

POLICY INFORMATION

EMPLOYMENT POLICIES

APPOINTMENT TYPES

Exempt/Non-Exempt

All positions are designated as either exempt or non-exempt. This designation refers to whether or not someone is exempt from the requirements, benefits, and protections of the State Personnel Act (G.S. 126). Exempt positions are those positions that are filled at the discretion of the Agency Head or Governor and they work at the pleasure of the Governor or Agency Head. Employees in these positions do not have the protection of the State Personnel Act. These positions are generally positions of management or policy making.

All other positions are non-exempt and have the protections and benefits afforded by the State Personnel Act. For example, the State Personnel Act requires that vacant non-exempt positions be posted for a minimum of 5 days. This is not true for exempt positions.

New Appointment

A new appointment is the initial employment of an individual to a position or the reemployment of an individual who is either not eligible for reinstatement or is not offered reinstatement. An employee entering into State service in a permanent or time-limited permanent position shall be given a Probationary or Trainee appointment. The probationary and trainee periods are intended to serve as an extension of the selection process and are used to determine whether the person will be able to meet acceptable performance and/or personal conduct standards. If the employee in probationary or trainee status does not meet performance or personal conduct standards, the employee will be separated.

Probationary Status

Most position classifications within the Department (excluding those hired in trainee status) require new hires to be placed in Probationary Status. Effective, August 21, 2013 employees hired in positions requiring Probationary Status must serve a probationary period of 24 months from the date of hire. Credit is given for each month in which employees are in pay status for one-half or more of the workdays and holidays. (This probationary period is not the same as and should not be confused with the probationary certification prescribed for criminal justice officers).

Trainee Status

Employees hired in position classifications requiring trainee progressions do not have all of the necessary knowledge, skills, and abilities to meet the minimum qualifications of the position. A trainee progression is established for the employee to obtain the necessary qualifications.

Employees in trainee progressions must remain in trainee status until the completion of the trainee progression. The minimum requirement for a trainee appointment is outlined in the class specification for the regular classification

Permanent Appointment

An employee shall be given a permanent appointment when the requirements of the probationary period have been satisfied or when the employee with a trainee appointment has satisfactorily completed all training and experience required for the position classification and,

CAREER BANDING

Career-banding is a system in which similar kinds of work are identified and organized into broad classes of jobs (banded classes). Wider pay ranges and career paths are based on these broader classes. Pay movement is based on the development and demonstration of competencies - knowledge, skills, and abilities - needed to perform the work.

Each banded class is part of a Job Family. There are ten Job Families in North Carolina State Government:

- Administrative and Managerial
- Information Technology
- Law Enforcement and Public Safety
- Information and Education
- Human Services
- Medical and Health
- Institutional Services
- Operations and Skilled Trades
- Engineering and Architecture
- Environment, Natural Resources and Scientific

Among the consolidated agencies, positions within the Information Technology, Law Enforcement and Public Safety, Accounting, Medical, Engineering, Architecture, Legal, Library, and Social Research classifications utilize career banding. All other positions are part of the Grade Classification System.

MERIT-BASED HIRING AND SELECTION

Location

https://www.ncdps.gov/emp/Policies/HR/Merit-Based_Recruitment_and_Selection_Plan.pdf

Purpose

It is the policy of the Department of Public Safety to provide equal employment opportunity to all applicants, without regard to race, religion, color, national origin, sex, age, disability, or political affiliation/influence. All selection decisions shall be based solely on job-related criteria and comply with all federal and state employment laws, regulations, rules and policies and will be consistently applied to promote fairness, diversity and integrity.

The primary purpose of the Merit-Based Recruitment and Selection Process shall be to ensure that positions subject to the State Personnel Act (G.S. 126) are filled with individuals from among the most qualified as determined by job related criteria and in the judgment of unbiased, objective human resource professionals.

Provisions

The Secretary of the Department of Public Safety accepts the responsibility for ensuring that the recruitment and selection process complies with all applicable and existing state and federal laws, policies, and rules governing personnel actions and ensuring that all hiring practices are applied consistently and equitably, thereby demonstrating commitment and support for the merit-based recruitment and selection plan. The merit based recruitment and selection plan shall also comply with established procedural guidelines issued by the Office of State Human Resources.

The Secretary has delegated the responsibility for policy compliance and enforcement to managers and expects full support and cooperation from all managers and supervisors in the management and application of the merit-based recruitment and selection process

Appeal Process

If an applicant has reason to believe they were denied employment due to political affiliation or influence, the applicant may appeal the hiring decision to the Equal Employment Opportunity Office following the NCDPS Grievance Process referenced in this guide.

EQUAL EMPLOYMENT OPPORTUNITY

Location

<https://www.ncdps.gov/emp/Policies/EEO/EEOpolicy.pdf>

Purpose

The Department of Public Safety is an Equal Employment Opportunity Employer; therefore, we are committed to provide all current employees and applicants with equal employment opportunities without discrimination on the basis of race, color, sex, religion, national origin, age, genetic information, or disability status, except where age, sex or physical requirements constitute bona fide occupational qualifications.

Provisions

The Department of Public Safety's Equal Employment Opportunity program is intended to create a diverse workforce climate that is responsive and respectful of fairness and equity for applicants and employees which ensures compliance with State and Federal guidelines. Equal Employment Opportunity guidelines also prohibit retaliatory actions against employees or applicants because they filed a charge, testified, assisted or participated, in any manner, in a hearing, proceeding, investigation, or employment discrimination complaint.

Discrimination Grievance

Location:http://www.oshr.nc.gov/Guide/Policies/7_Discipline,%20Appeals%20and%20Grievances/Employee%20Appeals%20and%20Grievances.pdf

An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee (hereafter referred to as complainant) alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the agency Equal Employment Opportunity (EEO) Officer or Affirmative Action (AA) Officer within **15 calendar days** of the alleged discriminatory or retaliatory act that is the basis of the complaint. If the complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated as a part of the EEO Informal Inquiry. The investigation will determine if the facts support a finding that there is reasonable cause to believe the alleged act rises to the level of unlawful discrimination, harassment or retaliation.

The agency has **45 calendar days** from receipt of the complaint to investigate and respond to the complainant, unless the complainant and the employer mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not exceed 15 calendar days.

At the conclusion of the investigation, the agency shall communicate the outcome of the investigation in writing to the complainant. If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management shall take appropriate action to resolve the matter. If the complaint is successfully resolved, the complainant will sign a letter of agreement with the agency detailing the terms of the resolution. The agency shall ensure that the terms of the agreement under the control of the agency are implemented.

If the complaint is not successfully resolved, then the complainant may continue the process by filing a formal grievance within **15 calendar days** of the written response from the EEO Informal Inquiry.

In filing a formal grievance, the complainant may bypass the Informal Discussion with Supervisor process. At any point in the grievance process, the complainant/grievant has the right to bypass discussions with or review by the alleged offender. Time spent in the EEO Informal Inquiry is not a part of the formal internal grievance process.

External Filing of a Discrimination Charge

The complainant alleging unlawful discrimination, harassment or retaliation has the right, at any time, to bypass or discontinue the EEO Informal Inquiry or the formal internal grievance process and file a charge directly with the Equal Employment Opportunity Commission. The complainant may not, however, file a contested case with the Office of Administrative Hearing if the internal process has not been completed. The charge must be filed within **180 calendar days** of the alleged event or action that is the basis of the complaint.

Information about filing an EEOC charge can be found at:

<http://www.eeoc.gov/employees/charge.cfm> or by calling the EEOC regional offices located in Raleigh, Greensboro and Charlotte at 1-800-669-4000.

Information about filing through the Civil Rights Division of the Office of Administrative Hearings can be found at: <http://www.ncoah.com/civil/> or by calling (919) 431-3036.

Simultaneous Internal and External Filing of a Discrimination Charge

An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee may file simultaneously with the Equal Employment Opportunity Commission (EEOC) at any point in either the EEO Informal Inquiry or the formal internal grievance process.

AMERICANS WITH DISABILITIES ACT

Location

<https://www.ncdps.gov/emp/Policies/HR/ADA.pdf>

Purpose

Title I of the Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The Department's policy and procedures address all aspects of the employment process.

Provisions

In accordance with the ADA, it is the policy of the Department of Public Safety to:

- Prohibit discrimination against employees and qualified applicants on the basis of a disability;

- Protect individuals from discrimination, coercion, intimidation, threats or interference when filing an ADA complaint or testifying about alleged ADA violations; and,
- Consider requests for and provide reasonable accommodation(s) to employees and qualified applicants consistent with the procedures delineated in this policy.

Requests for Accommodation

Requests for reasonable accommodation(s) shall be initiated in writing by the employee and submitted through the appropriate chain-of-command to the ADA Compliance Officer for final approval. All requests related to mandatory Criminal Justice Education and Training Standards Commission Basic Training requirements shall be initiated using Request for Reasonable Accommodation – Basic Training form. This form shall be forwarded directly to the Director of the Office of Staff Development and Training for consideration.

Relevant Forms

https://www.ncdps.gov/emp/Policies/HR/DPS_Reg_for_Accommodation_111412.doc

EMPLOYMENT OF RELATIVES

Location

http://www.oshr.nc.gov/Guide/Policies/2_Recruitment%20and%20Selection/Selection.pdf

Policy

Members of an immediate family shall not be employed within the same agency if such employment will result in one member supervising another member of the employee's immediate family, or if one member will occupy a position which has influence over another member's employment, promotion, salary administration or other related management or personnel considerations. The term immediate family includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson and granddaughter. Also included is the step-, half- and in-law relationships based on the listing in this Paragraph. It also includes other people living in the same household, who share a relationship comparable to immediate family members, if either occupies a position which requires influence over the other's employment, promotion, salary administration or other related management or personnel considerations.

SECONDARY EMPLOYMENT

Location

https://www.ncdps.gov/emp/hr/DPS_Secondary_Employment%20_081512.pdf

Policy

It is the policy of the Department of Public Safety to consider employee requests for secondary employment consistent with the requirements established by the Office of State Personnel. The purpose of this policy is to ensure a consistent process for employees seeking approval for secondary employment and to serve as a tool for management in the consideration, approval and denial of requests for secondary employment.

Provisions

Secondary employment shall not be permitted when it may reasonably be expected that such employment would:

- Impair in any way the employee's ability to perform all required duties and responsibilities or any other duties and responsibilities as assigned;

- Impair in any way the employee's ability to make decisions and/or carry out the responsibilities of the employee's position in an objective fashion;
- Result either directly or indirectly in a conflict of interest with the primary employment. The term "conflict of interest" shall include, but is not limited to, those situations where the secondary employment would compromise the position of the employee or the Department with respect to firms or individuals doing business or desiring to do business with the Department.

Request Process

An employee planning to undertake secondary employment shall complete the Request for Secondary Employment Form and submit to the appropriate manager/supervisor for approval. The employee has the responsibility to notify his supervisor in writing of any major changes in the nature of the secondary employment. In addition, the employee must request approval for secondary employment in writing on an annual basis or whenever the employee changes position (i.e. lateral transfer, promotion, reassignment, etc.), whichever is sooner.

Employee requests for approval of secondary employment, accompanied by any required supporting information, are considered public information and may be released upon request.

Disciplinary Action and Revocation of Approval

Approval for secondary employment may be revoked at any time for any of the below listed reasons. These may also be grounds for disciplinary action up to and including dismissal.

- Failure to request and obtain approval of secondary employment initially, annually, and/or when the employee changes positions.
- The submission of falsified information to secure approval of secondary employment.
- Negative impact on the employee's work performance in his/her primary employment.
- The use of state resources or state time for the benefit of secondary employment.
- Failure to notify the immediate supervisor of any major change in the nature of the secondary employment.
- The issuance of disciplinary action shall result in a reevaluation of the employee's secondary employment relationship and may result in revocation of approval depending on the subject matter and severity of the disciplinary action.

Note: The secondary employment status for employees on leave, including injury leave, sick leave and leave of absence without pay, may be reevaluated by the manager or supervisor and temporarily revoked depending on the nature of their secondary employment.

Relevant Forms

<https://www.ncdps.gov/emp/Forms/HR020Req4SecEm52013LC.pdf>

SALARY ADJUSTMENT

Location

http://www.oshr.nc.gov/Guide/Policies/4_Salary%20Administration/Salary%20Range%20Revision.doc

http://www.oshr.nc.gov/Guide/Policies/4_Salary%20Administration/Special%20Salary%20Adjustments%20-%20Retention.doc

Purpose

The policies established for the administration of the state salary/compensation plan allow the Department of Public Safety to compensate its employees in a fair, consistent, and competitive manner. The effective use of salary administration policies promotes management's efforts to recruit and retain a competent workforce.

Provisions

Employees may be considered for salary adjustments based on the following:

Legislative Increase - Employees may be eligible for a Cost-of-Living (COLA) and/or Career Growth and Recognition Award (CGRA) each year. The State Legislature determines each year what, if any, legislative increase shall be granted.

Promotion-- A promotion is a change in status upward resulting from assignment to a position of higher paygrade or movement from one position to another with the same banded classification with a higher competency level or employee movement from one position to another with a different banded classification with a higher journey market rate

Reallocation – A reallocation is the assignment of a position to a different classification documented through data collection and analysis and approved by the Department's Human Resources Director and State Personnel Director. A position could be reallocated to the same, higher, or lower paygrade.

Range Revisions – Upward adjustment of entire pay range for a classification in response to labor market changes affecting recruitment and retention.

In-Range Adjustment - An in-range salary adjustment is defined as a change in an employee's salary within their current salary range. Under this policy permanent full-time, part-time, and time-limited employees may be considered for salary increases under the following categories:

- Recognizing job change and added responsibilities;
- Market Adjustments – responding to critical labor market conditions
- Equity Adjustments – improving internal equity relationships among employees performing related duties.

Special Entry Rates (SER's) and Special Minimum Rates (SMR's) – Upward adjustments in the hiring rates and minimum rates of classifications in response to labor market influences affecting recruitment and retention.

NOTE: Salary increases are not guaranteed to employees. All salary increase considerations must take into account availability of funds, internal equity, and employee performance.

JOB POSTINGS

Location

<http://www.oshr.nc.gov/jobs/>

Provisions

To apply for a vacant position, you must submit an electronic application through Office of State Human Resources online hiring system, NEOGOV. This link provides you with a step by step guide of creating, saving, and submitting an application for a vacant position.

<https://www.governmentjobs.com/AgencyInstructions.cfm?&topheader=northcarolina>

To receive credit for your work history and credentials, you must list the information on the application. If possible, address the knowledge, skills, abilities, experience, education, and selective criteria requested in the job posting.

Your application must be received by 5:00pm on the closing date to be eligible for consideration. Applications received after that date and time will not be considered.

AWARDS AND RECOGNITION

The State of North Carolina is noted for having loyal, efficient and dedicated employees who provide valuable services to every citizen of the State. North Carolina is proud of this tradition of public service and the competent, committed and dedicated employees who provide these services to and for the state. To express its appreciation to its valued employees, the State has adopted a policy of recognizing employees for committed dedicated and outstanding service. Thus, the State Employee Recognition Program is a significant component of the Human Resources System. Most awards and recognition programs are administered through the Office Of State Personnel and can be found here:

<http://www.oshr.nc.gov/Reward/recognize/recog.htm>

Employee Appreciation Week

A week is annually proclaimed "State Employee Recognition Week" by the Governor of North Carolina in which State agencies and universities recognize their employees. A variety of activities determined by each individual agency/university occur during State Employee Recognition Week.

More information can be found here: <http://www.oshr.nc.gov/Reward/recognize/emplweek.htm>

Service Awards

The success of State government in providing services to meet the needs of North Carolina and its citizens is dependent on the efforts of State employees. These employees provide services in the fields of human services, education, transportation, crime control, law enforcement, and health, as well as many other special areas. It is, therefore, important for the State to have competent, committed and dedicated employees to provide effective and efficient services to and for the State.

The Service Awards Program recognizes employees' total State service in increments of five years through retirement. For each five-year increment, the program offers a collection of other items (as adopted by the program on a bi-annual basis) from which eligible recipients may select. The value of the award increases in proportion to tenure.

More information can be found here: <http://www.oshr.nc.gov/Reward/recognize/service.htm>

The Caswell Award

The Richard Caswell Award Program, awarded to state employees with 45 or more years of service, is designed to acknowledge and express appreciation for noteworthy extended dedicated service.

<http://www.oshr.nc.gov/Reward/recognize/caswell.htm>

The Memorial Program

The Memorial Program honors State employees who lose their lives while in the line of service for North Carolina.

<http://www.oshr.nc.gov/Reward/recognize/memorial.htm>

Governor's Award for Excellence

Governor's Awards for Excellence is the highest honor a State employee may receive. Recipients are honored during Excellence in State Government Week. The program is designed to acknowledge and express appreciation for outstanding accomplishments that do not fall entirely within the scope of normal duties, but are in the nature of a major contribution reflecting credit on the person and State service. The meritorious service or accomplishment is so singularly outstanding that special recognition is justified.

<http://www.oshr.nc.gov/Reward/recognize/govaward.htm>

CORRECTION ENTERPRISES PRODUCTS

As a state employee, you may purchase items made and/or sold through Correction Enterprises. Correction Enterprises is a valuable program that teaches offenders personal responsibility and work skills to increase the likelihood of success upon release. Items available through Correction Enterprises include:

- Eyeglasses
- Furniture/ Reupholstery
- Matting and Framing
- Paint
- Cleaning Supplies

Additionally, as a DPS Employee, you may order shirts, bags, hats, and other items with the DPS Logo on them. For more information, go to <https://www.correctionenterprises.com/products/retail/>.

SEPARATION

Should you choose to terminate your employment with the Department of Public Safety, please refer to the Separation information located on the DPS Website, For Employees, Human Resources.

RECORDS AND RELEASE OF INFORMATION

PERSONNEL RECORDS

Location

http://www.oshr.nc.gov/Guide/Policies/3_Employment%20and%20Records/Personnel%20Records.doc

Definition of Personnel File

For purposes of this policy, a personnel file consists of any employment-related or personal information gathered by the agency, the Retirement Systems Division of the Department of State Treasurer, or by the Office of State Personnel.

Employment-related information includes information related to an individual's:

- application;
- selection;
- promotion, demotion, transfer;
- salary and leave;
- contract for employment,
- benefits,
- performance evaluation; and
- suspension, disciplinary actions, and termination.

Personal information includes an individual's:

- home address,
- social security number,
- medical history,
- personal financial data,
- marital status, dependents and
- beneficiaries

RECORDS OPEN FOR INSPECTION

The following information on each employee shall be maintained and open for inspection:

- Name
- Age
- 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.
- Current position
- Title
- Current salary (includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation)
- Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau
- Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau
- Date and general description of the reasons for each promotion with that department, agency, institution, commission or bureau
- 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
- The office or station to which the employee is currently assigned

Confidential Information

All employment-related and personal information in an employee's personnel file not specified under "Records Open for Inspection" is confidential.

All Information Available to Certain Persons

All information in an employee's personnel file shall be open for inspection and examination to the following persons:

- The supervisor of the employee: for this purpose, supervisor is any individual in the chain of administrative authority above a given State employee within a pertinent State agency.
- Members of the General Assembly (authority G.S. 120-19).
- A party by authority of a proper court order.
- An official of an agency of the Federal government, State government or any political subdivision thereof. An official is a person who has official or authorized duties in behalf of an agency; it does not imply a necessary level of duty or responsibility. Such an official may inspect any personnel records when such inspection is deemed by the department head to be necessary and essential to the pursuance of a proper function of said agency; provided, however, that such information shall not be divulged for purposes of assisting in a criminal prosecution or a tax investigation This right to access includes the circumstances where one State agency is

considering for employment a person who is or has been employed in another State agency; the head of the latter agency may release to an official of another agency information relative to the employee's job performance.

- The employee, or his/her properly authorized agent. The personnel file may be examined in its entirety except for:
 - Letters of reference solicited prior to employment
 - Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. The medical record may be disclosed to a licensed physician designated in writing by the employee. When medical information is obtained on any employee, the physician should indicate any information that should not be disclosed to the employee.
- A party to a quasi-judicial hearing of a State agency, or a State agency which is conducting a quasi-judicial hearing, may have access to relevant material in personnel files and may introduce copies of such material or information based on such material as evidence in the hearing either upon consent of the employee, former employee, or applicant for employment or upon subpoena properly issued by the agency either upon request of a party or on its own motion.

PROCEDURES FOR RELEASE TO CURRENT OR FORMER EMPLOYEES

Employees and former employees may inspect and examine their personnel file during regular business hours provided they produce appropriate identification to the individual managing personnel records. Letters of reference solicited prior to employment, background checks, and recommendations for hire shall be removed from the employee's personnel file prior to the employee's review. Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient shall also be removed. There may be instances when files may not always be readily available for review. If the employee has been separated from the Department for more than five (5) years or if the employee transferred to another state agency after separating from the Department, the file may have to be requested from the State Records Center, etc. If so, it may take a few weeks before the file can be obtained.

MEDICAL RECORDS

All employee medical information is maintained separately from Personnel Records and is subject to different rules, regulations, and procedures. Any questions regarding medical information that may be considered part of a personnel file should be directed to the Human Resources Staff at your facility or at your Regional Employment Office.