



CHAPTER 126
ARTICLE 1 - STATE HUMAN RESOURCES SYSTEM ESTABLISHED

N.C.G.S. § 126-5.

Employees subject to Chapter; exemptions.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-97, s. 5.4 — undefined-second act in the lineage	RETRIEVED 21 September 2026, 04:13 UTC	SOURCE FINGERPRINT 3957860c53e90158b3e0fb7d - bc59e6618fe961fd372cd835 - 6eb8f4b69456f58b
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- § 126-5(a) This Chapter applies to all of the following:
- (1) All State employees not exempted by this section.
 - (2) All employees of the following local entities:
 - a.Area mental health, developmental disabilities, and substance abuse authorities, except as otherwise provided in Chapter 122C of the General Statutes.
 - b.Local social services departments.
 - c.County health departments and district health departments.
 - d.Local emergency management agencies that receive federal grant-in-aid funds.
- An employee of a consolidated county human services agency created pursuant to G.S. 153A-77(b) is not considered an employee of an entity listed in this subdivision.
- (3) County employees not included under subdivision (2) of this subsection as the several boards of county commissioners may from time to time determine.

- § 126-5(b) The following definitions apply in this section:
- (1) Recodified as subdivision (b)(3a) of this section by Session Laws 2022-62, s. 58(a), effective July 8, 2022.

- (2) Exempt managerial position. - A position delegated with significant managerial or programmatic responsibility that is essential to the successful operation of a State department, agency, or division, so that the application of G.S. 126-35 to an employee in the position would cause undue disruption to the operations of the agency, department, institution, or division.
- (3) Exempt policymaking position. - A position delegated with the authority to impose the final decision as to a settled course of action to be followed within a department, agency, or division, so that a loyalty to the Governor or other elected department head in their respective offices is reasonably necessary to implement the policies of their offices. The term does not include personnel professionals.
- (3a) Exempt position. - An exempt managerial position or an exempt policymaking position.
- (4) Personnel professional. - Any employee in a State department, agency, institution, or division whose primary job duties involve administrative personnel and human resources functions for that State department, agency, institution, or division.

§ 126-5(c)

Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), and 126-4(6), and except as to Articles 6 and 7 of this Chapter, this Chapter does not apply to any of the following:

- (1) A State employee who is not a career State employee as defined by this Chapter.
- (2) One confidential assistant and two confidential secretaries for each elected or appointed department head and one confidential secretary for each chief deputy or chief administrative assistant.
- (3) Employees in exempt policymaking positions designated pursuant to subsection (d) of this section.
- (4) The chief deputy or chief administrative assistant to the head of each State department who is designated either by statute or by the department head to act for and perform all of the duties of the department head during the department head's absence or incapacity.

§ 126-5(c1)

Except as to Articles 6 and 7 of this Chapter, this Chapter does not apply to any of the following:

- (1) Constitutional officers of the State.
- (2) Officers and employees of the Judicial Department.
- (2a) Deputy commissioners appointed pursuant to G.S. 97-79.
- (3) Officers and employees of the General Assembly.
- (4) Members of boards, committees, commissions, councils, and advisory councils compensated on a per diem basis.
- (5) Officials or employees whose salaries are fixed by the General Assembly, or by the Governor, or by the Governor and Council of State, or by the Governor subject to the approval of the Council of State.
- (6) Employees of the Office of the Governor that the Governor, at any time, in the Governor's discretion, exempts from the application of this Chapter by means of a letter to the Director of the Office of State Human Resources designating these employees.
- (7) Employees of the Office of the Lieutenant Governor, that the Lieutenant Governor, at any time, in the Lieutenant Governor's discretion, exempts from the application of this Chapter by means of a letter to the Director of the Office of State Human Resources designating these employees.
- (8) Employees of The University of North Carolina who are exempt from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act, instructional and research staff, student-oriented professionals, finance professionals, business office professionals, auditor professionals, information technology professionals, physicians, dentists, pilots, the faculty of the North Carolina School of Science and Mathematics, and all temporary employees. The Board of Governors of The University of North Carolina shall have the authority to establish positions under this subdivision to be exempt from this Chapter without further review or approval by any other State agency.
- (8a) Employees of a regional school established pursuant to Part 10 of Article 16 of Chapter 115C of the General Statutes.
- (8b) Employees of a school for the deaf or blind governed by Article 9C of Chapter 115C of the General Statutes hired on or after July 1, 2024.
- (9) Employees whose salaries are fixed under the authority vested in the Board of Governors of The University of North Carolina by the provisions of G.S. 116-11(4), 116-11(5), and 116-14.

- (9a) Employees of the North Carolina Cooperative Extension Service of North Carolina State University and North Carolina Agricultural and Technical State University who are employed in county operations and who are not exempt pursuant to subdivision (8) or (9) of this subsection.
- (10) Repealed by Session Laws 1991, c. 84, s. 1.
- (11) Repealed by Session Laws 2006-66, s. 9.11(z), effective July 1, 2007.
- (12) , (13) Repealed by Session Laws 2001-474, s. 15, effective November 29, 2001.
- (14) Employees of the North Carolina State Ports Authority.
- (15) Employees of the North Carolina Global TransPark Authority.
- (16) The executive director and one associate director of the North Carolina Center for Nursing established under Article 9F of Chapter 90 of the General Statutes.
- (17) Repealed by Session Laws 2004-129, s. 37, effective July 1, 2004.
- (18) Employees of the Tobacco Trust Fund Commission established in Article 75 of Chapter 143 of the General Statutes.
- (19) Employees of the Health and Wellness Trust Fund Commission established in Article 21 of Chapter 130A of the General Statutes.
- (20) Repealed by Session Laws 2008-134, s. 73(d), effective July 28, 2008.
- (21) Repealed by Session Laws 2019-32, s. 1(b), effective July 1, 2019.
- (22) Employees of the North Carolina Turnpike Authority.
- (23) The Executive Administrator of the State Health Plan for Teachers and State Employees.
- (24) Employees of the State Health Plan for Teachers and State Employees as designated by law or by the Executive Administrator of the Plan.
- (25) The North Carolina State Lottery Director and employees of the North Carolina State Lottery.
- (26) Repealed by Session Laws 2011-145, s. 7.31(c), as added by Session Laws 2011-391, s. 17, and by Session Laws 2011-266, s. 1.37(c), effective July 1, 2011.
- (27) The Chief Administrative Law Judge of the Office of Administrative Hearings and five employees of the Office of Administrative Hearings as designated by the Chief Administrative Law Judge.

- (28) The Executive Director and the Assistant Director of the U.S.S. North Carolina Battleship Commission.
- (29) The Executive Director, Deputy Director, all other directors, assistant and associate directors, and center fellows of the North Carolina Center for the Advancement of Teaching.
- (30) Employees of the Department of Commerce employed in the Rural Economic Development Division.
- (30a) Repealed by Session Laws 2018-5, s. 15.5(e), effective July 1, 2018.
- (31) Repealed by Session Laws 2021-180, s. 9B.4(c), effective July 1, 2021.
- (32) Employees of the North Carolina Health Information Exchange Authority.
- (33) Employees of the Division of Health Benefits of the Department of Health and Human Services.
- (34) Repealed by Session Laws 2021-180, s. 9F.19(a), effective December 18, 2021.
- (35) The Associate Superintendent of Early Education who serves as chief academic officer of early education.
- (36) Employees of the North Carolina Youth Outdoor Engagement Commission.
- (37) Employees of the Division of State Operated Healthcare Facilities of the Department of Health and Human Services who are (i) health care professionals licensed under Chapter 90 or Chapter 90B of the General Statutes or (ii) engineers responsible for maintenance or buildings operations at one of the health care facilities operated by the Secretary of the Department of Health and Human Services under G.S. 122C-181.
- (38) The Executive Director of the North Carolina Boxing and Combat Sports Commission created pursuant to G.S. 143-652.2.
- (39) Employees of the State Bureau of Investigation, that the Director of the State Bureau of Investigation, at any time, in the Director of the State Bureau of Investigation's discretion, exempts from the application of this Chapter by means of a letter to the Director of the Office of State Human Resources designating these employees. The Director of the State Bureau of Investigation may exempt no more than 10 employees under the authorization set forth in this subdivision.

- (40) Employees of the State Highway Patrol, that the Commander of the State Highway Patrol, at any time, in the Commander of the State Highway Patrol's discretion, exempts from the application of this Chapter by means of a letter to the Director of the Office of State Human Resources designating these employees. The Commander of the State Highway Patrol may exempt no more than 17 employees under the authorization set forth in this subdivision.
- (41) The Chief Investment Officer of the North Carolina Investment Authority established under Part 4 of Article 6 of Chapter 147 of the General Statutes.
- (42) Employees of the North Carolina Investment Authority established under Part 4 of Article 6 of Chapter 147 of the General Statutes who possess specialized skills or knowledge necessary for the proper administration of investment programs and who are employed in a position designated by the Chief Investment Officer as exempt in accordance with G.S. 147-72.1.

§ 126-5(c2)

This Chapter does not apply to any of the following:

- (1) Public school superintendents, principals, teachers, and other public school employees.
- (2) Recodified as G.S. 126-5(c)(4) by Session Laws 1985 (Regular Session, 1986), c. 1014, s. 41.
- (3) Employees of community colleges whose salaries are fixed in accordance with G.S. 115D-6.1 and G.S. 115D-20 and employees of the Community Colleges System Office whose salaries are fixed by the State Board of Community Colleges in accordance with G.S. 115D-3.
- (4) Employees of the Office of Proprietary Schools whose salaries are fixed by the State Board of Proprietary Schools in accordance with G.S. 115D-89.2.
- (5) Officers, employees, and members of the governing board of a North Carolina nonprofit corporation with which the Department of Commerce has contracted pursuant to the authority granted in G.S. 143B-431.01.

§ 126-5(c3)

Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(5) and Article 6 of this Chapter, this Chapter does not apply to teaching and related educational classes of employees of the Division of Juvenile Justice of the Department of Public Safety, the Department of Health and Human Services, and any other State department, agency, or institution, whose salaries shall be set in the same

manner as set for corresponding public school employees in accordance with Chapter 115C of the General Statutes.

§ 126-5(c4)

Repealed by Session Laws 1993, c. 321, s. 145(b).

§ 126-5(c5)

Notwithstanding any other provision of this Chapter, Article 14 of this Chapter applies to all State employees, public school employees, and community college employees.

§ 126-5(c6)

Article 15 of this Chapter applies to all State employees, public school employees, and community college employees.

§ 126-5(c7)

Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), 126-4(6), 126-14.3, 126-14.3A, and except as to G.S. 126-3.1, 126-14.2, 126-14.3B, 126-34.02(b)(1) and (2), and Articles 6 and 7 of this Chapter, this Chapter does not apply to exempt managerial positions.

§ 126-5(c8)

Except as to Articles 5, 6, 7, and 14 of this Chapter, this Chapter does not apply to any of the following:

- (1) Employees of the University of North Carolina Health Care System.
- (2) Employees of the University of North Carolina Hospitals at Chapel Hill.
- (3) Employees of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill.
- (4) Employees of the Medical Faculty Practice Plan, a division of the School of Medicine of East Carolina University.
- (5) Employees of UNC-CH Dental School Clinical Operations, a division of the Adams School of Dentistry at the University of North Carolina at Chapel Hill.
- (6) Employees of ECU Dental School Clinical Operations, a division of the School of Dental Medicine at East Carolina University.

§ 126-5(c9)

Notwithstanding any other provision of this section, Article 16 of this Chapter applies to all exempt and nonexempt State employees in the executive, legislative, and judicial branches unless provided otherwise by Article 16 of this Chapter. Article 16 of this Chapter does not apply to employees described in subdivisions (2) and (3) of subsection (a) of this section.

§ 126-5(c10)

Notwithstanding any other provision of this section, G.S. 126-8.5 applies to all exempt and nonexempt State employees in the executive, legislative, and judicial branches unless provided otherwise by G.S. 126-8.5. G.S. 126-8.5 does not apply to employees described in subdivisions (2) and (3) of subsection (a) of this section.

§ 126-5(c11)

The following are exempt from (i) the classification and compensation rules established by the State Human Resources Commission pursuant to G.S. 126-4(1) through (4); (ii) G.S. 126-4(5) only as it applies to hours and days of work, vacation, and sick leave; (iii) G.S. 126-4(6) only as it applies to promotion and transfer; (iv) G.S. 126-4(10) only as it applies to the prohibition of the establishment of incentive pay programs; and (v) Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1:

- (1) The Office of the Commissioner of Banks and its employees.
- (2) The following employees of the Department of Natural and Cultural Resources:
 - a. Director and Associate Directors of the North Carolina Museum of History.
 - b. Program Chiefs and Curators.
 - c. Regional History Museum Administrators and Curators.
 - d. Employees assigned to assist the North Carolina Symphony Society, Incorporated.
 - e. Director, Associate Directors, and Curators of Tryon Palace.
 - f. Director, Associate Directors, and Curators of Transportation Museum.
 - g. Director and Associate Directors of the North Carolina Arts Council.
 - h. Director, Assistant Directors, and Curators of the Division of State Historic Sites.
- (3) Employees of the Department of Information Technology (DIT), and employees in all agencies, departments, and institutions with similar classifications as DIT employees, who voluntarily relinquish annual longevity payments, relinquish any claim to longevity pay, voluntarily relinquish any claim to career status or eligibility for career status as approved by the State Chief Information Officer and the Director of the Office of State Human Resources (OSHR).
- (4) Employees of the Utilities Commission and the Commission's Public Staff.

§ 126-5(c12)

Except as to G.S. 126-13, 126-14, 126-14.1, and Articles 6, 7, 14, 15, and 16 of this Chapter, this Chapter does not apply to employees of the Department of State Treasurer possessing specialized skills or knowledge necessary for the

proper administration of investment programs and compensated pursuant to G.S. 147-65.2(b).

§ 126-5(c13) Except as to G.S. 126-13, 126-14, 126-14.1, and Articles 6, 7, 14, 15, and 16 of this Chapter, this Chapter does not apply to employees of the Department of State Treasurer possessing specialized skills or knowledge necessary for the proper administration of the Supplemental Retirement Plans and compensated pursuant to G.S. 135-91(c).

§ 126-5(c14) Notwithstanding any provision of this Chapter to the contrary, each Council of State agency, the Office of the State Controller, and the Executive Director of the State Board of Elections has the sole authority to set the salary of its exempt policymaking and exempt managerial positions within the minimum rates, and the maximum rates plus ten percent (10%), established by the State Human Resources Commission under G.S. 126-4(2).

§ 126-5(c15) Notwithstanding any provision of this Chapter to the contrary, the State Chief Information Officer (State CIO) may do the following:

- (1) Classify or reclassify positions in the Department of Information Technology (DIT) according to the classification system established by the State Human Resources Commission (SHRC) as long as the employee meets the minimum requirements of the classification.
- (2) Set salaries for DIT employees within the salary ranges for the respective position classification established by the SHRC.

§ 126-5(c16) Except as to Articles 6, 7, and 8 of this Chapter, this Chapter does not apply to commissioned police officer positions of the University of North Carolina. Employees in positions covered by this exception are eligible for all employment and retirement benefits provided to State law enforcement officers subject to this Chapter.

§ 126-5(c17) Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), 126-4(6), 126-7, 126-14.3, 126-14.3A, and except as to the provisions of G.S. 126-3.1, 126-14.2, 126-14.3B, 126-34.1(a)(2), and Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to a warden of an adult corrections facility.

§ 126-5(c18)

Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), 126-4(6), 126-4(7), and 126-14.3, and except as to the provisions of G.S. 126-3.1, 126-14.2, 126-14.3A, 126-14.3B, 126-34.02(b)(1) and (2), and Articles 6 and 7 of this Chapter, this Chapter does not apply to the warden of a State adult correctional facility. Employees in these positions shall be public servants under G.S. 138A-3(70) and shall file Statements of Economic Interest under G.S. 138A-22. Employees in these positions shall receive the protections of former G.S. 126-5(e) if the employees were hired before the date of its repeal and have the minimum cumulative service to qualify under that subsection.

§ 126-5(c19) Notwithstanding any other provision of this Chapter, G.S. 126-8.6 applies to all State employees, public school employees, and community college employees. G.S. 126-8.6 does not apply to employees described in subdivisions (2) and (3) of subsection (c1) of G.S. 126-5. The legislative and judicial branches shall adopt parental leave policies.

§ 126-5(c20) Notwithstanding any provision of law to the contrary, G.S. 126-14.5 shall apply to all (i) nonexempt State employees in the executive branch, including nonexempt employees of The University of North Carolina and nonexempt employees of the Community Colleges System Office, and (ii) community college employees.

§ 126-5(c21) Notwithstanding any provision of law to the contrary, G.S. 126-14.6 shall apply to all (i) nonexempt State employees in the executive branch, including nonexempt employees of The University of North Carolina and nonexempt employees of the Community Colleges System Office, and (ii) community college employees.

§ 126-5(d) (1)Exempt Positions in Cabinet Department. - Subject to this Chapter, which is known as the North Carolina Human Resources Act, the Governor may designate a total of 425 exempt positions throughout the following departments and offices:

a.Department of Administration.

b.Department of Commerce.

c.Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.

d.Department of Public Safety.

e.Department of Natural and Cultural Resources.

f.Department of Health and Human Services.

g.Department of Environmental Quality.

h.Department of Revenue.

i.Department of Transportation.

j.Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.

k.Department of Information Technology.

l., m.Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 7, effective December 19, 2016.

n.Department of Military and Veterans Affairs.

o.Department of Adult Correction.

- (2) Exempt Positions in Council of State Departments and Offices, the Office of the State Controller, and the State Board of Elections. - The Secretary of State, the Auditor, the Treasurer, the Attorney General, the Superintendent of Public Instruction, the Commissioner of Agriculture, the Commissioner of Insurance, the Labor Commissioner, the State Controller, and the Executive Director of the State Board of Elections may designate exempt positions. The number of exempt policymaking positions in each department headed by an elected department head listed in this subdivision is limited to 25 exempt policymaking positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions is limited to 25 positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt policymaking positions designated by the Superintendent of Public Instruction is limited to 70 exempt policymaking positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions designated by the Superintendent of Public Instruction is limited to 70 exempt managerial positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The total number of exempt positions, policymaking and managerial, designated by the Office of the State Controller is limited to 10. The total number of exempt positions designated by the Executive Director of the State Board of Elections is limited to the following seven positions: Agency Human Relations Director II, Agency General Counsel II, Assistant General Counsel II, Public Information Manager, Legislative Affairs Manager, Internal Auditor, and Administrative Officer III.

- (2a) Designation of Additional Positions. - The Governor or elected department head may request that additional positions be designated as exempt. The request shall be made by sending a list of exempt positions that exceed the limit imposed by this subsection to the Speaker of the North Carolina House of Representatives and the President of the North Carolina Senate. A copy of the list also shall be sent to the Director of the Office of State Human Resources. The General Assembly may authorize all, or part of, the additional positions to be designated as exempt positions. If the General Assembly is in session when the list is submitted and does not act within 30 days after the list is submitted, the list is deemed approved by the General Assembly, and the positions shall be designated as exempt positions. If the General Assembly is not in session when the list is submitted, the 30-day period shall not begin to run until the next date that the General Assembly convenes or reconvenes, other than for a special session called for a specific purpose not involving the approval of the list of additional positions to be designated as exempt positions; the policymaking positions shall not be designated as exempt during the interim.
- (2b) Designation of Liaison Positions. - Liaisons to the Collaboration for Prosperity Zones set out in G.S. 143B-28.1 for the Departments of Commerce, Environmental Quality, and Transportation are designated as exempt.
- (2c) Repealed by Session Laws 2017-6, s. 1, effective May 1, 2017.
- (3) Letter. - Exempt positions shall be designated in a letter to the Director of the Office of State Human Resources, the Speaker of the House of Representatives, and the President of the Senate by July 1 of the year in which the oath of office is administered to each Governor unless subdivision (4) of this subsection applies.
- (4) Vacancies. - In the event of a vacancy in the Office of Governor, the office of a member of the Council of State, the Office of the State Controller, or the Executive Director of the State Board of Elections, the person who succeeds to or is appointed or elected to fill the unexpired term shall make designations in a letter to the Director of the Office of State Human Resources, the Speaker of the House of Representatives, and the President of the Senate within 180 days after the oath of office is administered to that person.

- (5) **Creation, Transfer, or Reorganization.** - The Governor or elected department head may designate as exempt a position that is created or transferred to a different department, or is located in a department in which reorganization has occurred, after October 1 of the year in which the oath of office is administered to the Governor. The designation shall be made in a letter to the Director of the Office of State Human Resources, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate within 180 days after the position is created, transferred, or in which reorganization has occurred.
- (6) **Reversal.** - Subsequent to the designation of a position as an exempt position, the status of the position may be reversed and made subject to this Chapter by the Governor or by an elected department head in a letter to the Director of the Office of State Human Resources, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate.
- (7) **No Designation for Certain Positions.** - Except for deputy commissioners appointed pursuant to G.S. 97-79 and as otherwise specifically provided by this section, no employee, by whatever title, whose primary duties include the power to conduct hearings, take evidence, and enter a decision based on findings of fact and conclusions of law based on statutes and legal precedents shall be designated as exempt.

§ 126-5(e)

(Repealed for State employees hired on or after August 21, 2013) An exempt employee may be transferred, demoted, or separated from his or her position by the department head authorized to designate the exempt position except as follows:

- (1) When an employee who has the minimum service requirements described in G.S. 126-1.1 but less than 10 years of cumulative service in subject positions prior to placement in an exempt position is removed from an exempt position, for reasons other than just cause, the employee shall have priority to any position that becomes available for which the employee is qualified, according to rules and regulations regulating and defining priority as promulgated by the State Human Resources Commission.

- (2) When an employee who has 10 years or more cumulative service, including the immediately preceding 12 months, in subject positions prior to placement in an exempt position is removed from an exempt position, for reasons other than just cause, the employee shall be reassigned to a subject position within the same department or agency, or if necessary within another agency, at the same grade and salary, including all across-the-board increases since placement in the position designated as exempt, as his or her most recent subject position.
- (3) When a career State employee as defined by G.S. 126-1.1 who has more than two but less than 10 years or more of cumulative service in a subject position moves from one exempt position covered by this subsection to another position covered by this subsection without a break in service and that employee is later removed from the last exempt position, for reasons other than just cause, the employee shall have priority to any position that becomes available for which the employee is qualified, according to the rules regulating and defining priority as adopted by the State Human Resources Commission.
- (4) When a career State employee as defined by G.S. 126-1.1 who has 10 years or more of cumulative service moves from one exempt position covered by this subsection to another position covered by this subsection without a break in service and that employee is later removed from the last exempt position, for reasons other than just cause, the employee shall be reassigned to a subject position within the same department or agency, or if necessary, within another department or agency. The employee shall be paid at the same grade and salary as the employee's most recent subject position, including all across-the-board legislative increases awarded since the employee's placement in the position that was designated as exempt.

§ 126-5(f) (Repealed for State employees hired on or after August 21, 2013) A department head is authorized to use existing budgeted positions within his department in order to carry out the provisions of subsection (e) of this section. If it is necessary to meet the requirements of subsection (e) of this section, a department head may use salary reserve funds authorized for his department.

§ 126-5(g) No employee shall be placed in an exempt position without 10 working days' prior written notification that the position is so designated. A person applying for a position that is designated as exempt shall be notified in writing at the time the person makes the application that the position is designated as exempt.

§ 126-5(h)

In case of a dispute as to whether an employee is subject to this Chapter, the dispute shall be resolved as provided in Article 3 of Chapter 150B of the General Statutes.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
122 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1965	c. 640, s. 2	ENACTED
02	1967	c. 24, s. 20	AMENDED
03	1967	cc. 1038, 1143	AMENDED
04	1969	c. 982	AMENDED
05	1971	c. 1025, s. 2	AMENDED
06	1973	c. 476, s. 143	AMENDED
07	1975	c. 667, ss. 8, 9	AMENDED
08	1977	c. 866, ss. 2-5	AMENDED
09	1979	2nd Sess., c. 1137, s. 40	AMENDED
10	1983	c. 717, s. 41	AMENDED
11	1983	c. 867, s. 2	AMENDED
12	1985	c. 589, s. 38	AMENDED
13	1985	c. 617, s. 1	AMENDED
14	1985	c. 757, s. 206(c)	AMENDED
15	1985	1985 (Reg. Sess., 1986), c. 955, s. 43	AMENDED
16	1985	c. 1014, ss. 41, 235	AMENDED
17	1985	c. 1022, s. 9	AMENDED
18	1987	c. 320, s. 4	AMENDED
19	1987	c. 395, s. 1	AMENDED

20	1987	c. 809, s. 1	AMENDED
21	1987	c. 850, s. 19	AMENDED
22	1987	1987 (Reg. Sess., 1988), c. 1064, s. 3	AMENDED
23	1989	c. 168, s. 9	AMENDED
24	1989	c. 236, s. 3	AMENDED
25	1989	c. 484	AMENDED
26	1989	c. 727, s. 218(85)	AMENDED
27	1989	c. 751, s. 7(13)	AMENDED
28	1991	c. 65, s. 2	AMENDED
29	1991	c. 84, ss. 1, 2	AMENDED
30	1991	c. 354, s. 3	AMENDED
31	1991	c. 749, s. 4	AMENDED
32	1991	1991 (Reg. Sess., 1992), c. 879, s. 5	AMENDED
33	1991	c. 959, s. 85	AMENDED
34	1993	c. 145, s. 1	AMENDED
35	1993	c. 321, s. 145(b)	AMENDED
36	1993	c. 553, ss. 39, 40	AMENDED
37	1993	1993 (Reg. Sess., 1994), c. 777, s. 4(g)	AMENDED
38	1995	c. 141, ss. 3, 5	AMENDED
39	1995	c. 393, s. 1	AMENDED
40	1995	1995 (Reg. Sess., 1996), c. 690, s. 15	AMENDED
41	1997	S.L. 1997-443, ss. 11A.118(a), 11A.119(a), 22.2(b)	AMENDED
42	1997	S.L. 1997-520, s. 3	AMENDED
43	1998	S.L. 1998-212, s. 11.8(b)	AMENDED
44	1999	S.L. 1999-84, s. 21	AMENDED
45	1999	S.L. 1999-253, s. 1	AMENDED
46	1999	S.L. 1999-434, s. 25	AMENDED
47	2000	S.L. 2000-137, s. 4(nn)	AMENDED
48	2000	S.L. 2000-147, s. 4	AMENDED
49	2000	S.L. 2000-148, s. 3	AMENDED

50	2001	S.L. 2001-92, s. 2	AMENDED
51	2001	S.L. 2001-424, s. 32.16(a)	AMENDED
52	2001	S.L. 2001-474, s. 15	AMENDED
53	2001	S.L. 2001-487, ss. 21(d), 30(a), (b)	AMENDED
54	2002	S.L. 2002-126, s. 28.4	AMENDED
55	2002	S.L. 2002-133, s. 4	AMENDED
56	2004	S.L. 2004-124, s. 31.27(b)	AMENDED
57	2004	S.L. 2004-129, s. 37	AMENDED
58	2005	S.L. 2005-276, s. 29.34(b)	AMENDED
59	2005	S.L. 2005-344, s. 9	AMENDED
60	2006	S.L. 2006-66, ss. 9.11(y), (z), 9.17(e), 18.2(e)	AMENDED
61	2006	S.L. 2006-204, s. 2	AMENDED
62	2006	S.L. 2006-221, s. 20	AMENDED
63	2006	S.L. 2006-259, s. 49	AMENDED
64	2006	S.L. 2006-264, s. 11	AMENDED
65	2007	S.L. 2007-117, s. 3(b)	AMENDED
66	2007	S.L. 2007-195, s. 1	AMENDED
67	2007	S.L. 2007-323, s. 28.22A(o)	AMENDED
68	2007	S.L. 2007-345, s. 12	AMENDED
69	2007	S.L. 2007-484, s. 9(c)	AMENDED
70	2008	S.L. 2008-134, s. 73(d)	AMENDED
71	2009	S.L. 2009-451, ss. 9.13(f), 27.31(c)	AMENDED
72	2011	S.L. 2011-145, ss. 7.31(c), 19.1(g), (h), (l)	AMENDED
73	2011	S.L. 2011-241, s. 5	AMENDED
74	2011	S.L. 2011-266, s. 1.37(c)	AMENDED
75	2011	S.L. 2011-391, s. 17	AMENDED
76	2012	S.L. 2012-83, s. 7	AMENDED
77	2012	S.L. 2012-142, ss. 8.9A(c), 25.2E(a)	AMENDED
78	2012	S.L. 2012-151, s. 11(a)	AMENDED
79	2013	S.L. 2013-360, s. 15.10(d)	AMENDED

80	2013	S.L. 2013-382, ss. 4.1, 4.3, 4.4, 4.5, 9.1(c)	AMENDED
81	2013	S.L. 2013-410, s. 47.2(b)	AMENDED
82	2014	S.L. 2014-18, s. 1.4	AMENDED
83	2014	S.L. 2014-100, ss. 7.17(a), 15.16(b), 33.2(b), 35.11(a)	AMENDED
84	2014	S.L. 2014-115, s. 55.3(a)	AMENDED
85	2015	S.L. 2015-164, s. 9(b)	AMENDED
86	2015	S.L. 2015-241, ss. 7A.4(k), 12A.3(b), 12A.5(e), 14.30(s), (u), 24.1(v)	AMENDED
87	2015	S.L. 2015-245, s. 20	AMENDED
88	2015	S.L. 2015-268, s. 7.3(a)	AMENDED
89	2016	S.L. 2016-94, s. 15.10(b)	AMENDED
90	2016	S.L. 2016-126, 4th Ex. Sess., ss. 7, 8	AMENDED
91	2017	S.L. 2017-6, s. 1	AMENDED
92	2017	S.L. 2017-57, ss. 7.23I(b), 35.18C	AMENDED
93	2017	S.L. 2017-186, s. 2(sssss)	AMENDED
94	2018	S.L. 2018-5, ss. 15.5(e), 35.19	AMENDED
95	2018	S.L. 2018-84, s. 8(b)	AMENDED
96	2019	S.L. 2019-32, s. 1(b)	AMENDED
97	2019	S.L. 2019-200, s. 13	AMENDED
98	2020	S.L. 2020-56, s. 7	AMENDED
99	2020	S.L. 2020-78, s. 9.1	AMENDED
100	2021	S.L. 2021-80, s. 1	AMENDED
101	2021	S.L. 2021-180, ss. 9B.4(c), 9F.19(a), 19A.7(e), 21.2(b)	AMENDED
102	2022	S.L. 2022-58, s. 20(a)	AMENDED
103	2022	S.L. 2022-62, s. 58(a), (b)	AMENDED
104	2022	S.L. 2022-74, ss. 8.4(c), 19C.1(a)	AMENDED
105	2023	S.L. 2023-10, s. 2(c)	AMENDED
106	2023	S.L. 2023-14, ss. 5.1(b), 10	AMENDED
107	2023	S.L. 2023-51, s. 2	AMENDED
108	2023	S.L. 2023-62, ss. 1(b), 2(b)	AMENDED
109	2023	S.L. 2023-65, s. 13A.1(b)	AMENDED

110	2023	S.L. 2023-102, ss. 5(b), 6(a)	AMENDED
111	2023	S.L. 2023-134, ss. 4.10(i), 11.16(c), 19F.4(c1), 25.1(b)	AMENDED
112	2023	S.L. 2023-138, s. 6(c)	AMENDED
113	2024	S.L. 2024-1, s. 2.8E(a)	AMENDED
114	2024	S.L. 2024-57, s. 3E.1(d)	AMENDED
115	2025	S.L. 2025-4, s. 2.2(a)	AMENDED
116	2025	S.L. 2025-6, s. 4.1(b)	AMENDED
117	2025	S.L. 2025-10, s. 5(a)	AMENDED
118	2025	S.L. 2025-10, s. 5(a)	AMENDED
119	2025	S.L. 2025-34, s. 2(b)-(d)	AMENDED
120	2025	S.L. 2025-56, s. 2(q), s. 2(q)	AMENDED
121	2025	S.L. 2025-89, s. 2E.3(b)	AMENDED
122	2025	S.L. 2025-97, s. 5.4	AMENDED

APPARATUS II
33 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 153A-77(b)	(a)	"human services agency created pursuant to"
G.S. 126-35	(b)(2)	"division, so that the application of"
G.S. 126-4(1)	(c)	"established by the Commission pursuant to"
G.S. 97-79	(c1)(2a)	"Deputy commissioners appointed pursuant to"
G.S. 116-11(4)	(c1)(9)	"North Carolina by the provisions of"
G.S. 122C-181	(c1)(37)	"of Health and Human Services under"
G.S. 143-652.2	(c1)(38)	"Combat Sports Commission created pursuant to"
G.S. 147-72.1	(c1)(42)	"Officer as exempt in accordance with"
G.S. 126-5(c)(4)	(c2)(2)	"Recodified as"
G.S. 115D-6.1	(c2)(3)	"salaries are fixed in accordance with"
G.S. 115D-20	(c2)(3)	"in accordance with G.S. 115D-6.1 and"
G.S. 115D-3	(c2)(3)	"of Community Colleges in accordance with"

G.S. 115D-89.2	(c2)(4)	"of Proprietary Schools in accordance with"
G.S. 143B-431.01	(c2)(5)	"pursuant to the authority granted in"
G.S. 126-4(5)	(c3)	"established by the Commission pursuant to"
G.S. 126-3.1	(c7)	"126-14.3, 126-14.3A, and except as to"
G.S. 126-8.5	(c10)	"any other provision of this section,"
G.S. 126-4(6)	(c11)	"work, vacation, and sick leave; (iii)"
G.S. 126-4(10)	(c11)	"applies to promotion and transfer; (iv)"
G.S. 126-7.1	(c11)	"of the General Statutes, except for"
G.S. 126-13	(c12)	"Except as to"
G.S. 147-65.2(b)	(c12)	"investment programs and compensated pursuant to"
G.S. 135-91(c)	(c13)	"Retirement Plans and compensated pursuant to"
G.S. 126-4(2)	(c14)	"the State Human Resources Commission under"
G.S. 138A-3(70)	(c18)	"positions shall be public servants under"
G.S. 138A-22	(c18)	"file Statements of Economic Interest under"
G.S. 126-5(e)	(c18)	"shall receive the protections of former"
G.S. 126-8.6	(c19)	"any other provision of this Chapter,"
G.S. 126-5	(c19)	"and (3) of subsection (c1) of"
G.S. 126-14.5	(c20)	"provision of law to the contrary,"
G.S. 126-14.6	(c21)	"provision of law to the contrary,"
G.S. 143B-28.1	(d)(2b)	"for Prosperity Zones set out in"
G.S. 126-1.1	(e)(1)	"the minimum service requirements described in"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 126-5 (2025).

PINPOINT
N.C. Gen. Stat. § 126-5(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1965, c. 640, s. 2; 1967, c. 24, s. 20; cc. 1038, 1143; 1969, c. 982; 1971, c. 1025, s. 2; 1973, c. 476, s. 143; 1975, c. 667, ss. 8, 9; 1977, c. 866, ss. 2-5; 1979, 2nd Sess., c. 1137, s. 40; 1983, c. 717, s. 41; c. 867, s. 2; 1985, c. 589, s. 38; c. 617, s. 1; c. 757, s. 206(c); 1985 (Reg. Sess., 1986), c. 955, s. 43; c. 1014, ss. 41, 235; c. 1022, s. 9; 1987, c. 320, s. 4; c. 395, s. 1; c. 809, s. 1; c. 850, s. 19; 1987 (Reg. Sess., 1988), c. 1064, s. 3; 1989, c. 168, s. 9; c. 236, s. 3; c. 484; c. 727, s. 218(85); c. 751, s. 7(13); 1991, c. 65, s. 2; c. 84, ss. 1, 2; c. 354, s. 3; c. 749, s. 4; 1991 (Reg. Sess., 1992), c. 879, s. 5; c. 959, s. 85; 1993, c. 145, s. 1; c. 321, s. 145(b); c. 553, ss. 39, 40; 1993 (Reg. Sess., 1994), c. 777, s. 4(g); 1995, c. 141, ss. 3, 5; c. 393, s. 1; 1995 (Reg. Sess., 1996), c. 690, s. 15; 1997-443, ss. 11A.118(a), 11A.119(a), 22.2(b); 1997-520, s. 3; 1998-212, s. 11.8(b); 1999-84, s. 21; 1999-253, s. 1; 1999-434, s. 25; 2000-137, s. 4(nn); 2000-147, s. 4; 2000-148, s. 3; 2001-92, s. 2; 2001-424, s. 32.16(a); 2001-474, s. 15; 2001-487, ss. 21(d), 30(a), (b); 2002-126, s. 28.4; 2002-133, s. 4; 2004-124, s. 31.27(b); 2004-129, s. 37; 2005-276, s. 29.34(b); 2005-344, s. 9; 2006-66, ss. 9.11(y), (z), 9.17(e), 18.2(e); 2006-204, s. 2; 2006-221, s. 20; 2006-259, s. 49; 2006-264, s. 11; 2007-117, s. 3(b); 2007-195, s. 1; 2007-323, s. 28.22A(o); 2007-345, s. 12; 2007-484, s. 9(c); 2008-134, s. 73(d); 2009-451, ss. 9.13(f), 27.31(c); 2011-145, ss. 7.31(c), 19.1(g), (h), (l); 2011-241, s. 5; 2011-266, s. 1.37(c); 2011-391, s. 17; 2012-83, s. 7; 2012-142, ss. 8.9A(c), 25.2E(a); 2012-151, s. 11(a); 2013-360, s. 15.10(d); 2013-382, ss. 4.1, 4.3, 4.4, 4.5, 9.1(c); 2013-410, s. 47.2(b); 2014-18, s. 1.4; 2014-100, ss. 7.17(a), 15.16(b), 33.2(b), 35.11(a); 2014-115, s. 55.3(a); 2015-164, s. 9(b); 2015-241, ss. 7A.4(k), 12A.3(b), 12A.5(e), 14.30(s), (u), 24.1(v); 2015-245, s. 20; 2015-268, s. 7.3(a); 2016-94, s. 15.10(b); 2016-126, 4th Ex. Sess., ss. 7, 8; 2017-6, s. 1; 2017-57, ss. 7.231(b), 35.18C; 2017-186, s. 2(sssss); 2018-5, ss. 15.5(e), 35.19; 2018-84, s. 8(b); 2019-32, s. 1(b); 2019-200, s. 13; 2020-56, s. 7; 2020-78, s. 9.1; 2021-80, s. 1; 2021-180, ss. 9B.4(c), 9F.19(a), 19A.7(e), 21.2(b); 2022-58, s. 20(a); 2022-62, s. 58(a), (b); 2022-74, ss. 8.4(c), 19C.1(a); 2023-10, s. 2(c); 2023-14, ss. 5.1(b), 10; 2023-51, s. 2; 2023-62, ss. 1(b), 2(b); 2023-65, s. 13A.1(b); 2023-102, ss. 5(b), 6(a); 2023-134, ss. 4.10(i), 11.16(c), 19F.4(c1), 25.1(b); 2023-138, s. 6(c); 2024-1, s. 2.8E(a); 2024-57, s. 3E.1(d); 2025-4, s. 2.2(a); 2025-6, s. 4.1(b); 2025-10, s. 5(a); 2025-10, s. 5(a); 2025-34, s. 2(b)-(d); 2025-56, s. 2(q), s. 2(q); 2025-89, s. 2E.3(b); 2025-97, s. 5.4.)

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