



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

EQUAL EMPLOYMENT OPPORTUNITY PLAN

State Plan - For SPA Employees

March 1, 2015 – February 28, 2016

UNC-CHAPEL HILL
Equal Opportunity and Compliance Office
100 E. Franklin Street, Unit 110
Chapel Hill, NC 27599
919-966-3576
<http://eoc.unc.edu>

**Equal Employment Opportunity Plan (“Plan”)
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I. State of North Carolina Equal Opportunity Policy
Office of State Human Resources
Revised December 1, 2013

Policy

Special Provisions-Age

Special Provisions-Disabled

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Exceptions Necessary to Prevent Spread of Disease

Special Provisions Relative to Genetic Information

Bona Fide Occupational Qualifications

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Policy

It is the policy of the State of North Carolina that race, religion, color, national origin, sex, age, genetic information, political affiliation¹ nor disabling condition is to be considered in the:

- Recruitment and selection of new employees of the State;
- Selection of employees for promotion, training, career development, transfer, demotion for fiscal purposes, and/or reduction-in-force;
- Administration of disciplinary policies or termination for cause; and
- Establishment of rates of pay including the awarding of salary adjustments and/or annual salary increases.

Advisory Note: Sex or gender stereotyping was held to be illegal in Price Waterhouse v. Hopkins, 490 U.S. 228, 250-51, 109 S. Ct. 1775, 104 L. Ed. 2d 268 (1989) and some courts have held that the prohibition against sex, or gender, discrimination prohibits discrimination because of gender non-conformity. Therefore, if an employee is treated differently because of gender stereotyping, the employee may have a claim for discrimination.

Special Provisions Relative to Age

Equal employment opportunity as to age applies only to persons who are age 40 or over. State and Federal laws forbid employment discrimination on the basis of age for these persons. It is unlawful “to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual’s age.”

¹ Direct appeal to the State Human Resources Commission on the basis of political affiliation is provided only to have achieve career status pursuant to G.S. 126-1A.

Special Provisions Relative to Disabled Persons

Equal employment opportunity for disabled persons includes the making of a reasonable accommodation to the known physical limitations of a qualified disabled applicant or employee who would be able to perform the essential duties of the job if such accommodation is made. This may include: making facilities used by employees readily accessible to and usable by such person; job restructuring (reassigning non-essential duties and/or using part-time or modified work schedules); acquisition or modification of equipment or devices; provision of readers or interpreters; and/or other similar actions. Agencies are required to make such adjustments for the known limitations of otherwise qualified disabled applicants and employees, unless it can be demonstrated that a particular adjustment or alteration would impose an undue hardship on the operation of the agency.

Whether an accommodation is reasonable must depend on the facts in each case. Factors to be considered in determining this include:

- the nature and cost of the accommodation needed;
- the type of the agency's operation, including the composition and structure of its work force; and
- the overall size of the agency or particular program involved, with respect to number of employees, number and type of facilities, and size of budget.

Special Provisions Relative to Communicable and Infectious Diseases

Persons with communicable or infectious disease, including Acquired Immune Deficiency Syndrome (AIDS), are disabled if the disease results in an impairment which substantially limits one or more major life activities. All of the statutory provisions relative to disabled persons with are applicable to persons with communicable and infectious diseases, including the requirement for a reasonable accommodation to the known limitations of an otherwise qualified applicant or employee.

Exceptions Necessary to Prevent the Spread of Disease

It is not discriminatory action under North Carolina law to fail to hire, transfer, or promote, or to discharge a disabled person because the person has a communicable disease which would disqualify a non-disabled person from similar employment. However, such action may be taken on that basis only when it has been determined necessary to prevent the spread of the communicable or infectious disease. There must be documentation of consultation with private physicians and/or public health officials in arriving at the determination. Concern for other employees who may fear working with the infected co-worker must never be the basis for the action, in the absence of a medically documented health hazard to other persons.

It must be remembered that AIDS, unlike most communicable diseases, has been shown to be transmitted only by exchange of body fluids through sexual contact, sharing of needles and syringes, or transfusion of infected blood. According to the U. S. Department of Health

and Human Services, Public Health Service, no cases have been found where the AIDS virus has been transmitted by casual contact. There is no evidence that employing a person with AIDS would present a health hazard to other persons in the usual work place.

Special Provisions Relative to Genetic Information

The Genetic Information Nondiscrimination Act of 2008, a federal law, prohibits discrimination in the terms and conditions of employment against persons based on their genetic information. It is unlawful to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his/her genetic information. “Genetic information” is defined as information about:

- an individual’s genetic tests (including genetic tests done as part of a research study);
- genetic tests of the individual’s family members (defined as dependents and up to and including 4th degree relatives);
- genetic tests of any fetus of an individual or family member who is a pregnant woman, and genetic tests of any embryo legally held by an individual or family member utilizing assisted reproductive technology;
- the manifestation of a disease or disorder in family members (family history);
- any request for, or receipt of, genetic services or participation in clinical research that includes genetic services (genetic testing, counseling, or education) by an individual or family member.

Bona Fide Occupational Qualifications

Age, sex or physical requirements may be considered if they constitute a bona fide occupational qualification necessary for job performance in the normal operations of the agency. Whether such a requirement is a bona fide occupational qualification will depend on the facts in each case. This exemption will be construed very narrowly and the agency will have the burden of proving the exemption is justified.

Physical fitness requirements based upon pre-employment physical examinations relating to minimum standards for employment may be a reasonable employment factor other than age or sex; provided, however, that such standards are reasonably necessary for the specific work to be performed and are uniformly and equally applied to all applicants for the particular job category, regardless of age or sex.

A differentiation based on a physical examination may be recognized as reasonable in certain job situations which necessitate stringent physical requirements due to inherent occupational factors such as the safety of the individual employee or of other persons in their charge, or in those occupations which by nature are particularly hazardous. Job classifications which require rapid reflexes or a high degree of speed, coordination, dexterity and endurance would fall in this category.

To establish age, sex or physical requirements as a bona fide occupational qualification, it will be necessary to submit a recommendation to the Office of State Human Resources setting forth all facts and justification as to why the requirement should be considered as a reasonable employment factor in each of the classification in question.

Appeal Procedure

An applicant or employee alleging unlawful discrimination, harassment or retaliation based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation may file an appeal if the applicant or employee believes he or she has been discriminated, harassed or retaliated against in the terms and conditions of employment in accordance with the Employee Grievance Policy found in Section 7 of this Manual.



MEMORANDUM

TO: The University Community

FROM: Chancellor Carol L. Folt *Carol L. Folt*

DATE: March 1, 2015

RE: 2015 Equal Employment Opportunity Plan

In compliance with state and federal laws¹, the University has prepared this 2015 Equal Employment Opportunity Plan (the "Plan") setting forth our commitment to providing equal employment opportunities. The Plan shows us the composition of our workforce at Carolina and sets forth procedures we will use to help further our commitment to a diverse and inclusive work environment.

While legal requirements inform components of the Plan, our commitment to equal employment opportunities reflects our deeply held belief that we can only provide quality service and education by being a campus that is diverse and representative of the larger community. We strongly value the extraordinary benefits diversity brings to our students, employees, and the people of North Carolina.

We take seriously our responsibility as a University community to promote equal opportunity principles in every decision impacting our faculty, staff and student employees. Accordingly, I hereby adopt this Plan as Chancellor and declare it effective March 1, 2015.

The University of North Carolina at Chapel Hill is a constituent institution of
The University of North Carolina
Equal Opportunity Employer

¹ The relevant federal regulations, which implement Executive Order 11246, can be found at 41 C.F.R. Parts 60-1 and 60-2; the relevant state regulations are set forth in title 25, subchapter 1L, section .0100 of the North Carolina Administrative Code.

III. UNC Chapel Hill Policy Statement

POLICY STATEMENT

As part of its Equal Employment Opportunity Plan (the "Plan"), The University of North Carolina at Chapel Hill (the "University") reaffirms its commitment to providing an inclusive and welcoming environment for all members of our community and to ensuring that educational and employment decisions are based on each individual's abilities and qualifications. Consistent with this principle and applicable laws,¹ it is therefore the University's policy not to discriminate with respect to employment terms and conditions on the basis of an individual's protected status: age, color, creed, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status. Our policy will ensure that only relevant factors are considered and that equitable and consistent standards of conduct and performance are applied.

In furtherance of this policy, all employment-related decisions must be made in accordance with the principles of equal opportunity. All personnel actions such as compensation, benefits, transfers, layoffs, terminations, sponsored training, education, tuition assistance, and social/recreational programs, are to be administered without regard to an individual's protected status. Moreover, the University prohibits any retaliatory action against any employee or applicant for employment, who files a complaint or charge of employment discrimination, testifies, assists, or participates in any manner at a hearing, proceeding, or investigation of employment discrimination. The University also prohibits unlawful harassment, and the responsibility for implementing the University's harassment policies falls upon its administrators and supervisors. Additionally, the University is committed to providing reasonable accommodations for individuals with disabilities as required by law.

The University's senior administrators, as well as supervisors and managers who are authorized to make employment-related decisions, are responsible for complying with any equal opportunity programs. In this endeavor, these administrators, supervisors, and managers are assisted by the University's Equal Opportunity and Compliance Office, the Office of Human Resources, and the Office of the Provost. The EO/Disability Coordinator is responsible for monitoring and evaluating the Plan and for presenting periodic reports to the Chancellor.



Carol L. Folt, Chancellor

03.13.2015
Date

¹ Laws, regulations, and guidelines pertaining to equal employment opportunity compliance include, but are not limited to: Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1968, as amended; Executive Order 11246, as amended; the Rehabilitation Act of 1973; the Civil Rights Restoration Act of 1988, as amended; the Americans with Disabilities Act of 1990, as amended; the Civil Rights Act of 1991; and N.C. Gen Stat. § 126-16, as amended.

² Applicants or employees that allege discrimination based on creed, sexual orientation, gender identity or gender expression are limited to the University's internal grievance process.

IV. Policy Statement on Non-Discrimination

The University is committed to providing an inclusive and welcoming environment and to ensuring that educational and employment decisions are based on individuals' abilities and qualifications. Consistent with these principles and applicable laws, it is therefore the University's policy not to discriminate on the basis of age, color, creed, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status as consistent with the University's Policy on Prohibited Discrimination, Harassment and Related Misconduct. No person, on the basis of protected status, shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination, harassment, or retaliation under any University program or activity, including with respect to employment terms and conditions. Such a policy ensures that only relevant factors are considered and that equitable and consistent standards of conduct and performance are applied.

Procedures

Any University unit that publishes materials that contain the University's Policy Statement on Non-Discrimination should include all bases of non-discrimination (age, color, creed, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status) in that material, as follows:

For educational materials:

The University of North Carolina at Chapel Hill is committed to equality of educational opportunity. The University does not discriminate in offering access to its educational programs and activities on the basis of age, color, creed, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status. The Equal Opportunity and Compliance Office (100 E. Franklin Street, Unit 110, CB #9160, Chapel Hill, NC 27599-9160 or (919) 966-3576) has been designated to handle inquiries regarding the University's non-discrimination policies.

For employment materials:

The University is an equal opportunity, affirmative action employer and welcomes all to apply without regard to age, color, creed, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, or sexual orientation. We also encourage protected veterans and individuals with disabilities to apply.

Related Statutes and Policies

- Title II of the Genetic Information Nondiscrimination Act of 2008
- Title IV of the Civil Rights Act of 1964
- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments Act of 1972
- Age Discrimination Act of 1975
- Age Discrimination in Employment Act of 1967

- Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Vietnam Era Veterans Readjustment Act of 1974
- Equal Pay Act of 1963
- Executive Order 11246
- Executive Order 13672
- Policy on Prohibited Discrimination, Harassment and Related Misconduct available at (<http://policies.unc.edu/files/2013/04/PPDHRM.pdf>)
- Policy on Non-Discrimination for Student Organizations available at (<http://policies.unc.edu/policies/student-org-dondiscrim/>)
- Policy on Non-Discrimination for Program Participants available at (<http://policies.unc.edu/files/2013/10/PNPP.pdf>)
- ADA Reasonable Accommodations in Employment Policy available at (<http://policies.unc.edu/files/2013/05/ADA-Reasonable-Accommodations.pdf>)
- Student Grievance Policy and Procedures available at (<http://deanofstudents.unc.edu/sites/deanofstudents.unc.edu/files/documents/Student%20Grievance%20Policy%20and%20Procedures.pdf>)
- SPA Grievance Policy available at (<http://hr.unc.edu/files/2012/11/SPA-GRIEVE-POLICY.pdf>)
- EPA Non-Faculty Grievance Policy available at (http://hr.unc.edu/files/2012/11/ccm1_018364.pdf)
- Faculty Grievance Procedures available at (<http://faccoun.unc.edu/faculty-code-and-policies/procedures-for-the-faculty-grievance-committee/>)
- Post-Doctoral Scholar Policy available at (<http://research.unc.edu/files/2013/06/Postdoctoral-Scholar-Policy-April-2013-Version-00065688.pdf>)

Contacts

Any inquiries regarding the University's non-discrimination policies should be brought to the attention of one of the following administrators:

Discrimination in employment or educational programs and activities

Jayne Grandes

University EO/Disability Coordinator

100 E Franklin St., Unit 110

CB# 9160

Chapel Hill, NC 27599-9160

919-966-3576

Sex discrimination in educational programs and activities

Katie Nolan

(Interim) Title IX Compliance Coordinator
100 E Franklin St., Unit 110
CB# 9160
Chapel Hill, NC 27599-9160
919-445-1577

The University's Counseling and Psychological Services (919-966-3658) and the Ombuds Office (919-843-8204) are available to provide confidential assistance to students. The University's Ombuds Office (919-843-8204) is also available to provide confidential assistance to faculty and staff. Employees may also seek help through the Employee Assistance Program (877-314-5841).

Inquiries concerning the application of non-discrimination laws may be referred to the University officials listed above or to the Office for Civil Rights, United States Department of Education. For further information about OCR and its jurisdiction, visit <http://www2.ed.gov/about/offices/list/ocr/index.html> or call 1-800-421-3481. If you need assistance in reviewing materials or have additional questions about this Policy, please contact the Equal Opportunity and Compliance Office (919-966-3576).

Document History

- Effective Date: October 2005
- Last Revised Date: October 2014

V. **Assignment of Responsibility, Accountability and Plan Administration**

A. **Governor's Responsibility and Accountability**

The Governor of the State of North Carolina has overriding responsibility for the State's equal employment opportunity policies and programs. The responsibility for the actual development and implementation of individual equal employment opportunity plans and programs is delegated by the Governor to each university chancellor.

B. **Office of State Human Resources Responsibilities**

The Office of State Human Resources shall develop and implement a State Equal Employment Opportunity Plan to promote equal opportunity throughout state government. The plan shall include, but not be limited to, a policy statement and the following elements:

- Recruitment
- Disciplinary process
- Selection processes
- Hiring
- Promotion
- Training
- Compensation and benefits
- Performance appraisals
- Reduction in force

- Harassment prevention
 - Evaluation mechanism
 - Reporting mechanism
 - Transfer and/or separation
 - Grievance procedures
1. The Office of State Human Resources shall provide:
 - a. technical assistance - to include one on one or group consultation and an EEO Planning and Resources Guide to aid in the development and implementation of an effective plan and program;
 - b. training for: (a) EEO Officers, EEO committee members and others responsible for the development and/or implementation of the EEO plan and program, (b) agency heads, chancellors, managers and supervisors on diversity and EEO issues through the EEO Institute, (c) all employees on unlawful workplace harassment prevention, reasonable accommodations for the Individual with Disabilities, diversity issues, and other EEO issues as appropriate;
 - c. monitoring to assess each agency's and university's progress;
 - d. oversight to ensure that the EEO plan and program in each agency and university complies with the minimum established measures in content and elements for an effective plan and program;
 - e. evaluation criteria to review, assess and report the status of each agency's and university's EEO plan, policies, procedures, practices and programs, in order to determine if they are administered in a consistent and fair manner. Evaluation will include an on-site component; and
 - f. support programs to enhance each agency's and university's efforts to attract, develop, promote and retain a diverse workforce and to meet program objectives.
 2. The Office of State Human Resources shall develop data systems and design tools to review data and analyze the degree of diversity within each occupational category. The information collected from the data systems, tools and analysis will be used to evaluate trends related to all aspects of employment in order to determine the impact of all personnel policies and practices on EEO throughout State government and within each agency and university.

C. EO/Disability Coordinator

The EO/Disability Coordinator for the University reports to the Vice Chancellor, Workforce Strategy, Equity, and Engagement. The duties of the EO/Disability Coordinator include the following:

1. To continuously monitor the administration of the **Plan**;

2. To help devise systems for the implementation of the **Plan** and the achievement of its goals, including forms and procedures for the continuous reporting and monitoring of appointment, promotion, and salary actions;
3. To advise and assist the Vice Chancellor, Workforce Strategy, Equity, and Engagement and senior administrative officers with respect to equal opportunity matters;
4. To receive complaints and concerns from individuals and groups with respect to personnel actions alleged to have been based on discrimination in regard to of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status and to advise and assist such complainants in the handling of such complaints;
5. To identify problems with respect to the implementation of the **Plan**;
6. To keep the members of the University community informed of the progress and problems in the administration of the **Plan**;
7. To evaluate the effectiveness of the **Plan**; including analyzing and maintaining data with Peoplefluent.
8. To serve as The University's liaison with the U.S. Departments of Labor, the United States Department of Education, the Equal Employment Opportunity Commission and other appropriate federal agencies with respect to equal employment opportunity matters;
9. To be a point of contact for organizations representing women, minorities, veterans, and Individuals with Disabilities;
10. To meet with and keep senior administrative officers informed of developments in the entire equal opportunity area; and
11. To advise the Vice Chancellor, Workforce Strategy, Equity, and Engagement concerning any needed revision(s) to the **Plan**.

Among the most important responsibilities of the EO/Disability Coordinator Officer in monitoring the administration of the **Plan** is the analysis of the search process. The timing and nature of affirmative action in the initial hiring of SPA staff is crucial to the success of the **Plan**. Affirmative action efforts should help to assure that recruiting and advertising efforts, both formal and informal, reach the widest possible number of potentially qualified and interested minority, women, veteran, and Individuals with Disabilities applicants.

For this reason, Office of Human Resources staff complete a Commitment file for each SPA position recruitment which includes information about the vacant

position, where the position was advertised beyond the Office of Human Resources (OHR) website, what special efforts were made to identify minority and women applicants, and any other information evidencing a thorough search was conducted. The affirmative action process is structured so the Departmental Equal Opportunity Officer and/or Employment & Staffing, and Classification & Compensation staff can comment before key decisions are made, so that his or her advice may be considered in a timely fashion prior to any step in a particular selection process that will otherwise exclude from further consideration a substantial portion of the applicants who are minorities, women, veterans or Individuals with Disabilities.

D. Equal Opportunity Advisory Committee

The Equal Opportunity Advisory Committee advises and assists the Equal Opportunity and Compliance Office with the effective performance of the duties of the office and provides an independent, informed, and concerned voice with respect to the achievement of the goals of equal opportunity. The views of minorities, women, veterans and Individuals with Disabilities are fully represented on this Committee.

The Committee meets as needed to review, advise and revise equal employment opportunity related policies based on the work that needs to be accomplished.

E. Responsibilities of Sr. Administrative Officers for Equal Opportunity

The EO/Disability Coordinator and the Equal Opportunity Advisory Committee have their essential roles in the achievement of equal employment opportunity in the University - roles as policy advisors, critics of performance, channels of information on problems and solutions, and other helpful roles. But the achievement of the goals of equal employment opportunity - the employment of larger numbers of minorities and women in those sectors of University employment where they are not now found in numbers commensurate with their availability - will depend on the people with day-to-day responsibility for making employment decisions in the University. This responsibility rests with the group of officers referred to in this **Plan** as the senior administrative officers of the University – the Provost, Vice Chancellor for Workforce Strategy, Equity, and Engagement, Associate Vice Chancellor for Equal Opportunity and Compliance, Associate Vice Chancellor for Human Resources, Deans, Directors and Department Chairs, and all other administrative employees in the University who have responsibilities in appointing, promoting and setting the salaries of University staff employees. Departments are responsible and accountable together with the Equal Opportunity and Compliance Office, the Office of Human Resources and the University administration for meeting University goals which are designed to eliminate the under-utilization of minority, female and Individual with Disabilities and the barriers to equal opportunity that cause this under-utilization, and for compliance with University and State employment policies and procedures. In the case of staff employees, it is the responsibility of the Office of Human Resources to act in

effective support of the equal opportunity goals and programs by carrying out various administrative activities in coordination with the Equal Opportunity and Compliance Office. The Provost and Vice Chancellor for Equal Opportunity and Compliance provide the necessary measures and resources to effectively run the University equal employment opportunity plan and program.

F. **Departmental Equal Opportunity Officers**

Another factor in implementing the **Plan** is the designation in each department of a person, called the Equal Opportunity Officer, who is responsible for seeing that the requirements of the University are carried out in that department. The Equal Opportunity Officer is a person designated by the department head and may not be the department head. In academic departments, the Equal Opportunity Officer should be a senior faculty member. In the case of large departments, a chair may designate more than one person to serve as Equal Opportunity Officer. The Equal Opportunity Officer must be familiar with the **Plan**, committed to its goals, and willing and able to devote sufficient time to the responsibilities of the position. Such a person at the department level makes possible two-way communication and visibility. These officers, appointed at the request of the Chancellor and by the principal administrative officers in the respective units, will work with members of the department, the department staff, the appropriate dean, director or department chair and the Equal Opportunity Officer to implement and monitor compliance with the policies and procedures in the **Plan**.

Should the departmental Equal Opportunity Officer or departmental Human Resources Representative perceive difficulties or deficiencies in compliance at any stage of the recruitment and hiring process, s/he should consult directly with their designated Employment Consultant, Sr. Director of Employment & Staffing, Sr. Director of Classification & Compensation or University EO/Disability Coordinator. Moreover, should Office of Human Resources staff and/or University EO/Disability Coordinator become aware of serious deficiencies in the selection process, s/he may request review by the academic officer next in line to whom the head of the appointing department reports.

Within the framework of the University's established staff employment procedures, departments have day-to-day responsibility, shared with the Office of Human Resources, for ensuring that employment decisions are made in accordance with the University's Equal Opportunity policy. When the selection document, including an Equal Opportunity Statement, is submitted to the Office of Human Resources, it shall contain an assurance from the department representative as to whether, at each stage of recruitment and selection, that process has conformed to the principles and objectives of the **Plan**.

VI. Dissemination of the Equal Employment Opportunity Policy and Plan

The **Plan** is disseminated formally both internally and externally. Within the University, the policy and the **Plan** appears in several University sponsored publications. These publications reach all levels of University employees. Articles covering various informational and implementing aspects of the policy and the **Plan**, and articles covering specific progress toward employment goals (such as new employees and employee promotions) are published regularly. Additionally, formal statements of the Equal Opportunity Policy are posted on departmental bulletin boards around the campus. A copy of the current edition of the **Plan** is available on the University website at: <http://eoc.unc.edu> for all departments, schools, units and applicants. A copy of each archived edition of the **Plan** is available in the Equal Opportunity and Compliance Office.

A list follows showing particular publications, the circulation of the publications, which has responsibility for each, and the time of publication.

A. Publications Reaching All Employees

Name of Publication	Responsibility	Time of Publication
The University Gazette	Vice Chancellor of Communications and Public Affairs	Bi-weekly
Posters and notices for departmental bulletin boards	Associate Vice Chancellor for Human Resources and Dept. Heads	Continuing
EPA Non-Faculty Position Openings List*	Equal Opportunity and Compliance Office	As Received
SPA Permanent Position Openings List (web-based copy)*	Employment & Staffing	Hourly
SPA Permanent Job Openings List (hard copy)*	Employment & Staffing	Weekly
Tenured/Tenure Track Faculty Position Openings List*	Equal Opportunity and Compliance Office	As Received
Office of Human Resources Home Page	Office of Human Resources	Continuing

* listed on the University's Office of Human Resources Careers at Carolina page: <http://hr.unc.edu/careers-at-carolina/>.

B. Publications Reaching the Faculty

Name of Publication	Responsibility	Time of Publication
Faculty Handbook	Faculty Welfare Committee and Office of Faculty Governance	Continuing

C. Publications Reaching Staff Employees

Name of Publication	Responsibility	Time of Publication
Memoranda	Office of Human Resources, Equal Opportunity and Compliance Office and Division of Multicultural Affairs	Continuing
SPA and EPA Non-Faculty Summary of Policies	Employment & Staffing EPA Non-Faculty HR	Continuing
SPA Employee Handbook	Office of Human Resources	Continuing
EPA Non-Faculty Employee Handbook	Office of Human Resources	Continuing

Additionally, the Office of Human Resources conducts a formal orientation program for all new permanent SPA and EPA Non-Faculty employees where the Equal Opportunity Policy is reviewed.

With respect to external dissemination of the University's Equal Opportunity Policy, the following list outlines some of the ways the policy is disseminated externally and the persons who have the continuing responsibility for the particular dissemination.

Means of Dissemination

Incorporate the "Equal Opportunity Employer" phrase in all purchase orders and contracts.

Incorporate the Equal Opportunity statement 'EOE/AA/Females/Minorities/Veterans/Individuals with Disabilities' in all employment notices and advertisements.

Responsibility

Associate Director of Purchasing Services, Director of Sponsored Research, and Director of Construction Administration

Sr. Director of Employment & Staffing
Equal Opportunity and Compliance Office

Communicate to prospective employees in position advertisements and otherwise the existence of the **Plan** and make available such elements as appropriate.

Sr. Director of Employment & Staffing
Equal Opportunity and Compliance
Office

Send written notification of University policy to all subcontractors, vendors and suppliers communicating obligations and responsibilities under the **Plan**.

Associate Director of Purchasing
Services, Director of Sponsored
Research, and Director of
Construction Administration

Make formal contacts with recruiting sources, including minority and women's organizations, veteran and disability services providers, to explain the University's policies and to seek qualified job applicants.

Sr. Director of Employment &
Staffing, Equal Opportunity and
Compliance Office and department
heads

VII. Responsibility for Establishing Procedures for SPA Employment

The responsibility for designing the reporting forms, procedures and schedules, and for devising the methods of review of the reports and of the results achieved through equal opportunity programs undertaken, is that of the University EO/Disability Coordinator, the Office of Human Resources and the senior administrative officers. The monitoring process covers recruiting methods, initial appointments, promotions, reclassifications, transfers, demotions, reinstatements and salary-setting actions. These decisions and actions are amply documented to permit the required monitoring.

A. Reporting and Monitoring

Compliance with this **Plan** requires the use of methodical and formal procedures in evaluating applicants for initial appointment, promotion, reclassification, transfer, demotion, re-appointment and salary-setting actions. University procedures require that careful records of selection and non-selection decisions be maintained on file.

These procedures have been designed to help ensure that decision making at all levels, from the department through the Chancellor's office, are without consideration of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status or political affiliation/influence, and that in appearance as well as in fact, fairness prevails.

Comprehensive records of decisions and their justifications are required and maintained so that reviewing officers (including the EO/Disability Coordinator) remain informed of efforts to recruit and hire minorities, females, veterans and individuals with disabilities. Also, records are maintained to enable the University to respond to any future inquiry with respect to any appointment, promotion,

reclassification, transfer, demotion, reappointment, and salary setting decision made by a department.

The senior administrative officers of the University and the EO/Disability Coordinator continuously review procedures and records pertaining to employment activities. This review ensures compliance and results in improvement to processes and procedures.

Employment & Staffing, using the data on SPA applicants and referrals, annually compares the metrics on applicants. Employment & Staffing routinely utilizes data obtained from HRIS systems on SPA applicants and referrals to consult with campus departments on underutilization of minorities and females. Respective departments focus their recruitment efforts to increase the applicant pools in areas of Federal Occupational/Job Groups where underrepresentation exists.

Methods used by the Office of Human Resources to ensure that employment decisions are made in accordance with the **Plan** include the following:

- Maintaining centralized application and referral procedures and systems;
- Implementing new HR systems and developing a new campus-wide HR model which redefined roles and responsibilities;
- Offering continuing education and training of Office of Human Resources staff, Carolina HR Council and Human Resources Representatives as to relevant laws, policies, systems, data and equal employment opportunity objectives;
- Recommending EEO Search Committee training to hiring managers. Training is available at: <http://eoc.unc.edu/training/for-employee-recruiters/>;
- Routinely utilizing data obtained from HRIS systems on SPA applicants and referrals to consult with campus departments on underutilization of minorities and females;
- Employment Consultants providing consultative services for underutilization and hiring activities to their assigned departments;
- Extensively recruiting from all reasonably available sources to maximize the number of minority, female, and veteran applicants from those available in the University's recruitment area;
- Continuing recruitment from local vocational rehabilitation offices and other sources for referral of Individuals with Disabilities interested and available in the University's recruitment area;
- Referring applications from qualified internal and external applicants, with due regard for equal opportunity, to departments;
- Reviewing and following-up on hiring decisions with hiring departments as to correct application of hiring policy and compliance with equal employment opportunity initiatives;

- Continuing to communicate the SPA Grievance Policy and Procedure for reporting complaints of alleged discrimination, without complainants' fear of reprisal; and
- Ensuring prompt and responsive handling of any such complaint.

The University and the Office of Human Resources will at appropriate intervals, re-examine the various aspects of its equal opportunity efforts. Should any instances of discrimination be discovered, the appropriate University officials will take prompt corrective actions.

VIII. Equal Employment Opportunity Planning

A. Workforce/Labor Force Analysis Procedures

The University's SPA Job Group Analysis is reported by race and sex as of September 30, 2014.¹ The 2010 U.S. Census occupation data by race and sex was used to identify the percentage of minorities and females in the SPA Incumbency v. Estimated Availability Summary reports^{2,3} as of September 20, 2014 compared to Recruitment Area Availability (Alamance, Chatham, Durham, Orange and Wake counties). It is important to recognize that the University's recruitment area has undergone a dramatic change in terms of population growth. The civilian labor force for the five counties in 2000 totaled 1,149,516 persons, and in 2013 it totaled 1,623,969 persons, a 4 percent increase. It is equally important to recognize that this plan reflects the second time that the 2010 U.S. Census data will be used to calculate availability, and the first time that all part time temporary employees have been included in the plan. These factors may reflect a dramatic change in the SPA workforce/availability analysis. The availability data for the recruitment area is adjusted for the number of qualified employees in each race and sex category that are considered promotable, transferable, and trainable within the organization to determine the recruitment area availability.

The comparison of the Staff Job Group Analysis to the recruitment area Estimated Availability is the basis for setting hiring objectives (Annual Placement Goals) by occupation category/job group. Hiring objectives are reviewed with departments when the availability percentage for the respective category exceeds the University's employment of minorities or females and when job openings are projected to become available during the period of the **Plan**. Any data arranged by the Job Group is presented to measure progress towards the University's commitment and for compliance with federal requirements. In addition, the evaluation of progress or determination of trends is critical to defining the need for corrective action.³

¹ Chart 1: SPA Job Group Analysis Summary as of September 30, 2014;

² Chart 2: SPA Incumbency v. Estimated Availability Detail as of September 30, 2014; and

³ Chart 3: SPA Incumbency v. Estimated Availability Summary as of September 30, 2014

B. Job Opening Estimates

Job opening projections take into account the University data on SPA permanent staff openings filled for the seven years ending September 30, 2014. SPA permanent openings filled for each of the last seven years totaled, as follows:

<u>Year</u>	<u>Openings Filled</u>
2014	1,122
2013	1,137
2012	1,027
2011	938
2010	940
2009	929
2008	1,526

These openings were filled by promotions, lateral transfers, and new hires. In 2013-2014 new hires have filled approximately 76% of the openings and internal transfers have filled the remaining 24%.

Fluctuations in the number of openings filled each year can be attributed to changes in State-appropriated and Federal research funding, and employee terminations. In the past, SPA employee terminations have remained less than 20% of the SPA staff workforce, however, the numbers still significantly impact campus. In 2013-2014 the SPA employee terminations were 11% of the staff workforce. For the past five years ending September 30, 2014, SPA staff terminations¹ totaled 862 in 2014, 802 in 2013, 843 in 2012, 677 in 2011, and 868 in 2010.

As the above numbers indicate, SPA employee retention continues to be an issue. Retention is further impeded by the State’s non-competitive pay program and substandard fringe benefits package. Without a competitive pay policy adapted to the unique realities of this geographic labor market, the University likely will continue to experience increasing difficulty in the recruitment and retention of qualified persons of any race or sex.

¹ Total terminations includes 52 terminations due to change in status from SPA to EPA positions.

C. **Goals for the Year October 1, 2013 - September 30, 2014**

Numerous circumstances can impact workforce projections by race, sex and job group so that these are not always precise. The number of new positions that might be established and turnover in this dynamic labor market cause such projections to be estimates. In this context, percentage workforce goals to which the University is committed have been set where minorities and/or females are shown by availability to be under-represented in the University's workforce. These goals are shown in the **Plan's** Chart 3 Incumbency v. Estimated Availability Summary and Chart 4 Annual Placement Goals¹, as of September 30, 2014. The percentage goals reflect the percent availability for the respective under-represented group in the respective job group. No goal is shown where the University's staff workforce in the respective job group already exceeds availability as identified by the availability study.

IX. **Equal Employment Opportunity Programs**

A. **Recruitment**

The University of North Carolina at Chapel Hill will strive to actively recruit from a variety of sources to achieve a diverse workforce that successfully meets the needs and demands of the University. The hiring department, with assistance and guidance from the Classification & Compensation Consultants do the following:

- Assess the need for the position to ensure it contributes to meeting the goals, objectives, and mission of the work unit;
- Conduct a job analysis including a review of the duties and responsibilities of the position, and the qualifications required for organizational success; and
- If necessary, revise the position description.

Job analysis is necessary only when there is a change in the duties and responsibilities that impact the qualifications and competencies required. If a current, accurate job analysis already exists for a given job type, there is no need to conduct an analysis for each vacancy. For example, in instances where there is a high volume of positions in a classification, frequent turnover in a classification, or little job change, there will likely not be a need to conduct a new job analysis each time a vacancy occurs. The hiring department in consultation with Employment & Staffing and Classification & Compensation staff ensures that the critical tasks (essential functions), knowledge, skills and abilities, training and experience requirements necessary for successful performance of the duties of the position are identified (including any additional position-specific factors). The knowledge, skills and abilities described in classification specifications developed by the Office of State Human Resources (OSHR) may be used for recruitment and selection purposes where they are sufficient to differentiate among the qualifications of applicants.

¹ Chart 4: SPA Annual Placement Goals as of September 30, 2014

A department needing to fill an open permanent position notifies Employment & Staffing by completing a Position Posting Worksheet and submitting the worksheet to their department's Human Resources Representative. The HR Representative initiates the posting in the applicant tracking system. The Employment Consultant reviews the posting to ensure compliance with equal employment opportunity and ADA standards. The position posting includes the Equal Opportunity statement "EOE/AA/Females/Minorities/Veterans/ Individuals with Disabilities".

Employment Consultants use information from the state job classification, as well as any additional information provided by the hiring department, to review the vacancy announcement and ensure its compliance with State and University requirements. Employment Consultants also consult with the department about including additional job duties and essential skills as well as preferred qualifications in vacancy announcements. In addition, Employment Consultants consult with the hiring department to determine the need for additional recruitment advertising in professional journals, newspapers, and technical colleges/universities to target specific audiences.

Each recruitment is initially posted for no less than five business days and includes a closing date. Extensions to posting periods must be for at least three business days. The maximum posting period for recruitment is six months from the date of the initial posting; this maximum posting period includes initial recruitment and extensions as determined by the hiring department. Unless an exception to the posting policy is approved, the customary employment procedure is to post the opening for a minimum of five business days on the designated internet websites (www.jobs.unc.edu, www.uncjobs.northcarolina.edu, and www.nccommerce.com/workforce/job-seekers), as well as on job posting boards located outside of the Office of Human Resource's office at the Administrative Office Building (AOB), 104 Airport Drive, Chapel Hill, NC.

Under the direction of the Employment Manager, the Employment Consultants are responsible for staff (SPA) recruitment and for ensuring the preliminary screening and approval of selected candidates for interview to departments according to policy. Employment Consultants review and coordinate all applicant screening and referral, ensure proper handling of applicants with priority status, analyze and approve selected applicant qualifying salary, and negotiate the job offer for a designated set of campus departments. Applications are reviewed and qualified based on Office of State Human Resources (OSHR) guidelines and the *University SPA Qualifications Screening Guide*.

Prior to the vacancy closing date, the hiring department will determine any selection tool(s) that will be used in the final evaluation process. Any selection tool(s) used will be objective, based upon job-related knowledge, skills and abilities, and consistently applied to all applicants in the final selection pool. Employment Consultants and Equal Opportunity and Compliance Office representatives are available for consultation and assistance in determining selection tool(s). Some examples of selection tools (excluding typing and spelling tests) include a structured

interview, reference checks and on an exceptional basis and with advance approval from the Equal Opportunity and Compliance Office, in basket exercises, written tests, and skills tests.

The departments are responsible for reviewing applications received based on overall qualifications and for being mindful of special priority considerations established by OSHR, such as promotional priority, re-employment (layoff) priority, veteran's preference, or return from workers compensation, if applicable. From this screening process, departments will choose applicants for interview. Applicants selected for interview are then reviewed and approved by the Employment Consultants to make sure they meet the essential qualifications. The department then selects the most qualified candidate from those interviewed. Generally, the Office of Human Resources expects departments to interview at least three of the most qualified applicants for a vacancy.

1. **Applicants and Applications**

An important foundation for recruiting is the processing and maintenance of ***Applications for Staff Employment***. For the purpose of the **Plan**, an applicant is any person who submits a completed application via the University of North Carolina, at Chapel Hill online via PeopleAdmin during the open posting period. Each application identifies the specific position number, position title, and department number of the position for which the applicant is applying. In addition to completing the application, an applicant may complete an addendum as necessary

The application includes the Equal Opportunity statement and the University's "Equal Opportunity Pledge." The latter is a paragraph in bold type that summarizes the University's equal opportunity commitment.

The application also includes a demographic data information section within which the applicant voluntarily indicates gender, race, and ethnic background. In addition, the applicant is given the opportunity to voluntarily indicate his or her protected veteran status (if any) and disability. The demographic data information section includes a statement that the Federal Government requires the University to obtain, monitor and report certain demographic data including gender, race, ethnicity, protected veteran status and disability (if any). It makes clear that "...this information will remain confidential and will be used only by the UNC Chapel Hill Equal Opportunity and Compliance Office for statistical purposes." In fact, this demographic information is stored separately from the application to maintain confidentiality is not viewed by any departmental Human Resources Representative and is never shown to an employing department.

Each applicant is provided links with information describing the SPA application procedures, University's Equal Employment Opportunity Policy, campus security report, and applicant frequently asked questions.

To be considered for employment, an Application must contain the following:

- Complete education and all work experience history; this includes dates employed and, if part-time, number of hours worked per week; and
- An electronic signature when the application is submitted electronically via the PeopleAdmin system

A complete application is required online in the University's applicant tracking system for each position for which an applicant desires consideration. Applications must be received prior to the specified closing date and time, in order to be considered. The application remains active until the corresponding position is filled or cancelled. The applicant pool includes individuals who have applied to: (1) posted openings at the Administrative Office Building and online at: www.jobs.unc.edu; (2) employment advertisements in newspapers, professional publications, and on recruitment websites (i.e. Monster.com, CareerBuilder.com, etc.); (3) job postings through the Division of Employment Security (DES) website; (4) job postings through the University of North Carolina-General Administration website; and (5) positions that potential applicants learned about at career fairs.

If no applicants exceed the minimum qualifications and adequate employment, the hiring department may consider the remaining applicants to be the most qualified applicant pool. Or, the hiring supervisor may choose to extend the closing date in additional increments up to 6 months, should the initial recruitment efforts not generate sufficient applications. Any applications received after the initial closing date and time and prior to the new closing date and time would be considered for referral.

Occasionally, departments may identify potential applicants through informal sources. In these cases, departments inform applicants to use the University's online application system, PeopleAdmin, to apply for any staff opening. The Employment Consultants ensure that all applications that are screened and referred meet the Office of State Human Resources policy and minimum qualifications for the position.

All employment facilities are open to all applicants on the same basis, by policy and practice and, as requested, accommodations are made for any applicant who voluntarily self-identified as having a disability.

2. **Posting and Advertising Staff Position Openings**

The hiring department is required to post the Announcement of SPA

Position Recruitment for each of its staff openings within the department. Departments may post permanent and time-limited SPA positions for internal and external applicants or post as “Internal Only.”

Employment & Staffing coordinates all other recruitment functions including:

- The posting process for SPA positions. This continues until the closing date passes, recruitment is put on hold or canceled, or until the hiring supervisor extends the closing date and the new closing date passes.
- A current Staff Openings List. This is posted outside the Administrative Office Building weekly on Wednesdays by Employment & Staffing.
- A searchable electronic copy of the Staff Openings List. This is posted on the Office of Human Resources website at www.jobs.unc.edu and is updated hourly to include all new permanent SPA Recruitment Requisitions processed during the work day.
- A job offer for departments without delegated authority.
- A job offer or other commitment for an opening is prohibited prior to the posted closing date. In emergency circumstances, the five business day posting requirement may be waived with advance approval from the Sr. Director of Employment & Staffing.
- Timely notification is provided to each applicant interviewed for a position after the selection decision is made and the position is filled. In addition, all applicants to a position for which recruitment is cancelled will receive a notification by email.

Employment & Staffing, as feasible, works with departments to place newspaper and other external advertisements for position openings in a job group where there is difficulty in attaining a sufficient pool of qualified applicants.

The University, with respect to affirmative recruiting for disability status, subscribes fully and without reservation to Federal and State laws and to increasing its employment of individuals with disabilities, when otherwise qualified. The recruitment described herein contributes significantly to the objective of increasing the employment of Individuals with Disabilities and advancing their employment. The absence of quantitative goals for Individuals with Disabilities does not lessen the University's continued commitment to employing Individuals with Disabilities and supporting, through any requested reasonable accommodation, their success when employed.

The University, with respect to affirmative recruiting for veterans, subscribes fully and without reservation to Federal and State laws and to increasing its employment of veterans, when otherwise qualified.

Continuing recruitment activities for staff employees include the following:

- Briefing sessions held with recruiting sources;
- Posting the Staff Permanent Openings List daily on the on-line application system at www.jobs.unc.edu. The list is also posted at the Administrative Office Building, 104 Airport Drive each Wednesday by Employment & Staffing;
- Participating in Career Day programs offered at community colleges and technical schools, or at Job/Career Fairs sponsored by recruiting sources, community organizations and other area employers;
- Participating at events offered at community colleges and technical schools, or at Job/Career Fairs sponsored by recruiting sources, community organizations and other area employers;
- Periodically contacting community organizations such as the Division of Employment Security, Triangle Industry Liaison Group (TILG), Orange County Chamber of Commerce as well as organizations for veterans and Individuals with Disabilities (IWD);
- Providing the www.jobs.unc.edu URL to other agencies, such as the Division of Employment Security, the University of North Carolina-General Administration, and the Office of State Human Resources to establish links between the websites;
- Providing collateral materials such as recruitment handouts and marketing items to agencies, minority groups, and community organizations;
- Placing advertisements, as appropriate, in diversity recruiting sources such as the *Diverse Issues in Higher Education* and the *INSIGHT into Diversity*, as well as widely circulated daily newspapers such as the *News and Observer*, *Durham Herald/Sun* and *Burlington Times*; cross-posting on Monster.com and Careerbuilder.com partner diversity sites;
- Contacting representatives of vocational rehabilitation offices. Employment & Staffing tracks referrals for SPA positions via Excel spreadsheet. Applications will be reviewed and referred if minimum qualifications are met;
- Attending and networking at professional meetings including Chamber of Commerce and Triangle Industry Liaison Group (TILG)

meetings; and

- Applicant screening and referral to departments with open staff positions.

All applications for a position are automatically screened based on responses provided to supplemental questionnaires via the University's applicant tracking system. The Employment Consultant's screening of applications occurs for candidates that will be interviewed in accordance with the Minimum Recruitment Standards established by OSHR and *University SPA Minimum Qualifications Screening Guide* through the applicant system. The continuing training of Employment Consultants and their stated personal freedom from commitment to Equal Opportunity bias minimizes the possibility of discrimination based on of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status, or political affiliation/influence in making referrals.

The University does not automatically reject applicants on the basis of conviction records. The University performs a comprehensive pre-employment background check including: federal, state and local criminal conviction records, driving record (for positions requiring driving), nationwide sexual offender check and federal debarment (Excluded Parties List and Office of Inspector General) check for all new and current employees when they have a change in status such as a promotion or voluntary demotion. The University does not perform credit checks of applicants, except as part of the background investigation of applicants considered for sworn positions in the Public Safety Department. Marital status, dependency, or minor children as such have no influence in the screening, referring and hiring decisions.

The Employment Consultant thoroughly examines each application selected for candidate interview and determines if the applicant meets the State's Minimum Recruitment Standards before the department can interview candidates. Applications for referred applicants are routed to the hiring department for consideration via the applicant tracking system.

Applicants with questions regarding the hiring process are encouraged to call the Employment Consultant, or the Office of Human Resources Service Center for more information. In certain cases, applicants may also meet with an Employment Consultant to have more complex questions answered via email or in person.

The Employment Consultants carry out these responsibilities through oversight of the application screening and referral process. Among other things, this process provides for the referral of applications to hiring

departments, submitted by applicants within the posted recruitment period who have specified a position number, department number and classification title for the departmental position, and which meet the State's Minimum Recruitment Standards as established by OSHR for the job classification. These State standards are expressed as minimum education and experience requirements and are shown in the appropriate classification specification issued by OSHR. The State's Minimum Recruitment Standards also apply to employees who are eligible for veteran's preference (as per OSHR policy) and layoff priority consideration.

An eligible veteran or eligible spouse/dependent who is not a current State employee shall be hired when overall qualifications are substantially equal to the non-eligible persons in the most qualified applicant pool who do not have a priority described below.

If the selection decision is between an eligible veteran or eligible spouse/dependent who is not a State employee and a substantially equal applicant with a priority described below, the applicant with the priority described below shall be selected.

- A qualified current State employee who has completed the probationary period seeking a promotion.
- A qualified State employee with layoff reemployment priority.
- An employee returning from workers' compensation leave or military leave.
- A qualified employee separated from an exempt policy-making or exempt managerial position for reasons other than just cause.

For eligible veterans or eligible spouse/dependents who are current State employees seeking promotion, reassignment or lateral transfer, the eligible person competes with all other applicants who have substantially equal qualifications.

Eligible veterans may receive additional training and experience credit as described below.

The hiring department receives all applications meeting the State Minimum Recruitment Standards and performs the second level of evaluation. The determination of the pool of most qualified applicants cannot be made by the hiring department until after the position closes.

When a hiring department representative evaluates applications to determine which applicants to interview, s/he must:

- have specific knowledge of the job(s) being filled; and
- be familiar with selection guidelines, if not previously trained in

recruitment, selection and hiring processes, and will learn selection policies, guidelines and procedures through specific training or through self-study. Online Search Committee training is available at: <http://eoc.unc.edu/recruitment/search-committees/>.

Employment & Staffing is available to advise, if needed, to ensure that policies and procedures are consistently applied. The department conducts essential reference checking, makes the employment decision and submits the required job-related documentation on each referred applicant to the designated Employment Consultant via the selection document. The Employment Consultant confirms the appropriate salary for the job offer with the department, reviews any background check request form with adverse results, and advises the department on salary administration and other appropriate personnel policies and procedures. The Employment Consultant or trained department representative extends the offer to the selected applicant and confirms the salary acceptance and proposed effective date. If the applicant is an external applicant, the Conditions of Employment are reviewed and, if the offer is accepted, the applicant is scheduled for a New Employee Orientation. Then the Employment Consultant prepares a formal commitment folder specifying the classification, department, career band, salary rate, and effective date and gives the folder to the Staffing Support Services Specialist. The Staffing Support Services Specialist ensures the recruitment records are complete, transmits a copy to the HR Records & Information unit and retains a copy for a period of three years.

The customary procedures for referral for applicant referrals are followed day-to-day. However, as might be expected in a dynamic work environment, minor variations are necessary to handle contact with applicants and employees, the continuing contact between Employment & Staffing and hiring departments, the scheduling of interviews by department representatives, and essential reference checking by the departments and related processes. These variations, when they occur, must not contravene the spirit of equal employment opportunity.

The number of qualified applicants for some types of positions may vary widely, either seasonally or according to occupation availability. At any given time, there may be few applicants or a multitude of applicants for a given opening, and increasingly greater campus needs for qualified applicants. However, in the wake of recent economic instability, a high level of unemployment has generated an unusually large applicant pool for some classifications. Regardless, it is not the University's practice or interest to turn away any applicant qualified for an open position, except when a better-qualified applicant is selected.

3. **Applicant Inquiries**

Employment & Staffing actively solicits applicant feedback as to any problem or concern arising in the employment process. The Office of Human Resources Service Center, Staffing Support Services Specialist, Employment Manager, Staffing Manager, and the Sr. Director of Employment & Staffing are available to any applicant experiencing difficulty with the applicant tracking system. In addition, Employment Consultants located in the Administrative Office Building are available to any applicant who feels they has been unfairly treated in this process. Each Employment Consultant has the responsibility for handling such inquiries. The Sr. Director of Employment & Staffing is also available and always receptive to investigate any complaint. The Associate Vice Chancellor of Human Resources and the EO/Disability Coordinator welcome any such feedback as a method of correcting any improper situation. The same officials are readily available to any incumbent employee who feels they should have been treated differently as an applicant for a given position. Beyond that, the Staff Grievance Policy is available to any such eligible internal applicant.

The Office of Human Resources staff includes individuals with disabilities, minorities, females, and veteran. Members of the staff are carefully selected and trained. No person with any identifiable bias is selected or retained for this staff. Each staff member receives continuing orientation and training to ensure commitment to equal employment opportunity goals and objectives, and to be aware of inadvertent bias arising out of procedures or any other source. This affirmative and preventative training extends to all staff members engaged in position evaluation and classification, salary administration, recruitment and selection, promotion, disciplinary and grievance handling, and related processes.

The University will, at appropriate intervals, reexamine the various aspects of its equal employment opportunity efforts. Should any instances of discrimination based on of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status or other non-job related factors be discovered in such analyses, or by other available means, corrective action will be taken promptly by the appropriate University officials.

B. Selection

Using methods and procedures consistent with the principles and goals of equal employment opportunity, Employment & Staffing is responsible for the recruitment through the University's applicant tracking system for permanent staff positions. The head of the hiring department or their designee has the final selection authority. The recruitment and selection process complies with all Federal and State laws, regulations and policies and gives equal employment opportunity to all

applicants, without regard to age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status. The department may view a summary report in the applicant tracking system which includes applicant ethnicity/race and gender data for evaluating total applicants applied versus: 1) total applicants referred and 2) and total applicants interviewed by the department. The final selection decision is made from among the most qualified applicants, which includes applicants with priority consideration, based solely on job-related criteria. Ultimately, the hiring department, in its judgment, selects the best-qualified applicant based on state minimum requirements, and essential and preferred qualifications documented in the position posting. The hiring department in consultation with the Employment Consultant is accountable for the final selection, consistent with equal opportunity requirements.

In addition, a department needing to fill an opening may consider employees within that department who want to transfer to the open position. Those whose applications meet the State's Minimum Recruitment Standards for the classification of the open position are referred along with any applications of employees in layoff priority, veterans' preference and/or worker's compensation priority status.

After selecting an applicant for hire, the hiring department is responsible for indicating the selected applicant, documenting the selection process and justifying the job-related reasons for the hiring recommendation on the selection document. In addition, the hiring department must also document the specific reasons for non-selection of all other applicants referred, using a standard Non-Selection Reasons Checklist. When complete, the selection document is then forwarded to the designated Employment Consultant for job offer processing and then to the Staffing Support Services Specialist as part of the commitment folder for record retention upon completion of the job offer process.

The department's assigned Employment Consultant is available for guidance and assistance to the hiring department at any time during the selection process. Under the direction of the Associate Vice Chancellor for Human Resources, Employment Manager and the Sr. Director of Employment & Staffing, the Employment Consultant provides centralized evaluation, consultation and processing to support departmental new hires, promotions, transfers, reassignments, demotions and reinstatements. Acting in coordination with hiring departments, the Employment Consultant monitors such personnel actions in terms of equal opportunity and advises departments of any apparent legal or policy issue.

Employment & Staffing, in coordination with HR Records & Information, maintains supporting documentation of the recruitment and selection process to provide fact-based information for monitoring and evaluating departmental recruitment and selection practices and procedures. Employment & Staffing maintains records of decisions and recommendations of all University schools, departments, and other units with respect to the hiring and non-selection of permanent staff applicants and

the promotion, transfer and demotion of permanent staff employees, by race and sex for a three-year period. Employment & Staffing monitors promotions by race and sex by federal occupation category/job group and reports these annually to the University's EO/Disability Coordinator.

C. Job Structuring/Compensation

Compensation & Classification Consultants, under the guidance of the Sr. Director of Classification & Compensation, administer the HR policy and processes covering establishment of new positions and position classifications. In such administration, these departments utilize the State's systems, including the career banding system, and related policies.

OSHR exercises complete and total administrative control of the career banded systems. Employment & Staffing and Classification & Compensation receive functional direction, detailed procedures and forms, close monitoring and auditing by State Human Resources analysts. The University has delegated authority from OSHR to classify most of the state's Career Banded positions and both Class and Comp and Employment and Staffing have delegated authority for salary administration of these classes. These processes apply to all State positions subject to the State Human Resources Act at the University. Operating departments are responsible for the assignment of duties and responsibilities to positions at the outset and for changing these as operations require. Departments are required to prepare and submit to the Office of Human Resources a detailed position description and signed organizational chart for each new position request. Classification & Compensation Consultants provide advice and counsel to departments on position design and the formulation of position descriptions, among other things. A Classification & Compensation Consultant reviews the description and interviews department representatives and supervisors as appropriate for any clarification of responsibilities and additional information needed to assure a fair, equitable and appropriate classification decision. A detailed review is completed by first ensuring that the positions duties meet the OSHR classification specifications and competency profiles. This review determines the job classification only. A review of positions on the organization chart that are in the line of supervisory span and a review of other similarly situated positions on the organizational chart of that particular School/Unit is then conducted. This ensures equitable leveling assignments within that School/Division. Lastly there is a campus wide equity review completed. This entails studying the requested positions classification and level to established University wide benchmarks.

Following this detailed review, the Classification & Compensation Consultant classifies the position by assigning it to the correct job classification and the correct level based on the responsibilities in the description as well as the required competencies needed to complete the duties as assigned by the operating department. The qualifications of any particular employee are not considered in classifying the position. Such classification actions are subject to later monitoring and detailed on-site or other audits by OSHR.

When a department manager significantly changes the duties and responsibilities of an existing filled position, s/he is responsible for preparing an updated position description. Here, as in the earlier stages, the Classification & Compensation Consultant provides advice on position design and the writing of the description. Following that, the department is responsible for submitting the description and organizational chart for requesting that a formal classification study of the position be completed. The Classification & Compensation Consultant evaluates the position based on the same three step criteria in which a new position study is conducted and may interview current incumbents as part of the reclassification process.

Departments have the fundamental responsibility for maintaining accurate position descriptions with respect to actual and essential duties required for each position. As a complement to department maintenance efforts, Classification & Compensation Consultants and, frequently, OSHR, initiate studies of position families or classifications. In these studies, the department is requested to have current position descriptions prepared for all the positions affected and to submit them for evaluation and review.

D. Training

The OHR Communications and Talent Development Department, in conjunction with Employment & Staffing, provides recruitment and selection training to managers and supervisors on a scheduled basis through such courses SPA Hiring: From Posting to Probation and other programs.

The department's training mission is to provide meaningful learning opportunities that encourage development, stimulate productivity, create a healthier workplace environment and enhance the capabilities of the University's committed and diverse workforce. Its programs address a wide variety of management, supervisory, and employee needs.

Courses sponsored by OHR Communications and Talent Development also include a variety of cultural diversity programs: Diversity Hiring, Diversity in the Workplace, and Ethics in the Workplace. All workshops are free to UNC-Chapel Hill staff, managers and supervisors. Special training is available upon request from hiring departments and selection committees.

All educational and other training programs sponsored by the University are open to qualified employees without regard to of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status. Employees are encouraged to avail themselves of these benefits in response to a planned, continuing variety of communications from the Office of Human Resources. Educational leaves may be granted by the University for purposes that will tend to make its employees more valuable. Information regarding OHR Communications and Talent Development programs, tuition waiver, and educational assistance programs, is available at <http://hr.unc.edu/training-talent-development/>.

The Equal Employment Opportunity Institute (EEOI)

All new supervisors must attend Equal Employment Opportunity Institute (EEOI) training within the first year of becoming a supervisor. This training is offered by the Office of State Human Resources (OSHR), and coordinated through the campus Equal Opportunity and Compliance Office, and addresses EEO law compliance and workplace diversity in state government. The program focuses on developing awareness and building skills to use on the job. Information regarding the Equal Employment Opportunity Institute, is available at http://eoc.unc.edu/files/2014/05/Download_more_information_about_EEOI_trainings.pdf

Other EO Training

In addition the Equal Opportunity and Compliance Office offers classroom training courses on Preventing Unlawful Harassment in the Workplace and Americans with Disabilities Act (ADA), which is part of our harassment prevention strategy. The Equal Opportunity and Compliance Office also offers required courses including Title IX Awareness and Violence Prevention for all UNC faculty and staff and Responsible Employees Training for all employees designated as “Responsible Employees” within the University.

Management Training

Critical to the University's equal opportunity efforts and success are its training programs for managers and supervisors. Periodic special training is conducted by the Chancellor or his designee and the EO/Disability Coordinator to explain to University administrators the University's Equal Opportunity Policy and to define individual responsibility for the effective implementation of equal employment opportunity. Managers and supervisors receive routine day-to-day training and coaching from the Office of Human Resources.

The centralized training administered by OHR Communications and Talent Development is specific and comprehensive for managers/supervisors and is offered on a regular, recurring basis as follows:

- The definition of equal employment opportunity;
- The legal basis for equal opportunity;
- Interpreting and applying equal opportunity policies and guidelines;
- Preventing workplace harassment;
- The guidelines for valid and legal selection procedures;
- Identifying and eliminating barriers which can lead to discrimination;
- Implementing the equal employment opportunity program for staff

employment;

- Policy on Prohibited Discrimination, Harassment and Related Misconduct, which includes the established procedures for reporting, investigating, and resolving such matters.

Beginning in spring 2015, the Office of Human Resources is also launching the Blueprint for Engaged Supervision Training (BEST) program, which is a suite of professional development classes and learning opportunities designed to educate and motivate UNC's frontline supervisory team. It is comprised of four mandatory core classes and three state mandated classes that include a combination of instructor-led and online delivery options. A variety of electives are also available. Participants will have six months to complete the mandatory program.

E. Promotion Procedure

The University's staff workforce is highly mobile. The University has formal systems designed to support staff employees seeking upward mobility through transfer or promotion. These systems result in a high level of satisfaction among, and participation by, staff employees. Promotions during recent years comprised 15-20% of job openings filled each year. For the year ending September 30, 2014, 191 employees were promoted, comprising 24% of the 1,122 openings filled.

The number of promotion opportunities generally depends on fund availability absent any State spending restrictions. Promotions include upward movement in the same position through competitive recruitment, position reclassification or salary range revision, or transfer to another position at a higher salary grade/journey market rate within the same department or by transferring to another department.

F. Performance Management

The overall success of the University relies on the individual accomplishments of all faculty and staff. The Performance Management Program provides a mechanism for communicating responsibilities and evaluating achievements. All permanent University staff are evaluated annually on their performance.

SPA Performance Management

Performance appraisal information is one consideration in making other personnel decisions such as promotions, disciplinary actions, layoff determinations, and salary increases. Therefore, proper application of the performance management system is essential in the effective application of other personnel policies.

The annual performance cycle runs from July 1 to June 30.

The employee's work plan contains performance goals and development goals

that are set by management for each employee for the performance cycle and organizational values that are set by the Office of Human Resources for all employees.

Work plans must be issued within 30 calendar days of the start of the cycle or the employee's start date. Performance expectations and appraisals are recorded on a standardized form, the Performance Management & Competency Assessment Form.

Employees receive individual ratings for performance goals and organizational values on a 3-pt scale (not meeting, meeting, or exceeding expectations). The employee also receives an overall annual rating on a 5-pt scale: Outstanding, Very Good, Good, Below Good, or Unsatisfactory.

If an employee receives a not meeting expectations rating on their annual review, then the employee must receive a mid-cycle review approximately six months after the annual review in order to monitor progress on the deficiencies cited in the last annual appraisal.

Employees may appeal an overall rating of Below Good or Unsatisfactory on the annual appraisal through the [SPA Grievance Policy](#).

As part of the career banding system for SPA permanent employees, supervisors must also conduct an annual Employee Competency Assessment along with the Annual Performance Appraisal. Both are recorded on the Performance Management & Competency Assessment Form.

G. SPA Hiring & Recruitment Policy

Introduction

The University consistently applies the SPA recruitment and selection process to promote open and fair competition to select from the most qualified persons to fill vacant positions. Selection decisions will be based solely on job-related criteria. Employment is offered based upon the job-related qualifications of applicants for employment using fair and valid selection criteria and upon satisfactory completion of all relevant reference checks, background checks, credentials verification, and verification of eligibility to work in the United States.

No selection decision shall be made that will constitute unlawful discrimination in violation of State and Federal law. The University will give Equal Employment Opportunity (EEO) to all applicants, without regard to age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status or political affiliation/influence. Preferential treatment will not be given to any private organization or individual based on undue influence.

1. **Recruitment Requisition**

To initiate recruitment for a vacant SPA permanent position, departments must submit an SPA recruitment requisition through the applicant tracking system. Departments do not need to wait until the position is vacant before submitting the recruitment. However, the hiring supervisor must have received a signed resignation letter or other official documentation of separation date from the current employee.

Each SPA position has State standards for minimum training and experience. These standards indicate the knowledge, skills, and abilities, or competencies, necessary for successful job performance. Specific formal education may be substituted for required experience in some positions. Directly-related experience also may be substituted for certain educational requirements.

Hiring departments are responsible for determining any job-related qualifications required in addition to minimum State standards and for documenting the qualifications on the Position Description Form (PD102CB) and in the recruitment requisition. Additional qualifications may be identified as essentials or preferred.

2. **Essential skills** are the required knowledge, skills and abilities that are critical to a position, without which the duties of the position cannot be performed. Any essential skill listed in the job posting must also be reflected as an essential skill in the position description. A selected candidate must possess all essential skills listed in the job posting of the position for which they are being selected.

3. **Preferred Skills** are the knowledge, skills and abilities that would aid in successfully performing the primary duties of a position, but are not required.

If the hiring department identifies any special physical or mental requirement(s) for an open position, the Office of Human Resources advertises any such requirement(s) in its recruitment. Other training and experience preferences may also be determined by the hiring department; however, there is no substitute for a State-required license, registration, or certification.

4. **Internal Only Recruitment**

With the approval of Employment & Staffing, departments have the option to post SPA permanent and time-limited positions as internal only. Internal only recruitments limit applicants to current, permanent or time-limited employees of UNC-Chapel Hill or to individuals with UNC-Chapel Hill layoff priority. Internal only recruitments may not be

limited to employees of any specific unit, department or division of the University, nor may any of the positions' essential requirements indirectly infer required employment in a specific area of the University.

5. **Posting Requirements**

The Employment Consultant in the Office of Human Resources must approve the recruitment before the vacancy can be posted. There are three required locations for posting announcements of SPA position vacancies; State-Wide Posting, University Posting and Departmental Posting.

State-Wide Posting. The Employment & Staffing Department in the Office of Human Resources provides permanent job openings information to the N.C. Division of Employment Security (DES) as required by State policy. The posting information includes the State's minimum training and experience requirements and, as appropriate, additional position requirements as defined by the hiring department.

University Posting. The Employment & Staffing Department provides the Staff Openings List of SPA positions under active recruitment. The list is posted at the Office of Human Resources, Administrative Office Building, 104 Airport Drive. The Staff Permanent Openings List is also updated continuously on the Office of Human Resources website.

Departmental Posting. After the posting request has been approved by the Employment Consultant, the hiring department prints the "Announcement of SPA Position Recruitment" from the on-line applicant system. State policy requires hiring departments to post conspicuously within the department the "Posting Information" for all of its SPA vacancies. This internal posting must be concurrent with the posting maintained by the Office of Human Resources and must remain posted in the department through the defined recruitment period's closing date. The hiring department must retain the posting information for three years.

Hiring departments are also responsible for ensuring that department employees currently on extended Military Leave or Family Medical Leave have been informed in a timely manner of all departmental internal postings.

6. **Recruitment Posting Period**

The hiring department establishes the length of the posting period in the online recruitment system. Vacancies must be posted for a minimum of

five business days. In no case shall a posting close on a day on which the Office of Human Resources is closed for business. The posting period opening and closing dates are included on each job posting. Only applications received no later than 11:59 pm EST/EDST on the closing date may be considered for the position. No employment offer or other commitment can be extended for an open position before the end of the vacancy's posting period. The hiring department may request to extend the posting period as needed by contacting their Employment Consultant. Extensions to posting periods must be for at least 3 business days. The maximum posting period for recruitment is six months from the date of the initial posting; this maximum posting period includes initial recruitment and extensions.

7. **Application Submission**

In order to apply for an SPA permanent or time-limited position at the University, all applicants must use the University's online applicant tracking system (PeopleAdmin) to:

- Establish an Applicant Profile,
- Complete an Application which includes the applicant's work history, and
- Submit an Application to each individual position for which they wish to be considered no later than the closing time on the position's posted closing date.

Applicants may also attach cover letters and resumes to their applications for specific positions; however, information provided solely on a resume in lieu of an Application for Staff Employment is insufficient for consideration.

Anyone requiring assistance with the online application process may contact the Employment & Staffing Department in the Office of Human Resources.

H. **Transfer Opportunities**

To promote career advancement and to fill job openings with the best skills available, permanent SPA (full-time or part-time) employees are eligible to seek transfer to another department or to another position within their current department. There is no requirement for the employee to work in a position for a specified minimum period before applying for a position change.

1. **Applicant Referral**

The Employment Consultant in the Office of Human Resources ensures each applicant's training, experience, and skills meet the State minimum recruitment standards and valid job requirements. Only applications meeting these requirements are referred to the hiring department.

Hiring managers (and selection committees) can review referred applications through the online through the applicant tracking system provided by the Office of Human Resources. The hiring department is responsible for further evaluation of referred applications, including reviewing applications for the essential skills listed in the job posting. Applicants who do not have the requisite essential skills as indicated on the job posting cannot be hired into the position.

2. **Best Qualified Pool and Interviewing**

The hiring department determines which applicants are the best qualified among those referred and then contacts those candidates directly to schedule interviews. It is expected that hiring departments will interview at least **three** candidates.

Hiring departments cannot interview any candidate whose application was not referred by the Office of Human Resources for the vacancy. Interviews may take place by telephone, Skype or in person, and the interview questions must be applied consistently, regardless of method of contact. All layoff priority applicants must be interviewed for the vacant position, if referred. Hiring supervisors with questions about appropriate interviewing may contact their Employment Consultant for assistance. In addition, the OHR Communications and Talent Development Department provides programs on interviewing skills for supervisors on a regular basis.

3. **Commitment to Equal Employment Opportunity (EEO)**

The University is committed to ensuring that employment decisions are based on individuals' competencies and qualifications. Consistent with this principle and applicable laws, the University does not discriminate with respect to employment terms and conditions on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status. This policy ensures that only relevant factors are considered and that equitable and consistent standards are applied to all personnel actions. More information and a copy of the University's Equal Employment Opportunity Plan is available on the Equal Opportunity and Compliance Office website: <http://eoc.unc.edu/>.

The diversity of our staff brings strength to the University. Our focus on diversity with each search, gives us the opportunity to hire, attract and retain the talented staff we want and need to continue our legacy of excellence. An online training module for Supervisors and Search Committees is available and provides valuable information, helpful advice and proven techniques to enable our search committees to run more efficiently.

4. **Special Consideration for Applicants with Disabilities**

In regard to an applicant with an obvious disability, an applicant who voluntarily discloses a hidden disability, or an applicant who expresses the need for reasonable accommodation, it is permissible to discuss the accommodation that may be needed and how the applicant would perform the essential functions of the job.

5. **Pre-Employment Testing**

Pre-employment tests (written, oral, physical, or skills) may be administered by the hiring department with prior approval from the Employment Consultant assigned to work with the department and the Equal Opportunity and Compliance Office.

6. **Selection Document**

The Selection Document is the official University record of those referred by the Office of Human Resources and the hiring department's selection and non-selection reasons. The hiring supervisor uses the "Non-Selection Reasons List" in the applicant tracking system to record the appropriate reason(s) for non-selection. The Selection Document must be completed before a job offer can be extended to the final candidate.

I. **Disciplinary Processes**

1. **SPA Disciplinary Action Policy**

Disciplinary processes for SPA employees are meant to be corrective. Supervisors are strongly encouraged to contact Employee & Management Relations at the onset of any employee performance or conduct issues.

There are three categories of cause for disciplinary action: Unsatisfactory Job Performance, Grossly Inefficient Job Performance, and Unacceptable Personal Conduct.

There are four types of disciplinary action: Written Warning, Suspension without Pay (for one or two work weeks), Demotion (of rank and/or pay), and Dismissal.

For unacceptable personal conduct incidents or for grossly inefficient job performance, an employee could be dismissed on a first offense depending upon the severity and pervasiveness of the offense.

Discipline for unsatisfactory job performance is successive and requires at least three disciplinary incidents within a 12-month period of each other: the first incident must result in a written warning, the second incident may result in a written warning, suspension or demotion, and the third incident may result in dismissal from employment.

Before any SPA permanent employee can be suspended, demoted or dismissed, the supervisor must hold a "pre-disciplinary conference" with the employee to provide the employee an opportunity to address management's concerns before it makes the disciplinary decision. A staff member of Employee & Management Relations must be present at the pre-disciplinary conference.

Temporary and probationary employees are not covered by this policy and its procedures and can be released from employment as deemed appropriate by management.

2. SPA Probationary Period

New SPA permanent employees, and those returning to State service after having more than a 31-day break from previous State service, are required to complete a minimum 24-month probationary period. During the probationary period, the supervisor evaluates if the employee is performing at the level required for the position.

If the supervisor determines that an employee is not able to perform as required for the position, the supervisor can terminate the employee's appointment and must do so prior to the end of the employee's probationary period. The employee must receive written notification of the termination.

Once employees have completed their probationary periods, they are protected under the disciplinary procedures found in the Disciplinary Action Policy (SPA).

3. Disciplinary Consultations

Management is expected to consult with Employee & Management Relations in the Office of Human Resources at the onset of any employee

performance or conduct deficiencies to discuss both formal and informal methods for resolving such workplace issues. Employees also are encouraged to contact Employee & Management Relations to discuss ways of resolving workplace issues.

Employee & Management Relations is required to review all disciplinary letters before they are issued to employees.

4. **Facilitated Conversations**

Employee & Management Relations in the Office of Human Resources provides a facilitated conversation program to assist management and employees in productively addressing workplace issues and improving communication and understanding in the workplace.

J. **Other Types of Employment Separations**

Other than dismissal, a separation from employment may occur when a University employee resigns, retires, is dismissed, separated by reduction in force (layoff), is unavailable for work, or dies. Data is captured as to why individuals leave the University to capture trends and patterns.

1. **Resignation**

An employee is expected to notify management in writing at least two weeks (10 work days) prior to the last intended work day of a voluntary resignation. The last day the employee reports to work is normally the separation date.

2. **Voluntary Resignation without Notice**

When an SPA employee fails to report to work for a period of at least three consecutive work days without giving oral or written notice to management, that employee voluntarily terminates his/her employment with (resigns from) the University. The employee does not have appeal rights for this type of separation.

3. **Retirement**

An employee who is participating in the Teachers' and State Employees' Retirement System or the Optional Retirement Plan makes application for retirement through Benefits, Work/Life & Employee Records. An application must be filed with the Retirement System or Optional Retirement Plan vendor at least one day but not more than 120 days before the effective date of retirement.

4. **Reduction-in-Force (Layoff)**

An employee may be separated by a reduction in force due to budgetary, operational, or organizational needs. Management submits a layoff plan to Employment & Staffing in the Office of Human Resources. Selection criteria includes the identified work unit, employee classification group, appointment type, relative performance, and total state service.

Employees must receive at least a 30-day written notice of the separation. Selected employees may appeal the decision through the SPA Grievance Policy only if alleging discrimination based on a protected status or if alleging retaliation for making an allegation of harassment or discrimination.

5. **Termination when Leave is Exhausted**

An employee may be terminated from the University if he/she becomes or remains unavailable for work after all applicable leave credits and benefits have been exhausted and management, for sufficient reasons, cannot or does not grant (additional) leave without pay. Employees may appeal the separation through the SPA Grievance Policy.

K. **Staff Grievance Policy**

Whenever possible, the University prefers to resolve workplace conflicts informally through discussion or mediation. There are also several different means of formal grievance or appeal at the University, depending on what type of employee you are (SPA, EPA Non-Faculty) and the issues being appealed.

1. **Grievances and Formal Appeals**

The University allows SPA permanent employees to grieve a wide range of issues (see [policy](#) for details). Employees have 15 calendar days to file a grievance from the date of the incident that they are grieving.

Step 1 in the process is mediation between the employee and a representative of the employee's management (usually, the direct or second-level supervisor). If mediation ends in impasse, then the employee may appeal to Step 2, which is a panel hearing. The employee and a representative of the employee's management (usually, the direct or second-level supervisor) present their information to a panel of three volunteer SPA permanent employees.

The panel reviews the materials presented and writes a report and recommendation to the Chancellor, who then makes the final decision for the University on the issue. Certain issues can be appealed to the State's Office of Administrative Hearings after the completion of the

internal process (see policy for details).

By State regulation, the grievant cannot be represented by an attorney during the internal process. The Office of Human Resources provides guideline documents to assist employees through the process. For matters appealed to the State's Office of Administrative Hearings, the grievant is allowed to retain counsel at their own expense.

Grievances that allege prohibited harassment, discrimination, or retaliation due to allegations of harassment or discrimination go through a preliminary equal opportunity informal inquiry (administrative review) prior to Step 1 mediation.

2. SPA Performance Appeals

The University allows SPA permanent employees to appeal overall ratings of Below Good or Unsatisfactory on their annual performance appraisals. Mid-cycle reviews and individual principal function performance goal or organizational values ratings on the annual appraisal are not appealable. Performance appraisal appeals are administered through the SPA Grievance Policy.

3. Administrative Review for Harassment/Discrimination Complaints

Any employee or student who believes that s/he has experienced prohibited harassment or discrimination at the University may file an administrative complaint with the University's Equal Opportunity and Compliance Office. The Equal Opportunity and Compliance Office staff will work with the employee's management to investigate the complaint and issue a formal report. Complaints must be filed within 180 calendar days of the most recent event of alleged prohibited harassment or discrimination; however, to preserve grievance rights for the issue, the employee must file the complaint within 15 calendar days of the event.

L. Internal Monitoring, Evaluation and Auditing System

Responsibility for compiling and monitoring the University's equal opportunity progress is done in collaboration between the Equal Opportunity and Compliance Office and Office of Human Resources, Employment & Staffing and HR Business Analysis units as follows:

- Ongoing monitoring of department underrepresentation during the posting, hiring and selection process via the applicant tracking system. Specifically, to indicate underrepresentation of minorities and females by federal occupation/job group and department by.

- The Employment Consultants provide department consultations based on Workforce Profile data where underrepresentation is found. Focus is placed on targeted advertising and outreach efforts to increase candidate pools in the underrepresented demographic.
- The Employment Consultants audit the Hiring Proposal and Selection Document for each recruitment to ensure that an appropriate justification is provided in relation to recruitments with documented underrepresentation of minorities and females.
- Annually report promotion activity, openings filled, internal transfers and terminations by race, sex and federal occupation category/job group for review by the Equal Opportunity and Compliance Office.
- Upon request, assists the EO/Disability Coordinator to respond to reviews by the Office of Federal Contract Compliance, U.S. Department of Labor and other federal offices.

X. Layoff (Reduction-In-Force) Guidelines (SPA)

The layoff procedure assures equitable treatment of SPA employees when reduction-in-force becomes necessary. A layoff might become necessary because of a reduction in work or funds, abolishment of a position, or other material change in duties or organization. A layoff decision should be reached only after other applicable measures have been explored, including but not limited to such actions as: delaying the filling of or elimination of vacant positions; limits on purchasing and travel; retraining of employees in needed skill sets; or job sharing and work schedule alternatives.

A. Covered Employees

This policy applies to SPA employees (full-time and part-time) holding permanent appointments.

The following types of SPA employees may be separated without following the layoff procedures of this policy: SPA temporary employees, SPA employees within their probationary periods and SPA employees in time-limited permanent appointments.

Although this policy does not apply to EPA and student appointments, departments should consider all staffing resources when determining positions to retain.

B. Procedures

A layoff decision requires a thorough evaluation of the need for specific

positions and the relative efficiency of affected employees so that the University can provide the highest level of service possible with a smaller work force. The decision to layoff a particular employee or group of employees rests with the management overseeing the affected work unit(s).

1. **Work unit:** The work unit is a formally established and recognized unit, section, division, or department of the University in which employees perform a closely related set of functions or duties. Departmental management may define individual research projects headed by a Principal Investigator (PI) as a separate work unit for the purposes of the layoff policy. Any such assertion is subject to appropriate justification that demonstrates the unique nature of the research project and the skills of its assigned staff members as contrasted with other research projects supervised by either the same or differing PIs within the same overall department or center.

The department determines which employees shall be laid off by applying the following factors in order:

- **University needs.** Consider the continuing work to be performed by the work unit(s) and the number of positions in each branch, role, and competency level necessary to perform the continuing work. Once the position(s) to eliminate have been identified, management must consider all employees in positions with the same or related classification. "Same or related" classification means positions in the identified branch, role and competency level. In order to identify the affected employees, apply the remaining guidelines.
- **Type of appointment.** Temporary employees performing work comparable to work in the same or related classification must be terminated before any employee with a permanent appointment, provided that a permanent employee has the skills to perform the temporary employee's tasks. Employees with time limited or probationary appointments as well as trainees with less than six months of service must be terminated before any employee in the same or related classification with a permanent appointment, provided that the permanent employee has the skills to perform the tasks of the probationary employee or trainee.
- **Relative skills, knowledge, and productivity of employees.** Employees to be retained must demonstrate the skills and knowledge required for the continuing work of the work unit or be able to attain those skills and knowledge within a reasonable period of time in accordance with the operational needs of the work unit. Selection must be consistent with the employee's most recent annual performance review and employee competency assessment as well as other relevant documentation.

- **Length of total state service of employees.** Length of service shall be considered but may receive less weight in the determination. Eligible veterans must be accorded one year of state service for each year (or fraction thereof) of military service, up to a maximum of five years of credit.
- **Workforce diversity.** In accordance with federal guidelines affecting equal employment opportunity, any application of the layoff policy must be reviewed by the affected department(s) and Human Resources to determine its impact on the workforce diversity within the work unit(s).

Department management is accountable for documenting the basis for its decision in a manner that clearly demonstrates reasonable and consistent application of these factors. The Employment Consultants in the Office of Human Resources provide consultation to department management regarding the effective application and interpretation of the State guidelines. The Employment Consultants analyze the applicable factors, perform an adverse impact analysis and if all criteria are met, approve the layoff.

¹ The relevant federal regulations, which implement Executive Order 11246, can be found at 41 C.F.R. Parts 60-1 and 60-2; the relevant state regulations are set forth in title 25, subchapter 1L, section .0100 of the North Carolina Administrative Code.