

The University of North Carolina

EMPLOYMENT POLICIES

Comparison of SPA Employee, EPA Senior Academic and Administrative Officer* and EPA Non-Faculty Instructional and Research Employment

	SPA Employee	EPA Senior Academic and Administrative Officer & EPA Non-Faculty Instructional and Research
Employee Definition	Defined under N.C. General Statute Chapter 126 as those positions subject to rules and regulations promulgated under the State Personnel Act and policies of the State Personnel Commission. Certain laws and policies provide additional benefits and protections that apply only to SPA Career Status employees. Career Status is attained after the employee has been continuously employed in a permanent SPA position for the immediate preceding 24 months.	<p><i>EPA Senior Academic and Administrative Officers:</i> Other senior officers of the University of North Carolina as defined in Section I.B. of the “Senior Academic and Administrative Officers” policy (see UNC Policy #300.1.1) who are subject to the provisions of Section III of these regulations and include: (1) members of the President’s professional staff other than those identified in subparagraph A of the regulations [N.C.G.S. 116-14(b)]; and (2) associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the constituent institutions, other than those identified in subparagraph A of the regulations, that have been designated by the President. [N.C.G.S 116-11(5)].</p> <p><i>EPA Non-Faculty Instructional and Research Employees:</i> Defined under N.C.G.S. 126-5(c1)(8) as those positions that are instructional and research staff whose salaries are fixed under the authority vested in the Board of Governors. (See UNC Policy #300.2.1.) These positions are not subject to the State Personnel Act (G.S. Chapter 126) and <i>not</i> otherwise categorized as (1) faculty positions subject to institutional tenure regulations; (2) positions within administrative categories of employment subject to G.S. 116-11(4), G.S. 116-11(5), or G.S. 116-14; (3) positions within the “physicians or dentists” category under G.S. 126-5 with faculty appointments; and (4) University students who are employed incident to their status as students.</p>
Appointment Process and Salary Administration (see NOTE on Page 9)	SPA positions are classified into banded classes based on competencies required for the position and demonstrated by the employee. Pay bands are based on labor market rates determined by the Office of State Personnel for each banded class. Entry salaries for new employees are based on several factors including employees’ competencies, training and experience, competencies required for positions, the market-based salary range for the banded class, available funding and internal equity. Cost of Living (COLA) salary increases may be awarded based on regulations and criteria as determined by the General Assembly. COLAs are general increases and do not involve movement within pay bands. Salary movement within pay bands may occur as a result of changes in labor market conditions, changes in the duties and responsibilities assigned to positions, or increased competencies of the employee.	The authority to make appointments and determine salaries for <i>EPA Senior Academic and Administrative Officers</i> as defined in Section I.B.(2) of the policy is delegated by the Board of Governors to the chancellors and the respective Boards of Trustees of the constituent institutions. Appointments to <i>EPA Non-Faculty Instructional and Research</i> positions are made by the chancellor (or delegate) by means of a letter of appointment. Salaries for such appointments reflect the duties assigned to the position, the qualifications of the selected individual, labor market conditions, consideration of internal equity, and available funding. Salary recommendations are made by the appointing official and reviewed by the office responsible for the oversight of EPA positions (generally the Provost or Chief Academic Officer).

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Longevity	<p>Permanent employees who work 20 hours or more per week, who have 10 years or more of Total State Service, are eligible for <i>Longevity Pay</i>. This is a lump sum payment based on a percentage of the annual rate of base pay less withholding and retirement contributions payable the month after eligibility is established. The following is a schedule of the percentages used in calculating longevity pay:</p> <p style="text-align: center;">TOTAL STATE LONGEVITY SERVICE PAY RATE</p> <p>10 but less than 15 years 1.50% 15 but less than 20 years 2.25% 20 but less than 25 years 3.25% 25 or more years 4.50%</p>	EPA employees are not eligible for longevity pay																					
Vacation Leave Entitlement	<p>Vacation Leave is earned by SPA employees who hold permanent, probationary, trainee or time-limited appointments and who work at least 20 hours or more per week. The rate is based on length of Total State Service as follows:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">TOTAL STATE SERVICE</th> <th style="text-align: left;">HOURS PER MONTH</th> <th style="text-align: left;">DAYS PER YEAR</th> </tr> </thead> <tbody> <tr> <td>Less than 2 years</td> <td>7 hrs. 50 mins.</td> <td>11 3/4</td> </tr> <tr> <td>2 but less than 5 years</td> <td>9 hrs. 10 mins.</td> <td>13 3/4</td> </tr> <tr> <td>5 but less than 10 years</td> <td>11 hrs. 10 mins.</td> <td>16 3/4</td> </tr> <tr> <td>10 but less than 15 years</td> <td>13 hrs. 10 mins.</td> <td>19 3/4</td> </tr> <tr> <td>15 but less than 20 years</td> <td>15 hrs. 10 mins.</td> <td>22 3/4</td> </tr> <tr> <td>20 or more years</td> <td>17 hrs. 10 mins.</td> <td>25 3/4</td> </tr> </tbody> </table> <p>Leave for part-time employees is computed as a percentage of total amount provided to full-time employees. The maximum accumulation at the end of the calendar year that can be carried forward to the next calendar year is 240 hours. Any excess above 240 hours may be transferred to Sick Leave at the calendar year-end. Scheduling and use of Vacation Leave requires prior management approval. Upon separation from employment, unused accumulated Vacation Leave is paid in a lump sum not to exceed 240 hours for full-time employees (pro-rated for part-time employees).</p>	TOTAL STATE SERVICE	HOURS PER MONTH	DAYS PER YEAR	Less than 2 years	7 hrs. 50 mins.	11 3/4	2 but less than 5 years	9 hrs. 10 mins.	13 3/4	5 but less than 10 years	11 hrs. 10 mins.	16 3/4	10 but less than 15 years	13 hrs. 10 mins.	19 3/4	15 but less than 20 years	15 hrs. 10 mins.	22 3/4	20 or more years	17 hrs. 10 mins.	25 3/4	<p>All permanent full-time EPA employees (1.00 FTE) are entitled to accrue 24 workdays per year. Annual leave is accrued at a monthly rate and is adjusted proportionately for permanent part-time employees who work halftime or more (.50 - .99 FTE).</p> <p>The monthly earnings amount is equal to one-twelfth of the annual rate for each month the employee works or is on approved leave with pay. The scheduling of an employee's annual leave is subject to the approval of his or her supervisor. The maximum number of unused days of annual leave that may be accrued and carried forward from one year to the next shall be 30 workdays (pro-rated for part-time employees). Annual leave in excess of 30 days will be automatically converted to sick leave at the end of the year.</p> <p>Upon discontinuation of employment from the employing institution, the employee may either elect a payout of accrued annual leave or transfer the remaining balance of any unused annual leave to another State or local governmental agency, subject to the receiving agency's approval. If an employee does not elect or is not eligible to transfer such accrued leave, the amount paid to an employee who has been employed an aggregate of 24 months or less by one or more State or local governmental agencies is equal to one day for each month worked less the number of days of annual leave taken during the employment period. An employee who has been employed for more than 24 months shall be paid subject to a maximum of 30 such days.</p>
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Bonus Leave	<p>The General Assembly awarded bonus leave as follows to all employees in leave earning status: 80 hours effective 9-30-02; 80 hours effective 7-1-03; 40 hours effective 9-1-05. Full-time employees who work less than 12 months received a pro-rata amount and part-time employees (half-time or more) received a pro-rata amount. Bonus leave may be taken for any purpose for which regular vacation leave may be used with appropriate authorization. It must be accounted for separately from regular earned vacation leave and any balance as of December 31 each year will be retained by the employee and not included as part of the conversion to sick leave. Any balance will be transferred with an employee who transfers to another State agency eligible for bonus leave. Any balance will be paid in if the employee leaves state government or accepts an appointment to non-leave earning status.</p>	<p>Bonus leave policies are the same for EPA employees.</p>
Sick Leave	<p><i>Sick Leave</i> is provided for SPA employees who hold permanent, probationary, trainee or time-limited appointments and who work at least 20 hours or more per week. A full-time employee earns sick leave at the rate of eight hours per month with no limit on the amount accumulated. Leave for part-time employees is adjusted proportionately based on the percentage of time worked. Sick Leave is creditable towards State Retirement (TSERs) service upon retirement. There is no payout of Sick Leave upon separation of service from the University; however, if an employee is reemployed with a State agency (and certain local SPA agencies) within five years, any unused sick leave is reinstated.</p> <p>With respect to Sick Leave, subject to institutional policy and approval by the employee's supervisor, an employee may be advanced the amount of sick leave that can be accrued during the remainder of the calendar year.</p>	<p><i>Sick Leave</i> is provided for EPA employees who hold permanent, or fixed-term appointments and who work at least 20 hours or more per week. A full-time employee earns sick leave at the rate of eight hours per month with no limit on the amount accumulated. Leave for part-time employees is adjusted proportionately based on the percentage of time worked. Sick Leave is creditable towards State Retirement (TSERs) service upon retirement. Sick leave is not credited toward retirement services under the Optional Retirement Plan (ORP). There is no payout of Sick Leave upon separation of service from the University; however, if an employee is reemployed with a State agency within five years in a leave earning appointment, any unused sick leave is reinstated.</p> <p>With respect to <i>Sick Leave</i>, subject to institutional policy and approval by the employee's supervisor, an employee may be advanced the amount of sick leave that can be accrued during the remainder of the year or during a twelve-month period.</p>

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	SPA Employee	EPA Senior Academic and Administrative Officer & EPA Non-Faculty Instructional and Research
<p>Other Leave and Holiday Entitlement</p>	<p>**Other types of leave available include: Parental Leave (including Maternity), Community Service Leave, Civil Leave, Education Leave, Military Leave, Family and Medical Leave, Worker's Compensation Leave, Voluntary Shared Leave, and Compensatory Leave, which require management approval.</p> <p>In certain instances, these types of leave may fall under the category of Leave With Pay or Leave Without Pay, depending on the circumstance.</p> <p>For <i>Holiday</i> observance, there are 11 to 12 days granted each calendar year. A schedule is issued by each University campus on a calendar year basis.</p>	<p>**Other types of leave available include: Parental Leave (including Maternity), Community Service Leave, Civil Leave, Education Leave, Military Leave, Family and Medical Leave, Worker's Compensation Leave, Voluntary Shared Leave, and Compensatory Leave, which require management approval.</p> <p>The <i>Family and Medical Leave</i> policy may be the same as the SPA policy or may be specific for EPA employees, in accordance with federal regulations.</p> <p><i>Voluntary Shared Leave</i> is also the same as is applicable to SPA employees with the exception that the donation and acceptance of such leave is computed on the basis of days rather than hours.</p> <p><i>Senior Academic and Administrative Officers</i> and <i>EPA Non-Faculty Instructional and Research</i> employees may request a <i>Leave of Absence Without Pay</i>, subject to approval by the President or Chancellor, as applicable.</p> <p>For <i>Holiday</i> observance, there are 11 to 12 days granted each calendar year. A schedule is issued by each University campus on a calendar year basis.</p>

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	SPA Employee	EPA Senior Academic and Administrative Officer & EPA Non-Faculty Instructional and Research
Retirement Plan	<p>SPA employees who are employed in permanent job positions on a recurring basis and who work 30 hours or more a week for nine or more months per calendar year are required to participate in the N.C. Teachers' and State Employees' Retirement System (TSERS).</p> <p>This is a defined benefit plan in which the employee and the University share the cost of retirement benefits. The employee contributes 6% of his or her salary to TSERS, which is tax-sheltered from federal and state income tax, and the University contribution is determined annually by the legislature.</p> <p>Membership is continued as long as the individual is employed in an eligible position of the State (agency, department, bureau or institution including university) or a State-supported board of education or community college.</p> <p>An employee who moves from an SPA position to an EPA position will become eligible to participate in the ORP if he or she has not previously been eligible.</p> <p>A TSERS member is eligible for a retirement benefit at a later date even is he or she leaves the system upon the completion of five years of creditable service, provided the member's contributions are not withdrawn. If a member leaves the System for any reason other than retirement or death, he or she may choose to receive a refund of his or her contributions. There is no interest credited to these contributions if the member leaves with less than five years of participation. After five years of participation, the interest credited on these contributions is 4% per year compounded annually, which is set by the State. Refunds may be subject to federal and state income tax and an additional federal excise tax penalty under certain circumstances. The payment of income tax can be deferred and any penalty avoided by transferring the taxable portion of the refund to an IRA or other qualified retirement plan.</p>	<p>Terms and conditions for those EPA employees participating in TSERS are the same as for SPA employees.</p> <p>As an alternative to TSERS, Senior Academic and Administrative Officers and EPA Non-Faculty Instructional and Research employees may elect to participate in The University of North Carolina Optional Retirement Program (ORP). The decision to participate must be made within 60 days of initial appointment to an ORP eligible position. Once made, this decision is irrevocable. Alternatively, failure to make this election within the 60-day period makes participation in TSERS mandatory.</p> <p>The ORP is a defined contribution plan. Contributions made by the employee and the University are invested in retirement annuity contracts or mutual funds offered among the approved carriers resulting in a dollar accumulation that is used to provide a monthly income during retirement.</p> <p>An employee who moves from an EPA position to an SPA position no longer will be eligible to be an active participant in ORP.</p> <p>Approved carriers currently offer both fixed and investment accounts. The participant chooses the carrier(s) that will invest his or her contributions and selects from the different types of investment funds offered. The amount of benefit received at retirement will depend on the total accumulation in the account(s) including any credited interest or dividends, the participant's age at the time he or she begins receiving benefits, and the income option selected. A participant is immediately 100% vested in the value of the employee contributions. The value of the employer contributions is 100% vested after five years of participation in the ORP.</p>

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	SPA Employee	EPA Senior Academic and Administrative Officer & EPA Non-Faculty Instructional and Research
<p>Retirement Plan (Continued)</p>	<p>Highlights of TSERS include:</p> <p>Cost of participation is shared between the employee and the University. The participant contributes 6% of gross salary, which is tax-sheltered from federal and state income taxes. The University contribution is determined annually by the legislature.</p> <p><i>Death Benefit:</i> After one year of creditable service, if a member dies while in active service, the beneficiary is eligible for the Death Benefit that provides a single lump sum payment. The payment equals the highest 12 months' salary earned within the 24 months prior to death, but is no less than \$25,000 and no more than \$50,000. The benefit is paid if the member dies within 180 days of the last day he or she was paid a salary.</p> <p><i>TSERS Benefit:</i> A member is eligible for service retirement with an unreduced benefit at age 65 with 5 or more years of creditable service, age 60 with 25 or more years of creditable service, or with 30 years of creditable service regardless of age. A member is eligible for early retirement with a reduced benefit at age 50 with 20 or more years of creditable service or age 60 with 5 years of membership service. The retirement benefit is based on a formula that takes into consideration the employee's age, Average Final Compensation (the average of salary during the highest paid 48 months in a row), years of service, a retirement factor and selection of a payment option.</p> <p><i>Disability Income Plan of North Carolina:</i> After one year of TSERS creditable service earned within 36 calendar months before disability, a member is eligible for benefits under this plan. Following a 60-day waiting period, Short-Term disability benefits are payable for a period of up to 365 days. After five years of TSERS creditable service earned within 96 calendar months prior to the end of the Short-Term disability period, Long-Term disability benefits are payable for the duration of the permanent disability or when the member first qualifies for an unreduced service retirement.</p>	<p>Highlights of ORP include:</p> <p>Cost of participation is shared between the employee and the University. The participant contributes 6% of gross salary, which is tax-sheltered from federal and state income taxes. The University contribution is determined annually by the legislature.</p> <p><i>Death Benefit:</i> In the event of death of a participant before retirement, the participant's accumulation, including the University's contribution, is payable to a named beneficiary in a lump sum or through a choice of payment options.</p> <p>If an employee terminates employment with less than five years of ORP participation, he or she will become 100% vested in the ORP employer contribution provided the following requirements are met: -the subsequent employer is a higher education institution that sponsors a substantially similar retirement plan or "like retirement plan," -the successor plan offers a core "like retirement plan" that is underwritten by one of the four carriers currently underwriting the ORP benefit, and -the employee begins participation in that successor plan within 12 months following termination of employment with The University of North Carolina. This provision is separate and apart from whether the employee will be considered vested in the plan of the successor employer.</p> <p><i>Disability Income Plan of North Carolina:</i> A participant of ORP is covered under the provisions of this plan.</p> <p><i>The Standard Disability Benefit:</i> An ORP participant may elect to enroll in this voluntary supplemental plan. The monthly premium is paid by the employee. In the event of disability, this plan provides both a monthly disability benefit and a contribution to a TIAA-CREF annuity account for as long as the employee is disabled. After age 65, the benefit continues for a limited period of time based upon the age when the disability begins.</p>

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Retirement Plan (Continued)	<p><i>Retirees' Health Insurance:</i> At the time of retirement, a member and his or her dependents are eligible for coverage under the State Health Plan if the member was hired prior to October 1, 2006, has contributed to TSERS for at least 5 years and is in receipt of a monthly retirement benefit. Members hired on or after October 1, 2006, are eligible for 50% of the State's contribution for health insurance with at least 10 years of retirement membership service or 100% if with at least 20 years of retirement membership service and in receipt of a monthly retirement benefit from TSERS.</p> <p><i>Survivor's Alternate Benefit:</i> If a member dies while in active service, this benefit provides monthly income to the survivor provided the member has named only one person as principal beneficiary, and the member died after completing 20 years of service or reaching age 60 with 5 years of service.</p>	<p><i>Retirees' Health Insurance:</i> At retirement, an ORP participant and his or her eligible dependents are eligible for coverage under the same provisions SPA employee, provided he or she is vested in ORP (contributed for at least five years to ORP) and in receipt of a monthly ORP retirement benefit.</p>
Non-Retirement Benefits	<p>Unless otherwise noted, SPA and EPA employees are eligible for the same benefit plans as offered by the State or University campus.</p>	<p>Unless otherwise noted, SPA and EPA employees are eligible for the same benefit plans as offered by the State or University campus.</p>
Non-disciplinary Discontinuation of Employment	<p>The University may separate an SPA employee when necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. Career Status employees who are reduced-in-force shall receive priority reemployment consideration for a period of 24 months from the date of the official written notification.</p> <p>Employees separated through reduction-in-force may be eligible for Severance Salary Continuation for a specified period unless they: (1) are reemployed by the State in a permanent position; or, (2) are offered and decline a lateral transfer or promotion within thirty-five (35) miles of the original workstation.</p>	<p>Discontinuation of a Senior Academic and Administrative Officer or an EPA Non-Faculty Instructional and Research employee appointment may occur for the following reasons:</p> <ul style="list-style-type: none"> • Employment at will is subject to discontinuation at any time at the discretion, respectively, of the President or of the Chancellor, provided, that such a discontinuation (as distinguished from discharge for cause) shall be subject to advance timely notice or severance. • Employment for a stated definite term expires automatically at the conclusion of the stated term but may be renewed or extended at the option of the employer. Timely written notice must be given by the employer for fixed term appointments that exceed one year. • Employment for a stated definite term may be terminated prior to expiration of the stated term because of (1) financial exigency or (2) major curtailment or elimination of a program, given timely notice.

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<p>Disciplinary Discontinuation of Employment</p>	<p>An SPA employee who has attained Career Status can be dismissed or disciplined for two reasons (just cause): (1) unsatisfactory job performance, including grossly inefficient job performance; or, (2) unacceptable personal conduct.</p> <p>When just cause exists, the disciplinary actions that can be taken are: (1) written warning; (2) disciplinary suspension without pay; (3) demotion; or, (4) dismissal. Requirements must be met before any of these disciplinary actions can be taken. Generally, job performance disciplinary actions require successive disciplinary action. Successive disciplinary action includes a written warning followed by another written warning or other disciplinary action and notice of the possibility for further disciplinary action up to and including dismissal. Disciplinary actions related to grossly inefficient job performance and personal conduct can result in immediate dismissal for a current incident without any prior disciplinary actions. All these disciplinary actions except warnings also require a pre-disciplinary conference.</p> <p>Every disciplinary action shall include notification to the employee in writing of any appeal rights. Warnings, extensions of disciplinary actions, and placement on investigation with pay are not grievable unless the University campus specifically provides for such in its grievance policy. Warnings are not appealable to the State Personnel Commission unless illegal discrimination is being alleged.</p> <p>When an employee transfers to another agency or university campus, any active written warnings or disciplinary actions will transfer with the personal file of the employee and will remain in full force at the new work unit until removed by the new employer or made inactive by a change in policy.</p>	<p>A <i>Senior Academic and Administrative Officer</i> or <i>EPA Non-Faculty Instructional and Research</i> employee may be discharged for stated cause which includes, but is not necessarily limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to invocation by the affected employee of the University grievance process. When an employee has been notified of the intention to discharge him or her for cause, the chancellor may suspend the employee, in exceptional cases, pending a final decision concerning discharge. Suspension shall be with full pay.</p>
<p>Grievance Process</p>	<p>A state employee or applicant may file a grievance with the Office of Administrative Hearings (OAH) if certain conditions are met. The basis for the appeal and the career status of the employee or applicant are factors which determine appeal rights and the process. Campus grievance policies and procedures may differ and allow other internal appeal rights.</p>	<p>A <i>Senior Academic and Administrative Officer</i> or <i>EPA Non-Faculty Instructional and Research</i> employee may secure review of decisions concerning discharge for cause or other disciplinary action, or other grievances related to interpretation and application of these personnel policies, through the process and procedures established by the University as described in UNC Policy 300.1.1 and 300.2.1 and Code Section 611, and as implemented through campus policies.</p>

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Miscellaneous	<p><i>Performance Management System:</i> Each permanent SPA employee's work performance is evaluated by his or her supervisor through the Performance Management Process.</p> <p><i>**Tuition Waiver:</i> Permanent SPA employees who work 30 or more hours per week are eligible to have tuition charges waived for not more than two courses per year at any of the 16 constituent institutions of The University of North Carolina.</p> <p><i>**Educational Assistance Program:</i> This program supports educational activities that develop the employee's skills related to his or her current classification and are deemed beneficial to both employee and the University. It is available to permanent full-time and part-time SPA employees who work 20 hours or more per week.</p>	<p><i>**Performance Review:</i> Work performance review for an EPA employee may vary from campus to campus.</p> <p><i>**Tuition Waiver:</i> Same as for SPA employees.</p> <p><i>**Educational Assistance Program:</i> May be extended to EPA employees based on campus policy.</p>
**Policy References and Links	<p>North Carolina State Personnel Manual</p> <p>Campus SPA Personnel Policies and Procedures Manual (if applicable)</p> <p>Campus Disciplinary Policy</p> <p>Your Retirement Benefits Handbook</p>	<p>"Senior Academic and Administrative Officer" policy (UNC Policy #300.1.1)</p> <p>"Policy on Employees Exempt from the State Personnel Act" (UNC Policy #300.2.1)</p> <p>Your Retirement Benefits Handbook</p> <p>"Choosing a Retirement Program"</p>

Nov-09

***Employment Policies for senior officers of the University of North Carolina as defined in Section I.A. of the "Senior Academic and Administrative Officer" policy are not included in this document.**

Each UNC campus should review its specific institutional policies, practices and benefits programs and provide further information and clarification as appropriate.

NOTE: Whether an SPA employee, an EPA Senior Academic and Administrative Officer, or an EPA Non-Faculty Instructional and Research employee is subject to the Fair Labor Standards Act (FLSA) and eligible to receive time and a half pay or compensatory time for work in excess of 40 hours per week, is a separate issue from whether a position is determined to be SPA or EPA and is not addressed in this document.