

**NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION**



**EQUAL EMPLOYMENT  
OPPORTUNITY PLAN**

**March 1, 2023**



**Table of Contents**

<b>SECTION I: INTRODUCTION</b>	<b>3</b>
<b>SECTION II: PROGRAM ELEMENTS</b>	<b>4</b>
Equal Employment Opportunity Policy .....	5
North Carolina Department of Transportation Overview .....	6
Achievements and Best Practices .....	10
Assignment of Responsibility and Accountability .....	33
Dissemination Procedures .....	38
Program Activities .....	39
Equal Employment Opportunity and Diversity Fundamentals (EEOFDF) .....	46
Employment First and Reasonable Accommodation .....	47
Program Evaluation and Reporting/Monitoring .....	48
Harassment Prevention Strategies .....	49
Reduction In Force (RIF) .....	51
Pregnancy Workplace Adjustment .....	52
Prohibiting the Use of Salary History .....	53
<b>SECTION III: DATA ELEMENTS</b>	<b>54</b>
Workforce Availability .....	54
Occupational Classifications .....	61
Race and Ethnicity .....	63
Program/Employment Objectives .....	69
Attainment of Employment Goals .....	76
Additional Areas of Statistical Evaluation .....	81
Identification and Correction of Issues .....	87
<b>SECTION IV: DOCUMENTS</b>	<b>88</b>
EEO Plan Requirements .....	88



## **SECTION I: INTRODUCTION**

The State of North Carolina is committed to fostering a diverse workforce and inclusive work environment free from discrimination, unlawful workplace harassment, retaliation, and without barriers to equal employment opportunity (EEO). With this in mind, the Office of State Human Resources developed the Equal Employment Opportunity (EEO) Instruction and Format Guide to assist state Agencies and Universities in the preparation of their annual EEO Plan.

This EEO Plan is divided into four (4) sections:

- **SECTION I** provides a brief introduction to the Plan.
- **SECTION II** provides the program elements required in the EEO Plan. This is also referred to as the narrative portion of the EEO Plan. Here is where the Agency describes, in detail, their EEO Program and activities, accomplishments, communication efforts and more.
- **SECTION II** is where the data elements are found, and focuses on data analysis, which examines program objectives, workforce representation and utilization, potential barriers, and improvement goals.
- **SECTION IV** includes copies of documents and other useful information.



## SECTION II: PROGRAM ELEMENTS



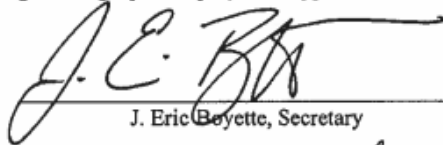
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DEPARTMENT OF TRANSPORTATION

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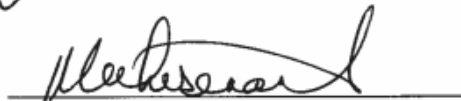
J. ERIC BOYETTE  
SECRETARY

### Equal Employment Opportunity Plan Certification Statement

This certifies that the attached Equal Employment Opportunity Plan represents the North Carolina Department of Transportation's commitment to provide equal employment opportunities to all applicants and employees. I attest that the North Carolina Department of Transportation follows the North Carolina Equal Employment Opportunity Policy along with all applicable federal and state laws, including current executive orders governing equal employment opportunities.

  
J. Eric Boyette, Secretary

02-22-2023  
Date

  
Mark Whisenant, Interim EEO Manager

2-24-2023  
Date

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### **Equal Employment Opportunity Policy**

The State of North Carolina recognizes that an effective and efficient government requires the talents, skills and abilities of all qualified and available individuals, and seeks opportunities to promote diversity and inclusion at all occupational levels of State government's workforce through equal employment opportunity (EEO) workforce planning initiatives. The State is committed to ensuring the administration and implementation of all human resources policies, practices and programs are fair and equitable without unlawful discrimination, harassment, or retaliation on the basis of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information, or disability. State agencies, departments and universities shall be accountable for administering all aspects of employment, including hiring, dismissal, compensation, job assignment, classification, promotion, reduction-in-force, training, benefits and any other terms and conditions of employment in accordance with federal and State EEO laws.



## **North Carolina Department of Transportation Overview**

The North Carolina Department of Transportation (NCDOT) continues to be committed to and supports the Equal Employment Opportunity (EEO) Program in the workplace. The EEO Plan provides guidance and outlines the responsibilities of management regarding the implementation of the plan with a primary objective of taking results-oriented steps to assure equal employment opportunity. The EEO Plan guidelines apply to employment decisions, including but not limited to hiring, promotion, demotion, and retention within the Department of Transportation.

Pursuant to N.C.G.S. §136-44.1, “The Department of Transportation shall develop and maintain a statewide system of roads, highways, and other transportation systems commensurate with the needs of the State as a whole and it shall not sacrifice the general statewide interest to the purely local desires of any particular area. The Board of Transportation shall formulate general policies and plans for a statewide transportation system. The Board shall formulate policies governing the construction, improvement and maintenance of roads, highways, and other transportation systems of the State with due regard to farm-to-market roads and school bus routes.”

In addition, pursuant to N.C.G.S. §136-5.1, “Transportation system is defined as all modes of transportation infrastructure owned and maintained by the North Carolina Department of Transportation, including roads, highways, rail, ferry, aviation, public transportation, and bicycle and pedestrian facilities.” NCDOT has a partnership with The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA).

The Federal Transit Administration (FTA) has partnered with state and local governments to create, support, enhance, and expand public transportation systems by investing more than \$13 billion annually since 1964. NCDOT has a partnership with the Federal Transit Administration (FTA). Buses, subways, light rail, commuter rail, trolleys and ferries are some of the local public systems to which FTA provides grants.

An agency within the U.S. Department of Transportation, Federal Highway Administration (FHWA) supports State and local governments in the design, construction, and maintenance of the Nation’s highway system (Federal Aid Highway Program). Responsible for ensuring that the nation’s roads and highways are among the safest in the world, FHWA provides financial and technical assistance.

Technical assistance received from FHWA includes the areas of Americans with Disabilities Act/Section 504, anti-Harassment, Contractor Compliance/On the Job Training (OJT), Disadvantaged Business Enterprise, Disadvantaged Business Enterprise Supportive Services, Reasonable Accommodations, and Title VI all of which fall within FHWA’s Office of Civil Rights.

As with all state departments of transportation, NCDOT receives Federal financial assistance in connection with the Federal-Aid Highway Program administered by the Federal Highway Administration (FHWA). Although NCDOT receives federal funds from FHWA, NCDOT remains a state entity and is subject to State Human Resources policy and with N.C.G.S. §126.



The North Carolina Department of Transportation (NCDOT) is responsible for ensuring fair and equal treatment of all persons regardless of their race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information, or disability in all employment practices. Title VII of the Civil Rights Act of 1964, as amended, and other Federal and State EEO laws, regulations, and executive orders govern NCDOT's State Internal EEO Program. The Title VII of the Civil Rights Act of 1964, as amended, ensures that neither the employer nor its representatives shall discriminate in selection, promotion, compensation, fringe benefits, training, or other conditions of employment based on race, color, national origin, religion, sex, age, or disability.

The Department of Transportation (NCDOT), Equal Employment Opportunity Unit, is responsible for administering and implementing the Department's Equal Employment Opportunity program. The collection and analysis of statistical data in addition to written reports are issued throughout the entire agency through program monitoring and reporting to assist in NCDOT's good faith effort to be equitable and to reach parity of both females and minorities. The EEO Unit continues monitors the hiring practices of NCDOT, conducts on-site evaluations, provides EEO training to employees and management to assist NCDOT management in meeting its EEO obligations. The EEO Unit also investigates complaints of unlawful discrimination, harassment, and retaliation; issues determinations at the conclusion of EEO Informal Inquiries; and submits agency position statements to the appropriate Federal or State agency.

The EEO Program is monitored through data collection and analysis of the NCDOT labor force and statewide availability utilizing U.S. Census Bureau data compiled in the Integrated HR-Payroll System (IHRPS) and other activities relating to all terms and conditions of employment. This data is subsequently distributed to our stakeholders through the use of statistical and written reporting. At present, NCDOT continues to be in accordance with OSHR by using the current Census Data provided by the Integrated HR-Payroll System.



### **OUR VISION**

NCDOT: A global leader in providing innovative transportation solutions.

### **OUR MISSION**

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina.

### **OUR GOALS**

- Make transportation **safer**.
- Provide GREAT **customer service**.
- **Deliver and maintain** our infrastructure effectively and efficiently.
- Improve the **reliability and connectivity** of the transportation system.
- Promote **economic growth** through better use of our infrastructure.
- Make our organization a **great place** to work.





## **OUR VALUES**

### **Safety:**

We are dedicated to providing a safe transportation network and work environment.

### **Customer Service:**

We serve our customers in a respectful, professional, and timely manner.

### **Diversity:**

We respect one another while drawing strength from our diverse opinions, ideas and experiences.

### **Integrity:**

We earn and maintain trust through accountability, transparency, and data-driven decisions.

### **Quality:**

We pursue excellence in delivering our projects, programs, services, and initiatives.

### **Teamwork:**

We work together using our diverse strengths and skills, collaborating to solve problems and serve our communities.

### **Innovation:**

We promote the development and use of new and better solutions.



## **Achievements and Best Practices**

### **Achievement**

**Maintained the EEO/ADA Presence on the Employee Portal (Internal):** The two units continue to have a presence on Inside NCDOT with its “EEO/ADA” tab under “Employee Resources.” It contains a welcome message, links to relevant documents and forms, federal and state laws, other resources, and a staff directory. Although the two units separated in 2018 in an effort to reflect that the ADA program continues to have both an external and internal component while the EEO program solely focuses on internal.

**Monitored the EEO Compliance Metric:** As another good faith effort to increase awareness of diversity, equity and inclusion knowledge and practices within the workplace, NCDOT incorporated ***Make our organization a great place to work Diversity, Equity & Inclusion*** in all NCDOT employee NCVIPs. Each training goal continues to have a due date in Learning Management System (LMS) and each employee will receive a notification and reminders to complete the task. The training goal requires employees to move through each training with purpose. The goal was made effective in 2021 and consists of the following trainings:

- Understanding Diversity in the Workforce Training
- EEO and You Training
- NCDOT Conflict Resolution Training

**Quarterly Reporting to the Transportation Secretary:** Quarterly Reports are issued with analysis of statistical data compiled and used for female and minority workforce representation, disciplinary actions issued to Black/African American males, new hires, promotions, separations, and EEO’s efforts to address these areas of concern and the status of the EEO Unit’s responsibilities to the State of North Carolina Office of State Human Resources (OSHR).

The Office of Civil Rights launched several initiatives that have been successful at moving diversity, equity, and inclusion programs forward.

**The Allyship Collective** - curation of strategic partnerships amongst diverse communities, bridging resources and support community by community.

Hispanic - OCR developed a robust Hispanic Engagement Plan and working group to bring inclusion and increase participation by Latinx communities and bridge resources to allow greater participation in NCDOT programs and services.

American Indian - expanded to develop collaboration and outreach with the NC Commission of Indian Affairs. 2022-1 outreach took place at UNC Pembroke. Several more planned for May through November 2023 at the location of each tribe.



Unity Conference - OCR sponsored and participated in the United Tribes of NC gathering of American Indian tribes in NC.

OCR Director serves on Governors' Interagency Workgroup for New Americans - policy development for Immigrant and Refugee populations.

**The Emerging Talent Program** is a Human Resources and Office of Civil Rights initiative aimed at increasing workforce talent in the transportation industry.

- FHWA- Peer to Peer Exchange-Due to OCR successes in workforce programs served as technical support to 4-states, Nevada, Florida, New Hampshire, Arizona.
- OCR Workforce Development developing pre-apprenticeship pathways, highway construction trades academies (HCTA), pop-up academies which serves as a HCTA refresher course, and a summer accelerator program working with community colleges and expanding rural development on pre-apprenticeships for middle schoolers and high schoolers.
- Targets: Reentry-Justice Involved, Neurodivergent, disabled, youth aging out of foster care, persons experiencing homelessness, veterans, immigrant, and refugee, limited English proficient, tribal and indigenous.
- The Business Opportunity and Workforce development unit charged with providing supportive services to small businesses launched a Business Development Incubator Program/ mentor protégé program located at the site of the Greensboro Randolph Mega-Site in cooperation with Toyota Corporation (Greenfield/land) and Ames Construction (contractor) to increase small, women and minority-owned businesses participation.
- This project is exclusively centered around the Toyota Mega-site/ 421 Road widening project. The outcome-based contract approach begins by assessing small, minority and disadvantaged businesses' capabilities and future training needs for Toyota's project needs. NCDOT facilities serve as the training facility.

NC is leader in electrification of transportation industry. OCR is responding by delivering innovative workforce solutions, business development and matchmaking services to small and disadvantaged communities, developing pre-apprenticeship programs and skilled based learning.

- NCDOT was selected to participate in the National Governors Association Technical Assistance grant program to expand work-based learning and apprenticeships through the Infrastructure Investment and Jobs Act (IIJA).
- OCR awarded NCDOT's Digital Equity Grant to deliver mobile learning devices and educational curriculum to underserved communities.
- NCDOT's Office of Civil Rights (OCR) contains two units that provide training, education, employment and business operation assistance, and other supportive services, to underrepresented and disadvantaged priority populations and business owners so that they may access opportunities in the highway construction and maintenance sector. Both units have



been providing these services for over 15 years, including some digital literacy. However, transportation innovations and emerging technologies are impacting the way we do business.

- The funding will provide our target population program participants with internet enabled devices (laptops plus hot spots) that meet their respective needs, access to related virtual and/or in-person digital literacy and skills training (including via mobile labs), and additional content (Heavy Equipment Operator and CDL simulation or QuickBooks software) to enable and encourage further industry skills development, self-sufficiency and contracting success amongst our target customers. Combined, these project activities will enhance and advance digital equity across the state and expand upon the workforce and small business development needed to support our prime contractors and DOT itself. It will also allow OJT/SS and BOWD to expand their digital equity footprints across NC.
- April 2022, OCR Director presented written and oral testimony before US Congressional- House Transportation and Infrastructure Committee on “U.S. House Congressional Transportation and Infrastructure Committee- “Examining Workforce Development and Job Creation in Surface Transportation Construction.”

**Getting to the Yes Training Series-** A strategic approach to deliver meaningful training and leveraging resources to small businesses to aid in business development.

Series of trainings designed to maximize bidding and performance outcomes.

NCDOT Transportation Summit- Workforce Zone for Emerging Talent and Business Development Zones Getting to the Yes. These zones are targeted toward our underserved communities with the goal on providing business development supportive services, match-making opportunities, and technical assistance. To amplify impacts, the zones were supported by a “Getting to the Yes” series and NCDOT Job Fair to assist individuals and firms in maximizing their presence. OCR hosted several pre-event technical assistance and marketing seminars to assist in making a stellar first impression.

General Assembly Session Law- 2022-68, SB201 Historic Legislation Passed (DBE Goals on Professional Services Contracts and Small Professional and Services Firm (SPSF). This SPSF enabling Legislation expands opportunities for engagement on professional services consultant and project bidding work.

**Opportunities Tour-** Project centered outreach to increase opportunities for small businesses by bringing regional opportunities to local businesses to gain geographical and diverse community representation.

NC Clean Transportation Plan (NCCTP) and National Electric Vehicle Infrastructure (NEVI) Plan- The Office of Civil rights served on the planning committee and included components for Workforce Development and job creation, supplier diversity and business development and environmental justice.

### **Data and metrics**

GOOGLE Equity Index Program- NCDOT launched a project with Google Cloud services to provide a platform that aligns with the Secretary mandate to embed DEI into all of NCDOT operations, programs and services.



Key Objectives of this program's aim is to help NCDOT operationalize the measurement of DEI which will contribute to NCDOT's ability to incorporate these metrics into the decision-making process for key initiatives. This understanding will drive DEI into NCDOT project assessments.

The four key pillars of DEI the platform will address are Equal Employment Opportunity, Workforce Development, Supplier Diversity & Environmental Justice.

- The outcome NCDOT will achieve through this project are:
- Understanding key narratives around these pillars applying AI to surveys, social media, and news data to create quantifiable metrics.
- Use these metrics to establish a baseline and track trends.
- Correlate policy initiatives with metric fluctuations to gauge the impact of these initiatives.
- Ability to field periodic surveys across a diverse audience to ensure diverse voices are heard.
- Establish a data-driven approach to evaluating the effect of Office of Civil Rights (OCR) activities on equity in the community.
- Identify equity gaps in the community that are most relevant for OCR programs.

### **Economic Impact Study**

The North Carolina State University Institute for Transportation Research and Education (ITRE) Project "Assessing Metrics and Indicators for the Office of Civil Rights" is designed to deliver OCR's first economic impact study. The project seeks to enhance knowledge about available data that the NCDOT Office of Civil Rights (OCR) can potentially use to inform decisions and policies. The project team will conduct a review of the state of the practice related to metrics and indicators (also referred to as Key Performance Indicators, KPIs) that are related to civil rights in the context of transportation agencies and further explore and evaluate the existing NCDOT data and reports relevant to this project. A final report will be developed to summarize the KPI state of the practice review, availability, and reasonableness of NCDOT data, and implementation considerations.

Specifically, implementation considerations are expected to address the following elements:

- What are the most effective ways to help tell the story of OCR (internally and externally to various audiences including communities of color, elected officials, NCDOT leadership)?
- What aspects of OCR's story can be told with quantitative vs qualitative data? Can qualitative information be developed into quantitative measures?
- What are the best ways to measure the impacts of NCDOT on communities of color?
- What is the quantity and quality of existing data?
- How can existing data be used to answer pressing questions and inform policy decisions?
- What additional information can be used/collected?
- What missing information will limit the effectiveness of future efforts related to metrics and indicators?
- What are potential barriers access and understanding of OCR processes and information?



- Implementation considerations will be based in evidence, such as research focused on identifying community engagement strategies to understand the indicators and metrics of NCDOT's impact on communities of color.

**Diversity, Equity, and Inclusion Committee:** The North Carolina Department of Transportation (NCDOT) Diversity Equity Inclusion (DEI) Advisory Group recognizes the critical role that effective diversity management plays in achieving a high-performing organization. This understanding has led to a philosophy within NCDOT that views diversity, equity, and inclusion as central to the achievement of a high-performance organization.

Diversity management is a combination of programs, policies and activities that support an environment where employee differences are valued and integrated into each part of the organization's operations and culture. It assists in understanding, valuing, respecting, and promoting a diverse workforce to ensure that managers retain and capitalize on the ideas and skills all employees bring to the organization. Successful diversity management initiatives enhance the performance and cohesiveness of an organization.

The DEI Advisory Group will establish a sub-task force charged with Equal Employment Opportunity (EEO) to explore and investigate meaningful ways to strengthen the agency EEO Plan, implementation, and activities. The group will be comprised of a diverse group of employees representing EEO and Human Resource activities. The group will look at the underutilization in employment practices, disciplinary action policy and procedures and other identified concerns and barriers centered around EEO within the organization. The group will set the objectives, prioritize actions, address and plan an appropriate response at the direction of the Secretary and DEI Advisory Group governing body.

#### **Diversity Awareness:**

**The Southern Transportation Civil Rights Executive Council (STCREC):** At the 2021 Southern Transportation Civil Rights Executive Council's (STCREC) 13<sup>th</sup> biennial training symposium, the OCR Director provided updates on the overall work of OCR. Although the training symposium is a biennial event, the State of North Carolina's Department of Transportation (NCDOT), Office of Civil Rights (OCR) is an active participant by continuing to sit on the board and participate in monthly STCREC meetings. The 2023 Southern Transportation Civil Rights Executive Council Training Symposium will be virtual and is scheduled for September 12-13, 2023.

Established in 1994, STCREC's primary purpose was to advance Civil Rights Program initiatives within member states which include AL, FL, GA, KY, MS, NC, SC, and TN. Its membership is comprised of those State Department of Transportation Civil Rights Directors. The STCREC Training Symposium offers a forum for civil rights training in a learning environment with a variety of subject areas and transportation disciplines. Civil rights and other transportation professionals can learn, network, share best practices, and discuss common concerns on state and federal civil rights legislation and policy.



**American Association of State Highway and Transportation Officials (AASHTO):** The vision is to foster equal opportunity within the maintenance, development, and operation of an integrated national transportation system. Federal regulatory mandates of national concern are identified and reported on by the committee. To assure compliance with civil rights laws and regulations, the committees make recommendations to the President and staff of the Association when solicited. AASHTO Mission Statement is: "To provide policy and technical support to the AASHTO member departments to integrate Equal Opportunity goals and objectives into all transportation decisions and activities."

AASHTO serves as a liaison between state departments of transportation and the Federal government made up of the chief transportation officers from the District of Columbia, Puerto Rico and the 50 states. Guided by a Board of Directors, the 12-member Executive Committee is led by elected officers and is assisted by its executive director. AASHTO represents all transportation modes inclusive of highways, air, active transportation, rail, public transportation, and water. NCDOT's Director of the Office of Civil Rights continues to be represented in the AASHTO quarterly meetings.



## **NCDOT ADA Program**

**Internal Employee Reasonable Accommodation Requests:** The review period for this reporting runs from January 1, 2022, through December 31, 2022. During this review period the ADA program received many accommodation requests associated with returning to a physical workplace. We received 82 reasonable accommodation requests from NCDOT employees. Each request was reviewed and assessed based on ADA requirements and processed accordingly. In addition, of the 82 requests one request closed due to unavailability, one closed due to employee complied with mask mandate, one closed due to employee's request and two were referred for ergonomic assessment, nine requests were not granted due to safety reasons, and not able to perform the essential job functions and 68 were satisfied.

### **Satisfied:**

Sixty-eight (68) of the total requests were satisfied. The accommodations included results such as teleworking, telecommunication, and work assignment revised.

**Closed:** Five (5) accommodation requests were closed. One (1) request closed due to unavailability, one (1) closed due to employee complied with mask mandate, one (1) closed due to employee's request and two (2) were referred for ergonomic assessment.

**Not Granted:** Nine (9) requests were not granted due to safety reasons, and not able to perform the essential job functions.





**NCDOT ADA Training for Engineers and Technicians:**

The ADA unit and the Highway Division worked together to ensure their staff were provided ADA training. ADA accessibility training was uploaded into the Learning Management System (LMS) on April 1, 2022. The training was assigned to construction inspectors and technicians as recommended by the Construction Engineers.

**ADA Compliant Curb Ramp Training - Learning Management System (LMS) Report:**

Training	Number of employees assigned LMS Training	Number of employees attended LMS Training
ADA Compliant Curb Ramp Training the Learning Management System (LMS)	229	174

**ADA Staff Training:** The ADA Program Officers attended the virtual National ADA Symposium, a comprehensive conference on the Americans with Disabilities Act: May 9th -13th, 2022. The conference included fifty-one (51) sessions over five (5) days, including a pre-conference session presented by representatives from the U.S. Access Board, the U.S. Dept. of Justice, and the EEOC. Conference workshops included presentations by nationally recognized experts in issues related to the ADA, pedestrian Right of way, employee reasonable accommodations and many other directly related topics to the NCDOT ADA Program.



## **Best Practices**

**Diversity, Equity, and Inclusion Recruiter:** NCDOT Talent Management team added a DEI Recruiter in November 2021. This good faith effort and best practice is to assist hiring managers in obtaining a diverse workforce that currently consists of 23% female and 23% minority employees. The DEI Recruiter is responsible for the following:

- Networking and maintaining relationships with colleges and universities including HBCUs/MSIs,
- Developing and implementing strategic recruitment efforts to attract and retain a diverse workforce,
- Interacting collaboratively and productively with diverse populations in English and Spanish,
- Collecting and analyzing statistical data that guides workforce planning initiatives surrounding recruitment activities for women and diversity applicants.

**On-Site Evaluations and Follow-up:** No On-Site Evaluations were conducted during FFY 2022; however, Program Evaluations continued through Monitoring and Reporting of statistical data with the Integrated Human Resources and Payroll System (IHRPS). The overall objective is to assess the Department's status, identify effective practices, and facilitate continuous improvement in accordance with a previous recommendation of FHWA under 23 CFR, 230 Subpart C and Appendix A, Part II.C.4.

The criteria for selecting an On-Site Evaluation includes: 1) Organizational units with disproportionately higher disciplinary actions issued to minorities and/or females compared to their workforce representation; 2) Organizational units with substantially lower minority and/or female workforce representation compared to the number and percent expected based on the labor force; 3) Organizational units with a high percentage of unlawful discrimination, harassment, and/or retaliation complaints filed; 4) Length of time since the last On-Site Evaluation; 5) Any other anomalies adversely impacting any other term or condition of employment.

On-site Evaluations involve:

- Pre-visit data review and preparation and outreach phone call to the unit head (already completed)
- The on-site visit
  - An opening conference with you and your designated staff
  - Presentation of the documentation
- Structured interviews with managers and employees to gather a balanced perspective.
- After our visit, we will collect any additional information necessary and summarize the results of our interviews.
- The close-out conference where we will share with you our findings and recommendations.
- Revision of report based on feedback and dissemination of final report.



The On-Site Final Reports consist of five (5) parts:

1. **Introduction** that described the purpose of the on-site evaluation, identified the selection criteria, explained that findings and conclusions were based on research and analysis, and identified the opening conference attendees.
2. **Findings** that summarized management and non-supervisory employee interviews, provided overviews of the business unit's workforce representation (including over/under representation), new hires, promotions, and disciplinary actions, including trends.
3. **Conclusions** that described areas that need work.
4. **Recommendations** that included a description of actions that could be taken to improve the EEO posture.
5. **Exhibits** that included workforce representation reports, new hire and promotions reports, and the disciplinary action reports for the previous FFY.

Conference calls for discussion of each unit's Final Report along with an agreement of good faith efforts from which letters of commitments were provided to the business unit for signature to be returned within five (5) business days.

The following recommendations should be included on a consistent basis:

- Include the representation reports on meeting agendas quarterly.
- Share and discuss the disciplinary action report with management as appropriate.
- Review all disciplinary actions at the highest management level of the business unit to ensure fairness and consistency in the issuance of disciplinary actions.
- Provide employees the website address for NCDOT EEO so they can find information about EEO-related policies, complaint/grievance filing procedures, and EEO contact information.

Follow up efforts continued throughout the year. All follow up activities are closed out with an update of the divisions process; all documents are fully executed with the appropriate signatures. Follow ups are a continued good faith effort to achieve parity for underrepresented protected classes.

**Quarterly Reports to Business Units:** Q1 – Q4 2022 Reports were completed to be provided to the Secretary and Leadership. The report provides the business units with a workforce representation analysis, discussion of new hires and promotions, and reporting on the ethnicity, gender, and Progress Towards Goals as a good faith effort to reach parity for both females and minorities. Business units continue to agree to have the workforce representation reports on their quarterly meeting agendas and to share disciplinary action reports with management as appropriate.

**Disciplinary Actions:** Disciplinary Actions Report continues to be issued on an annual basis to ensure no disparate treatment or disparate impact is taking place for any protected class and particularly Black/African American males. The Disciplinary Actions report is created as a mechanism to ensure fair and consistent treatment of Black/African American males since they continue to receive a high number of disciplinary actions in comparison to their representation in the workforce. The EEO staff conducts a



more in-depth analysis of the disproportionate impact if the percentage of actions issued to any protected group/class exceeds its workforce representation by more than 2 percentage points of its workforce representation.

**Training:** NCDOT enroll each newly appointed supervisor or manager within one year of appointment in EEODF (Equal Employment Opportunity and Diversity Fundamentals) under N.C.G.S. §126.16.1, to ensure training that covers lessons on the EEO programs, also covers the value of diversity, skills for tolerance, perceptions, primary and secondary dimensions of diversity, workplace harassment laws and forms of harassment, applying equal employment in hiring, civil rights laws, enforcement agencies, and how the complaint and accommodation request processes work. During 2022, 82% of all managers and supervisors completed EEODF. Fundamentals of Management is also a training in which all managers, supervisors, and Human Resources professionals are required to participate. During 2022 43% of all assigned individuals completed the training.

**Hiring Packages:** The EEO Unit of OCR is responsible for reviewing and approval Hiring Packages for both new hires and promotions to ensure decisions are based on job-related abilities using standardized processes. As an integral part of the hiring process, the EEO unit approved 3,075 Hiring Packages during calendar year 2022.

The EEO unit begins their involvement in the process by collecting Anticipated Vacancy information from each division/business/organizational unit's HR personnel. With in-depth analysis and formulated calculations to create Job Placement Goals, one hundred twenty-eight (128) Annual Placement Goal (Just-In-Time) Notifications are developed and issued to NCDOT's HR. Upon receipt of the Annual Placement Goals (Just-In-Time) Notifications, NCDOT's Central HR department disseminates the documents to Hiring Managers of each division/business/organizational unit covering each of the eight (8) EEO-4 job categories as a continued good faith effort to create a diverse workforce.

**Interview Standard:** Ensure Hiring Managers perform all interviews with a diverse interview panel. Interview as diverse candidate pool as possible based on required knowledge, skills, and abilities using a recruitment strategy while working with Talent Management and programs such as Internship, HBCUs, minority associations, and other NCDOT Programs.



## **NCDOT's Programs & Initiatives**

NCDOT consistently puts forth good faith efforts to attract and retain a diverse workforce not only with the current working population but at all levels. Including our future North Carolinian workforce shows that not only is NCDOT a great place to work but all branches of state government.

To help create a pipeline and a workforce to meet North Carolina's future transportation demands, STEM (science, technology, engineering, and mathematics) programs and initiatives attract and recruit the best talent by capturing the interests of students through the use of STEM activities and programs.



**Model Bridge Building Competition:** The N.C. Department of Transportation has hosted the statewide Model Bridge Building Competition in partnership with Carolinas Associated General Contractors and the American Council of Engineering Companies of North Carolina since 2000. Designed to create a greater awareness of careers and services available in the transportation industry, the NCDOT Model Bridge Building Competition encourages students to develop math and science skills used in construction, engineering, and transportation.

Open to North Carolina middle and high school students, registration for the competition is in the fall followed by final competitions taking place in early spring. The competition may be used by teachers by selecting students to work on the project as a team, have several student teams compete in a school-wide competition, or as a classroom project whereas the winner represents the school at the virtual state finals.

There were 46 Middle and High School students during the April 2022 virtual competition. The Middle Schools participation resulted in Polk Middle School (Mill Spring) came in 1<sup>st</sup> place followed by West Pine Middle School (West End) in 2<sup>nd</sup> place. In the result of winners for High School winners Westchester



Country Day School (High Point) came in 2<sup>nd</sup> place with The Franklin Academy (Wake Forest) came in 1<sup>st</sup> place.

**JOCO Works 2022 (A World of Workforce Opportunity):** On October 13<sup>th</sup> and 14<sup>th</sup> of 2022, NCDOT along with the Division of Aviation, HR-Safety & Risk Management, Division 4 and HR Talent Management Youth Programs attended the 2022 JOCO Works Event. JOCO Works is an industry-led collaborative supported by education, business, civic, and government partners created to meet the Johnston County, North Carolina (JOCO) workforce needs of the future. This was an in-person career Exploration experience specifically for 8<sup>th</sup> grade students.







Human Resources-Youth Programs



Division of Aviation



**2022 NCDOT Talent Management Career Fairs & Outreach:** NCDOT continues efforts to attract and retain employees through career fairs and outreach events at Moore Square Middle Raleigh, Reality of Money Event at Garner High School, Heritage Middle School, and Bertie High School. NCDOT participated in the 2022 STEMposium with Wake County Public Schools and Introduction & Training for Girl Scouts STEM Day at Duke University. Pictures of the event are displayed below:

Moore Square  
Middle Raleigh







Reality of Money Event  
at Garner HS

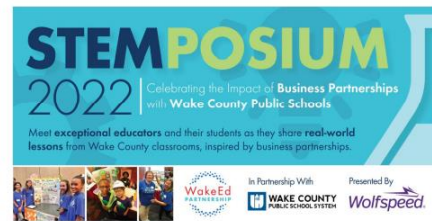


Heritage  
Middle  
School





## Networking



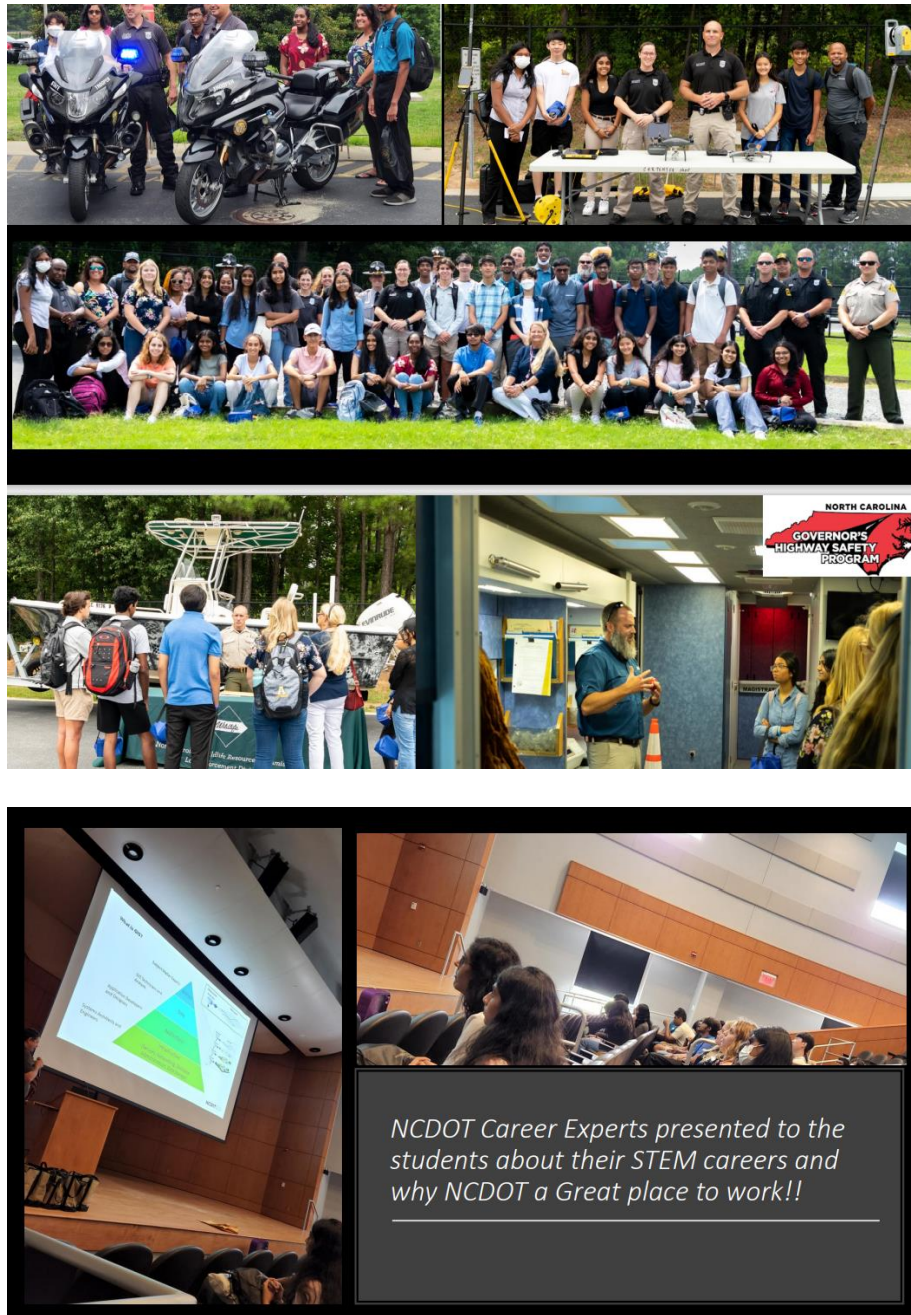
WakeEd Partnership Programs  
Met with WCPSS Educators and informed them about NCDOT-Youth Programs and outreach opportunities.



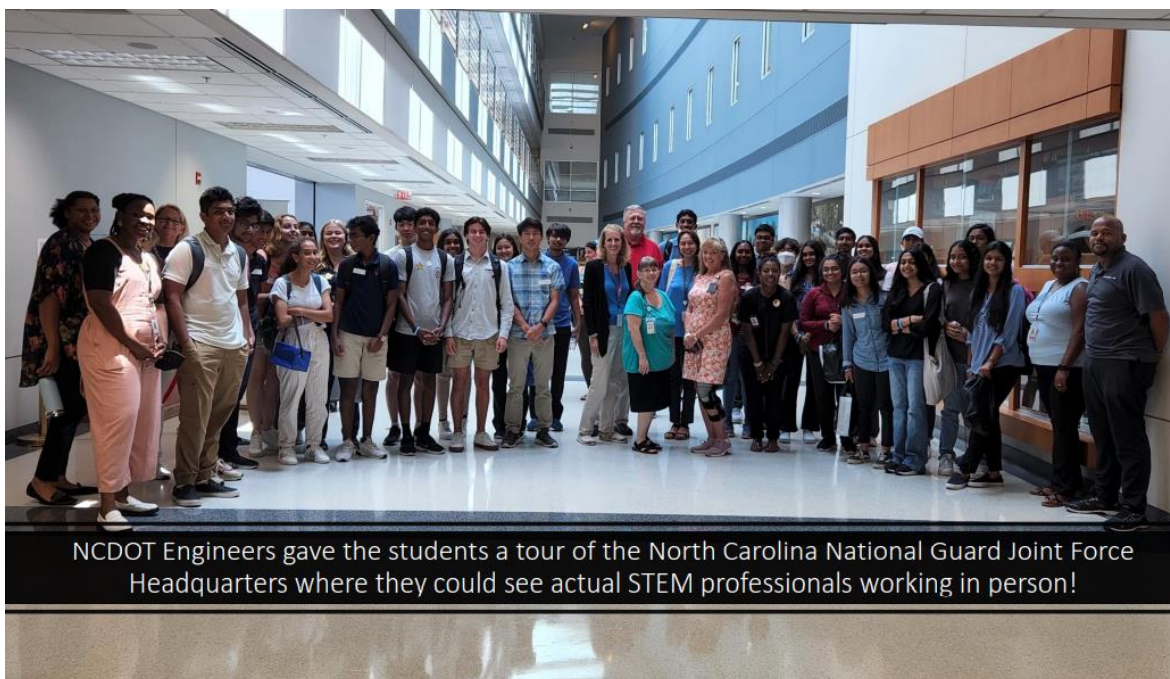
Introduction  
& Training  
for Girl  
Scouts STEM  
Day @ Duke  
University



**Career Immersion – NCDOT Youth Programs STEM Event (July 21<sup>st</sup>, 2022):** NC Governors Highway Safety put together a mini-Safety City in collaboration with the State Highway Patrol, Wake County Sheriff's Office, NC Alcohol Law Enforcement, Booze it or Loose it and NC Wildlife to explain and expose the students to how STEM is involved in each areas' daily job duties and tasks. Below are pictures to display diversity and inclusion and the success of the event.







NCDOT Engineers gave the students a tour of the North Carolina National Guard Joint Force Headquarters where they could see actual STEM professionals working in person!



**Transportation Engineering Associates Program (TEA):** The TEA rotational training program recruits recent civil engineering graduates who graduate in civil, environmental, mechanical, electrical, chemical, aerospace, or biological engineering the opportunity to learn about the major functions of the North Carolina Department of Transportation.

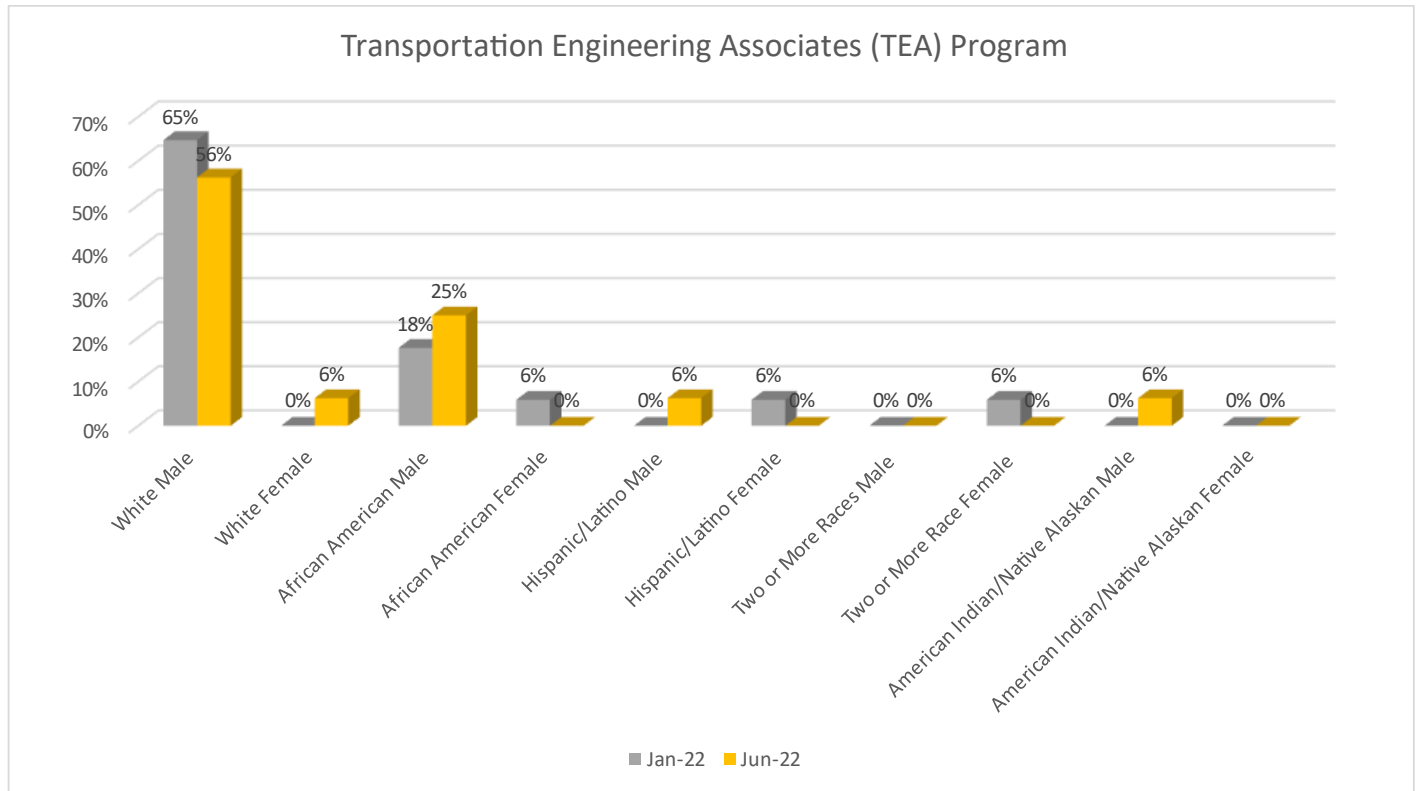
The program gives associate the opportunity to develop a career through a training program that provides them with a broad background and practical application of highway engineering. The 18-month rotational program offers associates essential job training across NCDOT such as construction, maintenance and operation, structures management, value management, rail, and aviation. NCDOT has a group for specialties and areas of interest such as planning, design, construction, and asset management to motivate individual interests through this structured program ensuring a foundational understanding needed to immediately contribute to NCDOT.

From the institute for Transportation Research and Education and at no cost to them, Civil engineering associates are eligible to complete the Fundamental Engineering (F.E.) and Professional Engineering (P.E.) review courses. Associates have access to the NCDOT Learning Management System to complete construction certifications. Associates are assigned a TEA buddy from the previous year's group during the first week for coaching and mentoring to help new associates to get acclimated to the new organization and location.

Thirty-three (33) individuals participated in NCDOT's TEA program during calendar year 2022. Seventeen (17) participated in January 2022 and sixteen (16) participated in June 2022. The chart below displays representation by race/ethnicity and gender.



### 2022 TEA Program by Race-Ethnicity/Gender



**NCDOT Aviation Art Contest:** Gender and race/ethnicity are typically not collected; however, NCDOT Aviation has held an Art Contest since 2013. Entries received are at 12, 850 from approximately 11,950 students pending an update to the Art Contest Database which will provide a more accurate number of students once complete. One hundred fifty-five (152) schools have participated; of that total there are 63 first-time school entries. The Art Contest is another way to open minds to the opportunities at NCDOT.

**Social Media:** NCDOT's HR Recruitment Specialist maintains a Facebook, Twitter, YouTube, Flickr, and Instagram page to provide access to NCDOT Careers. A host of valuable information about career fairs and programs can be found on NCDOT's social media pages.

As an example of NCDOT's diversity efforts, HBCU has recently posted HBCU/MSI Internship and HBCU Fellowship advertisements on Facebook, Twitter, and LinkedIn. Twitter's post contains 1,738 views; Facebook's post had 11 likes; LinkedIn post contains 45 likes and 10 reposts. There are a total of 38 postings relating to the programs.



NCDOT has also posted technical training locations for Raleigh, Charlotte, Greenville, and & Asheville to fill the demand for highway construction contractors. NCDOT uses social media to get the best return on investment by posting position on Twitter, Facebook & LinkedIn groups which contain 181,044 followers; the Twitter post contains 8,403 views, 6 likes and reshares; Facebook post contains 26 likes and 22 reshares; LinkedIn has one like so far.

**Office of HBCU Outreach:** The Office of HBCU Outreach serves to educate the public and build strategic alliances that are essential and support NCDOT's mission and commitment to creating an inclusive and diverse workforce with the cultivation of diverse students from Historically Black Colleges or Universities (HBCU) or Minority-Serving Institutions (MSI) Internship Program.



Office of HBCU Outreach has several core programs and functions as outlined below:

- Internship Program
- Fellowship Program
- Professional Development
- On-Site Visits
- Multi-Modal Overnight Trip
- Closing Ceremony

The HBCU/MSI Transportation Scholarship received 46 applications from 6 Historically Black Universities: NCCU, NCAT, Bennet, ECSU, Shaw, and FSU. 16 Awards were given; 6 males and 10 females; 13 African Americans, 2 Whites, and 1 Hispanic. There were 10 Fellows working in NCDOT units from the 2022 Fellows. There were 9



Interns working in NCDOT units for the 2022 HBCU/MSI Internship. Activities consisted of The Fellowship Program, Internship Program, Professional Developments, On Site Visits, and Multi Modal Overnight Trip.

The participants of the Fellows program are immersed in all aspects of the transportation industry, along with professional development opportunities, free trainings and certification, travel, and opportunities to network with transportation professionals. For Students attending HBCU or MSI, the program provides real-world, hands-on experience inclusive of professional development workshops on skills such as resume building, business writing and networking. Interns develop connections as a result of working with executive and senior leadership staff that can be assist in future professional endeavors.

Fellows serve a (2) two-year commitment within a selected NCDOT business unit and assist with everyday tasks and special projects. The program helps develop a pool of qualified individuals for potential permanent positions within NCDOT, and the transportation sector. Ideal way for graduate and undergraduate students to gain work experience while learning what a career in the transportation industry has to offer during the 10-week summer internship program. Fellows are considered full-time NCDOT temporary employees; Fellow opportunities are posted on the [North Carolina State Government employment website](#).







### **Assignment of Responsibility and Accountability**

It is a fundamental policy of the Department to assure equal opportunity in employment. Equal employment opportunity is for all individuals regardless of race, color, ethnicity, gender, sexual orientation, gender identity or expression, pregnancy, religion, national origin, National Guard or veteran status, political affiliation, genetic information, age, or disability. Furthermore, NCDOT is committed to providing reasonable accommodation and has established procedures to allow persons with a disability to request reasonable accommodations.

NCDOT Equal Employment Opportunity (EEO) program and plans are designed to foster an inclusive workplace that is responsive to and respectful of all employees and applicants. All personnel policies and practices are to be conducted in a work environment that is fair and free from discrimination, harassment, and retaliation. EEO will pervade all human resource practices including, but not limited to, recruiting, hiring, retention, transfers, disciplinary actions, promotions, training, compensation, benefits, recognition, and all other terms and conditions of employment.

NCDOT prohibits creating a hostile or intimidating work environment. No State employee may engage in speech or conduct that is defined as unlawful workplace harassment. NCDOT also prohibits retaliatory actions against an employee or applicant for making a charge, testifying, assisting, or participating in any manner in a hearing, proceeding, or investigation of employment discrimination. Any interference, coercion, restraint, or reprisal of any person complaining of unlawful discrimination, workplace harassment, or retaliation is prohibited.

EEO is not only required by federal and state law, but also fundamental to the operations of the Department. NCDOT complies with applicable federal and state EEO laws, statutes, regulations, and policies. Employees and managers are expected to cooperate fully by integrating and promoting EEO at all levels.

All executives, administrators, division directors, district engineers, and branch/unit managers and supervisors are responsible for positive implementation of the EEO programs and plans and they will be held accountable for their actions. To further assure that appropriate program measures are implemented and monitored, the Secretary designates the Department's EEO Manager.



### **SECRETARY OF TRANSPORTATION**

The Secretary of the Department of Transportation is ultimately responsible for ensuring that the EEO policy and programs specific to the organization are fully developed and successfully implemented. Furthermore, the Secretary is charged with ensuring that all employment practices and all aspects of the employment function within the organization are implemented in a manner that is equal for all applicants and employees and consistent with State Human Resources policy and with N.C.G.S. §126-19. The Secretary shall:

1. Adhere to the policies and programs that have been adopted by the State Human Resources Commission and approved by the Governor.
2. Designate a management-level official responsible to oversee the EEO program.
3. Ensure each manager and supervisor has, as a part of his or her performance plan, the responsibility to comply with EEO laws and policies, and assist in achieving EEO goals established by the agency, department or university.
4. Communicate the agency or university's commitment to EEO to all employees, applicants and the general public.
5. Provide necessary resources to ensure the successful implementation of the EEO program; and
6. Ensure the development and implementation of HR policies, procedures, and programs necessary to achieve a diverse workforce in each occupational category; and
7. Take measures to ensure the environment is consistent with the intent of this policy and supports equal opportunity.

### **DEPUTY SECRETARY of BUSINESS ADMINISTRATION**

The Deputy Secretary of Business Administration has oversight responsibilities of the operation, development, and implementation of the EEO Plan with delegated authority to assign to the EEO Manager the day-to-day responsibilities to advocate, administer, plan, develop, implement, and monitor the EEO Plan in accordance with federal and state laws, directives, and the Secretary's assignment of responsibilities and accountability.



## **MANAGERS AND SUPERVISORS**

Managers make employment decisions that directly impact the effective delivery of the EEO Plan; therefore, their roles are critical in the delivery and effectiveness of the EEO Plan. Managers' and Supervisors' responsibilities include but are not limited to:

1. Assist in the development and implementation of the EEO plan and program and establish program objectives.
2. Maintain a diverse workforce for the department, division, work unit, or section.
3. Assist the EEO Manager in periodic evaluations to determine the effectiveness of the EEO program; and
4. Provide a work environment and management practices which support equal opportunity in all terms and conditions of employment.

Manager and supervisor performance toward achieving measurable EEO outcomes is assessed during the annual performance review cycle. EEO measurable outcomes have been incorporated into the performance expectations and are monitored throughout the performance cycle in the Valuing Individual Performance (VIP) performance management system.

## **NCDOT EEO ADVISORY COMMITTEE**

The North Carolina Department of Transportation (NCDOT) is committed to its employees to provide equal employment opportunities for all persons regardless of race, color, religion, creed, sex, national origin, age, disability, veteran status, sexual orientation, genetic information, or political affiliation. To assure that employees are treated with unconditional respect in the workplace and are guaranteed the principle of equal employment opportunity as it applies to all aspects of the employment relationship regarding employment, evaluation of performance, promotion and advancement, compensation, access to training and other professional development opportunities, access to facilities, and discipline and termination, an equal employment opportunity advisory committee is appointed by the Secretary. The duties of the advisory committee center on reviewing the components of the NCDOT Equal Employment Opportunity Program and Plan (EEOPP) on a broad basis, providing recommendations for action, and creating a communication link between administration, managers, employees, and EEO staff in collaboration with the Office of Civil Rights (OCR) Diversity, Equity, and Inclusion Advisory Committee.

The NCDOT will provide equal employment opportunities for all persons regardless of protective classes. This affirmation is based on laws set forth by Title VII of the Civil Rights Act of 1964, Executive Order 11246, the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1988, NC G.S. 126-17 and other applicable federal and state laws.

The Office of Civil Rights Director serves as the designee of the Secretary and has designated and supervises the EEO Unit Manager to implement the NCDOT Equal Employment Opportunity Program and Plan. Part of this results-oriented program and plan is the creation and implementation of Equal Employment Opportunity.



The principle of equal employment opportunity applies to all aspects of the employment relationship and includes, but is not limited to, initial consideration for employment, evaluation of performance, promotion and advancement, compensation, access to training and other professional-development opportunities, access to facilities, and discipline and termination.

Although various challenges have delayed NCDOT's relaunch the EEO Advisory Committee, once relaunched, the committee will: review the programs of the Department as they relate to the equal opportunity area; recommend administrative measures to improve the Department's performance; and bring about awareness of equal opportunity issues. The committee will be comprised of a cross section of 12 executive-level managers along with the Office of Civil Rights' (OCR) Director and EEO Officer serving in ex-officio capacities. The committee will report to the Secretary and is not a function of the OCR unit. The duties and responsibilities will include but are not limited to:

1. Review and evaluate the equal employment opportunity plan and program.
2. Review workforce representation data in each occupational category.
3. Survey the organizational climate and employee attitudes and evaluate the resultant data.
4. Meet with the agency head or university chancellor in conjunction with the EEO Officer to discuss EEO programs, report on the employees' concerns, and recommend changes or additions to the EEO policy, plan, or program.
5. Identify recruitment resources and other activities designed to strengthen the EEO program; and
6. Best practice is that the EEO Committee meet once a year, but it is important that the group remain engaged and active.
7. Once appointed, all members should attend the EEO training, if they have not already completed the course.



## **EEO OFFICER**

The EEO Officer's duties and responsibilities include but are not limited to:

1. Interpret and apply Federal laws, state statutes, and policies related to equal employment opportunity.
2. Ensure the EEO Plan is submitted by March 1 annually in accordance with the EEO Plan Requirements and Program Guidelines as specified by the Office of State Human Resources.
3. Ensure hiring recommendations are reviewed for compliance with EEO program objectives prior to the final agency/university hiring decision.
4. Ensure all employees are made aware of the EEO policy including the Annual EEO Plan, EEO Policy, Reasonable Accommodation Policy, and Unlawful Workplace Harassment Policy and develop strategies to prevent unlawful workplace harassment and retaliation in the workplace.
5. Maintain and analyze data on workforce utilization and employment practices, including records of all complaints and grievances alleging discriminatory practices.
6. Advise management of the EEO program's impact and effectiveness.
7. Provide or coordinate EEO training for management and employees.
8. Provide confidential consultation for management and employees in matters involving EEO concerns.
9. Ensure federal laws prohibiting job discrimination are posted in work locations where notices to applicants and employees are customarily posted and easily accessible to applicants and employees with disabilities.
10. Establish and maintain effective working relations with groups concerned with EEO and Diversity & Inclusion.
11. Coordinate programs to achieve program objectives.
12. Present information on the EEO plan and program to management and employees on a regular basis; and
13. Ensure all newly hired, promoted, or appointed supervisors and managers complete required EEO training in accordance with NC.G. S §126-16.1.



## **Dissemination Procedures**

### **Internal Dissemination:**

The EEO Officer ensures that the intent and provisions of the EEO Plan, policy and program are communicated to employees.

1. All employees have access to a hard or electronic copy of NCDOT's EEO Plan.
2. Managers and supervisors are effectively trained annually on their responsibilities to the equal employment opportunity program and related policy.
3. The EEO Policy statement is posted on bulletin boards in common areas and other areas where employees and/or the public may congregate.
4. Newsletters and other in-house publications are used to communicate information about the EEO Plan, policy, and program on a regular basis; and
5. Input is solicited from all employees on the EEO Plan, Policy, and Program.

### **External Dissemination:**

External dissemination of the EEO Plan and policies is also necessary to ensure that the general public is informed of the NCDOT's EEO Plan. In order to disseminate the Plan, policy, and program effectively to the external resources, the EEO Officer is expected to:

1. Provide access to a copy of NCDOT's EEO policy statement to each resource, subcontractor, vendor, and/or supplier.
2. Provide a copy of NCDOT's vacancy list, job announcements, and any other pertinent material to appropriate recruitment resource(s); and
3. Maintain regular and routine contact with recruitment resources.



### **Program Activities**

Program activities and strategies shall be implemented to assist in accomplishing program objectives. These strategies shall include, but are not limited to, the following:

#### **RECRUITMENT**

NCDOT's EEO Plan, shows good faith efforts to accomplish its EEO objectives includes a recruitment program with specific provisions for:

1. Review and monitor recruitment procedures to abolish any discriminatory practices or employment barriers that may exist.
2. Review all recruitment literature to ensure that it is relevant to all employees.
3. Institute measures that will improve NCDOT's recruitment process as it relates to established program objectives.
4. Actively recruit underutilized groups, using known resources (or partner with recruitment programs offered by the Office of State Human Resources).
5. Specify measures for maintaining contact with recruitment resources and informing these resources of employment opportunities, particularly in management, professional, and technical level positions.
6. Ensure internship programs are results-oriented with measurable outcomes relative to NCDOT offers of employment. Program administrators of internship programs are advised to submit an annual report for inclusion in the Department's annual EEO update to OSHR and FHWA.
7. Partner with NC Veterans Affairs to leverage resources such as NCWorks to ensure the military and veteran population are aware of NCDOT employment opportunities.
8. NCDOT grants requests for reasonable accommodations based on disability or religion unless such requests cause undue hardship.



## **SELECTION AND ONBOARDING**

Studies have shown that discriminatory practices occur more often in the selection process than in any other area of employment practices. NCDOT's EEO Plan includes procedures to review and evaluate each step of the selection process to ensure that job requirements, selection procedures, hiring standards, and the placement process contribute to the achievement of program objectives.

NCDOT's EEO Plan includes a selection process consultation and review program with the following objectives:

1. Conduct periodic job analyses to validate job-related qualifications, selection criteria, and training needs, and career ladders or to initiate any other selection procedure.
2. Analyze the flow of applicants through the selection and appointment process, determining reasons for the rejection of qualified applicants from underutilized groups in areas where program objectives have been set or underrepresentation exists, and monitoring the employment of individuals to ensure the assignment of work and workplace is nondiscriminatory.
3. Cooperating with the OSHR or other trained resources on the review and validation of written tests, interviews, or other selection devices.
4. Training all employees who screen applications and interview applicants for employment in proper techniques to eliminate any potential bias.
5. Establish sign-off procedures to ensure that the selection process in underrepresented occupations reflect established program objectives and timetables; and
6. Ensuring that testing and interviewing processes are accessible to persons with disabilities; and
7. Developing and implementing structured interview procedures that are documented and reviewed by the EEO Officer.

NCDOT effectively uses E-Recruitment (NeoGov). It allows applicants to create a user account to:

- Search for jobs throughout State government
- Apply online.
- Check the status of applications which they have submitted electronically.
- Receive job alerts.

The vacancy posting, application screening, interview, employee notification, and offer letter hiring processes to-date are as follows, but may be subject to change:

Vacant positions for which management chooses to recruit for at the Department of Transportation are advertised on both the OSHR and Department's Job Vacancies Web Pages to include DOT internal postings. If deemed necessary by management, vacant positions may also be posted in newspapers, radio, and various job vacancy websites (e.g., <http://societyofwomenengineers.swe.org/>, <http://hbcuconnect.com/>, etc.).





1. Ensuring a written employment letter outlining the terms and conditions of employment containing the effective date of employment, location/name of duty station, name of immediate supervisor, classification title, appointment type, and salary; and
2. Informing the employee about the EEO Plan and Program.

## **PROMOTION**

The EEO Program impacts not only recruitment, selection, and hiring but also promotion and the upward mobility of underutilized groups. It is equally unlawful to fail to provide an equal opportunity for upward mobility to all employees as to fail to offer an equal opportunity for employment. To assure that all employees who are qualified for promotion or other forms of upward mobility are not adversely affected by the process of selecting employees for these opportunities, an effective EEO Plan incorporates an upward mobility procedure/program that includes provisions for:

1. Informing all employees of promotional/upward mobility opportunities with the agency
2. Enhancing upward mobility and fully utilizing the skills of the existing workforce; and
3. Reviewing and analyzing promotion processes, procedures, and selections.

## **TRAINING**

### *Employee Training*

Employee training is a cost-effective program that is administered without bias by ensuring that training opportunities are accessible to all employees and that all employees are notified of all training opportunities for which they qualify. Each agency spends a great deal of time and money in acclimating employees to the job and the workforce. There are times when it may be more efficient and cost effective to train qualified employees to perform other jobs or to move to higher levels than to search for qualified persons outside of the organization.

Appropriate modifications of an agency's employee development program are a significant part of the equal employment opportunity plan. NCDOT's EEO Plan includes an employee development and training program with provisions to analyze the performance requirements for all job classes in which underrepresentation/underutilization exists to identify NCDOT's EEO training needs.

Thorough documentation of NCDOT's efforts to create and/or provide training opportunities for employees is a part of our EEO Plan requirement for internal audit and reporting systems. The requests for training made by employees and the training provided to all employees (regardless of whether it was approved) are significant indicators of NCDOT's efforts.



### *Management Training*

Training for managers and supervisors is crucial to the success of an EEO Program. All training is administered without bias. Managers and supervisors implement the achievement of EEO goals through their employment decisions (selection for hiring, promotion, training, reallocation, demotion, transfer, etc.). They should be trained on the effective fulfillment of their EEO responsibilities. The elements of such a training program continue to include:

- Equal Employment Opportunity & Diversity Fundamentals (EEODF)
- Fundamentals of Management
- The definition of equal employment opportunity.
- The legal basis for EEO.
- Interpreting and applying EEO policies and guidelines.
- The guidelines for valid and legal selection procedures.
- Identifying and eliminating artificial barriers which can lead to discrimination.
- Implementing the EEO Program; and
- Managing diversity in the workplace.

NCDOT's EEO Unit continues to administer training without bias. The training consisted of Discrimination and Retaliation education and those topics contained therewithin as described below:

**Discrimination and Retaliation:** Employment discrimination is discussed pertaining to unfair treatment, harassment, denial of a reasonable workplace change, improper questions about or disclosure of genetic/medical information, and retaliation. Governed by the Equal Employment Opportunity Commission (EEOC), EEO laws prohibit retaliatory actions against any job applicant or employee for exercising their rights called "protective activity".

**Unlawful Workplace Harassment:** is unwelcomed, or unsolicited speech or conduct based upon race, color, national origin, sex, religion, age, genetic information, or handicapping condition as defined by G.S. §168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

**Quid Pro Quo:** harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

**Hostile Work Environment:** is one that both a reasonable person would find hostile or abusive and one that a reasonable person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.



## **COMPENSATION AND BENEFITS**

A structured, uniform procedure has been implemented to ensure fairness and equity in the administration of compensation and benefits. The process should include criteria for approval of all salary recommendations above the hiring rate. The procedures align with the State of North Carolina's compensation systems – graded and banded. The process includes a systematic method to determine salaries, including, but not limited to evaluating related education, training, and experience (paid and volunteered) as well as salaries of current employees performing similar duties and responsibilities.

In addition, regular analysis should be conducted to ensure that all benefits and conditions of employment are equally available without discrimination to all employees, which includes leave policies, retirement plans, insurance programs, and other terms, conditions, and privileges of employment. The EEO Manager monitors the salary approval process. This helps to monitor recommendations to identify trends and address concerns with management in order to minimize inequities.

## **PERFORMANCE MANAGEMENT**

The State's Agency performance management system is known as N.C. Valuing Individual Performance (NCVIP) requires that all covered employee's work performance be evaluated annually. It is the policy of North Carolina State Government to provide a performance management system which evaluates employees' accomplishments and behaviors related to goals and organizational values to achieve organizational mission, goals, and business objectives. An integrated performance management system enables employees to develop and enhance individual performance while contributing to the achievement of organizational mission, goals, and business objectives.

The performance management process involves three stages: performance planning, performance feedback, and the annual performance evaluation. NCDOT administers the performance management process in accordance with the policy approved by the State Human Resources Commission. In accordance with the State EEO Policy and the NCDOT EEO Policy Statement, the Department does not discriminate in the terms and conditions of employment and monitors compliance with the NCVIP system to ensure the process is administered without bias, and free from discrimination.

NCDOT's EEO Plan includes holding managers and supervisors accountable for the progress of the Agency's EEO program by including it as an expectation in their annual evaluation.



## **TRANSFER AND/OR SEPARATIONS – INCLUDING REDUCTION-IN-FORCE (RIF)**

NCDOT implements a structured and uniform procedure for determining the primary reasons employees voluntarily transfer and/or separate from the agency. This procedure involves conducting exit interviews with departing employees or obtaining post transfer or separation questionnaires. The EEO Officer should be involved in conducting an analysis of the information collected and share with top management to alert them of any conditions that need immediate attention. While EEO is not directly involved in the exit interview process, we will conduct separate analyses of separation, by reason, to monitor if our goals are trending upwards.

## **DISCIPLINARY PROCESS**

The purpose of the NCDOT Disciplinary Action Policy and Procedures (*see Appendix D*) is to ensure that disciplinary actions provide managers and employees with a fair, clear, and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling cases of unacceptable personal conduct. The Disciplinary Action Policy is also made available for these purposes [<https://oshr.nc.gov/media/1580/open>].

The policy is referenced in the Department's Employee Handbook and during new employee orientation. This policy and procedure will be administered in a fair and equitable manner free of unlawful discrimination. Employees will be notified of all future changes to the NCDOT disciplinary action policy and procedure at least thirty days prior to the effective date of the change through training, dissemination of the policies to managers and supervisors, and through contact with the Department's Human Resources representatives.

NCDOT's OCR monitors disciplinary actions department-wide to ensure fairness and consistency in the issuance of disciplinary actions. The office conducts in-depth analysis of disciplinary actions issued disproportionately to members of protected classes compared to their workforce representation in the Department. Plan implementation began June 15, 2014, as result of a December 2013 FHWA review that indicated a high number of disciplinary actions issued to Black/African American males in comparison to their workforce representation. An analysis of the results continues to provide opportunities to develop strategies for reducing any adverse impact found.

## **GRIEVANCE PROCEDURES**

The grievance procedure is designed to ensure fair and equitable review of employment complaints. It is the policy of North Carolina State government that a grievance process exists to allow for prompt, fair and orderly resolution of grievances arising out of employment. NCDOT has adopted the Employee Grievance Policy as approved by the State Human Resources Commission. In establishing this Employee Grievance Policy, the State Human Resources Commission seeks to achieve procedural consistency across the agencies of NC State government, ensure employees have access to grievance procedures to



address grievable issues timely, fairly and without fear of reprisal and resolve workplace issues efficiently and effectively. (*See Appendix E for OSHR Employee Grievance Policy*).

The EEO Manager should have the authority to informally examine the situation with the employee, discuss the employee's concerns, suggest solutions and/or recommend others to the appropriate authority, and offer sound advice.

The EEO Manager shall:

1. Ensure the grievance process is administered equitably and without bias;
2. Prohibit retaliation against employees and applicants who file complaints or participates in a grievance procedure; and
3. Review and monitor program data to identify trends and patterns.

NCDOT has also established a discrimination complaint review process for employees who are exempt from Article 8 of the NC Human Resources Act and the State Human Resources Employee Grievance Policy. The Department established a discrimination, harassment, and retaliation complaint review process for applicants, employees, or former employees of positions that are exempt from Article 8 of the North Carolina Human Resources Act (hereafter "exempt"), including Global TransPark Authority, North Carolina Ports Authority, and N.C. Turnpike Authority positions; NCDOT exempt policy-making positions; and NCDOT exempt managerial positions.

Under this policy, an applicant for exempt State employment, probationary exempt State employee, former probationary exempt State employee, exempt State employee, or former exempt State employee alleging unlawful discrimination, harassment or retaliation based on race, religion, color, national origin, sex, sexual orientation, gender identity, age, genetic information, or disability may file a complaint with the NCDOT EEO Manager within 15 calendar days of the alleged discriminatory or retaliatory act that is the basis of the complaint. The review process is similar to the EEO Informal Inquiry process but provides no further internal appeal of the investigation determination.



### **Equal Employment Opportunity and Diversity Fundamentals (EEODF)**

In accordance with NC.G. S §126-16.1, NCDOT is required to enroll supervisors and managers in the Equal Employment Opportunity and Diversity Fundamentals (EEODF) training. EEODF (*See Appendix B*) is intended to provide managers and supervisors with practical training to assist them in becoming more effective managers and supervisors of an increasingly diverse workforce. Managers and supervisors hired, promoted, or appointed on or after July 1, 1991, shall enroll in the EEODF within one year (12 months) of their appointment. Those that are hired, promoted, or appointed after July 1, 1991, are encouraged to participate as a refresher since many laws and policies have changed over time.

The NCDOT Training & Development (T&D) works with the Office of State Human Resources to schedule training and enroll NCDOT managers and supervisors. The enrollment process is as follows:

1. Eligible candidate lists are maintained in the NC Learning Management System. Our HR department works with the LMS staff at OSHR and the LMS vendor to make any necessary updates to the eligible list as we transition to maintaining these records in LMS.
2. OSHR is responsible for scheduling all EEODF training in the LMS. Each Department is responsible for providing trainers and training sessions for their own employees, while providing a small percentage of seats for other state agencies with employees in the same geographical region. Agencies work through OSHR to schedule training in LMS.
3. NCDOT HR has trainers certified in the EEODF curriculum. The EEO Unit will collaborate with NCDOT trainers as needed based on workload demands on the T&D unit and the desire to involve the EEO Unit in this EEODF curriculum.
4. NCDOT management, the EEO Unit, and the T&D unit have agreed to provide refresher training to supervisors and managers who have attended the training on a seven- to ten-year cycle to ensure that managers receive periodic refreshers on this valuable training. The specific content of the refresher is under review by NCDOT. NCDOT will begin conducting these refreshers after current supervisors and managers have met the statutory requirement of attending the full, required curriculum at least once.



### **Employment First and Reasonable Accommodation**

In March 2019, Governor Roy Cooper signed Executive Order (EO) #92 (Employment First for North Carolinians with Disabilities; <https://governor.nc.gov/media/1208/open>). The EO makes Employment First the policy of state agencies to reflect the state's goals to be a leader in recruiting workers with disabilities and making an inclusive job climate for those workers.

NCDOT will continue to provide reasonable accommodation for applicants and employees. NCDOT will work through its HR Department to establish an active approach for increasing employment identification by persons with disabilities and religious beliefs and practices in order to obtain more accurate workforce representation numbers. NCDOT will continue to keep the Employment First policy of the State (EO #92) in the forefront of its hiring practices through employment objectives and recruitment strategies. Targeted recruitment strategies include:

- Enhancing the focus on disability awareness.
- Improving communication through training.
- Educating managers/supervisors on the value of employing persons with disabilities.
- Identifying concerns of hiring managers.
- Incorporating goals for the EEO committee to include initiatives for employment of persons with disabilities.
- Coordinating with HR to establish appropriate goals for employment of persons with disabilities.
- Initiating a self-identification process to identify persons with disabilities accurately.
- Utilizing the NC Department of Health and Human Services' Vocational Rehabilitation Services to develop an employment plan for the Blind and Visually Impaired and other disabilities.
- Increasing the hiring of interns and developing individual plans for current interns.
- Connecting HR and VR agencies in developing processes for job leads and requirements to match potential applicants.
- Partnering with community rehabilitation programs.





## **Program Evaluation and Reporting/Monitoring**

### **Program Evaluation**

NCDOT assess the following when regularly evaluating our program throughout the year:

- Review of recruitment practices to ensure vacancy announcements are disseminated to a diverse network.
- Hiring and promotion practices are reviewed to ensure decisions are based on job-related abilities using standardized processes.
- Discipline, grievance, compensation, and performance management data are reviewed to evaluate any trends and to ensure that bias is not a factor in decision making.
- Periodic review of the EEO Plan and program is conducted to determine effectiveness, make updates, and set new objectives as needed.
- Data collected in the exit interview program is regularly analyzed and shared with senior management; and
- Employees are regularly encouraged to provide feedback on their workplace environment.

### **Program Reporting**

The EEO Manager is responsible for making reports to the senior management on a regular basis and to the Office of State human Resources, as requested. These reports will be used to ensure that the Agency's EEO Plan is being followed and that equal opportunities exist for employees and applicants. The EEO Manager will use the following data sources to generate necessary reports by race, sex, age, and disability status, when available:

- NEOGOV applicant tracking data.
- BOBJ transactional reports for compensation, hiring, separations, promotions, and other employee actions.
- NCVIP data for performance management ratings; and
- Internal tracking reports such as the selection/decision log, adverse impact analysis form, or other related information.

The EEO Manager will continue to meet with the Secretary to provide updates on the status of implementation of EEO Program objectives. The EEO Manager will also meet periodically with the Office of State Human Resources as requested and other stakeholders involved in the strategic planning process, and with the EEO Advisory Committee upon return from hiatus.

The EEO unit will use NeoGov applicant tracking data; information contained in the Integrated HR-Payroll System (IHRPS) such as BOBJ Report B0178-F which was specifically developed for NCDOT to compare agency data with Census Labor Force statistical data particularly since NCDOT falls under the recommendation of the Federal Highway Administration (FHWA). NCVIP data will be used for



performance management ratings; and internal tracking reports such as the selection/decision log, adverse impact analysis form, or other related information.

### **Harassment Prevention Strategies**

All employees have the right to work in an environment free from discrimination and harassing conduct. No State employee will engage in conduct that falls under the definition of unlawful workplace harassment, including sexual harassment discrimination, or retaliation, and no employment decision will be made because of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age, political affiliation, National Guard or veteran status, genetic information, or disability.

1. NCDOT's Equal Employment Opportunity Statement signed by the Secretary prohibits unlawful workplace harassment, sexual harassment, and retaliation.
2. All personnel policies and practices are to be conducted in a work environment that is fair and free from harassment, discrimination, and retaliation.
3. NCDOT will maintain and report unlawful workplace harassment complaints through established grievance reporting mechanisms.
4. An annual review will be conducted to determine the progress the Department has made toward strategy objectives.

Any supervisor who witnesses such harassment or is otherwise informed of a violation of this policy is directed to bring this to the immediate attention of the EEO Manager or HR Director or ER Representative. Failure of a supervisor (or others) with such knowledge to promptly advise the EEO Manager or HR is grounds for disciplinary action up to and including dismissal. The investigation of any such complaint will be carried out promptly and will involve only those persons with a need to know.

Any employee found to have harassed another employee in violation of this policy is subject to disciplinary action up to and including dismissal, depending on the severity of the offense.

### **Internal Workplace Investigations – Complaint process**

Throughout 2022 the EEO Investigators conducted internal investigations of employee unlawful conduct and prohibitive employment practices complaints based on equal employment opportunity policy and procedure violations.

To assure all NCDOT employees perform optimally to the best of their abilities in a safe and harassment-free workplace functionally aligned with the Agency's vision, mission, goals, and objectives, the Equal Employment Opportunity (EEO) Unit:

1. Consults with managers, supervisors, and employees on EEO issues by:
  - Providing sound guidance to managers and supervisors relative to EEO related matters.
  - Promptly responding to management and employee inquiries regarding EEO issues.
  - Making recommendations for equitable resolution of disputes.



2. Upon assignment to investigate a grievance, the EEO Investigator drafts an Investigation Plan.
3. The EEO Investigator contacts parties (Complainant(s), Respondent(s), Witnesses, and responsible official in Complainant's Chain of Command), schedules interviews, conducts interviews (on-site, phone, email (as appropriate pursuant to COVID 19), collects documentation, examines environments and related documentation, reviews and analyzes data, identifies and summarizes findings of fact specifically relevant to Complainant allegations, drafts case determinations, determines conclusions, and recommendations (as appropriate), and complete investigations within 45 days, which includes time for administrative reviews (requesting 15-day extensions as appropriate), notify appropriate Administrator(s), Complainant(s) and Respondent(s) of determinations, and updates complaint log. Provides Complainant with appeals information.
4. When investigations are conducted on-site, verify required posters. Ensures compliance with federal and state law, NCDOT policies and procedures.
5. Consults with Management & General Counsel as appropriate.

To create and maintain a work environment free of any conduct that falls under the definition of unlawful workplace harassment. A focus of the strategy is to provide training to employees and management on how to recognize and effectively resolve unlawful workplace harassment by:

- Disseminating the EEO Policy Statement to all employees. DOT's EEO Policy Statement is posted conspicuously at all DOT facilities.
- Providing annual policy reviews to all employees and managers.
- Sensitizing employees to the subject through training, orientation, and literature.
- Issuing disciplinary actions appropriately for unlawful workplace harassment in accordance with established disciplinary action procedures. Violation of the Unlawful Workplace Harassment policy will result in disciplinary action, and it is administered on a case-by-case basis. Disciplinary actions shall be entered into the HR-Payroll system as needed.
- Consistently communicate the commitment by the Agency to the prohibition of unlawful workplace harassment, sexual harassment, and retaliation; the process of for disseminating information prohibiting unlawful workplace harassment and retaliation to all agency employees. Encourage employees to participate in Lunch and Learn series on a variety of EEO and diversity topics, including harassment prevention. Encourage employees to take EEO, diversity and unlawful harassment refresher training every other year or every three years.



### **Reduction In Force (RIF)**

NCDOT has the authority to separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. NCDOT complies with the State Human Resources Reduction in Force Policy and the Reduction in Force Priority Policy. Retention of employees in classes affected shall be based on systematic consideration, at a minimum of the following factors:

- type of appointment
- relative efficiency
- actual or potential adverse impact on the diversity of the work force
- length of service

NCDOT shall notify the employee in writing of separation as soon as possible and in any case not less than 30 calendar days prior to the effective date of separation. The written notification shall include the reasons for the reduction in force, expected date of separation, the employee's eligibility for priority reemployment consideration, applicable appeal rights, and other benefits available.

An employee separated through a reduction in force may appeal the separation only on the grounds listed in the Employee Grievance Policy.

Pursuant to the State Human Resources Manual, employees with career status (as defined by N.C.G.S §126-1.1), who have received official written notification of imminent separation due to Reduction in Force, are eligible for priority consideration under the provisions outlined in the Manual. An employee shall receive priority consideration for a period of 12 months from the date of the official written.



### **Pregnancy Workplace Adjustment**

In December 2018, **Executive Order #82** (Promoting Health and Wellness by Clarifying Protections Afforded to Pregnant State Employees) was issued by Governor Roy Cooper. This Executive Order required that state agencies extend workplace protections and modifications to pregnant employees upon request, unless doing so would impose significant burdens or costs.

This Order specifically required that state agencies:

- Post written notice of the rights afforded to pregnant state employees under OSHR policies and the EO. This notice must be physically displayed in a conspicuous area in each office maintained by the agency.
- Collect and compile information regarding their efforts to educate their management and staff of their obligations and employee rights under OSHR policies and EO; and
- Provide OSHR information in the next annual EEO Plan on the following:
  - The number of notices in each state agency office that educate management and their staff of their obligations and employee rights.
  - The content of those notices; and
  - Information regarding any additional education initiative(s) carried out by the agency, specifically the nature of the initiative, the information conveyed, and the estimated number of management and staff who were able to obtain information from or otherwise had access to the initiative.

NCDOT's education initiatives are:

- The inclusion of this requirement in NCDOT's OCR's new employee orientation materials.
- Posting of the requirements on the agency website.
- Discussion of the requirement at agency-wide staff meetings; or
- Modifications to and dissemination of internal procedures to support the EO.



### **Prohibiting the Use of Salary History**

In April 2019, **Executive Order #93** (Prohibiting the Use of Salary History in the State Hiring Process) was issued by Governor Roy Cooper. This Executive Order prohibited state agencies from requesting salary history from applicants or relying on previously obtained prior salary information in determining an applicant's salary. OSHR was required to remove the employment history fields from the state application.

This Order specifically required that state agencies:

- Collect and compile information regarding their efforts to educate relevant staff about this EO.
- Provide this information to OSHR in their annual EEO Plan.

NCDOT's education initiatives are:

- HR staff trained in the new salary administration requirements.
- Posting of the requirement on the agency website.
- Discussion of the requirement at agency-wide staff meetings; or
- Modifications to and dissemination of internal procedures to support the EO.





## **SECTION III: DATA ELEMENTS**

### **Workforce Availability**

It is the policy of NCDOT to provide equal employment opportunity to all employees and applicants. To comply with our EEO Plan and policy statement, NCDOT conducts a workforce analysis annually and reports its findings to OSHR by March 1<sup>st</sup> of each calendar year. NCDOT conducts workforce analyses to track its EEO efforts, develop numerical goals and to set forth action plans to improve program delivery. The workforce analysis is conducted using the Federal Government EEO-4 Job Categories and is based on NCDOT's relationship with FHWA (Federal Highway Administration). The categories are determined by 1) responsibilities and primary duties; 2) knowledge and training; and 3) level of skill.

NCDOT's use of the Federal Government EEO-4 job categories in lieu of the Standard Occupational Categories (SOC) is an agreement between OSHR and the Office of Civil Rights' (OCR) EEO Unit Manager. This agreement was established due to the Department of Transportation's (NCDOT) requirement to complete a 5-yr rolling Affirmative Action Plan (AAP) followed by an Annual Update based on NCDOT's receipt of federal funding from The Federal Highway Administration (FHWA) in 2016. As agreed with OSHR in January 2023, this agreement should be revisited with and confirmed by OSHR at the start of each State EEO Plan to ensure that NCDOT remains in compliance.

The use of the EEO-4 Job categories drive, not only, the workforce analysis but the Annual Placement Goal Notification ("Just in Time" Notification) that are sent to NCDOT's HR department by the EEO Unit as a good faith effort to ensure equal employment opportunity for all. It also identifies areas of minority and female underrepresentation, as well as evaluates and analyzes personnel actions such as new hires, promotions, training, and disciplinary actions. The EEO-4 job categories are listed below:

1. Officials and Administrators
2. Professionals
3. Technicians
4. Protective Service Workers
5. Paraprofessionals
6. Administrative Support (Including Clerical and Sales)
7. Skilled Craft Workers
8. Service-Maintenance

A workforce analysis begins with identifying the number and percentage of minority and female incumbents that NCDOT has in each EEO-4 job category. The analysis determines whether underrepresentation of one or more employee group exists. If underrepresentation does exist, numerical goals, program objectives, and action plans are developed to address the areas of underrepresentation. NCDOT uses HR-Payroll Reports B0178-F, Pop/Labor Force Compromise Census Compare by EEO-4 job category used for its workforce analysis. Underrepresentation exists when the percentage of employees in an ethnic/gender group for a given EEO-4 job category is less than expected



based on the average of their working age population percentage in their EEO-4 job category labor force representation. The workforce analysis for underrepresentation uses gender and ethnic/race groups identified as White, Black, Hispanic, Asian, American Indian/Alaskan Native males and females. Native Hawaiian/Other Pacific Islander has not yet been individualized as a group in this report and falls within the Asian population during the 2010 Census reporting. Two or More Races has not yet been individualized as a group in this report and falls within the White population during the 2010 Census reporting.

NCDOT uses the Labor Force Analysis Method (population/labor force compromise) described below (*See Table 1 below for HR-Payroll report B0178-F*) as a guide in setting numerical goals for workforce representation, new hires, and promotions by EEO-4 category. Workforce analysis is conducted as follows:

1. Analyze the current workforce to identify its demographic characteristics.
2. Determine the extent to which members of a racial/ethnic group, women, men, or persons with disabilities are present within the relevant labor market.
3. Determine which EEO-4 job categories are underrepresented. A category is underrepresented when it has fewer members of a racial/ethnic group, male, female, or persons with disabilities than expected based on the average of their working age population percentage in their EEO-4 job category labor force representation. An individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
4. Develop numerical goals from this data for net increases in employing members of the underrepresented groups in each EEO-4 job category.

Percentages for demographic groups may vary between occupational categories due to differences in the NC civilian labor force for those specific occupational EEO-4 job categories. The percentage of each ethnic/gender group in the occupation-specific civilian labor force is determined by the percentage of the group's representation among those who are employed in North Carolina in the occupational area plus the unemployed whose last job was in the occupational group.

Based on its relationship with FHWA, NCDOT follows a Federal Fiscal Year (FFY). At the close of the 2022 FFY on September 30, 2022, the Integrated HR-Payroll System (IHRPS) Report B0178-F reflects NCDOT employed a total of 8,628 employees. Of that total 2,018 females were underrepresented in Officials and Administrators, Professionals, Technicians, Skilled Craft and Service and Maintenance based on the NC Census Population availability. Minorities totaled 1,987 and were underrepresented in Officials and Administrators, Technicians, Protective Services, Skilled Craft, and Service and Maintenance based on the NC Census Population availability.

The report (*Table 1*) below illustrates the numbers and percentages of employees expected based on the NC Census Population availability, and their respective representation in the workforce. A breakdown of underrepresentation based on racial/ethnic groups is also indicated:



**Pop/Labor Force Compromise Census Compare by EEO-4 Job Categories as of FFY 2022**

**Table 1**

**Transportation**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	5,418	1,251	893	659	82	52	92	32	118	24	7	8,628	2,018	1,987	183	488
% Employed	62.8	14.5	10.4	7.6	1.0	0.6	1.1	0.4	1.4	0.3	0.1	100.0	23.4	23.0	2.1	5.7
<b>Labor Force Standard</b>																
# Expected	3,132	2,822	803	967	415	225	95	87	44	44			4,145	2,680	1,001	
% Expected	36.3	32.7	9.3	11.2	4.8	2.6	1.1	1.0	0.5	0.5			48.0	31.0	11.6	
# Difference	2,286	-1,571	90	-308	-333	-173	-3	-55	74	-20			-2,127	-693	-818	
% Difference	26.5	-18.2	1.1	-3.6	-3.8	-2.0	0.0	-0.6	0.9	-0.2			-24.6	-8.0	-9.5	

**EEO Federal Category: Officials and Administrators**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	98	35	11	13	1	0	0	0	0	0	1	159	48	26	6	22
% Employed	61.6	22.0	6.9	8.2	0.6	0.0	0.0	0.0	0.0	0.0	0.6	100.0	30.2	16.4	3.8	13.8
<b>Labor Force Standard</b>																
# Expected	84	48	9	11	4	2	3	2	1	1			64	33	19	
% Expected	52.5	30.0	5.4	6.3	2.0	1.1	1.3	0.8	0.4	0.3			38.5	17.6	11.6	
# Difference	14	-13	2	2	-3	-2	-3	-2	-1	-1			-16	-7	-13	
% Difference	9.1	-8.0	1.5	1.9	-1.4	-1.1	-1.3	-0.8	-0.4	-0.3			-8.3	-1.2	-7.8	

**EEO Federal Category: Professional**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	1,386	440	199	253	24	19	75	22	22	3	1	2,444	737	625	60	143
% Employed	56.7	18.0	8.1	10.4	1.0	0.8	3.1	0.9	0.9	0.1	0.0	100.0	30.2	25.6	2.5	5.9
<b>Labor Force Standard</b>																
# Expected	844	1,039	125	272	32	47	40	32	5	13			1,403	566	284	
% Expected	34.5	42.5	5.1	11.1	1.3	1.9	1.6	1.3	0.2	0.5			57.3	23.0	11.6	
# Difference	542	-599	74	-19	-8	-28	35	-10	17	-10			-666	59	-224	
% Difference	22.2	-24.5	3.0	-0.7	-0.3	-1.1	1.5	-0.4	0.7	-0.4			-27.1	2.6	-9.1	



**EEO Federal Category: Technical**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	641	51	64	10	6	0	9	4	15	4	2	806	69	113	16	60
% Employed	79.5	6.3	7.9	1.2	0.7	0.0	1.1	0.5	1.9	0.5	0.2	100.0	8.6	14.0	2.0	7.4
<b>Labor Force Standard</b>																
# Expected	208	382	47	124	6	14	9	10	2	7			537	219	94	
% Expected	25.8	47.3	5.8	15.3	0.7	1.7	1.0	1.2	0.2	0.8			66.3	26.7	11.6	
# Difference	433	-331	17	-114	0	-14	0	-6	13	-3			-468	-106	-78	
% Difference	53.7	-41.0	2.1	-14.1	0.0	-1.7	0.1	-0.7	1.7	-0.3			-57.7	-12.7	-9.6	

**EEO Federal Category: Protective Services**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	124	38	13	13	1	3	0	0	1	0	0	193	54	33	4	17
% Employed	64.2	19.7	6.7	6.7	0.5	1.6	0.0	0.0	0.5	0.0	0.0	100.0	28.0	17.1	2.1	8.8
<b>Labor Force Standard</b>																
# Expected	111	25	32	19	4	2	1	1	2	1			48	62	23	
% Expected	57.2	12.7	16.2	9.8	2.0	0.8	0.4	0.1	0.6	0.2			23.6	30.1	11.6	
# Difference	13	13	-19	-6	-3	1	-1	-1	-1	-1			6	-29	-19	
% Difference	7.0	7.0	-9.5	-3.1	-1.5	0.8	-0.4	-0.1	-0.1	-0.2			4.4	-13.0	-9.5	

**EEO Federal Category: Paraprofessional**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	97	168	51	160	6	13	5	2	1	3	1	507	346	246	21	38
% Employed	19.1	33.1	10.1	31.6	1.2	2.6	1.0	0.4	0.2	0.6	0.2	100.0	68.2	48.5	4.1	7.5
<b>Labor Force Standard</b>																
# Expected	202	184	40	58	19	6	2	2	0	0			250	127	59	
% Expected	39.7	36.1	7.7	11.4	3.6	1.1	0.2	0.2	0.0	0.0			48.8	24.2	11.6	
# Difference	-105	-16	11	102	-13	7	3	0	1	3			96	119	-38	
% Difference	-20.6	-3.0	2.4	20.2	-2.4	1.5	0.8	0.2	0.2	0.6			19.4	24.3	-7.5	



**EEO Federal Category: Administrative Support**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	84	472	38	202	3	13	1	4	1	12	2	832	703	281	39	28
% Employed	10.1	56.7	4.6	24.3	0.4	1.6	0.1	0.5	0.1	1.4	0.2	100.0	84.5	33.8	4.7	3.4
<b>Labor Force Standard</b>																
# Expected	141	452	57	134	10	22	5	9	2	5			622	244	97	
% Expected	16.9	54.3	6.8	16.1	1.2	2.6	0.5	1.0	0.2	0.5			74.5	28.9	11.6	
# Difference	-57	20	-19	68	-7	-9	-4	-5	-1	7			81	37	-58	
% Difference	-6.8	2.4	-2.2	8.2	-0.8	-1.0	-0.4	-0.5	-0.1	0.9			10.0	4.9	-6.9	

**EEO Federal Category: Skilled Craft**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	2,811	29	508	8	40	4	2	0	77	2	0	3,481	43	651	36	166
% Employed	80.8	0.8	14.6	0.2	1.1	0.1	0.1	0.0	2.2	0.1	0.0	100.0	1.2	18.7	1.0	4.8
<b>Labor Force Standard</b>																
# Expected	1,835	289	554	171	453	91	32	18	39	7			576	1,365	404	
% Expected	52.7	8.3	15.9	4.9	13.0	2.6	0.9	0.5	1.1	0.2			16.5	39.1	11.6	
# Difference	976	-260	-46	-163	-413	-87	-30	-18	38	-5			-533	-714	-368	
% Difference	28.1	-7.5	-1.3	-4.7	-11.9	-2.5	-0.8	-0.5	1.1	-0.1			-15.3	-20.4	-10.6	

**EEO Federal Category: Service and Maintenance**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	177	18	9	0	1	0	0	0	1	0	0	206	18	12	1	14
% Employed	85.9	8.7	4.4	0.0	0.5	0.0	0.0	0.0	0.5	0.0	0.0	100.0	8.7	5.8	0.5	6.8
<b>Labor Force Standard</b>																
# Expected	43	73	23	40	12	11	3	3	1	2			129	95	24	
% Expected	20.5	35.4	10.7	19.1	5.4	5.3	1.0	1.3	0.3	0.9			62.0	44.0	11.6	
# Difference	134	-55	-14	-40	-11	-11	-3	-3	0	-2			-111	-83	-23	
% Difference	65.4	-26.7	-6.3	-19.1	-4.9	-5.3	-1.0	-1.3	0.2	-0.9			-53.3	-38.2	-11.1	

Source: IHRPS Report B0178-F<sup>1</sup>

<sup>1</sup> Integrated HR-Payroll System (IHRPS) B0178-F Report, Federal EEO Category at close of FFY22, Based on 2010 Census



Table 2 below provides a numerical breakdown of representation by EEO-4 job category. Negative numbers indicate NCDOT's areas of underrepresentation in each EEO-4 job category based on the 2010 Census Population Labor Force Standard Availability.

**Table 2**

<b>Total Number of Employees</b>	<b>Females</b>	<b>Minorities</b>
<b>8,628</b>	<b>2,018</b>	<b>1,987</b>
<b>EEO-4 Category</b>	<b>Difference in Females Representation by Labor Force Standards</b>	<b>Difference in Minorities Representation by Labor Force Standards</b>
Official and Administrators	-16	-7
Professionals	-666	59
Technicians	-468	-106
Protective Services	6	-29
Paraprofessionals	96	119
Administrative Support	81	37
Skilled Craft	-533	-714
Service and Maintenance	-111	-83

Source: B0178-F 2010 Census Report

In Table 3, a comparison of 2021 and 2022 reflects an increase of female representation in Professionals (+2), Protective Services (+5), Paraprofessionals (+19), Administrative Support (+38), and Skilled Craft (+4). Female representation decreased in Officials and Administrators (-6), Technicians (-2), and Service and Maintenance (-2).

For minorities, there was a decrease in Officials and Administrators (-1) while there was an increase in Professionals (+18), Technicians (+2), Protective Services (+1), Paraprofessionals (+10), Administrative Support (+32), and Skilled Craft (+7). Minorities in the EEO-4 job category of Service-Maintenance remained consistent with no change when years 2021 and 2022 are compared.

Overall, female representation in FFY 2021 was 1,960 compared to 2,018 in 2022 (+58) reflecting an increase in female representation in the workforce. Minority representation in 2021 was 1,918 and 1,987 in 2022 (+69) reflecting an increase in minority representation in the workforce. In comparison to the number of females expected based on the labor force/census population (4,145) compromise method continues to show underrepresentation with the total of NCDOT's female employees (2,018). The total of NCDOT's minority employees (1,987) in comparison to the number of minorities expected based on the labor force/census population (2,680) compromise method also continues to show underrepresentation.





**Table 3**

Representation by EEO Job Category	FFY 2021		FFY 2022	
	<i><b>Total Number of Employees</b></i>		<i><b>8,713</b></i>	
	<b>Females</b>	<b>Minorities</b>	<b>Females</b>	<b>Minorities</b>
<b>Officials and Administrators</b>	54	27	48	26
<b>Professionals</b>	735	607	737	625
<b>Technicians</b>	71	111	69	113
<b>Protective Services</b>	49	32	54	33
<b>Paraprofessionals</b>	327	236	346	246
<b>Administrative Support</b>	665	249	703	281
<b>Skilled Craft</b>	39	644	43	651
<b>Service &amp; Maintenance</b>	20	12	18	12
<i><b>Total:</b></i>	<i><b>1,960</b></i>	<i><b>1,918</b></i>	<i><b>2,018</b></i>	<i><b>1,987</b></i>

Source: IHRPS Report B0178-F<sup>2</sup>

<sup>2</sup> Integrated HR-Payroll System (IHRPS) B0178-F Report, Federal EEO Category at close of FFY21 and FFY22, Based on 2010 Census



### **Occupational Classifications**

All NCDOT job titles<sup>3</sup> fall within one of the eight (8) Federal Government EEO-4 Job Categories used by state and local government and as defined in the Federal Highway Administration (FHWA) Desk Reference are listed below<sup>4</sup>:

1. **Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis.
2. **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.
3. **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training.
4. **Protective Service Workers:** Occupations in which workers are entrusted with public safety, security, and protection from destructive forces.
5. **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept.
6. **Administrative Support** (Including Clerical and Sales): Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office.
7. **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs.
8. **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry-cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners, and ground keepers, refuse collectors,

<sup>3</sup> Integrated HR-Payroll System (IHRPS) Active Positions Report

<sup>4</sup> U.S. Department of Transportation Federal Highway Administration Equal Employment Opportunity Program Desk Reference, pp. 3-82 through 3-83.



construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.



## **Race and Ethnicity**

The workforce analysis uses five (5) EEO-4 ethnic/gender group definitions used by the Federal Government<sup>5</sup>:

1. **White (Not Hispanic or Latino):** A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. **Black or African American (Not Hispanic or Latino):** A person having origins in any of the Black racial groups.
3. **Hispanic or Latino:** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race. The term, "Spanish origin, can be used in addition to "Hispanic or Latino".
4. **Asian (Not Hispanic or Latino):** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
5. **Native American or Alaskan Native (not Hispanic or Latino):** A person having origins in any of the original people of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

**Note:** Native Hawaiian/Other Pacific Islander has not yet been individualized as a group in this report and falls within the Asian population during the 2010 Census reporting. Two or More Races has not yet been individualized as a group in this report and falls within the White population during the 2010 Census reporting.

## **Veterans**

The 2023 State EEO Plan has an expected overall employment objective of 5.5% for veterans. NCDOT's veteran status workforce representation is 5.7% (+.2%) points above the set standard. To compile data on veterans, NCDOT utilizes HR-Payroll Report B0178-F which was modified to display total veterans as a free characteristic and HR-Payroll B0038 which provides race/ethnicity to get a better assessment of the veteran workforce representation. When comparing the statistical data from 2021 to 2022 based on EEO job category Officials and Administrators (+2), Professionals (-14), Technicians (-7), Protective Services reflect no change in representation in the workforce of Veterans, Paraprofessional (-10), Administrative Support (-4), Skilled Craft (-10), and no change in Service-Maintenance. All demographic totals are compiled for SPA Employees<sup>6</sup>. As shown below in the Veterans by EEO job category table below (*Tables 4 and Table 5*), 5.7% (488) of active employees have reported veteran status, which is below the 6.0% (531) from last year (2021) but not below the 5.5% objective of fair representation set as a standard for this year's State EEO Plan.

<sup>5</sup> <https://www.eeoc.gov/federal-sector/management-directive/frequently-asked-questions-about-management-directive-715>

<sup>6</sup> IHRPS HR-Payroll Report BP038: Employee Headcount by Org Structure – Veterans as of Sept. 30, 2022.



There is a statistical breakdown of each Veteran Type identified as Protected Veteran, Special Disabled Veteran, Vietnam ERA Veteran, Other Protected Veteran, Recently Separated Veteran, Armed Forces Service Medal Veteran, Disabled Veteran and Not a Protected Veteran; it is noted that employees may have more than one Veteran Type. Veteran Summary at the close of FFY 2022 reflects that NCDOT employees 93.13% under the State Protection Act, 3.43% that are Exempt from the State Protection Act, and 3.44% individuals listed as Supplemental Staff. Statistical data also reflects NCDOT as having 267 Separated Veterans and 67 Retired Veterans. Additionally, State Statute reports a total of 12 Spouses of Disabled Veterans and 2 Spouses or Surviving Dependents of Deceased Veterans (*Table 6*).

**Table 4**

<b>EEO Job Category</b>	<b>Employee with Veteran Status</b>
Officials and Administrators	22
Professionals	143
Technicians	60
Protective Services	17
Paraprofessional	38
Administrative Support	28
Skilled Craft	166
Service and Maintenance	14
<b>TOTAL</b>	<b>488</b>

**Table 5**

<b>Veteran Workforce Representation by Ethnicity/Race</b>	<b>Number Employees at Close of FFY22</b>	<b>Percentage of Workforce by Race</b>
White	6,634	77%
Black or African American	1,552	18%
Asian	122	1%
American Indian or Alaskan Native	142	2%
Native Hawaiian or Other Pacific Islander	2	0%
Two or More Races	35	0%
Hispanic	134	2%
Ethnicity Unknown	7	0%
<b>Total</b>	<b>8,628</b>	<b>100%</b>



**Ethnic Origin**

**Ethnic Origin / Gender**

White (Non-Hispanic/Latino)

■ Male

■ Female

Black or African American (N-H/L)

■ Male

■ Female

Asian (Non-Hispanic/Latino)

■ Male

■ Female

American Indian or Alaskan Native (N-H/L)

■ Male

■ Female

Native Hawaiian or Other Pacific Islander

■ Male

Two or More Races (Non-Hispanic/Latino)

■ Male

■ Female

Hispanic/Latino

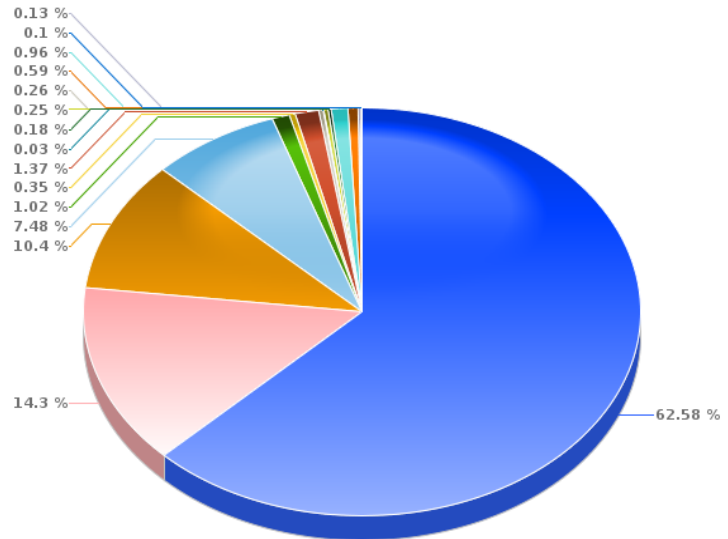
■ Male

■ Female

10/Not assigned

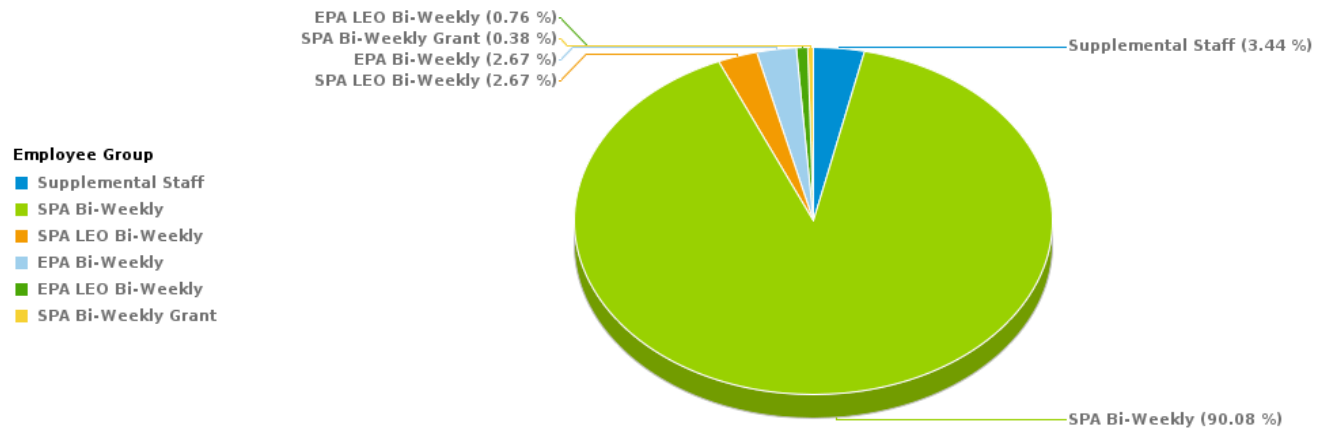
■ Male

■ Female



**Table 6**

**Veterans by Employee Group**



**Veterans by Employee Group**

Veteran Status	SPA Employees	EPA Employees	Judicial Employees	Supplemental Employees	Number of Employees
X	488	18		18	524
<b>Total</b>	<b>488</b>	<b>18</b>		<b>18</b>	<b>524</b>





**Veterans Type**

Veteran Status	Protected Veteran	Special Disabled Veteran	Vietnam ERA Veteran	Other Protected Veteran	Recently Separated Veteran	Armed Forces Service Medal Veteran	Disabled Veteran	Not a Protected Veteran
X	238	20	26	268	19	20	24	130

*Note : Employees may have more than one Veterans Type*

**Additional Veteran Status**

Separated Veteran	Retired Veteran
267	65

**State Statute**

Spouse of Disabled Veteran	Spouse or Surviving Dependent of Deceased Veteran
12	2



### Workforce Representation of Persons with Disability

NCDOT will continue to put forth a good faith effort to employment of persons with disabilities. North Carolinians with disabilities represent 12% (1,001) of the state's census population and experience disproportionate levels of unemployment. As of September 30, 2022 (close of FFY22), NCDOT's total of employees who self-identified as having a disability represented just 2% (183) of NCDOT's workforce which is a slight increase from the total of 164 in 2021 for self-identified disability representation of just under 2%. NCDOT utilizes HR-Payroll Report B0178-F to display total employees with a disability as a free characteristic. The report does not provide a breakdown specific to race/ethnicity and gender. As displayed below in Table 7, individuals with disabilities are displayed based on EEO-4 job categories.

While the table below indicates the total number of employees in each EEO-4 job category, a comparison of each EEO-4 job category based on year (FFY 22 vs. FFY 21) shows that there was no change in representation for disabled persons in the category of Officials and Administrators. During FFY 22, Professionals indicate an increase of (+2), an increase of (+3) is reflected for the category of Technicians, Protective Services has a decrease of (-2), Paraprofessional reflects an increase of (+6), Administrative Support (+6), Skilled Craft (+4), and no change in representation of disabled persons in the EEO-4 job category of Service-Maintenance.

Table 7

Total Number of Employees	FFY 2021	FFY 2022
	8,713	8,628
EEO Category	Disabled	Disabled
Officials and Administrators	6	6
Professionals	58	60
Technicians	13	16
Protective Services	6	4
Paraprofessionals	15	21
Administrative Support	33	39
Skilled Craft	32	36
Service & Maintenance	1	1
Total:	164	183



To support and encourage individuals with disabilities to find employment, NCDOT will continue employment objectives and recruitment strategies targeted at individuals with disabilities. Among other strategies, NCDOT will work through its HR Department to encourage greater self-identification by persons with disabilities to obtain more accurate workforce representation numbers.

The Department implemented disability awareness training to educate managers/supervisors concerning the employment rights of persons with disabilities and the Department's facilitated interactive process for exploring and providing reasonable accommodation.



### Program/Employment Objectives

Program objectives are the targets for hiring, promotions, and overall workforce representation. NCDOT sets program objectives using number and percentage expected based on the NC occupation specific labor force and the NC working population (ages 18-64) compromise method to establish goals for work force representation, new hires, and promotions by job category.

Due to the large population with NCDOT, goal setting for White males is not required. In addition, NCDOT is not required to set goals for Asian, American Indian/Alaskan Native (AIAN), or Two or More races due to the availability of the population based on location in the state of North Carolina as determined by the US Census reporting.

The preceding does not affect eligible, qualified hires within these ethnicities. Although not required, goals continue to be set for Asian and American Indian/Alaskan Native (AIAN) were possible for the upcoming year of 2023 as a good faith effort. Two or More races are not captured in the Integrated HR-Payroll System (IHRPS) Report B0178-F. Statistics for Ethnicity Unknown vary and are not required; gender is not available and therefore does not allow for goal setting. NCDOT's overall program objective is to reach parity in the workforce by eliminating underrepresentation in the female and minority workforce within each EEO-4 category.

### Job Opening Estimates Form in the Integrated Human Resources and Payroll System (IHRPS, formerly BEACON)

#### EEO Federal Category: Officials and Administrators

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	98	35	11	13	1	0	0	0	0	0	1	159	48	26	6	22
% Employed	61.6	22.0	6.9	8.2	0.6	0.0	0.0	0.0	0.0	0.0	0.6	100.0	30.2	16.4	3.8	13.8
<b>Labor Force Standard</b>																
# Difference	14	-13	2	2	-3	-2	-3	-2	-1	-1			-16	-7	-13	
% Difference	9.1	-8.0	1.5	1.9	-1.4	-1.1	-1.3	-0.8	-0.4	-0.3			-8.3	-1.2	-7.8	
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	2	0	0	1	1	0	0	0	0	0					
Planned % Increase	0	0.17	0	0	0.03	0.03	0.03	0.03	0.01	0.01	0.01					
Target Classification(s)	WF, HM, HF															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															



**EEO Federal Category: Professional**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	1,386	440	199	253	24	19	75	22	22	3	1	2,444	737	625	60	143
% Employed	56.7	18.0	8.1	10.4	1.0	0.8	3.1	0.9	0.9	0.1	0.0	100.0	30.2	25.6	2.5	5.9
<b>Labor Force Standard</b>																
# Difference	542	-599	74	-19	-8	-28	35	-10	17	-10		-666	59	-224		
% Difference	22.2	-24.5	3.0	-0.7	-0.3	-1.1	1.5	-0.4	0.7	-0.4		-27.1	2.6	-9.1		
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	107	3	21	1	3	1	1	0	1	0					
Planned % Increase	0	0.29	0	0.01	0.00	0.01	0.0	0.00	0.00	0.00	0					
Target Classification(s)	WF, BM, BF, HM, HF, AM, AF, AIAN F															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, National Association of Asian American Professionals, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															

**EEO Federal Category: Technical**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	641	51	64	10	6	0	9	4	15	4	2	806	69	113	16	60
% Employed	79.5	6.3	7.9	1.2	0.7	0.0	1.1	0.5	1.9	0.5	0.2	100.0	8.6	14.0	2.0	7.4
<b>Labor Force Standard</b>																
# Difference	433	-331	17	-114	0	-14	0	-6	13	-3		-468	-106	-78		
% Difference	53.7	-41.0	2.1	-14.1	0.0	-1.7	0.1	-0.7	1.7	-0.3		-57.7	-12.7	-9.6		
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	65	1	21	0	2	0	0	0	0	0					
Planned % Increase	0.00	0.23	0.00	0.08	0.00	0.01	0.00	0.00	0.00	0.00	0.00					
Target Classification(s)	WF, BM, BF, HF															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															

**EEO Federal Category: Protective Services**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	124	38	13	13	1	3	0	0	1	0	0	193	54	33	4	17
% Employed	64.2	19.7	6.7	6.7	0.5	1.6	0.0	0.0	0.5	0.0	0.0	100.0	28.0	17.1	2.1	8.8
<b>Labor Force Standard</b>																
# Difference	13	13	-19	-6	-3	1	-1	-1	-1	-1		6	-29	-19		
% Difference	7.0	7.0	-9.5	-3.1	-1.5	0.8	-0.4	-0.1	-0.1	-0.2		4.4	-13.0	-9.5		
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	3	5	2	1	1	1	0	1	0	0					
Planned % Increase	0.00	0.00	0.02	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00					
Target Classification(s)	WF, BM, BF, HM, HF, AM, AIAN M															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, National Association of Asian American Professionals, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															



**EEO Federal Category: Paraprofessional**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	97	168	51	160	6	13	5	2	1	3	1	507	346	246	21	38
% Employed	19.1	33.1	10.1	31.6	1.2	2.6	1.0	0.4	0.2	0.6	0.2	100.0	68.2	48.5	4.1	7.5
<b>Labor Force Standard</b>																
# Difference	-105	-16	11	102	-13	7	3	0	1	3			96	119	-38	
% Difference	-20.6	-3.0	2.4	20.2	-2.4	1.5	0.8	0.2	0.2	0.6			19.4	24.3	-7.5	
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	11	0	6	6	8	3	0	1	0	0					
Planned % Increase	0.00	0.01	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00					
Target Classification(s)	WF, BF, HM, HF, AM, AIAN M															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, National Association of Asian American Professionals, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															

**EEO Federal Category: Administrative Support**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	84	472	38	202	3	13	1	4	1	12	2	832	703	281	39	28
% Employed	10.1	56.7	4.6	24.3	0.4	1.6	0.1	0.5	0.1	1.4	0.2	100.0	84.5	33.8	4.7	3.4
<b>Labor Force Standard</b>																
# Difference	-57	20	-19	68	-7	-9	-4	-5	-1	7			81	37	-58	
% Difference	-6.8	2.4	-2.2	8.2	-0.8	-1.0	-0.4	-0.5	-0.1	0.9			10.0	4.9	-6.9	
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	17	6	8	1	5	0	0	0	2	0					
Planned % Increase	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					
Target Classification(s)	WF, BM, BF, HM, HF, AIAN F															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															

**EEO Federal Category: Skilled Craft**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	2,811	29	508	8	40	4	2	0	77	2	0	3,481	43	651	36	166
% Employed	80.8	0.8	14.6	0.2	1.1	0.1	0.1	0.0	2.2	0.1	0.0	100.0	1.2	18.7	1.0	4.8
<b>Labor Force Standard</b>																
# Difference	976	-260	-46	-163	-413	-87	-30	-18	38	-5			-533	-714	-368	
% Difference	28.1	-7.5	-1.3	-4.7	-11.9	-2.5	-0.8	-0.5	1.1	-0.1			-15.3	-20.4	-10.6	
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	49	36	33	85	19	1	1	1	1	0					
Planned % Increase	0.00	0.04	0.01	0.03	0.07	0.01	0.00	0.00	0.00	0.00	0.00					
Target Classification(s)	WF, BM, BF, HM, HF, AM, AF, AIAN M, AIAN F															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, National Association of Asian American Professionals, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															



**EEO Federal Category: Service and Maintenance**

	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Tot Fem	Tot Mnrt	Disab	Vets
<b>Agency Data</b>																
# Employed	177	18	9	0	1	0	0	0	1	0	0	206	18	12	1	14
% Employed	85.9	8.7	4.4	0.0	0.5	0.0	0.0	0.0	0.5	0.0	0.0	100.0	8.7	5.8	0.5	6.8
<b>Labor Force Standard</b>																
# Difference	134	-55	-14	-40	-11	-11	-3	-3	0	-2			-111	-83	-23	
% Difference	65.4	-26.7	-6.3	-19.1	-4.9	-5.3	-1.0	-1.3	0.2	-0.9			-53.3	-38.2	-11.1	
<b>Employment Objectives: Using EEO Federal Category</b>																
<b>Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.</b>																
Planned # Increase	0	7	1	4	1	1	0	0	0	1	0					
Planned % Increase	0.00	0.50	0.12	0.35	0.09	0.10	0.02	0.03	0.00	0.02	0.00					
Target																
Classification(s)	WF, BM, BF, AM, AF, AIAN F															
Action Steps	Mosaic Metier, Hire Heros, NC AT&T University Career Fair, Society for Women Engineers, The Conference of Minority Transportation Officials, Recruit Military, Women's Transportation Seminar (WTS), National Society of Black Engineers, HBCU Connect, National Association of Asian American Professionals, Association of Latino Professionals in Finance & Accounting, Women in Engineering (NC State)															





## **JOB PLACEMENT GOALS**

### **Methodology Used to Calculate Goals**

An agreement with OSHR and NCDOT's EEO Unit in 2016 has allowed NCDOT to use the EEO-4 job categories used by the federal government to establish annual goals. due to the receipt of federal funding from the Federal Highway Administration (FHWA). This agreement allowed the EEO Unit to calculate goals based on calculations set forth by the federal government yielding results that were acceptable to FHWA during the EEO Unit's reporting of the Five (5)-Year Rolling Affirmative Action Plan and Annual Update Report to the 5-Year Affirmative Action Plan. It has been noted that neither report is required by FHWA at this time.

Based on NCDOT's relationship with FHWA, goals are set using the FHWA goal-setting formula over a 5-year period. The 5-year period is a direct result of NCDOT's previous obligation to submit a 5-year Affirmative Action Plan (AAP) as per 23 CFR, part 230 subpart C and Appendix A as recommended by federal regulations. As a result, the Planned Number Increase and Planned Percentage Increase on the Integrated HR-Payroll System (IHRPS) B0178-F Report reflects calculations over a 5-year period. As of 2017, the 5-year AAP is no longer a requirement but a recommendation, however, since the State of North Carolina has a very comprehensive State EEO Plan that is submitted on an annual basis, no 5-Year AAP Plan will be submitted to FHWA since it reflects duplicative efforts.

In addition to the North Carolina State EEO Plan, NCDOT submits an Annual Update to FHWA that consists of four sections, including a Program Overview, Accomplishments, Observations and Challenges, along with the work plan. The Program Overview Section provides a summation of the Program.

As of November 2020, FHWA began the process of re-evaluating the possibility of eliminating the Annual Update based on duplicative efforts between submissions to FHWA and requirements of the State EEO Plan. If it is determined that the Annual Update is no longer a requirement, the EEO Unit will no longer need to calculate Job Placement Goals over a 5-year period but rather on an annual basis as required by OSHR. Final confirmation from FHWA in reference to the Rulemaking continues to be pending.

The methodology for setting goals is based on realistic, experience-based projections of openings and a target that placements will reflect the expected percentages for each demographic group based on the labor force/census compromise method.

This process begins with the EEO Program Specialist compiling applicable reports using the IHRPS which are then analyzed, calculated and forwarded to HR Techs throughout the agency to provide their Anticipated Vacancies for the upcoming year. Upon receipt of the Anticipated Vacancies, the EEO Program Specialist compiles and analyzes additional data to calculate Job Placement Goals which are used to develop the Annual Placement Goals (Just-In-time) Notification forms that issued to NCDOT's HR to disseminate to Hiring Managers across the agency.



The specific steps for this methodology along with a specific description of the data sources for each row and how the numbers are calculated under FHWA requirements used by EEO Program Specialist. FHWA's formula is below:

$$\text{Annual Placement Rate} = \frac{\# \text{ Needed to Reach Parity}}{\# \text{ Anticipated Vacancies} \times \# \text{ Years to Reach Goal}}$$

$$\text{Annual Placement Goal} = \text{Annual Placement Rate} \times \# \text{ Anticipated Vacancies}^7$$

NCDOT (All)	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Asian Male	Asian Female	AIAN Male	AIAN Female	Ethn Unk	Total	Total Fem	Total Murt	Disb	Vets	Vacancy %
<b>Officials and Administrators</b>																	
Current Number Workforce (#)	98	35	11	13	1	0	0	0	0	0	0	1	169	46	26	6	22
Percentage in Category (% Employed)	61.6	22.0	6.9	8.2	0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.6	100.0	30.2	16.4	3.8	13.8
Number Available (# Expected - Labor)	84	48	9	11	4	2	3	2	1	1	1			64	33	19	
Percentage of Availability (% Expected)	85.7	137.1	81.8	84.6	40.0	100.0	150.0	100.0	100.0	100.0	100.0			160.9	176.8	111.6	
Net Difference (# Difference - Labor)	14	-13	2	2	-3	-2	-3	-2	-1	-1	-1			-16	-7	-13.0	
Over/Under Representation (% Difference)	9.1	-8.0	1.5	1.9	-1.4	-1.1	-1.3	-0.8	-0.4	-0.3	-0.3			-8.3	-1.2	-7.8	
Number Needed to Reach Parity	0	13	0	0	2	2	2	1	1	0	0			13	2		
Number Anticipated Vacancies												15					
Number Years to Reach Goal												6					
Annual Placement Rate	0.00	0.17	0.00	0.00	0.03	0.03	0.03	0.01	0.01	0.00	0.00		0.17	0.03			
2022 Placement Goal (this is for look)	0	5	3	2	4	3	2	1	1	0	0	21					
2023 Placement Goal (Upcoming Year)		2	0	0	1	1	0	0	0	0	0	4					
2024 Placement Goal		0	0	0	0	0	0	0	0	0	0	0					
2025 Placement Goal		1	0	0	0	0	0	0	0	0	0	1					
2026 Placement Goal		1	0	0	0	0	0	0	0	0	0	1					
2027 Placement Goal		2	0	0	0	0	0	0	0	0	0	2					
<b>Professional</b>																	
Current Number Workforce (#)	1380	440	199	253	24	19	75	22	22	3	1	2444	737	618	60	143	0.1709
Percentage in Category (% Employed)	56.7	18.0	8.1	10.4	1.0	0.8	3.1	0.9	0.9	0.1	0.0	100.0	30.2	25.3	2.5	5.9	
Number Available (# Expected - Labor)	844	1039	125	272	32	47	40	32	5	13	1403			566	284		
Percentage of Availability (% Expected)	34.5	42.5	5.1	11.1	1.3	1.9	1.6	1.3	0.2	0.5	57.3			23.0	11.6		
Net Difference (# Difference - Labor)	542	-599	74	-19	-8	-28	35	-10	17	-10	-666			52	-224.0		
Over/Under Representation (% Difference)	22.2	-24.5	3.0	-0.7	-0.3	-1.1	1.5	-0.4	0.7	-0.4	-27.1			2.3	-9.1		
Number Needed to Reach Parity	0	599	0	18	8	27	0	10	0	9	9			663	0		
Number Anticipated Vacancies												418					
Number Years to Reach Goal												6					
Annual Placement Rate	0.00	0.29	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00		0.32	0.00			
2022 Placement Goal (this is for look)	0	27	9	30	12	14	8	13	0	2	2	116					
2023 Placement Goal (Upcoming Year)		107	3	21	1	3	1	1	0	1	138						
2024 Placement Goal		45	0	5	0	1	0	0	0	0	51						
2025 Placement Goal		72	0	13	0	1	1	0	0	1	88						
2026 Placement Goal		98	0	17	0	2	1	1	0	1	120						
2027 Placement Goal		120	4	22	0	3	1	1	0	1	152						

- Run HR-Payroll report BP006 for the Department, the Department excluding DMV and the 14 Highway Divisions (hereafter DOT Other), DMV, and each of the 14 Highway Divisions for a three-year calendar period by classification.
- Filter by "Action Type" to calculate a three (3) year average by classification for each of the business units.
- Request that DOT Other, DMV, and the 14 Division Engineers project their job openings for the calendar year using the three (3) years as points of reference.
- Run HR-Payroll report B0178-F and export to Excel.
  - Current Number in Workforce: B0178-F report as of FFY 09/30/2022.
  - Percentage in Category: B0178-F report as of FFY 09/30/2022.
  - Percentage of Availability: B0178-F report as of FFY 09/30/2022. Average the percent expected based on the labor force from the B0178-F for each race/gender group, total minorities, and total females per EEO-4 category.
  - Enter the results on the "Percentage of Availability" row.

<sup>7</sup> Source: U.S. Department of Transportation Federal Highway Administration Equal Employment Opportunity Program Desk Reference, pp. 3-105 through 3-106.



- Over/Under Representation: Subtract the Percentage of Availability from the Percentage in Category.
- Number Needed to Reach Parity: Where there is a negative number in the Over/Under Representation row, multiply the number by the total in the category to determine the number needed to reach parity. For example, white females are underrepresented (-8.0) in Officials and Administrators, so multiply (.094 x 159 = -14.9 or 15).
- Number Anticipated Vacancies: Multiply the total number employed in the category by the vacancy percent (159 X .2387 = 36.9 or 37)
- Annual Placement Rate: Multiply the number of anticipated vacancies by the number years to reach the goal and then divide that number into the number needed to reach parity. For example, in the table above, multiply 37 x 5 = 185 and then divide that in the number to reach parity for white females.  $15 \div 185 = 0.08$  (in some cases, for example Black/African American males, the APR produces a goal based on an automatic round up in the formula's percentage points).
- Placement Goal: Multiply the annual placement rate by the number of anticipated vacancies to calculate the placement goal for each race/gender group within each federal EEO-4 category (.08 x 37 = 2.9 or 3).

Goals are reduced by 80% ( $3 \times .80 = 2.4$ ) of the calculated number to make them more reasonable and attainable ( $3 - 2.4 = .60$  or 1 when rounded up). Where the number of anticipated vacancies is zero, the APR cannot be calculated, so annual placement goals are set manually.

Where underrepresentation exists but the formula did not calculate a goal, a goal of 1 for each race/gender group in each category can be hard coded. These goals using the compromise method were compared with the goals set using the FHWA goal-setting formula. We used the higher of the two goals for each race/gender group in each category.



### **Attainment of Employment Goals**

At the close of the Federal Fiscal Year (FFY) 2022, September 30, 2022, NCDOT lost 85 employees when comparing the population of 8,713 (FFY 21) to 8,628 (FFY 22). During 2022, Annual Placement Goals were set as a good faith effort to reach parity for females and minorities. Below is a comparison of workforce representation for females and minorities in each EEO-4 job category:

*Officials and Administrators:* In this category there was a decrease in representation of White females (-2), and Black/African American females (-4). There was a increase in Black/African American Males (+4) and Hispanic males (+1) in this category. There was no representation of Hispanic females, Asian males or females, American Indian/Alaskan Native males, or females. Ethnicity Unknown indicates (1) in this category which could lend to the idea that more employees volunteered to self-identify their race/ethnicity.

*Professional:* In this category there was an increase in representation of White females (+14), Black/African American males (+15), Hispanic males (+3), Hispanic females (+3), Asian males (+10) in this category. There was a decrease in this category for Black/African American females (+15), American Indian/Alaskan Native male (-2). There was no change for Asian females (22) or American Indian/Alaskan Native females in this category, remaining at a representation of 3. Ethnicity Unknown indicates (1) in this category which could lend to the idea that more employees volunteered to self-identify their race/ethnicity.

*Technicians:* There was an increase in Black/African American females (+2) and Hispanic males (+1). There was a decrease in White females (-5), Black/African American males (-2), and Asian males (-1) in this category. There was no representation of Hispanic females. Asian females, American Indian/Alaskan Native males or females remained consistent with no changes in representation. Ethnicity Unknown decreased in this category (-2) which could lend to the idea that more employees volunteered to self-identify their race/ethnicity.

*Protective Services:* There was a decrease in Black/African American males (-1), Hispanic males (-1) in this EEO-4 job category. An increase in White females (+1), Black/African American females (+3), Hispanic females (+1) in this category. There is no representation of Asian males or females, American Indian/Alaskan Native males or females. Ethnicity Unknown decreased to zero (0) in this category which could lend to the idea that more employees volunteered to self-identify their race/ethnicity.

*Paraprofessional:* A decrease in representation for Black/African American males (-1), Hispanic females (-1), and Asian males (-2) in this category. There was an increase of White females (+8), Black females (+11). Asian females (+1) in this category. Hispanic males, American Indian/Alaskan Native males and females have no representation in the category of paraprofessional. Ethnicity Unknown between 2021 and 2022 had a workforce representation of (+1).

*Administrative Support:* An increase of White females (+13), Black males (+3), Black females (+20), Hispanic males (+1), Hispanic females (+4), Asian males (+1), American Indian/Alaskan Native females



(+1) in this category. Asian females (4), and American Indian/Alaskan Native males (1) remain consistent between 2021 and 2022 for representation in this category. Ethnicity unknown decreased to (-2) in this category which could lead to the idea that more employees volunteered to self-identify their race/ethnicity.

*Skilled Craft:* This category shows a decrease in American Indian/Alaskan Native males (-5). White females (+3), Black males (+6), Black females (1), Hispanic males (+1), Hispanic females increased (+1) in this category. Asian males (2) and American Indian/Alaskan Native females (2) remain consistent between 2021 and 2022. There was not representation of Asian females (0). Ethnicity unknown decreased to (0) in this category which could lead to the idea that more employees volunteered to self-identify their race/ethnicity.

*Service and Maintenance:* With no representation in Black/African American females, Hispanic males or females, Asian males or females, American Indian/Alaskan Native males, or females. There was a decrease in White females (-2), Black/African American males (-1) in this job category. Ethnicity unknown decreased to zero (0) in this category which could lead to the idea that more employees volunteered to self-identify their race/ethnicity.

### EEO Quantitative Analysis:

Table 8

EEO Quantitative Analysis Form												
NCDOT:						DATE: Feb. 2023 - FFY2022 Data						
EEO Category	White Males		White Females		Black Males		Black Females		Hispanic Males		Hispanic Females	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Officials & Administrators	100	98	37	35	9	11	17	13	-	1	-	-
Professional	1,368	1,386	426	440	184	199	268	253	21	24	16	19
Technicians	670	641	56	51	66	64	8	10	5	6	-	-
Protective Services	133	124	37	38	14	13	10	13	2	1	2	3
Paraprofessional	95	97	160	168	52	51	149	160	6	6	14	13
Administrative Support	77	84	459	472	35	38	182	202	2	3	9	13
Skilled Crafts	2,674	2,811	26	29	502	508	7	8	39	40	4	4
Service and Maintenance	161	177	20	18	10	9	-	-	1	1	-	-
<b>TOTAL EMPLOYEES</b>	<b>5,278</b>	<b>5,418</b>	<b>1,221</b>	<b>1,251</b>	<b>872</b>	<b>893</b>	<b>641</b>	<b>659</b>	<b>76</b>	<b>82</b>	<b>45</b>	<b>52</b>

EEO Quantitative Analysis Form												
NCDOT:						DATE: Feb. 2023 - FFY2022 Data						
EEO Category	Asian Males		Asian Females		American Indian/Alaskan Native Males		American Indian/Alaskan Native Females		Ethnicity Unknown		Total Employees	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Officials & Administrators	-	-	-	-	-	-	-	-	1	1	164	159
Professional	65	75	22	22	24	22	3	3	77	1	2,474	2,444
Technicians	10	9	3	4	14	15	4	4	34	2	870	806
Protective Services	-	-	-	-	1	1	-	-	-	-	199	193
Paraprofessional	7	5	1	2	1	1	3	3	3	1	491	507
Administrative Support	-	1	4	4	1	1	11	12	41	2	821	832
Skilled Crafts	2	2	-	-	82	77	2	2	162	-	3,500	3,481
Service and Maintenance	-	-	-	-	-	-	-	-	2	-	194	205
<b>TOTAL EMPLOYEES</b>	<b>84</b>	<b>92</b>	<b>30</b>	<b>32</b>	<b>123</b>	<b>117</b>	<b>23</b>	<b>24</b>	<b>320</b>	<b>7</b>	<b>8,713</b>	<b>8,627</b>

\*Ethnicity Unknown does not breakdown male and female representation



In effort to obtain more diversity within the Agency, a more aggressive approach was taken with the 2022 set at 846 for gender, race/ethnicity group representation. As a result, the Department did not surpass the total goals set. A breakdown of the outcome by the 8 EEO job category for 2022 is indicated below with Progress Towards Goals that is submitted to NCDOT Leadership on a Quarterly basis:

Officials and Administrators: NCDOT set goals for 21 race/gender groups in this category. The Department did not meet goals set for White females, Black males, or Black females. There was progress towards goals male for Hispanic males. No other group/class showed progress towards goals. Overall, no progress towards goals set for females and/or minorities were met.

Professional: NCDOT set goals for 175 race/gender groups in this category. The Department did make progress towards goals set for White females and Black males. No progress was made towards goals set for Black females. No other group/class showed progress towards goals. However, overall, progress was made towards goals set for females and/or minorities were met in this job category.

Technicians: NCDOT set goals for 139 race/gender groups in this category. The Department made progress towards goals set for White females, Black males, Black females, and Hispanic males. No other group/class showed progress towards goals. Overall, progress towards goals set for females and/or minorities were made in this job category.

Protective Services: NCDOT set goals for 13 race/gender groups in this category. The Department made progress towards goals set for White females and Black females. There was a decrease in Black male workforce representation. No other group/class showed progress towards goals. Overall, progress towards goals set for females and/or minorities was made in this job category.

Paraprofessional: NCDOT set goals for 29 race/gender groups in this category. The Department made progress towards goals set for White females. There was a decrease in Black male and female, Hispanic male, and female workforce representation. No other group/class showed progress towards goals. Overall, a decrease causing no progress towards goals set for females and/or minorities was made in this job category.

Administrative Support: NCDOT set goals for 56 race/gender groups in this category. The Department made no progress towards goals set for White females and Asian females causing a decrease in workforce representation of White females and Asian females in this job category. There was process towards goals set for Black male and female workforce representation. There was an increase in Hispanic male workforce representation in this job category. No other group/class showed progress towards goals. Overall, progress towards goals set for females decreased while minorities made progress towards goals in this job category.



Skilled Craft: NCDOT set goals for 369 race/gender groups in this category. The Department made progress towards goals set for White females, Black females, Hispanic males, Hispanic females, and American Indian/Alaskan Native females. A decrease in workforce representation of Black males was observed. No other group/class showed progress towards goals. Overall, there was progress towards goals set for females and/or minorities made in this job category.

Service and Maintenance: NCDOT set goals for 44 race/gender groups in this category. The Department made progress towards goals set for Black females, Hispanic females, and American Indian/Alaskan Native (AI/AN F) females. A decrease in workforce representation of Black males was observed. No other group/class showed progress towards goals. Overall, there was progress towards goals set for females and/or minorities made in this job category.





**Table 6: 2022 Progress Towards Goals**

EEO Category	White Male	White Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian Male	Asian Fem	AIAN Male	AIAN Fem	Ethn Unk	Total	Total Fem	Total Murt	Disab	Vets
<b>Officials and Administrators</b>																
# Employed in Agency	98	35	11	13	1	0	0	0	0	0	1	159	48	26	6	22
% Employed in Agency	61.6	22.0	6.9	8.2	0.6	0.0	0.0	0.0	0.0	0.0	0.6	100	30.2	16.4	3.8	13.8
# Expected Based on Labor Force	84	48	9	11	4	2	3	2	1	1			64	33	19	
% Expected Based on Labor Force	52.5	30.0	5.4	6.3	2.0	1.1	1.3	0.8	0.4	0.3			38.5	17.6	11.6	
Labor Force Standard Difference 09/30/2022	14	-13	2	2	-3	-2	-3	-2	-1	-1			-16	-7	-13	
Labor Force Standard Difference 06/30/2022	13	-12	3	3	-4	-2	-3	-2	-1	-1			-14	-6	-12	
2022 Goal		5	3	2	4	3	2	1	1	0			11	16		
Progress Toward Goal		-1	-1	-1	1	0	0	0	0	0			-2	-1		
<b>Professional</b>																
# Employed in Agency	1,386	440	199	253	24	19	75	22	22	3	1	2,444	737	625	60	143
% Employed in Agency	56.7	18.0	8.1	10.4	1.0	0.8	3.1	0.9	0.9	0.1	0.0	100	30.2	25.6	2.5	5.9
# Expected Based on Labor Force	844	1,039	125	272	32	47	40	32	5	13			1,403	566	284	
% Expected Based on Labor Force	34.5	42.5	5.1	11.1	1.3	1.9	1.6	1.3	0.2	0.5			57.3	23.0	11.6	
Labor Force Standard Difference 09/30/2022	542	-599	74	-19	-8	-28	35	-10	17	-10			-666	59	-224	
Labor Force Standard Difference 06/30/2022	534	-604	72	-17	-8	-29	35	-10	17	-9			-669	58	-225	
2022 Goal		80	6	30	10	20	8	11	4	6			147	95		
Progress Toward Goal		5	2	-2	0	1	0	0	0	-1			3	1		
<b>Technicians</b>																
# Employed in Agency	641	51	64	10	6	0	9	4	15	4	2	806	69	113	16	60
% Employed in Agency	79.5	6.3	7.9	1.2	0.7	0.0	1.1	0.5	1.9	0.5	0.2	100	8.6	14.0	2.0	7.4
# Expected Based on Labor Force	208	382	47	124	6	14	9	10	2	7			537	219	94	
% Expected Based on Labor Force	25.8	47.3	5.8	15.3	0.7	1.7	1.0	1.2	0.2	0.8			66.3	26.7	11.6	
Labor Force Standard Difference 09/30/2022	433	-331	17	-114	0	-14	0	-6	13	-3			-468	-106	-78	
Labor Force Standard Difference 06/30/2022	445	-336	15	-117	-1	-14	0	-6	12	-3			-476	-113	-81	
2022 Goal		58	5	45	2	17	2	10	0	0			130	81		
Progress Toward Goal		5	2	3	1	0	0	0	1	0			8	7		
<b>Protective Services</b>																
# Employed in Agency	124	38	13	13	1	3	0	0	1	0	0	193	54	33	4	17
% Employed in Agency	64.2	19.7	6.7	6.7	0.5	1.6	0.0	0.0	0.5	0.0	0.0	100	28.0	17.1	2.1	8.8
# Expected Based on Labor Force	111	25	32	19	4	2	1	1	2	1			48	62	23	
% Expected Based on Labor Force	57.2	12.7	16.2	9.8	2.0	0.8	0.4	0.1	0.6	0.2			23.6	30.1	11.6	
Labor Force Standard Difference 09/30/2022	13	13	-19	-6	-3	1	-1	-1	-1	-1			6	-29	-19	
Labor Force Standard Difference 06/30/2022	16	12	-18	-9	-3	1	-1	-1	-1	-1			2	-31	-19	
2022 Goal		1	5	3	2	1	1	0	0	0			5	12		
Progress Toward Goal		1	-1	3	0	0	0	0	0	0			4	2		
<b>Paraprofessional</b>																
# Employed in Agency	97	168	51	160	6	13	5	2	1	3	1	507	346	246	21	38
% Employed in Agency	19.1	33.1	10.1	31.6	1.2	2.6	1.0	0.4	0.2	0.6	0.2	100	68.2	48.5	4.1	7.5
# Expected Based on Labor Force	202	184	40	58	19	6	2	2	0	0			250	127	59	
% Expected Based on Labor Force	39.7	36.1	7.7	11.4	3.6	1.1	0.2	0.2	0.0	0.0			48.8	24.2	11.6	
Labor Force Standard Difference 09/30/2022	-105	-16	11	102	-13	7	3	0	1	3			96	119	-38	
Labor Force Standard Difference 06/30/2022	-110	-20	15	104	-12	10	3	0	1	3			97	128	-43	
2022 Goal		16	2	1	8	2	0	0	0	0			19	13		
Progress Toward Goal		4	-4	-2	-1	-3	0	0	0	0			-1	-9		
<b>Administrative Support</b>																
# Employed in Agency	84	472	38	202	3	13	1	4	1	12	2	832	703	281	39	28
% Employed in Agency	10.1	56.7	4.6	24.3	0.4	1.6	0.1	0.5	0.1	1.4	0.2	100	84.5	33.8	4.7	3.4
# Expected Based on Labor Force	141	452	57	134	10	22	5	9	2	5			622	244	97	
% Expected Based on Labor Force	16.9	54.3	6.8	16.1	1.2	2.6	0.5	1.0	0.2	0.5			74.5	28.9	11.6	
Labor Force Standard Difference 09/30/2022	-57	20	-19	68	-7	-9	-4	-5	-1	7			81	37	-58	
Labor Force Standard Difference 06/30/2022	-55	21	-21	67	-9	-9	-4	-4	-1	7			82	34	-57	
2022 Goal		16	11	11	2	13	1	2	0	0			42	40		
Progress Toward Goal		-1	2	1	2	0	0	-1	0	0			-1	3		
<b>Skilled Craft</b>																
# Employed in Agency	2,811	29	508	8	40	4	2	0	77	2	0	3,481	43	651	36	166
% Employed in Agency	80.8	0.8	14.6	0.2	1.1	0.1	0.1	0.0	2.2	0.1	0.0	100	1.2	18.7	1.0	4.8
# Expected Based on Labor Force	1,835	289	554	171	453	91	32	18	39	7			576	1,365	404	
% Expected Based on Labor Force	52.7	8.3	15.9	4.9	13.0	2.6	0.9	0.5	1.1	0.2			16.5	39.1	11.6	
Labor Force Standard Difference 09/30/2022	976	-260	-46	-163	-413	-87	-30	-18	38	-5			-533	-714	-368	
Labor Force Standard Difference 06/30/2022	970	-262	-44	-165	-417	-88	-30	-18	38	-6			-539	-721	-372	
2022 Goal		63	54	55	114	36	18	16	7	6			176	306		
Progress Toward Goal		2	-2	2	4	1	0	0	0	1			6	7		
<b>Service and Maintenance</b>																
# Employed in Agency	177	18	9	0	1	0	0	0	1	0	0	206	18	12	1	14
% Employed in Agency	85.9	8.7	4.4	0.0	0.5	0.0	0.0	0.0	0.5	0.0	0.0	100	8.7	5.8	0.5	6.8
# Expected Based on Labor Force	43	73	23	40	12	11	3	3	1	2			129	95	24	
% Expected Based on Labor Force	20.5	35.4	10.7	19.1	5.4	5.3	1.0	1.3	0.3	0.9			62.0	44.0	11.6	
Labor Force Standard Difference 09/30/2022	134	-55	-14	-40	-11	-11	-3	-3	0	-2			-111	-83	-23	
Labor Force Standard Difference 06/30/2022	135	-55	-12	-41	-11	-12	-3	-3	-1	-2			-113	-84	-24	
2022 Goal		13	7	9	4	3	2	2	2	2			29	31		
Progress Toward Goal		0	-2	1	0	1	0	0	1	0			2	1		
<b>Overall Totals of Progress Towards Goals</b>																
Labor Force Standard Difference 09/30/2022	1,950	-1,241	6	-170	-458	-143	-3	-45	66	-12			-1,611	-724	-821	
Labor Force Standard Difference 06/30/2022	1,948	-1,256	10	-175	-465	-143	-3	-44	64	-12			-1,630	-735	-833	
Sum of 2022 Goals		252	93	156	146	95	34	42	14	14		846	559	594		
Sum of Progress Toward Goals		15	-4	5	7	0	0	-1	2	0		24	19	11		
<b>Total Employees in Agency at Close of Q3</b>																
Total # Employed in Agency	5,418	1,251	893	659	82	52	92	32	118	24	7	8,628	2,018	1,987	183	488
Total % Employed in Agency	62.8%	14.5%	10.4%	7.6%	1.0%	0.6%	1.1%	0.4%	1.4%	0.3%	0.1%	100%	23.4%	23.0%	2.1%	5.7%

Source: Beacon Report B0178-F Pop/Labor Force Census Compare by Federal Category

Dark green shading indicates the goal was met.

Light green shading indicates progress toward goal.

Yellow shading indicates no progress towards goal.

Red shading indicates a decrease of representation where a goal was set.

No shading indicates no goal was set.

No shading indicates progress made where no goal was set.



## Additional Areas of Statistical Evaluation

### Performance Management

Performance Management ratings include “Does Not Meet Expectations, Meets Expectation, Exceeds Expectations, and N/A for employees that do not have enough time in employment for an evaluation at the time the evaluation is conducted<sup>8</sup>. When reviewing the statistical data, no group of the workforce received a performance rate of “Does Not Meet Expectations” while 87% received “Meets Expectations”. Of the rating of “Meets Expectations”, 57% were White Males, 11% were White females, 9% were Black/African American males, 6% and Black/African American females, less than 1% were Hispanic males, 1% were Asian males, less than 1% for Asian females, 1% were American Indian/Alaskan Native males and less than 1% for American Indian/Alaskan Native females. Nine percentage (9%) received a performance evaluation of “Exceeds Expectations”. Of the performance rating of “Exceeds Expectations”, 5% were White males, 3% were White females; less than 1% were Black/African American males and 1% were females, no other race/ethnicity received a rating of “Exceeds Expectations”. No group was listed as having a rating of “Insufficient to Evaluate” while the remaining 4% indicates 2% of White males, 1% of White females, 1% of Black females, 2% of Ethnicity Unknown (and gender unknown) were listed as “Not applicable” for rating at the close of FFY 22 (*See chart below*).

Overall Rating	WM	WF	BM	BF	HM	HF	AM	AF	AIANM	AIANF	Ethnicity Unknown	Total
<b>Does Not Meet Expectations</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>Meets Expectations</b>	57%	11%	9%	6%	1%	0%	1%	0%	1%	0%	0%	87%
<b>Exceeds Expectations</b>	5%	3%	1%	1%	0%	0%	0%	0%	0%	0%	0%	9%
<b>Insufficient to Evaluate</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>N/A</b>	2%	1%	0%	1%	0%	0%	0%	0%	0%	0%	2%	4%

IHRPS Report B0040 Sept. 30, 2022.

<sup>8</sup> IHRPS Report B0040 Employee Performance Rating, December 31, 2021.



## Recruitment and Selection

NCDOT had a total of 8,628 employees at the close of FFY2022 of all new hires: 49% were White male, 16% were White female, 10% were Black/African American male, 8% were Black/African American female, 1% were Hispanic male, 1% were Hispanic female, 2% American Indian/Alaskan Native male (AI/AN M), 2% were Two or More race male, 1% were Two or More (2+) race female, and 7% of all new hires did not identify which is categorized as Ethnicity Unknown. White males made up 67% of all promotions while 9% of all promotions consisted of White female, with 12% for Black/African American male, 7% Black/African American female, 2% Hispanic male, Asian males at 1%, 1% identified as Asian female, There were no promotions for individuals that identify as Hispanic female, American Indian/Alaskan Natives male or female, Two or More (2+) race male or female, or Ethnicity Unknown.<sup>9</sup> Ethnicity Unknown made up 6% of all hires and 1% of all promotions.

	WM	WF	BM	BF	HM	HF	ASM	ASF	AIM	AIF	NHO Male	NHO PI Fem	Two+ Male	Two+ Fem	Ethn Unk	TOT	TOT MNRT	TOT FEM	DISB
Employees	5,398	1,236	893	659	82	52	90	32	118	24	2		20	15	7	8,628	1,987	2,018	183
% Represented	63	14	10	8	1	1	1		1							100	23	23	2
New Hires	49	16	13	15	3	1			2				2	1	7	109	37	33	1
% Represented	45	15	12	14	3	1			2				2	1	6	100	34	30	1
Promotions	184	26	34	19	5	1	2	2	1	1						275	65	49	5
% Represented	67	9	12	7	2		1	1								100	24	18	2

## Discipline and Dismissal

As of the close of the FFY September 30, 2022, there was a total of 187 Disciplinary Actions issued across all genders and race/ethnicities. There were 128 Written Warnings were issued to race/ethnicity/gender categories of White males and females, Black/African American males and females, Hispanic females, and Asian males. No other group/class was issued Written Warnings. There were 19 suspensions issued to race/ethnicity/gender categories of White males, Black/African American males and females, and Asian females. No other group/class were issued suspensions. Thirty-six (36) employees were Dismissed from employment, of those that received dismissals were race/ethnicity/gender categories of White males and females, Black/African American males and females, and Hispanic males and females. There were no other group/class issued Dismissals. There were Demotions issued race/ethnicity/gender categories of White males and 1 “not assigned” discipline action issued to a White male that did not indicate if it were a demotion, dismissal, suspension, or written warning.

<sup>9</sup> IHRPS Report B0031 Hires and Promotions, FFY Sept. 2022.



Total Disciplinary Actions	WM	WF	BM	BF	HM	HF	AM	AF	AI/AN M	AI/AN F	2+ M	2+ F	Ethn Unk	Total
DA-Demotion-Personal Conduct	2	0	0	0	0	0	0	0	0	0	0	0	0	2
DA-Demotion-Job Performance	1	0	0	0	0	0	0	0	0	0	0	0	0	1
DA Dismissal Job Performance	2	1	0	4	0	0	0	0	0	0	0	0	0	7
DA Dismissal Personal Conduct	14	2	5	6	1	1	0	0	0	0	0	0	0	29
DA Suspension Gross Inef	2	0	1	0	0	0	0	0	0	0	0	0	0	3
DA Suspens Job Performance	1	0	2	0	0	0	0	0	0	0	0	0	0	3
DA Suspens Personal Conduct	8	0	3	1	0	0	1	0	0	0	0	0	0	13
DA Written Warning Job Performance	59	5	21	0	2	0	0	0	3	1	1	0	0	92
DA Written Warning Personal Conduct	24	4	3	2	0	1	1	0	0	0	0	0	0	35
DA Written Warning Gross Inef	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Not Assigned	1	0	0	0	0	0	0	0	0	0	0	0	0	1
<b>Total</b>	<b>114</b>	<b>13</b>	<b>35</b>	<b>13</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>187</b>

## Disciplinary Actions

Developed during 2014, implemented in January 2014, the Disciplinary Actions Report was the result of an Annual Program Review in December 2013 by the Federal Highway Administration (FHWA). The report is a comprehensive plan that continues to report, monitor, analyze, and address the disproportionate number of disciplinary actions issued against Black/African American males in accordance with FHWA recommendations as per 23 CFR 230, Subpart C, Appendix A<sup>10</sup>.

The EEO Unit uses an in-depth statistical quantitative and qualitative analysis, that cross references infractions such as personal conduct, and job performance and safety violations that result in incident reports to monitor and determine consistency of consequence for same or like infractions, regardless of the work unit or its percentage of Black/African American males. Monitoring ensures that disciplinary actions are issued fairly, consistently and with no disparity to any member of a protected class/group. This is another good faith effort that NCDOT continues to put forth across the entire agency.

NCDOT uses the Federal Fiscal Year (FFY) to issue the annual Disciplinary Actions Report as a result of a recommendation from federal entity, FHWA. The FFY covers October 1<sup>st</sup> through September 30<sup>th</sup>. The Disciplinary Action Report that is issued to NCDOT's Leadership due annually at the beginning of the following calendar year. The percentage of disciplinary actions issued to Black/African American males continue exceeded their NCDOT workforce representation by more than 2 percentage points. Black/African American males were issued 35 actions representing 19% of all actions while comprising 10% of NCDOT's workforce totaling 8,628 employees during the FFY period of October 1<sup>st</sup> through September 30<sup>th</sup>, 2022.

NCDOT All	WM	WF	BM	BF	HM	HF	AM	AF	AI/AN M	AI/AN F	2+ M	2+ F	Ethn Unk	Total
DIS Act	114	12	35	14	3	2	2	0	3	1	1	0	0	187
% Actions	61	6	19	7	2	1	1	0	2	1	1	0	0	100
Total in WF	5,418	1,251	893	659	82	52	92	32	118	24	0	0	7	8,628
% DOT WF	63	14	10	8	1	1	1	0	1	0	0	0	0	100
*In BEACON B0178 (f) reporting, Asian males and females includes NHOP (Native Hawaiian/Other Pacific Islander) males and females (not counted separately)														
*In BEACON B0178 (f) reporting, 2+ Race males and females are not counted separately; included within white males and females count of employees														

<sup>10</sup>Source: U.S. Department of Transportation Federal Highway Administration Equal Employment Opportunity Program Desk Reference.



In the FFY 2022 Disciplinary Actions reporting, White males received 63% disciplinary actions while comprising of 61% of the workforce, Black females received 7% of all actions while comprising of 8% of the workforce, Hispanic males received 4% of the disciplinary actions while comprising of 1% of the workforce, Hispanic female received 4% of disciplinary actions while comprising of 1% of the workforce, Asian males received 1% of disciplinary actions while comprising of 1% of the workforce, and American Indian/Alaskan Native males received 1% of disciplinary actions while comprising of 1% of the NCDOT workforce for FFY 22. None of these groups/class have had consistent issuance of over 2% of their workforce representation over several years, therefore a more in-depth analysis has not been determined at present. The EEO Unit will continue to collect the statistical data for review.

**Efforts to Reduce/Eliminate Adverse Impact.** The EEO Unit continues to pursue ways to reduce or eliminate adverse impact in the hiring and promotion employment practices. With the cooperation of NCDOT's Human Resources Department, NCDOT continued issuing Annual Placement Goals ("Just In Time") notification forms. (See *Appendix G, Annual Placement Goal Notification, for a sample notification.*)

Anticipated Vacancies using BOBJ reports continues to be compiled to provide an average of historical vacancies for DMV and the 14 Hwy Divisions to assist each division/org unit in determining their best estimate of anticipated openings for the upcoming year. This information is used to establish job placement goals as a good faith effort to reach parity of females and minorities.

Job Placement Goals using a collection of statistical data that used to analyze and calculate job placement goals which includes the results received from the request of the anticipated vacancies provide by the division/org unit. Calculations are based on a methodology provided by FHWA under 23 CFR 230 Part II that include an Annual Placement Rate. The job placement goal process which is through the development of an extensive spreadsheet is used to develop Annual Placement Goal Notifications that are disseminated to all hiring managers across NCDOT and should be used during the hiring process as a good faith effort to reach parity of females and minorities.

Annual Job Placement Goals (Just-in-Time) Notification are (EEO) forms that provide goals set forth through the Job Placement Goal process as a good faith effort to reach parity of females and minorities for each of the eight (8) EEO job categories as set forth by FHWA 23 CFR 230 Part II Subpart C, Appendix A. These notifications are issued across NCDOT to all Hiring Managers as a point of reference during the hiring process. This is an issuance of a 128-page document to NCDOT Central HR for dissemination to all Hiring Managers to assist in the agency's efforts to reach parity for females and minorities and to determine other areas of need to ensure diversity within job titles and EEO job categories.

An annual Disciplinary Actions Monitoring Report continues to be distributed to department business units. It includes analyses of the supervisors issuing disciplinary actions, interval data for the issuance of subsequent actions, the jobs to which the actions were issued, and the reasons actions were taken the areas where the disciplinary actions issued exceed any race/gender group's workforce representation by more than 2 percentage points within the Department or the business unit based on recommendations set forth by FHWA's 23 CFR 230 Part II Subpart C, Appendix A.



Quarterly Reports continue to be issued to the NCDOT Secretary, Executive Leadership, the 14 Highway Divisions, and all business/organizational units as a measure to put forth a good faith effort to reach parity for females and minorities creating a diverse workforce. Each area with 400+ employees will receive statistical data that reflects their specific contribution towards the goal for each quarter. Each report consists of Progress Towards Goals, a comparison of workforce representation for the current and prior quarter, staffing activities such as hires and promotions along with a listing of all NCDOT job titles and their assigned EEO-4 Job Category. A presentation is provided to the Secretary, Deputy Secretary, Executive Leadership by the EEO unit each quarter discuss the report and to provide recommendations such as working close with NCDOT's HR Talent Management, DEI Recruiter to attract and retain a diverse pool of applicants and employees.

The EEO unit provided a Quarterly Report specific to DMV offering a specific breakdown of the Quarterly Report for DMV's Commissioner to assist in understanding their particular challenges and highlight of efforts towards reach the annual goals set forth for the year using demographic and 2010 Census information provided by OSHR and OSC.

Statistics for Training are provided all statistical information for trainings (EEO/DF – as required by N.C.G.S. 126-16, EEO Compliance Curriculum (until it was discontinued and replaced by Make our organization a great place to work Diversity, Equity & Inclusion, Fundamentals of Management) to ensure management follows all required trainings.

Continuing to attend OSHR Lunch and Learn trainings/seminars OSHR Lunch and Learn series offered during 2023 as well as additional trainings offered by OSHR.

Continue to submit Communications updated EEO communications such as EEO Policy, State EEO Plan, NCDOT Policy Statement, and Grievance Policy to be updated on internal (Inside NCDOT) and external sites (NCDOT) where applicable.



**Additional Information:** Based on NCDOT's relationship with FHWA, goals are set using the FHWA goal-setting formula over a 5-year period. The 5-year period is a direct result of NCDOT's previous obligation to submit a 5-year Affirmative Action Plan (AAP) as per 23 CFR, part 230 subpart C and Appendix A as recommended by federal regulations. As a result, the Planned Number Increase and Planned Percentage Increase on the Integrated HR-Payroll System (IHRPS) B0178-F Report reflects calculations over a 5-year period. As of 2017, the 5-year AAP is no longer a requirement but a recommendation, however, since the State of North Carolina has a very comprehensive State EEO Plan that is submitted on an annual basis, no 5-Year AAP Plan will be submitted to FHWA since it reflects duplicative efforts.

As of November 2020, FHWA began the process of re-evaluating the possibility of eliminating the Annual Update based on duplicative efforts between submissions to FHWA and requirements of the State EEO Plan. If it is determined that the Annual Update is no longer a requirement, the EEO Unit will no longer need to calculate Job Placement Goals over a 5-year period specifically for FHWA but rather on an annual basis as required by OSHR. Final confirmation from FHWA in reference to the Rulemaking continues to be pending.





## **Identification and Correction of Issues**

**Procedure for Monitoring.** Efforts continued to be made to recruit qualified individuals including minorities and females increase a diverse applicant pool. The EEO Unit continues to consult with divisions to make the hiring managers aware of underrepresentation. Hiring managers are advised to increase their applicant pool by focusing recruitment efforts on minorities and females and are directed to select the most qualified candidate. As standard practice, Hiring Managers do not receive the race and gender information of applicants, however, the hiring manager signs the notification to confirm awareness of the goal. The notifications are included in the Hiring Packages that are reviewed by NCDOT's EEO Unit.

Human Resources makes a good faith effort to attain a diverse applicant pool for each posted position. To ensure that a diverse applicant pool is attained, HR Talent Management focuses on recruitment of underrepresented groups. HR Talent Management consistently maintains connections with minority and female organizations for recruitment purposes.

Assessment of the overall effectiveness of the Equal Employment Opportunity program and providing statistical data upon which to base recommendations for future action is a good faith effort to reach parity. Monitoring and reporting assist in the recognition of disparate treatment and disparate impact. EEO reporting systems contained in the Integrated HR-Payroll System (IHRPS) provides management with the data needed for positive consultations.

Black/African American males continue to be issued 2 percentage points or more of the disciplinary actions at disproportionate rate of 19% in comparison to their workforce representation of 10%. There continues to be a strong correlation between the percentage of Black/African American males in a business unit and tendency to issue disciplinary actions within that business unit based on position/job title, safety requirements, and standard operating procedures. The EEO Unit will continue to review available disciplinary action data to monitor and evaluate the consistency in the issuance of actions for safety-related infractions across the agency. Additional data may be requested from the Safety and Risk Management Section if a more in-depth analysis needs to be conducted.

Through the efforts of training, networking, and collaboration across the agency address challenges pertaining to the latest trends, disparate treatment, adverse impact, disproportionate disciplinary actions for Black/African American males or underrepresentation of females and other minorities. The Equal Employment Opportunity Plan will be updated annually and as State and Federal laws, regulations, and guidelines require. The EEO Plan includes the internal procedures and programs designed to address EEO challenges as NCDOT continues to be committed to fostering equal employment opportunities across the agency.



## **SECTION IV: DOCUMENTS**

### **EEO Plan Requirements**

- A. Table of Contents
- B. Program Elements
  - 1. EEO/Affirmative Action Plan Certification Statement
  - 2. The State EEO Policy
  - 3. Agency/University Overview
    - a. Vision
    - b. Mission
    - c. Purpose
  - 4. Agency EEO Achievements
  - 5. Assignment of Responsibility and Accountability
    - a. Agency Head
    - b. Manager and Supervisor
    - c. EEO Committee
    - d. EEO Officer
  - 6. Dissemination Procedures
    - a. Internal
    - b. External
  - 7. Program Activities
    - a. Recruitment
    - b. Selection
    - c. Onboarding
    - d. Promotion
    - e. Training
    - f. Compensation and Benefits
    - g. Performance Management
    - h. Transfers and/or Separation
    - i. Disciplinary Process
    - j. Grievance Process
  - 8. Equal Employment Opportunity and Diversity Fundamentals (EEO/F)
  - 9. Employment First and Reasonable Accommodation
  - 10. Program Evaluation and Reporting
  - 11. Harassment Prevention Strategies
  - 12. Reduction in Force Procedures
  - 13. Pregnancy Workplace Adjustments (EO #82)
  - 14. Prohibiting the Use of Salary History (EO #93)
- C. Data Elements
  - a. Workforce Availability



- b. Agency Occupational Classifications
  - c. Program/Employment Objectives
  - d. Attainment of Employment Objectives
  - e. Additional Areas of statistical Evaluation
    - 1. EEO Quantitative Analysis Form
    - 2. Performance management
    - 3. Recruitment and Selection
    - 4. Discipline and Dismissal
  - f. Identification and Correction of Issues
- D. Attachments



## **APPENDICES**

- **APPENDIX A: State of North Carolina EEO Policy**
- **APPENDIX B: Equal Employment Opportunity & Diversity Fundamentals Policy (EODF)**
- **APPENDIX C: NCDOT EEO Policy Statement**
- **APPENDIX D: NCDOT Disciplinary Action Policy & Procedures**
- **APPENDIX E: State Human Resources Employee Grievance Policy**
- **APPENDIX F: NCDOT Discrimination Grievance Process for Exempt Employees**
- **APPENDIX G: SAMPLE - Annual Placement Goal Notification ("Just in Time" Notification)**



## APPENDIX A: OFFICE OF STATE HUMAN RESOURCES EEO POLICY

### STATE HUMAN RESOURCES MANUAL

### EQUAL EMPLOYMENT OPPORTUNITY

Effective Date: April 2019

## EQUAL EMPLOYMENT OPPORTUNITY POLICY

### Equal Employment Opportunity

#### Contents:

[Policy](#)

[Coverage](#)

[Veterans](#)

[Office of State Human Resources Responsibilities](#)

[Agency, Department and University Responsibilities](#)

[Complaint Process](#)

#### Policy

The State of North Carolina provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination, harassment or retaliation based on race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information, or disability. The State also recognizes that an effective and efficient government requires the talents, skills and abilities of all qualified and available individuals, and seeks opportunities to promote diversity and inclusion at all occupational levels of State government's workforce through equal employment opportunity (EEO) workforce planning initiatives.

The State is committed to ensuring the administration and implementation of all human resources policies, practices and programs are fair and equitable. State agencies, departments and universities shall be accountable for administering all aspects of employment, including hiring, dismissal, compensation, job assignment, classification, promotion, reduction-in-force, training, benefits and any other terms and conditions of employment in accordance with federal and State EEO laws and policies.

Employees shall not engage in harassing conduct, and if harassing conduct does occur, it should be reported. Managers and supervisors maintain a critical role and responsibility in preventing and eliminating harassing conduct in our workplace. See the Unlawful Workplace Harassment policy of the State Human Resources Manual for provisions related to unlawful harassment, including sexual harassment.

Acts of retaliation against an employee who engages in protected activity or the exercise of any appeal or grievance right provided by law will not be tolerated in our workplace.



**STATE HUMAN RESOURCES MANUAL**

**EQUAL EMPLOYMENT OPPORTUNITY**

Effective Date: April 2019

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**EQUAL EMPLOYMENT OPPORTUNITY POLICY (cont.)**

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**Coverage**

Individuals protected by provisions of this policy are:

1. current employees;
2. former employees; and
3. job applicants.

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**Veterans**

Job discrimination of veterans shall be prohibited, and affirmative action shall be undertaken to employ and advance in employment eligible veterans in accordance with Article 13 of G.S. 126 and G.S. 128-15.

See the Veteran's Preference policy in the State Human Resources Manual for provisions related to veteran's preference including the employment and advancement of protected veterans.

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**Office of State Human Resources Responsibilities**

The Office of State Human Resources (OSHR) shall:

1. establish the EEO Plan Requirements and Program Guidelines in accordance with federal and state laws to be followed by all agencies, departments and universities, to ensure commitment to and accountability for equal employment opportunity throughout State government;
  2. review, approve and monitor all EEO plans and updates;
  3. provide services of EEO technical assistance, training, oversight, monitoring, evaluation, support programs, and reporting to ensure that State government's work force is diverse at all occupational levels;
  4. develop and promote EEO programs and best practices to encourage consistent and fair treatment of all State employees; and
  5. meet with agency heads, department heads, and university chancellors, Human Resources Directors and EEO Directors/Officers annually to discuss the progress made toward reaching program goals.
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**STATE HUMAN RESOURCES MANUAL**

**EQUAL EMPLOYMENT OPPORTUNITY**

**Effective Date: April 2019**

**EQUAL EMPLOYMENT OPPORTUNITY POLICY (cont.)**

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**Agency, Department and University Responsibilities**

Each Agency Head, Department Head and University Chancellor shall:

1. adhere to the policies and programs that have been adopted by the State Human Resources Commission and approved by the Governor;
2. ensure the agency, department or university's commitment to EEO is clearly communicated to all employees;
3. ensure that Human Resources policies and employment practices are implemented consistently and fairly;
4. designate an EEO Officer/Director who has access to the agency head, department head or university chancellor to be responsible for the operation and implementation of the EEO Plan;
5. provide the necessary resources to ensure the successful implementation of the EEO Program;
6. ensure each manager and supervisor has, as a part of his or her performance plan, the responsibility to comply with EEO laws and policies, and assist in achieving EEO goals established by the agency, department or university;
7. ensure the EEO Plan is designed in accordance with the EEO Plan Requirements and Program Guidelines as specified by the Office of State Human Resources;
8. ensure the EEO Plan is submitted by March 1<sup>st</sup> of each year to the Office of State Human Resources for review and approval as required by G.S. 126-19;
9. ensure all employees are made aware of the EEO policy including the Unlawful Workplace Harassment Policy found in the State Human Resources Manual;
10. develop strategies to prevent unlawful workplace harassment and retaliation in the workplace;
11. ensure required employee notices describing Federal laws prohibiting job discrimination are posted in work locations where notices to applicants and employees are customarily posted and easily accessible to applicants and employees with disabilities;
12. maintain records of all complaints and grievances alleging discriminatory practices;  
and

**Equal Employment Opportunity**





**STATE HUMAN RESOURCES MANUAL**

**EQUAL EMPLOYMENT OPPORTUNITY**

Effective Date: April 2019

**EQUAL EMPLOYMENT OPPORTUNITY POLICY (cont.)**

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13. ensure all newly hired, promoted, or appointed supervisors and managers complete required EEO training in accordance with G.S. 126-16.1. See the Equal Employment Opportunity Diversity Fundamentals policy located in the State Human Resources Manual for information related to EEO training.

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**Complaint Process**

An individual covered by this policy who is alleging unlawful discrimination, harassment or retaliation may file a complaint following the process outlined in the Employee Grievance Policy located in the State Human Resources Manual. For the purpose of this policy, political affiliation is not a protected classification under federal EEO law but may be grieved pursuant to G.S. 126-34.02 as a contested case after completion of the agency grievance procedure and the Office of State Human Resources review.

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Equal Employment Opportunity



**APPENDIX B: OFFICE OF STATE HUMAN RESOURCES EQUAL EMPLOYMENT OPPORTUNITY & DIVERSITY  
FUNDAMENTALS (EEOFF) POLICY**

**STATE HUMAN RESOURCES MANUAL**

**Equal Employment Opportunity**

**Effective Date: June 4, 2020**

**Equal Employment Opportunity & Diversity Fundamentals  
Policy**

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**Equal Employment Opportunity Diversity Fundamentals**

**Contents:**

[Policy](#)

[Definitions](#)

[Agency Responsibilities](#)

[Managers and Supervisors Responsibilities](#)

[OSHR Responsibilities](#)

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**[Policy](#)**

The Equal Employment Opportunity Diversity Fundamentals (EEOFF) is intended to provide State government executives, managers and supervisors with practical training that will assist them in becoming more effective managers and supervisors of an increasingly diverse workforce. The EEOFF is intended to increase understanding among managers and supervisors of their roles and responsibilities in managing employees from different backgrounds and cultures, and the corresponding laws, policies and employment practices and techniques complementing this purpose.

Supervisors and Managers hired, promoted or appointed on or after July 1, 1991 are required to participate in the EEOFF. Supervisors and Managers appointed before July 1, 1991 are encouraged to participate in the EEOFF. Agencies, departments and universities shall not be authorized to conduct or contract for substitute training to replace EEOFF. EEOFF training is designed to:

- Address and discuss the history and evolution of Equal Employment Opportunity concepts and principles.
- Assist managers and supervisors to incorporate their Equal Employment Opportunity responsibilities with other management responsibilities.
- Expose managers and supervisors to workplace equity and fairness issues.
- Review and discuss accepted management practices for valuing and managing diversity in the workplace.
- Provide understanding of how diversity can increase productivity and efficiency.
- Empower managers and supervisors to remain adaptable and flexible to meet the challenges of an ever changing and more diverse workforce.

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Equal Employment Opportunity Diversity Fundamentals



**STATE HUMAN RESOURCES MANUAL**

**Employment and Records**

**Effective Date: June 4, 2020**

**Equal Employment Opportunity & Diversity Fundamentals  
Policy (cont.)**

**Definition**

Term	Definition
Supervisory positions	positions in which the majority of the work performed is directing the work of other positions. These employees have the authority to assign work and to evaluate work; to hire employees; to discipline or dismiss employees; or have significant input into such actions.
Managerial positions	positions which manage established divisions or subdivisions of an agency. These employees direct the work of one or more supervisors and have the authority to hire, reward, discipline, or discharge employees. These employees may also provide suggestions for changes in policy to senior executives with policymaking authority.
Executive managerial positions	policy making positions. Employees in these positions are agency/department heads, university chancellors, deputies, assistants, vice-chancellors, and other policy makers. The employees in executive managerial positions are usually appointed or elected.
NOTE: For the purposes of this policy, the definition of supervisors, managers, and executives also includes the setting of performance expectations, conducting performance appraisal conferences and evaluating performance.	
Incumbent Executives, Managers & Supervisors	Executive managers and supervisors hired or appointed into positions prior to July 1, 1991.
EEODF Candidates	A) Managers and supervisors hired on or after July 1, 1991 and who may or may not have served in a management role in state government. B) Incumbent executives, managers and supervisors hired or appointed into current positions prior to July 1, 1991. C) Incumbent executives, managers and supervisors promoted/appointed to a different management position on or after July 1, 1991.

Equal Employment Opportunity Diversity Fundamentals



**STATE HUMAN RESOURCES MANUAL**

**Employment and Records**

**Effective Date: June 4, 2020**

**Equal Employment Opportunity & Diversity Fundamentals  
Policy (cont.)**

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**Agency Responsibilities**

Agencies shall:

- enroll each supervisor or manager appointed on or after July 1, 1991 in the EEODF. The enrollment shall be within one year of their appointment.
- provide their prorated share of the cost for supplies and resource materials.
- verify candidate eligibility reports.
- enroll incumbent managers and supervisors in the EEODF when space is available.
- incorporate in their new employee orientation program a module of instruction designed to familiarize new employees with the agency's commitment to Equal Employment Opportunity.

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**Managers and Supervisors Responsibilities**

Managers and supervisors shall:

- assure that their management practices are fair and that the work environment enhances equal employment opportunity; and
- attend and complete the EEODF in the prescribed time frame.

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**Office of State Human Resources Responsibilities**

Office of State Human Resources shall:

- conduct or approve all training, and
  - fully administer the EEODF Program.
-





**APPENDIX C: NCDOT EEO POLICY STATEMENT**



STATE OF NORTH CAROLINA  
**DEPARTMENT OF TRANSPORTATION**

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

**EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

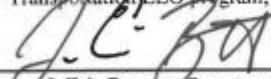
As the Secretary of the North Carolina Department of Transportation (NCDOT), 1 South Wilmington Street, Raleigh, North Carolina 27601, I am personally committed to promoting diversity and inclusion at all occupational levels of the workforce through Equal Employment Opportunity (EEO) workforce planning initiatives. NCDOT's EEO program and plan are designed to foster an inclusive workplace that is responsive to and respectful of all employees and applicants.

It is a fundamental policy of the Department to ensure the administration and implementation of all human resource policies, practices and programs are fair and equitable. Equal employment opportunity is for all individuals regardless of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information, or disability. Furthermore, NCDOT is committed to providing reasonable accommodation and has established procedures to allow persons with a disability to request reasonable accommodations.

EEO will pervade all human resources policies, practices, and programs including, but not limited to, recruiting, hiring, dismissal, retention, transfers, job assignment, classification, disciplinary actions, promotions, reduction-in-force, training, compensation, benefits, recognition, and all other terms and conditions of employment. NCDOT prohibits creating a hostile or intimidating work environment. No State employee may engage in speech or conduct that is defined as unlawful workplace harassment. NCDOT also prohibits retaliatory actions against an employee or applicant for making a charge, testifying, assisting, or participating in any manner in a hearing, proceeding, or investigation of employment discrimination. Any interference, coercion, restraint, or reprisal of any person complaining of unlawful discrimination, workplace harassment, or retaliation is prohibited.

EEO is not only required by Federal and State law, it is fundamental to the operations of the Department. NCDOT complies with applicable Federal and State EEO laws, statutes, regulations, and policies. I expect each employee and manager to cooperate fully by integrating and promoting EEO at all levels. My office has advised all executives, administrators, division directors, district engineers, and branch/unit managers and supervisors that positive implementation of the EEO programs and plans is expected and that they will be held accountable and evaluated for their actions. To further assure that appropriate program measures are implemented and monitored, I have designated the Department's Interim EEO Manager, Mark Whisenant, with that responsibility. He can be reached at (984) 236-1210.

As an expression of my commitment to and support of the North Carolina Department of Transportation EEO program, below is my signature as Secretary of NCDOT.

  
J. Eric Boyette, Secretary

02-22-2023  
Date

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
1301 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1501

Telephone: 919-707-2800  
Fax: 919-733-9150  
Customer Service: 1-877-368-4968

Website: [ncdot.gov](http://ncdot.gov)

Location:  
1 SOUTH WILMINGTON STREET  
RALEIGH, NORTH CAROLINA 27601



**APPENDIX D: NCDOT DISCIPLINARY ACTION POLICY & PROCEDURES**

**North Carolina  
Department of Transportation**



**Disciplinary Action Policy & Procedures**

Revised 1/30/2018



**TABLE OF CONTENTS**

I. POLICY..... 3

II. COVERED EMPLOYEES..... 3

III. EMPLOYEE ASSISTANCE PROGRAM.....4

IV. JUST CAUSE FOR DISCIPLINARY ACTION.....4

V. TYPES OF DISCIPLINARY ACTIONS.....6

VI. PROCEDURES FOR ISSUING DISCIPLINARY ACTION.....11

VII. PROCEDURES FOR PRE-DISCIPLINARY CONFERENCE.....12

VIII. TRANSFER OF DISCIPLINARY ACTION.....16

IX. RESOLUTION OF DISCIPLINARY ACTION.....16

X. INVESTIGATORY LEAVE WITH PAY.....18

XI. RIGHT TO APPEAL.....19

XII. CREDENTIALS.....20

XIII. POLICY RESPONSIBILITIES.....20

XIV. DEFINITIONS..... 22





## **I. Policy**

State employees are expected to meet performance standards and conduct themselves appropriately. This policy is intended to provide tools for addressing employee conduct and performance issues in a reasonable, consistent, and effective manner. This policy and its procedures will be administered in a fair and equitable manner free from unlawful discrimination, harassment and retaliation.

In order to ensure consistency, management is to consult with the HR Assistant Director and/or Employee Relations Manager and/or an Employee Relations Representative, if it is determined that an employee may have violated this policy and its procedures.

Any disciplinary action issued in accordance with this policy and its procedures must be for just cause under one or more of the three following reasons:

1. unsatisfactory job performance; or
2. unacceptable personal conduct; or
3. grossly inefficient job performance.

The categories are not mutually exclusive, as certain actions by employees may fall into more than one category, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

The procedures in this policy provide for progressive discipline to address issues involving unsatisfactory job performance. Employees are given notice of performance deficiencies and an opportunity to improve them. However, this policy also recognizes that some employee conduct occurring either on-duty or off-duty is so egregious and intolerable that continued employment is not a possibility and progressive discipline is not appropriate. Behavior of this type is considered either unacceptable personal conduct which can be either on-duty or off-duty, or in the case of on-duty behavior, grossly inefficient job performance.

The imposition of any disciplinary action shall comply with the procedural requirements of this policy.

## **II. Covered Employees**

This policy applies to employees that have attained career status as defined by North Carolina General Statute 126-1.1.



### **III. Employee Assistance Program (EAP)**

Prior to or in conjunction with disciplinary action, a supervisor may elect to refer an employee to the Employee Assistance Program (EAP) as appropriate and shall contact an Employee Relations Representative for assistance. Referral to EAP is not considered a substitute for any disciplinary action.

### **IV. Just Cause for Disciplinary Action**

**Unsatisfactory Job Performance:** The intent of disciplinary action for unsatisfactory job performance is to promote improved employee performance. When a documented counseling session or corrective action plan or safety advisory fails to correct employee performance, the manager/supervisor may address the matter by issuing a formal disciplinary action, the first level of which is a written warning.

#### **A. What Is Just Cause for Unsatisfactory Job Performance?**

Any work-related performance issue may establish just cause to discipline an employee for unsatisfactory job performance. Just cause for a warning or other disciplinary action for unsatisfactory job performance occurs when an employee fails to satisfactorily meet job requirements.

Disciplinary actions administered for unsatisfactory job performance are intended, if possible, to bring about a permanent improvement in job performance. Should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this occurrence of new unsatisfactory job performance with additional progressive disciplinary action(s).

The determination that an employee has engaged in unsatisfactory job performance is generally made by the supervisor and confirmed by management. The supervisor's and/or managements' determination should be reasonable, consistent, factually supported and made in consultation with the HR Assistant Director and/or Employee Relations Manager and/or an Employee Relations Representative. In determining whether an employee's job performance is unsatisfactory job performance, a manager/supervisor may consider any one or a combination of the factors set forth below. These include but are not limited to:

1. Failure to produce work of acceptable quality, accuracy, quantity, promptness, work habits, or by established deadlines;



2. Performance or work plan and the annual performance evaluation;
3. Inability to follow instructions or procedures, appropriateness of work performed, or demonstrated poor judgement, analysis or decision-making;
4. Insufficient or inappropriate customer service, service delivery, or teamwork;
5. Misuse/abuse of fiscal resources, including a wasteful use of State resources;
6. Absenteeism, tardiness, or other abuses of work time.
7. Any other factors that, in the opinion of the supervisor or manager, are appropriate to determine whether an employee's performance constitutes unsatisfactory job performance.

**B. What Is Just Cause for Grossly Inefficient Job Performance?**

Just cause to issue disciplinary action for grossly inefficient job performance exists when an employee fails to satisfactorily perform job requirements as specified in his/her job description, work plan, or as directed by the management of the work unit or agency and that failure results in:

1. death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or
2. the loss of or damage to state property or funds that results in a serious adverse impact on the State or work unit.

**C. What Is Just Cause for Unacceptable Personal Conduct?**

Just cause to warn or take other disciplinary action for unacceptable personal conduct may be created by intentional or unintentional acts. The conduct may be job related (on-duty) or off duty so long as there is a sufficient connection between the off-duty conduct and the employee's job.

Unacceptable personal conduct may include but is not limited to:

1. conduct for which no reasonable person should expect to receive prior warning;



2. job-related conduct which constitutes a violation of State or federal law;
3. conviction of a felony or an offense involving moral turpitude that negatively impacts the employee's service to the State or the public's trust and confidence in the State;
4. the willful violation of known or written work rules;
5. conduct unbecoming a State employee that is detrimental to State service;
6. the abuse of client(s), patient(s), student(s) or person(s) over whom the employee has responsibility or to whom the employee owes a responsibility, or the abuse of an animal owned by or in custody of the State;
7. material falsification of a State application or other employment documentation (to include falsification of work-related documents);
8. use of professional State credentials for personal gain
9. serious disruption in the workplace;
10. insubordination;
11. subjecting an employee, client, or customer to intentionally discriminatory treatment or harassment.

#### **V. Types of Disciplinary Action**

When just cause exists, any career state employee, regardless of occupation, position or profession may be warned, demoted, suspended or dismissed by the appointment authority. The degree and type of action taken shall be based upon the sound and considered judgement of the NCDOT in accordance with this policy and in consultation with the HR Assistant Director and/or Employee Relations Manager and/or an Employee Relations Representative.



#### **A. Written Warning**

The supervisor shall monitor and promote the satisfactory performance of work assignments and assure that employees do not engage in unacceptable personal conduct.

The written warning shall inform the employee that this is a written warning, and not some other non-disciplinary process such as counseling; inform the employee of the specific issues that are the basis for the warning; inform the employee what specific improvements, if applicable, shall be made to address these specific issues; inform the employee of the time frame allowed for making the required improvements or corrections; inform the employee of the consequences of failing to make the required improvements or corrections; and reference all active disciplinary actions and documented counselling sessions.

A copy of the written warning letter shall be provided to the employee in such form as to provide certification of the date it is received by the employee.

A written warning is not grievable under the Office of State Human Resources Employee Grievance Policy & Procedures; however, this policy shall be provided to the employee at the time the written warning is issued to the employee.

**Unsatisfactory Job Performance:** When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee shall receive. However, as referenced in the Performance Management policy, the manager/supervisor shall provide feedback to the employee regarding the need for him/her to improve his/her performance. If performance does not improve following the feedback provided by the manager/supervisor, a Documented Counseling Session (DCS) or a Corrective Action Plan (CAP) or a Safety Advisory shall be issued prior to beginning disciplinary actions for most performance issues. Any disciplinary action issued for unsatisfactory job performance without a prior DCS or CAP or Safety Advisory must be first approved by the HR Director or designee. After the first written warning, a supervisor may give additional written warnings or a higher level of disciplinary action.

The written warning will affirm that the supervisor/manager provided feedback and whether or not a DCS or CAP or Safety Advisory was issued to the employee.

**Unacceptable Personal Conduct or Grossly Inefficient Job Performance:** The supervisor may elect to issue a written warning for grossly inefficient job performance or unacceptable personal conduct. However, this policy does not





require a written warning before management takes other disciplinary action in these types of cases.

#### **B. Disciplinary Suspension without Pay**

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one prior active disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance without any prior active disciplinary action. Prior to placing an employee on disciplinary suspension without pay, a management representative shall conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this policy.

The disciplinary suspension letter shall inform the employee of the specific issues that are the basis for the disciplinary suspension; inform the employee of the duration of the suspension; inform the employee what specific improvements, if applicable, shall be made to address these specific issues; inform the employee that immediate improvement is required for grossly inefficient job performance or unacceptable personal conduct; inform the employee of the consequences of failing to make the required improvements or corrections; reference all active disciplinary actions; and inform the employee of his/her appeal rights.

A disciplinary suspension is grievable under the Office of State Human Resources Employee Grievance Policy & Procedures. The Office of State Human Resources Employee Grievance Policy & Procedures shall be provided to the employee at the time the disciplinary suspension letter is issued to the employee along with a Step 1 Grievance Filing form.

A copy of the disciplinary suspension letter shall be provided to the employee in such form as to provide certification of the date it is received by the employee.

**Length of Time for Disciplinary Suspension:** A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one full work day, but not more than two work weeks (ten work days). The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week (five work days), but not more than two full work weeks (ten work days). The length of a disciplinary suspension for an employee on a non-forty hour week/schedule shall be no more than 80 hours. An agency or university has the option of imposing the same periods of disciplinary suspension without pay upon all employees as long as the time period is the same as for employees exempt from the overtime provisions of the FLSA as set forth in this Section.



Type of Employee	Minimum Period for Disciplinary Suspension	Maximum Period for Disciplinary Suspension	Minimum Time Block
Subject to FLSA	1 work day	2 work weeks (10 work days)	At least 1 work day
Exempt from FLSA	1 work week (five work days)	2 work weeks (10 work days)	1 work week (five work days) but no portion of a full work week.

**Required Consultation:** The supervisor recommending disciplinary suspension must discuss the recommendation with appropriate agency management and the HR Assistant HR Director and/or Employee Relations Manager and/or an Employee Relations Representative. Upon approval by agency management, a pre-disciplinary conference shall be held with the employee.

### C. Demotion

Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct. An employee may be demoted for disciplinary purposes for unsatisfactory job performance after the receipt of at least one prior active disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance without any prior disciplinary action. Prior to demoting an employee, a management representative shall conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this policy.

The demotion letter shall inform the employee of the specific issues that are the basis for the demotion; inform the employee of the type of demotion; inform the employee what specific improvements, if applicable, shall be made to address these specific issues; inform the employee that immediate improvement is required for grossly inefficient job performance or unacceptable personal conduct; inform the employee of the consequences of failing to make the required improvements or corrections; reference all active disciplinary actions; and inform the employee of his appeal rights and attach a Step 1 Grievance Filing form.

Disciplinary demotions may be accomplished in several ways. The employee may be demoted to a lower pay grade with or without a loss in pay, except that no salary may exceed the maximum rate of the range, or, the employee's salary may be reduced within the same pay grade. In no event shall an employee's salary be reduced to less than the minimum rate or the special rate for the applicable pay grade. Before demotion of an employee, a supervisor is required to inform the employee if the demotion will change the employee's salary rate and/or pay grade and if so what change will occur in the salary rate and/or pay grade. Disciplinary demotions must be conducted in accordance with the appropriate salary administration policies.





A demotion is grievable under the Office of State Human Resources Employee Grievance Policy & Procedures. The Office of State Human Resources, Employee Grievance Policy & Procedures shall be provided to the employee at the time the demotion letter is issued to the employee along with a Step 1 Grievance Filing form.

A copy of the demotion letter shall be provided to the employee in such form as to provide certification of the date it is received by the employee.

**Required Consultation:** The supervisor recommending demotion must discuss the recommendation with appropriate agency management and the HR Assistant Director and/or Employee Relations Manager and/or an Employee Relations Representative. Upon approval by agency management, a pre-disciplinary conference shall be held with the employee.

### **Dismissal**

Dismissal may be a result of unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct. An employee may be dismissed for disciplinary purposes for unsatisfactory job performance after the receipt of at least two prior active disciplinary actions or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance without any prior active disciplinary action. Prior to dismissing an employee, a management representative shall conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this policy.

The dismissal letter shall inform the employee of the specific issues that are the basis for the dismissal; reference all active disciplinary actions; and inform the employee of his appeal rights; and inform the employee that a dismissal letter is considered public information and must be released if requested.

A dismissal is grievable under the Office of State Human Resources Employee Grievance Policy & Procedures. The Office of State Human Resources, Employee Grievance Policy and Procedures shall be provided to the employee at the time the dismissal letter is issued to the employee along with a Step 1 Grievance Filing form.

**Required Consultation:** The supervisor recommending dismissal must discuss the recommendation with appropriate agency management and the HR Assistant Director and/or Employee Relations Manager and/or an Employee Relations Representative. Upon approval by agency management, a pre-disciplinary conference shall be held with the employee.



If an employee is dismissed and appeals his/her dismissal through the grievance procedure, the final agency decision shall set forth the specific acts or omissions that are the basis of the employee's dismissal. In addition, the employee shall be informed in the final agency decision letter that the final agency decision letter is a public record and that the agency is required by law to release it pursuant to any public record requests.

## **VI. Procedures for Issuing Disciplinary Action**

Prior to the decision to issue a disciplinary action, the following procedures must be followed in accordance with this policy. Before a manager/supervisor can issue a disciplinary action of suspension, demotion, or dismissal, a Pre-Disciplinary Conference (PDC) must be held. A PDC is not required if management intends to issue a written warning.

### Prerequisites for Disciplinary Action

Unsatisfactory Job Performance	Unacceptable Personal Conduct or Grossly Inefficient Job Performance
<ol style="list-style-type: none"><li>1. The employee must have a current unresolved incident of unsatisfactory job performance.</li><li>2. Demotion or suspension: the employee must have at least one active disciplinary action (these do not need to be related to the current incident).</li><li>3. Dismissal: the employee must have at least two active disciplinary actions (these do not need to be related to the current incident).</li><li>4. A pre-disciplinary conference (PDC) must have been held with the employee, if the recommendation is to dismiss, suspend or demote.</li></ol>	<ol style="list-style-type: none"><li>1. The employee must have a current unresolved incident of unacceptable personal conduct or grossly inefficient job performance.</li><li>2. A pre-disciplinary conference (PDC) must have been held with the employee, if the recommendation is to dismiss, suspend or demote.</li></ol>

Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance.



## **VII. Procedures for Pre- Disciplinary Conference (PDC)**

### **A. Prior to the Conference**

Before demotion, suspension or dismissal of an employee:

- A supervisor or management designee recommending demotion, suspension without pay, or dismissal must schedule and conduct a pre-disciplinary conference (PDC) with the employee after discussing the recommendation with the HR Assistant HR Director and/or Employee Relations Manager and/or an Employee Relations Representative, and appropriate division or unit management and receives management's authorization to hold the PDC with the employee;
- The supervisor or management designee must give the employee advance written notice (at least 24 hours) of the conference. While a minimum of twenty-four (24) hours' notice to the employee is required, advance notice should be as much time as practical under the circumstances;
- The advanced written notice must first be reviewed and approved by the Pre-Disciplinary Conference Review Committee (PCRC) prior to giving the advance written notice to the employee and conducting the pre-disciplinary conference with the employee. If the PCRC disapproves of the recommendation, the supervisor or management designee may appeal through the HR Director to the NCDOT Secretary or his/her designee. The Secretary or designee will make the final decision regarding the proposed recommendation.
- The advance written notice must inform the employee of the type of disciplinary action being recommended (demotion, suspension or dismissal), that a lesser disciplinary action is possible, the conference time and location, and the specific acts or omissions that are the reasons for the recommendation;
- If the recommendation is a demotion, the advance written notice must indicate if the demotion may change the employee's compensation rate and/or classification title;
- The person conducting the pre-disciplinary conference must have the authority to recommend or decide what, if any, disciplinary action shall be imposed on the employee.



**Legal Representation:** No attorneys representing either side may attend the conference nor shall any witnesses attend the conference for either party. This provision does not prevent either party from consulting with legal representation.

**Employee Absence:** The employee's failure to attend the PDC after receipt of written notification shall not automatically stop the disciplinary process. In such situations, management must consult with Human Resources to determine whether to reschedule the PDC, if warranted.

**Recordings:** Audiotape, videotape, recording devices, and transmission devices are not permitted during the conference.

#### **B. During the Conference**

During the conference, the person conducting the conference must:

- Provide and review with the employee the PDC written notification letter that includes the conference cannot be recorded by either party or attended by attorney representatives, the specific reasons for the recommended disciplinary action and a summary of the facts supporting the recommendation; and
- Allow the employee the opportunity to respond to the recommended discipline action, to refute information supporting the recommended disciplinary action and to offer information or arguments in support of the employee's position. This opportunity does not include the right to present witnesses.

The following people may be included in the conference:

- The supervisor or other person chosen by agency management to conduct the conference;
- A second management representative may be present at management's discretion;
- The employee;
- If the person conducting the conference chooses, security may be present;
- In addition to the participants in the conference noted above, Department procedures may provide for one additional neutral party, if



agreed upon by the employee and management.

### **C. Following the Conference**

After the conference, management shall:

- Review all necessary information and consider the response(s) of the employee and make a decision on the recommended disciplinary action;
- Allow time to review all necessary information and not communicate the decision to the employee prior to the beginning of the next business day following the conclusion of the pre-disciplinary conference or after the end of the second business day following the completion of the pre-disciplinary conference; and
- If management decides to demote, suspend or dismiss, the employee shall receive a written disciplinary action letter either in person or by certified mail (or equivalent) with return receipt requested.

The written disciplinary action letter must include:

1. The bases for the disciplinary action;
2. The effective date of the disciplinary action;
3. The specific acts or omissions that are the reason(s) for the disciplinary action; and
4. The employee's appeal rights.

A copy of the OSHR Employee Grievance Policy and procedures along with a Step 1 Grievance filing form must accompany the written disciplinary action letter.

**Effective date:** The effective date of the dismissal for unsatisfactory job performance shall be determined by management. A career state employee who is dismissed for unsatisfactory job performance may, at management's discretion, be given up to two weeks' working notice of the dismissal. Instead of providing up to two weeks' working notice, an employee may be given up to two weeks' pay in lieu of the working notice. Such working notice or pay in lieu of notice is applicable only to dismissal for unsatisfactory job performance. The





effective date of the dismissal shall be no sooner than the date of the written notice of dismissal and no later than 14 calendar days after the written notice.

The occurrence of a pre-disciplinary conference shall be documented, showing the date of the conference and the names of the participants and shall be referenced in the written disciplinary action letter.

If an employee refuses to attend a pre-disciplinary conference, the decision on the recommended disciplinary action shall be made without the employee's input.

#### **D. Failure to Follow Procedure**

Failure to give written reasons for the demotion, suspension, or dismissal, written notice of appeal rights, or to conduct a pre-disciplinary conference is a procedural violation. If the Department fails to follow procedure, the Department shall be subject to the rules of the Commission dealing with procedural violations.

The time for filing a grievance because of a demotion, suspension or dismissal does not start until the employee receives written notice of any applicable appeal rights.

#### **E. Public Information**

If an employee is dismissed and appeals his/her dismissal through the grievance procedure, the final agency decision shall set forth the specific acts or omissions that are the basis of the employee's dismissal. In addition, the employee shall be informed in the final agency decision letter that the final agency decision letter is a public record and that the agency is required by law to release it pursuant to any public record request.

#### **F. Additional Pre-Disciplinary Conference**

An additional pre-disciplinary conference may be necessary if the employer receives new information about the allegations of wrongdoing that requires additional investigation.

When a pre-disciplinary conference is conducted for a recommended type of disciplinary action, but after the conference, the agency decides to take disciplinary action of a lesser degree of seriousness than the one for which the conference was held, it is not required that the agency conduct an additional pre-disciplinary conference as long as the employee was notified and had the



opportunity to be heard with respect to the behavior which is the basis for the less serious disciplinary action.

However, it is permissible for the agency to conduct such an additional pre-disciplinary conference if the agency determines that it would be appropriate under the circumstances, or if the employee requests the additional opportunity to be heard.

For example, if a pre-disciplinary conference is conducted with a recommendation or intent of dismissal and the agency decides to demote rather than dismiss, it would not be necessary to conduct another pre-disciplinary conference unless the agency or employee believes that there are relevant issues that could not have been addressed or were not addressed in the previous pre-disciplinary conference or, if the employee was not notified of the possibility of a lesser degree of disciplinary action.

#### **VIII. Transfer of Disciplinary Action**

When an employee transfers to another department or unit, any active written warnings or disciplinary actions will transfer with the personnel file of the employee and will remain in full force at the new work unit until removed by the new employer or made inactive by operation of this policy.

#### **IX. Resolution of Disciplinary Actions**

##### **A. Inactive Disciplinary Actions**

Disciplinary actions issued for unsatisfactory job performance, grossly inefficient job performance, or unacceptable personal conduct are all subject to becoming inactive for the purposes of counting towards the number of prior disciplinary actions needed for further discipline. Disciplinary actions are deemed inactive if:

1. At any time, when the employee's supervisor or manager requests inactivation by notifying the employee relations representative in writing that the reason for the action has been resolved or corrected. The request must be approved in writing by a direct report to the Secretary, a division director, division engineer, or unit head; or
2. For performance related disciplinary actions, when the performance evaluation process documents a summary rating that reflects an acceptable level of performance overall and satisfactory performance in the area cited in the disciplinary action; or





3. After eighteen (18) months, unless there has been additional disciplinary action since the date the disciplinary action was issued.

If an employee receives a new disciplinary action while he/she has an active disciplinary action in his/her personnel file, the oldest active disciplinary action(s) in the file will take on the life span of the most recent disciplinary action, not to exceed an additional 18 months (that is, the action cannot remain active for more than 36 months). The actions do not have to be related in content.

When a disciplinary action becomes inactive, it shall remain in the employee's personnel file until it has been removed in accordance with the procedural requirements of this policy.

An inactive disciplinary action cannot be counted towards the number of prior disciplinary actions that must be received before further disciplinary action can be taken.

The HR Employee Relations Representative shall update BEACON to reflect the inactivation of a disciplinary action by delimiting the disciplinary action and any other disciplinary actions affected by the inactivation.

## **B. Removal of Disciplinary Actions**

An active or inactive disciplinary action other than a dismissal may be removed from an employee's personnel file(s) as follows:

1. At any time, a supervisor or manager in the chain of command may initiate a written request to the HR director to remove an active or inactive disciplinary action from the personnel file of an assigned employee. The request must be approved in writing by a direct report to the Secretary, a division director, division engineer, or unit head. The request must include a copy of the disciplinary action to be removed and specify either that the disciplinary action is inactive or that the reason for the action has been resolved or corrected.
2. Once a disciplinary action becomes inactive, the employee may submit a written request for removal to an appropriate supervisor or manager in the chain of command. Upon approval, the supervisor or manager shall initiate a written request to the HR director to remove an inactive disciplinary action from the personnel file of an assigned employee. The request must be approved in writing by a direct report to the Secretary, a division director,



division engineer, or unit head. The request must include a copy of the disciplinary action to be removed and specify that the disciplinary action is inactive.

Upon receipt of a properly completed request, Human Resources will remove the disciplinary action from the NCDOT personnel file, confirm the removal, and request that the manager remove the disciplinary action from any other employee file (field or division personnel file). The Employee Relations Section shall update BEACON to reflect inactivation of the disciplinary action by delimiting the disciplinary action and any other disciplinary actions affected by the inactivation. Disciplinary action in the inactive file shall be destroyed five years after the disciplinary action became inactive.

#### **X. Investigatory Leave with Pay**

Investigatory leave with pay shall be used to temporarily remove an employee from work status. Placement on investigatory leave with pay does not constitute a disciplinary action. However, the information discovered during the investigation may be the basis of disciplinary action. The HR Director or his/her designation is the final decision making authority regarding a request to place an employee on investigatory placement with pay.

##### **A. Procedures for Investigatory Leave with Pay**

1. Management must notify an employee in writing of the reasons for placement on investigatory leave with pay status no later than the second scheduled workday after the beginning of the placement. A placement on investigatory leave with pay may last no more than thirty (30) calendar days without written approval of an extension by the State Human Resources Director (of no more than an additional 30 calendar days).
2. When an extension beyond the thirty-day period is required, management must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by management by the end of the thirty-day period and no further extension has been granted, management must either take appropriate disciplinary action on the basis of the findings from the investigation or return the employee to active work status.



3. Under no circumstance is it permissible to use placement on investigatory leave with pay for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

**B. Acceptable Reasons for Placing an Employee on Investigatory Leave with Pay**

An employee may be placed on investigatory leave with pay for the following reasons:

1. To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
2. To provide time within which to schedule and conduct a pre-disciplinary conference;
3. To avoid disruption of the work place and/or to protect the safety of persons or property;
4. To facilitate a management directed referral or fitness for duty evaluation to ensure the employee's safety and the safety of others and to obtain medical information regarding the employee's fitness to perform his or her essential job functions.

**XI. Right of Appeal**

Every disciplinary action shall include notification to the employee in writing of any applicable appeal rights.

Management shall furnish to the employee, as an attachment to any grievable disciplinary action, a copy of the Office of State Human Resources Grievance Policy & Procedures and a Step 1 Grievance Filing form.

**A. Waiver of Appeal Rights**

If a disciplinary action is grievable and the employee fails to timely grieve the disciplinary action, the employee is deemed to have waived the right to contest the validity of the disciplinary action.



## **XII. Credentials**

By statute, regulation, and administrative rule, some duties assigned to positions in service may be performed only by persons who are duly licensed, registered or certified as required by the relevant law or policy. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for job classifications established by the State Human Resources Commission.

Failure to obtain or maintain legally required credentials can be dealt with as disciplinary action, or through the Separation Policy.

### **A. Falsification of Credentials**

Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with NCDOT, disciplinary action shall be administered as follows:

1. If an employee was determined to be qualified and was selected for a position based on falsified work experience, education, registration, licensure or certification information that was a requirement of the position, the employee may be dismissed without prior warning following a pre-disciplinary conference. An employee dismissed on this basis shall be given a notice of the dismissal in writing that includes specific reason for the dismissal and notice of the employee's right of to appeal.
2. In all other cases of post-hiring discovery of false or misleading information, disciplinary action will be taken, but the severity of the disciplinary action shall be at the discretion of the NCDOT Secretary.
3. When credential or work history falsification is discovered before employment with NCDOT, the applicant shall be disqualified from consideration for the position in question.

## **XIII. Policy Responsibilities**

### **A. Agency**

Through the supervisor, the agency shall:



1. Assure the satisfactory performance of work assigned to an employee of the work unit. The supervisor's determination is presumed to be reasonable and factually supported.
2. Maintain an expectation of acceptable personal behavior by its employees.
3. Initiate a disciplinary action when in the judgement of the supervisor the employee has engaged in behavior prohibited by this policy.
4. Maintain records and provide to the Office of State Human Resources information and statistics on the discipline and dismissal process in a form prescribed by the Office of State Human Resources.
5. Have personnel trained in the administration of this policy.

**B. Office of State Human Resources**

The Office of State Human Resources shall:

1. Provide for training in the administration of this policy.
2. Provide technical assistance and advice to agencies and universities.
3. Review NCDOT compliance.
4. Establish reasonable benchmarks for program performance.
5. Report and make recommendations to the State Human Resources Commission on the discipline process.

**C. State Human Resources Commission**

The State Human Resources Commission shall:

1. Identify corrective measures or impose sanctions on any agency that:
  - a. Fails to comply with this policy
  - b. Fails to report in a format prescribed by the Office of State Human Resources, or



- c. Fails to administer the discipline and dismissal process in a manner that is fair to all parties, equitable, free of unlawful discrimination, and maintains discipline.

#### **XIV. Definitions**

**Agency** – organizational units to include agencies, universities, boards, commissions and other entities subject to the provisions of this policy.

**Current Unresolved Incident** - An act of unacceptable personal conduct, unsatisfactory job performance or grossly inefficient job performance for which no disciplinary action has previously been taken by the agency.

**Demotions** – A personnel action taken, without employee agreement, to discipline the employee, which results in:

- lowering the salary of an employee within their current pay grade, or
- places the employee in a position at a lower pay grade with or without lowering the employee's salary.

**Dismissal** - the involuntary termination of the employment of an employee for disciplinary reasons or for failure to obtain or maintain necessary job related credentials.

**Grossly Inefficient Job Performance** - Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by the management of the work unit or agency; and, the act or failure to act causes or results in:

- death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or,
- the loss of or damage to State property or funds that results in a serious adverse impact on the State or work unit.

**Inactive Disciplinary Action** - a disciplinary action taken after October 1, 1995 becomes inactive, i.e., cannot be counted towards the number of prior disciplinary actions that must be received before further disciplinary action can be taken for unsatisfactory job performance when:





- the manager or supervisor notes in the employee's personnel file that the reasons for the disciplinary action have been resolved or corrected; or
- for performance-related disciplinary actions, the performance evaluation process documents a summary performance rating that reflects an acceptable level of performance overall and satisfactory performance in the area cited in the warning or other disciplinary action, or
- eighteen (18) months have passed since issuance of the warning or disciplinary action and the employee has not received another active disciplinary action during the 18-month timeframe.

The completion of personnel transactions for demotions or suspensions do not make the actions inactive. These actions are still active for 18 months.

**Insubordination** - the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.

**Suspension without Pay** - the unpaid removal of an employee from work for disciplinary reasons.

**Unacceptable Personal Conduct** - an act that may include but is not limited to:

1. conduct for which no reasonable person should expect to receive prior warning;
2. job-related conduct which constitutes a violation of State or federal law;
3. conviction of a felony or an offense involving moral turpitude that negatively impacts the employee's service to the State or the public's trust and confidence in the State;
4. the willful violation of known or written work rules;
5. conduct unbecoming a State employee that is detrimental to State service;
6. the abuse of client(s), patient(s), student(s) or person(s) over whom the employee has responsibility or to whom the employee owes a responsibility, or the abuse of an animal owned by or in custody of the State;
7. falsification of a State application or in other employment documentation (to include falsification of work-related documents);
8. serious disruption in the workplace;
9. insubordination;





10. subjecting an employee, client, or customer to intentionally discriminatory treatment or harassment; and
11. use of professional State credentials for personal gain.

**Unsatisfactory Job Performance** - work-related performance that fails to satisfactorily meet job requirements as set out in the relevant job description, work plan, or as directed by the management of the work unit.

APPENDIX E: OFFICE OF STATE HUMAN RESOURCES GRIEVANCE POLICY

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 1

Grievance Policy

Contents:

§ 1.	Policy .....	2
§ 2.	Objectives .....	2
§ 3.	Definitions .....	2
§ 4.	Grievable Issues and Who May Grieve.....	5
§ 5.	Grievance Process For All Grievable Issues.....	8
§ 6.	EEO Informal Inquiry For Unlawful Discrimination, Harassment Or Retaliation.....	8
§ 6.1.	External Filing of a Discrimination Charge .....	9
§ 6.2.	Simultaneous Internal and External Filing of a Discrimination Charge.....	10
§ 7.	Informal Discussion .....	10
§ 7.1.	Grievance Process For Disciplinary Actions.....	11
§ 8.	Formal Internal Grievance Process .....	11
§ 9.	Step 1 - Mediation .....	11
§ 9.1.	Mediation Process .....	11
§ 9.2.	Location and Time Allocation .....	11
§ 9.3.	Limited to Office of State Human Resources-Approved Mediators .....	12
§ 9.4.	Mediation Attendees .....	12
§ 9.5.	Post Mediation .....	12
§ 9.6.	Limitations on a Mediation Agreement .....	13
§ 9.7.	Confidentiality of Documents Produced in Mediation .....	13
§ 9.8.	Mediation Responsibilities.....	14
§ 10.	STEP 2 – HEARING.....	16
§ 10.1.	Hearing Officer or Hearing Panel Process .....	16
§ 10.2.	Right to Challenge Appointed Hearing Officer or Hearing Panel Members.....	16
§ 10.3.	Hearing Attendees .....	16
§ 10.4.	Grievance Presented to Hearing Officer or Hearing Panel .....	16
§ 10.5.	Proposed Recommendation for Final Agency Decision.....	17
§ 10.6.	Office of State Human Resources Review .....	17
§ 10.7.	Final Agency Decision .....	17
§ 10.8.	Settlement Approval.....	17
§ 11.	Hearing Responsibilities .....	17
§ 11.1.	Grievant Responsibilities.....	17
§ 11.2.	Hearing Officer/Hearing Panel Chair Responsibilities .....	18
§ 11.3.	Agency Human Resources Responsibilities.....	18
§ 12.	Appeal To The Office Of Administrative Hearings.....	18
§ 12.1.	Agency Requirements to Notify Grievant of Appeal Rights.....	18
§ 12.2.	Grievant Access to the Office of Administrative Hearings.....	19
§ 13.	Responsibilities For The Employee Grievance Policy.....	19
§ 13.1.	Agency Human Resources Responsibilities .....	19
§ 13.2.	Office of State Human Resources Responsibilities .....	20
§ 14.	History of This Policy.....	20

Employee Grievance

**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**

Effective: August 6, 2020

Page 2

**Grievance Policy (cont.)**

**§ 1. Policy**

It is the policy of North Carolina State government that a grievance process exists to allow for prompt, fair and orderly resolution of grievances arising out of employment.

Each agency shall adopt the Employee Grievance Policy as approved by the State Human Resources Commission.

**§ 2. Objectives**

In establishing this Employee Grievance Policy, the State Human Resources Commission seeks to achieve the following objectives:

- Provide procedural consistency across the agencies of North Carolina State government;
- Ensure employees have access to grievance procedures to address grievable issues timely, fairly, and without fear of reprisal; and
- Resolve workplace issues efficiently and effectively.

**§ 3. Definitions**

The following are definitions of terms used in this policy:

Term	Definition
Agency	A State department, office, board or commission.
Alleged Event or Action	The precipitating workplace event or action, or the receipt of notice of an event or action that is the basis for filing a grievance.
Applicant	A person who submits an application for initial hire, promotion or reemployment for a position in a State agency.
Career State Employee	A State employee who is in a permanent position with a permanent appointment and has been continuously employed by the State of North Carolina or a local entity as provided in G.S. 126-5(a)(2) in a position subject to the North Carolina Human Resources Act for the immediate 12 preceding months.  Employees who are hired by a State agency, department or university in a sworn law enforcement position and who are required to complete a formal training program prior to assuming law

Grievance Policy

**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**

**Effective: August 6, 2020**

**Page 3**

**Grievance Policy (cont.)**

	enforcement duties with the hiring agency, department or university shall become career State employees only after being employed by the agency, department or university for 24 continuous months.
Complainant	An applicant, probationary State employee, former probationary State employee, career State employee or former career State employee who initiates an informal complaint through the Equal Employment Opportunity (EEO) Informal Inquiry process.
Contested Case Issue	A grievable issue that may be appealed to the Office of Administrative Hearings.
Equal Employment Opportunity Informal Inquiry	An informal process for addressing allegations of unlawful discrimination, harassment and retaliation that may facilitate a resolution prior to the filing of a grievance.
Final Agency Decision	The final decision issued by the Agency Head that concludes the internal grievance process.
Grievable Issue	A workplace event or action as defined by NC State statute as grievable that allows an eligible employee to challenge the alleged workplace event or action through established grievance procedures for resolution.
Grievant	An applicant, probationary State employee, former probationary State employee, career State employee or former career State employee who initiates a grievance.
Hearing	A proceeding overseen by a Hearing Officer or Hearing Panel that allows a grievant to present information relevant to the nature of the grievance and the remedies sought.
Hearing Officer	An officer appointed by an agency to oversee the proceedings of a hearing and submit a proposed recommendation for a Final Agency Decision (FAD).

Grievance Policy

**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**  
**Effective: August 6, 2020**  
**Page 4**

**Grievance Policy (cont.)**

Hearing Panel	An agency appointed panel of no less than three members selected to conduct a hearing. The designated panel chair has the responsibility to oversee the proceedings of the hearing and submit a proposed recommendation for a Final Agency Decision.
Impasse	An impasse occurs when mediation does not result in an agreement.
Informal Discussion	An informal process for addressing a grievable issue that may facilitate a resolution prior to the filing of a formal grievance.
Internal Grievance Process	The process available to an applicant, probationary State employee, former probationary State employee, career State employee or former career State employee to file a formal grievance based on issues that are defined as grievable by State statute.
Internal Grievance Process Timeframe	The internal grievance process must be completed within 90 calendar days. Time spent in the Informal Discussion and the EEO Informal Inquiry is not included in the 90-calendar day timeframe.
Mediation	The process in which the grievant and the agency respondent use a neutral third party(s) to attempt to resolve a grievance in a mutually acceptable manner. Responsibility for resolving the grievance rests with the parties.
Mediation Agreement	The written agreement resulting from the successful resolution of a grievance reached in mediation. The Mediation Agreement is legally binding on both parties.
Mediator	A neutral third party(s) approved by the Office of State Human Resources (OSHR) whose role is to guide the mediation process, facilitate communication, and assist the parties to generate and evaluate possible outcomes for a successful resolution. A mediator does not act as a judge and does not render decisions.

Grievance Policy



**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**  
**Effective: August 6, 2020**  
**Page 5**

**Grievance Policy (cont.)**

Probationary State Employee	A State employee who is exempt from the provisions of the North Carolina Human Resources Act only because the employee has not been continuously employed by the State for the time period required to become a career State employee.
Respondent	A designated agency representative who has the authority to negotiate an agreement, as appropriate, on behalf of the agency to resolve a grievance.

**§ 4. Grievable Issues and Who May Grieve**

The following tables list all issues that may be grieved by an applicant for State employment, a probationary State employee or former probationary State employee, and a career State employee or former career State employee.

The following issues may be grieved at the agency level only.

Applicant for State employment (initial hire, promotion or reemployment)	<ul style="list-style-type: none"><li>• Denial of request to remove inaccurate and misleading information from applicant file (excludes the contents of a performance appraisal and written disciplinary action)</li></ul>
Probationary State employee or former probationary State employee	<ul style="list-style-type: none"><li>• Denial of request to remove inaccurate and misleading information from personnel file (excludes the contents of a performance appraisal and written disciplinary action)</li></ul>

In addition to the grievable issue listed above, a career State employee or former career State employee may also grieve the following issue.

Career State employee or former career State employee	Overall performance rating of less than "meets expectations" or equivalent as defined in the Performance Management Policy
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Grievance Policy

**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**  
**Effective: August 6, 2020**  
**Page 6**

**Grievance Policy (cont.)**

The following issues must first be grieved through the internal grievance process. If the grievant is not satisfied with the Final Agency Decision (FAD), the grievant may appeal to the Office of Administrative Hearings.

Who May File	Grievable Issues
Applicant for State employment (initial hire, promotion or reemployment)	<ul style="list-style-type: none"><li>• Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law)</li><li>• Denial of veteran's preference as provided for by law</li><li>• Unlawful discrimination or harassment based on race, religion, color, national origin, sex (including sexual orientation, gender identity and expression, and pregnancy), age, disability, genetic information, or political affiliation if the applicant believes that he or she has been discriminated against in his or her application for employment</li><li>• Retaliation for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex (including sexual orientation, gender identity and expression, and pregnancy), age, disability, genetic information, or political affiliation if the applicant believes that he or she has been retaliated against in his or her application for employment</li></ul>

Grievance Policy



**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**  
**Effective: August 6, 2020**  
**Page 7**

**Grievance Policy (cont.)**

Probationary State employee or former probationary State employee	<ul style="list-style-type: none"> <li>• Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law)</li> <li>• Denial of veteran's preference as provided for by law</li> <li>• Any retaliatory personnel action for reporting improper government activities ("whistle blower")</li> <li>• Unlawful discrimination or harassment based on race, religion, color, national origin, sex (including sexual orientation, gender identity and expression, and pregnancy), age, disability, genetic information, or political affiliation if the employee believes that he or she has been discriminated against in the terms and conditions of employment.</li> </ul> <p>Retaliation against an employee for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex (including sexual orientation, gender identity and expression, and pregnancy), age, disability, genetic information, or political affiliation if the employee believes that he or she has been retaliated against in the terms and conditions of employment</p>
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In addition to the grievable issues listed above, a career State employee or former career State employee may also grieve the following issues.

Career State employee or former career State employee	<ul style="list-style-type: none"> <li>• Dismissal, demotion or suspension without pay for disciplinary reasons without just cause</li> <li>• Involuntary non-disciplinary separation due to unavailability</li> <li>• Denial of reemployment or hiring due to denial of reduction in-force priority as required by law (G.S. 126-7.1)</li> <li>• Denial of promotional opportunity due to failure to give priority consideration for promotion to a Career State employee as required by law (G.S. 126-7.1)</li> </ul>
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Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 8

## Grievance Policy (cont.)

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§ 5. **Grievance Process For All Grievable Issues**

A grievance or complaint must be filed within 15 calendar days of the alleged event or action that is the basis of the grievance. Any grievance or complaint that alleges unlawful discrimination, harassment or retaliation shall be addressed and completed through the Equal Employment Opportunity (EEO) Informal Inquiry process before being considered in the formal internal grievance process. Except as provided herein, all other grievable issues must first be discussed with the immediate or other appropriate supervisor in the employee's chain of command or other appropriate personnel or agency or university that has jurisdiction regarding the alleged event or action that is the basis of the grievance prior to filing a formal grievance. Disciplinary action grievances as well as non-disciplinary separation due to unavailability shall proceed directly to the formal internal grievance process.

Disciplinary action grievances (i.e., dismissal, suspension without pay, demotion) that include both an allegation of unlawful discrimination, harassment, or retaliation and an allegation that the disciplinary action lacks just cause shall first be addressed through the EEO Informal Inquiry process before proceeding to the formal internal grievance process. Likewise, a grievance that involves both a separation due to unavailability and an allegation of unlawful discrimination, harassment or retaliation shall first be addressed through the EEO Informal Inquiry process before proceeding to the formal internal grievance process. After the EEO Informal Inquiry process is completed, all grievable issues remaining (including that an unresolved disciplinary action lacks just cause or that an unresolved separation due to unavailability was improper, and any unresolved allegations of unlawful discrimination, harassment, or retaliation) may be considered in the formal grievance process if pursued by the employee as per the procedures below.

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§ 6. **EEO Informal Inquiry For Unlawful Discrimination, Harassment Or Retaliation**

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

Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 9

## Grievance Policy (cont.)

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.

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.

### § 6.1. 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 (EEOC). The complainant may not, however, file a contested case with the Office of Administrative Hearing if the internal process has not been completed. Information about filing an EEOC charge and deadlines for filing the 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.

Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 10

## Grievance Policy (cont.)

### § 6.2. 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 at any point in either the EEO Informal Inquiry or the formal internal grievance process.

### § 7. Informal Discussion

A request for an Informal Discussion must occur within 15 calendar days of the alleged event or action that is the basis of the grievance. Prior to filing a grievance about any issue, excluding unlawful discrimination, harassment or retaliation, disciplinary actions, and non-disciplinary separation due to unavailability, the employee shall first discuss the grievable issue with the immediate or other appropriate supervisor in the employee's chain of command or other appropriate personnel or agency that has jurisdiction regarding the alleged event or action that is the basis of the grievance.

The employee must clearly declare to the supervisor or other appropriate personnel that the Informal Discussion request is regarding an alleged event or action that is the basis of a potential grievance. The supervisor or other appropriate personnel shall confirm the intention of the requested Informal Discussion with the employee before beginning discussions.

This informal process shall be completed within the 15-calendar day timeframe. However, if progress is being made toward a successful resolution to the dispute or if there are occurrences that are unavoidable or beyond the control of either party, both parties may agree to an extension. This extension must be agreed to in writing and approved by HR and shall not exceed 15 calendar days.

The supervisor shall notify Human Resources when an employee requests an Informal Discussion. The supervisor or other appropriate personnel is responsible for attempting to resolve the grievable issue with the employee. Human Resources shall serve as a resource during these discussions and will work with both parties to strive for a timely resolution.

The outcome of the Informal Discussion shall be communicated to the employee and Human Resources by the supervisor or other appropriate personnel in writing. If the issue is not successfully resolved or if no written response is provided within the 15 calendar day

Grievance Policy



STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 11

## Grievance Policy (cont.)

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timeframe, the employee may proceed by filing a formal grievance. Time spent in the Informal Discussion is not a part of the formal internal grievance process.

§ 7.1. **Grievance Process For Disciplinary Actions**

Disciplinary action grievances, to include dismissal, demotion, suspension without pay, as well as non-disciplinary separation due to unavailability shall bypass the Informal Discussion and proceed directly to the formal internal grievance process.

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§ 8. **Formal Internal Grievance Process**

The employee must begin the formal internal grievance process by filing a written grievance to the Human Resources Director or designee within the agency in accordance with the Employee Grievance Policy. The employee must complete any of the required informal processes and file within 15 calendar days of the alleged event or action that is the basis of the grievance. Mediation is Step 1 in the internal grievance process.

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§ 9. **Step 1 - Mediation**

Mediation is the process in which a grievant and an agency respondent use a neutral third party(ies) to attempt to resolve a grievance. Mediation provides the grievant and the agency respondent an opportunity to openly discuss the grievance in a neutral environment with the goal of reaching a mutually acceptable resolution.

§ 9.1. **Mediation Process**

OSHR maintains a process to assign mediators to grievances upon agency request. The agency shall submit the request for mediation within 3 business days of receipt of the grievance. The mediation process shall be concluded within 35 calendar days from the filing of the grievance unless the grievant and the agency mutually agree to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension of Step 1 will not extend the 90-calendar day timeline.

§ 9.2. **Location and Time Allocation**

Mediation shall be conducted in a location identified by the agency and approved by the OSHR Mediation Director or designee. The mediation shall be scheduled for an amount of time determined by the mediator(s) to be sufficient. Mediation may be recessed by the mediator(s) and reconvened at a later time.

Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 12

**Grievance Policy (cont.)**

§ 9.3. **Limited to Office of State Human Resources-Approved Mediators**

Only OSHR-approved mediators will mediate grievances for State agencies. OSHR will maintain a pool of qualified mediators to facilitate mediations. Mediators will not be selected from the agency requesting the mediation.

§ 9.4. **Mediation Attendees**

- The grievant who initiated the grievance;
- The designated agency representative serving as the respondent who has the authority to negotiate an agreement, as appropriate, on behalf of the agency; and
- The OSHR-appointed mediator(s).

Attorneys and other advisors may not attend the mediation. Either party may ask for a recess at any time in order to consult with an attorney or other advisor.

Emergency substitution of a mediator must be approved by the OSHR Mediation Coordinator or designee. The OSHR Mediation Coordinator and designees may attend mediations as observers.

Audiotape, videotape, recording devices, and transmission devices are not permitted during the mediation.

§ 9.5. **Post Mediation**

When an agreement is reached, the following shall occur:

- The grievant and the respondent will sign a Mediation Agreement that states the terms of agreement and is a legally binding document.
- The original signed Mediation Agreement is provided to the agency Human Resources Office. A copy of the signed Mediation Agreement is provided to the grievant, respondent and the OSHR Mediation Director.
- The agency shall ensure that terms of the mediation agreement under the control of the agency are implemented.

When an agreement is not reached (impasse), the following shall occur:

- The grievant and the respondent will sign a Notice of Impasse stating that the mediation did not result in an agreement.
- The original signed Notice of Impasse is provided to the agency Human Resources Office. A copy of the signed Notice of Impasse is provided to the grievant, the respondent and the OSHR Mediation Coordinator.

Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 13

**Grievance Policy (cont.)**

- At the end of the mediation session, the agency shall inform the grievant of the Step 2 grievance process and that the filing must be received by the agency within 5 calendar days of the date of mediation.

§ 9.6. **Limitations on a Mediation Agreement**

The Mediation Agreement shall serve as a written record and shall:

- Not contain any provision(s) contrary to State Human Resources Commission policies, administrative rules, and applicable State and Federal law;
- Not contain any provision(s) that exceeds the scope of the parties' authority; and
- Not be transferable to another State agency.

When mediation resolves a grievance but it is determined upon agency or OSHR review that one or more provisions of the Mediation Agreement do not comply with the State Human Resources Commission policies or rules or applicable State or Federal laws, the mediation shall be reconvened to resolve the specific issue(s). If the parties are unable to resolve the noncompliance issue(s), the mediation will impasse and the grievant may proceed to Step 2 of the internal grievance process.

Should additional information or clarification be needed to effectuate the terms of the agreement, communication with all parties may occur telephonically. In the event that the mediator who facilitated the mediation is not available, the OSHR Mediation Director or designee will have the authority to stand in place of the mediator in these communications.

§ 9.7. **Confidentiality of Documents Produced in Mediation**

All documents generated during the course of mediation and any communications shared in connection with mediation are confidential to the extent provided by law.

§ 9.8. **Mediation Agreement Approval**

The approval of the Director of the Office of State Human Resources or designee is required for mediation agreements that need a personnel transaction to be processed, except where the only personnel action is the substitution of resignation for dismissal. If a mediation agreement involves an exception to State Human Resources Commission policy, the approval of the Director of the Office State Human Resources or designee is required.

Grievance Policy



**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**  
**Effective: August 6, 2020**  
**Page 14**

**Grievance Policy (cont.)**

**§ 9.9. Mediation Responsibilities**

**Grievant Responsibilities**

The grievant is responsible for:

- Attending the mediation as scheduled by the agency;
- Notifying and receiving approval from Human Resources, in advance of the scheduled mediation, if occurrences that are unavoidable or beyond the control of the grievant prevent attendance at the mediation;
- Preparing for the mediation by being able to orally present clear and concise information regarding the issues surrounding the grievance and the remedies sought; and
- Making a good faith effort to resolve the grievance.

A grievant who has an unexcused failure to attend mediation as scheduled forfeits the right to proceed with the internal grievance process.

**Respondent Responsibilities**

The respondent is responsible for:

- Attending the mediation as scheduled by the agency;
- Notifying Human Resources, in advance of the scheduled mediation, if occurrences that are unavoidable or beyond the control of the respondent prevent attendance at the mediation;
- Preparing for the mediation by becoming knowledgeable regarding the issues surrounding the grievance and remedies sought;
- Consulting with management, Human Resources and/or legal counsel regarding possible areas of negotiation for grievance resolution; and
- Making a good faith effort to resolve the grievance. Agency Human Resources Responsibilities

The agency is responsible for:

- Administering the mediation program within the agency;
- Appointing an agency mediation coordinator, and other personnel as needed, to manage and schedule mediations;
- Ensuring that the grievant receives appropriate information about the mediation process;

Grievance Policy

**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**  
**Effective: August 6, 2020**  
**Page 15**

**Grievance Policy (cont.)**

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- Designating a qualified and informed agency representative to serve as the respondent for each mediation who will have the authority to negotiate an agreement, as appropriate, on behalf of the agency that resolves the grievance;
- Ensuring that the selected respondent is adequately prepared for the mediation and has had discussions with management and Human Resources to identify possible areas of negotiation for grievance resolution;
- Ensuring appropriate personnel (management, Human Resources and/or legal counsel) are available to respond to any issues that may arise during the course of the mediation;
- Designating appropriate personnel to be available to review the terms of the draft agreement to ensure it is complete and contains the necessary information for implementation;
- Ensuring confidentiality of the mediation to the extent provided by law;
- Identifying suitable locations for mediations;
- Using only OSHR-approved mediator(s) for each mediation session;
- Reimbursing mediators for travel at state-approved rates;
- Providing nominees for consideration who meet the qualifications set forth by OSHR to be trained as OSHR mediators; and
- Working with agency management to obtain funding for the initial and ongoing training of agency nominated mediators.

**Office of State Human Resources Responsibilities**

The Office of State Human Resources is responsible for:

- Developing and maintaining mediation procedures and forms;
  - Establishing mediator eligibility and training requirements;
  - Maintaining a pool of qualified mediators;
  - Providing employment mediation trainings;
  - Maintaining a process for assigning mediators upon agency request;
  - Ensuring that mediators adhere to the OSHR Mediator Code of Conduct; and
  - Conducting ongoing studies/analyses to evaluate program effectiveness.
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Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 16

**Grievance Policy (cont.)**

§ 10. **STEP 2 – HEARING**

§ 10.1. **Hearing Officer or Hearing Panel Process**

If mediation does not result in a resolution at Step 1, the grievant is entitled to proceed to Step 2 of the internal grievance process. Human Resources will notify the grievant of the opportunity to present the grievance orally to a reviewer(s) outside of the grievant's chain of command, e.g., Hearing Officer or Hearing Panel. The hearing process shall be concluded within 35 calendar days of filing Step 2 of the grievance process unless the grievant and the agency mutually agree to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension of Step 2 will not extend the 90 calendar day timeline.

§ 10.2. **Right to Challenge Appointed Hearing Officer or Hearing Panel Members**

The grievant shall have one opportunity to challenge the appointed Hearing Officer or up to 2 members of the Hearing Panel if the grievant believes they cannot render an unbiased recommendation due to a real or perceived conflict of interest. The grievant must submit the basis for the challenge in writing. Management will review the challenge and replace the Hearing Officer or Hearing Panel members as appropriate.

§ 10.3. **Hearing Attendees**

- The grievant who initiated the grievance;
- The Hearing Officer or Hearing Panel members;
- Witnesses giving testimony, as approved by the Hearing Officer or Hearing Panel Chair; and
- Appropriate agency and HR representatives.

Attorneys and other advisors may not attend the hearing. Either party may ask the Hearing Officer or the Hearing Panel Chair for a recess at any time in order to consult with an attorney or other advisor.

Audiotape, videotape, recording devices, and transmission devices are not permitted during the hearing except as approved by management in accordance with agency process.

§ 10.4. **Grievance Presented to Hearing Officer or Hearing Panel**

The Hearing Officer or Hearing Panel Chair will preside over the hearing to allow the parties to present information relevant to the nature of the grievance, facts upon which the grievance is based and the remedies sought. Each party shall be given a fair opportunity to present evidence on the issues to be heard and to question witnesses.

Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 17

## Grievance Policy (cont.)

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§ 10.5. **Proposed Recommendation for Final Agency Decision**

The Hearing Officer or Hearing Panel Chair will draft a proposed recommendation, including an explanation and justification to support the recommendation, for a Final Agency Decision. The proposed recommendation will be submitted to the Agency Head or designee and the Director of the Office of State Human Resources (Director) or designee within the 35 calendar day timeframe for the Step 2 hearing process. The Agency Head may provide a memorandum with comments on the proposed recommendation to the Director or designee.

§ 10.6. **Office of State Human Resources Review**

The Director of the Office of State Human Resources or designee shall review the proposed recommendation for a Final Agency Decision based on established criteria. The Director or designee may approve as written or may provide recommendations for modification or reversal within 10 calendar days of the receipt of the proposed recommendation. The proposed Final Agency Decision shall not become final or be issued until reviewed and approved by the Office of State Human Resources.

§ 10.7. **Final Agency Decision**

The agency shall issue the Final Agency Decision to the grievant within 5 calendar days of receipt of the Office of State Human Resources review of the proposed recommendation. The Final Agency Decision shall be issued in writing within 90 calendar days of the initial filing of the grievance. The Final Agency Decision shall include information about applicable appeal rights.

§ 10.8. **Settlement Approval**

The approval of the Director of the Office of State Human Resources or designee is required for settlements that need a personnel transaction to be processed, except where the only personnel action is the substitution of a resignation for a dismissal. If a settlement involves an exception to the State Human Resources Commission policy, the approval of the Director of the Office of State Human Resources or designee is required.

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§ 11. **Hearing Responsibilities**

§ 11.1. **Grievant Responsibilities**

The grievant is responsible for:

- Attending the hearing as scheduled by the agency;

Grievance Policy



STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 18

## Grievance Policy (cont.)

- Notifying and receiving approval from Human Resources, in advance of the scheduled hearing, if occurrences that are unavoidable or beyond the control of the grievant prevent attendance at the hearing; and
- Preparing for the hearing by being able to present clear and concise information regarding the issues surrounding the grievance and remedies sought.

A grievant who has an unexcused failure to attend a hearing as scheduled forfeits the right to proceed with the internal grievance process.

### § 11.2. Hearing Officer/Hearing Panel Chair Responsibilities

The Hearing Officer/Hearing Chair is responsible for:

- Calling the hearing to order and establishing the process for the proceedings;
- Maintaining order and decorum;
- Ensuring that all parties are allotted adequate time to present evidence and question witnesses; and
- Submitting a proposed recommendation for a Final Agency Decision.

### § 11.3. Agency Human Resources Responsibilities

The agency is responsible for:

- Establishing the use of either a Hearing Officer or a Hearing Panel;
- Administering the hearing process within the agency;
- Ensuring that all parties receive appropriate information about the hearing process;
- Establishing a process for the grievant to challenge the appointed Hearing Officer or Hearing Panel members; and
- Consulting with OSHR on the proposed Final Agency Decision recommendation.

## § 12. Appeal To The Office Of Administrative Hearings

### § 12.1. Agency Requirements to Notify Grievant of Appeal Rights

The Final Agency Decision shall inform the grievant in writing of any applicable appeal rights through the Office of Administrative Hearings for contested case issues. The grievant must be informed of the following:

- The appeal is made by filing a "Petition for a Contested Case" hearing with the Office of Administrative Hearings;

Grievance Policy

STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 19

## Grievance Policy (cont.)

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- The appeal to the Office of Administrative Hearings must be filed within 30 calendar days after the grievant receives the FAD; and
- A fee is charged for filing a Petition for a Contested Case Hearing.

§ 12.2. **Grievant Access to the Office of Administrative Hearings**

If the grievant has completed the internal grievance process and is not satisfied with the Final Agency Decision, the grievant may file a Petition for Contested Case Hearing in the Office of Administrative Hearings in cases where the grievable issue may be appealed. An Administrative Law Judge will conduct a hearing and render a Final Decision.

A Petition for Contested Case Hearing must be filed within 30 calendar days after the grievant receives the FAD. The grievant may file the appeal at:

Office of Administrative Hearings  
1711 New Hope Church Road (mailing and physical address)  
Raleigh, NC 27609  
984-236-1850

Hearing procedure requirements and filing form (OAH Form H-06A) can be obtained from the Office of Administrative Hearings at: <http://www.ncoah.com/hearings/> or by calling 984-236-1850.

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§ 13. **Responsibilities For The Employee Grievance Policy**

§ 13.1. **Agency Human Resources Responsibilities**

Each agency shall:

- Adhere to the Employee Grievance Policy as adopted by the State Human Resources Commission;
- Develop and communicate internal grievance procedures as needed;
- Provide current employees and new hires with access to the Employee Grievance Policy;
- Notify all employees of any change to the internal agency grievance process no later than 30 calendar days prior to the effective date of the change;
- Enter all grievance data in the State's HR/Payroll System as events occur; and
- Provide employee grievance data to OSHR as requested.

Grievance Policy



STATE HUMAN RESOURCES MANUAL

Discipline/Appeals/Grievances  
Effective: August 6, 2020  
Page 20

**Grievance Policy (cont.)**

§ 13.2. **Office of State Human Resources Responsibilities**

The Office of State Human Resources shall:

- Present the Employee Grievance Policy to the State Human Resources Commission for approval at any time modifications are made;
- Provide consultation and technical assistance to agencies as needed; and
- Conduct ongoing studies/analyses to evaluate policy effectiveness.

§ 14. **History of This Policy**

Date	Version
October 1, 2001	Revised to include as grievable issues violation of the FLSA, Age Discrimination Act, FMLA or ADA. (Delete "Failure to follow systematic procedures in reduction in force (not alleging discrimination)."
February 1, 2011	The 2010 General Assembly passed House Bill 961 which, among other things, made the disciplinary letter public information. This rule explains how to mesh the statutory requirement that the dismissal letter be public with the reality that the final dismissal letter might not contain the same reasons as originally used. It also provides a process that contemplates that the employee might in fact be reinstated as a result of the internal appeals process and not even be dismissed as a final agency action.
June 1, 2012	Revised to reflect the changing roles of the State Personnel Commission and the Office of Administrative Hearings in rendering a Decision and Order in contested cases. The Alternative Dispute Resolution Procedures were removed from the policy. There were also other minor editorial and policy clarification changes.
December 1, 2013	(Approved at the October 17 Commission Meeting) Policy replaces two grievance policies (Employee Appeals and Grievances and Employee Mediation and Grievances Process)..Policy was change to comply with the law change that resulted from ratification of HB 834.

Grievance Policy

**STATE HUMAN RESOURCES MANUAL**

**Discipline/Appeals/Grievances**  
**Effective: August 6, 2020**  
**Page 21**

**Grievance Policy (cont.)**

	<ul style="list-style-type: none"> <li>• Creation of two informal grievances processes for alleged unlawful discrimination, harassment or retaliation and for policy violations</li> <li>• Mediation is the first step of the internal grievance process.</li> <li>• Step 2: Review by a Hearing Officer or Hearing Panel</li> <li>• Hearing Officer/Panel drafts recommendation for Final Agency Decision</li> <li>• Recommendation will be reviewed by the Director of the Officer of State Human Resources</li> <li>• Final agency decision shall be issued in writing within 90 calendar days of the initial filing.</li> </ul>
December 1, 2013	(Approved at the December 12 Commission Meeting) As a result of feedback received from various agencies concerning the Dec 1 policy changes approved at the Oct 17 commission meeting, additional changes were made to strengthen and provide additional clarity to the grievance policy. The commission approved a 12-1-2013 retroactive effective date to replace the previous policy they approved effective on that same date. This replaces the previous approved policy.
August 6, 2020	<p>Policy reviewed by Diversity and Workforce Services Division to confirm alignment with current practices and by Legal, Commission, and Policy Division to confirm alignment with statutory, rule(s), and other policies. Reported to SHRC on August 6, 2020.</p> <ul style="list-style-type: none"> <li>• Policy was updated to include the protected classes of gender identity and sexual orientation following the U.S. Supreme Court decision in Bostock vs. Clayton County.</li> <li>• Term Mediation Director changed to Mediation Coordinator.</li> </ul>

Grievance Policy

APPENDIX F: NCDOT GRIEVANCE PROCESS FOR EXEMPT EMPLOYEES



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

**NCDOT Discrimination Grievance Process for Exempt Employees**

This policy establishes the discrimination, harassment, and retaliation complaint review process for applicants, employees, or former employees of positions that are exempt from Article 8 of the North Carolina Human Resources Act and the State Human Resources Employee Grievance Policy (hereafter "exempt"), including Global TransPark Authority, North Carolina Ports Authority, and N.C. Turnpike Authority positions; NCDOT exempt policy-making positions; and NCDOT exempt managerial positions.

In accordance with state and federal protections, the process for applicants, employees, or former employees of exempt positions to file a complaint of discrimination, harassment, or retaliation is as follows. An applicant for exempt State employment, probationary exempt State employee, former probationary exempt State employee, exempt State employee, or former exempt State employee alleging unlawful discrimination, harassment or retaliation based on race, religion, color, national origin, sex, sexual orientation, gender identity, age, genetic information, or disability must file a written complaint with the NCDOT EEO Manager within **15 calendar days** of the alleged discriminatory or retaliatory act that is the basis of the complaint.

The complaint must be filed using the EEO Informal Complaint Intake Form and must be delivered using one of the following methods:

- A. **Mail** - The complaint may be mailed to NCDOT Office of Civil Rights, EEO Unit, 1511 Mail Service Center, Raleigh, NC 27599-1511 and must meet the deadline.
- B. **Hand Delivery** - The complaint may be hand delivered to NCDOT Office of Civil Rights, EEO Unit, 750 N. Greenfield Parkway, Garner, NC 27529; the date of delivery must meet the deadline.
- C. **E-Mail** - The complaint may be e-mailed to [EEOManager@ncdot.gov](mailto:EEOManager@ncdot.gov) and the date emailed must meet the deadline. The sender must enter the word **SECURE** in the subject line of the email.

If the complaint alleges facts that would constitute unlawful discrimination, harassment or retaliation as prohibited by law, the complaint will be investigated as part of the EEO Informal Inquiry. NCDOT has 45 calendar days from receipt of the complaint to investigate and respond to the complainant unless the complainant and NCDOT mutually agree in writing to extend the time not to exceed 15 calendar days. At the conclusion of the investigation, the EEO Manager 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 NCDOT detailing the terms of the resolution. There is no further right of appeal through the internal grievance process.

A charge of discrimination may be filed directly with the Equal Employment Opportunity Commission (EEOC) in addition to or instead of filing through the internal grievance process. Information about filing an EEOC charge and deadlines for filing the charge can be found at: <http://www.eeoc.gov/employees/charge.cfm> or by calling the EEOC at 800-669-4000.

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
1501 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1501

*Telephone:* 919-707-2800  
*Fax:* 919-733-9150  
*Customer Service:* 1-877-368-4968

*Website:* [ncdot.gov](http://ncdot.gov)

*Location:*  
1 SOUTH WILMINGTON STREET  
RALEIGH, NORTH CAROLINA 27601

**APPENDIX G: SAMPLE - ANNUAL PLACEMENT GOAL NOTIFICATION - ("Just in Time Notification") one is issued for each of the eight (8) EEO-4 Job Category**

## ANNUAL PLACEMENT GOAL NOTIFICATION

**Organizational Unit:**

**EEO Category: Professionals**

**Position Number:**

White Male	White Female	Black Male	Black Female	Hispanic Male	Hispanic Female	Asian Male	Asian Female	AIAN Male	AIAN Female	Total Minority	Total Female

(Note: If a cell is blank, no goal has been set for this category.)

### Resources for Targeted Recruitment of Applicants

Recruitment Specialist  
HR Talent Management  
919-707-4401

\_\_\_\_\_  
**Hiring Manager**

\_\_\_\_\_  
**Date**

Please sign and attach the form to the Hiring Packet. Please contact the EEO Section of the Office of Civil Rights at 984-236-1221 if you have any questions about this form or the applicant selection guidelines under Title VII of the Civil Rights Act of 1964 and ADA. (rev. 02/2023)