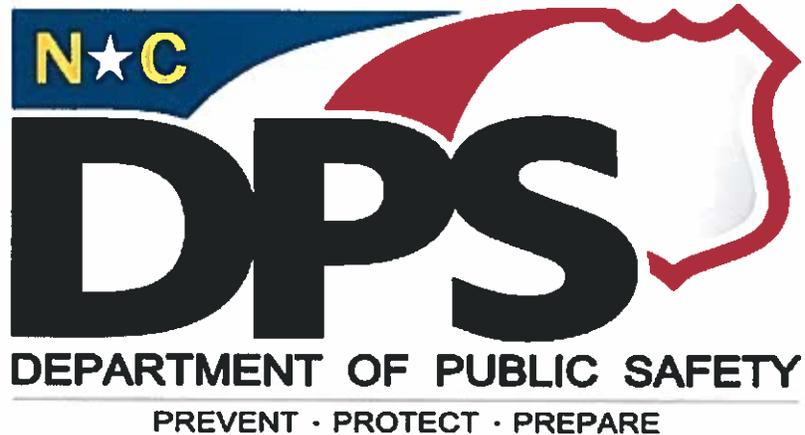


North Carolina Department of Public Safety



2015 Equal Employment Opportunity (EEO) Plan

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AN EQUAL OPPORTUNITY EMPLOYER



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1 Statement of North Carolina Policy Statement

It is the policy of the State of North Carolina to provide equal employment opportunity for all qualified persons and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disabling condition, genetic information, or political affiliation. In furtherance of this policy, the State of North Carolina in its various subdivisions shall:

- A. Recruit, select, hire, place, train and promote persons in all job classifications without regard to race, color, religion, sex, national origin, age, disabling condition, political affiliation, or genetic information;
- B. Base selection, hiring, and promotion decisions on valid requirements and criteria, which are job related and necessary upon entry at that level to perform the essential functions of the job;
- C. Administer all employment practices objectively, including compensation, benefits, promotion, training, tuition assistance, termination, transfer, demotion, and reduction-in-force, without regard to race, color, national origin, religion, sex, age, disabling condition, political affiliation or genetic information;
- D. Provide reasonable accommodation for applicants and/or employees with disabilities When doing so will enable them to successfully perform the essential functions of the job or benefit from training;
- E. Prohibit retaliatory actions against employees or applicants for employment who make a charge of employment discrimination or testify, assist, or participate in any manner in a hearing, proceeding, or investigation of employment discrimination; and
- F. Assure a work environment that is free from discrimination.

2 Equal Employment Opportunity (EEO) Program and Plan

2.1 Purpose

The Department of Public Safety's (DPS) Equal Employment Opportunity program is intended to create a workforce climate that is responsive and respectful of fairness and equity for applicants and employees which ensures compliance with State and Federal guidelines. Further, the purpose is to provide guidance in the development of a plan to facilitate greater utilization of all persons. Special emphasis is given to protected groups, i.e., minorities, women, and disabled persons by identifying previously underutilized groups in the workforce, making special effort toward their recruitment, selection, development, and upward mobility. Special emphasis is also given to ensure placement of veterans in the workplace.

2.2 Policy

It is the policy of the Department of Public Safety to provide equal employment to all employees and qualified applicants without regard to race, color, sex, religion, national origin, age, political affiliation, genetic information, and disability, except where age, sex, or physical requirements constitute bona fide occupational qualifications.

2.3 General Provisions

- A. The Department commits to an ongoing evaluation method to assess program effectiveness and monitor personnel policies and employment practices in an effort to facilitate workforce balance and fairness in all terms and conditions of employment. Specifically, the Department, through its various divisions shall:
1. Recruit, hire, train, and promote persons in all occupational categories and job classification without regard to race, color, gender, religion, national origin, age, disability, genetic information, and political affiliation;
 2. Base hiring and promotion decisions upon valid requirements and criteria which are related and necessary to perform the expectations of the job;
 3. Administer all personnel actions including: compensation, benefits, tuition assistance, training, transfer, reduction-in-force, terminations, and promotion. Without regard to: race, color, religion, gender, national origin, age, disability, genetic information, and political affiliation; and
 4. Assure a nondiscriminatory work environment.
- B. In doing so, the Department of Public Safety is in compliance with the following as amended:
1. Title VII of Civil Rights Acts of 1964;
 2. Federal Executive Order 11246;
 3. Equal Pay Act of 1963;
 4. Age Discrimination in Employment Act of 1967;
 5. Title V of the Rehabilitation Act of 1973;
 6. Veterans Preference Act;

7. Governor's Executive Order #55;
 8. Americans with Disabilities Act of 1990, and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA);
 9. Senate Bill 886: Merit Based Hiring;
 10. House Bill 834; State Human Resources Act of 2013;
 11. Lilly Ledbetter Fair Pay Act of 2009; and
 12. Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).
- C. Equal Employment Opportunity guidelines also include prohibiting retaliatory actions against employees or applicants for employment because that person filed a charge, testified, assisted or participated, in any manner, in a hearing, proceeding, investigation, of employment discrimination. The Equal Employment Opportunity (EEO) Office is responsible for program implementation and administration to include update and revision of the Equal Employment Plan on an annual basis.
- D. Further, the Department of Public Safety is committed to the tenet that no employee may engage in speech or conduct that is defined as unlawful workplace harassment. All current or former employees are guaranteed the right to work in an environment that is free from unlawful workplace harassment.

2.4 Program Development, Implementation and Compliance

The EEO Office is responsible for annually developing the Equal Employment Opportunity Plan. The plan consists of establishing specific goals and timetables for the reduction and eventual elimination of underutilization of protected groups in all standard occupational classifications. Implementation of and compliance with this plan is the responsibility of supervisors, managers, and directors. The organization of the plan is composed of four steps:

- A. Workforce/demographic analysis which profiles the distribution of workers in the department by race, gender, and persons reporting disabilities, compared with the percentage population within each ethnic category. The underutilization is calculated based on that comparison.
- B. Estimate or project future job vacancies in each occupational classification where underutilization has occurred, and project the department's capacity to eliminate or reduce the underutilization.
- C. Establish placement goals for reduction of underutilization in each category to include timetables that identify specific dates for achievement.
- D. Develop an action plan to facilitate the likelihood of goal achievement within the established time frames.

2.5 Dissemination of Policy

2.5.1 Internal Dissemination

The EEO Policy shall be posted in a conspicuous area, accessible to all employees and applicants for review on an as needed basis and is also available electronically on the EEO Office webpage <https://www.ncdps.gov/Index2.cfm?a=000002.002195> and the online DPS Personnel Manual, <https://www.ncdps.gov/Index2.cfm?a=000002.002186>

2.5.2 External Dissemination

The Department, through its Equal Employment Opportunity Director, will notify critical recruitment resources, which include minorities, females, disability organizations, community leaders, and educational institutions to disseminate information to each community regarding the Department's Equal Employment Opportunity Program. The Department's EEO Plan and related policies will be made available to interested parties on the Department's website at <https://www.ncdps.gov/Index2.cfm?a=000002,002195> and <https://www.ncdps.gov/Index2.cfm?a=000002,002186>

2.6 Equal Employment Opportunity Institute (EEOI)

In accordance with General Statutes (126-16.1) the Department of Public Safety is required to enroll supervisors and managers in the Equal Employment Opportunity Institute (EEOI). The EEOI is intended to provide executive managers and supervisors with practical training to assist them in becoming more effective managers and supervisors of an increasingly diverse workforce. Further, the EEOI is intended to increase understanding among managers and supervisors, regarding their role and responsibilities in managing a workforce composed of individuals from different backgrounds and cultures.

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Supervisors and managers shall enroll in the EEOI within one (1) year of their appointment. The training is conducted over one and a half (1.5) days. The EEOI is designed to:

- A. Address and discuss the history and evolution of equal employment opportunity concepts and principles;
- B. Assist managers and supervisors to incorporate their equal opportunity responsibilities with other management responsibilities;
- C. Expose managers and supervisors to workforce equity and fairness issues;
- D. Review and discuss accepted management practices for valuing and managing diversity in the workplace;
- E. Provide understanding of how diversity and differences can increase productivity and efficiency; and
- F. Empower managers and supervisors to remain adaptable and flexible to meet the challenges of an ever changing and more diverse workforce.

2.6.1 Administration/Implementation of EEOI

The Office of Staff Development and Training (OSDT) in partnership with the Office of State Human Resources (OSHR), EEO, and Diversity & Inclusion Division shall conduct and coordinate the training.

2.6.2 Enrollment Process

The OSDT shall be responsible for the coordination of the enrollment process. The enrollment process shall be as follows:

- A. Eligible Candidate Lists are prepared by the OSDT and sent to the Training Coordinators of each Division for verification. The final list of Eligible Candidates is then returned to the OSDT.
- B. The OSDT schedules EEOI training at various locations around the state throughout the year. OSDT will work with Divisional and Local Field Training Coordinators to schedule candidates within driving distance of their work location. If this is not possible, the OSDT will fund the expense of the candidate to attend training.
- C. Once the OSDT has received information concerning the scheduling of a candidate, that candidate will be enrolled for EEOI. Letters for the participants will be sent to the Field Training Coordinators for distribution to the attendees.

2.6.3 EEO Informal Inquiry for Unlawful Discrimination, Harassment or Retaliation

Persons alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the Department's Equal Employment Opportunity (EEO) Office within 15 calendar days of the alleged discriminatory or retaliatory act that is the basis of the complaint. If the complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated as a part of the EEO Informal Inquiry. The investigation will determine if the facts support a finding that there is reasonable cause to believe the alleged act rises to the level of unlawful discrimination, harassment or retaliation. The Department, through the EEO Office, has 45 calendar days from receipt of the complaint to investigate and respond to the complainant, unless the complainant and the employer mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not exceed 15 calendar days.

During the review of a discrimination grievance at the Departmental level, the Department will not be represented by an attorney. While the employee may wish to consult an attorney or other individuals or organizations for advice and/or information during the grievance process, the Department shall only communicate with the employee.

2.6.4 Discrimination Grievance

An applicant, employee, or former employee who has reason to believe that employment, promotion, demotion, layoff, termination of employment, transfer, compensation, or training was a result of discrimination based on age, race, sex, color, national origin, religion, political affiliation, genetic information or disability, except where age, sex, or physical requirements constitute bona fide occupational qualifications, shall have the right to file an informal grievance directly to the:

Department of Public Safety
Equal Employment Opportunity Office
4204 Mail Service Center
Raleigh, NC 27699-4204
(919) 733-4080

2.6.5 External Filing of a Discrimination Charge

The complainant alleging unlawful discrimination, harassment or retaliation has the right, at any time, to bypass or discontinue the EEO Informal Inquiry or the formal internal grievance process and file a charge directly with the Equal Employment Opportunity Commission (EEOC). The complainant may not, however, file a contested case with the Office of Administrative Hearing (OAH) if the internal process has not been completed.

Information about filing an EEOC charge and deadlines for filing the charge can be found at: <http://www.eeoc.gov/employees/charge.cfm> or by calling the EEOC regional offices located in Raleigh, Greensboro and Charlotte at 1-800- 669-4000.

Information about filing through the Civil Rights Division of the Office of Administrative Hearings can be found at: <http://www.ncoah.com/civil/> or by calling 919-431-3036.

3 Assignment of Responsibility and Accountability

3.1 Governor of North Carolina

[Executive Order No. 55, Equal Employment Opportunity](#), committed the State of North Carolina to providing equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, national origin, sex, age, genetic information, or disabling condition; endorsing positive approaches to ensure equal employment opportunity; and affirming that the Human Resources (HR) practices of state government should be nondiscriminatory and promote public confidence in the fairness and integrity of government.

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 the Department of Public Safety Equal Employment Opportunity (EEO) Plan and program is delegated to the Secretary.

3.2 EEO, Diversity & Inclusion Division, Office of State Human Resources (OSHR)

- A. The responsibilities of the EEO Diversity & Inclusion Division include:
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 the disabled, diversity issues, and other EEO issues as appropriate;
 3. Monitoring to assess each department'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 department'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; and
 6. Support programs to enhance each department's and university's efforts to attract, develop, promote and retain a diverse workforce and to meet program objectives.
- B. The OSHR shall develop data systems and design tools to review data and analyze the degree of diversity within each occupational category. The information collected from the data systems, tools and analysis will be used to evaluate trends related to all aspects of employment in order to determine the impact of all personnel policies and practices on EEO throughout State government and within each agency and university.

3.3 Secretary, North Carolina Department of Public Safety (DPS)

The Secretary of the Department is ultimately responsible for all activity including personnel within the agency. Responsibility for personnel policies and procedures and daily activity is delegated to Human Resources. The EEO Director, who reports to the HR Deputy Director of Employee Relations (ER)/EEO is responsible for assuring that the EEO program

implementation and administration is carried out in an efficient and effective manner. All matters related to Equal Employment are directed to the EEO Office for review, (i.e., specialized recruitment functions, discrimination complaints, unlawful workplace harassment, and other Title VII issues which represent but are not limited to equal opportunity).

3.4 Directors, Managers and Supervisors

Directors, Managers and Supervisors shall be responsible for carrying out equal employment as a basic part of their jobs. Each one is responsible for implementing the specific elements of the EEO Plan. These elements are designed to eliminate the underutilization of minorities, females, and workers with disabilities and remove the barriers to equal employment opportunity that created this underutilization. Directors, Managers and Supervisors are accountable for progress toward goals set by their respective division as outlined in the Department's EEO plan. The specific responsibilities of managers and supervisors include, but are not limited to:

- A. Assisting in the identification of problem areas and establishing program objectives;
- B. Making every effort to achieve program objectives and maintaining a diverse workforce for the department, division, work unit, or section;
- C. Providing career counseling for employees and ensuring that all employees are given the full opportunity to attend workshops and seminars and/or to take credit courses under the provisions of the agency's educational assistance program;
- D. Assisting the EEO Office in periodic evaluations to determine the effectiveness of the EEO program;
- E. Sensitizing employees to all EEO policies;
- F. Preventing and correcting unlawful workplace harassment of employees; and
- G. Providing a work environment and management practices that support equal opportunity in all terms and conditions of employment.

3.5 Equal Employment Opportunity (EEO) Office

The EEO Office of the Department of Public Safety has primary responsibility for implementation and administration of the EEO program to include update and revision of the EEO Plan on an annual basis.

3.5.1 EEO Director

The EEO Director has the following primary responsibilities:

- A. Chief individual responsible for the structure and composition of the departmental EEO plan submitted to the Office of State Human Resources (OSHR) in March of each year in accordance with state law;
- B. Inform the Secretary of progress in a timely manner of the "approved" plan by OSHR;
- C. Develop duties and responsibilities of the EEO Officers;
- D. Chief contact individual with OSHR on all EEO matters and issues as it applies to DPS;
- E. Respond to external questions and inquiries at the departmental level in regard to structure and composition of the EEO program;
- F. Interact with the EEO Officers in applying all Federal, State laws, regulations, policies and guidelines that involve discrimination in employment and workplace harassment in their respective regions;
- G. Provide training to EEO Officers and Committee;

- H. Provide confidential counseling for management in regard to trends of discrimination in the workplace as well as working with Human Resources Employee Relations on identified trends and not individual cases;
- I. Develop a system in conjunction with the HR Director to track new hires, dismissals, in-range adjustments, promotions, complaints, etc. which may show progress or discriminatory actions and trends which will be reported to their respective regions and to the Secretary;
- J. Review all EEOC complaints and facilitate the timely submittal of information and documentation to federal and state agencies; and
- K. Monitor Building Enterprise Access for North Carolina's Core Operation Needs (BEACON) and other data collection systems that provide the Equal Employment Opportunity information necessary to compile statistical reports which can be utilized for tracking, measuring program effectiveness and to determine where progress has been made and further action is needed.

3.5.2 EEO Officers

The EEO Officers will have the following primary responsibilities:

- A. With assistance from the OSHR, OSDT, and EEOI provide training programs pertaining to equal employment opportunity issues for supervisors and managers;
- B. Develop, conduct and monitor training programs relative to specific EEOC topics, (i.e., EEO/unlawful workplace harassment and diversity/race relations training);
- C. Provide consultation with management on development of policies and procedures regarding EEO issues;
- D. Receive and investigate complaints alleging unlawful discrimination, harassment or retaliation, to include review and monitor discrimination complaints filed against the Department through the EEOC, North Carolina (NC) OAH, and NC OSHR;
- E. Distribute current EEO information throughout the Department;
- F. Establish with the managers reasonable projected time frames to correct identified problems consistent with the goals of the Department;
- G. Communicate with all management and supervisory personnel regarding the purpose of the EEO Program;
- H. Assure that management, supervisory personnel, and employees fully understand the Secretary's policy regarding equal employment opportunity;
- I. Provide technical assistance to employees on EEO policies. Provide guidance and training in the prevention and correction of incidents concerning unlawful discrimination, harassment or retaliation of employees;
- J. Monitor progress of the Department's EEO Program by the preparation of statistical reports for each Division reviewing equity within classification, turnover rates, etc., in order to assist Divisions in the development of goals and timetables;
- K. Prepare statistical reports as requested;
- L. Attend EEO training and meetings as deemed appropriate by the EEO Manager, HR Director or Secretary of the Department of Public Safety; and
- M. Present work-force analysis of correctional unit or branch and identification of classification where under-utilization exists.



3.5.3 EEO Committee

EEO Committee responsibilities shall include, but are not limited to:

- A. Serving as a communication link between managers, employees and the EEO staff on aspects of the EEO Plan and program;
- B. Reviewing and evaluating the EEO Plan and program;
- C. Reviewing workforce representation data in each occupational category;
- D. Surveying the organizational climate, employee attitudes and evaluating the resultant data;
- E. Meeting with the department head or university chancellor in conjunction with the EEO Officer to discuss EEO programs, report on the employees' concerns, and recommend changes or additions to the EEO policy, plan, or program;
- F. Identifying recruitment resources and other activities designed to strengthen the EEO program; and
- G. Meet as a committee at least quarterly.

4 Communication and Dissemination of the EEO Policy and Plan

The Department is committed to ensuring that each employee is aware of his or her rights concerning EEO and grievance policies. Supervisors and managers at all levels are responsible for familiarizing themselves with these policies and communicating them to their subordinates. In addition, to create and maintain a work environment in the Department that is free of any conduct which falls under the definition of **unlawful discrimination, harassment or retaliation**, the following steps shall be accomplished:

- A. Develop and disseminate to management and all employees the [Employee Grievance Policy](#) for the Department;
- B. Post the [Employee Grievance Policy](#) on the [DPS website](#) and in a conspicuous location in every work unit throughout the Department;
- C. Provide training as needed for units/facilities on the [Employee Grievance Policy](#); and
- D. Issue disciplinary action against violators of the [Employee Grievance Policy](#) under the [Department's Disciplinary Policy](#).

4.1 Internal Dissemination

A copy of the Department's EEO Plan is posted on the DPS Intranet and the EEO Office website for printing by all Division Directors, Section Chiefs, Correctional Administrators, Superintendents and all other managers not listed. During the orientation process, each new employee shall be made aware of the EEO program. The EEO Plan shall be posted on all employee bulletin boards in a conspicuous place for access by employees and applicants for review.

4.2 External Dissemination

The Department will actively recruit from a variety of sources to achieve a diverse workforce that also meets the needs and demands of the Department. The Department will conduct targeted recruitment where under-represented groups are identified and disseminate information regarding the Department's EEO Program. The Department of Public Safety stationary and all job advertisements shall include the statement "An Equal Opportunity Employer".

5 Work Analysis

5.1 Organization of the EEO Plan

The EEO Office is responsible for annually developing the EEO Plan pursuant to requirements of state law. The plan consists of establishing specific goals and timetables for the reduction and eventual elimination of under-utilized groups in all standard occupational classifications. Implementation of and compliance with this plan is the responsibility of supervisors, managers, and directors. The organization of the plan is composed of the following steps:

- A. Workforce/demographic analysis, which profiles the distribution of workers in each department by race, gender, and persons reporting disabilities, compared with percentage of North Carolina State demographics in each ethnic category. The under-utilization is calculated based on that comparison;
- B. Estimate or project future job vacancies in each occupational classification where under-utilization has occurred and project the Department's capacity to eliminate or reduce the under-utilization; and
- C. Establish placement goals for reduction of under-utilization in each category to include timetables that identify specific dates for achievement; and develop an action plan to facilitate the likelihood of goal achievement within the established time frames.

5.2 EEO Report

5.2.1 Meaning of and Limitations of Data Presented

In reviewing the report, it is important to understand the meaning of and limitations on the data presented. The report compares the percentage of persons working in various job categories in the Department of Public Safety at a particular point in time with percentages of persons reported in various census statistics that reflects the population statewide from ages 18 to 64. Thus, the report's comparisons are only hypothetical comparisons. They do not include comparisons to percentages of persons for whom applications have been actually received by the Department nor to the subset of these applications that actually qualify for hire by the Department. Further, limitations in the specificity of the census data available for use means that such statistics very likely include many individuals not actually qualified to be hired by the Department.

5.2.2 Findings of Under-Utilization

Therefore, this report and any findings of "under-utilization" as to particular job categories set forth therein are simply rough, hypothetical indicators intended only to be utilized as a tool in the Department's recruitment efforts. A finding of "under-utilization" as to job category does not mean, and is not intended to mean, that there are any problems with the Department's hiring practices or that recruitment or hiring into that job category is in any legal or other sense "discriminatory." Rather, the identification of hypothetical "under-utilization" as to a particular job category merely serves to identify that category as one where the Department should seek to ensure that potential candidates are being recruited, encouraged to apply for employment, and considered for employment.

5.2.3 Hiring Objectives

Any setting of hiring "objectives" required by the report is again intended only as a tool to facilitate and focus recruitment efforts and is not intended as a quota, or mandate for hiring particular individuals regardless of qualifications. Further, the setting of such objectives is

also hypothetical in that it requires a projection of the numbers of vacancies and qualified applicants, neither of which may actually occur. The failure to achieve any of these "objectives" does not mean that "discrimination" has occurred. In sum, the report is intended solely as an aid to facilitate the Department's ongoing efforts to recruit and hire a diversified workforce.

5.3 Work Force Utilization Analysis

5.3.1 Standard Occupational Categories (SOC)

The North Carolina Department of Public Safety's work force was analyzed according to SOC developed by the U.S. Department of Commerce in 2010. In this SOC system, occupations can be classified and identified more specifically than in other classification systems such as the Federal EEOC system. In the SOC system, occupations are categorized on the basis of actual work performed with an emphasis on the primary activity executed and special skills crucial to job performance. The Office of State Human Resources assigns job classifications within the Department of Public Safety to these categories.

5.3.2 BEACON

The EEO Office reviewed data compiled from the BEACON system for the Divisions of Adult Correction and Juvenile Justice (AC/JJ), Law Enforcement (LE), and Administration. By division, an analysis was conducted to identify the areas in which underutilized groups, i.e., white males and females, black males and females, other minority males and females, (Hispanics, Asians, Native Americans, and disabled persons), may be under-represented in the Department of Public Safety. Knowledge of these problem areas was extremely helpful in the selection of areas to make job estimates as well as what realistic placement goals should and could be made by Department managers.

5.3.3 Population/Work Force

The EEO Office conducted an analysis using the Population/Work Force Standard by SOC, B0172-F Report for December 2014, from the BEACON system, compiled reports of the "Job Opening Estimates for Occupations in which Underutilization Occurs" and compared these numbers to the Projection of Openings. The purpose of this examination of the Department's work force is to identify deficiencies in recruiting and hiring individuals in specific job categories in relation to their availability in applicable labor market pools. The analysis provides a general measure of the Department's success in meeting equal employment opportunity objectives and in making sure that equal employment opportunities are available to all individuals. When all of the occupational categories and subcategories in which any underutilization exists have been identified, the process of estimating the Department's capability for correcting this situation begins.

6 Program Objectives

6.1 Vacancies during the Time Period Covered by the EEO Plan

- A. Department management and the EEO Office are responsible for estimating the number of openings that will occur during the time period covered by the EEO Plan. The projection of job opening estimates includes, but is not limited to, a review of the vacancies that occurred during the previous EEO planning cycle (12 months) for each occupational category in which under representation was identified and the short-term and long-term plans of the Department that affects the projected number of openings. However, job opening estimate forms were not submitted for the offices/sections for which management anticipated three or fewer vacancies for Calendar Year (CY) 2015.
- B. Program Objectives shall establish specific strategies targeted at eliminating or reducing any underutilization identified in each occupational category.

6.2 Definition of each Standard Occupational Classification (SOC)

6.2.1 Official and Administrator Occupations

This category includes top and middle management occupations, which are concerned with achieving the overall objectives of an industrial, commercial, government, or other establishments. Workers in this category are not directly concerned with the fabrication of products or with the provision of services. They require knowledge of and the capability to put into effect management principles, practices, and techniques rather than those of a scientific or other specialty.

6.2.2 Management Related Occupations

6.2.2.1 Business Specialist

Includes occupations concerned primarily with supporting business operations related to buying goods, materials, or business services for internal use or for further processing in industrial, governmental, business, and other establishments and occupations concerned with representing clients in business operations, concerned with enforcing adherence to policies, procedures, or regulations, and advising on standards.

Inspectors, testers, graders, and samplers in the areas of processing materials, machining, fabricating, and assembling goods and products are classified in the Production Inspectors and Graders Division adjusting, appraising claims, emergency management, and management analysts.

6.2.2.2 Human Resources, Training, and Labor Relations Specialist

Includes occupations primarily concerned with implementing management policies related to personnel administration and labor relations by performing activities such as representing management or labor in collective bargaining procedures, participating in programs of recruitment, selection, placement, training, welfare, safety, compensation, and promotion, conducting job analysis to provide occupational information, and interviewing and counseling job applicants and employees to determine suitability for employment, vocational training, and other employment development programs.

6.2.2.3 Finance Specialists

Includes occupations primarily concerned with planning and administering accounting services, advising on accountancy problems, planning and conducting audits of accounts of industrial, governmental, and other organizations; planning and administering operational budgets for governmental and industrial organizations; and administering financial programs such as mortgage approval, credit analysis, and foreign exchange trading.

6.2.2.4 Marketing

Includes occupations concerned with selling goods and services, purchasing commodities and property for resale and with conducting partnership.

6.2.3 Professional Occupations

6.2.3.1 Computer and Mathematical

Includes occupations concerned with the application of mathematical knowledge in the conducting of research and development and related activities and occupations concerned with utilization of the computer in the analysis and solution of business, scientific, engineering and other technical problems.

6.2.3.2 Architecture and Engineering

Includes occupations concerned with the application of fundamental architectural and engineering principles in the design and construction of building, equipment and processing systems, highways and roads, and utilization of land areas.

6.2.3.3 Life, Physical, and Social Science

This category includes occupations concerned with research pertaining to the physical universe and living organisms to increase basic knowledge. Also included are occupations concerned with human society and its characteristic elements, such as origin or age, and with economic and social relations and institutions involved in human's existence as a member of an organized community.

6.2.3.4 Community, Social Services, and Religious Occupations

Includes occupations concerned with giving assistance to individuals and groups with problems, such as poverty, illness, family maladjustment, anti-social behavior, and inadequate housing; and organizing and supervising social, recreational and cultural activities. Also includes occupations involving conducting religious worship and performing other spiritual functions associated with beliefs and practices of religious faith or denomination.

6.2.3.5 Legal

Includes occupations concerned with the application of principles related to statute law and its administration. Includes occupations that preside over judicial proceedings, conduct litigation, draw up legal documents, give legal advice and perform other legal functions.

6.2.3.6 Education, Training and Library

Includes occupations concerned with teaching in kindergarten, elementary and secondary schools including schools for exceptional or persons with disabilities, includes post-secondary teachers. Includes occupations concerned with library and

archival sciences including public and private libraries and archives, and with maintaining museums, galleries, and related exhibits.

6.2.3.7 Arts, Design, Entertainment and Media

Includes occupations concerned with writing publicity articles and press releases, and announcing radio and television news, commercials, and station identifications with editing and reporting news items and features, and with creating and executing artistic works in a personally interpreted fashion.

6.2.3.8 Healthcare Practitioners

Includes occupations involving preventing and diagnosing human ailments and prescribing and giving medical and surgical treatment for diseases and illnesses; also includes occupations involving diagnosing and treating diseases and disorders of animals. (Includes occupations concerned with compounding drugs, providing technical health services to assist physicians/dentists, planning food service or nutritional programs, and giving health treatments)

6.2.3.9 Registered Nurses

Includes occupations involving the planning, delivery and evaluation of nursing care and a wide variety of nursing services including health maintenance and preventing of illness; and treatment of illness under a physician's instruction. Licensed Practical Nurses (LPNs) are classified under Health Technicians and Technologists.

6.2.4 Technician Occupations

6.2.4.1 Health Technologists

Includes occupations concerned with carrying out technological and technical functions in a medical specification or obtaining data for use in diagnosis, treatment, and control of disease.

6.2.4.2 Drafters, Engineering, and Mapping Technologists

Includes occupations concerned with assisting engineers in laboratory and production activities. Performs technical tasks under the general supervision of an engineer or drafter, using occupation specific knowledge, principles, and techniques.

6.2.4.3 Life, Physical, and Social Science Technologists

Includes occupations concerned with assisting life, physical, and social scientists in laboratory and production activities. Performs technical tasks under the general supervision of a scientist, using occupation specific knowledge, principles, and techniques.

6.2.5 Administrative Support Occupations

6.2.5.1 Administrative Support Supervisors

First line supervisors and managers in office and/or administrative support occupations.

6.2.5.2 Administrative Support

Includes occupations concerned with preparing, transcribing, transferring, and preserving written communications and records, collecting accounts, gathering and distributing information, operating office machines and electronic data processing equipment, storing, distributing, and accounting for stores of materials, operating telephone switchboards, distributing mail, and delivering messages.

6.2.6 Protective Service

6.2.6.1 Protective Service Supervisors

First line supervisors and managers in protective service occupations.

6.2.6.2 Protective Service

Includes occupations which maintain custody of prisoners in jails, reformatories, or penitentiaries, protect public and private property, maintain law and order in a municipality, rural, or unincorporated district, provide protection against fire, accidents, and other emergencies.

6.2.7 Service Occupations

6.2.7.1 Service Supervisors

First line supervisors and managers in service occupations.

6.2.7.2 Healthcare Support

Includes occupations primarily concerned with the care of patients in medical, psychiatric and home health environments. Care involves maintaining general patient hygiene, safety, nutrition, social interaction and assisting health practitioners.

6.2.7.3 Food and Beverage

Includes occupations primarily concerned with catering services, cooking and preparing food and beverages, serving food and beverages, and cleaning dishes and cookware.

6.2.7.4 Building and Grounds

Includes occupations concerned with maintaining cleanliness in establishments, controlling pests and vermin, cleaning building interiors and equipment, and maintaining landscape and grounds.

6.2.7.5 Personal Care

Occupations concerned with providing personal services such as ushering and ticket taking in theaters and lobbies, providing funeral services, washing, drying, and styling hair, giving beauty treatments to patrons, and ushering and arranging for patrons comfort on tours, aboard ships and airplanes.

6.2.8 Skilled Craft Occupations

6.2.8.1 Skilled Craft Supervisors

First line supervisors and managers in service occupations.

6.2.8.2 Farming, Fishing, and Forestry

Includes occupations concerned with the production, propagation, gathering and catching of animals (land and aquatic), animal products, plant products (crop, timber and ornamental) and the provision of services associated with agricultural production, and game farms, fisheries and wildlife conservation.

6.2.8.3 Construction and Extraction

Includes occupations concerned with constructing, altering and maintaining buildings, other structures, roads, bridges, pipelines and similar projects.

6.2.8.4 Installation, Maintenance, and Repair

Includes occupations concerned with the adjustment, maintenance, part replacement and repair of tools, equipment, and machines.

6.2.8.5 Production

This group includes occupations requiring a high degree of precision in the tasks performed, for the attainment of standards and occupations concerned with the operation, setup, and tending of machines and hand production work usually in a factory or other fixed place of business.

6.2.8.6 Transportation and Material Moving

Includes occupations concerned with operating and controlling equipment used to facilitate the movement of people or materials.

6.3 Realistic Estimates Regarding Future Vacancies

The Department managers have made realistic estimates regarding future vacancies and projections for equitable representation based on the population percentage of under-utilized groups in North Carolina. The Department of Public Safety will continue working toward realizing these placement goals for 2015 and the upcoming years, as detailed in the job estimates presented in this plan.

7 Program Activities

7.1 Equal and Fair Personnel Practices

The Department of Public Safety is fully committed to equal and fair personnel practices including, but not limited to, the recruitment, hiring and retention of its employees. The Department is committed to ensuring equitable employment practices free from biases of race, religion, color, national origin, sex, age, disability, genetic information or political affiliation.

All efforts will be made to encourage each departmental employee to become familiar with the EEO Plan and its components, comply to the fullest extent possible with the requirements, and demonstrate good faith in carrying out its provisions.

7.2 Strategies

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

- A. Recruitment procedures to attract a diverse pool of applicants to all occupational categories;
- B. Selection procedures designed to ensure that all of the steps are nondiscriminatory and job related;
- C. Hiring process designed to include consistent information for new hires regarding employment conditions (e.g., type of appointment, salary);
- D. Promotion procedures designed to enhance upward mobility and fully utilize the skills of the existing workforce;
- E. Training procedures designed to enhance employee development and advancement opportunities;
- F. Compensation and benefits procedures designed to review benefits, monitor salaries, analyze practices in order to determine trends, and to ensure that all employees receive compensation and benefits without discrimination;
- G. Performance appraisal system to hold managers and supervisors accountable for the progress of the Department's or EEO program, to establish, maintain, and apply employee performance standards that are free from bias;
- H. Disciplinary process and implementation designed to provide equitable treatment for all employees in accordance with the state's discipline policy. The EEO Officers and Employee Relations Section will work together to ensure fairness;
- I. Transfer and/or separation analysis designed to identify trends and patterns measures that impact on underutilized groups;
- J. Grievances procedures to ensure fair and equitable review of complaints in accordance with Department and OSHR procedures; and
- K. EEOI a process to enroll managers and supervisors in the EEOI, an EEO educational and diversity program, as defined by [N. C. General Statute §126-16.1](#).

8 EEO Informal Inquiry Grievance Procedure

8.1 Informal Grievance Process

- A. An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee (hereafter referred to as complainant) alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the EEO Office within 15 calendar days of the alleged discriminatory or retaliatory act that is the basis of the complaint.
- B. If the complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated as a part of the EEO Informal Inquiry. The investigation will determine if the facts support a finding that there is reasonable cause to believe the alleged act rises to the level of unlawful discrimination, harassment or retaliation.
- C. The Department has 45 calendar days from receipt of the complaint to investigate and respond to the complainant, unless the complainant and the employer mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not exceed 15 calendar days.
- D. At the conclusion of the investigation, the EEO Office shall communicate the outcome of the investigation in writing to the complainant, respondent, and management. If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management shall take appropriate action to resolve the matter. If the complaint is successfully resolved, the complainant will sign a letter of agreement with the Department detailing the terms of the resolution. The EEO Office in collaboration with management shall ensure that the terms of the agreement are implemented.

8.2 External Filing of a Discrimination Charge

The complainant alleging unlawful discrimination, harassment or retaliation has the right, at any time, to bypass or discontinue the EEO Informal Inquiry or the formal internal grievance process and file a charge directly with the EEOC. The complainant may not, however, file a contested case with the OAH if the internal process has not been completed.

Information about filing an EEOC charge and deadlines for filing the charge can be found at: <http://www.eeoc.gov/employees/charge.cfm> or by calling the EEOC regional offices located in Raleigh, Greensboro and Charlotte at 1-800-669-4000.

Information about filing through the Civil Rights Division of the Office of Administrative Hearings can be found at: <http://www.ncoah.com/civil/> or by calling 919-431-3036.

8.3 Equal Employment Opportunity Institute (EEOI)

In accordance with [N. C. General Statute §126-16.1](#), the Department of Public Safety is required to enroll supervisors and managers in the EEOI. The EEOI is intended to provide executive managers and supervisors with practical training to assist them in becoming more effective managers and supervisors of an increasingly diverse workforce.

Supervisors and managers hired, promoted, or appointed shall enroll in the EEOI within one year of their appointment. The training shall be 12 hours, conducted over three (3) days.

8.3.1 EEOI Functionality

The EEOI is designed to do the following:

- A. Address and discuss the history and evolution of equal employment opportunity concepts and principles;
- B. Assist managers and supervisors to incorporate their equal employment opportunity responsibilities with other management responsibilities;
- C. Expose managers and supervisors to workforce equity and fairness issues;
- D. Review and discuss accepted management practices for valuing and managing diversity in the workplace;
- E. Provide understanding of how diversity and differences can increase productivity and efficiency; and
- F. Empower managers and supervisors to remain adaptable and flexible to meet the challenges of an ever changing and more diverse workforce.

8.3.2 Administration/Implementation of EEOI

OSDT in partnership with OSHR shall conduct and coordinate the EEOI training.

8.3.3 Enrollment Process

The OSDT shall be responsible for the coordination of the enrollment process. The enrollment process shall be as follows:

- A. "Eligible Candidate Lists" are prepared by the OSHR, EEO Diversity & Inclusion Division and sent to the Department of Public Safety for verification. This verification process takes place at OSDT and is compiled in conjunction with the Training Coordinators of each Division. The final list of Eligible Candidates is then returned to OSHR EEO Diversity & Inclusion Division.
- B. OSDT will schedule EEOI training at the five Regional Training Centers throughout the state.
- C. Once OSDT has scheduled EEOI training, candidates will receive a letter of notification. These letters will be sent to Division Training Coordinators for distribution.
- D. Division Training Coordinators are encouraged to enroll incumbents in EEOI training. In order to enroll incumbents the following information should be provided:

Name, Job Title, Pay Grade, Race, Sex, Staff ID, Age, Date of Last Promotion, Work Location (Including four digit budget code), and County

8.3.4 Definitions

NOTE: For the purposes of this plan, the responsibilities of supervisors, managers, and executives, also includes the setting of performance expectations, conducting performance appraisal conferences and evaluating performance.

- A. **Supervisory positions:** Positions in which the majority of the work performed is directing the work of other positions. These employees have the authority to assign work and to evaluate work, to hire employees, to discipline employees; or to have significant input into such actions.
- B. **Managerial positions:** Positions which manage established divisions or subdivisions of a department, agency or university. These employees direct the work of one or more supervisors and have the authority to hire, reward, discipline, or discharge employees. These employees may also provide suggestions for changes in policy to senior executives with policy-making authority.
- C. **Executive managerial:** Positions are defined as policy making or managerial exempt positions. Employees in these positions are agency/department heads, deputies, and other policy makers. The employees in executive managerial positions are usually appointed or elected.
- D. **EEOI Candidates:** Includes all managers and supervisors as defined above.
- E. **Training Level 1:** The full EEOI Training designed for those employees and supervisors. Management level employees as identified above may participate on a space availability basis.
- F. **Training Level 2:** An abbreviated course designed for executive level managers. Executive level managers as identified above may participate on a space availability basis.
- G. **Enroll:** For the purpose of this plan is defined as the act of attending and completing the EEOI.

9 Evaluation Mechanism

9.1 Recruitment

The Department of Public Safety recognizes that in order for an agency to best serve all segments of the population, it must employ citizens from all segments representative of the population.

To facilitate the implementation of the EEO Program, the Department has established four (4) Regional Employment Offices (REOs) throughout the state that are designated as the centralized recruiting and referral agency to recruit applicants for employment. REOs will establish communication with recruitment services, such as minority, disability, older adults and female oriented agencies and organizations to include colleges, universities, and news media.

As job vacancies occur, which require outside hiring, the vacant position will be posted in accordance with [N.C. General Statute §126-7.1](#), and any other applicable state law. If the number of qualified under-utilized groups is insufficient, the REOs, through established channels of communication, will notify normal recruitment sources, professional and community based organizations, colleges, universities, etc.

The Department will instruct divisions/facilities/offices to continue to take those proactive steps to increase the numbers of minorities in the department in those underutilized classifications. Even in these difficult budgetary times, attention must be paid to past inequities, such as promotions and pay.

9.2 Americans with Disabilities Act (ADA) of 1990 and Americans with Disabilities Act (ADAAA) of 2008

The Department of Public Safety shall comply with the Americans with Disabilities Act (ADA). Specifically, the employment provisions of Title I prohibiting discrimination against a qualified individual with a disability in the job application process, hiring, termination, promotion, compensation, job training, and other terms, conditions or privileges of employment. An individual with a disability is a person who:

Has a physical or mental impairment that substantially limits one (1) or more major life activities; has a record of such an impairment; or

- A. Is regarded as having such impairment,
- B. A qualified individual with a disability is an individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or desired, and who, with or without a reasonable accommodation, can perform the essential functions of the position. Reasonable accommodation may include, but is not limited to:
- C. Making existing facilities used by employees readily accessible to and usable by an individual with a disabling condition;
- D. Job restructuring, modified work schedules, reassignment to a vacant position; and
- E. Acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials, or policies, and the provision of qualified readers or interpreters.

The Department will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the operation of the Department's business.

9.3 Interview and Selection

The Department of Public Safety utilizes a structured interview with job-related questions and bench mark answers in accordance with the merit-based recruitment and selection process. All persons interviewing applicants for possible employment shall use Departmental approved procedures and tools to document interview results and selections. Each unit or branch will be expected to maintain documentation reflecting the specific reasons for selection or rejection. Applicants not selected shall receive timely notification.

9.4 Position Classification

The Department of Public Safety, with the assistance of the OSHR Position Management Section, will conduct periodic reviews of job classifications. Individual position descriptions are evaluated as requested by Departmental Management. These reviews will help correct inaccurate position descriptions and ensure that positions are allocated to their appropriate classification. It will also ensure that position descriptions do not include factors that may arbitrarily discriminate against protected groups.

9.5 Staff Development and Training

The Department of Public Safety OSDT will communicate with managers, designated training coordinators, and employees for training provided by the Department. Managers will encourage employees to take advantage of training and educational opportunities, when possible, in order to ensure that training and development is provided throughout the employees' career.

Employees may qualify for tuition refunds administered by the OSDT. Where funds are available, opportunities for refund will be made known to employees providing further motivation towards career development. If funds are not available, it is possible that employees may qualify for educational leave. This may be granted if courses are not offered during off-duty hours.

9.6 Management Training

The Department of Public Safety OSDT shall conduct and enroll managers and supervisors in the EEOI training. This training focuses on EEO concepts, laws, and principles and ensures that managers and supervisors have a working knowledge of, and become more sensitive to diversity and workplace equality issues.

9.7 Upward Mobility

Departmental transfers and promotions are methods that can be used for upward mobility and increase numbers of staff who are in the underutilized groups. The policy of the Department of Public Safety is to maintain a merit-based recruitment and selection process based on job-related criteria. This process shall be consistently applied in a non-discriminatory manner, promote fairness, diversity, integrity, and comply with all Federal and State laws, regulations, and policies.

9.8 Performance Management System

The Department of Public Safety shall administer the Performance Management System according to policies and procedures established by OSHR. In evaluating performance, every attempt will be made to overcome the potential for rater bias. All managers and supervisors

will be trained on the use of the new Performance Management System.

9.9 Grievance

Grievance information is provided by the DPS HR Office, EEO Office and/or appropriate Department supervisory personnel as needed or requested by employees. Information normally requested and provided consists of the established Departmental grievance procedures, as well as other actions the employee may take in filing a grievance.



10 Report Mechanism (Auditing and Reporting)

An evaluation of the Department's progress is important in assessing the overall effectiveness of its EEO Program. This evaluation will show how well the Department is proceeding with established goals and timetables. Reports will be made annually to the EEO Office for review and comments.

The following reports will be requested and/or compiled by the EEO Office to assist in the monitoring process.

Figure 10-1. EEO Type of Reports and Frequency

| Type of Report | Frequency |
|------------------------------------------------|-------------------------------------------------|
| EEO Ad-Hoc Report by Posting, NeoGov E-Recruit | Submitted for each vacant position being filled |
| Copy of employee disciplinary action | As appropriate |
| Job applicants by location | |
| Employment recommendations by location | |
| EEO Plan update by location | |

11 Reduction-in-Force (RIF) Policy and Procedures

RIF is the separation of an employee or employees as a result of the shortage of funds or work, the abolishment of a position(s), or other changes in organizational structure. To provide all employees with a basic understanding of the responsibilities of the Department and the rights of the employee, the following policy has been developed. This document shall be provided to managers in all work units, posted on work unit bulletin boards and posted on the Department's website.

When a RIF is to occur, careful consideration shall be given to the impact it will have on diversification of the workforce within a unit location and the Department as a whole. It is imperative that managers develop equitable plans for reduction-in-force to preserve equal employment opportunities for all persons and to ensure more diversity in all aspects of the state's workforce.

11.1 Policy

It is the policy of the Department of Public Safety to exhaust every feasible alternative to avoid RIF. In those instances when RIF cannot be avoided, decisions will be made on a fair and systematic basis. Consideration for retention of employees at work unit locations shall be determined based on the following elements:

- A. Type of appointment;
- B. Relative efficiency supported by the Performance Management System instrument;
- C. Actual or potential adverse impact on protected group individuals; and
- D. Length of service.

The relative weight of these elements may vary because of the uniqueness of the Department of Public Safety and the diversity of responsibility of positions within the divisions of the Department. However, no temporary, probationary, or trainee employee in their initial 24 months of training shall be retained in classes where employees with a permanent appointment (those who have satisfactorily completed a probationary or equivalent trial period) must be separated in the same or related class.

NOTE: In determining length of service, an eligible veteran shall be granted one (1) year of state service for each year or fraction thereof of military service, up to a maximum of five (5) years. Eligible veterans include individuals that served in the Armed Forces of the United States on active duty, for reasons other than training, during periods of war, and were discharged under other than dishonorable conditions. Also included are disabled veterans, spouses of disabled veterans, and the surviving spouse or dependent(s) of a veteran who died on active duty during periods of war either directly or indirectly as the result of such service. Also included are veterans who suffer disabling injuries through service-related reasons during peacetime, the spouse of such veterans and the surviving spouse or dependent(s) of a veteran who died through service-related reasons during *peacetime*. *Periods of war include December 7, 1941 through May 15, 1975; June 6, 1983 through December 1, 1987; December 20, 1989 through January 31, 1990; and August 2, 1990 through the date approved by Congress or the President as the ending date for hostilities for the War on Terrorism.* Or, any other campaign, expedition or engagement for which a campaign badge or medal is authorized by the United States Department of Defense (DOD).

11.2 Eligibility

This policy applies to all employees in permanent (half-time or more) positions subject to the State Human Resources Act. Also eligible are employees with trainee appointment who have

satisfactorily completed a probationary or equivalent trial period and employees who had a permanent appointment with no break in service prior to entering a trainee appointment. Employees in positions designated as policy-making/managerial exempt who are removed from their position for reasons other than just cause are not entitled to reduction-in-force priority, but may be entitled to priority re-employment rights based on the policy-making/managerial exempt priority consideration provided in [N. C. General Statute §126-5\(e\)\(1\)\(2\)](#) and severance salary continuation.

Employees with temporary, probationary, or trainee appointments (in their initial 24 months of training) and employees with time-limited permanent, temporary and intermittent appointments are not eligible for priority re-employment rights and severance pay.

11.3 Responsibility of the Department

- A. The Department of Public Safety, prior to reduction-in-force, shall explore any and all feasible alternatives such as a hiring freeze, spending restrictions, or other administratively sound alternatives. When it has been determined that there is no alternative to reduction-in-force, authorized managers shall complete the following steps:
1. Determine the number of positions that must be eliminated to meet the established goal.
 2. Determine the feasibility of eliminating an entire program or parts of a program.
 3. Identify areas where the number of positions must be reduced or eliminated.
 4. Identify the classification of positions to be eliminated to determine whether personnel can be interchanged with other work units. Before deletion, attention should be given to using vacant positions to utilize employees who would otherwise be separated.
 5. Explore all measures that would avoid the involuntary separation of employees.
 6. Evaluate employees subject to RIF by using the following criteria, where possible, and others where appropriate:
 - a. Needs of the Department to deliver services
 - b. Relative skills, knowledge, productivity and value of employees (refer to documentation available from the Performance Management System)
 - c. Length of service of employees
 - d. Type of appointment
 - e. Relative efficiency
 7. Document steps followed in RIF. After considering all of the above, employees affected by the RIF shall immediately be notified verbally and by letter of action. The letter shall include the following:
 - a. Effective date of the action
 - b. Reason for the action
 - c. Employees priority re-employment consideration availability
 - d. Employees appeal rights
- B. The Department shall provide the affected employees with a minimum of 30 calendar days written notification of imminent separation prior to the effective date of the reduction in force. The affected employee shall also be notified through a one-on-one conference. The employee shall be furnished a copy of the Department's reduction in force policy, the guidelines for "priority re-employment consideration" as outlined in the State Human Resources Manual, appeal rights, if applicable, vacation leave, sick leave, and health insurance benefits explanations.



11.4 Re-Employment

Employees eligible for re-employment rights include:

- A. Employees in permanent (half-time or more) positions subject to the State Human Resources Act (SHRA),
- B. Employees with trainee appointments who have been employed 24 months or more in a position subject to the SHRA, and
- C. Employees who had a permanent appointment to a position subject to the SHRA with no break in service prior to entering a trainee appointment.

Employees in positions designated as policy-making/managerial exempt who are removed from their position for reasons other than just cause are not entitled to RIF priority, but may be entitled to priority re-employment rights based on the policy-making/managerial exempt priority consideration in [N. C. General Statute §126-5\(e\)\(1\)\(2\)](#) and severance salary continuation.

Employees with temporary, probationary, or trainee appointment (in their initial 24 months of training) and employees with time-limited permanent, temporary and intermittent appointments are not eligible for priority re-employment rights and severance pay.

11.5 RIF Appeals

A non-probationary employee of Department of Public Safety who is separated through RIF and claims the separation is in retaliation for the opposition to alleged discrimination on the basis of race, color, sex, age, disability, national origin, genetic information or political affiliation may file an informal written complaint with the Department of Public Safety, EEO office, 4204 Mail Service Center, Raleigh, NC 27699-4204 within 15 calendar days of the written notice of imminent separation due to reduction-in-force in order to be considered timely filed. Failure to comply shall mean that the appeal will not be considered.

A career employee separated due to RIF shall have the right to further appeal to the OAH for a review to assure that systematic procedures were applied. An employee wishing to appeal must file with the:

Office of Administrative Hearings (OAH)
1711 New Hope Church Road
6714 Mail Service Center
Raleigh, North Carolina 27699-6714

and must also serve a copy of the appeal by certified mail on the agency's registered agent

North Carolina Department of Public Safety
Attention: **Deborah McSwain**, General Counsel
512 N. Salisbury Street
4201 Mail Service Center
Raleigh, North Carolina 27699-4201

within 30 calendar days of receipt of the written notice of RIF.



12 Procedures for Monitoring

The Department commits to an ongoing evaluation method to assess program effectiveness, and to monitor personnel policies and employment practices in an effort to facilitate workforce balance and fairness in all terms and conditions of employment. Specifically, the Department, through its various divisions shall:

- A. Recruit, hire, train, and promote qualified persons in all occupational categories and job classifications without regard to race, color, religion, sex, national origin, age, political affiliation, genetic information or disabling condition.
- B. Base hiring and promotion decisions upon valid requirements and criteria which are related and necessary to perform the expectations of the job;
- C. Administer all personnel actions including: compensation, benefits, tuition assistance, training, transfer, reduction-in-workforce, termination, and promotion, without regard to: race, color, religion, sex, national origin, age, political affiliation, genetic information, or disability, and
- D. Assure a non-discriminatory work environment.

We further emphasize our commitment to a policy of non-discrimination through systems evaluation to measure program effectiveness, to monitor personnel policies and employment practices and to ensure equal employment with regard to salary opportunity, training, promotion, transfer, compensation, retention, and all other terms and conditions of employment.

Questions or comments concerning this policy should be referred to:

**North Carolina Department of Public Safety
Equal Employment Opportunity Office
4204 Mail Service Center
Raleigh, North Carolina 27699-4204 (919) 733-4080**

13 Equal Employment Opportunity (EEO) Policy

The Department of Public Safety is an Equal Employment Opportunity Employer; therefore, we are committed to provide all current employees and applicants with equal employment opportunities without discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation in the terms and conditions of employment.

In doing so, the Department of Public Safety is in compliance with the following as amended:

- A. Title VII of Civil Rights Acts of 1964;
- B. Federal Executive Order 11246;
- C. Equal Pay Act of 1963;
- D. Age Discrimination in Employment Act of 1967;
- E. Title V of the Rehabilitation Act of 1973;
- F. Veterans Preference Act;
- G. Governor's Executive Order #55;
- H. Americans with Disabilities Act of 1990, and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA)
- I. Senate Bill 886: Merit Based Hiring;
- J. House Bill 834; State Human Resources Act of 2013;
- K. Lilly Ledbetter Fair Pay Act of 2009; and
- L. Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).

The Department of Public Safety's Equal Employment Opportunity program is intended to create a diverse workforce climate that is responsive to and respectful of fairness and equity for applicants and employees, in compliance with State and Federal guidelines.

In the furtherance of this policy, the Department of Public Safety will:

- M. Prohibit retaliation against an employee for protesting (objecting to or supporting another person's objection to) unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation in the terms and conditions of employment.
- N. Assure that all the employment practices of the Department of Public Safety will be administered without regard to race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation. These practices shall include, but are not limited to:
 - 1. recruitment, including advertising, or soliciting for employment;
 - 2. selection, hiring and placement;
 - 3. treatment during employment including compensation, promotion and reallocation;
 - 4. evaluation of work performance;
 - 5. administration of all forms of pay and other compensation;
 - 6. selection for training, including trainee, interim and apprenticeship opportunities;

7. other career development opportunities, and
 8. transfer, separation, demotion, termination and/or reduction-in-force.
- O. Assure the Department of Public Safety provides reasonable accommodations for applicants and/or employees with disabilities when doing so will enable them to successfully perform the essential job functions or enhance job performance such as benefiting from training.
 - P. Discourage and prevent harassment. Harassment includes unwelcome or unsolicited speech or conduct based on race, religion, color, national origin, sex, age, disability, or genetic information which creates a hostile work environment or constitutes quid pro quo sexual harassment. Supervisors are held to a higher liability standard for conduct constituting illegal harassment or discrimination of subordinate level personnel. Therefore, it is imperative that supervisory level personnel carefully manage all interpersonal relationships with subordinate personnel, at the work site and away from work.
 - Q. Understand and value diversity within the Department of Public Safety. The Department desires for all employees to work in an environment that is reasonably culturally sensitive and one that enhances work performance. Therefore, employees are encouraged to promptly and politely advise an offending co-worker (or the co-worker's manager) when exposed to speech, conduct or any matter that is personally offensive so that the situation may be resolved as quickly and amicably as possible.
 - R. Require departmental employees to immediately report conduct which they reasonably believe constitutes unlawful workplace harassment, thereby implementing the Duty to Report. The failure of an employee to report conduct that reasonably appears to violate EEO policy negatively impacts the Department's ability to identify and eliminate harassment.
 - S. Ensure greater utilization of all persons by identifying the underutilized groups in the workforce and making special efforts to increase their participation in recruitment, selection, training and development, upward mobility programs and any other term, condition, or privilege of employment.
 - T. Delegate the responsibility of the actual development, monitoring and evaluation of the Equal Employment Opportunity plan and program to the EEO Director. However, responsibility for the implementation of and compliance with this plan and program shall be shared by the Secretary, Deputy Secretary, Commissioners, Deputy Commissioners, Section Directors, and all managers and supervisors.

The Secretary, Chief Operating Officer, Commissioners, Deputy Commissioners, Section Directors, managers and supervisors of the Department of Public Safety concur on the need for this policy, are accountable for its implementation, and are committed to a diverse workforce.

Adopted March 1, 2015

A handwritten signature in blue ink, appearing to read "Frank L. Perry", is written over a horizontal line.

Frank L. Perry, Secretary

North Carolina Department of Public Safety



Appendix A: 2015 DPS Job Opening Estimates

| 2015 DEPARTMENT OF PUBLIC SAFETY PROJECTED OPENINGS | | | | | | | | | | | | | |
|-----------------------------------------------------|-------------|------------|------------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-------------|-----------|----------------|
| OCCUPATIONAL CATEGORIES | | | | | | | | | | | | | |
| OPG | W/M | W/F | B/M | B/F | H/M | H/F | A/M | A/F | AIAN/M | AIAN/F | TOTAL | DISB | TOT/MIRTOT/FEM |
| OFFICIALS/ADMINISTRATORS | 32 | 5 | 7 | 5 | 7 | 2 | 1 | 0 | 0 | 0 | 27 | 1 | 15 |
| TOTAL | 32 | 5 | 7 | 5 | 7 | 2 | 1 | 0 | 0 | 0 | 27 | 1 | 15 |
| MGMT REL: Business Spec. | 27 | 4 | 11 | 2 | 2 | 4 | 1 | 1 | 0 | 0 | 25 | 0 | 10 |
| MGMT REL: HR, Training | 6 | 3 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 6 | 0 | 3 |
| MGMT REL: Finance Spec. | 14 | 3 | 2 | 2 | 0 | 2 | 1 | 0 | 0 | 0 | 10 | 2 | 5 |
| TOTAL | 47 | 10 | 13 | 5 | 2 | 7 | 3 | 1 | 0 | 0 | 41 | 2 | 18 |
| PROF: Comp and Math | 22 | 1 | 7 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 12 | 0 | 4 |
| PROF: Architect and Eng. | 8 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 3 | 0 | 1 |
| PROF: Life, Physical and Soc. Sci. | 37 | 9 | 1 | 7 | 4 | 1 | 1 | 1 | 0 | 0 | 24 | 2 | 14 |
| PROF: Comm., Soc Services | 347 | 53 | 145 | 7 | 12 | 29 | 32 | 4 | 3 | 0 | 286 | 2 | 88 |
| PROF: Legal | 8 | 3 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 1 |
| PROF: Education, Training | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| PROF: Arts, Design, Entertain | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| PROF: Healthcare Practitioner | 14 | 3 | 2 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 9 | 0 | 4 |
| PROF: Registered Nurses | 153 | 31 | 35 | 22 | 8 | 13 | 13 | 8 | 7 | 2 | 142 | 5 | 76 |
| TOTAL | 592 | 100 | 192 | 42 | 26 | 43 | 48 | 16 | 10 | 2 | 484 | 9 | 192 |
| TECH: Health Technologists | 5 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 1 | 1 |
| TECH: Drafters, Engineering | 4 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 2 |
| TECH: Life, Phy. & Soc. Science | 56 | 19 | 15 | 1 | 0 | 3 | 3 | 1 | 1 | 0 | 43 | 0 | 9 |
| TOTAL | 65 | 21 | 18 | 4 | 0 | 3 | 3 | 1 | 1 | 0 | 51 | 1 | 22 |
| ADMIN: Admin Support | 164 | 59 | 4 | 41 | 8 | 13 | 18 | 2 | 0 | 0 | 145 | 7 | 82 |
| ADMIN: Admin Support Supv. | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| TOTAL | 166 | 59 | 4 | 41 | 9 | 13 | 18 | 2 | 0 | 0 | 146 | 7 | 83 |
| PROTECT: Protective Service | 1394 | 440 | 490 | 63 | 57 | 103 | 52 | 13 | 12 | 9 | 1243 | 13 | 313 |
| PROTECT: Protective Supervisor | 218 | 69 | 75 | 6 | 9 | 14 | 11 | 2 | 4 | 1 | 191 | 3 | 47 |
| TOTAL | 1612 | 509 | 565 | 69 | 66 | 117 | 63 | 15 | 16 | 10 | 1434 | 16 | 360 |
| SERVICE: Service Supervisor | 21 | 4 | 10 | 1 | 1 | 2 | 1 | 1 | 0 | 0 | 20 | 0 | 6 |
| SERVICE: Health Support | 27 | 6 | 8 | 5 | 3 | 2 | 2 | 0 | 0 | 0 | 26 | 2 | 12 |
| SERVICE: Food & Beverage | 55 | 5 | 33 | 1 | 2 | 5 | 4 | 3 | 2 | 0 | 55 | 2 | 17 |
| SERVICE: Building & Grounds | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SERVICE: Personal Care | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 103 | 15 | 51 | 7 | 6 | 9 | 7 | 4 | 2 | 0 | 101 | 4 | 35 |
| SK CRAFT: SK Craft Supervisor | 20 | 0 | 4 | 9 | 0 | 5 | 0 | 0 | 0 | 0 | 18 | 0 | 4 |
| SK CRAFT: Farm, Fish, Forestry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SK CRAFT: Const. & Extradition | 47 | 0 | 4 | 13 | 2 | 18 | 0 | 0 | 1 | 0 | 38 | 1 | 34 |
| SK CRAFT: Installer & Mainten. | 23 | 0 | 3 | 9 | 1 | 6 | 0 | 0 | 0 | 0 | 19 | 1 | 16 |
| SK CRAFT: Transport & Material | 5 | 0 | 1 | 1 | 0 | 2 | 1 | 0 | 0 | 0 | 5 | 0 | 4 |
| SK CRAFT: Production | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| TOTAL | 97 | 0 | 13 | 32 | 3 | 31 | 1 | 0 | 1 | 0 | 81 | 2 | 68 |



Appendix B: 2015 EEO Total Agency Numbers

JOB OPENING ESTIMATES FOR OCCUPATIONS IN WHICH UNDERUTILIZATION OCCURS 2015 EQUAL EMPLOYMENT OPPORTUNITY PLAN

AGENCY: DEPARTMENT OF PUBLIC SAFETY DIVISION: ALL
SOC CATEGORY: ALL SUB-CATEGORY: ALL

RECRUITMENT AREA: Statewide Availability Standard: Population/Labor Force Compromise

| EEO INFORMATION | White Male | White Female | Black Male | Black Female | Other Male | Other Female | Ethn Unk | TOTAL | DISB | MRTY | FAILE | VEI % |
|--------------------------|------------|--------------|------------|--------------|------------|--------------|----------|--------|--------|-------|--------|-------|
| EMPLOYED 12/31/2014 | 9,041 | 4,043 | 3,911 | 4,593 | 647 | 368 | 55 | 22,658 | 248 | 9,562 | 9,004 | 14.13 |
| UNDERUTILIZED 12/31/2014 | | -3,547 | | | -1007 | -803 | | | -2,380 | | -2,234 | |

EMPLOYMENT OBJECTIVES

| 2015 Target Classifications | OPG | White Male | White Female | Black Male | Black Female | Other Male | Other Female | TOTAL | DISB | MRTY | FAILE |
|-----------------------------|-------|------------|--------------|------------|--------------|------------|--------------|-------|------|------|-------|
| Officials & Administrators | 32 | 5 | 7 | 5 | 7 | 2 | 1 | 27 | 1 | 15 | 15 |
| Management Related | 47 | 10 | 13 | 5 | 2 | 8 | 3 | 41 | 2 | 18 | 18 |
| Professionals | 592 | 100 | 192 | 42 | 26 | 61 | 63 | 484 | 9 | 192 | 281 |
| Technician | 65 | 21 | 18 | 4 | 0 | 4 | 4 | 51 | 1 | 12 | 22 |
| Administrative Support | 166 | 59 | 4 | 41 | 9 | 15 | 18 | 146 | 7 | 83 | 31 |
| Protective Services | 1612 | 509 | 565 | 69 | 66 | 142 | 83 | 1434 | 16 | 360 | 714 |
| Services | 103 | 15 | 51 | 7 | 6 | 13 | 9 | 101 | 4 | 35 | 66 |
| Skilled Craft | 97 | 0 | 13 | 32 | 3 | 31 | 2 | 81 | 2 | 68 | 18 |
| Total Through 2015 | 2,714 | 719 | 863 | 205 | 119 | 276 | 183 | 2,365 | 44 | 783 | 1,165 |

*Employment objectives are to represent a net increase in employment which does not include placements of underutilized groups that maintain their current representation levels.