01D .1710  ENFORCEMENT
25 NCAC 01D .1711  EXEMPTIONS
25 NCAC 01D .1712  EXECUTIVE EMPLOYEES
25 NCAC 01D .1713  ADMINISTRATIVE EMPLOYEES
25 NCAC 01D .1714  PROFESSIONAL EMPLOYEES
25 NCAC 01D .1715  SPECIAL PROVISIONS

**History Note:**
Authority G.S. 126-4; 126-4(5); Eff. December 1, 1976; Amended Eff. August 1, 1984; April 1, 1983; February 1, 1983; October 1, 1982; Repealed Eff. August 1, 1985.

**SECTION .1800 - EMPLOYMENT OF MEDICAL PERSONNEL EXTENDED DUTY**

25 NCAC 01D .1801  PURPOSE
25 NCAC 01D .1802  PAYMENT

**History Note:**
Authority G.S. 126-4; Eff. August 1, 1978; Amended Eff. August 1, 1995; Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

**SECTION .1900 - HOURS OF WORK AND OVERTIME COMPENSATION**

25 NCAC 01D .1901  MINIMUM WAGE
25 NCAC 01D .1902  OVERTIME COMPENSATION
25 NCAC 01D .1903  EXEMPT EMPLOYEES
25 NCAC 01D .1904  SALARY
25 NCAC 01D .1905  COMPENSATION
25 NCAC 01D .1906  HOURLY RATE OF PAY
25 NCAC 01D .1907  NON-OVERTIME WORKWEEKS
25 NCAC 01D .1908  THE WORKWEEK
25 NCAC 01D .1909  HOURS WORKED
25 NCAC 01D .1910  UNAUTHORIZED WORK
25 NCAC 01D .1911  ON CALL
25 NCAC 01D .1912  VACATION: SICK LEAVE: HOLIDAYS
25 NCAC 01D .1913  MEAL PERIOD
25 NCAC 01D .1914  GRIEVANCE TIME
25 NCAC 01D .1915  TRAINING TIME
25 NCAC 01D .1916  TRAVEL TIME
25 NCAC 01D .1917  RECORDKEEPING
25 NCAC 01D .1918  ENFORCEMENT
25 NCAC 01D .1919  EXECUTIVE: ADMINISTRATIVE: PROFESSIONAL EMPLOYEES
25 NCAC 01D .1920  EXECUTIVE EMPLOYEES
25 NCAC 01D .1921  ADMINISTRATIVE EMPLOYEES
25 NCAC 01D .1922  PROFESSIONAL EMPLOYEES
25 NCAC 01D .1923  SPECIAL PROVISIONS
25 NCAC 01D .1924  STATE EMPLOYEES SUBJECT TO THE FAIR LABOR STANDARDS ACT

25 NCAC 01D .1925  OVERTIME COMPENSATION
(a) Employees shall be paid a premium rate of time and one-half in the form of monetary compensation or time off for hours worked in excess of 40 within a work week, with exception of employees exempt from the Fair Labor Standards Act.
(b) Agency heads and supervisors shall prohibit employees from working more than a 40-hour workweek except in those cases where excess hours of work are necessary because of weather conditions, necessary seasonal activity or emergencies.
(c) The practice of overtime work is subject to review by the Office of State Human Resources. The review shall take into consideration organizational structure, scheduling of work, position complement, and personnel classifications.

25 NCAC 01D .1926  EXEMPT EMPLOYEES

25 NCAC 01D .1927  SALARY

25 NCAC 01D .1928  COMPENSATION – NON-EXEMPT
(a) The State of North Carolina shall, whenever possible, give compensatory time off, in lieu of monetary compensation for hours worked in excess of 40 hours per work week. The decision as to whether to give compensatory time off, rather than monetary compensation, for overtime worked is solely within the discretion of management. Compensatory time off shall be scheduled by management, although reasonable effort shall be made to accommodate the employee as to such scheduling.
(b) An employee shall be given compensatory time off on the basis of one and one-half times the amount of time worked beyond 40 hours during a week. Compensatory time may be accumulated up to a maximum of 240 hours (160 hours straight time) and shall be taken within 12 months from the date the overtime is performed. If compensatory time off is not given by the end of the 12-month period, the overtime pay shall be included in the employee's next regular paycheck. Any overtime worked above this amount shall be paid in the employee's next regular paycheck. Overtime worked shall be recorded and compensated in units of one-tenth of an hour.
This Paragraph is not applicable to persons in law enforcement or fire protection activities and in residence employees.
(c) Prior to employment, each successful candidate for state employment in a position subject to hours of work and overtime pay standards must sign a form acknowledging that it has been explained to him that it is the state's policy to give time off in lieu of monetary compensation, wherever possible, for hours worked beyond 40 in a work week. Agreement to this is a condition of employment with the state; failure or refusal to sign such agreement shall prevent employment of that person. This signed form shall be a part of the employee's personnel file; it must be kept for at least three years following that person's separation from state employment.
(d) Upon transfer to another agency or termination of employment, an employee shall be paid for unused compensatory time off at a rate of compensation not less than either the average regular rate received by such employee during the last three years of the employee's employment or the final regular rate received by such employee, whichever is higher.

**History Note:** Authority G.S. 126-4; Eff. January 1, 1989; Amended Eff. March 1, 2005; December 1, 1995; March 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015.

**25 NCAC 01D .1929**  **HOURLY RATE OF PAY**

(a) An employee's hourly rate of pay is obtained by dividing the annual salary by 2080 hours (52 weeks multiplied by 40 hours per week).

(b) The rate that must be used in computing overtime is referred to as the regular hourly rate. The regular hourly rate must include all remuneration for employment paid to, or on behalf of, the employee, except payments specifically excluded by the Federal Fair Labor Standards Act.

**History Note:** Authority G.S. 126-4; Eff. January 1, 1989; Amended Eff. March 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015.

**25 NCAC 01D .1930**  **NON-OVERTIME WORKWEEKS**

**History Note:** Authority G.S. 126-4; Eff. February 1, 1989; Repealed Eff. March 1, 2005.

**25 NCAC 01D .1931**  **THE WORKWEEK**

**History Note:** Authority G.S. 126-4; Eff. January 1, 1989; Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

**25 NCAC 01D .1932**  **HOURS WORKED**

**History Note:** Authority G.S. 126-4; Eff. February 1, 1989; Repealed Eff. March 1, 2005.

**25 NCAC 01D .1933**  **UNAUTHORIZED WORK**

**25 NCAC 01D .1934**  **ON CALL**

**History Note:** Authority G.S. 126-4; Eff. January 1, 1989; Repealed Eff. March 1, 2005.

**25 NCAC 01D .1935**  **VACATION: SICK LEAVE AND HOLIDAYS**

**History Note:** Authority G.S. 126-4; Eff. February 1, 1989; Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

**25 NCAC 01D .1936**  **MEAL PERIOD**
25 NCAC 01D .1937  GRIEVANCE TIME
The time an employee spends during a regular work schedule in adjusting a grievance under the state procedure on Employee Appeals and Grievances is work time. Such time spent outside the employee's regular work schedule is work time only if the employee's attendance is required by the agency or the state.

History Note: Authority G.S. 126-4;
Eff. January 1, 1989;

25 NCAC 01D .1938  TRAINING TIME

History Note: Authority G.S. 126-4;
Eff. January 1, 1989;

25 NCAC 01D .1939  TRAVEL TIME

25 NCAC 01D .1940  RECORDKEEPING

25 NCAC 01D .1941  EXECUTIVE; ADMINISTRATIVE AND PROFESSIONAL EMPLOYEES

History Note: Authority G.S. 126-4;
Eff. February 1, 1989;

25 NCAC 01D .1942  EXECUTIVE EMPLOYEES
25 NCAC 01D .1943  ADMINISTRATIVE EMPLOYEES
25 NCAC 01D .1944  PROFESSIONAL EMPLOYEES

History Note: Authority G.S. 126-4;
Eff. January 1, 1989;

25 NCAC 01D .1945  SPECIAL PROVISIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1989;
Amended Eff. March 1, 2005; August 1, 2004;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .1946  OT/COMP TIME OFF OPT/LAW ENF: FIRE PROT/EMGCY RESP PERS
25 NCAC 01D .1947  TOUR OF DUTY AND COMPENSABLE HOURS OF WORK
25 NCAC 01D .1948  OCCASIONAL OR SPORADIC EMPLOYMENT/DIFFERENT CAPACITY
25 NCAC 01D .1949  SUBSTITUTION
25 NCAC 01D .1950  VOLUNTEERS

History Note: Authority G.S. 126-4;
Eff. January 1, 1989;

25 NCAC 01D .1951  OVERTIME COMPENSATION PROHIBITED: EXEMPT EMPLOYEES

History Note: Authority G.S. 126-4(5), (10);
SECTION .2000 - UNEMPLOYMENT INSURANCE

25 NCAC 01D .2001 COVERAGE

History Note:  Authority G.S. 96-8(6)j; 96-8(6)i;
Eff. January 1, 1989;

25 NCAC 01D .2002 POLICY

History Note:  Authority G.S. 96-8(6)j.; 96-8(6)i.;
Eff. January 1, 1989;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

25 NCAC 01D .2003 ADMINISTRATION

(a) The Office of State Human Resources shall design, effect, and maintain a centralized unemployment insurance cost management program, which shall have as its goal effective claims administration and the control of benefit costs. This goal shall be accomplished by improved communications and agency training on unemployment insurance issues and procedure, conscientious monitoring and administration of individual claims and benefit charges, examination of payment options, the creation and maintenance of a comprehensive unemployment insurance database, and related efforts. When it is determined advantageous and cost effective, the Office of State Human Resources may engage the services of a qualified service firm to provide claims administration support.

(b) The Office of State Human Resources shall designate an UI Coordinator, whose responsibility it shall be to coordinate the overall program. The duties of the UI Coordinator shall include:

2. Contract oversight to assure the delivery of services, where a third party firm is engaged to establish and carry out a centralized claims administration system.
3. Action as an intermediary between state agencies and the claims services firm, if such a firm is retained.
4. Development and delivery of agency training programs on UI administration.
5. Service as a technical resource to the agencies on UI matters.
6. Assimilation of a comprehensive UI data base, which accurately records claims activity and benefit charges to state accounts, and provides the basis for sound reports that can be used to guide management decisions on the UI Program.
7. Initiation of studies, recommendations, and reports relevant to UI cost management.
8. Recommendations concerning the design and cost effectiveness of the centralized UI Program.
9. Coordination with the Office of State Budget where there is a need to examine costing methods or financial aspects.
10. The monitoring of legislative actions concerning UI law and benefits, and service as spokesperson before legislative committees when it is within program interests.
11. Coordination with the Employment Security Commission on relevant questions and issues.

History Note:  Authority G.S. 96-8(6)j.; 96-8(6)i.;
Eff. January 1, 1989;

25 NCAC 01D .2004 AGENCY RESPONSIBILITIES

Each agency and institution shall designate an employee, preferably with working knowledge of the unemployment insurance function, to coordinate the flow of necessary information between the agency, the Office of State Human
Resources and any claims administrator retained by the Office of State Human Resources. The specific responsibilities of the Agency UI Coordinator are as follows:

1. Participate in the UI training opportunities offered by the Office of State Human Resources or its designated claims administration firm. Develop a working knowledge of the procedures outlined in the Procedures Manual for the centralized cost control program.

2. Ensure that agency hiring authorities maintain adequate documentation to provide and support the separation information required by the ESC on individual claims.

3. Provide detailed and timely wage and separation information, as necessary for the ESC to properly adjudicate an individual's claim for benefits, and to protect the state's interests against undue benefits.

4. Work with the Office of State Human Resources or its designated claims administrator to coordinate attendance of necessary witnesses and to assure the availability of documentation for UI hearings.

5. Communicate to the Office of State Human Resources or its designee any agency issue or action which may affect an individual's benefit entitlement.

6. Act as agency liaison for obtaining other information which may become relevant and valuable to the interests of the central UI cost management program.


SECTION .2100 - SPECIAL SALARY ADJUSTMENTS

25 NCAC 01D .2101 DEFINITION AND POLICY
25 NCAC 01D .2102 APPLICABILITY
25 NCAC 01D .2103 JUSTIFICATION
25 NCAC 01D .2104 RESPONSIBILITY OF THE STATE PERSONNEL DIRECTOR


25 NCAC 01D .2105 INTRODUCTION
25 NCAC 01D .2106 PURPOSE
25 NCAC 01D .2107 POLICY
25 NCAC 01D .2108 CRITERIA

History Note: Authority G.S. 126-4; Eff. January 1, 1992; Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .2200 - PAYMENT OF SALARY

25 NCAC 01D .2201 PAYMENT OF SALARY TO EMPLOYEES

History Note: Authority G.S. 126-4(10); Eff. November 1, 1989; Recodified to 25 NCAC 01D .0113(a) Eff. December 29, 2003.

25 NCAC 01D .2202 PAYMENT TO SEPARATED EMPLOYEES

History Note: Authority G.S. 126-4(10); Eff. November 1, 1989;
25 NCAC 01D .2203 POSTING OF NOTICE

History Note: Authority G.S. 126-4(10); Eff. November 1, 1989; Recodified to 25 NCAC 01D .0113(h) Eff. December 29, 2003.

SECTION .2300 - ACCELERATED PAY PLAN

25 NCAC 01D .2301 POLICY
25 NCAC 01D .2302 ELIGIBILITY FOR THE PLAN
25 NCAC 01D .2303 ELIGIBILITY FOR ACCELERATED PAY INCREASES
25 NCAC 01D .2304 ADMINISTRATION
25 NCAC 01D .2305 DOCUMENTATION


SECTION .2400 - ON CALL COMPENSATION

25 NCAC 01D .2401 ELIGIBLE EMPLOYEES
25 NCAC 01D .2402 RATE OF PAY/COMPENSATORY TIME
25 NCAC 01D .2403 EMERGENCY CALL-BACK PAY
25 NCAC 01D .2404 OVERTIME

History Note: Authority G.S. 126-4; 126-4(5); Eff. December 1, 1993; Repealed Eff. August 1, 2004.

SECTION .2500 - COMPREHENSIVE COMPENSATION SYSTEM

25 NCAC 01D .2501 CAREER GROWTH RECOGNITION AWARD
25 NCAC 01D .2502 AMOUNT OF CAREER GROWTH RECOGNITION AWARD
25 NCAC 01D .2503 EMPLOYEES ELIGIBLE FOR CAREER GROWTH RECOGNITION AWARD
25 NCAC 01D .2504 EFFECTIVE DATE OF CAREER GROWTH RECOGNITION AWARD
25 NCAC 01D .2505 COST-OF-LIVING ADJUSTMENT
25 NCAC 01D .2506 AMOUNT OF COST-OF-LIVING ADJUSTMENT
25 NCAC 01D .2507 EMPLOYEES ELIGIBLE FOR COST-OF-LIVING ADJUSTMENT
25 NCAC 01D .2508 EFFECTIVE DATE OF COST-OF-LIVING ADJUSTMENT
25 NCAC 01D .2509 PERFORMANCE BONUS
25 NCAC 01D .2510 AMOUNT OF PERFORMANCE BONUS
25 NCAC 01D .2511 EMPLOYEES ELIGIBLE FOR PERFORMANCE BONUS
25 NCAC 01D .2512 EFFECTIVE DATE OF PERFORMANCE BONUS
25 NCAC 01D .2513 BASES FOR AWARDING INCREASES
25 NCAC 01D .2514 FINAL DISCIPLINARY PROCEDURE
25 NCAC 01D .2515 PAY DISPUTE RESOLUTION PROCEDURE

History Note: Authority G.S. 126-7; Eff. June 1, 1994; Temporary Amendment Eff. July 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner (Rule .2513); Temporary Amendment Expired (Rule .2513); Temporary Amendment Eff. September 1, 1996;
25 NCAC 01D .2516  ELIGIBILITY FOR SEPTEMBER 1, 1996 LEGISLATIVE SALARY INCREASES

History Note: Authority G.S. 126-4; S.L. 1995, c. 507, s. 7.14;
Temporary Adoption Eff. September 1, 1996;
Temporary Adoption Expired June 28, 1997.

25 NCAC 01D .2517  ELIGIBILITY FOR JULY 1, 1997 LEGISLATIVE SALARY INCREASES

History Note: Authority G.S. 126-4; S.L. 1997-443;
Temporary Adoption Eff. October 2, 1997;
Temporary Adoption Expired July 31, 1998.

SECTION .2600 – IN-RANGE SALARY ADJUSTMENT

25 NCAC 01D .2601  PURPOSE
25 NCAC 01D .2602  AGENCY RESPONSIBILITIES
25 NCAC 01D .2603  OFFICE OF STATE HUMAN RESOURCES RESPONSIBILITIES
25 NCAC 01D .2604  STATE HUMAN RESOURCES COMMISSION RESPONSIBILITIES

History Note: Authority G.S. 126-4;
Eff. December 1, 1995;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .2700 - SEVERANCE SALARY CONTINUATION

25 NCAC 01D .2701  SEVERANCE SALARY CONTINUATION POLICY
In accordance with G.S. 126-8.5, severance salary continuation shall be paid to eligible employees as defined in 25 NCAC 01D .2702 in accordance with the rules in this Section. Severance pay shall be subject to available funding and approval by the Office of State Budget and Management.

History Note: Authority G.S. 126-4(10); 126-8.5;
Eff. October 1, 1985;
Amended Eff. October 1, 1995; September 1, 1991; November 1, 1990; November 1, 1988;
Revised from 25 NCAC 01D .0509 Eff. December 29, 2003;
Amended Eff. February 1, 2016; March 1, 2009.

25 NCAC 01D .2702  SEVERANCE SALARY CONTINUATION ELIGIBILITY
(a) The following type of employee who has been reduced in force and who does not obtain employment in another position in State government or any other position that is funded in whole or in part by the State by the effective date of the separation shall be eligible for severance salary continuation:
(i) full-time and part-time (half-time or more) permanent employees;
(ii) employees in trainee classifications with 12 or more months of continuous State service;
(iii) time-limited employees with 36 or more months of continuous State service; and
(iv) employees in exempt policymaking or exempt managerial positions as defined in G.S. 126-5(b) are eligible for severance salary continuation if the position is abolished as result of a reduction in force.
(b) Time-limited employees with less than 36 continuous months of service, probationary, and temporary employees shall not be eligible for severance salary continuation.
(c) An employee who is separated or who has received written notification of separation due to reduction in force, and who applies for or begins receiving retirement benefits based on early retirement, service retirement, long term disability, or a discontinued service retirement as provided by G.S. 126-8.5, shall not be eligible for severance salary
continuation. An employee who is eligible for early or service retirement may elect to delay retirement and receive severance salary continuation.

(d) An employee who is reemployed from any retired status with the State and who is subsequently terminated as a result of reduction in force shall be eligible for severance salary continuation if the employee meets the eligibility requirements set forth in Paragraph (a) of this Rule.

(e) An employee who is receiving workers' compensation or short-term disability payments is eligible for severance salary continuation if the employee meets the eligibility requirements set forth in Paragraph (a) of the Rule.

(f) An employee on leave with or without pay shall be separated on the effective date of the reduction in force and shall be eligible to receive severance salary continuation if the employee meets the eligibility requirements set forth in Paragraph (a) of this Rule.

History Note: Authority G.S. 126-4(10); 126-8.5;
Eff. February 1, 2016;
Amended Eff. April 1, 2017.

25 NCAC 01D .2703 EFFECTS OF REEMPLOYMENT ON SEVERANCE PAY

(a) An employee who is reemployed in any position with the State, or any other position that is funded in whole or in part by the State, while receiving severance salary continuation, shall not be eligible for severance salary continuation effective the date of reemployment.

(b) An eligible employee who is offered employment in any position with the State and declines to accept the employment offer, either prior to or following separation, shall not be eligible for severance salary continuation effective on the date that the offer is declined.

(c) The agency offering employment or reemployment is responsible for determining if an employee is receiving severance salary continuation payments and shall notify the separating agency of the date severance salary continuation shall be terminated.

History Note: Authority G.S. 126-4(10); 126-8.5;
Eff. February 1, 2016.

25 NCAC 01D .2704 AMOUNT AND METHOD OF PAYMENTS FOR SEVERANCE PAY

(a) In accordance with G.S. 126-8.5, severance salary continuation shall be based on total State service as defined in Rule .0112 of this Subchapter and supplemented by an age adjustment factor as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 year</td>
<td>2 weeks</td>
</tr>
<tr>
<td>1 but less than 2 years</td>
<td>1 month</td>
</tr>
<tr>
<td>2 but less than 5 years</td>
<td>1 month</td>
</tr>
<tr>
<td>5 but less than 10 years</td>
<td>2 months</td>
</tr>
<tr>
<td>10 but less than 20 years</td>
<td>3 months</td>
</tr>
<tr>
<td>20 or more years</td>
<td>4 months</td>
</tr>
</tbody>
</table>

(2) An employee qualifies for the age adjustment factor at 40 years of age. To compute the amount of the adjustment, 2.5 percent of the annual base salary shall be added for each full year over 39 years of age. However, the total age adjustment factor payment shall be limited by the service payment and cannot exceed the total service payment.

(b) Severance salary continuation shall be paid on a pay period basis.

(c) Any period covered by severance salary continuation shall not be credited as a period of State service.

(d) If an employee dies while receiving severance salary continuation, the balance of the severance salary continuation shall be made to the deceased employee's death benefit beneficiary as designated with the Teachers' and State Employees' Retirement System in a lump sum payment.

History Note: Authority G.S. 126-4(10); 126-8.5;
Eff. February 1, 2016.