
CAREER STATUS:
Incredibly Complicated or
Just A Big Pain?

**27th Annual N.C. Local Health Directors' Legal
Conference**

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UNC School of Government
Chapel Hill, North Carolina

THE CONTEXT

- LIFE BEFORE 8/19/2007
- LIFE AFTER 8/19/2007
- WHAT IS CAREER STATUS?

SO WHERE DOES PROBATIONARY PERIOD FIT IN?

- Still required by administrative rule
- No longer signals onset of property interest
- May, on a county to county basis, control access to benefits, regulate some compensation aspects

MORE CONTEXT

- WHY IS THERE A PROBATIONARY PERIOD?
- WHAT IS THE PROBATIONARY PERIOD USED FOR?

THE RULE-MAKING PROCESS

- A rule is proposed by OSP to the SPC
- The SPC agrees that rule-making should begin
- The rule is published in the NC Register
- A public comment hearing date is established
- A deadline for submitting written comments is established
- The public hearing is held

RULE-MAKING, PART II

- Written comments may be received
- Comments received at the hearing and in writing are considered by OSP
- Changes to the proposed rule may be made
- If the changes are extensive, the rule will need to be republished
- OSP reports on the rule to the SPC and makes recommendation

RULE-MAKING, PART III

- The SPC adopts/amends/deletes the rule
- The SPC's rule action is sent to the Rules Review Commission
- RRC reviews rule and approves
- Rule is effective 1st of month after rule is approved

PROPOSED RULES

- 25 NCAC 011 .2002 TYPES OF APPOINTMENTS AND DURATION
- 25 NCAC 011.2006 BREAK IN SERVICE
- 25 NCAC 011.2301 JUST CAUSE FOR DISCIPLINARY ACTION

WHAT DO THEY DO?

- **25 NCAC 011 .2002 TYPES OF APPOINTMENTS AND DURATION**

Sets policy on career status when changing employment from county to county, county to state, state to county

WHAT DO THEY DO?

- 25 NCAC 011.2006 **BREAK IN SERVICE**

Establishes definition for “break in service” for local government employees

WHAT DO THEY DO?

- 25 NCAC 011.2301 **JUST CAUSE FOR DISCIPLINARY ACTION**

Establishes that just cause, and disciplinary process, only apply to employees with career status

WHAT'S OUR TIMETABLE?

- February 20 – Public Comment Hearing for rules
- March 17 – Period for submitting written comments ends
- April 10 – SPC considers rules
- May – Rules Review Commission considers rules
- June 1 – Earliest effective date

WHAT HAPPENS IF

- The SPC and the RRC approve the rules?
- The SPC or the RRC do not approve the rules?
- The SPC decides to adopt a substantially different rule than what has been proposed?
- There are objections to the Rule at the RRC?

In The Meantime. . . .

- What do I do about someone coming to my agency with 24 or more months in a position subject to the State Personnel Act?
- What do I do about someone coming to my agency with <24 months in a position subject to the State Personnel Act?
- What if I want to fire somebody with <24 months in a position subject to the State Personnel Act

QUESTIONS?
