



*NC Office of State Personnel*

# **Inside North Carolina**

**a guide to state employment**

*January 1, 2011*

**Inside North Carolina**  
*A State Employee Handbook*

<b><u>I. Being a State Employee</u></b>	<b><u>1</u></b>
<u>Exempt from the Personnel Act</u>	<u>1</u>
<u>Evaluation of HR Programs</u>	<u>2</u>
<b><u>II: Joining State Government</u></b>	<b><u>3</u></b>
<u>Equal Employment Opportunity (EEO)</u>	<u>3</u>
<u>Applying for a State Job</u>	<u>3</u>
<u>Merit Base Recruitment and Selection</u>	<u>4</u>
<u>Employment of Relatives (Nepotism)</u>	<u>4</u>
<u>Age Limitations</u>	<u>4</u>
<u>New Employees</u>	<u>5</u>
<u>Probationary Period</u>	<u>5</u>
<u>Hiring Rate</u>	<u>5</u>
<b><u>III. Your Responsibilities</u></b>	<b><u>6</u></b>
<u>Reporting and Remaining at Work</u>	<u>6</u>
<u>Work Schedule</u>	<u>6</u>
<u>Work Options</u>	<u>6</u>
<u>Teleworking/Telecommuting</u>	<u>6</u>
<u>Use of State Property</u>	<u>7</u>
<u>Abuse Hot Line</u>	<u>7</u>
<u>Confidentiality</u>	<u>8</u>
<u>Traveling</u>	<u>8</u>
<u>Political Activity</u>	<u>8</u>
<u>Time for Voting</u>	<u>8</u>
<u>Federal Hatch Act</u>	<u>9</u>
<u>Secondary Employment</u>	<u>9</u>
<u>Dual State Employment</u>	<u>9</u>
<b><u>IV. Classification and Pay</u></b>	<b><u>10</u></b>
<u>Traditional Classification System</u>	<u>10</u>
<u>Career Banding System</u>	<u>10</u>
<u>Reallocation</u>	<u>11</u>
<u>Salary Range Revision</u>	<u>11</u>
<u>Legislative Salary Increases</u>	<u>11</u>
<u>Payday</u>	<u>12</u>
<u>Deductions</u>	<u>12</u>
<u>Compensatory and Overtime Pay/Work</u>	<u>12</u>
<u>Other Types of Pay</u>	<u>13</u>
<u>Emergency Call Back Pay</u>	<u>13</u>
<u>Shift Premium Pay</u>	<u>13</u>
<u>On-Call Compensation</u>	<u>13</u>
<u>Holiday Premium Pay</u>	<u>13</u>
<u>Longevity Pay</u>	<u>14</u>
<b><u>V. Managing Your Performance</u></b>	<b><u>15</u></b>
<u>Planning and Appraising Your Work</u>	<u>15</u>
<u>Performance Pay Dispute Process</u>	<u>15</u>

<u>Personnel File</u>	<u>16</u>
<b><u>VI. Personnel Actions Affecting You</u></b>	<b><u>18</u></b>
<u>Promotion</u>	<u>18</u>
<u>Demotion</u>	<u>18</u>
<u>Reassignment</u>	<u>19</u>
<u>Transfer</u>	<u>19</u>
<b><u>VII. Your Workplace</u></b>	<b><u>20</u></b>
<u>Unlawful Workplace Harassment</u>	<u>20</u>
<u>Disabilities</u>	<u>21</u>
<u>Maintaining a Drug-Free Workplace</u>	<u>21</u>
<u>Workplace Violence</u>	<u>22</u>
<u>Safety and Health</u>	<u>22</u>
<u>AIDS in the Workplace</u>	<u>23</u>
<b><u>VIII. Employee Relations</u></b>	<b><u>24</u></b>
<u>State Employees' Assistance Program</u>	<u>24</u>
<u>State Personnel Commission</u>	<u>24</u>
<u>Employee Grievance and Appeals</u>	<u>25</u>
<u>Employee Mediation and Grievance Policy</u>	<u>25</u>
<u>Employee Appeals and Grievance Policy</u>	<u>25</u>
<u>Grieving Unlawful Workplace Harassment</u>	<u>26</u>
<u>Appeal Rights</u>	<u>26</u>
<u>Discipline and Dismissal</u>	<u>27</u>
<u>Reasons for Discipline</u>	<u>27</u>
<u>Investigations</u>	<u>28</u>
<b><u>IX. Benefits and Savings Programs</u></b>	<b><u>29</u></b>
<u>Retirement Benefits</u>	<u>29</u>
<u>Teachers and State Employees Retirement System</u>	<u>29</u>
<u>DeathBenefit</u>	<u>29</u>
<u>Information Sources</u>	<u>30</u>
<u>Other Retirement Savings</u>	<u>30</u>
<u>Social Security</u>	<u>30</u>
<u>Deferred Compensation Programs</u>	<u>30</u>
<u>401(k)</u>	<u>30</u>
<u>403(b)</u>	<u>31</u>
<u>NC Public Employees Deferred Comp</u>	<u>31</u>
<u>Flexible Benefits Program</u>	<u>31</u>
<u>Dental</u>	<u>31</u>
<u>Vision</u>	<u>32</u>
<u>Flexible Spending Accounts</u>	<u>32</u>
<u>Statewide Voluntary Accidental Death &amp; Dismemberment</u>	<u>32</u>
<u>Core Accidental Death &amp; Dismemberment</u>	<u>33</u>
<u>Critical Illness</u>	<u>33</u>
<u>Cancer Insurance</u>	<u>33</u>
<u>Group Term Life Insurance</u>	<u>33</u>
<u>Information</u>	<u>33</u>
<u>Health Insurance Coverage</u>	<u>34</u>
<u>Supplemental Insurance Products</u>	<u>34</u>

Unemployment Insurance	34
Workers' Compensation	35
Disability Income Plan	35
Short-Term Disability	36
Long-Term Disability	36
<b>X. Time Off From Work</b>	<b>37</b>
Adverse Weather	37
Holidays	37
Vacation Leave	38
Incentive Leave	38
Sick Leave	39
Family and Medical Leave	40
Family Illness Leave	40
Parental Leave	41
Voluntary Shared Leave	41
Community Service	42
Tutoring and Mentoring	42
Special Community Service Leave Provisions	43
Military Leave	43
Civil Leave	44
Non-Job Related	44
Job Related	44
Other Types of Leave w/o Pay	44
<b>XI. Employee Learning and Development</b>	<b>45</b>
Preparing to Work for NC	45
Central Learning Opportunities	45
On the-Job Training	46
Agency Employee Training	46
Computer Skills Training	46
Management and Supervisory Development	47
Academic Assistance Program	47
Extended Educational Leave	48
Taxes	48
<b>XII. Employee Services and Recognition</b>	<b>49</b>
State Library	49
Legal Defense	49
State Employees Combined Campaign	48
State Employees Credit Union	50
NC.Gov Portal	50
NC Thinks Program	50
State Employee Recognition Programs	51
Employee Recognition Week	51
Service Awards	51
Excellence in State Government	51
Richard Caswell Award	52
State Employee Memorial Program	52
<b>XIII. Leaving Your Job</b>	<b>53</b>
Resignation	53

<u>Voluntary Resignation without Notice</u>	<u>53</u>
<u>Separation Due to Unavailability</u>	<u>53</u>
<u>Retirement</u>	<u>53</u>
<u>Reduction in Force</u>	<u>54</u>
<u>Priority Reemployment</u>	<u>54</u>
<u>Severance Salary Continuation</u>	<u>54</u>
<u>Death</u>	<u>54</u>
<b>XIV. <u>Closing</u></b>	<b><u>55</u></b>

# Being a State Employee

You are one of over 100,000 people dedicated to serving the citizens of North Carolina through public service. From the construction of roads to administering the state's museums and aquariums, state employees are responsible for implementing the laws passed by the [General Assembly](#) and carrying out other policies of the Governor, elected Council of State and [The University of North Carolina Board of Governors](#).

As an employee of North Carolina, you have your own unique duties and responsibilities. This handbook is designed to assist state employees who are governed by the [State Personnel Act \(SPA\)](#). It is to help you understand the system you work for by providing an overview of important rights, policies and benefits you have as a state employee. It is not intended to cover all policies and procedures in great detail. For more detailed questions, see your [human resource director](#).

General Assembly:

<http://www.ncleg.net/homePage.pl>

State Personnel Act:

[Chapter 126](#)

HR Directors List:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

State Personnel Manual:

[www.osp.state.nc.us/manuals/dropmenu.html](http://www.osp.state.nc.us/manuals/dropmenu.html)

UNC

[www.northcarolina.edu](http://www.northcarolina.edu)

The handbook applies to full-time employees in permanent, time-limited, probationary and trainee appointments. Employees working part-time (must be 20 hours or more) with the same appointment types receive most benefits on a prorated basis. Individual agencies and universities have some latitude in tailoring certain personnel policies to better serve their organization.

Some positions are designated as exempt policy-making, exempt managerial, confidential secretaries or confidential assistants. If you are in one of these positions, personnel policies concerning hiring, removal from such positions and appeal rights generally do not apply to you.

If you have any questions, please contact your supervisor or agency human resource staff. They are familiar with the rights, policies and benefits that apply to you as a state employee. Many agencies also have their own internal policy manuals that will be helpful to you. You may also access the [State Personnel Manual](#), which contains all personnel policies governing state employees.

For purposes of simplicity, in the remainder of the handbook, the term "agency" is referring to universities, departments, agencies, boards and commissions.

## **Exempt from the Personnel Act (EPA)**

Some positions are exempt from the State Personnel Act (EPA). All agencies have some jobs that are exempt from parts of the Act and the policies outlined in this handbook.

Physicians, faculty members and non-faculty EPA employees with The University of North Carolina System are not covered under these policies. University EPA positions follow a separate tenure personnel system.

[Back to Table of Contents](#)

Employees in the Judicial Branch, Administrative Office of the Courts, the General Assembly, public schools and community colleges are not subject to these policies

## ***Evaluation of Human Resource Programs***

North Carolina State Government seeks to attract, hire, and retain qualified individuals to perform essential work in state government agencies and universities. The goal of the Human Resource System is to provide effective management of employment, job evaluation (classification), employee relations, equal opportunity, compensation, salary and pay administration, and training services.

Human resource directors and staff work in partnership with agency managers, supervisors, and employees to ensure that state employees have adequate feedback on their performance and receive development and promotional opportunities in a fair and equitable manner. The Human Resource Management programs in state agencies are regularly evaluated to ensure that they are in compliance with state policies and procedures under the State Personnel Act and other appropriate general statute requirements.

State Personnel Act:

[http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_126.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_126.html)

HR Directors List:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

HR Program evaluations include input from employees, assessment of agency HR procedures, identification of improvement strategies and best practices. Information about HR programs is provided to the State Personnel Commission, the State Personnel Director and the Governor's Office.

[Back to Table of Contents](#)

# Joining State Government

## *Equal Employment Opportunity (EEO)*

North Carolina State Government is an equal opportunity employer and strives to be fair and equitable in all of its policies, practices and programs and provide equal employment opportunity for employees and applicants. An effective and efficient government requires the utilization of talents, skills and abilities found in a variety of people. EEO insures the rights of all individuals to be treated fairly, equitably and have unrestricted access to all terms and conditions of employment (including hiring, promotion, compensation, training) without regard to age, race, color, national origin, religion, creed, disabling condition or sex. Each agency is required to have a written EEO plan and program.

All state employees and applicants have equal employment opportunities under the EEO policy. It was created to promote diversity at all levels – from entry level to upper management – throughout state government.

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.

Any employee or applicant for employment who believes they have been discriminated against may appeal directly to the State Personnel Commission. The basis of a discrimination complaint/petition may be race, creed, religion, national origin, sex, age, color or disability.

There are specific time limits for filing a discrimination complaint. If you have specific questions about time limits or EEO, contact the [EEO Officer](#) in your agency.

## *Applying for a State Job*

State government meets its workforce needs through systematic recruitment, selection, and career support programs that identify, attract, and select from the most qualified applicants for state employment, and encourage diverse representation at all occupational levels of the workforce.

Agencies with vacancies will announce the opening. Each announcement includes the position number, title, salary range, essential functions, knowledge and skill requirements, minimum training and experience standard, the application period, and the appropriate contact person for the vacancy.

Applicants must submit a [state application](#) (Form PD-107) for each vacancy for which they wish to be considered. Information regarding current vacancies in state government is on-line and available through North Carolina public libraries.

Jobs Listings:

[www.osp.state.nc.us/jobs](http://www.osp.state.nc.us/jobs)

State Application:

<http://www.osp.state.nc.us/jobs/gnrlinfo.htm#ann>

## ***Merit-Based Recruitment and Selection***

The citizens of North Carolina and the state workforce deserve strong assurances that knowledge, skills, and abilities (KSAs) are the basis for state government hiring decisions. In order to assure the integrity of state government, every employee has a responsibility to view public service as a public trust and to act impartially.

Current state policy requires all agencies and universities to have a merit-based recruitment and selection plan approved by the State Personnel Commission and on file with the Office of State Personnel. The purpose of that plan is to insure that all positions subject to the State Personnel Act are filled from among the most qualified applicants. This policy is in effect as a result of the Governor's Executive Order 30 and Senate Bill 886 ratified during the 1997 Session of the North Carolina General Assembly.

In the recruitment and selection process, agencies and universities must give equal employment opportunity to all applicants, without regard to race, religion, color, creed, national origin, sex, age, disability, or political affiliation/influence; and selection decisions should be based solely on job related criteria. The recruitment and selection process must be consistently applied, nondiscriminatory, and promote fairness, diversity, and integrity. The recruitment and selection process also must comply with all federal and state laws, regulations, and policies.

Agency Merit-Based Recruitment Plans:  
[www.osp.state.nc.us/manuals/plans/rs.html](http://www.osp.state.nc.us/manuals/plans/rs.html)

State Personnel Act:  
[http://www.osp.state.nc.us/manuals/14\\_Statutory%20Provisions/state%20personnel%20act.htm](http://www.osp.state.nc.us/manuals/14_Statutory%20Provisions/state%20personnel%20act.htm)

NC General Assembly:  
<http://www.ncga.state.nc.us/>

## ***Employment of Relatives (Nepotism)***

Agencies are discouraged from hiring employees who are related. If conditions exist that make it necessary to hire immediate family members in the same state agency, neither can be placed in a position where one family member supervises another immediate family member. Also, neither may occupy a position that has influence over the other family member's employment, transfer, promotion, salary administration or other related management or personnel considerations.

## ***Age Limitations***

The Fair Labor Standards Act sets 14 as the minimum age for most non-agricultural types of work but limits the number of hours that may be worked for minors under age 16. It also prohibits minors under age 18 from working in any occupation that is deemed to be hazardous.

Law Enforcement Officers must be at least 20 years of age.

There is no maximum age for state employees.

[Back to Table of Contents](#)

# ***New Employees***

## **Probationary Period**

When new employees initially start work in state government, they must serve a probationary period of three to nine months. The probationary period serves as an extension of the selection process and gives both you and your supervisor time to see if the job is right for you, and you are right for the job. *(The length of the probationary period for employees in law enforcement may vary, so speak to your supervisor if this applies to you.)*

During the probationary period you earn the same benefits as an employee with a permanent appointment; however, you are not eligible for severance pay or priority reemployment if you are reduced-in-force ([see page 54](#)).

If you demonstrate satisfactory work progress and the decision is made to continue your employment at the end of the probationary period, you will receive a permanent appointment. If work progress is not satisfactory, an employee can be terminated with no opportunity for appeal unless alleging discrimination ([see page 24](#)).

Once you earn a permanent appointment, you will not have to serve another probationary period if you are promoted, transferred, demoted or return from a leave of absence. However, if you leave state employment and later return, the agency may require you to serve another probationary period.

## **Hiring Rate**

Many factors must be considered in determining the salary rate of new state employees. New hires are generally paid at the hiring rate of a salary range. Once the probationary period is complete, the pay is moved to the minimum of the salary range.

If a new hire has some exceptional qualifications, the agency may start the individual's pay above the hiring rate. Considerations and comparisons that must be made in determining a fair rate include:

- Training and experience beyond the minimum requirements
- Equity with the salaries of other employees in similar jobs
- Availability of funds

If you are paid at or above the minimum rate when you start work, you may or may not receive an increase upon completion of the probationary period. This decision will be based on the considerations listed above.

[Back to Table of Contents](#)

# **Your Responsibilities**

## ***Reporting and Remaining at Work***

Your job is important. If for any reason you will be late or cannot report to work, let your supervisor know at the start of the day or as soon as possible. Also inform your supervisor if you need to leave your work site at any time other than your regularly scheduled break period. Failure to report absences from work could result in disciplinary measures ([see page 27](#)).

When you begin employment with your agency, discuss these procedures with your supervisor.

## ***Work Schedule***

Most state employees work a 40-hour week. A typical workday is eight hours with a meal break. Some agencies use variable work schedules, but most employees work Monday through Friday, usually starting between 7:30 a.m. and 9 a.m. and stopping between 4:30 p.m. and 6 p.m. To continue providing vital services to the public, it is necessary for some state employees to work evenings, nights and weekends.

Your supervisor will advise you of your schedule. Your supervisor must approve any changes you make to your work schedule in advance.

See also: [Adverse Weather \(page 37\)](#)

## ***Work Options***

Alternative work options are available within many agencies to promote productivity and efficiency. These options also benefit employee morale and expand the opportunities for employees who need to work on a varied schedule. Your agency may have a Work Options program if their operational and service needs allow varying work schedules.

If you would like to explore an alternative schedule, ask your supervisor if it is a possibility. Work Option programs may include job sharing, flexible schedules and other variances.

## ***Telework: A Flexible Work Option***

Telework permits agencies to designate employees to work at alternate work locations for all or part of the workweek in order to promote general work efficiencies. The Office of State Personnel has established teleworking rules so that this work option may be offered by state agencies to ensure competitive advantages with other employers and to meet the environmental and budgetary challenges of the future.

By teleworking, organizations have reduced traffic congestion, reduced air pollution, reduced employee commute time and expenses, reduced employee absenteeism and turnover, improved employee morale, increased worker flexibility and performance, improved employee quality of life and in some cases reduced overhead costs.

Teleworking is available as a work option in every agency for full-time and part-time permanent and time limited employees. The decision whether to allow a position or an employee to telework is wholly within management discretion and is not appealable to the State Personnel Commission. The agency may also terminate the teleworking agreement at its discretion.

Telework is not for everyone. Participants will be carefully selected based upon their job characteristics, their experience on the job, their performance rating, their manager's concurrence, and other important factors.

Teleworking Website:

<http://teleworking.osp.state.nc.us/>

Teleworking Policy

[http://www.osp.state.nc.us/manuals/3\\_Employment%20and%20Records/Teleworking%20Program.pdf](http://www.osp.state.nc.us/manuals/3_Employment%20and%20Records/Teleworking%20Program.pdf)

## ***Use of State Property***

Use all state property carefully and properly. Remember, your taxes help pay for all the equipment you use—whether it is a pencil or a car. Using state property or funds for personal gain is a violation of criminal law and may result in a disciplinary action or dismissal. This includes, but is not limited to, using telephones, equipment, copiers, fax machines, computers and email. Employees may not sell or promote the sale of any goods or services for personal gain on state property.

While personal telephone calls are occasionally necessary, they are to be limited. Under no circumstances may long distance calls or toll calls of a personal nature be made at the state's expense. The state uses a toll system that keeps a log and charges for all long distance calls made on state phones.

## ***Abuse Hot Line***

The State Auditor operates a telephone hot line for reports of alleged abuses. These may include:

- Violations of state or federal laws, rules or regulations
- Fraud
- Misappropriations of state resources
- Substantial and specific danger to public health and safety

It is part of your duty as a state employee to report any improper activities to your supervisor or agency head within three days. Employees are protected from retaliation when reporting an abuse; however, if you knowingly report false information you are subject to disciplinary action.

Callers to the hot line may remain anonymous. If you suspect any of the above problems, the number to call is 1(800) 730-8477 or (919)733-3276.

[Back to Table of Contents](#)

## ***Confidentiality***

Much of the information handled by state employees is available to the public; however, there may be times when you deal with confidential matters. Some laws even specify criminal penalties for releasing confidential material. If you have any questions about releasing information, ask your supervisor for advice before you respond.

See also: [Personnel Files \(page 16\)](#)  
[Public Information \(page 16\)](#)

## ***Traveling***

If you are in a state vehicle or on state business, you are expected to observe all motor vehicle and civil laws. This includes observing speed limits and using seat belts. Conviction of a moving violation, negligence resulting in damage to state property while operating a state vehicle or unauthorized use of a state vehicle may result in disciplinary action or dismissal.

If you are required to use your personal car to conduct state business, you will be reimbursed on a per mile basis. When you are required to travel out of town overnight, you will receive reimbursement for meals and lodging. State budget policies explain mileage, meal and overnight reimbursement amounts for all agencies.

## ***Political Activity***

Being a state employee does not take away your constitutional rights such as voting (see below).

However, employees subject to the State Personnel Act may not:

State Personnel Act: <a href="http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_126.html">http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_126.html</a>
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- Take an active part in managing a campaign, campaign for political office or otherwise engage in political activity during working hours
- Use the position's authority or use state funds, equipment, supplies or vehicles to support or oppose a candidate, party or issue of an election
- Promise rewards to a state employee or applicant for state employment to gain support for or a contribution to a candidate or party\*
- Threaten the employment of another state employee or applicant for failure to support or contribute to a political candidate or committee\*

*\* Such actions are subject to criminal penalties under the law*

## ***Time for Voting***

As a citizen, you are encouraged to vote in every election; however, voting should be done on your own time. If you must vote during your assigned work time, speak to your supervisor in advance, and follow your agency's normal leave procedures.

[Back to Table of Contents](#)

### **Federal Hatch Act**

The Federal Hatch Act applies to state employees whose positions are financed in part by the federal government.

These employees may not:

- Use their authority to interfere with or affect the result of an election or nomination for office
- Coerce (either directly or indirectly), attempt to coerce, command or advise another state employee to pay, lend or contribute anything of value to a political party, committee, organization, agency or person for political purpose
- Be a candidate for elective public office in a partisan election

Your supervisor or human resource director can help you better understand this Act as it applies to your position.

### ***Secondary Employment***

Your job as a state employee is extremely important. For that reason, it needs to be your primary job. Before accepting another non-state job, you need to complete a secondary employment request form and get your agency's approval to make sure the work will not affect your current state position.

If you do receive approval from management to take a second job, it cannot:

- Create a conflict of interest with your state government job
- Interfere with your ability to do your job with the state to make decisions or to be objective
- Involve use of any state time, property, equipment, etc.

Approval for secondary employment may be reviewed regularly and approval may be withdrawn at any time.

### ***Dual State Employment***

If you work for another state agency on a permanent, temporary, part-time, consulting or contractual basis, it is dual employment. Before you accept this type of work, you must get approval from your supervisor.

[Back to Table of Contents](#)

## Classification and Pay

Positions that are subject to the State Personnel Act, including exempt policy-making and exempt managerial positions, are administered under the state's classification and salary plan. Class titles, including the defined work and assigned salary ranges/bands, are approved by the State Personnel Commission.

Supervisors are responsible for assigning duties and ensuring that position descriptions reflect actual duties. As a state employee, you should receive a copy of your position description from your supervisor. If, after reviewing the description, you feel that you are performing significant duties that are not included, you and your supervisor should discuss updating your position description.

State Personnel Act:

[http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_126.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_126.html)

Salary Ranges/Grades:

<http://www.osp.state.nc.us/CompWebSite/2009%20Salary%20Plan%20Book.pdf>

### **Traditional Classification System**

Jobs in the traditional classification system have a title and an assigned salary grade and salary range that is based on current labor market information. Positions are grouped together under the same title if the required duties and the level of work are similar enough to require the same skills and knowledge for each position. These position groupings are referred to as a class or classification. Some examples of classes are:

- Office Assistant I, II, III and IV
- Accountant I and II and Accountant Supervisor

Salary Plan Book:

<http://www.osp.state.nc.us/CompWebSite/2009%20Salary%20Plan%20Book.pdf>

### **Career-Banding System**

The Office of State Personnel is moving into a new classification and compensation system called Career-Banding. Career-Banding collapses traditional classifications into banded classifications based on similarity of roles and potential for employee career advancement. Just as in the current traditional system, jobs performing similar kinds of work with similar knowledge, skill, and ability (KSA) requirements are grouped together. In the Career Banding System, the jobs are organized into broad classifications with wide pay ranges. Pay ranges and rates are based on current labor market information. Pay is tied to these rates according to the competency levels that are needed and demonstrated on the job. See the [Career Banding Salary Administration Policy](#) for the definition of competencies.

This system will cut down on the number of classifications and widen pay ranges, making it a more manageable system. Here is an example:

#### Traditional Classification

Office Assistant II (SG 54)  
Processing Assistant II (SG 54)  
Office Assistant III (SG 57)  
Processing Assistant III (SG 57)  
Office Assistant IV (SG 59)

#### New Banded Classification

Administrative Support Associate

## ***Reallocation***

We live in a quickly changing world that creates new demands. This often requires us to adjust what we do and how we work. If a change in your job is significant, the classification and grade/band may need to be adjusted.

In the traditional classification system, if the change is to a higher grade, your salary would be increased to at least the minimum of the new salary range. If the change is to a lower grade, your salary may stay the same or be lowered within the new range. It is possible to have a title change and remain in the same salary grade.

In the Career-Banding System, the salary is based on application of all Pay Factors. See the [Career Banding Salary Administration](#) Policy for the definition of Pay Factors.

If you think your job has changed enough to be reallocated, discuss this with your supervisor. Your supervisor must decide if it is appropriate for it to be reviewed.

## ***Salary Range Revision***

Salary studies are made from time to time to assure that the state's salary range for each class is competitive with the labor market. The State Personnel Commission may approve either a higher or lower salary range or no change for a class/band based on these studies. If your position is in a class/band that is moved to a higher range, your salary will be raised at least to the minimum of the new range, if funds are available.

## ***Legislative Salary Increases***

The North Carolina General Assembly determines general salary increases for state employees. They decide on the amount of funding and whether increases will be given across-the-board or in accordance with the Comprehensive Compensation System defined in the State Personnel Act. These decisions are usually announced in the summer months toward the end of each legislative session.

The Comprehensive Compensation System includes provisions for cost-of-living adjustments, career growth recognition awards and performance bonuses based on the employee's performance management rating. The legislature may fund any one of these or a combination. Your supervisor will inform you each year of the type and amount of increase, if any.

## ***Payday***

Paydays vary between agencies, but most state employees are paid on the last day of each month. If this day falls on a Saturday, Sunday or a holiday, payday will be on the preceding business day. Some agencies pay employees twice a month.

NC General Assembly:  
[www.ncga.state.nc.us](http://www.ncga.state.nc.us)

Comprehensive Comp. System:  
[http://www.osp.state.nc.us/manuals/4\\_Salary%20Administration/Comprehensive%20Compensation%20System.pdf](http://www.osp.state.nc.us/manuals/4_Salary%20Administration/Comprehensive%20Compensation%20System.pdf)

Most agencies will use direct deposit to the local bank of your choice. If your work unit does not offer direct deposit, and you are absent on payday, make arrangements with your supervisor to collect your check. If you lose your paycheck, tell your supervisor immediately.

## ***Deductions***

The state is required by law to deduct the following from your paycheck:

- Federal and state withholding taxes
- State retirement contributions
- Social Security taxes
- Absences from work not covered by authorized leave credits
- Reasonable charges for housing, meals and services if they are furnished to you by the state

If you have not paid federal, state, city and county tax liens, child support or other debts authorized by the courts for garnishment, by law they may also be deducted directly from your pay.

Other deductions may also be made from your check; however, they must be requested and authorized by you. Among these are:

- Voluntary Insurance premiums
- Fees for state owned parking lots
- [State Employee Combined Campaign \(see page 49\)](#)
- [Contributions to NC Flex \(see page 31\)](#)
- [Deferred compensation plans \(see page 30\)](#)
- [Loan and mortgage payments to the State Employees' Credit Union \(SECU -- see page 50\)](#)
- Savings deposited into your SECU account

## ***Compensatory and Overtime Pay/Work***

There are two categories of state employees under the [Fair Labor Standards Act \(FLSA\)](#): those who are subject to the overtime compensation provisions of the federal FLSA and others who are exempt from these provisions.

If you are an FLSA subject employee and work more than 40 hours in a week, you will either be given time off or be paid for the overtime. Both time off and pay are at a rate of one and a half hours for each hour worked over 40 in a week. The state normally gives time off. Your supervisor must authorize all overtime in advance.

The executive, administrative and professional employees who are exempt from these provisions are not paid overtime compensation but sometimes have more flexible work schedules.

There are special provisions for some categories of employees, such as law enforcement, fire protection and emergency response. These employees usually have overtime determined by a work period of 28 consecutive days rather than 40 hours a week.

Regardless of your status, your supervisor will discuss your agency's overtime policy with you and the compensatory leave policy, if it has one.

## ***Other Types of Pay***

### **Emergency Callback Pay**

If you work in certain types of jobs and are called back to work for an emergency when you are not regularly scheduled, you may receive either compensatory time off or additional pay. Management at the agency makes the decision about which positions are subject to emergency callback.

You will receive at least two hours of callback pay each time you are called to the work site.

### **Shift Premium Pay**

Employees who are regularly scheduled to work on an evening or night shift may receive additional compensation when it is determined to be necessary to be competitive with the labor market. The Office of State Personnel and the agency shall determine the classes eligible and rates of shift premium pay based on documented survey data of prevailing practices in the applicable labor market.

### **On-Call Compensation**

Employees in certain positions are required to be on-call and may be eligible for on-call compensation in the form of pay or compensatory time.

Management at the agency makes the decision about who is on-call.

### **Holiday Premium Pay**

It is essential for some state employees to work on holidays. If you are required to work, you will receive extra pay that is equal to half of your regular hourly wage for each hour you work in addition to your regular pay.

For example: An employee who earns \$8 per hour will earn an additional \$4 for each hour worked on the holiday. For an eight-hour day, the employee will receive \$32 in addition to the day's regular pay.

You will also get hour for hour off (up to eight hours) on another day to make up for the holiday you missed.

This pay is for days designated as holidays ([see page 37](#)) by the State Personnel Commission or by individual universities.

### **Longevity Pay**

Longevity pay is designed for employees who provide long-term service to the State of North Carolina. The longer you are with state government, the higher the percentage of longevity pay you will receive for your commitment.

After completing 10 years of total state service, you begin receiving longevity pay. This is an annual payment based on a percentage of your salary. The amounts are:

Years of Qualifying Service

10 but less than 15 years  
15 but less than 20 years  
20 but less than 25 years  
25 or more years

Longevity Pay Rate

1.50 percent  
2.25 percent  
3.25 percent  
4.50 percent

Once you become eligible, you will get your total longevity payment each year during the same pay period unless it is delayed by leave without pay. Speak with someone in your human resource office to determine your annual payment period. The usual deductions for federal tax, state tax and state retirement are withheld from this payment.

[Back to Table of Contents](#)

# Managing Your Performance

## *Planning, Doing, and Appraising Your Work*

As a state employee, you have a job to perform. Using your agency's performance management process, your supervisor will work with you to set the expectations for your performance and, periodically throughout the year, provide you with feedback on how well you are doing. Performance management is a three-phase process:

Performance Mgmt. Site:  
<http://www.performancesolutions.nc.gov/motivationInitiatives/PerformanceMgmt/index.aspx>

1. Planning performance – Soon after you begin your job, and again at the beginning of each year of your employment, your supervisor will meet with you and go over your work plan. Your work plan defines your performance expectations – the quantity and quality of work expected from you. It also specifies how you will keep track, throughout the year, of your progress toward meeting those expectations and how your performance will be measured at the end of the year. Your work serves a purpose: By meeting or exceeding your performance expectations, you contribute to your agency's ability to achieve its mission.

2. Managing performance ongoing – The idea of performance management is to enable all employees to meet or exceed their performance expectations. This is a shared responsibility between employee and supervisor. Throughout the year, you and your supervisor will discuss how you are doing. If you find there are obstacles to your achieving the expectations defined in your work plan, take the initiative to bring this up with your supervisor and then work with your supervisor to address the obstacles. When appropriate, your supervisor will coach you on ways to accomplish your work more proficiently. If, at any time during the year, your performance fails to meet expectations, your supervisor will counsel you on how to improve. Sometimes priorities change and you will need to adjust your work accordingly. On these occasions, your supervisor will consult with you about the change and make appropriate revisions to your work plan.

3. Appraising performance – The end of the year is a time for summing up. Your supervisor's task is to prepare a written summary of your performance over the year – the performance appraisal – and to discuss this summary with you. To complete your performance appraisal, your supervisor may ask you to provide information about your accomplishments. It is important that your appraisal be based on solid information so that your supervisor can assign an accurate overall rating, a rating that truly reflects how well you met the expectations laid out in your work plan. In your appraisal discussion with your supervisor, you may want to review how you performed on each of your expectations. Although the appraisal discussion focuses on your past performance, it is a good opportunity for you to also talk about how you can maintain or even boost your effectiveness in the future.

## *Performance Pay Dispute Process*

When the General Assembly approves a salary increase it can be based on employee performance. Because of this, the rating you receive at the end of each 12-month performance management cycle needs to accurately describe your work accomplishments.

[Back to Table of Contents](#)

If you do not agree with your overall summary rating, you may use the Performance Pay Dispute process in your agency. This process can also be used to appeal whether a performance increase is awarded or the amount of a performance increase.

The first step in the Performance Pay Dispute process is to tell your supervisor that you disagree with the overall summary rating and why. If the supervisor feels the rating is still correct, you may file a dispute with your agency human resource staff.

HR Offices: <a href="http://www.osp.state.nc.us/Contacts/HRDirContact.html">http://www.osp.state.nc.us/Contacts/HRDirContact.html</a>
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The second step varies in many agencies, but you may have the option of appearing before your agency grievance committee or a dispute board. After your case is heard, a written recommendation is given to the agency head. The agency head may accept the recommendation of the committee or make a different decision. Once the agency head reaches a decision, the appeal process ends. You cannot appeal further.

Contact your agency human resource staff if you have questions about your agency's policy or to initiate an appeal. Once the time limits for your appeal have passed, you have no other opportunity to appeal performance pay decisions within state government.

See also: [Employee Appeals \(page 25\)](#)

### ***Personnel File***

You may examine any information in your personnel file except pre-employment letters of reference and information about a mental or physical medical disability a doctor would not give you.

A personnel file includes any employment-related or personal information gathered by an agency, the Retirement System, or the Office of State Personnel. Employment-related information includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, suspension, performance evaluation, disciplinary action and termination. Personal information includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries. Any information that pertains to these actions is confidential except the following items, which are public information: your name, age, date of original employment, contract terms, current position title, current salary, benefits, date and amount of each change in salary, date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification, date and general description of the reasons for each promotion, date and type of each dismissal, suspension or demotion for disciplinary reasons; and the office to which the employee is currently assigned. If the disciplinary action was a dismissal, the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal is public information.

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to State service, the terms of any contract by which the employee is employed whether written or oral, past and

current, to the extent that the agency has the written contract or a record of the oral contract in its possession.

- (4) Current position.
- (5) Title.
- (6) Current salary (includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation).
- (7) Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau.
- (8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau.
- (9) Date and general description of the reasons for each promotion with that department, agency, institution, commission or bureau
- (10) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the department, agency, institution, commission, or bureau. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal.
- (11) The office or station to which the employee is currently assigned.

If you object to any material in your file that you believe is inaccurate or misleading, you may add your own statement to your file. If you wish to have any statement removed, follow your agency's grievance procedure that is administered by the human resource office. You may appeal to the State Personnel Commission if you are not satisfied with the agency's final decision.

[Back to Table of Contents](#)

## Personnel Actions Affecting You

### ***Promotion***

Traditional Classification System - Promotion is movement to a vacant position at a higher salary grade. When you are promoted, the minimum salary increase is the minimum of the new salary range or five percent, whichever is larger, unless a specific salary rate published in the vacancy posting prevents such an increase.

Career-Banding System - Promotion is (1) movement from one position to another with the same banded classification with a higher competency level or (2) movement from one position to another with a different banded classification with a higher journey market rate. The salary will be established based on application of the all the Pay Factors. See the [Career Banding Salary Administration Policy](#) for the definition of Pay Factors.

At minimum, your agency will post vacancies to be filled internally in your human resource office and the division with the vacancy. Information on how to apply will be included with the vacancy announcement. Many state government vacancies are also posted in county libraries and on the OSP and the Employment Security Commission Homepages.

OSP

[www.osp.state.nc.us/jobs](http://www.osp.state.nc.us/jobs)

ESC

<http://www.ncesc.com/>

### ***Demotion***

Traditional Classification System - Demotion is a change in employee status due to unsatisfactory job performance or unacceptable personal conduct resulting in movement to a position assigned a lower salary grade. The salary shall be reduced to the maximum. It may remain the same if it is within the range of the lower class or it may be reduced.

Career-Banding System – Demotion is a change in employee status due to disciplinary action, resulting in:

- (1) movement from one banded position to another with the same banded classification with a lower competency level. The salary shall be reduced if above the maximum. It may remain the same if it is within the salary range or it may be reduced.
- (2) movement from one banded position to another with a different banded classification with a lower journey market rate. The salary shall be reduced if above the maximum. It may remain the same if it is within the salary range or it may be reduced.
- (3) reduction in salary within the same banded class. The salary may not be reduced to less than the minimum of the salary range.

For more information see: [Salary Grade \(page 10\)](#)  
[Disciplinary Actions \(page 27\)](#)  
[Reduction-in-force \(page 54\)](#)  
[State Personnel Commission \(page 24\)](#)  
[Employee Appeals \(page 24\)](#)

## **Reassignment**

Traditional Classification System – Reassignment is a change in employee status due to mutual agreement between the employee and employer (such as choice of the employee, organizational needs, or a reduction in force) resulting in movement to a position in a lower salary grade. The salary shall be reduced if it is above the maximum. It may remain the same if it is within the range of the lower class or it may be reduced.

Career-Banding System – Reassignment is a change in employee status resulting in (a) movement from one position to another with the same banded classification with a lower competency level or (2) movement from one position to another with a different banded classification with a lower journey market rate. In either case, the salary shall be based on all Pay Factors. It shall not exceed the maximum. See [Career Banding Salary Administration Policy](#) for the definition of Pay Factors.

Employees with career status have the right to appeal a demotion to the State Personnel Commission.

## ***Transfer***

When someone moves from one state agency to another or changes divisions within an agency, it is considered a transfer. Transfers may involve a promotion, reassignment, demotion or lateral move. Your leave credits and retirement account go with you. Your personnel file ([page 16](#)) is also transferred to your new agency.

## ***Other Personnel Actions***

See also: [Reclassification \(page 10\)](#)  
[Salary Range Revision \(page 11\)](#)  
[Legislative Salary Increase \(page 11\)](#)  
[Reduction in Force \(page 54\)](#)  
[Dismissal \(page 27\)](#)  
[Leaving Your Job \(page 53\)](#)  
[Evaluating the HR System \(page 2\)](#)

[Back to Table of Contents](#)

## Your Workplace

### *Unlawful Workplace Harassment*

As a state employee, you have the right to work in an environment free from unlawful workplace harassment and retaliation.

Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based on race, sex, creed, religion, national origin, age, color or handicapping condition (as defined by G.S. 168A-3) that creates a hostile work environment or circumstances involving quid pro quo.

If you are being harassed, tell the person to stop the behavior and let them know the behavior is unwelcome. If you feel uncomfortable talking to the harasser, report the incidents immediately to a person in the agency who can help you (i.e. EEO Officer, Human Resource Director)

You may file a written complaint through your agency's grievance procedures within 30 calendar days of the alleged harassing act. Harassment is a form of discrimination; therefore, you may file simultaneously a Title VII Complaint with the Equal Employment Opportunity Commission. If you are not satisfied with the agency's response, you may appeal directly to the Office of Administrative Hearings and the State Personnel Commission within 30 calendar days.

If you have specific questions about the Unlawful Workplace Harassment Policy, contact your EEO Officer.

A collection of Frequently Asked Questions about Unlawful Workplace Harassment are available on-line.

*Note: Sexual harassment is a form of unlawful harassment based on sex and is covered under the state's Unlawful Workplace Harassment Policy.*

See also: [Grieving Unlawful Workplace Harassment, page 26](#)

Equal Employment Opportunity Policy

[http://www.osp.state.nc.us/manuals/1\\_EEO/Equal%20Employment%20Opportunity%20Policy.pdf](http://www.osp.state.nc.us/manuals/1_EEO/Equal%20Employment%20Opportunity%20Policy.pdf)

EEO Officers:

<http://www.osp.state.nc.us/divinfo/frames/divisions/eos/eoo.html>

Unlawful Workplace Harassment Policy:

[http://www.osp.state.nc.us/manuals/1\\_EEO/Unlawful%20Workplace%20Harassment.pdf](http://www.osp.state.nc.us/manuals/1_EEO/Unlawful%20Workplace%20Harassment.pdf)

Unlawful Workplace Harassment FAQs:

[http://www.osp.state.nc.us/manuals/1\\_EEO/qanda.htm](http://www.osp.state.nc.us/manuals/1_EEO/qanda.htm)

HR Directors:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

EEOC:

[www.eeoc.gov](http://www.eeoc.gov)

Office of Administrative Hearings

<http://www.oah.state.nc.us/>

[Back to Table of Contents](#)

## ***Disabilities***

If you are a qualified individual with a covered mental or physical disability, the state will make reasonable accommodations as long as they do not involve extensive or substantial costs or fundamentally alter the nature of the operation.

Reasonable accommodations may include:

- Making facilities readily accessible
- Restructuring jobs so non-essential duties can be assigned to other positions
- Acquiring or modifying equipment and devices
- Providing readers or interpreters

Disabilities and accommodations are evaluated based on the facts of each case. Employees are responsible for requesting reasonable accommodations through their supervisors and may do so at any time during the application process or during the period of employment. When the disability is not obvious, employees may be required to provide reasonable documentation about the disability and functional limitations.

## ***Maintaining a Drug-Free Workplace***

North Carolina State Government is dedicated to maintaining a drug-free work environment. Substance abuse is a legitimate concern due to the negative impact on employees and the workplace. Such abuse has the potential to compromise and threaten employee safety, productivity and the general well being of everyone concerned.

Learn about the dangers and warning signs of substance abuse. Employees who are experiencing an alcohol or drug problem should seek help before it begins to affect job performance. The decision to seek help is viewed as responsible and will be supported by your supervisor and management. Efforts to obtain help will be respected and handled confidentially.

Most state agencies and universities provide for Employee Assistance Services (EAP) for their employees and family members. Please contact your Human Resource Office to find out if EAP services are available to you. For additional confidential assistance in locating a treatment provider you may visit the Employee Assistance Resource and Provider Directory at <http://www.osp.state.nc.us/eap/Providers2.htm>, or you may call the Substance Abuse Treatment Facility Locator at 1-800-662-HELP (4357).

Your agency has specific policies and procedures for establishing and maintaining a drug-free workplace and may have requirements for alcohol and drug testing.

Because of the state's obligation to protect others, it is important to keep your workplace safe and healthy. As a result, employees who report to work under the influence of alcohol or drugs are subject to disciplinary action.

HR Directors:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

For additional information about your agency or university drug-free workplace program, you should contact your Human Resource Office.

[Back to Table of Contents](#)

## ***Workplace Violence***

The State of North Carolina is interested in providing a safe and healthy work environment for its employees and a safe and healthy environment for citizens to conduct their business. It is vital that the environment in which you work be free from violence to protect both you and the general public. Your agency or university has developed a workplace violence policy for the prevention and management of incidents and threats of violence. The intent of this policy is to provide for a workplace that is free from violence by establishing preventative measures, holding perpetrators accountable and by providing assistance and support to victims.

By maintaining a violence-free workplace, the State is guided by and in support of the Federal Occupational Safety and Health Act of 1970, which requires employers to provide their employees with a safe and healthy work environment. Workplace violence includes but is not limited to, intimidation, bullying, stalking, threats, physical attack, domestic violence or property damage. It includes acts of violence committed by state employees, clients, customers, relatives, acquaintances or strangers against state employees in the workplace.

All employees are encouraged to be alert to the possibility of incidents and threats of violence. Your agency or university policy prohibits retaliation against any employee who, in good faith, reports a violation. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

If you are a victim of workplace violence, which includes domestic violence, your agency or university will make every effort to provide support and security measures for you. You are encouraged to talk with your supervisor or your human resource office to obtain assistance. Most state agencies and universities provide for Employee Assistance Services (EAP) for their employees and family members. Please contact your Human Resource Office to find out if EAP services are available to you. For additional assistance in locating professional resources that can help with issues of workplace violence and domestic violence, you may visit the Employee Assistance Resource and Provider Directory at <http://www.osp.state.nc.us/eap/Providers2.htm>.

## ***Safety and Health***

North Carolina State Government strives to provide a safe and healthy work environment for its employees and the general public. Each agency is required to have a written safety and health program with a coordinator and safety committee. Your agency's safety and health program provides specific information on safety procedures you are required to follow in your agency and for your particular job.

The protection of our fellow state employees and the public on state property is a responsibility we all share. If you know of any unsafe working conditions or improperly operating equipment that could result in an accident, injury, illness or property loss, contact your supervisor or agency safety and health coordinator immediately. Inform your supervisor immediately about every accident, injury or near miss incident on the job.

For certain jobs, personal protective equipment must be worn. A hazard assessment of the workplace and of job duties will identify these positions and the types of personal protective equipment required. If you are required to use personal protective equipment, your supervisor will discuss its proper use, care, maintenance and storage.

Your supervisor should provide you with a [Safety and Health Handbook](#) which highlights general safety and health regulations. Employees should sign the last page of the handbook and return it to their supervisors after reading the material. Job specific safety and health information will be provided by your supervisor or contact your agency safety director.

See also: [Workers' Compensation \(page 35\)](#)  
[NC Safety and Health website](#)

Safety & Health Handbook:

<http://www.osp.state.nc.us/wprpsh/safetybk.htm>

Safety Manual

<http://www.osp.state.nc.us/emprsk/safety/handbook/safety.html>

NC Safety and Health website:

<http://www.osp.state.nc.us/wprpsh/wrpsh.htm>

## ***AIDS in the Workplace***

Another work environment issue is AIDS. There is concern for employees who may be exposed as a part of their job responsibilities and for employees who may have HIV or AIDS. The employment related rights of all employees must be protected.

HIV and AIDS are considered disabilities under the Americans with Disability Act. Therefore, the state has adopted a policy that guides supervisors and employees in dealing with HIV and AIDS in the workplace.

Education and training will be offered in your agency to:

- create a better understanding of AIDS for all employees
- train you in the proper work practices and procedures if your job has the potential for exposure to HIV or AIDS

The state recognizes the rights and concerns of employees who may be infected with HIV or AIDS. It wants to ensure that all employees receive confidential, fair and equal treatment.

North Carolina State Government does not discriminate against applicants or employees who have or are suspected of having the HIV virus or AIDS; however, managers will respond to employees concerned about their own safety.

[Back to Table of Contents](#)

## **Employee Relations**

### ***State Employees' Assistance Program***

There may be times when management becomes aware that a personal or medical problem is interfering with an employee's job performance. Management, in consultation with the agency or university human resource office, may refer an employee to the State Employees' Assistance Program (EAP) in an effort to provide assistance and to help the employee get back on track.

EAP is designed to assist agencies in addressing productivity issues by supporting employees in identifying and resolving personal concerns that have a negative effect on job performance or personal conduct. All referrals to the EAP must originate from management in consultation with the agency human resource office. EAP will provide confidential and professional assessment services to aid the employee in addressing their concerns.

If you are aware that a personal or medical problem is affecting or has the potential to affect your job performance, you are encouraged to seek professional help. For confidential assistance in locating a treatment provider, you may visit the Employee Assistance Resource and Provider Directory at <http://www.osp.state.nc.us/eap/Providers2.htm>.

### ***State Personnel Commission***

The State Personnel Commission, with the approval of the Governor, establishes policies and practices governing the areas outlined in Article One of the State Personnel Act.

The Governor and the General Assembly appoint the nine members of the Commission for six-year terms. The Commission meets every other month at the Personnel Development Center in Raleigh, North Carolina. A schedule of Commission meetings is published on the Office of State Personnel website. With the exception of its executive session, State Personnel Commission meetings are open to the public.

State Personnel Act:

[http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_126.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_126.html)

State Personnel Commission:

<http://www.osp.state.nc.us/rtablecomm/spc.htm>

Personnel Development Center:

<http://www.osp.state.nc.us/divinfo/frames/divisions/hrd/pdc.html>

All decisions of the Commission, except those relating to employee grievances, are made in open session. Decisions of the Commission involving employee grievances are reached in executive session and communicated in writing from the State Personnel Commission to the agency or university and the employee or employee's attorney.

[Back to Table of Contents](#)

## ***Employee Grievances and Appeals***

A positive relationship between employees and supervisors is based on mutual trust, respect, and open communication. If you have a problem or grievance concerning your employment, you should first discuss the issue or concern with your immediate supervisor. In most cases, these discussions can clear up any misunderstanding or conflict. If you are not successful in resolving the concerns about your employment, your agency or university grievance policy provides an effective way for you to address work-related problems or complaints fairly and without fear of reprisal. The State Personnel Act spells out what you can grieve to the State Personnel Commission. You should also carefully read your agency or university grievance policy since it may include grievable issues beyond those stated in the State Personnel Act.

[Employee Appeals and Grievance Policy](#)

[Employee Mediation and Grievance Policy](#)

HR Directors:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

Your agency or university may utilize the **Employee Mediation and Grievance Policy** or they may utilize the **Employee Appeals and Grievance Policy**. It is important to know which policy is used because the steps in each process are different.

When beginning the grievance process, you must file within 15 calendar days of the last incident that led you to file (some agencies allow a longer period of time for filing, but it is normally no longer than 30 days).

Note: Deadlines for Unlawful Workplace Harassment are different. [See end of section.]

The **Employee Mediation and Grievance Policy** uses two steps for the internal process. Mediation is the first step and is the process where you and an agency representative, the respondent, use the assistance of a neutral third party to explore options for a mutually acceptable resolution of a grievance. The mediator's role is to guide the mediation process, facilitate communication, and help the parties generate and evaluate possible outcomes. If the mediation cannot be resolved to the satisfaction of both parties at Step 1, you have the right to request a review at Step 2 which is usually a hearing before a Hearing Officer or Hearing Panel. The Officer or Panel will make a recommendation to resolve the matter to the Agency Head or Chancellor for a final decision.

The **Employee Appeals and Grievance Policy** uses three steps for the internal process. The first step is a discussion about the matter between you and your immediate supervisor. If you are not satisfied with the results of Step 1, you may request a review at Step 2, which involves your supervisor's manager. If you are still not satisfied, you have the right to request a review at Step 3 which is usually a hearing before a Hearing Officer or Hearing Panel. The Officer or Panel will make a recommendation to resolve the matter to the Agency Head or Chancellor for a final decision.

The above information regarding grievance procedures is referred to as an "internal" agency or university process. Employees may file a grievance through this internal process on any grievable issue including claims of illegal discrimination. Cases not

involving a claim of illegal discrimination or unlawful workplace harassment must always start with the internal procedure. In both the **Employee Mediation and Grievance Policy** and the **Employee Appeals and Grievance Policy**, if you are not satisfied with the outcome in the internal process, you may appeal your grievance to the State Personnel Commission if the Commission had authority over your issue.

You must file your appeal with the Office of Administrative Hearings for a hearing before an Administrative Law Judge. The Judge will then issue a recommended decision to the State Personnel Commission, which will then hear the matter and issue a final decision. It is usually a good idea to have an attorney represent you, but it is not a requirement. Many employees present their cases to an Administrative Law Judge and before the State Personnel Commission without an attorney.

To review the grievance policy and procedure for your agency or university, talk with your supervisor or someone in your human resource office. You will receive a copy of this procedure as an attachment to any grievable disciplinary action (see next section).

See also: Performance Pay Dispute ([see page 15](#))

### **Grieving Unlawful Workplace Harassment**

In cases alleging Unlawful Workplace Harassment ([see page 20](#)), you must file a written complaint with your employing agency or university within 30 calendar days of the alleged harassing action. You also have the right to simultaneously file a complaint under Title VII of the federal Civil Rights Act of 1964 with the Equal Employment Opportunity Commission (EEOC).

### **Appeal Rights**

Generally, appeal rights are accorded only to career state employees. Career status is attained by an employee in a permanent position who has been continuously employed by the state in a position subject to the State Personnel Act for the 24 preceding months. Depending upon the circumstances, appeal rights are also accorded to former career state employees and applicants for state employment.

Employees alleging illegal discrimination have a right of appeal even if they have not attained career status. They may either follow the agency or university grievance procedure, or they may appeal directly to the State Personnel Commission. If you choose to go through the agency or university internal grievance procedure, your appeal must follow the timeframes set by that procedure. You can access agency or university grievance procedures by asking your human resource office for a copy. Most procedures are included on the agency or university website under the human resource office.

If you appeal directly to the State Personnel Commission, you must file a Petition for a Contested Case Hearing with the Office of Administrative Hearings within 30 calendar days after you receive notice of the alleged discriminatory action.

Prior to attaining career status, an employee may be disciplined up to and including dismissal for causes relating to job performance or unacceptable personal conduct. Employees without career status do not have a right of appeal in such cases unless the

agency or university grievance procedure specifically allows the employee to appeal the action.

If you have questions about your appeal rights, or if you are not certain if you have any appeal rights, you should always contact your human resource office in your agency or university for guidance.

## ***Discipline and Dismissal***

The state's discipline and dismissal policy provides employees and management a fair, clear, and useful tool for correcting and improving performance problems and unacceptable personal conduct. Your agency or university has developed its own discipline and dismissal policy to help correct and improve performance problems and to outline methods for dealing with unacceptable personal conduct. The State Personnel Commission approves agency and university policies that explain the steps supervisors must take to discipline or dismiss employees.

The only disciplinary actions that a supervisor may take are written warnings, disciplinary suspension without pay, demotion or dismissal. A written warning is normally the first disciplinary action that an employee will receive. In some cases, a supervisor may wish to counsel with an employee and document any expectations or agreements for improving performance or conduct in writing. These situations are referred to as a "documented counseling" and are intended to avoid written warnings or more serious forms of discipline.

Before an employee with career status may be suspended without pay, demoted or dismissed, the supervisor must schedule a pre-disciplinary conference with the employee. The supervisor must also provide a written statement to the employee detailing the specific basis for the proposed disciplinary action and notification of any applicable appeal rights.

### **Reasons for Discipline**

The two reasons for the discipline or dismissal of employees are:

- Unsatisfactory job performance, including grossly inefficient job performance
- Unacceptable personal conduct

Grossly inefficient job performance is when:

- Poor performance causes death or serious injury to another person
- Poor performance creates conditions that increase the chance for death or serious bodily injury
- There is loss or damage to state property or funds resulting in a serious impact on the state or work unit

No prior warnings are needed to dismiss an employee for grossly inefficient job performance or unacceptable personal conduct.

[Back to Table of Contents](#)

## **Investigations**

An agency or university may place an employee on Investigatory Placement with Pay to allow sufficient time for investigating allegations that could lead to disciplinary action. This process is intended to prevent disruption to the workplace and to allow time to schedule a pre-disciplinary conference. Investigatory placement is not a disciplinary action. It is a management tool that allows a thorough investigation of allegations that may result in disciplinary action without prejudging the employee or penalizing an employee with loss of pay.

For more information on your rights if you are subjected to disciplinary action or dismissal, contact your agency or university human resource office, or see the information listed under [Employee Grievances and Appeals, page 25](#).

[Back to Table of Contents](#)

## **Benefits and Savings Programs**

### **Retirement Benefits**

#### **Teachers' and State Employees' Retirement System**

If you are a permanent employee working at least 30 hours per week for nine months of the year, you are automatically a member of the State Retirement System. The state provides benefits for you and your family in case of disability, retirement or death after you have completed certain eligibility requirements. A brief description of your retirement benefits follows.

Your share of the cost, six percent of your salary, is automatically deducted from your paycheck before taxes. The state adds an additional amount to the system based on the calculations of an actuary.

You can retire with unreduced monthly benefits:

- At age 65 if you have five years of membership service in the Retirement System
- With 30 years of creditable service in the system regardless of your age
- At age 60 with at least 25 years of creditable service

You can retire with reduced monthly benefits:

- At age 50 with 20 or more years of creditable service
- At age 60 with five years of membership service

Law Enforcement Officers can retire with:

- Unreduced benefits at age 55 with five or more years of membership service as a law enforcement officer
- Reduced benefits at age 50 with 15 years of creditable service

After five years of state service, you are 'vested' in the system. This means that if you leave the system before retiring, you may leave your contributions in the system and draw a retirement income beginning at age 60.

You may withdraw all of your savings if you leave state service before retiring. If you are vested, you will receive interest on your contributions. If you choose to withdraw the money, it will take at least 60 days after your last day of work before you will receive the refund. If you later return to state service for at least five years, you may buy back this time towards retirement.

#### **Death Benefit**

If you should die while in active service or within 180 days of your last paid day after one year as a contributing member, your beneficiary will receive a single lump sum payment. The payment equals the highest 12 months' salary in a row during the 24 months before you die. This amount is at least \$25,000 but no more than \$50,000. This benefit is not transferred if you leave state service.

See also: [Memorial Program, page 52](#)

### **Information Sources**

The Department of the State Treasurer, Retirement Systems Division, has published a handbook detailing retirement benefits. The book, "[Your Retirement Benefits](#)", is available through your agency benefits representative or the Retirement Systems Division.

State Employee Retirement System:  
[Retirement Systems - North Carolina Department of State Treasurer](#)

Retirement Handbooks:  
[Benefits Handbook - North Carolina Department of State Treasurer](#)

Benefits Representatives:  
<http://www.osp.state.nc.us/Contacts/healthbenereps03.pdf>

## ***Other Retirement Savings***

### **Social Security**

State employees contribute a set amount each month to the Social Security System. This amount is matched by the state. For more information, contact your local Social Security Office.

US Social Security System:  
[http://www.ssa.gov/SSA\\_Home.html](http://www.ssa.gov/SSA_Home.html)

## ***Deferred Compensation Programs***

No matter what your age, there never seems to be enough money to cover daily living expenses, pay for child or elder care, family medical care and still put money aside toward retirement savings. The state offers a number of programs you can pay for before taxes are taken from your salary. The amount you set may be deducted from your pay. Unlike the state retirement plan, the state does not contribute financially to these plans.

The Internal Revenue Service's (IRS) rules set a limit on the amount an individual can set aside through pre-tax and tax deferred programs. The limit varies depending on the plan that you choose.

Tax-deferred programs [401(k), 403(b), North Carolina Public Employees' Deferred Compensation Plan (457), and savings bonds] provide a way for you to build your own retirement fund to supplement the state retirement plan:

- Money placed into a plan is not counted as your taxable income for that year, thus lowering your income tax in that current year
- Money is only taxed when you withdraw it. If you take it out after you retire, you may be in a lower tax bracket and will be paying less in taxes

### **401(k) Deferred Compensation Plan**

Regardless of your age, the State Supplemental Retirement Income Plan of North Carolina can benefit you now or after you retire. It is a financial plan offering savings, loan, tax and retirement benefits.

There are several options for your money through investment funds or mutual funds. There is a maximum you can set aside, so please talk with your benefits representative for specific amounts.

### **403(b) Deferred Compensation Plan**

The University of North Carolina System and some other educational facilities make available voluntary tax-sheltered annuities that provide tax-advantaged retirement savings programs designed primarily for employees of educational, religious and charitable organizations. These types of arrangements are governed under the requirements of the Internal Revenue Code Section 403(b).

HR Directors:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

UNC System:

<http://www.northcarolina.edu/>

Each campus sets the policy for the selection and number of tax-sheltered annuity companies or vendors that are available to its employees. The selection of companies may include 403(b)(1) insurance annuity contracts that primarily offer fixed and variable accounts and 403(b)(7) custodial accounts that invest in mutual funds.

University employees should contact their campus benefits representatives for more information.

### **North Carolina Public Employee Deferred Compensation Plan (457)**

The North Carolina Public Employee Deferred Compensation Plan allows saving for supplemental retirement income. What you choose to save is deducted from your pay before federal and state taxes are withheld.

Your savings may be withdrawn when you leave state service, regardless of your age. There is no penalty; however, your money will be taxed when you withdraw it.

For more information, contact your human resource office or visit the website.

Deferred  
Compensation  
[http://www.docstoc.com/docs/11611363/The-NC-Deferred-Compensation-Plan-\(457\)](http://www.docstoc.com/docs/11611363/The-NC-Deferred-Compensation-Plan-(457))

### **Flexible Benefits Program: NC Flex**

NC Flex, the statewide flexible benefits program, offers you the advantage of paying for certain benefits with pre-tax dollars. This saves you money and allows your paycheck to stretch a little further.

NC Flex:  
<http://www.ncflex.org/>

Many state employees are benefiting from pre-tax programs on health insurance premiums and dependent care costs, but NC Flex expands the savings even further through spending accounts, a statewide dental program and accidental death and dismemberment insurance. There is also a voluntary vision plan available to employees and supplemental medical plan.

### **Statewide Voluntary Dental Plan**

A statewide voluntary dental program is offered to employees through NC Flex. The cost of the program is subject to change from year to year, so speak with your agency benefits representative for the most current information. The premiums for this program are paid by employees before taxes.

[Back to Table of Contents](#)

### **Statewide Voluntary Vision Plan**

A statewide voluntary vision program is also offered through NC Flex. This provides comprehensive vision care services including eyeglasses, contact lenses and eye examinations. It is available to all state employees and their dependents. The premiums for this program are paid by employees before taxes.

### **Flexible Spending Accounts: Health Care and Dependent Care Expenses**

NC Flex offers a Flexible Spending Account (FSA) for health care costs and dependent care expenses.

When you establish an FSA for health care, you choose to contribute a set amount to your account each month through payroll deductions. This money is taken out of your pay before taxes and may be used for various out-of-pocket health expenses ranging from co-payments and prescription medicine to braces and contact lenses. When you have an expense that qualifies for payment, you submit a claim and receive a tax-free check reimbursing you.

For the dependent care costs FSAs, you may set aside money before taxes to pay for care of a dependent child under age 13, an incapacitated spouse or a dependent adult. A dependent care FSA can pay for school care, home care and housekeeping services, among other things.

You should be conservative with the amount set aside in an FSA. Under current tax and plan rules, any money not claimed by the end of the plan year will be forfeited. If you choose to have an FSA, you must contribute at least \$120 a year (\$10 a month). The maximum you may put in is \$5,000 a year (\$415.66 per month) for a health FSA and \$5,000 (\$415.66 per month) for dependent care costs.

Important Note: 2 ½ Month Extension of FSA Expense Period  
Expenses can be incurred between January 1, 2011 (or your plan effective date) and March 15, 2012 provided you remain active for all of 2011. Claims for expenses incurred during this extension must be submitted by April 30, 2012.

[Back to Table of Contents](#)

### **Statewide Voluntary Accidental Death and Dismemberment (AD&D) Insurance Plan**

A statewide Voluntary AD&D Insurance Plan is offered through NC Flex. It pays a benefit if you suffer a loss as the result of an accident while covered (with certain exclusions). It also pays a benefit if you suffer certain disabling injuries while covered.

It also has a TRAVEL ASSISTANCE Program that arranges and pays for certain medical emergencies when away (100 miles) from home.

It is available to all state employees and their dependents. The premiums for this plan are paid by employees before taxes.

### **Core Accidental Death and Dismemberment Plan**

A Statewide Core AD&D Plan is offered through NC Flex. This \$10,000 Core AD&D coverage, if elected, is provided to you at no cost by the State of North Carolina.

### **Critical Illness**

This coverage is designed to complement your existing medical coverage. You can receive a lump-sum benefit up to \$15,000 if your illness meets the criteria. This payment can be used as you see fit to cover expenses such as mortgage payment, prescription drugs, rehabilitation and child care.

### **Statewide Voluntary Cancer Insurance Plan**

Statewide Voluntary Cancer Insurance is offered through NC Flex. If you enroll in this plan the first time it is offered, you may elect coverage on a guaranteed basis (without providing Evidence of Insurability). It pays a benefit if you are diagnosed with cancer while covered (with certain exclusions). In addition to cancer coverage, this insurance pays benefits for 29 other specified diseases. Benefits are paid directly to you.

### **Statewide Voluntary Group Term Life Insurance Plan**

Statewide Voluntary Group Term Life Insurance is offered through NC Flex. The plan pays a benefit to your beneficiary(ies) if you die while covered under the policy. If you enroll in this plan the first time it is offered, you may elect coverage up to \$100,000 without providing Evidence of Insurability. The premium for this coverage is based on your age as of your effective date of coverage and the coverage amount you elect. You can elect insurance coverage in increments of \$10,000, beginning with a minimum of \$20,000 up to \$500,000 of coverage.

*Note* if you elect voluntary group term life insurance, your pay may be impacted by imputed income. The IRS requires you to be taxed on the value of employer-provided group term life insurance over \$50,000.

### **Information Sources**

During the annual enrollment each fall, NC Flex representatives hold informational sessions across North Carolina to help state employees with their questions about flexible benefits. Updates and annual open enrollment packages are available to employees each year during October and November.

## ***Health Insurance Coverage***

If you are a permanent employee working at least 30 hours per week, you may enroll in the State Health Plan. The state pays 100% of the cost for each permanent employee who works 30 hours or more per week for nine or more months per calendar year. Permanent employees who work 20 but less than 30 hours per week are eligible to participate in the health plan but must pay the full cost of coverage.

State Health Plan:  
<http://statehealthplan.state.nc.us/>

If you wish to enroll, you must apply within 30 days from the date you begin work in order to receive benefits for any pre-existing health conditions. If you apply after the 30-day period, there may be a 12-month waiting period for pre-existing health conditions.

Coverage for your spouse and dependents is paid entirely by you. The additional payment can be deducted from your paycheck each month.

More information is available via the State Health Plan website at <http://statehealthplan.state.nc.us> or by contacting the agency/university benefits representative.

## ***Supplemental Insurance Products***

State agencies offer various insurance products to employees through private insurance providers. Products vary by agency depending on what the agency insurance committee selects. Insurance products available to employees may include life, dental, disability, accidental death and dismemberment, prepaid legal expenses and others. If you work with The University of North Carolina System, you may be eligible for additional supplemental benefits.

These plans are underwritten by private companies so you may be able to continue your coverage if you leave state service.

Participation in supplemental insurance products is voluntary. You are responsible for the full cost of the premium; however, group rates are usually lower than those of an individual policy. Premiums may be deducted from your paycheck. Contact your agency benefits representative for products available in your agency or to see if you are eligible for additional benefits.

## ***Unemployment Insurance***

Since 1978, the North Carolina General Assembly has provided Unemployment Insurance (UI) coverage for state employees, except those exempted by law. Those employees not covered by UI include elected officials, legislators, members of the judiciary, members of the State and Air National Guard, emergency temporary employees, students and chaplains.

The Employment Security Commission (ESC) decides what UI claims are paid. If you become unemployed, you must register for work and file an initial claim

State Government UI Program:  
[www.osp.state.nc.us/emprsk/UI/uiweb.htm](http://www.osp.state.nc.us/emprsk/UI/uiweb.htm)

ESC:  
<http://www.ncesc.com/>

with your local ESC Office before you qualify for UI benefits.

For more information on UI, speak with your supervisor or agency UI Coordinator.

## ***Workers' Compensation***

State employees are covered under the North Carolina Workers' Compensation laws. These laws provide payment for lost time and medical attention at state expense for a job-related injury or occupational illness.

It is your responsibility to file claims for workers' compensation. You should report an accident or occupational disease to your supervisor as soon as possible. Your supervisor will report the information to your agency's Workers' Compensation Administrator on the appropriate forms. A claim file is established to record claims activity. Your agency's Workers' Compensation Administrator or a designee will report it to the North Carolina Industrial Commission if it meets their reporting criteria.

Industrial Commission:  
<http://www.comp.state.nc.us/>

State Government Workers' Compensation Program:  
[www.osp.state.nc.us/emprsk/workcomp.htm](http://www.osp.state.nc.us/emprsk/workcomp.htm)

If your job-related injury results in time lost from work, you must be placed on workers' compensation leave after the required waiting period, and you will receive weekly compensation benefits. The current waiting period is seven calendar days during which time you may use your vacation or sick leave or go on leave without pay.

The weekly benefit under workers' compensation is equal to two-thirds of your average weekly wages and is subject to the maximum amount established annually by the North Carolina Industrial Commission. Weekly benefits under workers' compensation may be supplemented by using sick or vacation leave earned prior to the injury. The Office of State Personnel maintains a schedule for use of such leave. Providing the use of this type leave allows the employee's take home pay to be approximately the same as it was prior to the incident.

The State Government Workers' Compensation Program publishes a Workers' Compensation Employee Handbook providing a general explanation of benefits. It is available through your supervisor or your agency Workers' Compensation Administrator.

## ***Disability Income Plan***

Eligible employees who become temporarily or permanently disabled and are unable to perform their regular work duties may receive partial replacement income through The Disability Income Plan of North Carolina (the Plan).

You are covered by the Plan when you:

- are a permanent employee working at least 30 hours per week for nine months of the year and
- participate as a member of the Teachers' and State Employees' Retirement System – (see below for service requirements to qualify)

[Back to Table of Contents](#)

There is a 60-day waiting period before benefits are paid by the Plan. During this period, you may use your accumulated sick or vacation leave. You may also try to return to work (not more than five continuous days) without starting a new waiting period. If you perform any state work while receiving benefits under the Plan, your normal benefits may be affected.

The Department of the State Treasurer, Retirement Systems Division, has published a handbook detailing the benefits available under the Plan. The book, "Your Retirement Benefits", is available through your agency benefits representative or the State Retirement Systems Division at (919) 807-3050 or 1(877) 627-3287.

State Employee Retirement System:  
[Retirement Systems - North Carolina](#)  
[Department of State Treasurer](#)

Retirement Handbooks:  
[Benefits Handbook - North Carolina Department of State Treasurer](#)

Benefits Representatives:  
[http://www.osp.state.nc.us/Contacts/healthbener\\_eps03.pdf](http://www.osp.state.nc.us/Contacts/healthbener_eps03.pdf)

### **Short-Term Disability**

Eligible employees may receive a monthly short-term benefit equal to:

- 50 percent of their monthly salary, plus
- 50 percent of their annual longevity

Monthly benefits during the short-term period cannot exceed \$3,000. This monthly benefit is reduced by any workers' compensation benefit received. You may receive this short-term benefit for up to one year. Short-term benefits may be extended for up to one additional year if your disability is temporary and is likely to end within that additional year.

### **Long-Term Disability Benefits**

Long-term benefits may begin after short-term disability benefits end. In order to qualify for long-term disability benefits, you must have at least five years of membership service with the Retirement System during the 96 months preceding the conclusion of the short-term disability period.

During the first three years of long-term disability, eligible employees may receive a monthly long-term benefit equal to:

- 65 percent of their monthly salary, plus
- 65 percent of their annual longevity

Monthly benefits during the long-term period cannot exceed \$3,900. This amount is reduced by any workers' compensation, federal Veterans Administration benefits, and benefits from any other federal agency or Social Security benefits you may receive.

After the first three-year period, long-term disability benefits will be reduced by an amount equal to the Social Security benefit the member would be entitled to receive from Social Security. Even if not receiving the benefit. Long-term benefits are payable to eligible employees until they would have normally been eligible to receive an unreduced service retirement with the Teachers' and State Employees' Retirement System.

[Back to Table of Contents](#)

# **Time Off From Work**

## ***Adverse Weather***

The geographical location and diversity of state services and programs make it impossible to apply a uniform statewide policy regarding how operations will be affected by adverse weather conditions. The administrative offices of state government in Wake County must be open during normal business hours to serve the citizens of North Carolina. These offices will remain open, even in adverse weather, and it is the responsibility of employees to make a good faith effort to come to work during these times.

There are many other essential services in state government that must continue regardless of weather conditions. Agency heads predetermine and designate which operations must remain open.

Employees not working in mandatory operations who anticipate problems in transportation may be permitted to use vacation leave, leave without pay, or make up the time within the following 12-month period, with their supervisor's approval.

Supervisors will make every effort to allow you to make up time missed for adverse weather; however, employees who are subject to the Fair Labor Standards Act (FLSA) may not work more than 40 hours in a week while making up this time. If transferred to another job, you are still responsible for making up the time or claiming it as vacation leave.

## ***Holidays***

The State Personnel Commission has set the following days as state holidays:

- New Year's Day
- Martin Luther King Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving (two days)
- Christmas (two or three days)

When a holiday falls on Saturday, you will have the preceding Friday off from work. If the holiday falls on Sunday, the following Monday will be taken as the holiday.

If you observe religious holidays other than those set aside by the state, your supervisor will work with you to exchange another holiday for the religious holiday, adjust your schedule or allow you to use your vacation leave.

Institutions of higher education and agencies requiring seven-day, 24 hour operation may adopt their own holiday schedule in keeping with operational needs, provided the

employees are given the same number of holidays as approved by the State Personnel Commission.

Part-time employees who work 20 hours or more each week are entitled to holidays on a pro-rata basis. Employees with temporary appointments are not eligible for paid holidays.

If you are required to work on a holiday, you will receive additional holiday pay ([see page 13](#)).

Holiday Schedule:  
<http://www.osp.state.nc.us/holsched.htm>

## ***Vacation Leave***

Vacation leave is intended for a meaningful break in your work – a time for you to renew yourself physically and mentally so you remain productive at your job. While you are encouraged to use your vacation leave, the time must be pre-approved by your supervisor. Your workload is an important consideration in granting vacation leave so request time off as far in advance as possible. If you wait until the last minute, you may not be able to take the leave.

Employees with full-time permanent, time-limited, probationary or trainee appointments are granted at least 14 days (112 hours) of vacation leave each year. Your total state service determines your monthly vacation leave credits. The following chart explains how much leave employees earn:

<u>Years of Total Service</u>	<u>Earned Annually</u>
Less than 5 years	14 days
5 but less than 10 years	17 days
10 but less than 15 years	20 days
15 but less than 20 years	23 days
20 years or more	26 days

Employees with part-time appointments that are 20 hours a week or more are granted prorated leave.

You have the flexibility to use your vacation time for many reasons, including personal reasons, medical reasons or absences due to adverse weather. You may also choose to use vacation leave instead of sick leave for personal illness, the illness of an immediate family member or donate it to other state employees approved for voluntary shared leave.

You can carry over your leave from year to year up to 240 hours. On December 31st of each year, any of your vacation leave over 240 hours is converted to sick leave so you will not lose it. If you leave state employment, you are paid for accumulated vacation leave up to 240 hours.

## ***Incentive Leave***

An agency may award incentive leave as a recruitment tool to assist in the employment of middle or late career applicants (10 or more years of directly related experience) for positions that the agency has identified as critical to the agency mission and for which the agency has documented recruitment difficulty attracting

qualified applicants. These applicants must be newly appointed from outside of State government or must have a 12-month break in service from State government. The leave may also be awarded to individuals who are newly appointed to an executive or middle management position.

Up to 20 days of leave may be awarded. It shall be maintained in a separate account and can only be used as paid leave.

## ***Sick Leave***

Sick leave accumulates indefinitely. It is there for you as insurance when you need it. As a full-time employee, you earn eight hours per month (if you work part-time, your leave is prorated).

With your supervisor's approval, you may use sick leave for:

- Illness or injury preventing you from doing your job
- The period of temporary disability connected with child bearing if you are the biological mother or to care for an immediate family member during temporary disability due to childbirth,
- Adoption of a child (up to 30 days for each parent)
- Medical appointments for you or your immediate family
- Illness of one of your immediate family members
- Death of an immediate family member
- Donation of time to a member of your immediate family who qualifies for Voluntary Shared Leave
- Donation of time to a non-family member in a State agency (up to 5 days) who qualifies for Voluntary Shared Leave.

An immediate family member is defined as:

- Your spouse
- Your parent (biological, adoptive, stepparent, in-law or person who acted as a parent when you were a child)
- Your child (biological, adopted, step, foster, legal ward, in-law or one you are standing in for as their parent)
- Your siblings (biological, adoptive, step, half or in-laws)
- Your grandparents or grandchildren (including step and great-grand-relationships)
- Other dependents living in your home

When you cannot come to work because of illness or injury, keep in touch with your supervisor to report your progress. You may need to submit a doctor's certificate or other evidence to verify the reason for taking sick leave.

On December 31st of each year, any vacation leave you have over 240 hours is converted to sick leave. When you retire, your unused sick leave may be converted to retirement credits.

[Back to Table of Contents](#)

## ***Family and Medical Leave***

The Family and Medical Leave Act (FMLA) helps employees balance the demands of their workplace and the needs of their families.

If you have worked with the state at least 12 months and were in pay status for at least 1040 hours (halftime) during the last 12 months, you are eligible for up to 12 workweeks of FMLA for the following.

- A serious health condition which makes you unable to work
- The birth of a child for either parent (If not eligible for FMLA, see Parental Leave below)
- To adopt a child or become a foster parent (If not eligible for FMLA, see Parental Leave)
- To care for a parent, spouse or child who has a serious health condition
- For families of covered members who need leave because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

In addition, Military Caregiver Leave is provided for an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member. This leave is for a total of 26 workweeks during a single 12-month period to care for a covered service member who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation or therapy; or otherwise in outpatient status; or on the temporary disability retired list.

FMLA runs concurrent with leave being exhausted. If you are exhausting sick and/or vacation leave, your pay status will be the same as if you were working.

For those who meet the eligibility requirements and guidelines, a description of FMLA benefits follows:

- During the approved FMLA period:
  - If you are in pay status, your regular benefits will continue
  - If you are not in pay status, the state will continue to pay your health insurance premium as usual. You will be responsible for paying the dependent coverage amount each month to your payroll office
- At the end of the approved FMLA you will return to your same position or one with the same pay, benefits and other conditions

If possible, request the use of FMLA in advance so your supervisor can make arrangements to cover your work assignments during your absence. For more information on the specifics of FMLA speak with your supervisor.

## ***Family Illness Leave***

Family Illness Leave is an extension of the benefits provided under the Family and Medical Leave Policy. It is provided for an employee to care for the employee's child, parent, or spouse where that child, spouse, or parent has a serious health condition. It is not provided for the employee's illness.

An eligible employee (full-time or part-time) is entitled to up to 52 weeks of leave without pay during a 5-year period to care for the employee's seriously ill child, spouse, or parent. Eligibility is determined the same as for Family and Medical Leave.

Although this leave is without pay, an employee may elect to cover some or all of the period of leave taken under this policy by using vacation, sick, compensatory, or voluntary shared leave.

While on unpaid Family Illness Leave the employee may continue coverage under the state's health insurance program by paying the full premium cost (no contribution by the state).

An employee may choose whether to use Family Illness Leave or Family and Medical Leave.

## ***Parental Leave***

State employees have several options for leave in order to have or adopt a child. If you are interested in taking several weeks off, talk to your supervisor to see if you qualify for Family and Medical Leave ([see page 39](#)).

Sick leave ([see page 39](#)) may be used by the parents or a member of the immediate family during the time required for disability caused by childbirth. Up to 30 days of sick leave may be used by parents for adoption purposes. You may also take leave without pay to have or adopt a child.

Regardless of the type of leave you use, you should make this request to your supervisor as soon as possible.

## ***Voluntary Shared Leave***

Prolonged medical conditions sometimes require state employees to use all of their leave. This can force them to go on leave without pay at a critical point in their lives. Voluntary Shared Leave allows state employees to donate leave to another state employee in this situation.

An immediate family member donor of any agency may donate vacation/bonus or sick leave to another immediate family member in any agency, public school or community college.

A non-family member donor may donate vacation/bonus leave and/or up to 5 days of sick leave to a nonfamily member of a State agency.

A non-family member may also donate vacation/bonus leave to a coworker's immediate family who is an employee in a public school or a community college. The employee and coworker must be in the same agency. This includes non-family members on leave without pay.

Also, if you have used all your sick and vacation leave, you may be nominated or apply to receive voluntary shared leave. You may be eligible if you have a prolonged medical

condition or to care for your spouse, parents, children or other dependents (including step and in-laws).

Once the employee returns to work, the leave account balance may not exceed a total of 40 hours. Any additional unused donated leave over the 40 hours will be returned to the donors on a prorated basis.

Public School employees may participate in this program with immediate family members who are state employees. This policy does not apply to local governments, or community colleges.

## ***Community Service Leave***

North Carolina State Government recognizes the need for volunteers to maintain the quality of life in our state. As a state employee, you are encouraged to do volunteer work to support our schools, communities, citizens and non-profit organizations. If you have a full-time or part-time (half-time or more) permanent, probationary, trainee or time-limited appointment, you may take up to 24 hours (prorated at two hours per month for new employees) of paid leave each calendar year for the following reasons:

- meeting with a teacher or administrator concerning the employee's child,
- attending any function sponsored by the school in which the employee's child is participating. This provision shall only be utilized in conjunction with nonathletic programs that are a part or supplement to the school's academic or artistic program,
- performing school-approved volunteer work approved by a teacher, school administrator, or program administrator,
- performing a service for a community service organization,
- performing volunteer work for a public university that is approved by a university administrator or other authorized university official;
- performing volunteer work for a community college that is approved by a community college administrator or other authorized community college official, or
- performing volunteer work for a State agency that is approved by the agency head or his/her designee.

You must clear this leave with your supervisor in advance. Community Service Leave not taken during the calendar year will be forfeited. If you leave state service, you are not paid for unused Community Service Leave; however, it will transfer with you to other state agencies.

Additional time above the 24 hours of paid leave may be requested to perform significant community service activities with provisions to make up the time at a later date. Otherwise, vacation leave must be used for additional volunteer work.

[FAQs about Community Service Leave](#)

### ***Tutoring and Mentoring Service***

An employee may choose to mentor or tutor a student in a school in lieu of using the 24-hour community service leave. Under this option, the employee will receive one hour of community service leave for each week, up to a maximum of 36 hours that the school

[FAQs about tutoring and mentoring](#)

is in session. The employee's agency and the school must document this agreement in writing.

### **Special Community Service Leave Provisions**

In addition to the above leave provisions, there are special guidelines that apply to Emergency Services, Blood and Bone Marrow Donor ship and Disaster Service Volunteer with the American Red Cross.

- Employees shall be given reasonable time off with pay for whole blood donation, pheresis procedure, bone marrow transplant, and organ donor ship.
- An agency may grant leave with pay not to exceed 15 workdays in any 12-month period to participate in specialized disaster relief services with the American Red Cross within the United States.
- Agency heads may establish policies for time off with pay for employees participating in volunteer emergency and rescue services. A bonafide need should be defined as real or eminent danger to life or property.

Before using leave for any of the above special provisions, employees should speak with the supervisor or human resource director for details about the state's policy on emergency services.

## ***Military Leave***

If you are in the Uniformed Service, you will receive up to 120 hours each Federal fiscal year (Oct.-Sept.) for:

- active duty for training (annual training or special schools)
- inactive duty training (drills - usually on weekends)

This does not apply to duties resulting from disciplinary action or inactive duty training performed for the convenience of the member. You may also use vacation leave or military leave without pay.

In addition to the 120 hours, you will be granted necessary time off with pay for a required physical examination relating to membership in the uniformed services.

When called to State or Federal Reserve active duty, members receive the following for each period of involuntary service:

- Up to thirty (30) calendar days of full pay.
- After the 30-day period, members receive differential pay. This pay shall be the difference between military basic pay and the employee's annual state salary, if military pay is lesser.

Leave without pay shall be granted for all uniformed service duty that is not covered by the military leave with pay. Among the reasons are voluntary extended active duty, full-time National Guard duty, and initial active duty for training.

The National Guard acts not only as a reserve of the US Armed Forces, but also as the militia of the State of North Carolina. There are special pay and leave provisions that apply when the Governor authorizes the National Guard to participate in special activities or other State duties such as domestic disturbances, disasters or search and rescue missions.

You should always clear any leave with your supervisor in advance.

## ***Civil Leave and Job Related Proceedings***

### ***Non-Job Related Civil Leave***

As a jury member, you receive leave with pay and any fees received for jury duty. You should report back to work at the end of the duty. If you work a second or third shift, talk with your supervisor about the work schedule. Additional time off is not given when jury duty occurs on a day scheduled off from work.

When subpoenaed or directed by proper authorities to appear as a witness in court, you may use civil leave with pay. Any fees received shall be turned into your agency. Rather than use civil leave with pay, you may use vacation leave and keep any fees. If you are the plaintiff or defendant in the court procedure, you must use vacation leave or leave without pay.

It is your responsibility to tell your supervisor when you must take civil leave and for how long.

### ***Job Related Civil Leave & Other Job Related Proceedings***

If your official job duties require you to attend court or a job related proceeding, you receive leave with pay. Fees received shall be turned in to your agency. This time is considered as working time and included in your total hours worked for the week. If you are a second or third shift employee, your supervisor will determine the necessary amount of time off from your regular duties.

## ***Other Types of Leave without Pay***

You may take leave without pay for educational purposes, illness, vacation or other reasons approved by your agency head. If you have vacation time, you must use it before taking leave without pay for a vacation. Leave without pay is normally not longer than six months but may be extended. You must apply for this leave in writing and also give a written 30-day notice of your intent to return to work. If you do not return to work as agreed, it may be considered a resignation. During this leave, you will keep your unused leave and retirement status.

## ***Other Related Leave Topics***

See: [Workers' Compensation, page 35](#)  
[Overtime Work, page 12](#)  
[Reporting and Remaining at Work, page 6](#)

[Back to Table of Contents](#)

# Employee Learning and Development

## *Preparing to Work for North Carolina*

State government is committed to assuring that employees have the skills needed to perform their jobs to attain the agency's mission and goals. You will plan your training and development needs with your supervisor as part of writing your work plan. Your work plan should be revised each year.

Management must plan for the future, so you may receive learning opportunities to help you develop the skills needed for jobs projected a few years down the road. Learning and development opportunities vary greatly by agency depending on its goals, employee needs, agency priorities and available resources.

## *Central Learning Opportunities*

The Learning and Development Division in the Office of State Personnel develops and delivers training which can be accessed by all agencies. Training courses related to management development, effective supervisory skills, human resource management, customer service, interpersonal skills and computer skills training are offered to all state employees.

These courses are taught at the Personnel Development Center (PDC) in Raleigh, as well as in-house training at agencies and at regional sites across North Carolina. The training is listed in an on-line training catalog or employees may contact their agency training coordinators.

The Office of State Personnel's Learning and Development Division also offers [e-learning programs](#) available to all state employees. These courses can be taken

anytime, anywhere, usually at no cost to agencies. Online training is especially beneficial for employees for whom attending class-room training is difficult--for instance, those working evening shifts or those working in remote locations. Courses include programs for supervisors, from basic supervisory skills to in-depth information on policies and procedures, to professional-growth topics for all employees, such as e-mail etiquette and public speaking skills. A number of the online courses satisfy requirements for mandatory training, such as AIDS awareness and Unlawful Workplace Harassment.

At various times throughout the year, the Learning and Development Division offers live on line courses available to all state employees. Topics are published in advance and deal with a variety of issues some of which address stress, time management, course delivery and HR policies and practices. Please check the Learning and Development calendar for dates and times.

PDC:

[www.osp.state.nc.us/divinfo/frames/divisions/hrd/pdc.html](http://www.osp.state.nc.us/divinfo/frames/divisions/hrd/pdc.html)

Training Catalog:

<http://www.osp.state.nc.us/HRD/traincat/calendar.html>

Interdepartmental Training Coordinators:

<http://www.osp.state.nc.us/rtablecomm/itc.htm>

E-Learning

<http://www.nctraining.ncgov.com/>

HR Directors:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

[Back to Table of Contents](#)

## ***On-the-Job Training***

If qualified people are not available for a specific position, a person may be hired as a trainee or an apprentice while gaining the needed experience.

The period of on-the-job training is not the same for all types of trainees or apprenticeships. This period is determined by how long it normally takes an employee to complete all the requirements for an appointment to the regular job classification.

If you are a trainee or an apprentice, you are usually eligible for periodic salary increases to the minimum of your assigned range. These increases are given based on how fast you learn your job and meet all job requirements. When you have met all the basic requirements and are given a permanent appointment, your salary will be raised to the range minimum for the class.

## ***Agency Employee Training***

Most agencies offer some learning and development activities for their employees. Talk with your supervisor to learn about your internal policy and procedures. Agencies may offer training internally or approve enrollment in courses offered by private companies or by the Office of State Personnel.

Training occurs through on-the-job activities, reading related professional journals, formal classroom workshops and courses, computer-assisted courses and classes at community colleges or universities. Depending on your job, certain training may be mandated, and you may be required to complete the training in order to maintain your job. Participation in any training requires prior supervisory and management approval.

## ***Computer Skills Training***

New computer systems are continuously being installed or enhanced in most agencies; so many employees will find themselves in need of computer skills. Computer skills training is available at the Personnel Development Center (PDC) in Raleigh. The courses are provided through a joint effort between the Office of State Personnel and Wake Technical Community College. A listing of the [computer courses](#) is available on-line. Some agencies also provide in-house computer training for their employees.

PDC:

[www.osp.state.nc.us/divinfo/frames/divisions/hrd/pdc.html](http://www.osp.state.nc.us/divinfo/frames/divisions/hrd/pdc.html)

Computer Courses:

[www.osp.state.nc.us/train.htm](http://www.osp.state.nc.us/train.htm)

If you are in Wake County, you may check the quarterly bulletins sent to agency training coordinators for computer course information. If you are located elsewhere, some of the available courses are delivered virtually. If these courses do not meet your need, please contact the agency training coordinator who can assist you in locating other available options.

[Back to Table of Contents](#)

## ***Management and Supervisory Development***

If you are starting work with the state or are promoted into a supervisory position, you may be enrolled in one of the supervisory skills training programs to develop your skills. You may take one of the three programs depending on the types of work you supervise. Diversity training through the Equal Employment Opportunity Institute is mandatory for all new supervisors and managers during their first year.

Middle managers are eligible to participate in the Certified Public Manager Program (CPM). Nominations are accepted from agencies for this comprehensive, 14-month competency based program offering a series of in-depth courses designed to strengthen management and leadership skills. Individuals who successfully complete the program receive the Certified Public Manager designation, a nationally recognized credential.

Supervisory Development:  
<http://www.osp.state.nc.us/HRD/mgrsup/mgrindex.html>

In addition, Managing Effective Performance is for managers who supervise managers and is a prerequisite for CPM. This course provides participants with the necessary skill set to carry out the leadership aspect of the managerial roles. Finally, a course for the frontline supervisors, "Frontline Supervision" is effective at providing fundamental managerial and leadership competencies to participants.

Although state policy does not mandate supervisory training except for the [Equal Employment Opportunity Institute \(EEOI\)](#) and training in performance management, your agency may require specific training for your position. Your supervisor and your agency training coordinator will have more information on your agency policy, opportunities and enrollment procedures.

[EEOI](#)

## ***Academic Assistance Program***

During your career in state government, you may decide to take academic credit courses to help you improve the knowledge and skills needed for your current job or classification series. If an educational activity can help both you in your current job and in turn your agency, you may be eligible for reimbursement of academic costs. Limited time off may be granted if classes are only offered during your working hours.

Management may decide what course work will help you improve or maintain your current job skills. To receive academic assistance, you should apply through your immediate supervisor. You must always get your supervisor's approval before enrolling in a course.

The decision to grant academic assistance is based on your agency's policy and the availability of funds. If you receive financial aid from any other program, you will be paid the difference between such aid and the state's allowable costs. When you receive free tuition, the value of this tuition will be counted as part of your allowable reimbursement. (See "Taxes" section below)

“Tuition Waiver” is a program for university staff that is separately administered by each institution of The University of North Carolina. For more information, contact your campus human resource office.

UNC: <a href="http://www.northcarolina.edu/">http://www.northcarolina.edu/</a>
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### **Extended Educational Leave**

Agencies may allow employees extended educational leave for job or career-related work study, scholarship or fellowship programs. The work must meet certain conditions, including labor market and organizational needs requiring the education. Other extended educational leave without pay will be approved on a case-by-case basis.

### **Taxes**

Your reimbursement or free tuition may be subject to withholding taxes, depending on current rules of the Internal Revenue Service Code. Contact your budget office for additional information.

[Back to Table of Contents](#)

## **Employee Services and Recognition**

### ***State Library***

The State Library in Raleigh offers a variety of services to state employees including newspapers, books, magazines and microfilms, as well as state and federal publications. It is located at 109 East Jones Street in the Archives and History - State Library Building. Publications dealing with the programs and services provided by government agencies are purchased specifically for use by state employees. If the State Library does not own a requested publication, it can be borrowed through the national interlibrary loan system.

The staff provides assistance and guidance in the use of the library's collection. Tours are available by appointment for individuals or groups desiring to become more familiar with the library's resources.

The State Library also has its own Internet Homepage listing that details the services and programs available.

State Library:  
<http://statelibrary.dcr.state.nc.us/NCSLHOME.HTM>

### ***Legal Defense***

If a civil or criminal suit is brought against you for something you did concerning your assigned duties, you may qualify for legal defense by the state. It is up to the Attorney General to decide when the state will provide defense for an employee.

### ***State Employees Combined Campaign***

The State Employees Combined Campaign (SECC) gives state employees the opportunity to contribute to charitable organizations through an annual campaign. It enables donations to over 1,000 charitable organizations that provide valuable services internationally, nationally and throughout North Carolina. "Combined Campaign" means that the campaign includes several federations and independent agencies including the United Way, the National Health Agencies, Earth Share and Environmental Federation of North Carolina.

SECC is the only charitable giving program authorized for payroll deduction for state employees. The North Carolina Department of Administration develops the campaign regulations. Campaign literature, training and other communications are distributed to employees each year, usually in early fall.

SECC:  
<http://www.ncsecc.org/>

[Back to Table of Contents](#)

## ***State Employees' Credit Union***

State employees have the opportunity to join the North Carolina State Employees' Credit Union. Membership in the Credit Union may be obtained by opening a Share account with a minimum deposit of \$25. SECU's goal is to provide its members with a wide variety of services including deposit, loan, and insurance services.

SECU:  
<http://www.ncsecu.org/>

## ***NC.Gov Portal***

The state employee portal provides internet links to all agencies, services, benefits and other information relevant to the state's work force. From the portal, state employees can find information pertaining to state policies, training opportunities, and government news. A listing of employee phone numbers and emails is available from the state employee's portal.

NC Portal:  
<http://www.ncgov.com/>

## ***Other Related Topics for Services***

See: [Employees' Assistance Program \(EAP\), page 24](#)  
[Employees who are reduced-in-force \(RIF\), page 54](#)  
[Retirement Savings, page 29](#)

## ***NC Thinks Program***

The NC Thinks Program was created to reward employees for their good ideas. The goals of the program are to:

- Have a way for employees to share new and creative ideas for improving state government
- Encourage an environment in state government which will motivate employees to submit their ideas and suggestions for improvement
- Provide an objective review and evaluation of employee suggestions by a Review Committee qualified to judge the merits of each evaluation
- Ensure that appropriate recognition is given to the employees for their suggestion

Any full-time, part-time or temporary state employee is eligible.

The Office of State Personnel administers this program.

NC Thinks:  
<http://www.ncthinks.nc.gov/>

[Back to Table of Contents](#)

## ***State Employee Recognition Programs***

*“Genuine recognition of performance is something people really appreciate. People really don’t work for money. They go to work for it, but once the salary has been established, their concern is appreciation. Recognize their contribution publicly and noisily, but don’t demean them by applying a price tag to everything.”*

-Phillip B. Crosby, **Quality is Free**

In an effort to reinforce to employees who continue to work for the state that their dedication and sacrifices are noticed and appreciated, and in an effort to improve morale, the Office of State Personnel has developed **Employee Recognition Programs** to recognize employee excellence and years of dedicated service. OSP is in the process of developing new programs and enhancing the existing ones. To assist with this process, statewide advisory committees have been established.

Recognition Site:

<http://www.osp.state.nc.us/recognize/recog.htm>

### **Employee Recognition Week/Public Service Recognition Week**

A week proclaimed annually by the Governor in which State agencies and universities recognize their employees. A variety of activities determined by each individual agency/university occur during Employee Recognition Week, the first week each May, to coordinate with *Public Service Recognition Week*, which is a time set aside to educate Americans about the broad variety of services provided by government. The week is also an opportunity to show appreciation to public employees at the federal, state, and local levels who ensure that our government is the best in the world.

### **Service Awards Program**

North Carolina State Government thanks employees for their long-term service through the Service Awards Program. Your agency may elect to participate in the statewide program or establish its own. You will be recognized at important milestones in your career every five years until your retirement. The value of the award increases in proportion to tenure. The awards are generally presented during “*Employee Recognition Week*”.

### **Excellence in State Government Week/Governor’s Awards for Excellence Program**

Each year, a week is proclaimed by the Governor to recognize state employees for noteworthy service to state government and the people of North Carolina. During Excellence in State Government Week, awards are presented to employees for meritorious or distinguished accomplishments known as the “*Governor’s Awards for Excellence*”.

This award is the highest honor a state employee may receive. Awards are presented in five categories: *Outstanding State Government, Innovations, Public Service, Safety and Heroism and Human Relations*.

**[Back to Table of Contents](#)**

### **Richard Caswell Award Program**

The Richard Caswell Award Program, established January 1998, is designed to recognize state employees who have extended, noteworthy and dedicated service of at least 45 years. Since the first ceremony held in June 1998, an appropriate statewide or agency level ceremony is conducted annually for eligible employees.

### **State Employee Memorial Program**

This program, established January 1999, is designed to acknowledge the value and service of state employees who lose their lives while in the line of service. There are two components of the program:

- The first component is an immediate acknowledgment of the value and service of the employee by the Governor in the form of a letter to the family. A North Carolina flag, a cherry flag case, a certificate verifying when the flag was flown over the Capitol and a letter from the State Personnel Director accompany the Governor's letter.
- The second component of the program is an Annual Memorial Ceremony in honor of state employees who lost their lives while in the line of service.

[Back to Table of Contents](#)

## **LEAVING YOUR JOB**

### ***Resignation***

You are a necessary and important part of your agency. When you desire to leave state government due to relocation or other opportunities, someone must be recruited and selected to replace you so that the work of the agency can continue. It is expected that a responsible employee will, under normal circumstances, provide at least a two-week notice so that a smooth transition can be accomplished.

Professional, executive and administrative level employees should give as much notice as possible so that appropriate coverage can be made for pending projects and other work. You will be paid a lump sum for your unused vacation leave up to 240 hours, regardless of your reason for leaving state service.

### ***Voluntary Resignation without Notice***

Not reporting to work three or more days in a row without approved leave can be considered voluntary resignation without notice. If you are separated due to voluntary resignation without notice, there is no right of grievance or appeal ([see page 24](#)) under the State Personnel Act.

### ***Separation Due to Unavailability***

Once all your sick and vacation leave is used, if you do not return to work and have not been approved for leave without pay by your agency, you may be separated from your position due to unavailability for reasons your agency deems sufficient. The reasons to let you go include budget constraints, lack of temporary assistance to fill in for you and how critical your position is to your agency. This is considered an involuntary separation and not a disciplinary dismissal; however, this separation can be grieved or appealed.

### ***Retirement***

Once eligible, you may apply for immediate retirement benefits from the Teachers' and State Employees' Retirement System or the Law Enforcement Officers' Benefit and Retirement Fund. You will be paid a lump sum for vacation leave up to 240 hours. Sick leave can be used as credit for service in determining your retirement. A significant amount of sick leave may allow you to retire early or increase the calculations for your retirement payments. For more information contact your benefits representative, the Retirement Systems Division at (919) 807-3050 or 1(877)-627-3287 or the North Carolina Retired Governmental Employees' Association at (919) 834-4652 or 1(800) 356-1190.

Retirement System:  
<http://www.treasurer.state.nc.us/dsthome/RetirementSystems>

[Back to Table of Contents](#)

## ***Reduction in Force***

While job security is important to everyone, it is sometimes necessary for the state to reduce the number of people it employees because of lack of work, loss of funding, reorganization or other similar reasons. If a reduction in force (RIF) occurs, every effort will be made to assist employees with securing another job.

Agencies must give employees at least 30 calendar day's notice of an impending reduction in force. This notice must be in writing and should contain the reasons for the reduction in force, the expected date of separation from state government, information on priority reemployment rights and any applicable appeal rights.

HR Directors:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

### ***Priority Reemployment***

Employees with permanent appointments, trainees who have completed their initial six months of training or employees who had a permanent appointment prior to accepting a trainee appointment who have been officially notified in writing of reduction in force have priority for a 12-month period, beginning at the time of official written notification. These RIF employees have priority to any position within state government equal to or below their salary grade, salary rate and type of appointment *held at the time of notification*. The priority is over other applicants who are not state employees.

### ***Severance Salary Continuation***

If you are separated from state service by a reduction in force, you may be eligible to receive severance salary continuation or a discontinued service retirement allowance. Both are calculated based on age and length of service. Your human resource staff will have complete details regarding these benefits if you are separated by RIF.

Employees with temporary, probationary or time-limited appointments, trainees who have not completed their initial six months of training or employees who did not have a permanent appointment prior to accepting a trainee appointment are not eligible to receive reemployment priority or severance pay.

## ***Death***

In the event that an employee should die prior to retirement, the money for accumulated vacation leave (not to exceed 240 hours) is paid in a lump sum to the employee's estate. The employee's retirement account may also be paid in a lump sum.

See also: [Memorial Program, page 52](#)  
[Vacation Leave, page 37](#)  
[Retirement Credits, page 29](#)

[Back to Table of Contents](#)

## Closing

Your work with state government has the potential for enriching your life and the lives of many citizens. Keep in mind that through your employment, you are a vital resource to North Carolina.

Hopefully, this handbook has helped you understand what is expected of you, your avenues to find out more information as well as outlining some of the advantages and benefits of employment with North Carolina State Government.

Remember, many agencies and universities customize policies and programs specifically for their organization. This handbook is meant only as a guide to personnel issues. If you are uncertain about the accuracy of any topics as they pertain to you or your agency, please talk with someone in your human resource office, the State Health Plan or the Retirement Systems Division.

HR Director:

<http://www.osp.state.nc.us/Contacts/HRDirContact.html>

Retirement System:

<http://www.treasurer.state.nc.us/dsthome/RetirementSystems>

State Health Plan:

<http://statehealthplan.state.nc.us/>

[Back to Table of Contents](#)