

§ 126-14.3B. Hiring candidate from most qualified pool in previous posting.

(a) In addition to the authority granted by G.S. 126-3.1(b)(1), the Council of State, the executive branch agencies, the Community Colleges System Office, and The University of North Carolina are authorized to directly hire, without posting, into a vacant position so long as all of the following conditions are met:

- (1) That employer previously posted for recruitment, in accordance with G.S. 126-7.1 and G.S. 126-14.3, a position that has the same or comparable classification as the position that is now vacant.
- (2) The person who is now being hired applied for that previous vacancy.
- (3) The employer selected the person to be within the pool of the most qualified persons for the previous vacancy, in accordance with G.S. 126-14.2, but did not hire that person.
- (4) For the position that is now vacant, the person who is now being hired meets the minimum education and experience requirements for the classification and has a salary set within the vacant position's classification range.

(b) Except as otherwise provided in this section, the hiring shall be exempt from this Chapter, including any procedural or substantive requirements, such as publicly posting the position, requiring a new application, holding a new interview or new reference checks, and following the priorities for certain types of applicants under State law. The hiring shall not be exempt from G.S. 126-14, 126-14.1, 126-14.5, and Articles 6 and 7 of this Chapter. The exemption from this Chapter for the hiring process shall not affect whether the position is subject to this Chapter once the employee is hired. (2025-34, s. 7.)