

# ADMINISTRATIVE MEMORANDUM

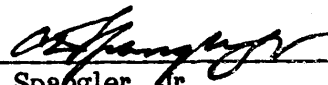
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SUBJECT Regulations for University Employees  
Exempt from the State Personnel Act

NUMBER 261

DATE March 1, 1988

At its meeting on February 12, 1988, the Board of Governors adopted regulations, to implement Article 7, Chapter 126-30 of the North Carolina General Statutes. This new law prohibits the fraudulent disclosure and willful nondisclosure of information relating to applications for state employment, and authorizes the Board of Governors to issue regulations to implement this law for all University employees exempt from the State Personnel Act (Chapter 126 of the North Carolina General Statutes). Enclosed is a copy of those regulations.

  
C. D. Spangler, Jr.

REGULATIONS FOR UNIVERSITY EMPLOYEES  
EXEMPT FROM THE STATE PERSONNEL ACT

The 1987 Session of the North Carolina General Assembly enacted legislation prohibiting the fraudulent disclosure and willful nondisclosure of information relating to applications for state employment (NCGS 126-30). The statute authorized the Board of Governors to issue regulations to implement this law for all University employees exempt from the State Personnel Act (Chapter 126 of the North Carolina General Statutes). Pursuant to that mandate, the following regulations are hereby adopted.

1. Each application form to be used for EPA employment shall contain the following statement to be signed by the applicant:

North Carolina law requires notice to every applicant for state employment that willfully providing false or misleading information or failing to disclose relevant information shall be grounds for rejection of an application or later disciplinary action or criminal prosecution. Dismissal from employment shall be mandatory in any case in which a false or misleading representation is made in order to meet position qualifications.

The employer is required by law to verify an applicant's representations about credentials and other qualifications relevant to employment.

By executing this employment application, you authorize the release to The University of North Carolina of any document or information within the possession of a third party, such as an educational institution or licensure board, that may serve to verify any representations made by you in this employment application.

2. With respect to EPA employment, each constituent institution shall establish procedures for verifying representations made about credentials and other qualifications pertinent to the position. These procedures shall include the following:

a. Based upon an examination of the position description, the employer must verify credentials and other information significantly related to job qualifications. "Credentials" may include degrees awarded, professional licenses, professional registrations and professional certifications. "Other information" may include prior work or study experience.

b. A written record of the verification(s) shall be made and maintained in the employee's personnel file. This record shall include the date of verification, the method of verification, the name of the official requesting the verification and the name of person or entity responding to the request, with copies of any documents procured incident to the verification process.

c. All verifications should be completed within 90 days from the date of initial employment.

3. Each constituent institution shall establish sanctions for the willful falsification of credentials or other information significantly related to job qualifications or responsibilities or the willful nondisclosure of information significantly related to job qualifications or responsibilities. These sanctions shall include the following:

- a. Upon discovery of any such falsification or nondisclosure prior to employment, the applicant shall be disqualified from any further consideration for the position in question.
- b. Upon discovery of the falsification or nondisclosure after employment:
  - 1) If the employee was determined to be qualified and was selected for a position based on false representation about credentials or other requirements for the position, the employee shall be dismissed.
  - 2) For all other willful falsifications or willful nondisclosures, the discipline imposed shall be based upon the circumstances of each case. Sanctions may include dismissal, demotion, reduction in pay and written reprimand. In determining the level of the sanction to be imposed, the following criteria may be relevant:
    - sensitivity of the employee's position; effect of the false information on the hiring decision;
    - advantage gained by the employee over other applicants; effect of the false information on the starting salary; and the advantage gained by the

employee in subsequent promotion and salary increases. The employee's performance in the position, whether satisfactory or unsatisfactory, should not be considered in determining the level of sanction.

- 3) Penalties will be imposed by the University only in accordance with procedural safeguards applicable to disciplinary actions against faculty members, administrators, and other employees, as required by Section 603 of the University Code, and by Board of Governors policies applicable to other employees exempt from the State Personnel Act.