



PAT McCRORY
Governor

NICHOLAS J. TENNYSON
Secretary

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION



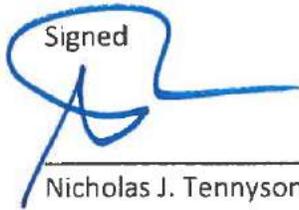
EQUAL EMPLOYMENT OPPORTUNITY PLAN

March 1, 2016

EEO Plan Certification Statement

This 2016 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



Nicholas J. Tennyson
Secretary of Transportation

2/29/16

Date

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SECTION 1 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,
- color,
- 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.

The policy represents the commitment of the State to guarantee equal employment opportunities for all employees and applicants and to promote a diverse workforce. Furthermore, this policy and any related policies and programs adopted by the State Human Resources Commission shall be implemented by every state agency and university.

SECTION 2

NCDOT 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 for all employees and applicants for employment.

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. Furthermore, NCDOT is committed to providing reasonable accommodation and has established procedures to allow persons with a disability to request reasonable accommodations.

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

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

EEO is not only required by federal and state law, it is fundamental to the operations of the Department. NCDOT complies with applicable federal and state EEO laws, statutes, regulations, and policies. I expect each employee and manager to cooperate fully by integrating and promoting EEO at all levels. My office has advised all executives, administrators, division directors, district engineers, and branch/unit managers and supervisors that positive implementation of the EEO/AA programs and plans is expected and that they will be held accountable and evaluated for their actions. To further assure that appropriate program measures are implemented and monitored, I have designated John Eley as the Department's EEO/AA Officer. He can be reached at 919-508-1804.

As an expression of my commitment to and support of the North Carolina Department of Transportation EEO/AA program, the 2016 Equal Employment Opportunity Plan including the

EEO Policy Statement (see appendix 1) for the North Carolina Department of Transportation has been approved for submission to the North Carolina Office of the Human Resources.

FEDERAL & STATE LAWS, REGULATIONS & DIRECTIVES

As stated in our policy statement above, NCDOT complies with applicable federal and state EEO laws, statutes, regulations, and policies. Those applicable provisions include but are not limited to the following.

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 of whether the charges or objections are valid or invalid.

Equal Pay Act of 1963, covers employers who have employees subject to the Fair Labor Standards Act. The Equal Pay Act 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

Age Discrimination in Employment Act of 1967, as amended, covers any employer with 20 or more employees. Age Discrimination in Employment Act (ADEA) protects people who are 40 or older from discrimination because of age. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Executive Order 11246, as amended, 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.

The Rehabilitation Act of 1973 (Section 504), prohibits discrimination and retaliation against persons with disabilities by recipients of federal funds and requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

The Civil Rights Restoration Act (1988), restores the originally intended scope of the title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 to protect minorities, women, the elderly, and the handicapped from federally subsidized discrimination. The act is in response to a 1984 Supreme Court decision, *Grove City vs. Bell*, in which the high court ruled that nondiscrimination laws applied only to specific programs or activities receiving federal financial assistance, not to an entire institution.

The Americans with Disabilities Act (1990), covers public and private employers with 15 or more employees. Americans with Disabilities Act of 1990 (ADA). This law makes it illegal to discriminate against a qualified person with a disability in the private sector and in state and local governments. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

The Civil Rights Act of 1991, amended the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes. Employers shall not adjust the test scores, use different cutoff scores, or otherwise alter the results of employment related tests on the basis of race, color, religion, sex, or national origin. Employers defending a Title VII disparate impact challenge to an employment practice, including employment tests, however, must show that practice is job-related for the particular position in question and consistent with business necessity. Lawful affirmative action measures are not subject to challenge alleging discrimination against classes other than those the measures are designed to benefit.

Genetic Information Nondiscrimination Act of 2008, (GINA) covers private and governmental employers with more than 15 employees. This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e., an individual's family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The Americans with Disabilities Act Amendments Act of 2008, (ADAAA) covers public and private employers with 15 or more employees. The ADAAA emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. The Act makes important changes to the definition of the term "disability" by rejecting the holdings in

several Supreme Court decisions and portions of EEOC's ADA regulations. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.

N. C. General Statutes §126-16, requires state departments, agencies, universities, and local political subdivisions to ensure equal opportunity for employment and compensation, without regard to race, religion, color, national origin, sex, age, disability, or genetic information to all persons otherwise qualified..

N. C. General Statutes §126-17, covers state and local government employees subject to the State Human Resources Act. No State departments, agencies, universities, political subdivisions may retaliate against employees for protesting alleged violations of N.C.G.S. §126-16.

N. C. General Statutes §143-422.2, 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 handicap.

Executive Order 55 (issued by Governor McCrory June 30, 2015) places responsibility on each Agency Head for successfully implementing EEO policies and programs adopted by the State Human Resources Commission and approved by the Governor; and for ensuring that as a part of the performance plan of each supervisory and management employee, he or she has the responsibility to comply with EEO laws and policies and to assist in achieving EEO goals.

SECTION 3 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 Office of State Human Resources (OSHR) shall provide:

1. technical assistance - to include one on one or group consultation and an EEO Planning and Resources Guide to aid in the development and implementation of an effective plan and program;
2. training for:
 - a) EEO Officers, EEO committee members and others responsible for the development and/or implementation of the EEO plan and program,
 - b) agency heads, chancellors, managers and supervisors on diversity and EEO issues through the EEO Institute,
 - c) all employees on unlawful workplace harassment prevention, reasonable accommodations for persons with disabilities, diversity issues, and other EEO issues as appropriate;
3. monitoring to assess each agency's and university's progress;
4. oversight to ensure that the EEO plan and program in each agency and university complies with the minimum established measures in content and elements for an effective plan and program;
5. evaluation criteria to review, assess and report the status of each agency's and university's EEO plan, policies, procedures, practices and programs, in order to determine if they are administered in a consistent and fair manner. Evaluation will include an on-site component; and
6. support programs to enhance each agency's and university's efforts to attract, develop, promote and retain a diverse workforce and to meet program objectives.

SECRETARY OF TRANSPORTATION

The Secretary of the Department of Transportation is ultimately responsible for ensuring that the EEO policy and programs specific to the organization are fully developed and successfully implemented. Furthermore, the Secretary is charged with ensuring that all employment practices and all aspects of the employment function within the organization are implemented

in a manner that is equal for all applicants and employees and consistent with State Human Resources policy and with N.C.G.S. §126-19. The Secretary shall:

1. be responsible for the implementation of this policy and any related policies or programs adopted by the State Human Resources Commission;
2. designate an official at the deputy secretary, assistant secretary or vice-chancellor or assistant vice-chancellor level or high level official with direct reporting relationship to the agency head or chancellor to assume responsibility for the operation and implementation of their equal opportunity plan and program;
3. take 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), termination, reductions in force (layoffs), reemployment priorities, training, career development, transfer and other terms, conditions and privileges of employment;
4. take measures to ensure the work environment is consistent with the intent of this policy and supports equal opportunity;
5. communicate the agency or university commitment to EEO policies, plans, and procedures to all employees, applicants and the general public;
6. provide necessary resources to ensure the successful implementation of the EEO program;
7. ensure the development and implementation of policies, procedures, and programs necessary to achieve a workforce in each occupational category that reflects the N. C. State working population;
8. ensure the development and implementation of an equal employment opportunity plan and program;
9. submit the plan and program by March 1 of each year to the Office of State Human Resources for review, technical assistance and approval by the Director of State Human Resources.

CHIEF DEPUTY SECRETARY

The Chief Deputy Secretary has oversight responsibilities of the operation, development, and implementation of the EEO Plan with delegated authority to assign to the EEO Manager/Affirmative Action Officer 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.

EEO ADVISORY COMMITTEE

The EEO Advisory Committee reviews the programs of the Department as they relate to the equal opportunity area; recommends administrative measures to improve the Department's performance; and brings about awareness of equal opportunity issues. The committee is

comprised of a cross section of 12 executive-level managers along with the Equal Opportunity and Workforce Services (EOWS) Director and EEO/Affirmative Action Officer serving in ex-officio capacities. The committee reports to the Secretary and is not a function of the EOWS unit. The duties and responsibilities include but are not limited to:

1. Identifying recruitment resources and other activities designed to strengthen the EEO program;
2. Reviewing and evaluating the equal employment opportunity plan and program;
3. Reviewing workforce representation data in each occupational category;
4. Recommending modification of performance expectations of managers with hiring authority to include review of performance in equal opportunity and affirmative action efforts;
5. Meeting with the Secretary to discuss EEO programs, report on the employees' concerns, and recommend changes or additions to the EEO policy, plan, or program;
6. Meeting as a Committee at least quarterly and submitting an annual report to the Secretary on Committee activities, findings, and recommendations.

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, and 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, Chief 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;
13. Advocating, administering, planning, developing, implementing, and monitoring the EEO Plan and annually submitting EEO Plan to OSHR by March 1st of each year; and
14. Serving as an ex-officio member of the EEO Advisory Committee.

MANAGERS AND SUPERVISORS

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

1. assisting in the development and implementation of the EEO plan and program;
2. assisting in the establishment of program objectives;
3. maintaining a diverse workforce for the department, division, work unit, or section;
4. assisting the EEO Office in periodic evaluations to determine the effectiveness of the EEO program; and,
5. providing a work environment and management practices which support equal opportunity in all terms and conditions of employment.

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

SECTION 4 DISSEMINATION OF EEO POLICY & PLAN

INTERNAL

The EEO Officer ensures that:

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;
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; and
6. New hires are provided information about NCDOT's EEO at orientation.

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 disseminate the Plan, policy, and program effectively to the external resources, the EEO Officer is expected to:

1. Provide access to a copy of NCDOT's EEO policy statement to each resource, subcontractor, vendor, and/or supplier;
2. Provide 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 5 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 OSHR by March 1st of each calendar year. NCDOT conducts workforce analysis using the federal EEO categories. NCDOT conducts workforce analyses 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 federal category. (APPENDIX B includes a list of the federal EEO 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 are developed to address underrepresentation. NCDOT uses BEACON Reports B0172-F, Pop/Labor Force Compromise Census Compare by SOC and B0178-F, Pop/Labor Force Census Compare by federal EEO category for its workforce analysis. Underrepresentation is said to exist when the percentage of employees in a sex and race/ethnic group for a given federal EEO category is less than the percent of that sex and race/ethnic group of working age in the population averaged with the percentage of the group in the labor force for that particular category. The workforce analysis uses the following ethnic/race groups and disabled group definitions:

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 origins 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, has a record of such impairment, or is regarded as having such impairment.

The federal EEO categories used to conduct workforce analyses are organized into the eight categories listed below that are used by the state and local governments in completing the EEO- 4 report.

- Officials & Administrators
- Professional
- Technical
- Protective Services
- Paraprofessional
- Administrative Support
- Skilled Craft
- Service and Maintenance

NCDOT uses **population/labor force compromise** method described above (See Table 1 below for BEACON Report B0172-F) as a guide in setting numerical goals for workforce representation, new hires, and promotions by job category. Workforce analysis is conducted as follows:

1. Analyze the current workforce to identify its demographic characteristics.
2. Determine the extent to which members of a racial/ethnic group, women, men, or persons with disabilities are present within the relevant labor market.
3. Determine which job categories are underrepresented. A category is underrepresented when it has fewer members of a racial/ethnic group, men, women, or persons with disabilities than expected based on the average of their working age population percentage and their job category labor force representation.
4. Develop numerical goals from this data for net increases in employing members of the underrepresented groups in each job subcategory.

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 method 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, Reports B0172-F and B0178-F as of 12/31/2015. These reports were also used to determine the Department's job placement goals.

The reports illustrate the number and percentage of NCDOT's workforce by gender/ethnic group, the number and percentage of employees expected based on NC labor force, the number and percentage of employees expected 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 federal EEO category.

Report B0178-F reflects the following 2015 EEO underrepresentation by federal EEO job category:

Females and persons with disabilities continue to be underrepresented in the Officials and Administrators and Professional. Minorities, females and persons with disabilities continue to be underrepresented in Technical, Protective Services, Skilled Craft, and Services and Maintenance categories. In addition, persons with disabilities continued to be underrepresented in the Administrative Support category. However, compared to 2014, persons with disabilities improved their representation in the Official and Administrators (+1), Professional (+4), Technical (+15), Administrative Support (+3), Skilled Craft (+33), and Service and Maintenance (+1) categories. Minorities improved their representation in the Technical (+20), Administrative Support (+1), and Skilled Craft (+43) categories while losing representation in the Officials and Administrators (-2), Professional (-24), and Service and Maintenance (-2) categories. Females improved their representation in the Professional (+14), Technical (+76), Protective Services (+3), and Skilled Craft (+54) categories while losing representation in the Officials and Administrators (-1) and Services and Maintenance (-2) categories. Following is a synopsis of representation per federal EEO category for CY 2015.

The apparent significant improvements for females in the Technical (+76) and Skilled Craft (+54) areas are not improvements in the actual numbers of females employed in the Technical (reduced from 186 to 168) and Skilled Craft (reduced from 118 to 109) categories during 2015. These reductions in the actual numbers of females employed were less than the reductions in the overall numbers of employees in the Technical (down from 1527 to 1385) and Skilled Craft (down from 5011 to 4633) categories during 2015. The reduction in total employees significantly reduced the number of females expected based on the labor force / census population compromise method and thus showed a reduction in underrepresentation. The overall reduction in the number of employees in these categories is due in large part to positions being held open in anticipation of being abolished to meet mandated budget reductions.

Officials and Administrators: NCDOT employs fewer white females, black males, Hispanic males, Hispanic females, Asian females, and persons with disabilities compared to their expected availability based on the NC labor force / census population compromise method.

Professionals: NCDOT employs fewer white females, black males, black females, Hispanic males, Hispanic females, American Indian/Alaska Native (AIAN) females, and persons with

disabilities compared to their expected availability based on the NC labor force / census population compromise method.

Technicians: NCDOT employs fewer white females, black males, black females, Hispanic males, Hispanic females, Asian males, Asian females, AIAN females, and persons with disabilities compared to their expected availability based on the NC labor force / census population compromise method.

Protective Service: NCDOT employs fewer white females, black males, black females, Hispanic males, Hispanic females, Asian females, AIAN males, AIAN females, and persons with disabilities compared to their expected availability based on the NC labor force / census population compromise method.

Administrative Support: NCDOT employs fewer white males, black males, Hispanic males, Hispanic females, Asian males, Asian females, AIAN males, and persons with disabilities compared to their expected availability based on the NC labor force / census population compromise method.

Skilled Craft: NCDOT employs fewer white females, black females, Hispanic males, Hispanic females, Asian males, Asian females, AIAN females, and persons with disabilities compared to their expected availability based on the NC labor force / census population compromise method.

Service and Maintenance: NCDOT employs fewer white females, black females, Hispanic males, Hispanic females, and persons with disabilities compared to their expected availability based on the NC labor force / census population compromise method.

Table 1: Beacon Report B0178-F Pop/Labor Force Compromise Census Combined with B0172-F Pop/Labor Force Compromise Census Standard Occupational Classification (SOC) as of 12/2015

Federal EEO 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
Officials and Administrators															
Num and Percentage	47	18	6	8			2				5		16	26	86
Employed in Agency	54.7	20.9	7.0	9.3			2.3				5.8		18.6	30.2	100.0
Num and % Expected Based on Labor Force	45	26	5	5	2	1	1	1	0	0		10	15	33	
	52.50	30.00	5.40	6.30	2.00	1.10	1.30	0.80	0.40	0.30		11.60	17.60	38.50	
Over/Under Occ Rep	2	-8	1	3	-2	-1	1	-1	0	0		-10	1	-7	
Num and % Expected Based on Census Population	28	29	9	10	4	3	1	1	1	1	0	10	28	44	
	32.70	34.30	9.90	11.30	4.50	3.90	1.00	1.10	0.60	0.60		11.60	32.90	51.20	
Over/Under Occ Rep	19	-11	-3	-2	-4	-3	1	-1	-1	-1	5	-10	-12	-18	
Over/Under Rep	10	-10	-1	1	-3	-2	1	-1	0	0	3	-10	-6	-13	
% Based on LF and Census Pop	42.6	32.2	7.7	8.8	3.3	2.5	1.2	1.0	0.5	0.5	0.0	11.6	25.3	44.9	
Professional															
Num and Percentage	1,532	666	225	310	18	25	100	42	14	3	212	24	739	1,046	3,147
Employed in Agency	48.7	21.2	7.1	9.9	0.6	0.8	3.2	1.3	0.4	0.1	6.7	0.8	23.5	33.2	100
Num and % Expected Based on Labor Force	1,086	1,337	160	349	41	60	50	41	6	16		365	724	1,803	
	34.5	42.5	5.1	11.1	1.3	1.9	1.6	1.3	0.2	0.5		11.6	23	57.3	
Over/Under Occ Rep	446	-671	65	-39	-23	-35	50	1	8	-13		-341	15	-757	
Num and % Expected Based on Census Population	1029	1079	312	356	142	123	31	35	19	19	0	365	1035	1611	
	32.7	34.3	9.9	11.3	4.5	3.9	1	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Occ Rep	503	-413	-87	-46	-124	-98	69	7	-5	-16	212	-341	-296	-565	
Over/Under Rep	474	-542	-11	-42	-73	-66	59	4	2	-14	106	-341	-141	-661	
% Based on LF and Census Pop	33.6	38.4	7.5	11.2	2.9	2.9	1.3	1.2	0.4	0.6	0.0	11.6	28.0	54.3	
Technical															
Num and Percentage	1,056	127	97	33	8	2	13	3	24	3	19	16	183	168	1,385
Employed in Agency	76.2	9.2	7	2.4	0.6	0.1	0.9	0.2	1.7	0.2	1.4	1.2	13.2	12.1	100
Num and % Expected Based on Labor Force	357	655	80	212	10	24	14	17	3	11		161	370	918	
	25.8	47.3	5.8	15.3	0.7	1.7	1	1.2	0.2	0.8		11.6	26.7	66.3	
Over/Under Occ Rep	699	-528	17	-179	-2	-22	-1	-14	21	-8		-145	-187	-750	
Num and % Expected Based on Census Population	453	475	137	157	62	54	14	15	8	8	0	161	456	709	
	32.7	34.3	9.9	11.3	4.5	3.9	1	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Occ Rep	603	-348	-40	-124	-54	-52	-1	-12	16	-5	19	-145	-273	-541	
Over/Under Rep	651	-438	-12	-151	-28	-37	-1	-13	18	-7	10	-145	-230	-646	
% Based on LF and Census Pop	29.3	40.8	7.9	13.3	2.6	2.8	1.0	1.2	0.4	0.7	0.0	11.6	29.8	58.8	

Federal EEO 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
Protective Services															
Num and Percentage	146	25	7	5	3		2				9		18	30	197
Employed in Agency	74.1	12.7	3.6	2.5	1.5		1				4.6		9.1	15.2	100
Num and % Expected	113	25	32	19	4	2	1	0	1	0		23	59	46	
Based on Labor Force	57.2	12.7	16.2	9.8	2	0.8	0.4	0.1	0.6	0.2		11.6	30.1	23.6	
Over/Under Occ Rep	33	0	-25	-14	-1	-2	1	0	-1	0		-23	-41	-16	
Num and % Expected	64	68	20	22	9	8	2	2	1	1	0	23	65	101	
Based on Census Population	32.7	34.3	9.9	11.3	4.5	3.9	1	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Occ Rep	82	-43	-13	-17	-6	-8	0	-2	-1	-1	9	-23	-47	-71	
Over/Under Rep	57	-21	-19	-16	-3	-5	1	-1	-1	-1	5	-23	-44	-43	
% Based on LF and Census Pop	45.0	23.5	13.1	10.6	3.3	2.4	0.7	0.6	0.6	0.4	0.0	11.6	31.5	37.4	
Paraprofessional															
Num and Percentage	1														1
Employed in Agency	100														100
Num and % Expected	0	0	0	0	0	0	0	0	0	0		0	0	0	
Based on Labor Force	39.7	36.1	7.7	11.4	3.6	1.1	0.2	0.2	0	0		11.6	24.2	48.8	
Over/Under Occ Rep	1	0	0	0	0	0	0	0	0	0		0	0	0	
Num and % Expected	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Based on Census Population	32.7	34.3	9.9	11.3	4.5	3.9	1	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Occ Rep	1	0	0	0	0	0	0	0	0	0	0	0	0	-1	
Over/Under Rep	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
% Based on LF and Census Pop	36.2	35.2	8.8	11.4	4.1	2.5	0.6	0.7	0.3	0.3	0.0	11.6	28.6	50.0	
Administrative Support															
Num and Percentage	112	606	47	247	2	11		5	1	9	64	13	322	878	1,104
Employed in Agency	10.1	54.9	4.3	22.4	0.2	1		0.5	0.1	0.8	5.8	1.2	29.2	79.5	100
Num and % Expected	187	599	75	178	13	29	6	11	2	6		128	319	822	
Based on Labor Force	16.9	54.3	6.8	16.1	1.2	2.6	0.5	1	0.2	0.5		11.6	28.9	74.5	
Over/Under Occ Rep	-75	7	-28	69	-11	-18	-6	-6	-1	3		-115	3	56	
Num and % Expected	361	379	109	125	50	43	11	12	7	7	0	128	363	565	
Based on Census Population	32.7	34.3	9.9	11.3	4.5	3.9	1	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Occ Rep	-249	227	-62	122	-48	-32	-11	-7	-6	2	64	-115	-41	313	
Over/Under Rep	-162	117	-45	96	-29	-25	-9	-7	-3	3	32	-115	-19	184	
% Based on LF and Census Pop	24.8	44.3	8.4	13.7	2.9	3.3	0.8	1.1	0.4	0.6	0.0	11.6	30.9	62.9	

Federal EEO 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
Skilled Craft															
Num and Percentage	3,554	87	690	14	44	3	5		125	5	106	47	887	109	4,633
Employed in Agency	76.7	1.9	14.9	0.3	0.9	0.1	0.1		2.7	0.1	2.3	1.0	19.1	2.4	100
Num and % Expected	2,442	385	737	227	602	120	42	23	51	9		537	1,812	764	
Based on Labor Force	52.7	8.3	15.9	4.9	13	2.6	0.9	0.5	1.1	0.2		11.6	39.1	16.5	
Over/Under Occ Rep	1,112	-298	-47	-213	-558	-117	-37	-23	74	-4		-490	-925	-655	
Num and % Expected	1515	1589	459	524	208	181	46	51	28	28	0	537	1524	2372	
Based on Census Population	32.7	34.3	9.9	11.3	4.5	3.9	1	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Occ Rep	2039	-1502	231	-510	-164	-178	-41	-51	97	-23	106	-490	-637	-2263	
Over/Under Rep	1576	-900	92	-361	-361	-147	-39	-37	86	-13	53	-490	-781	-1459	
% Based on LF and Census Pop	42.7	21.3	12.9	8.1	8.8	3.3	1.0	0.8	0.9	0.4	0.0	11.6	36.0	33.9	
Service and Maintenance															
Num and Percentage	15	2	7								3		7	2	27
Employed in Agency	55.6	7.4	25.9								11.1		25.9	7.4	100
Num and % Expected	6	10	3	5	1	1	0	0	0	0		3	12	17	
Based on Labor Force	20.5	35.4	10.7	19.1	5.4	5.3	1	1.3	0.3	0.9		11.6	44	62	
Over/Under Occ Rep	9	-8	4	-5	-1	-1	0	0	0	0	0	-3	-5	-15	
Num and % Expected	9	9	3	3	1	1	0	0	0	0	0	3	9	14	
Based on Census Population	32.7	34.3	9.9	11.3	4.5	3.9	1	1.1	0.6	0.6		11.6	32.9	51.2	
Over/Under Occ Rep	6	-7	4	-3	-1	-1	0	0	0	0	3	-3	-2	-12	
Over/Under Rep	8	-8	4	-4	-1	-1	0	0	0	0	2	-3	-3	-13	
% Based on LF and Census Pop	26.6	34.9	10.3	15.2	5.0	4.6	1.0	1.2	0.5	0.8	0.0	11.6	38.5	56.6	

VETERAN PLACEMENT

An ongoing component for the 2016 Plan is an expected overall employment objective of 6% for veterans. To find data on veterans, we utilized Beacon report B0038, which was recently modified to display total veterans as a free characteristic. As Tables 2 and 2.1 shows, 9.02% (954 out of 10581) of active employees have reported veteran status, well above of the 6% target and a 6.8% improvement over the 2.2% active employees who reported veteran status in 2014.

NCDOT will continue to encourage veterans to self-identify. In addition, NCDOT continues to monitor compliance with the veterans' preference policy (See Section 7) through documentation and EEO review of employment packages prior to commitment.

Table 2: NCDOT Veteran Status Employees

Count of Veteran Status	Column La	Grand Total
Row Labels	X	Grand Total
<input type="checkbox"/> 10/Not assigned		146
Female		33
Male		113
<input type="checkbox"/> American Indian or Alaskan Native (N-H/L		11
Male		11
<input type="checkbox"/> Asian (Non-Hispanic/Latino)		5
Female		1
Male		4
<input type="checkbox"/> Black or African American (N-H/L)		202
Female		45
Male		157
<input type="checkbox"/> Hispanic/Latino		20
Female		2
Male		18
<input type="checkbox"/> White (Non-Hispanic/Latino)		570
Female		40
Male		530
Grand Total		954

Table 2.1: NCDOT Veteran Status Employees Summary

DOT Workforce	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Asian Male	Asian Female	AIAN Male	AIAN Female	Ethn Unk	TOT
Number Employed	6,463	1,531	1,079	617	75	41	122	50	164	20	419	10,581
% Employed	61.08	14.47	10.20	5.83	0.71	0.39	1.15	0.47	1.55	0.19	3.96	100.00
Number of Veterans Employed	530	40	157	45	18	2	4	1	11	0.00	146	954
% Veterans Employed	55.56	4.19	16.46	4.72	1.89	0.21	0.42	0.10	1.15	0.00	15.30	100.00
Overall % of Veteran Status Reported	8.20	2.61	14.55	7.29	24.0	4.88	3.28	2.00	6.71	0	34.84	9.02

PERSONS WITH DISABILITIES PLACEMENT

Another ongoing component for the 2016 EEO Plan is the continued emphasis on the employment of persons with disabilities. North Carolinians with disabilities represent a significant percentage of the state’s population and experience disproportionate levels of unemployment. In an effort to support and encourage individuals with disabilities to find employment, NCDOT has added employment objectives and recruitment strategies targeted at individuals with disabilities to its 2016 EEO Plan (See Section 7).

Among other strategies, NCDOT plans to work through its HR Department to encourage greater self-identification by persons with disabilities in order to obtain more accurate workforce representation numbers.

SECTION 6 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 method to establish goals for work force representation, new hires, and promotions by job category. The overall program objective is parity in the workforce by eliminating underrepresentation within each federal EEO 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 category.

2016 JOB PLACEMENT GOALS

Methodology Used to Calculate Goals

NCDOT uses the federal EEO job categories to establish annual goals. The methodology for setting goals is based on realistic, experience-based projections of openings and a target that placements will reflect the expected percentages for each demographic group based on the labor force/census compromise method. The specific steps for this methodology follow. EEO Program Specialists:

- 1) Run Beacon report BP006 for the Department, the Department excluding DMV and the 14 Highway Divisions (hereafter DOT Other), DMV, and each of the 14 Highway Divisions for a three year calendar period by classification. The "Action Type" filters include Demotion, New Hire, Non-Beacon to Beacon, Reinstatement/Re-employment, and Transfer. The "Action Reasons" filters include Agency to Agency Lateral, Agency to Agency Reassignment, Beacon to non-Beacon Agency, EPA – SPA, Non-Beacon Transfer EPA-SPA, Return from Military, Return to State after 5 years, Return to State within 5 years, Return to State within 12 months higher S/G, Return to State within 12 months lower S/G, Return to State within 12 months same S/G, and Temp to Perm.
- 2) Calculate three-year averages by classification for each of the business units.
- 3) Request that NCDOT HR Talent Management, DMV, and the 14 Division Engineers project their job openings for the calendar year using the three-year averages as points of reference.
- 4) Use the projected/anticipated openings to calculate the vacancy percent per federal EEO category. Do this by dividing the number of anticipated openings by the total number currently employed in the category.
- 5) Derive the Department's vacancy percentages by averaging the number of anticipated openings provided by DOT Other, DMV, and the 14 Highway Divisions per job category. Do this by dividing the total number of anticipated openings in each job category by the total number currently employed in the category.

- 6) Run Beacon reports B0172-F and B0178-F and export to Excel:
 - a. Insert into the B0178-F report the “% Expected Based on Census Population” from the B0172-F report and calculate over/under representation.
 - b. Average the “% Expected Based on Labor Force” and the “% Expected Based on Census Population” to derive the comprise method.
- 7) Use the Federal Highway Administration (FHWA) formula for calculating annual goals.
 - a. Determine the total number of employees in each of the eight federal EEO job categories for the Department.
 - b. Multiply the total number of employees in each of the job groups by the percentage of anticipated vacancies. For example, in the table below, DOT has a total of 3,147 employees in the Professional category. So $3,147 \times 0.1482 = 466$. The calculation provides the “Number Anticipated Vacancies.”
 - c. Determine the number of years planned to reach the goal.
 - d. Multiply the “Number Anticipated Vacancies” by the “Number Years to Reach Goal” and then divide that calculation into the “Number Needed to Reach Parity.” This calculation becomes the “Annual Placement Rate (APR).”
 - e. Multiply the “Annual Placement Rate” by the “Number Anticipated Vacancies” to determine the Annual Placement Goal (APG). Where the number of anticipated vacancies is zero, the APR cannot be calculated, so annual placement goals are set manually.

FHWA formula:

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

$$\text{Annual Placement Goal} = \text{Annual Placement Rate} \times \text{Number Anticipated Vacancies}^1$$

NCDOT	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Asian Male	Asian Female	AIAN Male	AIAN Female	Ehn Unk	Total	Total Minority	Total Female	Vacancy %
Professional															
Current Number Workforce	1532	666	225	310	18	25	100	42	14	3	212	3147	737	1046	0.1482
Percentage in Category	48.7	21.2	7.1	9.9	0.6	0.8	3.2	1.3	0.4	0.1	6.7	100.0	23.4	33.2	
Percentage of Availability	33.6	38.4	7.5	11.2	2.9	2.9	1.3	1.2	0.4	0.6	0.0		28.0	54.3	
Over/Under Representation	15.1	-17.2	-0.4	-1.3	-2.3	-2.1	1.9	0.1	0.0	-0.5	0.0		-4.5	-21.0	
Number Needed to Reach Parity	0	542	11	42	73	66	0	0	0	14	0		206	664	
Number Anticipated Vacancies												466			
Number Years to Reach Goal												5			
Annual Placement Rate	0.00	0.23	0.00	0.02	0.03	0.03	0.00	0.00	0.00	0.01	0.00				
2016 Placement Goal	0	27	1	2	3	3	0	0	0	1	0		9	32	

Below is a description of the data sources for each row and how the numbers are calculated.

¹ Source: U.S. Department of Transportation Federal Highway Administration Equal Employment Opportunity Program Desk Reference, pp. 3-105 through 3-106.

- ❖ Current Number in Workforce: B0178-F report as of 12/2015.
- ❖ Percentage in Category: B0178-F report as of 12/2015.
- ❖ Percentage of Availability: B0178-F and B0172-F reports as of 12/2015. Average the percent expected based on the labor force from the B0178-F report with the percent based on the census population from the B0172-F report for each gender/ethnic group, total minorities, and total females per federal EEO category. Enter the results on the "Percentage of Availability" row.
- ❖ Over/Under Representation: Subtract the Percentage of Availability from the Percentage in Category.
- ❖ Number Needed to Reach Parity: Where there is a negative number in the Over/Under Representation row, multiply the number by the total in the category to determine the number needed to reach parity. For example, white females are underrepresented (-17.2), so multiply $.172 \times 3,147 = 542$.
- ❖ Number Anticipated Vacancies: Multiply the total number employed in the category by the vacancy percent.
- ❖ Annual Placement Rate: Multiply the number of anticipated vacancies by the number years to reach the goal and then divide that number into the number needed to reach parity. For example, in the table above, multiply $466 \times 5 = 2,330$ and then divide that in the number to reach party for white females. $542 \div 2,330 = 0.23$.
- ❖ 2016 Placement Goal: Multiply the annual placement rate by the number of anticipated vacancies to calculate the placement goal for each gender/ethnic group within each federal EEO category. (Note: The goals have been reduced by 80% of the calculated number in order to make them more reasonable and attainable.)

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

Table 3: 2016 Job Placement Goals

NCDOT	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Asian Male	Asian Female	AIAN Male	AIAN Female	Ethn Unk	Disabled	Total	Total Minority	Total Female	Vacancy %	
Officials and Administrators																	
Current Number Workforce	47	18	6	8			2					5	0	86	16	26	0.1437
Percentage in Category	54.7	20.9	7.0	9.3	0.0	0.0	2.3	0.0	0.0	0.0	5.8	0.0	100.0	18.6	30.2		
Percentage of Availability	42.6	32.2	7.7	8.8	3.3	2.5	1.2	1.0	0.5	0.5	0.0	11.6		25.3	44.9		
Over/Under Representation	12.1	-11.2	-0.7	0.5	-3.3	-2.5	1.2	-1.0	-0.5	-0.5	0.0	-11.6		-6.6	-14.6		
Number Needed to Reach Parity	0	10	1	0	3	2	0	1	0	0	0	10		7	13		
Number Anticipated Vacancies													12				
Number Years to Reach Goal													5				
Annual Placement Rate	0.00	0.16	0.02	0.00	0.05	0.03	0.00	0.02	0.00	0.00	0.00						
2016 Placement Goal	0	1	1	0	1	1	0	1	0	0	0			4	3		
Professional																	
Current Number Workforce	1532	666	225	310	18	25	100	42	14	3	212	24	3147	737	1046	0.1482	
Percentage in Category	48.7	21.2	7.1	9.9	0.6	0.8	3.2	1.3	0.4	0.1	6.7	0.8	100.0	23.4	33.2		
Percentage of Availability	33.6	38.4	7.5	11.2	2.9	2.9	1.3	1.2	0.4	0.6	0.0	11.6		28.0	54.3		
Over/Under Representation	15.1	-17.2	-0.4	-1.3	-2.3	-2.1	1.9	0.1	0.0	-0.5	0.0	-10.8		-4.5	-21.0		
Number Needed to Reach Parity	0	542	11	42	73	66	0	0	0	14	0	341		206	664		
Number Anticipated Vacancies													466				
Number Years to Reach Goal													5				
Annual Placement Rate	0.00	0.23	0.00	0.02	0.03	0.03	0.00	0.00	0.00	0.01	0.00						
2016 Placement Goal	0	27	1	2	3	3	0	0	0	1	0			9	32		
Technician																	
Current Number Workforce	1,056	127	97	33	8	2	13	3	24	3	19	16	1385	183	168	0.0979	
Percentage in Category	76.2	9.2	7.0	2.4	0.6	0.1	0.9	0.2	1.7	0.2	1.4	1.2	100.0	13.2	12.1		
Percentage of Availability	29.3	40.8	7.9	13.3	2.6	2.8	1.0	1.2	0.4	0.7	0.0	11.6		29.8	58.8		
Over/Under Representation	47.0	-31.6	-0.8	-10.9	-2.0	-2.7	-0.1	-0.9	1.3	-0.5	0.0	-10.4		-16.6	-46.6		
Number Needed to Reach Parity	0	438	12	151	28	37	1	13	0	7	0	145		249	646		
Number Anticipated Vacancies													136				
Number Years to Reach Goal													5				
Annual Placement Rate	0.00	0.65	0.02	0.22	0.04	0.05	0.00	0.02	0.00	0.01	0.00						
2016 Placement Goal	0	22	1	7	1	1	1	1	0	1	0			13	32		
Protective Services																	
Current Number Workforce	146	25	7	5	3		2				9	0	197	17	30	0.6667	
Percentage in Category	74.1	12.7	3.6	2.5	1.5	0.0	1.0	0.0	0.0	0.0	4.6	0.0	100.0	8.6	15.2		
Percentage of Availability	45.0	23.5	13.1	10.6	3.3	2.4	0.7	0.6	0.6	0.4	0.0	11.6		31.5	37.4		
Over/Under Representation	29.2	-10.8	-9.5	-8.0	-1.7	-2.4	0.3	-0.6	-0.6	-0.4	0.0	-11.6		-22.9	-22.2		
Number Needed to Reach Parity	0	21	19	16	3	5	0	1	1	1	0	23		46	44		
Number Anticipated Vacancies													131				
Number Years to Reach Goal													5				
Annual Placement Rate	0.00	0.03	0.03	0.02	0.00	0.01	0.00	0.00	0.00	0.00	0.00						
2016 Placement Goal	0	1	1	1	1	1	0	1	1	1	0			6	4		

Table 3: 2016 Job Placement Goals (continued)

NCDOT	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Asian Male	Asian Female	AIAN Male	AIAN Female	Ethn Unk	Disabled	Total	Total Minority	Total Female	Vacancy %
Paraprofessional																
Current Number Workforce	1												1	0	0	0
Percentage in Category	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		100.0	0.0	0.0	
Percentage of Availability	36.2	35.2	8.8	11.4	4.1	2.5	0.6	0.7	0.3	0.3	0.0			28.6	50.0	
Over/Under Representation	63.8	-35.2	-8.8	-11.4	-4.1	-2.5	-0.6	-0.7	-0.3	-0.3	0.0			-28.6	-50.0	
Number Needed to Reach Parity	0	0	0	0	0	0	0	0	0	0	0			0	0	
Number Anticipated Vacancies													0			
Number Years to Reach Goal																
Annual Placement Rate																
2016 Placement Goal	0	0	0	0	0	0	0	0	0	0	0			0	0	
Administrative Support																
Current Number Workforce	112	606	47	247	2	11		5	1	9	64	13	1104	322	878	0.0881
Percentage in Category	10.1	54.9	4.3	22.4	0.2	1.0	0.0	0.5	0.1	0.8	5.8	1.2	100.0	29.2	79.5	
Percentage of Availability	24.8	44.3	8.4	13.7	2.9	3.3	0.8	1.1	0.4	0.6	0.0	11.6		30.9	62.9	
Over/Under Representation	-14.7	10.6	-4.1	8.7	-2.7	-2.3	-0.8	-0.6	-0.3	0.3	0.0	-10.4		-1.7	16.7	
Number Needed to Reach Parity	162	0	45	0	29	25	8	7	3	0	0	115		117	32	
Number Anticipated Vacancies													97			
Number Years to Reach Goal													5			
Annual Placement Rate	0.33	0.00	0.09	0.00	0.06	0.05	0.02	0.01	0.01	0.00	0.00					
2016 Placement Goal	6	0	2	0	1	1	1	1	1	0	0			7	2	
Skilled Craft																
Current Number Workforce	3,554	87	690	14	44	3	5		125	5	106	47	4633	886	109	0.0929
Percentage in Category	76.7	1.9	14.9	0.3	0.9	0.1	0.1	0.0	2.7	0.1	2.3	1.0	100.0	19.1	2.4	
Percentage of Availability	42.7	21.3	12.9	8.1	8.8	3.3	1.0	0.8	0.9	0.4	0.0	11.6		36.0	33.9	
Over/Under Representation	34.0	-19.4	2.0	-7.8	-7.8	-3.2	-0.8	-0.8	1.8	-0.3	0.0	-10.6		-16.9	-31.5	
Number Needed to Reach Parity	0	900	0	361	361	148	39	37	0	14	0	490		960	1460	
Number Anticipated Vacancies													430			
Number Years to Reach Goal													5			
Annual Placement Rate	0.00	0.42	0.00	0.17	0.17	0.07	0.02	0.02	0.00	0.01	0.00					
2016 Placement Goal	0	36	2	14	23	6	2	1	0	1	0			49	58	
Service and Maintenance																
Current Number Workforce	15	2	7								3	0	27	7	2	0.1250
Percentage in Category	55.6	7.4	25.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	11.1	0.0	100.0	25.9	7.4	
Percentage of Availability	26.6	34.9	10.3	15.2	5.0	4.6	1.0	1.2	0.5	0.8	0.0	11.6		38.5	56.6	
Over/Under Representation	29.0	-27.4	15.6	-15.2	-5.0	-4.6	-1.0	-1.2	-0.5	-0.8	0.0	-11.6		-12.5	-49.2	
Number Needed to Reach Parity	0	7	0	4	1	1	0	0	0	0	0	3		6	12	
Number Anticipated Vacancies													1			
Number Years to Reach Goal													5			
Annual Placement Rate	0.00	1.40	0.00	0.80	0.20	0.20	0.00	0.00	0.00	0.00	0.00					
2016 Placement Goal	0	1	0	1	1	1	0	0	0	0	0			3	3	

SECTION 7 PROGRAM ACTIVITIES

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

JOB RESTRUCTURING

The EEO Plan includes a job-restructuring 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 OSHR. Key objectives of our job-restructuring program are to:

- Review job classes and positions periodically to correct inaccurate descriptions and to ensure 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 entry-level placements.

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; and
- 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.

HIRING PROCESS

Effective January 9, 2012, E-Recruitment was introduced utilizing the vendor, NeoGov. It allows applicants to create a user account to:

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

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

- Vacant positions for which management chooses to recruit for at the Department of Transportation are advertised on both the OSHR and Departments Job Vacancies Web Pages to include DOT internal postings. If deemed necessary by management, vacant positions may also be posted in newspapers, radio, and various job vacancy websites (e.g., Career Builder.com, etc.).
- Upon receiving approval of requisition to advertise for hire, NCDOT Human Resources will return the approved requisition with an Underrepresentation Notification form to the Hiring Unit Manager. (Note: The Department intends to replace the Underrepresentation Notification form with a Goal Notification form later this year.)
- The Hiring Unit Manager may choose to use resources available through EOWS for assistance with identifying internet links to additional posting sites a Hiring Manager may use to do targeted recruitment to increase the percentage of underrepresented applicants in the pool and/or conduct independent targeted recruitment.
- 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 must 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 the unit reviews the credentials of each applicant and determines who possesses the minimum qualifications. A pool of applicants who meet the minimum qualifications is identified.

- The qualified applicants are forwarded to the Hiring Manager. The Hiring Manager schedules interviews with applicants chosen from the qualified applicant pool. The Hiring Manager utilizes pre-determined written interview questions that are based upon job-related KSAs and records the applicant's response.
- The Hiring 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 interviewed applicants. Upon approval from Division management, the Hiring Manager 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 through the applicant tracking system.
- The EEO Officer or designee reviews the underrepresentation notice, 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/designee, the package is forwarded to Human Resources for final approval including budget approval.
- Upon final approval by Human Resources, the Hiring Manager notifies the selected applicant and extends an offer of employment. Once the offer is accepted by the selected applicant and the applicant reports for work, the Hiring Manager provides timely written notice of non-selection to all qualified applicants.
- An employment offer letter is generated by the Hiring Manager containing the effective date of employment, location/name of duty station, name of immediate supervisor, classification title, appointment type, and salary. The letter is sent to the selected applicant via the preferred method of notification.

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

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

- Conduct periodic job analyses to validate job-related qualifications, selection criteria, and training needs;
- Cooperate with the OSHR 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 underrepresentation exists.

PROMOTION/PRIORITY PROCEDURES

The EEO program impacts not only recruitment, selection, and hiring, but also promotion and the upward mobility of underrepresented groups. It is unlawful to fail to provide an equal opportunity for upward mobility to all employees. In order to ensure that the process of selecting employees for these opportunities does not have discriminatory adverse impact on employees who are qualified for promotion or other forms of upward mobility, NCDOT's EEO Plan incorporates a promotional priority procedure/program.

The EEO Program and Plan Policy requires recruitment procedures that attract a diverse pool of applicants and requires hiring authorities to act affirmatively in minimizing or eliminating underrepresentation throughout all levels of the State's workforce. Specific recruitment efforts shall be taken, both internally and externally, to optimize the presence of highly qualified persons from underrepresented categories among applicants considered. When promotional opportunities exist in occupational categories where there is established underrepresentation of minorities, women, and persons with disabilities, and the selection decision will be made from among applicants in the existing state workforce, hiring authorities shall consider and support these diversity needs as usual.

Promotional priority consideration shall be provided by all agencies to all current State employees who have achieved career status outlined below. If it is determined that an eligible employee and an outside applicant have "substantially equal qualifications," then the eligible employee must receive the job offer over an outside applicant.

"Substantially equal qualifications" occur when the employer cannot make a reasonable determination that the job-related qualifications held by one applicant are significantly better suited for the position than the job-related qualifications held by another applicant

State employees with priority status who were:

- separated from exempt policymaking or exempt managerial jobs for reasons other than cause,
- notified of or separated by reduction-in-force, or
- returning from workers' compensation leave

are not considered outside applicants for the purpose of the promotional priority policy.

VETERANS' PREFERENCE

State law requires that employment preference be given for applicants who have served in the Armed Forces of the United States on active duty (for reasons other than training) during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense. This preference is given to eligible veterans during their initial employment, subsequent employment, promotions, reassignments, horizontal transfers, and reduction-in-force situations.

"Veteran" means a person who served in the Armed Forces of the United States on active duty, for reason other than training, and was discharged under other than dishonorable conditions.

"Eligible veteran" means:

- a veteran who served during a period of war;
- the spouse of a disabled veteran;
- the surviving spouse or dependent of a veteran who died on active duty during a period of war either directly or indirectly as a result of such service;
- a veteran who suffered a disabling injury for service-related reasons during peacetime;
- the spouse of a veteran who suffered a disabling injury for service-related reason during peacetime;
- the surviving spouse or dependent of a person who died for service-related reasons during peacetime.

In order to claim veterans' preference, eligible veterans must meet the minimum training and experience requirements for the position and must be capable of performing the duties assigned to the position.

State agencies, departments, and universities are reporting and tracking veteran representation in the workforce. The state is under a 6% overall employment objective for veterans. During 2015, EOWS partnered with NCDOT Human Resources to develop a process for reaching the 6%

placement goals for veterans NCDOT will continue to encourage self-identification in BEACON of veteran status and hiring manager awareness and understanding of the veterans' preference policy. The campaign resulted in the identification of more than 9% of the Department's active employees as veterans.

EMPLOYMENT OF PERSONS WITH DISABILITIES

NCDOT will continue to focus efforts to support, encourage, and enhance employment of persons with disabilities. The Department will promote and integrate employment objectives and strategies to share information and focus on the value of hiring persons with disabilities. NCDOT will continue to provide reasonable accommodation for applicants and employees.

NCDOT will work through its HR Department to establish an active approach for increasing employment identification by persons with disabilities in order to obtain more accurate workforce representation numbers. Targeted recruitment strategies include:

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

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 this 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.

NCDOT requires EEO compliance training annually, AAP/EEO program training every three years, requires that each employee attend Diversity in the Workplace, and offers related elective training.

EEOI ENROLLMENT PROCESS

In accordance with N.C.G.S. §126-16.1, NCDOT is required to enroll supervisors and managers in the Equal Employment Opportunity Institute (EEOI) or other approved course. 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 Training & Development is responsible for the coordination of the enrollment process. The enrollment process is as follows:

1. "Eligible Candidate Lists" are prepared by the OSHR, EEO Diversity & Compliance Division 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.

PERFORMANCE APPRAISAL

It is the policy of North Carolina State Government to provide a performance management system which evaluates employees' accomplishments and behaviors related to goals and organizational values to achieve organizational mission, goals, and business objectives. An integrated performance management system enables employees to develop and enhance individual performance while contributing to the achievement of organizational mission, goals, and business objectives. The performance management process involves three stages: performance planning, performance feedback, and the annual performance evaluation. NCDOT administers the performance management process in accordance with the policy approved by the State Human Resources Commission. In accordance with the State EEO Policy and the NCDOT EEO Policy Statement, the Department does not discriminate in the terms and conditions of employment and monitors compliance with the NCVIP system to ensure the ensure the process is free from bias.

Compliance is measured by requiring an annual meeting with the managers' employees at which time the EEO policy statement and related EEO policy documents are handed out and discussed. Once that meeting has been held, each employee completes an annual acknowledgement of awareness of the EEO Policy Statement in the Learning Management System (LMS). The LMS system will generate for each manager the percentage of employees supervised who complete the annual certification. This percentage will be used to measure the manager's compliance with the VIP metric. Internal EEO monitors compliance progress monthly using reports generated in LMS.

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. The purpose of the NCDOT Disciplinary Action Policy and Procedures (see Appendix B) is to ensure that disciplinary actions provide managers and employees with a fair, clear, and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling cases

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

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

Monitoring of Disciplinary Actions. NCDOT's EOWS Office monitors disciplinary actions Department-wide to ensure fairness and consistency in the issuance of disciplinary actions. The office conducts in-depth analysis of disciplinary actions issued disproportionately to members of protected classes compared to their workforce representation in the Department. Plan implementation began June 15, 2014. Analysis of the results will provide opportunities to develop strategies for reducing any adverse impact found.

A quarterly Disciplinary Actions Monitoring Report is distributed to Department business units. It includes analyses of the supervisors issuing disciplinary actions, interval data for the issuance of subsequent actions, the jobs to which the actions were issued, and the reasons actions were taken where the disciplinary actions issued exceed any gender/ethnic group's workforce representation by more than 2 percentage points within the Department or the business unit.

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. It is the policy of North Carolina State government that a grievance process exist to allow for prompt, fair and orderly resolution of grievances arising out of employment. Each agency shall adopt the Employee Grievance Policy as approved by the State Human Resources Commission. In establishing this Employee Grievance Policy, the State Human Resources Commission seeks to achieve procedural consistency across the agencies of NC State government, ensure employees have access to grievance procedures to address grievable

issues timely, fairly and without fear of reprisal and resolve workplace issues efficiently and effectively. (See Appendix C.)

COMPENSATION and BENEFITS

A structured, uniform procedure has been 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 monitors salary recommendations prior to offer in an effort to identify trends and discuss concerns with management in order to minimize inequities.

SECTION 8 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 for 2015 were as follows:

ACCOMPLISHMENTS

- **EEO Performance Measure.** The Department Implemented an Electronic System to Monitor Compliance with EEO Performance Measure for Managers and Supervisors. NCDOT has moved from a paper to an electronic system to monitor compliance with the EEO measure for managers and supervisors that was originally implemented during the calendar year 2014 performance cycle. The performance cycle is now based on the SFY (July 1 – June 30). Each manager and supervisor has been assigned the “EEO Compliance” goal in the Department’s on-line Valuing Individual Performance (VIP) performance management system. Managers and supervisors are required to distribute and review all EEO- related policies with staff in a meeting, post the current EEO policies in the workplace, and complete the task within the SFY performance cycle. After the EEO policy meeting, participants complete the EEO Compliance curriculum in the on-line NC Learning Center. The compliance of managers and supervisors is measured in the VIP system. Evaluating supervisors can verify performance through the NC Learning Center by determining the percentage of a manager’s subordinates who completed the EEO compliance curriculum. Internal EEO monitors compliance progress monthly using reports generated in LMS.
- **On-Site Evaluations.** Internal EEO conducted seven on-site evaluations of organizational units in 2015 making unit management aware of underrepresentation in their workforce as well as any disproportionate disciplinary actions against minorities or females.
- **Quarterly EEO Reports.** Internal EEO issued quarterly updates, including over/underrepresentation, new hires and promotions, and disciplinary action monitoring reports to all business units that had undergone on-site evaluations.
- **Staff Training.** EEO staff attended:
 - EEOC seminar in Chapel Hill, NC
 - ADA Coordinator Training Conference in Omaha, NE
 - Various EEO-officer certification curriculum courses conducted by OSHR and EEOC such as “Managing Differences: Women in the Workplace,” “Integration of EEO, Diversity and Inclusion with Human Resources Function,” “Together We Can Make It Work”.

- **Re-Evaluation of Job Descriptions.** EEO staff implemented a process to re-evaluate job descriptions, hiring criteria, and job classifications. Implementation began in January of 2015 with the employment of the EEO Employment Specialist. Phase I of the Plan (CY2015) focused on the classes that have been shown to be problematic in the past with emphasis on the professional category due to the category's underrepresentation of females and minorities. All of the Phase I studies have been completed, which focused on the following classifications: Marine Welders, Electronic Technicians, Engineers (particularly Roadside Environmental), Utility Agents (Right of Way). This work is being done in addition to and in coordination with OSHR's Statewide Compensation System Project.
- **Disciplinary Actions Monitoring.** EEO staff continued to monitor the issuance of disciplinary actions to ensure fairness and consistency in the issuance of disciplinary actions and to evaluate the disproportionate issuance of actions to minorities and females.
- **Adverse Impact Analyses.** EEO staff conducted adverse impact analyses on new hires, promotions, demotions, terminations, and disciplinary actions.
- **Quarterly Meetings.** The EEO/ADA manager met with and provided quarterly updates to the Secretary and to the Secretary's Executive Staff.
- **Secretary's EEO Advisory Committee.** Internal EEO provided staffing support, prepared meeting materials, conducted follow-up activities and reporting, and provided technical consultancy to the Secretary's EEO Advisory Committee.
- **EEO/ADA Presence on the Employee Portal (Internal).** EEO/ADA now has its own tab under "Employee Resources." It contains a welcome message, links to relevant documents and forms, federal and state laws, other resources, and a staff directory. We are also able to create timely information under the "Did You Know" section.
- **Annual Report to the Secretary.** The EEO/ADA Section prepared the first-ever Annual Report to the Secretary that comprehensively addressed program activities during calendar year 2014 recommended and/or required by FHWA and the NC Office of State Human Resources.
- **Diversity Initiatives.** EEO Specialists developed a communications plan so that EEO information and announcements are provided to NCDOT employees on a regular basis via Employee News in a consistent manner throughout the year with educational information, policy reminders, and sharing of diversity-related Governor's proclamations.
- **Office of Education Initiatives' HBCU/MIHE Internship Program.** EOWS re-invented and re-invigorated its HBCU/MIHE program. The Historically Black Colleges/Universities (HBCU) and Minority Institutions of Higher Education (MIHE) internship is a paid, ten-week program designed to provide students with hands-on, real world experiences with various offices at the NCDOT. The program prepares students attending an HBCU/MIHE with the knowledge, resources, and expertise that they can apply to future positions with NCDOT and/or other professions. Students have exposure to the inner workings of statewide projects and initiatives throughout NCDOT's 14 divisions and departments.

The program is open to all students attending an identified HBCU/MIHE. Traditionally, students applying for the program are black females and males.

HBCU/MIHE Interns for FFY 2015

College/University	Applied	Interviewed	Offered	Accepted
Bennett College	6	3	1	1
Elizabeth City State University	15	13	3	3
Fayetteville State University	31	9	3	3
Johnson C. Smith University	7	4	1	1
Livingstone College	13	8	1	1
NC A&T State University	17	15	8	5
NC Central University	16	11	6	6
Saint Augustine's University	25	14	3	3
Shaw University	16	10	2	2
Winston Salem State University	11	9	4	4
UNC Pembroke (MIHE)	0	0	0	0
Total	157	96	31	29

- **EEO and AA Training.** The EEO/ADA Section developed an on-line training module that NCDOT employees are required to complete every three years. It is assigned to employees via the LMS on-line training center.
- The Internal EEO Unit is currently almost fully staffed, consisting of 9 FTE positions - EEO Manager/AA Officer, 2 Affirmative Action Specialists, 1 Employment Specialist, 2 Investigation Specialists, 1 ADA Coordinator, and 1 ADA Program Specialist, and 1 EEO/ADA Program Assistant (currently vacant).

CHALLENGES

1. In accordance with the State guidelines for the E-recruitment system (currently NeoGov), the protected classes of race, sex, age, and disability of the applicant are not provided to hiring managers. To provide hiring managers with useful information that can be used legally at the appropriate phase of the recruitment and selection process, the Department intends to implement just-in-time reminders to hiring managers of underrepresentation and targeted recruitment sources at the point of approval to post. This will give hiring managers an opportunity to enhance the diversity of the most-qualified pool and, thus, increase the likelihood that an applicant from an underrepresented group is selected while maintaining the confidentiality of the protected class status of the individual applicant.
2. The Department must implement disability awareness training to educate managers/supervisors concerning the employment rights of persons with disabilities

and the Department's facilitated interactive process for exploring and providing reasonable accommodation.

3. With the potential for a significant reduction-in-force, a challenge the NCDOT faces is the possibility of losing ground in the representation of minorities and females. Care must be given to the adverse impact analysis that EOWS will provide for any proposed RIF.

SECTION 9

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.

EOWS distributes the following quarterly reports to organizational units that have undergone on-site evaluations during 2013, 2014, and 2015:

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. Quarterly Disciplinary Actions Monitoring Report – analyzes supervisors issuing disciplinary actions, interval data for the issuance of subsequent actions, the jobs to which the actions were issued, and the reasons actions were taken where the disciplinary actions issued exceed any gender/ethnic group's workforce representation by more than two percentage points within the Department or the business unit.

SECTION 10

UNLAWFUL WORKPLACE HARASSMENT PREVENTION STRATEGIES

Introduction

NCDOT's Equal Employment Opportunity Statement signed by Secretary Tata 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.

Definitions

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

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

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

Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

Objective

The objective of the strategies is to create and maintain a work environment free of any conduct which falls under the definition of unlawful workplace harassment. A focus of the strategy is to provide training to employees and management on how to recognize and effectively resolve unlawful workplace harassment. This will be accomplished by:

- Disseminating the EEO Policy Statement to all employees. DOT's EEO Policy Statement is posted conspicuously at all DOT facilities.

- Providing annual policy reviews to all employees and managers.
- Sensitizing employees to the subject through training, orientation and literature.
- Issuing disciplinary actions appropriately for unlawful workplace harassment in accordance with established disciplinary action procedures. Violation of the Unlawful Workplace Harassment policy will result in disciplinary action and it is administered on a case by case basis. Disciplinary actions shall be entered into the BEACON system with quarterly reports published and disseminated.

AA/EEO Officer Responsibilities

The coordinator of program activities is the AA/EEO Officer. This position is responsible for:

- Communicating and disseminating the EEO Policy Statement to all employees;
- Coordinating, scheduling, and/or providing workshops/training sessions;
- Developing methods to evaluate program activities;
- Overseeing investigations of allegations of unlawful workplace harassment;
- Advising, as appropriate and necessary, all parties involved in cases alleging unlawful workplace harassment to include supervisor, complainant, and alleged harasser;
- Monitoring procedures and disciplinary actions of all alleged cases; and
- Serving as resource person to all employees.

Evaluation

The Department of Transportation will maintain and report unlawful workplace harassment complaints through established grievance reporting mechanisms in the BEACON system. An annual review will be conducted to determine the progress the Department has made toward strategy objectives.

SECTION 11

REDUCTION IN FORCE (RIF) PROCEDURES

NCDOT has the authority to separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. NCDOT complies with the State Human Resources Reduction In Force policy (*State Human Resources Manual § 11, Page 3*) and the Reduction In Force Priority policy (*State Human Resources Manual § 2, Page 24*).

Retention of employees in classes affected shall be based on systematic consideration, at a minimum of the following factors:

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

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

An employee separated through a reduction in force may appeal the separation only on the grounds listed in the Employee Grievance Policy (*State Human Resources Manual §7, Page 25*).

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 agency utilization goals by race and sex and to avoid adverse impact in violation of Section 4.d of the Uniform Guidelines on Employee Selection Procedures

Pursuant to the State Human Resources Manual Workforce Planning, Recruitment and Selection §2, employees with career status (as defined by G.S §126-1.1), who have received official written notification of imminent separation due to reduction in force, are eligible for priority consideration under the provisions outlined in the Manual. An employee shall receive priority consideration for a period of 12 months from the date of the official written notification (*see State Human Resources Manual §2, Page 25*).

SECTION 12 PROCEDURES FOR MONITORING

An internal monitoring and evaluation system to audit personnel policy and personnel decisions is essential to ensure non-discrimination and the achievement of program objectives, activities, 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 includes regular reviews of our EEO practices, policies, goals, program objectives, 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 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
NCDOT EQUAL OPPORTUNITY POLICY STATEMENT



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

NICHOLAS J. TENNYSON
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 for all employees and applicants for employment.

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. Furthermore, NCDOT is committed to providing reasonable accommodation and has established procedures to allow persons with a disability to request reasonable accommodations.

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

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

EEO is not only required by Federal and State law, it is fundamental to the operations of the Department. NCDOT complies with applicable Federal and State EEO laws, statutes, regulations, and policies. I expect each employee and manager to cooperate fully by integrating and promoting EEO at all levels. My office has advised all executives, administrators, division directors, district engineers, and branch/unit managers and supervisors that positive implementation of the EEO/AA programs and plans is expected and that they will be held accountable and evaluated for their actions. To further assure that appropriate program measures are implemented and monitored, I have designated John Eley as the Department's EEO/AA Officer. He can be reached at 919-508-1804.

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

A handwritten signature in blue ink, appearing to read "N. Tennyson", written over a horizontal line.

Nicholas J. Tennyson, Secretary

A handwritten date in blue ink, "8/26/2015", written over a horizontal line.

Date

**APPENDIX B
JOB TITLES BY FEDERAL EEO CATEGORIES**

OFFICIALS AND ADMINISTRATORS

<p>Accounting Manager Agency General Counsel II Agency Human Resources Director III Archaeologist Supervisor Assistant Commissioner DMV Attorney Supervisor II Audit Manager Chief Deputy IV Commissioner Of Motor Vehicles Community Development Planner III Departmental Purchasing & Services Off Departmental Services Director Deputy Director, NC Turnpike Commission Deputy Secretary/commission IV Director Ferry Division DMV Assistant Director DMV Deputy Director DMV Director DOT Civil Rights Director DOT Coordinator of Strategic Initiatives DOT Director Of Safety & Loss Control</p>	<p>Driver License Regional Chief Examiner Engineering Director Engineering Manager, NCTA Equipment Plant And Maintenance Manager Executive Dir NC Turnpike Authority Ferry Assistant Director Fiscal Executive Highway Safety Program Coordinator Historic Preservation/Restora Supervisor Marine Field Maintenance Superintendent Marine Shipyard Superintendent Personnel Director II Personnel Supervisor II Right Of Way Branch Manager Secretary Of Transportation Student Intern Toll Revenue Manager, NCTA Transportation Program Deputy Director Transportation Program Director Transportation Program Manager Transportation Program Section Chief</p>
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PROFESSIONALS

<p>Accountant Accounting Director Accounting Technician Administrative Assistant II Administrative Assistant III Administrative Officer I Administrative Officer II Administrative Officer III Agency Safety Program Director III Archaeologist II Assistant Director of Traffic Records Assistant Right Of Way Branch Manager Attorney II Attorney III Attorney IV Auditor Aviation Safety Specialist I Business And Technology Application Analyst Business Officer Business Systems Analyst Business & Technology App Specialist Business & Technology App Technician Business Services Coordinator Business System Analyst Chemist I Chemist II Chief Financial Officer NCTPA Community Development Specialist I Community Development Specialist II Community Planner III Departmental Purchasing Agent I Departmental Purchasing Agent II Departmental Purchasing Agent III Departmental Purchasing Officer IV Director of Public Affairs III Director of Outreach and Community Affairs DOT Permits Director Engineering/Architectural Supervisor Driver Education Field Supervisor Driver Education Program Specialist Driver License District Supervisor Driver License Examiner</p>	<p>Driver License Senior Examiner Engineer Engineer Manager Environmental Program Supervisor II Environmental Program Consultant Environmental Program Supervisor III Environmental Senior Specialist Environmental Senior Technician Executive Air Operations Supervisor II Executive Pilot II GTP Controller GTP-Airport Director GTP-Information Technology/Facility Director Student Co-op Historic Preservation/Restoration Specialist II Info & Communication Specialist III Information & Communications Spec II Information Technology Director Information Technology Executive Information Technology Manager B/T Interoperability Manager, NCTA Inventory Systems Analyst IT Manager Systems IT Manager Tech Support IT Manager-General IT Project Analyst Manager IT Project Program Manager IT Security Specialist Librarian II Management Engineer I Management Engineer II Management Engineer III Manager Liability Insurance Marine Quality Assurance Specialist Mb/WB Development Specialist Motor Vehicle Field Supervisor Networking Analyst Networking Specialist Nurse Consultant Operations And Systems Analyst Personnel Analyst I Personnel Analyst II</p>
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Personnel Analyst III
Personnel Officer II
Personnel Supervisor I
Personnel Technician II
Personnel Technician III
Photographer II
Public Relations Officer
Railroad Safety Inspector
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
Right Of Way Appraisal Unit Supervisor
Right Of Way Appraiser I
Right Of Way Appraiser II
Right Of Way Appraiser III
Right Of Way Area Agent
Right of Way Assistant Branch Manager
Right of Way Consultant Coordinator
Right Of Way Division Agent
Right Of Way Unit Supervisor I

Right Of Way Unit Supervisor II
Safety Consultant
Safety Consultant II
Safety Officer I
Safety Officer II
Staff Development Coordinator
Staff Development Specialist I
Staff Development Specialist II
Staff Development Specialist III
Student Co-Op
Systems Programmer /Analyst
Systems Programmer /Specialist
Technology and Support Analyst
Technology Support Specialist
Television/Media Services Coordinator I
Transportation Agent
Transportation Planner I
Transportation Planner II
Transportation Planner III
Transportation Program Consultant I
Transportation Program Consultant II
Transportation Program Consultant III

TECHNICAL

Chemistry Technician I
Chemistry Technician II
Chemistry Technician III
Engineering/Architectural Technician
Engineering Assistant
Networking Technician
Paralegal I
Paralegal II

Right Of Way Technician
Technical Trainer III
Technical Trainer II
Technology Support Technician
Title Examining Supervisor I
Title Examining Supervisor II
Title Examining Supervisor III

ADMINISTRATIVE SUPPORT

Accounting Clerk V
Administrative Assistant I
Administrative Secretary II
Administrative Secretary III
Administrative Services Assistant V
Executive Assistant I
GTP Receptionist / Secretary
Highway Equipment Office Manager
Information Processing Assistant II
Information Processing Technician
Lead Worker III
Lead Worker V
Mail Center Supervisor II
Office Aide
Office Assistant II
Office Assistant III

Office Assistant IV
Office Manager NCTPA
Office Services Supervisor I
Personnel Technician I
Processing Assistant II
Processing Assistant III
Processing Assistant IV
Processing Assistant V
Processing Unit Supervisor IV
Processing Unit Supervisor V
Program Assistant IV
Program Assistant V
Right Of Way Aide
Stock Clerk I
Stock Clerk II

PARAPROFESSIONAL

Multimedia Designer

PROTECTIVE SERVICES

Law Enforcement Agent
Law Enforcement Director
Law Enforcement Manager

Law Enforcement Supervisor
Security Guard

SKILLED CRAFT

Aircraft Maintenance Supervisor
Aircraft Mechanic
Area Equipment Superintendent
Bridge Operator
Carpenter Supervisor II
Dredge Deckhand
Dredge Engineer
Dredge Lever Operator
Electronics Technician I
Electronics Technician II
Electronics Technician III
Equipment Superintendent
Explosives Specialist
Facility Maintenance Supervisor III
Facility Maintenance Supervisor IV
Ferry Chief Engineer
Ferry Crew Member I
Ferry Crew Member II
Ferry Master
Ferry Oiler
Ferry Operations Manager II
Ferry Superintendent
Fleet Support Specialist
GTP Airport Operator
HVAC Mechanic
Long Distance Truck Driver
Machinist
Machinist Supervisor
Maintenance Mechanic I
Maintenance Mechanic II

Maintenance Mechanic III
Maintenance Mechanic IV
Maintenance Mechanic V
Marine Dockmaster
Marine Electrician
Marine Hull Supervisor
Marine Machinist
Marine Mechanic
Marine Mechanic Supervisor I
Marine Mechanic Supervisor II
Marine Painter
Marine Painter Supervisor
Marine Pipefitter
Marine Sandblaster-chipper
Marine Welder
Plant Maintenance Supervisor I
Plant Maintenance Supervisor III
Radio Engineer I
Radio Engineer II
Railroad Safety Supervisor
Trades Worker II
Trades Worker Supervisor II
Transportation Supervisor
Transportation Worker
Vehicle Operator II
Vehicle Operator III
Vehicle/Equipment Repair Tech Supervisor
Vehicle/Equipment Repair Technician
Welder III

**APPENDIX C
DISCIPLINARY ACTION POLICY & PROCEDURES**

**North Carolina
Department of Transportation**



Disciplinary Action Policy & Procedures

Revised 11/08/13
Revised 4/25/14
Revised 8/1/2014

POLICY STATEMENT

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. The purpose of this policy is to insure that disciplinary actions provide managers and employees with a fair, clear, and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling cases of unacceptable personal conduct. This policy will be administered in a fair and equitable manner free of unlawful discrimination.

Secretary
Department of Transportation

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SECTION ONE

INTRODUCTION

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 indicate 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 their 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

Insubordination is 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 a 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), 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

Unsatisfactory job performance is 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.

SECTION TWO

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 their 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.

SECTION THREE

RESOLUTION OF DISCIPLINARY ACTION

I. INACTIVATION OF DISCIPLINARY ACTION

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

- At any time, when the employee's supervisor or manager requests inactivation by notifying the employee relations representative in writing that the reason for the action has been resolved or corrected. The request must be approved in writing by a direct report to the Secretary, a division director, division engineer, or unit head; or
- For performance related disciplinary actions, when the performance evaluation process documents a summary rating that reflects an acceptable level of performance overall and satisfactory performance in the area cited in the disciplinary action; or
- After eighteen (18) months, unless there has been additional disciplinary action since the date the disciplinary action was issued.

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 until it has been properly removed (refer to Section II., REMOVAL OF DISCIPLINARY ACTION).

The employee relations representative shall update BEACON to reflect the inactivation of a disciplinary action by delimiting the disciplinary action and any other disciplinary actions affected by the inactivation.

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

II. REMOVAL OF DISCIPLINARY ACTION

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

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

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

Documentation of a personnel administration (PA) action in BEACON to effect a demotion or disciplinary suspension shall not be removed from the personnel file.

All materials and documents related to an approved dismissal for cause, including any prior disciplinary

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

SECTION FOUR

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.

SECTION FIVE

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.

**APPENDIX D
EMPLOYEE GRIEVANCE PROCEDURES**

**NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION**



EMPLOYEE GRIEVANCE PROCEDURES

Revised: 01/01/2015
Effective: 12/01/2013

Revised 01/01/2015

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 requesting an informal discussion, filing an EEO informal inquiry and a formal internal grievance, 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.

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

INFORMAL DISCUSSION

The NCDOT procedures require:

1. The employee to speak with the 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; however, the employee may bypass the informal discussion and move directly to the formal internal process if grievable issue is a dismissal, demotion, suspension without pay, non-disciplinary separation due to unavailability. The employee may bypass the informal discussion if he or she is alleging unlawful discrimination, harassment or retaliation and move directly to the EEO Informal Inquiry process; and
2. The employee to clearly declare to the supervisor or other appropriate personnel that the Informal Discussion request is regarding an alleged event or action that is the basis of a potential grievance. The supervisor or other appropriate personnel shall confirm the intention of the requested Informal Discussion with the employee before beginning discussions; and
3. The supervisor or other appropriate personnel to notify the Employee Relations Representative for his or her division or section when an employee requests an Informal Discussion; and
4. The supervisor or other appropriate personnel to attempt to resolve the grievable issue with the employee; and
5. The supervisor or other appropriate personnel to utilize the Informal Discussion form when conducting the Informal Discussion; and
6. The employee and supervisor or appropriate manager to sign and date acknowledging the informal discussion was conducted and finalized; and
7. The supervisor to 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 33–34.

HOW TO FILE AN EEO INFORMAL INQUIRY FOR UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION COMPLAINT

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 will be investigated as part of the EEO Informal Inquiry.

The complaint must be filed in writing by the applicable deadline using one of the following methods of delivery:

1. **Mail** –The complaint may be mailed to the mailing address or hand delivered to the physical address below:

Mailing Address:	Physical Address:
NCDOT EOWS	NCDOT EOWS
1511 MSC	104 Fayetteville Street Mall
Raleigh NC 27899-1511	Raleigh, NC 27601

2. **E-mail** –The document may be e-mailed to the e-mail address below:

E-mail Address:
eeomanager@ncdot.gov

3. **Fax** – The document may be faxed to **919-508-1814**

EEO INFORMAL INQUIRY PROCESS

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

1. The complaint will be assigned to an EEO Specialist for investigation.
2. The employee will be contacted to confirm receipt of the complaint, to seek clarification of the complaint and to inform the employee of the EEO Informal Inquiry Process.
3. A notification letter will be sent to the appropriate manager in the employee's chain of command informing him or her of the filing, which will include a copy of the EEO Informal Intake Form and the complaint.
4. An investigation will be initiated, which must be completed in **45 calendar days** of receipt of the complaint, unless an extension is agreed upon by management and the employee. Any extension shall not exceed **15 calendar days**.
5. Once the investigation is concluded, a final investigative report will be submitted to the EEO Manager for review and concurrence.
6. Upon concurrence, the outcome of the investigation will be communicated to the employee and the appropriate manager in the employee's chain of command.

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 NCDOT detailing the terms of the agreement. If the complaint is not successfully resolved, then the employee may file a formal internal grievance within **15 calendar days** of his or her receipt of the EEO Informal Inquiry response.

Advisory Note: Refer to the OSHR Policy, Section 7, Formal Internal Grievance, Mediation Step 1, pages 31-32.

HOW TO FILE A FORMAL INTERNAL GRIEVANCE

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 the applicable deadline using one of the following methods of delivery:

4. **Mail** –The document may be mailed to the mailing address or hand delivered to the 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
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5. **E-mail** –The document may be e-mailed to the e-mail address below:

E-mail Address:
grievances@ncdot.gov

6. **Fax** – The document may be faxed to **919-662-4324**

FORMAL INTERNAL GRIEVANCE PROCESS - STEP 1 MEDIATION

1. Upon receipt of grievance, and after grievance is determined to be grievable, the grievant will be contacted within **3 business days** of the filing of the grievance to acknowledge receipt of the grievance.
2. The director of the division or unit from which the grievance arises will be notified within **3 business days** of the filing of the grievance to 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.*
3. A request to assign mediators to facilitate the Step 1 Mediation will be submitted to OSHR within **3 business days** of the filing of the grievance. OSHR shall assign mediators to facilitate the mediation within **3 business days** of the date the mediator request was submitted. Mediators will provide 2 or 3 dates of availability to schedule the mediation.
4. The mediators, the grievant and the respondent will be contacted to confirm the date, time and location of the facility, including special instructions, if any, regarding the facility as well as the name and number of a contact at the facility.
5. Both the grievant and respondent will be provided documents and any other material(s) 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.
6. The respondent will be provided the name and contact information of an attorney assigned to NCDOT or DMV, depending upon the division or unit the grievance arises, in the event any legal questions arise prior to, and/or during, mediation.
7. The respondent will be advised that the ER Manager or the Mediation/Hearings Coordinator (MHC) will be available by telephone the day of the scheduled mediation should any HR related questions arise.

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

FORMAL INTERNAL GRIEVANCE PROCESS - STEP 1 MEDIATION

Post Mediation

When a mediation agreement is reached:

1. Prior to the agreement being signed by any party, the respondent **must** forward to the Mediation/Hearing Coordinator for review to ensure:
 - a) The terms of the agreement do not contain any provision(s) contrary to NC Human Resources Commission policies, administrative rules and applicable State and federal laws; and
 - b) The terms of the agreement do not contain any provision(s) that exceed(s) the scope of the parties' authority; and
 - c) The terms of the agreement are clearly written and clarified in order to effectuate the agreement.
2. If the agreement is in order, the respondent will be advised that the agreement may be signed by all parties;
3. If the agreement requires clarification or revisions, the respondent will be advised accordingly. After the revisions are made, the respondent will be advised that the agreement may be signed by all parties.
4. The respondent must 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.

When an agreement is not reached (impasse):

1. 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. 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 must 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.

FORMAL INTERNAL GRIEVANCE PROCESS - STEP 2 HEARING

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

Hearing Panel

- Consists of 3 members (1 chairperson and 2 members) and 2 alternates;
- One member will be the same basic classification as the aggrieved;
- The grievant may challenge up to 2 members of the Hearing Panel if the grievant believes they cannot render an unbiased recommendation due to a real or perceived conflict of interest;
- In order to challenge a committee member's ability to render an impartial recommendation, prior to the hearing, the grievant must submit a written request to the MHC explaining the reason for the challenge;
- Challenged members will be replaced with designated alternate members;
- Alternate committee members may serve in the event a committee member cannot attend the hearing due to occurrences that are unavoidable or beyond his or her control

Hearing Attendees

- Grievant who initiated grievance
- Management Representative
- Hearing Panel Chairperson and Members
- Approved Witnesses
- Mediation/Hearings Coordinator

Witnesses

- Both grievant and management representative may call up to 5 witnesses on his or her behalf, including themselves;
- Witnesses shall be limited to only those individuals who have direct and relevant knowledge of the event or occurrence that is being grieved.
- Additional witnesses may be approved upon showing of relevance and reasonable cause; 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.
- 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.

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.
- 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.

Chairperson Responsibilities

The Hearing Panel Chairperson shall preside over the hearing and allow the parties to present information relevant to the nature of the grievance, facts upon which the grievance is based and the remedies sought. The chairperson shall:

- Call the hearing to order;
- Explain the hearing proceedings;
- Maintain order and decorum;
- Rule on all motions;
- Determine admissibility of evidence and prescribe the order in which it 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;
- Ensure all parties are allotted adequate time to present evidence and question witnesses; and
- Draft the committee recommendation for the final agency decision letter (FAD).

FORMAL INTERNAL GRIEVANCE PROCESS - STEP 2 HEARING

The MHC 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.

Burden of Proof

- **Management** - *Adverse personnel actions* (dismissal, demotion, disciplinary suspension without pay, and non-disciplinary separation due to unavailability);
- **Grievant** - *Discrimination and retaliation*;
- Burden of proof with other actions is determined by the applicable statute, regulation or other provisions.

Recording of Hearing

- The Hearing will be recorded by the Mediation/Hearings Coordinator only;
- The grievant may request a copy of the recording and must provide all necessary digital media required to make copies.

Hearing Panel Guidelines

The Hearing Panel 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.

Hearing Panel Proposed Recommendation

- Chairperson drafts and submits the recommendation of the Hearing Panel to the Mediation/Hearings Coordinator following the hearing;
- Recommendation must be in compliance with all rules, regulations and policies of the NC Human Resources Commission and/or applicable State and/or federal laws;
- The final agency decision (FAD) letter will be reviewed and by OSHR, and the OSHR Director or designee may approve the Hearing Panel's recommendation as written or may provide recommendations for modification or reversal;
- OSHR will return the FAD and recommendations for modification or reversal (if applicable) to NCDOT within **10 calendars days** of receipt of the recommendation.

FORMAL INTERNAL GRIEVANCE PROCESS - STEP 2 HEARING

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 – STEP 3

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. 27809
919-431-3000

Mailing Address:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27809

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

Advisory Note: Refer to the OSHR Policy, Section 7, Appeal to the Office of Administrative Hearings, pages 41-42.