

**NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION**



**EQUAL EMPLOYMENT  
OPPORTUNITY PLAN**

**March 1, 2014**

# EEO Plan Certification Statement

This 2014 Equal Employment Opportunity Plan for the North Carolina Department of Transportation has been approved for submission to the North Carolina Office of State Human Resources.

Signed

 3-3-2014

Secretary of Transportation  
Anthony J. Tata

Date

 3-3-14

Deputy Secretary  
LaNica Allison

Date

## TABLE OF CONTENTS

	PAGES
<b>SECTION 1</b> <b>EEO PLAN TABLE OF CONTENTS</b>	<b>1-2</b>
<b>SECTION 2</b> <b>STATEMENT OF NORTH CAROLINA EEO POLICY</b>	<b>3</b>
<b>SECTION 3</b> <b>STATEMENT OF NCDOT EEO POLICY</b>	<b>4</b>
<b>SECTION 4</b> <b>ASSIGNMENT OF RESPONSIBILITY/ACCOUNTABILITY</b> Governor Office of State Human Resources Secretary of Transportation Deputy Secretary of Assets and Federal Programs Managers and Supervisors EEO Officer	<b>7-10</b>
<b>SECTION 5</b> <b>DISSEMINATION OF EEO POLICY &amp; PLAN</b> Internal Dissemination External Dissemination	<b>11</b>
<b>SECTION 6</b> <b>WORKFORCE ANALYSIS</b>	<b>12-15</b>
<b>SECTION 7</b> <b>PROGRAM OBJECTIVES</b>	<b>16-17</b>
<b>SECTION 8</b> <b>PROGRAM ACTIVITIES</b> Recruitment Job Restructuring Disciplinary Process Selection Procedures Hiring Process Promotion Procedures Training Procedures Compensation & Benefits Procedures	<b>18</b> <b>18</b> <b>19-32</b> <b>33</b> <b>33</b> <b>35</b> <b>35</b> <b>36</b>

<b>Performance Appraisals</b>	<b>36</b>
<b>Transfers and/or Separations</b>	<b>36</b>
<b>Grievance Procedures</b>	<b>37</b>
<b>EEOI Process to Enroll Managers/Supervisors</b>	<b>37</b>
<b>SECTION 9</b>	
<b>EVALUATION MECHANISM</b>	<b>38</b>
<b>SECTION 10</b>	
<b>REPORT MECHANISM</b>	<b>40</b>
<b>SECTION 11</b>	
<b>REDUCTION IN FORCE PROCEDURES</b>	<b>41-43</b>
<b>SECTION 12</b>	
<b>PROCEDURES FOR MONITORING</b>	<b>44</b>
<b>APPENDIX A</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT</b>
<b>APPENDIX B</b>	<b>SOC CATEGORIES WITH CORRESPONDING NCDOT JOB TITLES</b>
<b>APPENDIX C</b>	<b>BEACON REPORT BO172 POP/LABOR FORCE COMPROMISE</b>
<b>APPENDIX D</b>	<b>GRIEVANCE PROCEDURES</b>

## **SECTION 2 STATEMENT OF NORTH CAROLINA EEO POLICY**

The State of North Carolina is committed to equal employment opportunity and recognizes that effective and efficient government requires the talents, skills and abilities of all available human resources. It is the official policy of the State of North Carolina to provide all current employees and applicants for state employment with equal employment opportunities, without discrimination on the basis of:

- race,
- religion,
- national origin,
- sex,
- age,
- genetic information, or
- disability

All personnel policies, practices and programs shall be administered and implemented in a non-discriminatory manner by all state agencies, departments and universities.

In furtherance of this policy, the State of North Carolina and its various agencies and universities shall take positive measures toward ensuring that equal opportunity is incorporated into all personnel policies and practices by developing and implementing an equal employment opportunity plan and program.

### SECTION 3

## STATEMENT OF NC DEPARTMENT OF TRANSPORTATION EEO POLICY

The North Carolina Department of Transportation's (NCDOT) Equal Employment Opportunity (EEO) Plan is designed to foster a workplace responsive to and respectful of all employees and applicants regardless of race, color, national origin, genetic information, religion, sex, age or disability. In addition, the EEO Plan is also designed to measure NCDOT's effective program delivery efforts through its program activities and objectives, workforce analysis and goal accomplishments, assignment of EEO responsibilities and accountabilities, dissemination, evaluation and report mechanisms.

The purpose of the Department's EEO Plan is to facilitate greater inclusiveness of all persons across all job categories. This purpose may be accomplished by shifting the focus of employment to historically underrepresented groups, and demonstrating a concerted good faith effort toward their recruitment, selection and development pursuant to the Department's EEO Plan and its Merit Based Employment policy.

For effective administration and implementation of an EEO Plan, NCDOT requires the involvement, commitment and support of all NCDOT executives, managers, and supervisors. The Secretary of Transportation advises his executives, administrators, division directors, district engineers, branch/unit managers, and supervisors of their EEO responsibilities and holds them accountable for their actions.

Equal Employment Opportunity is not only required by Federal and State law, but it is fundamental to this Department's operations. The Secretary of Transportation expects each employee and management to cooperate fully by integrating and promoting equal employment opportunities.

The NCDOT is an equal employment opportunity employer and emphasizes its commitment to a policy of non-discrimination through system evaluations. System evaluations are designed to measure program effectiveness, to monitor personnel policies and employment practices, and to ensure equal employment with regard to salary administration, training, promotion, transfer, compensation, retention, and all other terms and conditions of employment. In doing so, NCDOT is compliant with the following Federal and State laws, directives, and policies:

**NC G.S. 126-16, State Human Resources Act**, requires State departments, agencies, universities, local political subdivisions to ensure equal employment opportunity without regard to race, sex, age 40+, color, national origin, religion, disability or genetic information except where specific age, sex or physical requirements constitute a bona fide occupational qualification.

**NC G.S. 126-17** covers state and local government employees subject to the State Human Resources Act. State departments, agencies, universities, political subdivisions or their employees may not retaliate against employees protesting alleged violations of G.S. 126-16.

**NC G.S. 143-422.2, Equal Employment Practice Act (Legislative Declaration)**, requires employers who regularly employ 15 or more employees to give all persons the right and opportunity to seek, obtain and hold employment without discrimination or abridgement on account of race, religion, color, national origin, age, sex or disabilities.

**Title VII of the Civil Rights Act of 1964**, as amended, covers employers with 15 or more employees in federal, state and local government and private employment. Neither the employer nor its representatives shall discriminate in selection, promotion, compensation, fringe benefits, training or other conditions of employment based on race, sex, color, religion, and national origin. Employers or their representatives may not intimidate, discipline, discharge, or otherwise harass a person because he/she has filed a complaint, instituted proceedings, assisted in an investigation, or formally objected to discriminatory practices, regardless whether the charges or objections are valid or invalid.

**Executive Order 11246** covers employers holding federal contracts or sub-contracts of \$10,000 or more. Neither the employer nor its representatives may discriminate in selection, promotion, compensation, fringe benefits, training or other conditions of employment because of race, color, sex, religion, or national origin. A written affirmative action plan for minorities and women is required of employers with federal contracts of \$50,000 or more.

**Age Discrimination in Employment Act of 1967** covers any employer with 20 or more employees who work 20 or more calendar weeks in a calendar year. Neither employer nor employer's representatives may fail, refuse to hire or discharge any individual or otherwise discriminate with respect to his compensation, terms, conditions, or privileges of employment because of such individual's age.

**Equal Pay Act of 1963** prohibits discrimination on the basis of sex in the provision of salary or fringe benefits where work is equal or in work that requires equal skill, effort and responsibility and is performed under the same working conditions.

**Genetic Information Act of 2008** prohibits discrimination on the basis of genetic information and bars employers from using individuals' genetic information when making hiring, firing, job placement, or promotion decisions.

**The Americans with Disabilities Act, Amendments Act (ADAAA) of 2008** covers public and private employers with 15 or more employees. ADAAA prohibits discrimination against individuals with disabilities or regarded as having a disability in regards to job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. Additionally, employers

are required to provide reasonable accommodations for an individual with a disability or an individual regarded as having a disability to perform the essential functions of the job. Employers must also provide a reasonable accommodation on the same premises for an applicant when the accommodation is needed in order for the applicant to have equal opportunity in the application process.

In addition, the Department complies with other applicable federal and state EEO and anti-discrimination laws, statutes, and applicable regulations.

The Department prohibits retaliatory actions against employees or applicants, who file a charge, testify, assist or participate in any manner in a hearing, proceeding, or investigation of employment discrimination.

In addition, NCDOT is committed to the tenet that no state employee may engage in speech or conduct that is defined as unlawful workplace harassment. All current or former state employees are guaranteed the right to work in an environment free from unlawful harassment and retaliation. A prompt and impartial investigation will be made of all cases alleging unlawful workplace harassment based on presented facts surrounding the misconduct. Any interference, coercion, restraint or reprisal of any person complaining of unlawful workplace harassment is prohibited.

## **SECTION 4 ASSIGNMENT OF RESPONSIBILITY/ACCOUNTABILITY**

### **GOVERNOR**

The Governor of the State of North Carolina has overriding responsibility for the State's equal employment opportunity policies and programs. The responsibility for the actual development and implementation of NCDOT's EEO Plan and program is delegated to the Transportation Secretary.

### **OFFICE OF STATE HUMAN RESOURCES**

The responsibility for providing technical assistance in EEO and program review, monitoring and evaluation is delegated to the Equal Employment Opportunity Program in the Office of State Human Resources. The responsibilities of the Equal Employment Opportunity Program are to:

1. Approve of cabinet agencies' EEO plan and including the Reduction-In-Force (RIF) segment;
2. Monitor the agencies' reporting systems of EEO planning and determine the effectiveness of each plan and program;
3. Provide training and technical assistance to agency EEO Officers, EEO committee members and others responsible for the development and implementation of the EEO Plan and program;
4. Evaluate progress of programs designed to enhance equal opportunity and personnel practices to assure non-discrimination.

### **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 G.S. 126-19. Specific responsibilities shall include but are not limited to:

1. Implementing NCDOT's EEO plan and policy, EEO policy of the State of North Carolina, and any related policies or programs adopted by the State Human Resources Commission utilized within the Department of Transportation;
2. Designating an official with direct reporting relationship to the Secretary to assume responsibility for the operation and implementation of their EEO Plan, policy, and program;

3. Delegating the responsibility of actual development of the EEO Plan and program to the EEO/AA Officer. However, responsibility for the implementation of and compliance with this Plan shall be shared by the Secretary, Deputy Secretaries, Senior Staff, Division Directors and all managers and supervisors.
4. Taking positive measures to ensure that equal opportunity is available in all areas of employment including recruitment, selection, hiring, promotion, demotion, compensation (including salary adjustments, reallocations and performance increases), terminations, reductions in force (layoffs), reemployment priorities, training, career development, transfer and other terms, conditions and privileges of employment;
5. Taking measures to ensure the work environment is consistent with the intent of its EEO Plan and policy and supports equal opportunity;
6. Communicating NCDOT's commitment to EEO policies, plans, programs and processes to all employees, applicants and the general public;
7. Providing the necessary resources to ensure the successful implementation of the EEO program;
8. Ensuring the development and implementation of policies, procedures, and programs necessary to achieve a workforce in each occupational category that reflects the State of North Carolina's working population;
9. Ensuring the development and implementation of an equal employment opportunity plan and program; and
10. Submitting the EEO Plan by March 1<sup>st</sup> of each year to the Office of State Human Resources for review, technical assistance and approval by the Director of State Human Resources.

#### **DEPUTY SECRETARY OF ASSETS AND FEDERAL PROGRAMS**

The Deputy Secretary for Assets and Federal Programs has oversight responsibilities of the operation, development and implementation of the EEO Plan with delegated authority to assign to the Civil Rights Director 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 are responsible for developing and implementing an EEO Program consistent with the requirements of the Department's EEO Plan, and performance toward achieving measurable outcomes shall be assessed during their annual performance review cycle. Therefore, EEO measurable outcomes shall be incorporated in their Performance Development Appraisal (PDA). These measurable outcomes link managers' and supervisors' performance, support and accountability to the EEO Plan.

The specific duties and responsibilities of managers and supervisors include but are not limited to:

1. Collaborating with the EEO Officer in the development and implementation of the EEO Plan, identifying barriers to equal employment opportunities and developing program objectives, goals and timetables;
2. Collaborating with the EEO Officer in periodic evaluations to determine the effectiveness of their EEO program;
3. Maintaining a diverse workforce for NCDOT, department, division, work unit or section;
4. Providing career counseling and guidance to employees to ensure career development by utilizing PDA career development plans and authorizing attendance at workshops and training seminars;
5. Informing employees periodically of their commitment and support of the EEO Plan and their progress toward meeting the goals of the Plan;
6. Creating a work environment and management style conducive to equal opportunity in all terms and conditions of employment.

#### **EEO OFFICER**

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

1. Collaborating with managers and supervisors in collecting and analyzing employment data, identifying problem areas, assisting in setting goals and timetables, developing programs to achieve goals and measuring progress;
2. Interpreting and applying Federal laws, state statutes, policy regulations and guidelines related to discrimination in employment and equal opportunity;
3. Collaborating with Human Resources in re-evaluating job descriptions, job classifications, hiring criteria and practices on a periodic basis to ensure they reflect the actual job needs;
4. Reviewing Department policies, processes, and procedures to ensure compliance with equal employment opportunity on a periodic basis;
5. Reviewing hiring recommendations for compliance with EEO program objectives prior to a final NCDOT hiring decision;
6. Developing systems to monitor and measure progress of job placement goals and if results are not satisfactory to meet goals, determine the reasons and make the necessary changes;
7. Presenting information on the EEO Plan and program to the Secretary, Deputy Secretary, management and employees on a regular basis;
8. Providing confidential counseling or consultation to management and employees in matters involving EEO concerns or complaints alleging discrimination;
9. Conducting and processing formal complaints of discrimination;
10. Publicizing the EEO Plan, internally and externally;
11. Providing or coordinating EEO training for management;

12. Providing technical assistance to management and employees regarding the EEO Plan and applicable federal and state equal employment laws, policies, and regulations; and
13. Advocating, administering, planning, developing, implementing and monitoring the EEO Plan and annually submitting EEO Plan to OSHR by March 1<sup>st</sup> of each year.

## **SECTION 5 DISSEMINATION OF EEO POLICY & PLAN**

### **INTERNAL**

The EEO Officer ensures:

1. All employees have access to a copy of NCDOT's EEO policy statement along with the name, phone number and physical location of NCDOT's EEO Officer; a copy of the grievance and/or complaint procedures; and where copies of the EEO Plan are available for employee or applicant reading;
2. Managers and supervisors are effectively trained regarding the EEO Plan and program;
3. The EEO RIF and Grievance policy statements and procedures for filing a discrimination complaint are accessible and/or posted on bulletin boards in waiting areas and other areas where employees and /or the public may congregate;
4. All photographs used by NCDOT for publicity and/or public relations include the various demographic groups within the organization; and
5. Newsletters and other in-house publications are used to communicate information about the EEO Plan, policy, and program on a regular basis (at least once a year), and to inform employees of EEO events and issues.

### **EXTERNAL**

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. The EEO Officer is expected to compile a list of recruitment resources. In order to effectively disseminate the Plan, policy, and program 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 access to NCDOT's vacancy list, job announcements, and any other pertinent material to appropriate recruitment resources; and
3. Maintain regular and routine contact with recruitment resources, especially during periods when no openings occur.

## SECTION 6 WORKFORCE ANALYSIS

It is the policy of NCDOT to provide equal employment opportunity to all employees and applicants. In an effort to comply with our EEO Plan and policy statement, NCDOT conducts a workforce analysis annually and reports its findings to the Office of State Human Resources by March 1<sup>st</sup> of each calendar year. A workforce analysis is conducted by NCDOT to track its EEO efforts and develop numerical goals and action plans to improve program delivery.

A workforce analysis begins with identifying the number and percent of minority/ethnic groups and female incumbents NCDOT has in each EEO Standard Occupation Category (SOC). APPENDIX B includes a list of the SOC categories and corresponding NCDOT job titles. The analysis determines whether underrepresentation of one or more employee groups exists. If underrepresentation does exist, numerical goals, program objectives and action plans with timetables are developed to address underrepresentation. NCDOT uses BEACON Report B0172 as its workforce analysis. Underrepresentation is said to exist where the proportion of employees in a sex and race/ethnic group for a given SOC differs from the proportion of the group in the population expected/expected labor force market. The workforce analysis uses the following ethnic/race groups and the disabled:

1. **White, not of Hispanic origin** - A person having origins in any of the original peoples of Europe, North Africa or the Middle East.
2. **Black, not of Hispanic origin** - A person having origin in any of the black racial groups of Africa.
3. **Hispanic** - A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin. Does not include persons of Portuguese culture or origin.
4. **Asian** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
5. **American Indian or Alaskan Native** - A person having origins in any of the original people of North America.
6. **Disabled** - An individual who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such an impairment.

The workforce analysis uses the following eight Standard Occupation Classification System (SOC) Categories used by the State of North Carolina.

- Officials & Administrators
- Management Related
- Professionals

- Technicians & Technologists
- Administrative Support
- Protective Services
- Service and,
- Skilled Craft

NCDOT uses **population/labor force compromise** (BEACON B0172, APPENDIX B) workforce analysis as a guide in setting numerical goals for workforce representation, new hire, and promotion by job category. Workforce analysis is conducted as follows:

- First, analyze the current workforce to identify its demographic characteristics.
- Second, determine the extent to which members of a racial/ethnic group, women, men or persons with disabilities are present within the relevant labor market.
- Third, determine which job categories are underrepresented. A category is under represented when it has fewer members of a racial/ethnic group, men, women or persons with disabilities compared to their expected population/labor market representation.
- Fourth, from this data develop numerical goals for employing members of the underrepresented groups in each job category.

The Department of Transportation uses number and percentage expected based on the NC occupational specific civilian labor force and the NC working population (ages 18-64) compromise standard to establish goals for work force representation, new hire, and promotion by job category. Percentages for demographic groups may vary between occupational categories due to differences in the NC civilian labor force for that specific occupational category. The percentage of each ethnic/gender group in the occupation-specific civilian labor force is determined by the percentage of the group's representation of those who are employed in North Carolina in the occupational area plus the unemployed whose last job was in the occupational group.

The North Carolina Department of Transportation workforce was analyzed according to statistics received from BEACON, Report B0172 Population/Labor Force Compromise Census Compare by SOC as of 12/31/2013. Report B0172 was also be used to determine the Department's Job Placement Goals.

Report B0172 illustrates the number and percentage of NCDOT's workforce as of 12/31/2013, the number and percentage of prospective employees expected or available based on NC labor force, the number and percentage of prospective employees based on the NC census population, and their respective over/underrepresentation. Underrepresentation is reflected by negative numbers on the Total Over/Under (last row) of each SOC state category section.

Report B0172 reflects the following 2013 SOC underrepresentation:

- **Officials and Administrators:** NCDOT employs fewer white females, black males, Hispanic females, Asian females and the disabled compared to their availability based on expected NC labor force. White males exceed their expected labor force availability while black females, Hispanic males, Asian males, and American Indian males and females are represented as they are available in the labor force. Once expected representation based on census population is factored in, white females, black males and females, Hispanic males and females, Asian females and the disabled are underrepresented.
- **Management Related:** NCDOT employs fewer white males and females, Hispanic males and females, Asian males and females, American Indian females and the disabled compared to their availability based on expected NC labor force. Black males and females and American Indian males exceed their expected labor force availability; however, when expected representation based on census population is factored in, then white females, Hispanic males and females, Asian males and females, American Indian males and females and the disabled are underrepresented.
- **Professionals:** NCDOT employs fewer white females, black females, Hispanic males and females, American Indian females and the disabled compared to their availability based on the expected NC labor force while white, black, Asian and American Indian males and Asian females exceed their expected NC labor force availability. White, black, Hispanic and American Indian females, Hispanic males and the disabled are underrepresented when expected representation based on census population is factored in.
- **Technicians and Technologists:** NCDOT employs fewer white females, black females, Hispanic males and females, Asian females, American Indian females and the disabled compared to their availability based on expected NC labor force. Black males, white males, Asian males and American Indian males exceed their expected labor force availability; however, when factoring in expected representation based on census population then white females, black males and females, Hispanic males and females, Asian females, American Indian females and the disabled are underrepresented.
- **Administrative Support:** NCDOT employs fewer white males, black males, Hispanic males and females, Asian males and females and the disabled compared to their availability based on expected NC labor force. White, black and American Indian females exceed their expected labor force availability while American Indian males are represented as they are available in the workforce. When expected representation based on census population is factored in, however, white males, black males, Hispanic males and females, Asian males and females, American Indian males and the disabled are underrepresented.

- **Protective Services:** NCDOT employs fewer white females, black males and females, Hispanic males and females and the disabled compared to their availability based on expected NC labor force. Asian and white males exceed their expected labor force availability while Asian females and American Indian males and females are represented as they are available in the workforce. When representation based on census population is factored in, then white females, black males and females, Hispanic males and females, Asian females, American Indian females and the disabled are underrepresented.
- **Skilled Craft:** NCDOT employs fewer white females, black females, Hispanic males and females, Asian males and females, American Indian females and the disabled compared to their availability based on NC labor force. White, black and American Indian males exceed their expected labor force availability. When representation based on census population is factored in, then white females, black females, Hispanic males and females, Asian males and females, American Indian females and the disabled are underrepresented.

## SECTION 7 PROGRAM 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 occupational specific labor force and the NC working population (ages 18-64) compromise standard to establish goals for work force representation, new hire, and promotion by job category. The overall program objective is parity in the workforce by eliminating underrepresentation within each SOC state category. To achieve that ultimate program objective, NCDOT must focus on recruitment and employment selection decisions. Specific goals are based on hiring and promotion in accord with the expected percentages of each ethnic and gender group for the specific SOC subcategory. Numerical goals are based on applying this expected hiring parity to the number of anticipated vacancies.

### 2013 JOB PLACEMENT GOALS

The chart below titled 2014 Job Placement Goals reflects the Department's current over and underrepresentation as well as projections in filling anticipated vacancies for 2014. Underrepresentation is denoted as a negative number. This information is derived from the analysis of actual job openings for the last three years adjusted by the anticipated job vacancies for 2014. The underrepresentation numbers are based on and reflect the NC Occupational specific civilian labor force and the NC working population (ages 18-64) compromise standard. Projected openings were based on systematic review of job openings that were filled over the last three years. Numeric placement goals are based on the objective of filling all vacancies in accordance with underrepresentation.

Although NCDOT did not set job placement goals for the disabled for 2014, we intend to conduct training to increase awareness of the ADA and employment opportunities that exist for the disabled within the Department. Additionally, in collaboration with our Human Resources Department, we intend to encourage greater self-identification by the disabled in order to obtain more accurate workforce representation numbers.

To approach parity, the Department must also address retention of employees from underrepresented demographic groups; otherwise, the loss of an underrepresented employee with the hiring or promotion of an employee of the same underrepresentation would result in a zero net gain. Diversity is a core value of the Department of Transportation. "We draw strength from our differences and work together in a spirit of teamwork and mutual respect." The program activities discussed in Section 8 are specific strategies for creating a work environment that reflects our core value and tends to retain employees who are members of underrepresented demographic groups.

**JOB PLACEMENT GOALS**

Categories	WM	WF	BM	BF	HM	HF	AM	AF	AIM	AIF	TOTAL
OFFICIALS/ADMNISTRATORS OVER/UNDERREPRESENTATION	12	-9	-2	-2	-1	-2	0	-1	0	0	
JOB PLACEMENT GOAL	2	1	1	1	0	1	0	0	0	0	
OFFICIALS AND ADMINISTRATORS TOTAL	2	1	1	1	0	1	0	0	0	0	6
MANAGEMENT RELATED OVER/UNDER REPRESENTATION	1	-31	3	51	-21	-19	-4	-7	-1	-2	
JOB PLACEMENT GOALS											
BUSINESS SPECIALIST/PURCHASING	5	9	9	52	13	9	1	2	2	2	
HR/TRAINING/LABOR RELATIONS	1	2	1	2	1	0	0	1	0	1	
FINANCE SPECIALISTS	1	1	1	1	1	1	0	1	0	0	
MANAGEMENT RELATED TOTAL	7	12	11	55	15	10	1	4	2	3	120
PROFESSIONAL OVER/UNDER REPRESENTATION	637	-512	15	-140	-45	-49	70	10	6	-11	
JOB PLACEMENT GOALS											
COMPUTER/MATHEMATICAL	9	5	2	5	1	1	13	0	0	1	
ARCHITECTURE/ENGINEERING	41	5	9	5	1	1	9	0	0	1	
LIFE/PHYSICAL/SOCIAL SCIENCE	0	2	0	2	2	2	0	0	0	0	
LEGAL JOB PLACEMENT GOAL	0	3	0	1	1	1	0	0	0	0	
EDUCATION/TRAINING/LIBRARY	0	2	0	1	1	1	0	0	0	1	
ART/DESIGN/ENTERTAINMENT	1	1	0	0	0	0	0	0	0	0	
PROFESSIONAL TOTAL	51	18	11	14	6	6	22	0	0	3	131
TECHNICIANS/TECHNOLOGISTS OVER/UNDER REPRESENTATION	786	-509	-16	-193	-31	-43	1	-15	21	-8	
JOB PLACEMENT GOALS											
DRAFTERS/ENGINEERING/MAPPING	43	2	5	2	1	1	5	1	9	1	
LIFE/PHYSICAL/SOCIAL SCIENCE	1	1	1	1	1	1	0	0	0	0	
TECHNICIANS AND TECHNOLOGISTS TOTAL	44	3	6	3	2	2	5	1	9	1	76
ADMINISTRATIVE SUPPORT OVER/UNDERREPRESENTATION	-196	151	-57	128	-39	-30	-9	-7	-3	8	
JOB PLACEMENT GOALS											
ADMINISTRATIVE SUPPORT SUPERVISOR	1	2	1	2	1	1	1	0	0	0	
ADMINISTRATIVE SUPPORT OCCUPATIONS	2	43	7	27	1	1	1	1	0	0	
ADMINISTRATIVE SUPPORT TOTAL	3	45	8	29	2	2	2	1	0	0	92
PROTECTIVE SERVICES OVER/UNDERREPRESENTATION	57	-24	-17	-17	-3	-5	1	-1	0	-1	
JOB PLACEMENT GOALS											
PROTECTIVE SERVICES SUPERVISORS	5	1	1	1	0	0	0	0	0	0	
PROTECTIVE SERVICES OCCUPATIONS	10	1	3	1	1	0	0	0	0	0	
PROTECTIVE SERVICES TOTAL	15	2	4	2	1	0	0	0	0	0	24
SKILLED CRAFTS OVER/UNDER REPRESENTATION	1777	-1031	176	-410	-417	-171	-45	-43	108	-14	
JOB PLACEMENT GOALS											
SKILLED CRAFT SUPERVISORS	65	1	9	1	1	0	0	0	0	0	
CONSTRUCTION/EXTRACTION	3	1	1	1	1	0	0	0	0	0	
INSTALLATION/MAINENANCE/REPAIR	23	1	4	1	1	1	0	0	0	0	
PRODUCTION	3	1	2	1	1	0	0	0	0	0	
TRANSPORTATION/MATERIALS MOVING	375	2	54	2	2	0	0	0	5	0	
SKILLED CRAFT TOTAL	469	6	70	6	6	1	0	0	5	0	563
<b>TOTAL ALL</b>											<b>1012</b>

## SECTION 8 PROGRAM ACTIVITIES

Program activities and strategies shall be implemented to address EEO barriers and to improve the likelihood of achieving program objectives. These strategies shall include, but not be limited to, the following:

### RECRUITMENT

Recruitment of applicants is necessary even in austere times. NCDOT's EEO Plan, in conjunction with the equal employment opportunity policy statement, includes a recruitment program with specific objectives:

- Review and monitor recruitment procedures to abolish any discriminatory practices or employment barriers that may exist;
- Review all recruitment literature to ensure that it is relevant to all employees;
- Institute measures that will improve NCDOT's recruitment process as it relates to established program objectives;
- Specify measures for maintaining contact with recruitment resources and informing these resources of employment opportunities, particularly in management, professional, and technical level positions.
- 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/AA update to OSHR and FHWA.

### JOB RESTRUCTURING

The EEO Plan includes a job-structuring program to ensure that job descriptions and class specifications do not contain factors that arbitrarily discriminate. NCDOT has established and maintains a continuous review program in cooperation with the Office of State Human Resources. Key objectives of our job-structuring program are to:

- Review job classes and positions periodically to correct inaccurate descriptions and to insure that roles are allocated to the appropriate classification;
- Ensure that job qualifications are job-related and consistent with performing the essential functions of the job;
- Review job descriptions to ensure the essential functions of the position are clearly identified;

- Restructure vacant positions to create entry level or trainee positions, when possible, to create placement opportunities; and
- Create career ladders for upward mobility that free positions for additional entry-level placements.

## **DISCIPLINARY PROCESS**

It is the intent of the North Carolina Department of Transportation to comply with the policies of the State Human Resources Commission on disciplinary actions. In order to ensure compliance, this policy has been reviewed and approved by the Commission. Employees will be notified of all future changes to this policy or State Human Resources policy, 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. The policy will also be referenced in the Department's Employee Handbook and during new employee orientation.

This policy will be administered in a fair and equitable manner free of unlawful discrimination.

### **I. PURPOSE**

The purpose of disciplinary action is to provide managers and employees with 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.

### **II. WHO IS COVERED**

This policy and procedures apply to Department employees who have attained career status as defined by law.

Probationary employees may be dismissed without prior discipline for unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct. During the probationary period, which shall be not less than twenty-four (24) months, the supervisor is responsible for working with the employee in counseling and assisting him/her to achieve a satisfactory performance level. Progress should be reviewed periodically. If it is determined that the employee's performance or conduct indicates he/she is not suited for the job and cannot be expected to meet acceptable standards, the employee should be separated before the end of the probationary period. If the employee is not separated before the end of twenty-four (24) months of employment (to the day), he/she automatically receives career status if he/she was in a permanent position and had been continuously employed by the State in a position subject to the NC Human Resources Act for the immediate twenty-four (24) preceding months.

### **III. DEFINITIONS**

#### **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.

**Disciplinary Demotions – A personnel action that:**

- Lowers the salary of an employee within his/her current pay grade, or
- Places the employee in a position at a lower pay grade with or without lowering the employee's salary, and
- The action was involuntary, and
- The action taken was to discipline the employee.

#### **Disciplinary Suspension without Pay**

The removal of an employee from work for disciplinary reasons without paying the employee.

#### **Dismissal**

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

#### **Gross Inefficiency (Grossly Inefficient Job Performance)**

The 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 and/or work unit.

### **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.

### **Unacceptable Personal Conduct**

An act that is:

- Conduct for which no reasonable person should expect to receive prior warning; or
- Job-related conduct which constitutes a violation of State or Federal law; or
- Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the State; or
- The willful violation of known or written work rules; or
- Conduct unbecoming a State employee that is detrimental to State service; or
- The abuse of client(s), patient(s), students(s), or person(s) over whom the employee has a responsibility or of an animal owned by the State; or
- Absence from work after all authorized leave credits and benefits have been exhausted; or
- Falsification of a State application or in other employment documentation.

### **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 or agency.

#### IV. JUST CAUSE FOR DISCIPLINARY ACTION

Any employee, regardless of occupation, position, or profession, may be warned, demoted, suspended, or dismissed by the appointing authority. Such actions may be taken against career employees only for just cause. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority in accordance with the provisions of State Human Resources policy. Administration of disciplinary actions will be equitable and free of unlawful discrimination.

There are two reasons for the discipline and/or dismissal of employees under the statutory standard of "just cause" as set out in G.S. 126-35. These two reasons are:

- **Unsatisfactory job performance**
- and**
- **Unacceptable personal conduct.**

Either unsatisfactory job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

##### **Unsatisfactory Job Performance**

Any work-related performance problem 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.

The term "unsatisfactory job performance" means work-related performance that fails to satisfactorily meet job requirements as set out in the relevant job description, work plan, or as directed by management of the work unit or agency.

Just cause to warn or take other disciplinary action for grossly inefficient job performance exists when job performance is so unsatisfactory that it 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.

Just cause to warn or take other disciplinary action for grossly inefficient job performance is also created when job performance is so unsatisfactory that it causes or results in a serious loss of or damage to state property or funds adversely impacting the state, agency and/or the work unit.

## 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 or off duty so long as there is a sufficient connection between the conduct and the employee's job. Insubordination is a type of unacceptable personal conduct.

## Types of Disciplinary Action

When just cause exists, any employee may be given appropriate disciplinary action by the supervisor or other authorized management representative. Types of disciplinary actions that can be taken are:

- Written warning
- Disciplinary suspension without pay
- Demotion, and
- Dismissal.

## DISCIPLINARY PROCEDURES

### I. GENERAL PROVISIONS

In order to ensure consistency, management is to consult with a Human Resources Employee Relations Representative if it is determined that an employee may have violated this policy and procedures. In addition, management should examine a number of factors to decide the appropriate type of disciplinary action.

Among the factors are:

- Whether the supervisor should recommend disciplinary action based on the facts;
- Whether additional investigation is needed;
- The type and degree of disciplinary action to be taken;
- The employee's work history

- The disciplinary actions received by other employees within the work unit for comparable performance or behaviors.

In cases of unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee may receive. After the first unsatisfactory job performance written warning, a supervisor may give additional written warnings or a higher level of disciplinary action.

In cases of grossly inefficient job performance or unacceptable personal conduct, the supervisor may give a written warning; however, this policy does not require a written warning before management takes other disciplinary action.

## II. WRITTEN WARNING

Warnings are intended to bring about a permanent improvement in job performance should the required improvement later deteriorate, or other inadequacies occur. If there are one or more active warnings in the employee's personnel file, then further disciplinary action may be considered.

All written warnings shall:

- Be in writing and state that it is a written warning.
- Inform the employee of the specific conduct or performance that is the reason for the warning.
- Inform the employee what specific performance or conduct improvements or corrections must be made.
- Inform the employee of the time frame within which he/she must show improved or corrected performance or conduct. The time frame should be reasonable to allow the employee to show improvement.
- Inform the employee of the consequences for failing to make the required improvements or corrections.
- Inform the employee whether appeal rights are afforded in accordance with the NCDOT grievance procedures.

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

Reference shall be made in the warning to earlier active warnings.

A written warning is not grievable under DOT's Employee Grievance Policy & Procedures.

Have the employee acknowledge receipt of the warning in writing. If the employee refuses, call in another supervisor to witness in writing that the warning was issued. The supervisor should note on the file copy of the warning that the employee refused to acknowledge receipt.

### **III. DISCIPLINARY SUSPENSION WITHOUT PAY**

An employee may be suspended without pay for a current incident of unsatisfactory job performance after the receipt of at least one prior disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance. The appropriate time for periods of disciplinary suspension without pay will be as follows:

- Employees subject to overtime compensation provisions of the Fair Labor Standards Act must be suspended for at least one full work day, but may not be for more than two work weeks. (Employees shall not be suspended for any portion of a workday.)
- Employees exempt from overtime compensation provisions of the Fair Labor Standards Act must be suspended for at least one full work week, but may not be suspended for more than two full work weeks. (Employees shall not be suspended for any portions of a workweek.)

Prior to placing an employee on disciplinary suspension without pay, a management representative shall conduct a pre-disciplinary conference with the employee. (See "Pre-disciplinary Conference")

An employee who is being placed on disciplinary suspension without pay must be furnished a written notice setting forth the specific reasons for the suspension, as well as notice of his/her appeal rights. The notice shall be issued in a fashion that provides a record of the date it is received by the employee.

### **IV. DEMOTION**

An employee may be demoted for unsatisfactory job performance after the receipt of at least one prior disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance.

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.

Prior to demoting an employee, a management representative shall conduct a pre-disciplinary conference with the employee. (See "Pre-disciplinary Conference")

An employee who is being demoted must be furnished a written notice setting forth the specific reasons for the demotion, as well as notice of his/her appeal rights. The notice shall be issued in a fashion that provides a record of the date it is received by the employee.

#### **V. DISMISSAL**

An employee may be dismissed for unsatisfactory job performance after the receipt of at least two prior disciplinary actions or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance.

Prior to dismissing an employee, a management representative shall conduct a pre-disciplinary conference with the employee. (See "Pre-disciplinary Conference")

An employee who is being dismissed must be furnished a written notice setting forth the specific reasons for the dismissal, as well as notice of his/her appeal rights. The notice shall be issued in a fashion that provides a record of the date it is received by the employee.

If an employee is dismissed, the employee shall be informed 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. PRE-DISCIPLINARY CONFERENCE**

The supervisor recommending dismissal, suspension without pay, or demotion must schedule and conduct a pre-disciplinary conference with the employee after discussing

the recommendation with the HR Employee Relations Representative and appropriate division or unit management and receiving management's authorization to hold a pre-disciplinary conference with the employee.

The supervisor must give the employee advance written notice of the pre-disciplinary conference. The advance written notice must be reviewed and approved by the Pre-disciplinary Conference Review Committee (PCRC) prior to giving advance notice to the employee and conducting the pre-disciplinary conference. If the PCRC disapproves the recommendation, the supervisor or designated management representative may appeal through the Human Resources Director to the NCDOT Secretary. The Secretary will make the final decision regarding the proposed recommendation.

The person conducting the pre-disciplinary conference must have the authority to recommend or to decide what, if any, disciplinary action shall be imposed on the employee. The purpose of the pre-disciplinary conference is to review the recommendation with the affected employee and to listen to and consider information put forth by the employee in order to insure that the decision is not based on misinformation.

Pre-disciplinary conference procedures are as follows:

- Advance written notice of the pre-disciplinary conference must be given to the employee including the time and location, the type of disciplinary action being considered and the facts that lead to the recommendation. The amount of advance notice shall be as much as is practical under the circumstances.
- The people that are a part of a pre-disciplinary conference are:
  - Supervisory, or other person chosen by agency management
  - Employee
  - A second management representative
  - Security, if the person conducting the conference chooses
  - No attorney shall represent either side at the conference
- In the conference the person conducting the conference shall give the employee oral or written notice of the recommendation for the disciplinary

action, including specific reasons for the proposed discipline and a summary of the information supporting the recommendation.

- The employee shall have an opportunity to respond to the proposed discipline, to refute information supporting the recommended disciplinary action and to offer information or arguments in support of the employee's position. Every effort shall be made by the supervisor, or the designated management representative, to assure that the employee has had a full opportunity to set forth any information in opposition to the proposed disciplinary action prior to the end of the conference. This opportunity does not include the right to present witnesses.

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 letter of disciplinary action.

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.

In the unusual case in which the employee is unavailable for a pre-disciplinary conference, the purpose of the conference can be satisfied by written correspondence through certified mail. Confer with your Human Resources Representative for assistance.

## **VII. DISCIPLINARY LETTER**

Following the pre-disciplinary conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. If management's decision is to discipline the employee, a written letter of discipline containing the specific reasons for disciplinary action, the effective date of the disciplinary action and the employee's appeal rights shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee. The letter of disciplinary action should not be prepared prior to the pre-disciplinary conference. To minimize the risk of disciplinary action being imposed based upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision to discipline shall not be communicated 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 conference.

The effective date of disciplinary action shall be no sooner than the date of the disciplinary letter.

The effective date for dismissals for unsatisfactory job performance shall be determined by management in accordance with State Human Resources policy. Such dismissals are usually effective the date of written notice to the employee.

The effective date for dismissals for grossly inefficient job performance or unacceptable personal conduct shall be the date of the disciplinary letter.

The disciplinary letter shall include notice to the employee of his/her appeal rights and shall include a copy of DOT's Employee Grievance Policy & Procedures as an attachment. The time for filing a grievance does not start until the employee receives a written notice of any applicable appeal rights.

Failure to give written reasons for a dismissal, suspension without pay or demotion, written notice of appeal rights, or to conduct a pre-disciplinary conference is a procedural violation. The remedies for procedural violations are set by the State Human Resources Commission.

#### VIII. REPORTING

The Department requires that all dismissals, demotions, and disciplinary suspensions be reported in advance to the Division Engineer/Unit Head/Branch Manager/Section Director. These disciplinary letters shall be issued under the signature of Division Engineer/Unit Head/Branch Manager/Section Director.

The Department requires a Human Resources Employee Relations Representative be contacted by management at all levels of the disciplinary process to ensure compliance with this policy and procedures.

#### ACTIVE/INACTIVE DISCIPLINARY ACTION

A disciplinary action (other than dismissal) issued to an employee after October 1, 1995, becomes inactive when:

- The employee's supervisor or manager notes in the employee's personnel file that the reason for the action has been resolved or corrected; or
- For performance-related disciplinary actions, 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
- Eighteen (18) months have passed since issuance of the disciplinary action and the employee does not have another active warning or other disciplinary action which occurred within the last 18 months.

**NOTE:** *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.*

When a disciplinary action becomes inactive, it shall remain in the employee's personnel file. The inactivation of a disciplinary action shall also be changed in BEACON.

Employees shall be entitled to view and copy their personnel files during normal office hours upon reasonable advance oral or written notice to the custodian.

### PLACEMENT ON INVESTIGATION

Placement on investigation status is used to temporarily remove an employee from work status. Placement on investigation shall be with pay and does not constitute a disciplinary action. Management must notify an employee in writing of the reasons for investigatory placement not later than the second scheduled work day after the beginning of the placement. An investigatory placement with pay may last no longer than 30 calendar days without written approval of extension by the agency head and State Human Resources Director. When an extension beyond the 30-day period is required, the employee must be notified in writing of the extension, the length of the extension and the specific reasons for the extension. If no action has been taken by the end of the 30-day period and no further extension has been granted, management must either take appropriate disciplinary action on the basis of the findings upon investigation or return the employee to active work status. Under no circumstances is it permissible to use placement on investigation status 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.

It is permissible to place an employee on investigative status with pay only under the following circumstances:

- To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action; or
- To provide time within which to schedule and conduct a pre-disciplinary conference; or
- To avoid disruption of the work place and/or to protect the safety of persons or property.

The Personnel Technician assigned to the division/section/branch or work unit of the employee placed on investigation shall be copied on the written notification to the employee and enter the personnel action into BEACON.

## CREDENTIALS

### I. GENERAL PROVISION

By statute, regulation, and administrative rule, some duties assigned to positions in the State 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 classifications established by the State Human Resources Commission.

### II. OBTAINING AND MAINTAINING CREDENTIALS

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law, rule or regulation. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who fails to obtain or maintain legally required credentials may be dismissed without prior warning following a pre-disciplinary conference. An employee dismissed on this basis shall be given a written letter of dismissal with the specific reason for the dismissal and written notice of the right of appeal.

### III. 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 a State agency/university, disciplinary action shall be administered as follows:

- 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 written letter of dismissal with the specific reason for the dismissal and written notice of the right of appeal.
- 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 agency/university head.

- **When credential or work history falsification is discovered before employment with a State agency/university, the applicant shall be disqualified from consideration for the position in question.**

## SELECTION PROCEDURES

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 assure that job requirements, selection procedures, hiring standards, and the placement process contribute to the achievement of program objectives and does not discriminate in the categories of race, color, religion, sex, national origin, age, genetic information, or disabling condition.

NCDOT's EEO Plan includes a selection program with the following objectives:

- Conduct periodic job analyses to validate job-related qualifications, selection criteria, and training needs;
- Cooperate with the Office of State Human Resources or other trained resources on the review and validation of written tests, interviews, or other selection devices;
- Coordinate training with Human Resources for employees who interview applicants for employment in proper interviewing techniques;
- Establish sign-off procedures to ensure that the selection process in underrepresented occupations reflect established program objectives and timetables; and
- 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 under-representation exists.

## HIRING PROCESS

Effective January 9, 2012, E-Recruitment was introduced; 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 Office of State Human Resources and Department of Transportation's Job Vacancies Web Page to include DOT internal postings. If deemed necessary by management, vacant positions may also be posted in newspapers, radio, and various job vacancy web sites (i.e. Career Builder.com, etc.).

- The Hiring Unit Manager determines the appropriate option in posting a vacancy (internal to the agency, state government or external). The position is posted with an opening and closing date.
- Employees and applicants submit an application online for the vacancy before the established closing deadline.
- Applications are submitted to the Human Resources Operations Unit, Division (1-14) Personnel Section, DMV Personnel Section or Ferry Personnel Section. The Qualifications Evaluator of Unit reviews the credentials of each applicant and determines who possesses the minimum qualifications. Of those applicants who meet the minimum qualifications, a pool of the most qualified candidates is identified.
- The Most Qualified Applicants are forwarded to the Hiring Unit Manager and he/she schedules interviews with applicants he/she has chosen from the Most Qualified applicant pool. The Unit Hiring Manager utilizes pre-determined written interview questions that are based upon job-related KSAs and records the applicant's response.
- The Hiring Unit Manager identifies the recommended applicant for the position, completes a hiring justification notice and forwards them to Division Management for final approval. The final selection recommendation/decision is made from among the Most Qualified applicants. Upon approval from Division Management, it assembles the employment package and sends the package to the Human Resources Operations Unit, Division (1-14) Personnel Section, DMV Personnel Section or Ferry Personnel Section for processing.
- The EEO Officer or designee reviews the employment package of applications, application of the selected applicant, proposed salary offer and the selection justification before the employment offer. Once approved by the EEO Officer, he/she initials the EEO Notification Form and forwards the remaining documents to Human Resources.
- Upon final approval by Human Resources, the Unit Hiring Manager notifies the selected applicant and extends an offer of employment. Once the offer is accepted by the selected applicant, the Hiring Unit Manager provides timely written notice of non-selection to all most qualified applicants.

- An employment offer letter is generated by the Unit Hiring Manager; it contains the effective date of employment, location/name of duty station, name of immediate supervisor, classification title, appointment type and salary. The letter is mailed to the selected applicant.

### **PROMOTION PROCEDURES**

The EEO program impacts not only recruitment, selection, and hiring, but also promotion and the upward mobility of underrepresented groups. It is equally unlawful to fail to provide an equal opportunity for upward mobility to all employees. In order to assure that the process of selecting employees for these opportunities does not adversely affect employees who are qualified for promotion or other forms of upward mobility, NCDOT's EEO Plan incorporates an upward mobility procedure/program that includes provisions to:

- Create career development plans for employees who demonstrate the potential for advancement.

### **TRAINING PROCEDURES**

Employee training is a cost effective program. 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 agency.

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 for the purpose of identifying 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. Maintaining requests for training made by employees and the training provided to all employees (regardless of whether or not it was requested) are significant indicators of NCDOT's efforts.

### **MANAGEMENT TRAINING**

Training for managers and supervisors is crucial to the success of NCDOT's EEO program. Managers and supervisors implement EEO goals through their employment decisions (selection

for hiring, promotion, training, reallocation, demotion, and transfer). They must be trained on the effective fulfillment of their EEO responsibilities. The elements of such a training program include:

- Definition of equal employment opportunity;
- Legal basis for EEO;
- Interpreting and applying EEO policies and guidelines;
- Guidelines for valid and legal selection procedures;
- Identifying and eliminating artificial barriers that can lead to discrimination;
- Implementing EEO Plan and program; and
- Managing diversity in the workforce.

### **COMPENSATION and BENEFITS**

A structured and uniformed procedure should be implemented to ensure fairness and equity in the administration of compensation. Consideration should be given to criteria for salary recommendations, such as related education, training, and experience and salaries of current employees performing similar duties and responsibilities. Also, 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 Officer should be involved in monitoring salary recommendations in an effort to identify trends and discuss concerns with management in order to minimize inequities.

### **PERFORMANCE APPRAISAL**

Guidelines for Performance Development Appraisal (PDA) indicate that the work performance of each State employee is to be evaluated on an interim and annual basis. Work planning and performance appraisal must be based on the same set of specific measurable outcomes for each job, by both the supervisor and employee. Conferences should be conducted with each employee to plan the work and to discuss the performance appraisal. The results of both sessions must be maintained on a confidential basis.

### **TRANSFER AND/OR SEPARATIONS**

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.

## **GRIEVANCE PROCEDURES**

The grievance procedure is designed to ensure fair and equitable review of employment complaints. SEE APPENDIX E.

## **EEOI ENROLLMENT PROCESS**

In accordance with General Statutes 126-16.1, NCDOT is required to enroll supervisors and managers in the Equal Employment Opportunity Institute (EEOI). EEOI 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 shall enroll in the EEOI within one year of their appointment.

The NCDOT HR Office of Staff Development & Training is responsible for the coordination of the enrollment process. The enrollment process is as follows:

1. "Eligible Candidate Lists" are prepared by the Office of State Human Resources, EEO Diversity & Compliance Division (OSHR) and are sent to NCDOT HR Office of Staff Development (HR) for verification. This verification process takes place at HR and is compiled in conjunction with the Training Coordinators of each Division. The final list of eligible candidates is then returned to OSHR.
2. HR will schedule EEOI training at an appropriate facility.
3. Once HR has scheduled EEOI training, candidates will receive a letter of notification. These letters will be sent to Division Training Coordinators for distribution.

## SECTION 9 EVALUATION MECHANISM

An evaluation of progress is essential for assessing the overall effectiveness of the Equal Employment Opportunity program and providing data upon which to base recommendations for future action. The accomplishments and challenges for 2013 are as follows:

### ACCOMPLISHMENTS

1. The Secretary of Transportation appointed Capresha Caldwell in October 2013 as NCDOT's EEO/AA Officer to manage the EEO Plan and Program on a full-time basis.
2. EEO outcome measures for placement in the PDA of managers and supervisors were approved by the Secretary.
3. Twelve on-site evaluations of organizational units were conducted in 2013 making unit management aware of under or overrepresentation in their workforce as well as any disproportionate disciplinary actions against minorities or females.
4. Unlawful Workplace Harassment training was provided by the Office of Civil Rights to 2014 DOT employees.

### CHALLENGES

1. The EEO Program continues to be appreciably understaffed. The current staffing compliment consists of 5 FTE positions inclusive of an EEO Manager/AA Officer, 2 Affirmative Action Specialists and 2 Investigation Specialists. The Department was without a full-time EEO Manager from 2010 – October 2013. The current Manager's time is split between functioning as the Program Manager, Affirmative Action Officer, EEO Investigations Manager and ADA Manager. It is imperative to provide adequate resources to the EEO Program for effective program delivery.
2. Further discussion is recommended regarding sending only Most Qualified Applicants to the hiring manager for interview and selection considerations. The hiring manager possesses subject matter expertise and should be able to receive and review applicants deemed qualified by Human Resources. If the hiring manager identifies a Qualified Applicant who he/she believes to be a Most Qualified Applicant, the hiring manager should confer with Human Resources to resolve the issue.
3. NCDOT's hiring process is continuing to experience a state of transformation due to E-Recruitment System; it is an on-line application process. Further discussions are recommended regarding hiring manager's accountability for achieving EEO job

placement goals established by the Department; however, in accordance with E-Recruitment System, the protected trait of race and sex of an applicant are not provided to hiring managers.

## **SECTION 10 REPORT MECHANISM**

EEO reporting systems, through the use of information contained in the Building Enterprise Access for Core Operational Needs (BEACON), can provide NCDOT management with the data needed for positive discussions.

Office of Civil Rights distributes the following quarterly reports to organizational units who were evaluated during the previous year:

1. BEACON B0178-F Over/Under Representation Report - reports NCDOT's workforce representation by race and gender.
2. BEACON B0031 New Hire and Promotions Report – reports by race and gender NCDOT's new hire and promotion decisions.
3. BEACON B0051 Disciplinary Action Report – reports disciplinary actions by race and gender.

## **SECTION 11 REDUCTION-IN-FORCE PROCEDURES**

Reduction-In-Force procedures are designed to analyze layoff decisions and to determine their actual or potential adverse impact on underutilized/underrepresented groups.

### **POLICY STATEMENT**

It is the intent of NCDOT to ensure that all employees have access to the Departmental Reduction-in-Force Procedures. The Reduction-in-Force Policy will be evaluated and monitored continuously by the NCDOT Human Resources Office. This policy will be posted in a permanent and conspicuous manner in work areas.

### **POLICY**

- 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 changes in duties or organization.
- 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 workforce
  - Length of service
- Neither temporary, probationary, nor trainee employees in their initial six months of training shall be retained in classes where employees with a permanent appointment (those who have satisfactorily completed a probationary or equivalent trial period) must be separated in the same or related class.
- In determining the length of service, an eligible veteran shall be afforded one year of state service for each year or fraction thereof of military service, up to a maximum of five (5) years credit.

### **NCDOT RESPONSIBILITY**

- NCDOT shall develop written guidelines for reduction-in-force that meet its particular needs and provide assurances to employees that potential reductions shall be considered on a fair and systematic basis. These guidelines must be openly available for review by any employee of NCDOT at a publicized location.
- The guidelines for NCDOT shall also be filed with the Office of State Human Resources as a public record.

- It is NCDOT's responsibility to inform the employee of separation as soon as possible and to inform the employee, in writing, of the reasons for the reduction-in-force, their eligibility for priority reemployment consideration, applicable appeal rights, and other benefits available.
- NCDOT must provide employees with a minimum advance notice of thirty (30) calendar days in writing.

#### **APPEALS**

- An employee separated through a reduction in force may appeal the separation if it is alleged that the separation is in retaliation for the employee's opposition to alleged discrimination against the employee on account of the employee's age, sex, race, color, national origin, religion, genetic information, political affiliation, or disabling condition as defined by Chapter 168A of the General Statutes.
- An employee may appeal the separation if it is alleged that the separation is a denial of the veterans' preference granted in connection with a reduction in force for an eligible veteran.
- An employee who wishes to appeal a separation due to reduction in force through the internal grievance procedure must do so in writing within 15 calendar days of notification of reduction in force to the Human Resources Director-1517 Mail Service Center, Raleigh, NC 27611-1517.

#### **AFFIRMATIVE ACTION**

In accordance with federal guidelines affecting equal employment opportunity and affirmative action, all decisions concerning reduction in force must be analyzed to determine their impact on NCDOT's goals by race and sex.

#### **LEAVE**

- Vacation Leave: Employees may elect, subject to approval by management, to exhaust vacation leave after their last day of work and be paid in a lump sum for the balance not to exceed 240 hours. If an employee had over 240 hours of vacation leave at the time of reduction in force, the excess leave shall be reinstated when reemployed within one year.
- Sick Leave: Employees separated due to reduction-in-force shall be informed that their sick leave shall be reinstated if employed in any agency within five years.

#### **NOTICE TO EMPLOYEES**

Employees should be given in writing, the reasons for the reduction-in-force as soon as possible; however, a minimum of thirty (30) days notice of separation must be given. Official written notification letters should include:

1. Expected date of separation

2. **Reasons for reduction-in-force**
3. **Employees' eligibility to receive priority reemployment consideration**
4. **Applicable appeal rights**
5. **Other benefit information:**
  - a. **vacation pay**
  - b. **sick leave employee**

## SECTION 12 PROCEDURES FOR MONITORING

A monitoring system developed to audit personnel policy and personnel decisions is essential to ensure non-discrimination and the achievement of program objectives, program activities and goals. Monitoring includes regular reviews of our EEO practices, policies, goals and program objectives.

An internal monitoring and evaluation system to audit personnel policy and personnel decisions is essential to ensure non-discrimination and the achievement of goals and timetables. Additionally, an evaluation of progress is essential for assessing the overall effectiveness of the Equal Employment Opportunity program and providing data upon which to base recommendations for future action. The monitoring and evaluation program will include regular reviews of our EEO practices, policies, and departmental commitment by the Executive Management Team.

The Equal Employment Opportunity Plan will be updated annually and as State and Federal laws, regulations, and guidelines change. Other opportunities to revise the plan will be taken into consideration to reflect management and employee philosophies resulting from their interactions and work with the Plan.

The internal monitoring and evaluation program will cover most aspects of the employment function. Through quarterly analysis by division management, senior staff, and Human Resources Management, significant changes can be made to achieve success of our program. EEO reporting systems, through the use of information contained in the Building Enterprise Access for Core Operational Needs (BEACON), can provide management with the data needed for positive discussions.

The EEO plan includes the internal procedures and programs designed to address EEO challenges and implementation procedures to assist division-level management in achieving its program objectives.

## APPENDIX A



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

1501 MAIL SERVICE CENTER, RALEIGH, N. C. 27699 - 1501

ANTHONY J. TATA  
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 the principles and spirit of Equal Employment Opportunity (EEO) for all employees and employment applicants.

NCDOT prohibits creating a hostile or intimidating work environment. All personnel policies and practices are to be conducted in a work environment that is fair and free from discrimination and 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.

Therefore, be it known that 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, gender, religion, national origin, political affiliation, genetic information, age, or disability. Equal Employment Opportunity and Affirmative Action Programs are legal, social, and economic requirements for the success of the Department and as such, will continue to receive my personal attention and guidance. To further assure that appropriate program measures are implemented and monitored, I have designated John Eley as the Department's Affirmative Action Officer; he may be reached at 919-508-1804.

The Equal Opportunity/Affirmative Action Program will pervade all human resource practices including, but not limited to, recruiting, hiring, transfers, disciplinary actions, promotions, training, compensation, benefits, recognition, and all other terms and conditions of employment. Equal Employment Opportunity positively affects the development of our entire workforce, and active Affirmative Action Programs will provide a more positive employment environment, which benefits this Department and all of its employees.

For effective administration and implementation of the Equal Employment Opportunity Program, there must be involvement, commitment and support of executives, managers, and supervisors. My office has advised all Executives, Administrators, Division Directors, District Engineers, Branch/Unit Managers, and Supervisors that responsibility for positive implementation of the Affirmative Action Program will be expected and shared by all management and supervisory personnel. Executives, Administrators, Division Directors, District Engineers, Branch/Unit Managers and Supervisors have been further advised that they will be held accountable for their actions in this area and will be evaluated in carrying out these responsibilities.

Equal Employment Opportunity is not only the law, but it is fundamental to this Department's operations. I expect each employee and management to cooperate fully by integrating and promoting Equal Employment Opportunity at all levels.

As an expression of the commitment to and support of the North Carolina Department of Transportation's Affirmative Action Program, below is my signature, as Secretary of NCDOT.

  
Anthony J. Tata, Secretary

4 SEPTEMBER 2014  
Date

## APPENDIX B

**APPENDIX B**

<b>State Job Category</b>	<b>NCDOT Job Classification</b>
<b>Officials and Administrators</b>	Accounting Manager I
	Accounting Manager II
	Applications Development Manger
	Applications Systems Manager I
	Assistant Director Maintenance and Materials
	BSIP Function Development Analyst Supervisor II
	Chief, External Equal Employment Opportunity
	Community Development Planner III
	Community Liaison-DOT Planning & Program
	Computer Network Manager II
	Departmental Purchasing & Services Officer
	Departmental Purchasing Officer IV
	Departmental Services Director
	Deputy Director, Public Affairs
	Deputy Secretary II, DOT
	Deputy Secretary/Commissioner III
	Deputy Secretary, DOT
	Director Ferry Division
	DMV Deputy Director
	DMV Director
	DOT Chief Information Officer
	DOT Civil Rights Director
	DOT Environmental Management Director
	DOT Right of Way Asst. Branch Manager
	DOT Right of Way Branch Manager
	DOT-Director of Safety & Loss Control
	Driver Education Assistant Director
	Environmental Supervisor III
	Environmental Supervisor IV
	Equipment Plant/Maintenance Manager
	Facility Architectural Supervisor II
	Facility Engineering Director I (LIC)
	GIS Director, DOT
	Highway GIS Assistant Director
	Highway Safety Program Coordinator
	HUB Coordinator (DOT)
<b>Officials and Administrators (cont.)</b>	Information Center Mgr. I
	Information Center Mgr. II
	Information Systems Director II
	Personnel Director III
	Personnel Supervisor I
	Right of Way Consultant Coordinator
	Right of Way Unit Supervisor II

## APPENDIX B

Special Assistant To Secretary (PG80T)  
Special Assistant To Secretary (PG78T)  
State Equipment Superintendent  
Systems Programmer/Administrator II  
Traffic Records & General Services Director  
Transportation Aviation Director  
Transportation Engineering Director I  
Transportation Engineering Director II  
Transportation Engineering Director III  
Transportation Engineering Director IV  
Transportation Planning Director  
Transportation Program Director  
Transportation Staff Engineer

### **Management Related Occupations Business Specialist including Purchasing**

Administrative Officer III  
Area Equipment Superintendent  
Business Officer I  
Business Officer II  
Departmental Purchasing Agent I  
Departmental Purchasing Agent II  
Departmental Purchasing Agent III  
Departmental Purchasing Officer III  
DOH Engineering Program Director  
DOT Assistant Right of Way Unit Supervisor  
DOT Depot Planning & Scheduling Specialist  
DOT Permits Director  
DOT Production Planning & Quality Control  
Manager  
DOT Right of Way Appraiser Unit Supervisor  
Driver License District Supervisor  
Driver License Examiner  
Driver License Regional Chief Examiner  
Driver License Section Administrator  
Driver License Senior Examiner  
Executive Assistant to the Secretary, DOT  
Federal Legislative Programs Coordinator  
Management Analyst  
Management Assessment & Compliance Director  
Real Property Agent II  
Right of Way Agent I  
Right of Way Agent II  
Right of Way Agent Supervisor I  
Right of Way Agent Supervisor II

## APPENDIX B

Right of Way Agent Trainee  
Right of Way Appraiser II  
Right of Way Appraiser III  
Right of Way Appraiser Trainee  
Right of Way Area Agent  
Right of Way Division Agent  
Safety Officer I  
Safety Officer II  
Special Assistant, State Highway Administrator  
Staff Development Coordinator  
Staff Development Specialist II  
Staff Development Specialist III  
Transportation Agent  
Transportation Program Consultant III  
Transportation Program Manager  
Transportation Program Section Chief

### **Management Related Occupations HR, Training, & Labor Relations Specialists**

DOT Minority Affairs Coordinator  
Personnel Analyst I  
Personnel Analyst II  
Personnel Analyst III  
Personnel Analyst Trainee  
Personnel Technician II  
Personnel Technician III  
Staff Development Specialist I

### **Management Related Occupations Finance Specialist**

Accountant I  
Accountant II  
Accountant III  
Accountant IV  
Accountant Trainee  
Accounting Specialist I  
DOT Right of Way Unit Supervisor II  
Governmental Accounting Auditor I  
Internal Auditing Manager I  
Internal Auditing Manager II  
Internal Auditor II  
MB/WB Development Specialist  
Real Property Agent I  
Systems Accountant I  
Systems Accountant II  
Systems Accounting Manager

## APPENDIX B

### Professionals

#### Computer & Mathematical Occupations

Applications Analyst Programmer I  
Applications Analyst Programmer II  
Applications Analyst Programmer Specialist  
Applications Development Project Supervisor  
Applications Programmer I  
Applications Programmer II  
BSIP Function Development Analyst I  
BSIP Function Development Analyst II  
BSIP Function Development Analyst III  
BSIP Function Development Analyst IV  
BSIP Function Development Analyst V  
Change Control Analyst  
Computer Production Specialist II  
Computing Consultant I  
Computing Consultant II  
Computing Consultant III  
Computing Consultant IV  
Computing Consultant V  
Data Base Administrator  
Data Base Analyst  
IT Security Administration Manager  
Telecommunications Systems Analyst II

### Professionals

#### Architecture & Engineering Occupations

Agency Safety Program Director III  
Cartographer  
Cartographic Production Manager  
County Maintenance Engineer  
DOT Historic Architect Supervisor  
Environmental Engineer I  
Environmental Supervisor  
Environmental Supervisor I  
Environmental Supervisor II  
Facilities Planner I  
Facility Architect I  
Facility Construction Engineer II (LIC)  
Facility Structural Engineer II (LIC)  
HGW Equipment Engineer I  
Inventory Systems Analyst  
Landscape Consultant I  
Management Engineer I  
Management Engineer II  
Photogrammetric Engineer I

## APPENDIX B

Photogrammetric Engineer II  
Photogrammetric Engineering Supervisor  
Photogrammetric Laboratory Supervisor  
Roadside Environmental Engineer I  
Roadside Environmental Engineer II  
Roadside Environmental Engineer III  
Roadside Environmental Engineer IV  
Roadside Environmental Engineer V  
Safety Consultant I  
Safety Consultant II  
Transportation Electrical Engineer I  
Transportation Electrical Engineer II  
Transportation Electrical Engineering Supervisor  
Transportation Engineer I  
Transportation Engineer I Trainee (PG: NG)  
Transportation Engineer I Trainee (PG: NGT)  
Transportation Engineer II  
Transportation Engineer III  
Transportation Engineering Associate  
Transportation Engineering Manager I  
Transportation Engineering Manager II  
Transportation Engineering Supervisor I  
Transportation Engineering Supervisor II  
Transportation Engineering Supervisor III  
Transportation Planner IV  
Transportation Staff Engineer I  
Transportation Staff Engineer II  
Transportation Staff Engineer III  
Transportation Staff Engineer IV

### **Professionals** **Life, Physical and Social Science Occupations**

Archaeologist II  
Chemist I  
Chemist II  
Community Development Specialist I  
Community Planner I  
Community Planner II  
Community Planner III  
DOT Archaeologist Supervisor  
Environmental Biologist II  
Environmental Specialist I Trainee.  
Environmental Specialist II  
Environmental Specialist III

## APPENDIX B

Historic Preservation/Restoration Specialist II  
Marine Quality Assurance Specialist  
Transportation Engineering Geologist I  
Transportation Engineering Geologist II  
Transportation Engineering Geologist III  
Transportation Engineering Geologist Supervisor  
Transportation Engineering Geologist I Trainee  
Transportation Planner II  
Transportation Planner III  
Transportation Program Consultant I  
Transportation Consultant II

### **Professionals Legal Occupations**

Attorney II  
Attorney III  
Attorney IV  
Attorney Supervisor II  
Chief Driver License Hearing Officer  
DMV Enforcement Hearing Officer  
Driver License Hearings Officer  
Driver Services Assistant Director (Admin Adjud)  
Paralegal I  
Paralegal II  
Vehicle Registration Hearings Officer

### **Professionals Education, Training, & Library Occupations**

Aviation Safety Specialist II  
Driver Education Field Supervisor  
Driver Education Program Specialist  
Driver Education Specialist  
Librarian II

### **Professionals Art, Design, Entertainment & Media Occupations**

Aerial Photographer  
  
Artist Illustrator II  
Artist Illustrator III  
Information & Communications Specialist I  
Information & Communications Specialist II  
Information & Communications Specialist III  
Multimedia Designer  
Photographer II  
Public Information Specialist

## APPENDIX B

Public Relations Officer  
Radio Communications Engineer  
TV Producer Director II  
TV/Media Services Coordinator II

**Professionals**  
**Healthcare Practitioners, Counselors**

Public Health Physician II

**Professionals**  
**Registered Nurses**

Public Health Nurse Consultant I

**Professionals**  
**Health Technologists**

Industrial Hygienist  
Medical Evaluation Coordinator

**Technicians & Technologists**  
**Drafters, Engineering, & Mapping Technologist**

Construction & Renovation Design Tech I  
Construction & Renovation Design Tech II  
Construction Tech III  
Engineering Design Technician II  
Engineering Research Technician I  
GIS Technician  
Right of Way Technician  
Technical Trainer II  
Technical Trainer III  
Transportation Technician I  
Transportation Technician I Trainee  
Transportation Technician II  
Transportation Technician III  
Transportation Technician IV  
Transportation Technician V  
Transportation Technician VI

**Technicians & Technologist**  
**Life, Physical, and Social Science Technologists**

Chemistry Technician II  
Chemistry Technician III  
Environmental Technician I  
Marine Technician II  
Materials Technician III

**Administrative Support**  
**Administrative Support Supervisors**

Data Entry Supervisor II  
Financial Responsibility Evaluation Supervisor  
Highway Equipment Office Manager

## APPENDIX B

Lead Worker III  
Lead Worker V  
Mail Center Supervisor I  
Mail Center Supervisor II  
Material Manager  
Office Services Supervisor I  
Office Work Unit Supervisor IV  
Processing Unit Supervisor IV  
Processing Unit Supervisor V  
Storeroom Manager  
Title Examining Supervisor I  
Title Examining Supervisor II  
Title Examining Supervisor III  
Warehouse Manager I  
Word Processing Center Supervisor V

### **Administrative Support Administrative Support Occupations**

Accounting Clerk IV  
Accounting Clerk V  
Accounting Technician I  
Accounting Technician II  
Accounting Technician III  
Accounting Technician IV  
Administrative Assistant I  
Administrative Assistant II  
Administrative Assistant III  
Administrative Officer I  
Administrative Officer II  
Administrative Secretary II  
Administrative Secretary III  
Administrative Services Assistant V  
Computer Operator  
Computer Operator-Lead  
Computer Systems Administrator II  
Computer Systems Administrator III  
Computing Support Technician II  
Data Entry Specialist  
Executive Assistant I  
Executive Secretary  
Information Processing Assistant II  
Information Processing Technician  
Information Systems Liaison II  
Mail Clerk II  
Office Assistant III

**APPENDIX B**

Office Assistant IV  
Payroll Clerk IV  
Payroll Clerk V  
Personnel Assistant IV  
Personnel Technician I  
Processing Assistant II  
Processing Assistant III  
Processing Assistant IV  
Processing Assistant V  
Program Assistant V  
Right of Way Aide  
Stock Clerk I  
Stock Clerk II  
Transportation Data Collector I  
Transportation Data Collector II  
Transportation Technical Aide I  
Transportation Technical Aide II  
Word Processor IV

**Protective Services**  
**Protective Services Supervisors**

Law Enforcement Director  
Law Enforcement Manager  
Law Enforcement Supervisor

**Protective Services**  
**Protective Services Occupations**

Law Enforcement Agent  
Law Enforcement Officer I  
Property Guard  
Security Guard

**Service**  
**Service Supervisors**

Facilities Maintenance Coordinator I

**Service**  
**Building & Grounds Occupations**

Landscape Technician

**Skilled Crafts**  
**Skilled Craft Supervisors**

Aircraft Maintenance Supervisor  
Bridge Inspection Superintendent  
Bridge Inspection Supervisor I  
Building Construction Superintendent  
Carpenter Supervisor II  
Division Bituminous Supervisor  
Equipment Depot Superintendent

## APPENDIX B

Equipment Superintendent  
Executive Air Operations Supervisor II  
Executive Pilot II  
Facility Maintenance Supervisor III  
Facility Maintenance Supervisor IV  
Ferry Operations Manager II  
Ferry Superintendent  
Fleet Support Specialist  
HVAC Mechanic  
Marine Field Maintenance Superintendent  
Marine Hull Supervisor  
Marine Mechanic Supervisor I  
Marine Mechanic Supervisor II  
Marine Painter Supervisor  
Marine Planning & Scheduling Supervisor  
Marine Shipyard Superintendent  
Motor Vehicle Registration Field Supervisor  
Plant Maintenance Supervisor I  
Plant Maintenance Supervisor III  
Print Shop Manager I  
Printing Unit Supervisor I  
Printing Unit Supervisor II  
Radio Engineer II  
Railroad Safety Supervisor  
Trades Worker Supervisor II  
Transportation Equipment Supervisor  
Transportation Supervisor I  
Transportation Supervisor II  
Transportation Supervisor III  
Transportation Technician Supervisor II  
Transportation Technician Supervisor III  
Vehicle Body Shop Supervisor  
Waste Management Analyst

### Skilled Crafts

#### Construction & Extraction Occupations

Auto Painter  
Carpenter II  
DOT Contract Services Specialist  
Electrician II  
Explosives Specialist  
Marine Electrician  
Marine Pipefitter  
Marine Sandblast Chipper  
Marine Shipfitter

## APPENDIX B

### Skilled Crafts

#### Installation, Maint., & Repair Occupations

Plumber II

Aircraft Mechanic  
Auto Body Mechanic  
DMV Emissions Specialist  
Electronics Technician I  
Electronics Technician II  
Electronics Technician III  
General Utility Worker  
Maintenance Mechanic I  
Maintenance Mechanic II  
Maintenance Mechanic III  
Maintenance Mechanic IV  
Maintenance Mechanic V  
Marine Mechanic  
Photo Laboratory Technician II  
Photo Laboratory Technician III  
Photo Laboratory Technician IV  
Radio Engineer I  
Transportation Equipment Technician  
Transportation Services Assistant

### Skilled Crafts

#### Production Occupations

Boiler Operator III  
Bridge Maintenance Inspector I  
Bridge Maintenance Inspector II  
Bridge Underwater Inspector I  
Bridge Underwater Inspector II  
DOT Quality Control Specialist  
Dredge Engineer  
Machinist  
Marine Machinist  
Marine Painter  
Marine Welder  
Printing Equipment Operator II  
Printing Equipment Operator III  
Printing Phototypesetter II  
Upholsterer  
Welder II

### Skilled Crafts

**Transportation & Materials Moving Occupations** Aviation Safety Specialist I  
Bridge Operator

## APPENDIX B

Dredge Deckhand  
Dredge Lever Operator  
Equipment Operator Specialist  
Ferry Captain III  
Ferry Chief Engineer  
Ferry Crew Member I  
Ferry Crew Member II  
Ferry Engineer III  
Ferry Master  
Ferry Mate  
Ferry Oiler  
Ferry Quartermaster  
Long Distance Truck Driver  
Machine Operator V  
Marine Dock Master  
Marine Trades Trainee  
Railroad Safety Inspector  
Trades Worker I  
Trades Worker II  
Traffic Forecast Modeler  
Transportation Worker  
Vehicle Operator II  
Vehicle Operator III

## APPENDIX C

**APPENDIX C**

**B0172: Pop/Labor Force Compromise Census Compare by SOC**

Personnel Area/ SOC State Category	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Dis- abled	Total Mnrt	Total Fem	Total
<b>OFFICIALS AND ADMINISTRATORS</b>															
Num and Percentage	48	18	4	5	2		1				6		12	23	84
Employed in Agency	57.1	21.4	4.8	6.0	2.4		1.2				7.1		14.3	27.4	100.0
Num and % Expected	44	25	5	5	2	1	1	1	0	0		10	15	32	
Based on Labor Force	52.5	30.0	5.4	6.3	2.0	1.1	1.3	0.8	0.4	0.3		11.6	17.6	38.5	
Over/Under Occp Rep	4	-7	-1	0	0	-1	0	-1	0	0		-10	-3	-9	
Num and % Expected	27	29	8	9	4	3	1	1	1	1		10	28	43	
Based on Census Pop	32.7	34.3	9.9	11.3	4.5	3.9	1.0	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Pop Rep	21	-11	-4	-4	-2	-3	0	-1	-1	-1		-10	-16	-20	
Total Over/Under Rep	12	-9	-2	-2	-1	-2	0	-1	0	0		-10	-9	-15	
<b>MANAGEMENT RELATED</b>															
Num and Percentage	334	312	76	158	8	9	5	3	3	3	31	7	265	485	942
Employed in Agency	35.5	33.1	8.1	16.8	0.8	1.0	0.5	0.3	0.3	0.3	3.3	0.7	28.1	51.5	100.0
Num and % Expected	359	363	54	107	15	20	8	9	2	4		109	219	503	
Based on Labor Force	38.1	38.5	5.7	11.4	1.6	2.1	0.9	1.0	0.2	0.4		11.6	23.3	53.4	
Over/Under Occp Rep	-25	-51	22	51	-7	-11	-3	-6	1	-1		-102	46	-18	
Num and % Expected	308	323	93	106	42	37	9	10	6	6		109	310	482	
Based on Census Pop	32.7	34.3	9.9	11.3	4.5	3.9	1.0	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Pop Rep	26	-11	-17	52	-34	-28	-4	-7	-3	-3		-102	-45	3	
Total Over/Under Rep	1	-31	3	51	-21	-19	-4	-7	-1	-2		-102	0	-8	

**B0172: Pop/Labor Force Compromise Census Compare by SOC**

Personnel Area/ SOC State Category	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Dis- abled	Total Mnrt	Total Fem	Total
<b>PROFESSIONALS</b>															
Num and Percentage Employed in Agency	1,294	322	164	88	12	9	103	38	14		21	26	432	457	2,065
	62.7	15.6	7.9	4.3	0.6	0.4	5.0	1.8	0.7		1.0	1.3	20.9	22.1	100.0
Num and % Expected Based on Labor Force	638	960	93	223	21	35	45	33	4	10		240	465	1,262	
	30.9	46.5	4.5	10.8	1.0	1.7	2.2	1.6	0.2	0.5		11.6	22.5	61.1	
Over/Under Occp Rep	656	-638	71	-135	-9	-26	58	5	10	-10		-214	-33	-805	
Num and % Expected Based on Census Pop	675	708	204	233	93	81	21	23	12	12		240	679	1,057	
	32.7	34.3	9.9	11.3	4.5	3.9	1.0	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Pop Rep	619	-386	-40	-145	-81	-72	82	15	2	-12		-214	-247	-600	
Total Over/Under Rep	637	-512	15	-140	-45	-49	70	10	6	-11		-214	-140	-702	
<b>TECHNICIANS AND TECHNOLOGISTS</b>															
Num and Percentage Employed in Agency	1,242	127	106	14	10	1	17	3	27	3	10	18	181	148	1,560
	79.6	8.1	6.8	0.9	0.6	0.1	1.1	0.2	1.7	0.2	0.6	1.2	11.6	9.5	100.0
Num and % Expected Based on Labor Force	402	738	90	239	11	27	16	19	3	12		181	417	1,034	
	25.8	47.3	5.8	15.3	0.7	1.7	1.0	1.2	0.2	0.8		11.6	26.7	66.3	
Over/Under Occp Rep	840	-611	16	-225	-1	-26	1	-16	24	-9		-163	-236	-886	
Num and % Expected Based on Census Pop	510	535	154	176	70	61	16	17	9	9		181	513	799	
	32.7	34.3	9.9	11.3	4.5	3.9	1.0	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Pop Rep	732	-408	-48	-162	-60	-60	1	-14	18	-6		-163	-332	-651	
Total Over/Under Rep	786	-509	-16	-193	-31	-43	1	-15	21	-8		-163	-284	-769	

**B0172: Pop/Labor Force Compromise Census Compare by SOC**

Personnel Area/ SOC State Category	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Dis- abled	Total Mnrt	Total Fem	Total
<b>ADMINISTRATIVE SUPPORT</b>															
Num and Percentage Employed in Agency	160	786	63	324	2	17	2	8	3	16	53	23	435	1,151	1,434
	11.2	54.8	4.4	22.6	0.1	1.2	0.1	0.6	0.2	1.1	3.7	1.6	30.3	80.3	100.0
Num and % Expected Based on Labor Force	242	779	98	231	17	37	7	14	3	7		166	414	1,068	
	16.9	54.3	6.8	16.1	1.2	2.6	0.5	1.0	0.2	0.5		11.6	28.9	74.5	
Over/Under Occp Rep	-82	7	-35	93	-15	-20	-5	-6	0	9		-143	21	83	
Num and % Expected Based on Census Pop	469	492	142	162	65	56	14	16	9	9		166	472	734	
	32.7	34.3	9.9	11.3	4.5	3.9	1.0	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Pop Rep	-309	294	-79	162	-63	-39	-12	-8	-6	7		-143	-37	417	
Total Over/Under Rep	-196	151	-57	128	-39	-30	-9	-7	-3	8		-143	-8	250	
<b>PROTECTIVE SERVICES</b>															
Num and Percentage Employed in Agency	146	23	9	4	3		2		1		11		20	27	199
	73.4	11.6	4.5	2.0	1.5		1.0		0.5		5.5		10.1	13.6	100.0
Num and % Expected Based on Labor Force	114	25	32	20	4	2	1	0	1	0		23	60	47	
	57.2	12.7	16.2	9.8	2.0	0.8	0.4	0.1	0.6	0.2		11.6	30.1	23.6	
Over/Under Occp Rep	32	-2	-23	-16	-1	-2	1	0	0	0		-23	-40	-20	
Num and % Expected Based on Census Pop	65	68	20	22	9	8	2	2	1	1		23	65	102	
	32.7	34.3	9.9	11.3	4.5	3.9	1.0	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Pop Rep	81	-45	-11	-18	-6	-8	0	-2	0	-1		-23	-45	-75	
Total Over/Under Rep	57	-24	-17	-17	-3	-5	1	-1	0	-1		-23	-43	-47	

**B0172: Pop/Labor Force Compromise Census Compare by SOC**

Personnel Area/ SOC State Category	White+ Male	White+ Fem	Black Male	Black Fem	Hisp Male	Hisp Fem	Asian+ Male	Asian+ Fem	AIAN Male	AIAN Fem	Ethn Unk	Dis- abled	Total Mnrt	Total Fem	Total
<b>SKILLED CRAFT</b>															
Num and Percentage Employed in Agency	4,059	107	865	23	51	3	6		153	7	70	69	1,109	140	5,344
	76.0	2.0	16.2	0.4	1.0	0.1	0.1		2.9	0.1	1.3	1.3	20.8	2.6	100.0
Num and % Expected Based on Labor Force	2,816	444	850	262	695	139	48	27	59	11		620	2,090	882	
	52.7	8.3	15.9	4.9	13.0	2.6	0.9	0.5	1.1	0.2		11.6	39.1	16.5	
Over/Under Occp Rep	1,243	-337	15	-239	-644	-136	-42	-27	94	-4		-551	-981	-742	
Num and % Expected Based on Census Pop	1,747	1,833	529	604	240	208	53	59	32	32		620	1,758	2,736	
	32.7	34.3	9.9	11.3	4.5	3.9	1.0	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Pop Rep	2,312	-1,726	336	-581	-189	-205	-47	-59	121	-25		-551	-649	-2,596	
Total Over/Under Rep	1,777	-1,031	176	-410	-417	-171	-45	-43	108	-14		-551	-815	-1,669	

## APPENDIX D

# **NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**



## **EMPLOYEE GRIEVANCE PROCEDURES**

Revised: 07/01/2014  
Effective: 12/01/2013

---

## OBJECTIVE AND SCOPE

---

In establishing the North Carolina Department of Transportation Employee Grievance Procedures, hereinafter referred to as NCDOT Procedures, the North Carolina Department of Transportation, Human Resources Office, seeks to establish the following objectives:

- Ensure employees have access to internal grievance procedures to address grievable issues timely, fairly and without fear of reprisal; and
- Resolve workplace issues efficiently and effectively.

The NCDOT Procedures are not independent of the Office of State Human Resources Employee Grievance Policy, hereinafter referred to as OSHR Policy, and it is not intended to serve as a substitution for the OSHR Policy. **It is advised to cross reference, review and comply with both the OSHR Policy and the NCDOT Procedures.** The OSHR Policy and the NCDOT Procedures are located on the NCDOT portal and may be accessed by typing “employee grievance” in the search field.

Any supervisor or staff member issuing threats of reprisal or intimidation because an employee exercised his right to file a grievance shall be subject to disciplinary action for unacceptable personal conduct.

---

## DEFINITIONS, GRIEVABLE ISSUES AND WHO MAY FILE A GRIEVANCE

**Advisory Note: Refer to OSHR Policy, Section 7, Definitions, Grievable Issues and Who May Grieve, pages 26 – 30.**

---

## GRIEVANCE PROCESS FOR ALL GRIEVABLE ISSUES

---

In computing prescribed time periods for filing, the day of the action or event that is the basis for the grievance is “day zero” of the filing period. The following calendar day is “day 1” and the last day of the prescribed time period is included. If the last day falls on a Saturday, Sunday or a legal holiday observed by the State, the deadline for filing is extended until the end of the next business day.

A formal internal grievance and any subsequent documents regarding this process, hereinafter in this section referred to as documents, must be filed in writing by one of the following methods of delivery:

1. **Mail** – If the formal internal grievance (Step 1) document is filed by mail, the envelope in which the document is mailed must be postmarked on or before the 15<sup>th</sup> calendar day from the date of the action or the event that is the basis of the grievance. The Step 2 appeal must be postmarked on or before the 5<sup>th</sup> calendar day following the mediation. For the purpose of this procedure, mail is defined as a document that is filed and delivered by US Postal Service, UPS, Fed Ex or other similar type delivery service.

The document may be mailed to the mailing address or physical address below:

**Mailing Address:**

NCDOT HR Services  
1519 MSC  
Raleigh NC 27699-1519

**Physical Address:**

NCDOT HR Services  
313 Chapanoke Rd., Ste. 201  
Raleigh, NC 27603

2. **E-mail** – If the formal internal grievance (Step 1) is filed by e-mail, the sent date displayed on the e-mail from complainant must adhere to the applicable filing deadline. If the Step 2 appeal is filed by email, the sent date displayed on the email from the grievant must be sent by the applicable deadline following mediation.

The document may be e-mailed and adhere to the applicable deadline to the e-mail address below:

**E-mail Address:**

[grievances@ncdot.gov](mailto:grievances@ncdot.gov)

3. **Fax** – If a document is filed by fax, the sent date displayed on the fax must adhere to the applicable deadline.

The Human Resources, Employee Relations fax number is below:

**Fax Number:**  
919-662-4324

4. **Hand Delivery** – If the document is hand delivered, the date of delivery must adhere to the applicable deadline.

**Advisory Note: Refer to the OSHR Policy, Section 7, Grievance Process for All Grievance Issues, page 31.**

---

**EEO INFORMAL INQUIRY FOR UNLAWFUL DISCRIMINATION, HARASSMENT OR RETALIATION**

---

An employee alleging unlawful discrimination, harassment or retaliation must first file an EEO Informal Inquiry complaint within **15 calendar days** of the alleged act of discrimination, harassment or retaliation with the EEO Manager. If the employee alleges facts that would constitute unlawful discrimination, harassment or retaliation, the complaint will be investigated as part of the EEO Informal Inquiry.

The complaint must be filed in writing and use one of the following methods of delivery:

- A. **Mail** - The complaint may be mailed to the mailing address or physical address below and must adhere to the applicable deadline:

<b>Mailing Address:</b>	<b>Physical Address:</b>
NCDOT EO Workforce Services	NCDOT EO Workforce Services
1511 MSC	104 Fayetteville Street Mall
Raleigh NC 27699-1511	Raleigh, NC 27601

- B. **E-Mail** - The complaint may be e-mailed to [jtrawley@ncdot.gov](mailto:jtrawley@ncdot.gov) and the date emailed must adhere to the applicable deadline.
- C. **Fax** – The complaint may be faxed to (919)- 508- 1814 and the date of the fax must adhere to the applicable deadline.
- D. **Hand Delivery** – The complaint may be hand delivered to the EO Workforce Service Office and the date of delivery must adhere to the applicable deadline.

If the complaint is timely filed and the employee alleges facts that would constitute unlawful discrimination, harassment or retaliation, the following next steps occur:

1. The complaint is assigned by the EEO Manager to an EEO Specialist for investigation.
2. EEO Specialist contacts the employee to confirm receipt of the complaint, seeks clarification of the complaint and informs employee of the grievance process.
3. EEO Specialist sends a notification letter informing the appropriate management chain of command of the filing and attaches a copy of the EEO Informal Intake form and complaint.
4. EEO Specialist initiates an investigation not to exceed **45 calendar days** unless an extension is mutually agreed upon between management and the employee, but not to exceed 15 calendar days.
5. EEO Specialist at the conclusion of the investigation prepares a final investigative report and submits it to the EEO Manager for review and concurrence.
6. Upon concurrence by the EEO Manager, the EEO Specialist communicates the outcome of the investigation in writing to the employee.
7. EEO Specialist contacts the appropriate management chain of command of the outcome of the investigation.

If the outcome of the investigation indicates 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 employee will sign a letter of agreement with the Department detailing the terms of the

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

**Advisory Note: Refer to the OSHR Policy, Section 7, EEO Informal Inquiry for Unlawful Discrimination, Harassment or Retaliation, pages 31 – 32.**

---

## **INFORMAL DISCUSSION**

---

1. The employee shall present the Informal Discussion form to his immediate supervisor or other appropriate supervisor in the covered person'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 to complete; and
2. The employee and supervisor or appropriate manager must sign and date acknowledging the informal discussion was conducted and finalized.
3. The supervisor must retain the original Informal Discussion form and provide a copy of the Informal Discussion form to the Employee Relations Representative and the employee.

**Advisory Note: Refer to the OSHR Policy, Section 7, Informal Discussion, pages 32 – 33.**

---

## **FORMAL INTERNAL GRIEVANCE PROCESS**

---

### **Step 1 – Mediation**

The Mediation/Hearing Coordinator, hereinafter referred to MHC, shall:

1. Upon receipt of grievance, forward the grievance to Employee Relations Manager for his review.
2. Review the grievance.
3. Contact the grievant by e-mail or telephone after the Employee Relations Manager and MHC have discussed the grievance, and within **3 business days** of the filing of the grievance to acknowledge receipt of the grievance.
4. Notify the director of the division or unit from which the grievance arises within **3 business days** of the filing of the grievance and request that he or she designate a management representative to serve as the respondent for the mediation. The person selected to serve as the respondent must have the authority to negotiate an agreement on behalf of the NCDOT.
5. Submit a request to OSHR to assign mediators to facilitate the Step 1 Mediation upon receipt of the name of the respondent within **3 business days** of the filing of the grievance. OSHR shall assign mediators to facilitate the mediation and notify the MHC of the names and contact information of the mediators within **3 business days** of the date the mediator request was submitted by the MHC. Mediators will provide the MHC with 2 or 3 dates to schedule the mediation.
6. Identify an appropriate location to hold the mediation, which will be convenient for all parties, and tentatively reserve the room(s) for the dates provided by the mediators.
7. Discuss the mediation process with the grievant and the respondent and answer any questions they may have as well as provide both parties with documents and any other materials that may be helpful in preparing for the mediation. The respondent will also receive a Step 2 filing form which will be provided to the grievant in the event an agreement is not reached.
8. Contact the respondent to confirm one of the dates provided and schedule the mediation.
9. Contact the mediators, the grievant and the respondent to confirm the date, time and location of the facility where the mediation will be held. The MHC will include special instructions, if any, regarding the facility as well as the name and number of a contact at the facility.
10. Contact an attorney assigned to NCDOT or DMV, depending upon which the division or unit the grievance arises, to be available by telephone the day of the scheduled mediation to answer any legal

questions the respondent may have, and be available for the respondent for any legal questions that may arise prior to the mediation.

11. Provide the name of the attorney to the respondent who will serve as respondent's contact prior to, and during, the mediation should legal questions arise.
12. The respondent will be advised that the ER Manager or the MHC will be available by telephone the day of the scheduled mediation should any HR related questions arise.

If for any reason the grievant or respondent is unable to attend the mediation as scheduled, they should contact the MHC as soon as possible prior to the mediation. An unexcused failure of the grievant to attend mediation as scheduled means that the grievant forfeits the right to proceed with the internal grievance process.

### **Post Mediation**

When a mediation agreement is reached between the grievant and respondent the MHC shall:

1. Review the Mediation Agreement to ensure the terms of the agreement are in compliance with NC Human Resources Commission policies or rules and applicable state and federal laws.
2. Forward the original signed agreement to the Employee Relations Manager for review and concurrence.
3. Forward the original signed agreement to the NCDOT Human Resources Director for final review, approval and signature.

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

1. If mediation does not result in a resolution at Step 1-Mediation, the grievant is entitled to proceed to a Step 2-Hearing. The grievant and respondent will sign a Notice of Impasse stating that the mediation did not result in an agreement.
2. The respondent will provide the grievant with the Step 2 filing form, which outlines the next steps in the grievance process.
3. The grievant must complete sections 1 and 2 of the Step 2 filing form, acknowledging receipt of the Step 2 appeal rights.
4. The original signed Notice of Impasse is provided to the MHC. The MHC shall notify the Employee Relations Manager of the Notice of Impasse. A copy of the signed Notice of Impasse is provided to the grievant, the respondent and the OSHR Mediation Director. The grievant will receive a copy of the signed Step 2 filing form.
5. The respondent will forward a copy of the Notice of Impasse, the signed Step 2 filing form and any other documents related to the mediation to the MHC upon his or her return to the office.

If the grievant decides to appeal to Step 2 of the grievance process, his or her Step 2 filing form must be received by NCDOT HR Services, MHC, within 5 calendar days following an impasse in mediation. The MHC shall notify the Employee Relations Manager if the grievant files or does not file a Step 2 filing form. If the Step 2 filing form is not received within the required timeframe, it will not be accepted, and the grievant forfeits the right to proceed with the internal grievance process.

**Advisory Note: Refer to the OSHR Policy, Section 7, Formal Internal Grievance, Mediation Step 1, pages 34 – 38.**

### **Step 2 – Hearing**

The Step 2- Hearing affords the grievant the opportunity to present the grievance orally to a Hearing Panel.

The Hearing Panel consists of a Chairperson and 2 other voting members, and 2 alternate panel members. The panel members may not be from Human Resources or of the same division or unit as the grievant. Panel member appointments and alternate panel members shall be employees within the same job family as the grievant, but no

more than a 3 pay grade or 2 band level differences between the grievant and the employee. Exceptions to the guidelines for appointment of a panel member in the same job family are:

- The grievant's occupational classification is unique and without a comparable position; or
- The employee has prior knowledge of the event or action giving rise to the grievance.

Alternate panel members serve in the event a panel member cannot serve due to occurrences that are unavoidable or beyond his or her control.

The names of 2 of the proposed panel members and 2 alternate panel members will be submitted to the grievant and management's representative prior to the date of the scheduled hearing. The name of the Chairperson will not be provided to either the grievant or management's representative.

In order to challenge a panel member's ability to render an impartial recommendation, due to a real or perceived conflict of interest, a written request from the grievant explaining the reason for the challenge must be submitted to, and received by, the MHC at least 2 **calendar days** prior to the scheduled date of the hearing. Upon receipt of the written request, the MHC and Employee Relations Manager will review the basis of the challenge, and if necessary, will replace the Hearing Panel member as appropriate. If replacement of an Hearing Panel member is warranted, all parties will be notified of the replacement no later than 1 **calendar day** prior to the scheduled hearing. The grievant has the right to substitute up to 2 panel members with the alternate panel member(s).

### **Witnesses**

The grievant and management's representative may call up to 5 witnesses each to testify on his or her behalf and must provide the MHC a list of their witnesses' names and contact information no later than **10 calendar days** prior to the date of the scheduled hearing. The grievant and management's representative are each considered one of their five witnesses. Additional witnesses may be approved for either party; however, a written request must be submitted to the MHC for review and approval or disapproval. The written request must include the names and contact information for each additional witness along with a justification as to why the additional witness is needed. This information must be submitted to the MHC, as requested, prior to the date of the scheduled hearing. If either party requests additional witnesses, the MHC will review the request, approve or disapprove the request, and notify the appropriate party of the determination prior to the date of the scheduled hearing.

It is mandatory that all witnesses who are employed by the NCDOT attend the hearing. Witnesses not employed by the department may be requested to attend the hearing; however, the NCDOT cannot require his or her attendance. Witnesses shall be limited to only those individuals who have direct and relevant knowledge of the event or occurrence that is being grieved.

### **Exhibits**

All exhibits provided by the grievant and management's representative must be relevant to the event or action that is the basis of the grievance. Any exhibit that is not related to the hearing will not be allowed to be entered into evidence. The grievant and management's representative must provide the MHC with the exhibits he or she plans to present at the hearing, along with an explanation as to how each one will be used to support the case. This information must be submitted to the MHC, as requested, prior to the date of the scheduled hearing. Upon receipt each party's exhibits, the MHC will schedule a meeting with the Chairperson to review and discuss each exhibit to determine admissibility. The MHC will notify both parties of the ruling(s) made by the chairperson prior to the date of the scheduled hearing.

### **MHC Step 2 Responsibilities**

The MHC shall:

1. Upon receipt of the Step-2 filing form, forward the filing form to the Employee Relations Manager for his review.
2. Review the Step-2 filing form.

3. Contact the grievant by e-mail or telephone after the Employee Relations Manager and MHC have discussed the grievance and within **3 business days** of the date the Step 2 appeal was filed to acknowledge receipt of the request.
4. Notify the director of the division or unit from which the grievance arises of receipt of the Step 2 appeal, and ask him or her who will serve as management's representative at the hearing within **3 business days** of the date the Step 2 appeal was filed.
5. Contact management's representative within **3 business days** of the filing of the Step 2 appeal and propose a date, or dates, to hold the hearing. The dates provided will fall **within 35 calendar days** of the filing of Step 2 to ensure the Step 2 process is completed in a timely manner.
6. Identify an appropriate location to hold the hearing, which will be convenient for all parties, and tentatively reserves the room(s) for the proposed date, or dates, to hold the hearing.
7. Confirm the date, time and location of the hearing with the grievant and management's representative. The MHC will include special instructions, if any, regarding the facility as well as the telephone number of the facility in the event either party may need assistance in locating the facility.
8. Discuss the hearing process with both the grievant and management's representative and answer any questions either party may have.
9. Initiate the selection of potential committee members within **3 business days** of the Step 2 filing including alternate committee members to appoint to a Hearing Panel to conduct the hearing.
10. Notify each party whose attendance is required (or requested) at least **5 calendar days** prior to the date, time, and location of the hearing.

Requests for postponement of a scheduled hearing must be submitted in writing to the MHC. Such requests may be granted only upon a showing of good cause.

### Hearing Guidelines

The hearing guidelines provide the grievant and management's representative a fair opportunity to present evidence on the issues to be heard and to question witnesses. The following information regarding the hearing is below:

- The Rules of Evidence shall not apply;
- Witnesses shall not be sworn;
- The hearing shall be recorded only by the MHC for the purpose to review testimony and if necessary, to assist the Secretary or designee in making a final decision;
- The grievant may obtain a copy of the recording by providing the MHC with the necessary number of digital media required to copy the recording;
- Management's representative has the burden of proof in demotion, dismissal, suspension without pay and non-disciplinary separation due to unavailability actions;
- In all other cases, the burden of proof rests with the grievant;
- The party with the burden of proof shall present his or her case first;
- Both grievant and management representative's case should begin with his or her own testimony if listed as a witness for themselves;
- After the party presenting its case has testified, or if the party presenting its case is not listed as a witness on its behalf, examination of each witness begins;
- The opposing party may cross examine each witness following his or her testimony;
- The Hearing Panel members may ask questions of each witness following the cross-examination;
- The party with the burden of proof will have the option of making a closing statement, first or last;
- The opposing party will make a closing statement; and
- Documents generated during the course of the hearing and any communications shared in connection with the hearing are confidential to the extent provided by law.

The Hearing Panel Chairperson hearing responsibilities:

- Preside over the hearing

- Call the hearing to order;
- Explain the hearing proceedings;
- Maintain order and decorum;
- Rule on all motions;
- Prescribe the order in which evidence shall be presented;
- Direct the removal of any persons disrupting the orderly conduct of the hearing;
- Request the presentation of facts pertinent to the hearing by any employee;
- Take any other action necessary to ensure a fair and impartial hearing;
- Allow the parties to present information relevant to the nature of the grievance, facts upon which the grievance is based and the remedies sought;
- Ensure all parties are allotted adequate time to present evidence and question witnesses; and
- Draft and submit to the MHC and Employee Relations Manager the committee recommendation for the final Agency decision letter (FAD).

The MHC hearing responsibilities:

- Verify all mandatory witnesses for the grievant and management’s representative are present prior to the opening of the hearing;
- Monitor the hearing to ensure that all applicable policies and procedures are followed; and
- Be available to assist with the interpretation and explanation of policies and procedures as they relate to a case.

**Final Agency Decision Letter (FAD)**

The proposed recommendation of the Hearing Panel shall include an explanation and justification to support the recommendation. The recommendation must be submitted to the MHC. Upon receipt of the recommendation, the MHC shall discuss the recommendation with the Employee Relations Manager and submit the proposed recommendation to the Secretary or designee for review and comment. Following review by the Secretary or designee, the MHC shall forward the recommendation to Director of the Office of State Human Resources or designee for review, comment and approval in accordance with OSHR’s established guidelines.

**Advisory Note: Refer to the OSHR Policy, Section 7, Formal Internal Grievance, Step 2 – Hearing, pages 38 –41.**

---

**APPEAL 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 a contested case hearing pursuant to G.S. 150B-23 with the Office of Administrative Hearings (OAH). A fee must be paid to OAH when the petition is filed, unless it is waived by OAH. Any appeal of this action must be filed **within thirty (30) calendar days of receipt of the final agency decision letter.**

**Physical Address:**  
 Office of Administrative Hearings  
 1711 New Hope Church Road  
 Raleigh, N.C. 27609  
 919-431-3000

**Mailing Address:**  
 Office of Administrative Hearings  
 6714 Mail Service Center  
 Raleigh, NC 27609

A copy of the appeal must be served by certified mail on the NCDOT’s Agency’s registered agent as referenced below:

Sarah Mitchell, Process Agent  
 N.C. Department of Transportation  
 1 S. Wilmington Street  
 1501 Mail Service Center  
 Raleigh, North Carolina 27699-1501