

APPALACHIAN STATE UNIVERSITY

Office of Human Resources

EEO Plan for
Staff
Employees
2009

APPALACHIAN STATE UNIVERSITY

Equal Employment Opportunity Plan 2009

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THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM AND PLAN

Purpose of Policy

The purpose of this policy is to ensure equal employment opportunity for all applicants and employees and to promote diversity at all occupational levels of State Government's workforce. The overall intent of this policy is to ensure that the administration and implementation of all personnel policies, practices, and programs are fair and equitable.

What is an Equal Opportunity Plan?

An Equal Employment Opportunity Plan is a detailed, results-oriented set of procedures designed to achieve full utilization of minority, female and disabled workers at all levels and in all parts of the University work force.

State Requirements on Equal Employment Opportunity

The State of North Carolina is committed to equal employment opportunity and recognizes that effective and efficient government requires the talents, skills, and abilities of all available human resources. It is the official policy of the State of North Carolina to provide all current employees and applicants for state employment with equal employment opportunities without discrimination on the basis of race, religion, national origin, sex, age, political affiliation, veteran status, or disability. Take note that Appalachian State University also discourages discrimination on the basis of sexual orientation and handles such cases only at the University level.

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

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

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

Three Basic Steps

An Equal Employment Opportunity Plan must include three basic steps:

1. Analysis of the University's work force, and comparison of it to the pool of available workers to determine whether the percentages of workers in each race and sex group and disabled persons in each occupational category are substantially similar to the percentages of those available in the relevant job market who possess the basic job-related qualifications.
2. Examination of the University's personnel practices (recruitment, selection, interviewing, etc.) to determine which practices produced the disparities uncovered in the work force analysis.
3. Action plan of procedures to be used to eliminate the disparities in the work force by modifying or eliminating the practices(s) found to have caused them.

POLICY STATEMENTS

North Carolina Equal Employment Opportunity Policy Statement

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

1. Recruit, select, hire, place, train, and promote persons in all job classifications without regard to race, religion, national origin, sex, age, political affiliation, veteran status, or disability.
2. Base selection, hiring and promotion decisions on valid requirements and criteria which are related to work performance and are necessary upon entry at that level.
3. Administer all employment practices including compensation, benefits, promotion, training, tuition assistance, termination, transfer, demotion and reduction-in-force objectively without regard to race, religion, national origin, sex, age, political affiliation, veteran status, or disability.
4. Provide, when necessary, reasonable accommodations for applicants' and/or employees' disability when doing so will enable them to successfully perform job duties or benefit from training.
5. Prohibit retaliatory actions against employees or applicants for employment who make a charge of employment discrimination, testify, assist or participate in any manner in a hearing, proceeding or investigation of employment discrimination.
6. Assure a work environment that is free from discrimination.

Appalachian State University Policy Statement

This policy statement of Appalachian State University mirrors that of the State, but includes a more detailed description of the University's commitment to Equal Employment Opportunity. The following items are University policy at Appalachian:

1. Assurance that all persons (applicants and employees) are covered by the equal employment opportunity plan without regard to race, religion, national origin, sex, gender identity and expression, sexual orientation, age, political affiliation, veteran status, or disability.
2. Assurance that the University prohibits discrimination and harassment based on race, religion, national origin, sex, gender identity and expression, sexual orientation, age, political affiliation, veteran status, or disability.
3. Assurance that all selection, hiring and promotion decisions will be based on valid requirements which are related to work performance and are necessary upon entry at that level.
4. Assurance that the basic employment practices of the University will be administered without regard to , race, religion, national origin, sex, gender identity and expression, sexual orientation, age, political affiliation, veteran status, or disability and that these practices shall specifically include, but not be limited to:
 - Recruitment, including advertising or solicitation for employment
 - Selection, hiring, and placement
 - Treatment during employment including promotion and upgrading
 - Evaluation of work performance
 - Administration of all forms of pay and other compensation
 - Selection for training, including trainee, work-against, intern, and apprenticeship opportunities
 - Other career development opportunities
 - Transfer, demotion, termination and/or reduction-in-force
5. Assurance that, when necessary, the University will provide reasonable accommodations for applicants and/or employees with disabling conditions in order to provide access to the application process and/or to successfully perform job duties or training opportunities.
6. Assurance that retaliatory actions against employees or applicants who bring forth a charge, testify, assist with or participate in a hearing, proceeding, or investigation of employment discrimination shall not be tolerated by Appalachian State University.

7. Statement of the laws and acts dictating guidelines for EEO compliance, especially Title VII of the Civil Rights Act of 1964, as amended, Executive Order 11246, as amended, the Rehabilitation Act of 1973 (especially, Sections 503 and 504), the Civil Rights Restoration Act of 1988, and the Americans With Disabilities Act of 1990.
8. Delegation of responsibility and accountability for EEO program implementation and compliance from the chancellor to University managers and supervisors.
9. Commitment of the University, its Staff EEO Officer, officers, managers, and supervisors to the EEO policy and plan.

Chancellor's Equal Employment Opportunity Policy Statement

It is the policy of the State of North Carolina to provide equal opportunity in employment for all qualified persons and to prohibit discrimination because of race, color, national origin, religion, creed, sex, age, or disability.

Appalachian State University is committed to providing equal employment opportunities for all persons regardless of race, religion, national origin, sex, gender identity and expression, sexual orientation, age, political affiliation, veteran status, or disability (except where religion, sex, or age are bona-fide job-related employment requirements). This is in keeping with Title VII of the Civil Rights Act of 1964, as amended, Executive Orders 11246 and 11375, the Rehabilitation Act of 1973 (especially, Sections 503 and 504), the Civil Rights Restoration Act of 1988, NC G.S. 126-16 and 126-17, the Americans With Disabilities Act of 1990, and other applicable Federal and State laws.

In furtherance of this policy, Appalachian prohibits retaliatory action of any kind taken by any employee against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding, or investigation of employment discrimination. To ensure that equal employment opportunity exists throughout the university, a results-oriented equal employment opportunity program will be implemented to overcome the effects of past discrimination and to eliminate any artificial barriers to employment opportunities for all qualified individuals that may exist in any of our programs.

This program shall ensure greater utilization of all persons by identifying the underutilized groups in the work force (especially minority, female and disabled workers) 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.

Program objectives and timetables shall be established to reduce and eliminate the underutilization of all groups through the equal employment opportunity plan and program. Responsibility for the development of this plan and program is hereby assigned to the Staff EEO Compliance Officer. Responsibility for the implementation of and compliance with this plan and program will be shared by all managers and supervisors.

Adopted this the 2nd day of January 2009.

Dr. Kenneth E. Peacock, Chancellor
Appalachian State University

Sexual Orientation

Educational and employment decisions should be based on an individual's abilities and qualifications and should not be based on factors or personal characteristics that are not germane to academic abilities or job performance. Traditionally we have viewed race, sex, religion, and national origin as among those factors that are not connected with academic abilities or job performance. An individual's sexual orientation and/or gender identity and expression are factors which are not relevant to educational and employment decisions. Therefore, only relevant factors are to be considered in such decisions and equitable and consistent standards of conduct and performance are to be applied at Appalachian State University.

This internal policy does not apply to the University's relationships with outside organizations, including the federal government, the military, ROTC, and private employers.

**Because harassment on the basis of sexual orientation is not prohibited by North Carolina or Federal statutes, remedies for such harassment are limited to the University level, and cannot be pursued in the courts or before the Office of Administrative Hearing and the State Personnel Commission.*

Veteran Status

Appalachian State University will not discriminate against any employee or applicant for employment because of his or her veteran status. The University agrees to take affirmative action to employ, advance in employment, and treat all protected veterans without discrimination.

Definitions of Veterans Status (41 C.F.R. 60-250.2)

Special Disabled Veteran:

- A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veteran Affairs for a disability: a) Rated at 30 percent or more; or b) Rated at 10 or 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious employment handicap; or
- A person who was discharged or released from active duty because of a service-connected disability.

Qualified Special Disabled Veteran:

- A special disabled veteran who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such veteran holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Veteran of the Vietnam Era:

- Served on active duty for a period of more than 180 days, and was discharged or released with other than a dishonorable discharge, if any part of such active duty occurred: a) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or b) Between August 5, 1964, and May 7, 1975, in all other cases; or
- Was discharged or released from active duty for a service-connected disability if any part of such active duty was performed: a) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or b) Between August 5, 1964, and May 7, 1975, in all other cases.

Other Protected Veteran:

- A person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, under laws administered by the Department of Defense.

Recently Separated Veteran:

- Any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.

Affirmative Action for Employees With Disabilities

Appalachian State University will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The University agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination based on their physical or mental disability in all employment practices such as the following: employment, promotion, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training. [41 CFR 60-741.5(a)].

For purposes of this program, the **person with a disability** is anyone who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. For purposes of this definition, major **life activity** means any mental or physical function or activity that, if impaired, creates a substantial barrier to employment.

Dissemination of this policy and university publications in which it appears is the same as for overall affirmative action policy statements. Senior administrators have the same responsibilities to ensure equal employment opportunities for disabled employees as they have for non-disabled employees.

Appalachian State University's Administration believes that this policy meets the requirements of the Rehabilitation Act of 1973 as amended and 41 CFR, Part 60-741.

Current staff employees and new hires should register any disability with the Office of Disability Services, 222 DD Dougherty Hall, Appalachian State University, in order that they may receive reasonable accommodations if needed in their working environment.

ASSIGNMENTS OF RESPONSIBILITY AND ACCOUNTABILITY

Responsibility of the Governor

The Governor of the State of North Carolina has overriding responsibility for the State's equal employment opportunity policies and programs. The responsibility for the actual development and implementation of individual equal employment opportunity plans and programs is delegated by the Governor to each university chancellor and each head of a department of State and each head of a State agency or commission.

Responsibility of Managers and Supervisors

Personnel decisions which most directly impact the success of the EEO program are made by persons at the managerial and/or supervisory level, and as such, the roles of manager and supervisor are most critical to the success of the program. While each manager and supervisor is ultimately responsible for implementing the specific elements of the equal employment opportunity plan which are designed to eliminate the underutilization of minority, female and disabled workers and the barriers to equal employment opportunity which may cause this underutilization, the HR Employment and/or Employee Relations areas will serve as consultants as needed.

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

1. Assisting in the identification of areas of underutilization and establishing program objectives and timetables for their elimination.
 2. Making every effort to achieve established placement program objectives and maintaining an equitably representative work force for the department, division, work unit or section.
-

3. Providing career counseling for employees and ensuring that all protected group employees are given the full opportunity to attend workshops and seminars and/or to take credit courses under the provisions of the university's educational assistance program.
4. Assisting the Compliance Officer in periodic evaluations to determine the effectiveness of the EEO program.
5. Sensitizing employees to all EEO policies.
6. Preventing and correcting workplace harassment of employees.

Responsibility of the Staff EEO Compliance Officer

- The Chancellor appoints the Staff EEO Compliance Officer. The Staff EEO Compliance Officer reports to the Director of Human Resources. The Staff EEO Compliance Officer has responsibility for the EEO/AA program. The duties and responsibilities of the Staff EEO Compliance Officer are: maintaining and analyzing work force utilization data for development of the Equal Employment Opportunity Plan;
- interpreting and applying all Federal and State policies, regulations and guidelines that involve discrimination in employment on the basis of race, religion, national origin, sex, gender identity and expression, sexual orientation, age, political affiliation, veteran status, or disability.
- reviewing staff (SPA) hiring recommendations for compliance with EEO program objectives prior to the final University hiring decision.
- maintaining and analyzing work force utilization data for development of the Equal Employment Opportunity Plan;
- developing the Equal Employment Opportunity Plan including writing and publishing the policy statements, establishing the goals and timetables for correcting underutilization within the University's work force, developing equal employment opportunity programs, and disseminating the program to internal and external constituents;
- coordinating the EEO training module as contained within the University Workplace Planning Diversity Initiative.
- serving as consultant for employees in matters involving EEO/AA concerns or complaints alleging discrimination;
- posting EEO/AA information throughout the University.

Staff EEO Committee

At the present time, there is no EEO Committee in place for Appalachian State University, this being due to the fact that the Office of Human Resources has been in a transitional period with its new director. The director is now in the planning stages and will soon appoint a new EEO Committee. Once the new committee is in place, it will resume the same responsibilities as the previous EEO committee with responsibilities including, but not limited to:

- serving as a communication link between managers and employees and the Staff EEO Compliance Officer.
- reviewing and evaluating the equal employment opportunity plan and program.
- reviewing workforce representation data in each occupational category.
- surveying the University climate, employee attitudes, and evaluating the resultant data.
- meeting with the Director of Human Resources and/or the University Chancellor in conjunction with the Staff EEO Compliance Officer to discuss EEO programs, report on the employees' concerns, and recommend changes or additions to the EEO policy, plan, or program.
- identifying recruitment resources and other activities designed to strengthen the EEO program.
- meeting as a committee at least once annually.

DISSEMINATION OF THE EQUAL EMPLOYMENT OPPORTUNITY PLAN

Non-Discrimination Policy

Appalachian State University's Non-Discrimination Policy has been formally distributed to internal and external stakeholders. The policy has been disseminated throughout the University and will continue to be printed on several University-sponsored publications (See Table I). These publications reach all levels of University employees.

The revised 2008 Equal Employment Opportunity Plan shall be distributed to the heads of all units. The Office for Equal Opportunity produces a poster explaining the University's Equal Opportunity Program that is distributed widely throughout the University. All modifications and amplifications of the plan shall be similarly distributed. Table I lists particular publications, the publication's audience, the individuals responsible for each publication, and the publication date.

Data Files Retained by Appalachian State University

Personnel files are maintained at the Human Resources office. The Division of Human Resources maintains individual records for all permanent employees. Files contain pertinent statistical information on employees (i.e., name, race, sex, etc.) and personnel action papers with supporting data and/or pertinent correspondence. These files furnish the basis for a variety of reports useful in analyzing equal employment opportunity.

TABLE 1 - INTERNAL DISSEMINATION OF UNIVERSITY PUBLICATIONS

Publication	Responsibility	Time of Publication
	Publications Reaching All Employees	
Bulletin	Chancellor’s Office / Public Affairs	Continuous
University Web Page	Office of Human Resources	Continuous
Staff Vacancies	Employment Division of Human Resources	Continuous

TABLE 2 - EXTERNAL DISSEMINATION OF UNIVERSITY PUBLICATIONS

Publication	Responsibility	Time of Publication
EEO/AA Policy Statement (included on all material and advertisements for students, staff, and faculty)	Office of Human Resources Employee Relations Division	Continuous
EEO Statement (included on purchase orders, contracts, etc., as required by Executive Order 11246)	Vice Chancellor for Business Affairs	Continuous
Written notification of plan and basic content to public and private organizations interested in employment opportunities for women and minorities, community agencies, and leaders of secondary schools, colleges, and technical and business institutes	Office of Human Resources www.hrs.appstate.edu	Continuous
Publicity regarding EEO progress, appointments of new personnel, promotions, etc., relating to EEO objectives in public press and in office publications distributed externally	Office of Human Resources Staff Update through Staff Council	Continuous

EQUAL EMPLOYMENT OPPORTUNITY PLANNING

The major portion of this revision involves an analysis of the availability of the work force and determining if underutilization of minorities and females exists in any of the EEO categories. If underutilization is determined within the job groups, goals are established.

The Two-Factor Analysis, as defined by the Office of Federal Contract Compliance Programs (OFCCP), was used to determine the availability of the work force. This method involves the following steps:

- Determine availability of minorities and females in each occupational category by two established factors. The two factors are (1) the number of qualified employees from the organization's internal labor force, and (2) the number of qualified persons from the population within the determined reasonable recruitment area;
- Determine underutilization by comparing actual work force data to established availability in each occupational category;
- Determine projected hires based on the projected turnover percentage in each occupational category where underutilization exists;
- Formulate a set of objectives for the initial reduction and the proposed eventual elimination of this underutilization in each occupational category; and
- Develop procedures and programs to facilitate the likelihood of achievement of program objectives within the established time frames.

Appalachian State University has established Placement Goals in order to fulfill its AA/EEO obligations. The establishment of Placement Goals is designed to be used by AA/EEO officers who seek to apply good faith efforts to increase the employment percentage of minorities and women in the workforce. It is neither a finding of discrimination nor a finding of lack of good faith affirmative action efforts.

The Office for Equal Opportunity determined the availability of females and minorities by occupational group. The occupational groups used for SPA employees for affirmative action planning purposes are:

- Professional Non-Faculty
- Administrative Support
- Technical/Paraprofessional
- Skilled Craft, and
- Service/Maintenance

Job classifications are placed into the groups by similarity of job content.

Calculations of availability were determined by multiplying data for each factor by a self-assigned value as determined by organizational hiring and promotional practice. The data for each factor was collected from a variety of sources:

- 2000 Census of Population and Housing
- Employment Security Commission Data
- EEO Detailed Occupations of Civilian Labor Force by Gender & Race for Watauga and five surrounding counties to include Ashe, Avery, Caldwell, Wilkes, in North Carolina, and Johnson County, Tennessee.
- Internal employee data files.

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Recruitment

The Office of Human Resources has responsibility for transfer, promotion, and demotion. In cooperation with the campus, Human Resources has developed and implemented sufficient control to insure that personnel actions are consistent with the equal employment opportunity policy and affirmative action commitments. Approval of Human Resources is necessary prior to the completion of personnel actions involving employment.

Advertising

To ensure compliance with State and Federal laws, Employment Services approves and coordinates the placement of advertisements and the screening of respondents.

The HR Employment Division coordinates advertisement copy, publications, and run dates with the hiring department. Media sources include newspapers, occupation specific publications, professional journals, professional association newsletters, and Internet sites.

Recruitment Activities

Recruitment for staff positions includes, but is not limited to, the following activities:

- contacts with minority and women's colleges and universities;
 - technical school recruitment visits;
 - regular contacts with community organizations including minority, women's, community service and rehabilitation groups and agencies;
 - transmittal of openings to the Office of State Personnel and Employment Security Commission;
-

- posting of available openings in Human Resources;
- posting of positions on the Internet at www.jobs.appstate.edu.

Listing Vacant Positions

Departments create and submit an online vacancy notice to the HR Employment Division to recruit for a vacancy. Upon receiving the notice, an Employment Specialist posts the vacancy, and recruits, screens, and refers applications for the position. Vacancies must remain open five workdays after being posted.

HR Employment posts weekly listings of vacant positions in Human Resources. Otherwise, vacancies are posted online on a daily basis

Some vacancies are initially available only to current SPA employees and must remain open five workdays after being listed. These vacancies are posted as “Internal Transfer Only”.

Waiver of Posting

A waiver of posting may be requested only

- to avoid a reduction-in-force,
- to affect a disciplinary transfer,
- to achieve a mandatory reinstatement, or
- to avoid a critical work stoppage.

A **Request to Waive Posting** must include written justification and prior approval by the HR EEO Compliance Officer for Staff.

Application Process

Individuals interested in permanent University employment must complete an online Staff Application. Departments may not accept employment applications or resumes other than those referred by HR Employment.

There is an initial five-day application period during which applicants apply through the online University website.

Screening and Referral

Applicants are considered for only those specific vacancies for which they apply.

An Employment Specialist evaluates each SPA applicant's education, experience, skills, and competencies in relation to valid job requirements. Preferred job requirements are used to screen applications to the most qualified pool.

Special Employment Considerations

Priority Re-employment

The State of North Carolina requires that certain individuals receive priority consideration for State employment. If priority re-employment referrals are involved, external applicants may not be referred. Two categories of employees are eligible for priority re-employment:

- employees scheduled for or already reduced-in-force,
- employees separated from policy making/confidential exempt positions for reasons other than just cause.

State Government Promotional Priority

Permanent State employees are eligible for priority consideration over non-State employees when the individuals possess substantially equal qualifications.

Veterans' Preference

Departments must give preference in employment and subsequent personnel actions to qualified veterans. This applies to all United States citizens who served the United States honorably in the Army, Navy, Marine Corps, Nurses' Corps, Air Corps, Air Force or any of the armed services during periods of war, certain disabled veterans and their spouses, and certain surviving spouses and dependents of veterans.

Disabled On-the-Job Priority Re-employment

When their treating physician releases employees (who have been injured on the job and placed on workers' compensation leave) to work, there are several possible return-to-work situations. Re-employment is primarily based on the level of the employee's medical improvement. If priority re-employment referrals are involved, the Employment Manager will advise the hiring department of their responsibilities.

Age Limitations

Appalachian State University does not practice or condone age discrimination. Limitations are enforced only where specific age constitutes a bona fide occupational qualification. There is no maximum age for employment.

Job specifications for individuals under age 18 will be reviewed to ensure compliance with legal limits on the employment of minors.

Law enforcement officers must be at least 20 years of age.

Employment Eligibility Verification

Departments are required to verify identity and eligibility for employment of new employees. Within three (3) days of hire, hiring departments must review documentation and provide certification to Human Resources via the federal government I-9 Form and the E-Verify process.

Employment of Persons With Disabilities

The University encourages employment of persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of a particular job.

Persons Convicted of Criminal Offense

The University does not deny employment to persons previously convicted of criminal offenses unless:

- there is a direct relationship between the offense and the employment sought, or
- the employment would involve an unreasonable risk to the safety or welfare of employees, students, the general public, or University property.

Testing

No pre-employment work assessments (written, oral, physical, or skills) may be administered by the hiring department without approval from HR Employment.

Selection

The goal of the selection process is to find the best available person for the job—a person with the skills, knowledge, abilities, and competencies to successfully fill the position. Hiring departments determine which of the applicant referrals received from HR Employment will be interviewed. The department maintains summaries of all interviews. Interview guidelines and workshops for managers are provided by HR Employment to facilitate proper interviewing procedures.

When interviewing has been completed and a candidate selected, the department submits an online Hiring Proposal Request to HR. The EEO Compliance Officer for Staff reviews each request to ensure that departments are in compliance with established recruitment and selection policies.

Human Resources exercises similar responsibilities with respect to salaries for new appointments, reinstatements, or transfers. Human Resources follows established State pay policies and procedures.

Job Design and Job Classification

Appalachian State University is committed to maintaining campus-wide parity in the classification of positions subject to the State Personnel Act (SPA). The Classification Plan provides a structured approach using consistent criteria for analyzing and classifying the duties and responsibilities of SPA positions. The Office of State Personnel (OSP) establishes and maintains the position classification and pay system for all SPA positions and exercises overall administrative authority of the system. Administration of the position classification and pay system at Appalachian State University is the responsibility of the Division of Human Resources.

Job design, classification, and compensation is administered under the relatively new market-based system known as Career Banding. The transition into this new system and its administration is the responsibility of the Office of Human Resources. Supervisors and managers in campus departments are responsible for designing positions based on the operational needs of the organization. This responsibility includes determining the initial assignment of duties and responsibilities to a position and identifying the need for any changes in duties. Current OSP policy requires that supervisors prepare and submit to Human Resources job descriptions for each new position and/or to document changes in job duties for any existing position(s). Human Resources reviews the job description and interviews department representatives, employees, and supervisors as appropriate for any additional clarification of responsibilities. Human Resources classifies the position by assigning it to the appropriate SPA occupational category, classification/career band and corresponding salary range based on the duties, responsibilities, and competencies being performed in the position. Human Resources, under a Delegated Authority Agreement with OSP, administers all classification and career banding decisions and actions.

When the supervisor or departmental management significantly changes the duties and responsibilities of a position, they are responsible for revising and/or preparing a new position description and requesting a classification review. Human Resources evaluates the position as described and then re-classifies the position if the changes support a reclassification or band change. Thus, the departments have the

fundamental responsibility for maintaining accurate position descriptions with respect to actual duties and competencies performed in each position.

As a complement to the usual efforts to maintain parity, Human Resources and, in some cases, the Office of State Personnel may initiate a review of positions in particular occupational groups or classes. In such cases, campus departments are requested to provide position information, competency assessments and/or job descriptions as needed.

Transfer and Separation

Transfer

To promote employee career mobility, the University encourages departments to consider internal employees for vacant SPA positions. Transfer candidates must apply for specific vacancies. Human Resources provides the following transfer assistance:

- Assists employees in learning of job openings and necessary procedures for pursuing specific vacancies;
- Provides application and resume completion assistance;

Separation

The University requests written notice of resignation at least two (2) weeks in advance of the anticipated separation. The employee's day of separation is the last day of work. An employee may be separated from Appalachian State University for the following:

- **Voluntary Resignation**
- **Voluntary Resignation Without Notice**
When an SPA employee fails to report to work for a period of at least three (3) consecutive workdays without giving verbal or written notice to their supervisor, that employee voluntarily terminates employment.
- **Dismissal**
An involuntary separation occurs in accordance with the provision of the SPA Successive Discipline procedure (REG 05.70.01).
- **Separation Due to Unavailability When Leave is Exhausted**
An employee may be separated from the University if he/she becomes or remains unavailable for work after all applicable leave credits and benefits have been exhausted and management, for sufficient reasons, does not grant leave without pay.
- **Death**

The University's Exit Interview Program is designed to elicit information for preserving and promoting positive work environments. The exit questionnaire provides management with a separating employee's perspective of activities within the university and the employee's department. Employees separating from

the University are requested to complete an exit questionnaire. The exit questionnaire provide the separating employee an opportunity to recommend changes that might enhance and improve the University's working environment.

Monitoring Procedures

Areas of employment are monitored for equal employment opportunity. Regular reports are generated regarding the number of applicants, hires, promotions, transfers, and separations in each job group. Analyses are performed to determine whether women or minorities have been adversely impacted in any of these areas. If warranted, appropriate corrective action is determined.

All positions that have been designated for affirmative action based on underutilization are monitored throughout the SPA employment process. Hiring officials are contacted by Employment Specialists to relay information regarding targeting of the position, recruitment strategies, and other related policies and processes. Hiring officials who recruit for targeted positions must submit hiring explanations when the selection is not a member of the underutilized group.

Equal Employment Opportunity Reports

TABLE 3: EEO REPORTS

TYPE OF REPORT	FREQUENCY RATE	PERSON RESPONSIBLE
Applicant Flow	Quarterly (SPA)	Human Resources
Hires, Promotions, and Transfers	Annual (SPA)	Human Resources
Separations	Annual (SPA)	Human Resources
Impact Analyses	Annual (SPA)	Human Resources
Performance Appraisals	Annual (SPA)	Human Resources
Exit Interviews	Annual (SPA)	Human Resources
Salary	Continuous	Human Resources

Employee Training and Development

Appalachian State University provides both training programs and training assistance funds for all staff employees. Programs are provided for improvement of job performance, personal development/improvement and career development. Programs are continually under review to determine if the needs and interests of the employees are being met. Employee surveys are conducted at least on an annual basis to assist in the development of a training schedule. These programs are well publicized and are open to all staff employees.

Appalachian State University recognizes the changing training and professional development needs of employees and is committed to providing opportunities to enhance skills, expand levels of knowledge, and explore career paths. Supervisors are expected to encourage employees to take advantage of training and educational opportunities and to be active in helping employees to select courses that will enhance their knowledge, skills, and abilities.

Performance Appraisal

The performance appraisal system at Appalachian State University utilizes all aspects of the Performance Management System endorsed by the Office of State Personnel. This system is based on the importance of managing each individual's work and continuous communication between employees and their supervisors. The process includes the following three steps:

1. **Determining Performance Expectations** - At the beginning of each work cycle, the employee and supervisor will meet to determine the employee's work plan. Primary job factors are listed with tasks and special projects/assignments associated with the factor. Expectations for each factor, task, or project/assignment are determined along with the actual method of evaluation to be used.
2. **Conducting the Interim Review** - The supervisor shall meet with each employee at the middle of the work cycle for an interim review of job performance. The purpose of the review is to discuss progress toward meeting expectations.
3. **Conducting the Annual Review** - At the end of the work cycle the supervisor will meet with the employee to review the employees job performance for each expectation. An overall job performance rating is determined for the employee and justified by the supervisor. All this information is documented on the appraisal form along with comments by the employee and supervisor.

Managers and supervisors are held accountable for and are appraised on how well they encourage and attempt to achieve the University's EEO program objectives and plans. The Performance Management System is uniform throughout the University and is free of bias.

Disciplinary Process

The University administers an SPA Successive Discipline procedure (REG 05.70.1) for SPA employees by which discipline is administered only for just cause and apportioned to the degree of severity and frequency of unacceptable employee performance or conduct. All disciplinary actions are to be administered consistently and equitably without regard to race, color, sex, religion, creed, age, political affiliation, national origin, or disability. All disciplinary actions are subject to the approval of the HR Employee Relations Division.

This policy provides employees and management with a process for correcting and improving performance problems and handling instances of unacceptable personal conduct or grossly inefficient job performance.

Any employee of the University may be warned, demoted, suspended or dismissed for just cause. However, SPA employees must receive successive discipline as prescribed in this policy. Unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. When just cause exists, the only disciplinary actions provided under this policy are:

- written warning;
- disciplinary suspension without pay;
- demotion; or
- dismissal.

APPALACHIAN STATE UNIVERSITY SPA GRIEVANCE POLICY AND PROCEDURES

Appalachian State University Chancellor retains authority, as provided by law, to manage and direct its Office of Human Resources. This includes the determination of work force size, work assignments, hours of employment, promotion, demotion, transfer, or dismissal. Simultaneously, the University is committed to fair and equitable treatment of all employees. Therefore, Appalachian has established the SPA Grievance and Appeal procedure (REG 05.25.02) for the fair, orderly, and prompt resolution of disputes that may arise between an employee and anyone who is in a position of authority. This procedure is to be utilized for the resolution of job-related complaints and grievances.

SPA Employees

Any SPA employee of Appalachian State University may be warned, demoted, suspended, or dismissed for just cause. However, SPA employees who have completed the probationary period must receive successive discipline as prescribed in this policy.

Probationary Employees

There is no requirement that the successive disciplinary process be applied in the discipline and/or dismissal of probationary SPA employees. Probationary employees may be disciplined up to and including dismissal without prior warning and without a pre-disciplinary conference.

An employee may utilize this procedure to appeal an action alleging:

- a violation or misapplication of University policies;
 - a violation or misapplication of rules pertaining to employment in the respective department;
 - a violation or misapplication of applicable laws or regulations, including anti-discrimination laws, the Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Family and Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA);
 - a suspension without pay, demotion, or dismissal;
-

- inaccurate or misleading information in a personnel file; or
- Unlawful Workplace Harassment.

Employees, whether grievant, witness, or panel member, shall have the right to participate in this procedure free from interference, coercion, restraint, discrimination, or reprisal.

The purpose of the grievance policy is to provide a means of communication between supervisors and employees and to establish principles of administration to insure a prompt, orderly, and fair response to an employee’s grievance or complaint.

This policy meets all requirements and is consistent with all policies as established by the North Carolina State Personnel Commission and is administered in a totally equitable manner and is free of any unlawful discrimination.

Career State employees are employees who are in a permanent position appointment and have been continuously employed by the State of North Carolina in a position subject to the State Personnel Act for the immediate twenty-four (24) preceding months. All Career State employees have a right to present a grievance free from interference, restraint, coercion, or reprisal. Actions covered are as follows:

Covered Persons	Grievable Issues
Career State employees or former career State employees	<ul style="list-style-type: none"> • Dismissal, demotion, or suspension without pay without just cause • Denial of promotion due to failure to post • Failure to give promotional priority over outside applicants • Failure to give RIF* re-employment consideration • Failure to give policy-making/confidential exempt status priority re-employment consideration • Failure to follow systematic procedures in reduction in force (not alleging discrimination) • Denial of veteran’s preference in connection with RIF
Any State employee or former State employee	<ul style="list-style-type: none"> • Denial of request to remove inaccurate or misleading information from personnel file • Policy-making designation • Discrimination in denial of promotion, transfer, or training; or retaliation in selection for demotion, RIF, or termination
Any applicant for State employment	<ul style="list-style-type: none"> • Denial of veteran’s preference in initial state employment • Denial of employment on the basis of illegal discrimination
Any State employee	<ul style="list-style-type: none"> • A false accusation about political threats or promises • Violation of the FLSA, ADEA, FMLA, or ADA (except for employees in exempt policy-making positions).

*RIF (Reduction-In-Force)

**FLSA (Fair Labor Standards Act); ADEA (Age Discrimination Employment Act); FMLA (Family Medical Leave Act); and ADA (Americans with Disabilities Act)

Performance Rating Disputes

Performance rating disputes can be appealed within Appalachian State University by a separate policy. Such disputes cannot be appealed outside the University

Written Warnings

Written warnings are issued by departmental supervisors/management to employees for either of the following two (2) reasons: 1) Unsatisfactory Job Performance including Grossly Inefficient Job Performance and/or 2) Unacceptable Personal Conduct.

Requirements for Issuing a Written Warning:

The supervisor should schedule a meeting with the employee to deliver a letter of written warning. An employee cannot appeal a letter of written warning.

A Letter of Warning Must:

- Inform the employee that the action is indeed a written warning, and not some other form of non-disciplinary process such as counseling;
- Include specific issues that are the basis for the warning;
- Inform the employee of specific improvements that must be made to correct these specific issues;
- Inform the employee of the time frame allowed for making the required improvements and/or corrections. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct.
- Inform the employee of the consequences of failing to make the required improvements or corrections.
- **Note:** If the warning does not include an improvement or correction timeframe, the timeframe is sixty (60) days for Unsatisfactory Job Performance and immediately for Grossly Inefficient Job Performance or Unacceptable Personal Conduct.

Letters of Warning Expire:

- After eighteen (18) months, unless there has been additional written disciplinary action since the date the written warning was originally issued. If so, the 18-month time frame will be extended from the date of the most recent written warning.
- At any time if the supervisor or other authorized management representative concludes that the problem that gave rise to the warning has been resolved or is unlikely to reoccur, the employee must be notified in writing that the written warning is being removed from the employee's personnel file. A copy of this action must also be sent to the Office of Human Resource Services.

Written warnings are not grievable under this policy. However, an employee may state or explain his/her point of view regarding the matter in writing to the Office of Human Resource Services, which will be placed in the employee's personnel file together with the letter of written warning.

Suspension Without Pay

Before an employee is placed on disciplinary suspension without pay, the supervisor must schedule and conduct a pre-disciplinary conference with the employee. The supervisor must give the employee advance verbal or written notice of the conference. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances. During the pre-disciplinary conference, the employee must be given by the supervisor a statement in writing explaining the acts, or failure to act, that are the reason for the suspension. Following the pre-disciplinary conference, suspension without pay is usually effective immediately based upon the decision of the supervisor.

The time period for a disciplinary suspension without pay for an SPA employee who is subject to the Fair Labor Standards Act (FLSA) must be for a least one (1) full work day, but cannot exceed more than two (2) work weeks. However, if an SPA employee who is exempt from FLSA is suspended without pay, the time period must be for at least one (1) full workweek, but cannot be for more than two (2) full weeks.

Illegal Discrimination

Any employee (regardless of length of service) who has reason to believe that employment, promotion, training or transfer was denied the employee; or that demotion, Reduction-in-Force or termination of employment was forced upon the employee because of race, religion, national origin, sex, age, political affiliation, veteran status, disability, or retaliation except where specific age, sex, or physical requirements constitute a bonafide occupational qualification necessary to proper and efficient administration shall have the right to appeal through the University grievance procedure within fifteen (15) calendar days of the alleged discriminatory action or may appeal directly to the State Personnel Commission. An employee who chooses to bypass the University's internal grievance procedure and appeal directly to the State Personnel Commission must do so in writing within thirty (30) calendar days of notice to the alleged discriminatory action.

Reasonable Accommodation to Disabilities

Effective November 1, 2006, the State Personnel Commission adopted a policy on requests for reasonable accommodation to disabilities. As part of that policy, employees and applicants have the ability to file a grievance if they are dissatisfied with a decision on a request for Reasonable Accommodation.

Those who wish to file a Reasonable Accommodation grievance may do so within the agency or university grievance process, or they may also file directly with the Office of Administrative Hearings. This grievance right applies to part-time or full-time employees, temporary employees, employees in a probationary status, non-career status employees, and employees with career status.

Unlawful Workplace Harassment

DEFINITIONS

Unlawful workplace harassment is unwelcome conduct based upon race, color, national origin, religion, creed, sex, age, sexual orientation, veteran status, or disability as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

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

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

Retaliation is conduct or adverse action causing any interference, coercion, restraint, or reprisal against a person complaining of harassment or participating in the resolution of a complaint of harassment. An employee who alleges that s/he has been subjected to unlawful workplace harassment or retaliation in the workplace must submit a written complaint to Appalachian State University within thirty (30) calendar days of the alleged harassing or retaliatory action. If the employee elects to utilize the University grievance procedure, he/she has the right to bypass any step in the University grievance procedure involving discussions with or review by the alleged harasser. Unlawful workplace harassment issues must reach a final University decision with sixty (60) days of the triggering complaint.

For cases alleging or involving Unlawful Workplace Harassment issues, the Appalachian State University contact is: Dr. Linda Robinson, Director; Office of Equity, Diversity, and Compliance (EDC); (828) 262-2144, or e-mail: robinsonlk@appstate.edu.

Grounds for Filing a Grievance

Actions constituting the filing of a grievance include employee dismissal, demotion, denial of promotional opportunity, suspension from employment, etc.

Right to Appeal Disciplinary Action(s)

An employee has the right to appeal such disciplinary action(s) under the University Grievance Policies and Procedures if he/she believes it is inconsistent with University policies or applicable law or if believed to have been motivated by unlawful discrimination.

An employee who chooses to file a grievance against his/her department must file the grievance within fifteen (15) calendar days of the date the employee received official written notice of the action against him/her. The employee may obtain assistance in filing the appeal from Human Resource Services/Employee Relations Division.

If the employee wishes to appeal on grounds that the disciplinary action(s) was motivated by unlawful discrimination, he/she can file an appeal within thirty (30) days after receipt of the official written notice of action against him/her directly with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, North Carolina 27699-6714

Telephone: (919) 733-2698

Grievance Rights and How to Obtain Information Regarding Grievance Policy and Procedures

The Appalachian State University Employee Relations Division will provide information and answer questions for Appalachian State University employees regarding Grievance Rights and the University's Grievance Policy and Procedures. The Grievance Policy and procedures may be found on the HRS website at www.hrs.appstate.edu.

An employee who files a grievance will be furnished a printed copy of Appalachian State University's Grievance Policy and Procedures. All new SPA employees will be made aware of the Grievance Policy and Procedures during orientation training sessions.

Employee Time Off For Grievance Proceedings

Employees shall be allowed up to eight (8) hours of time off from their regular job duties for the preparation of their grievance cases without loss of pay, vacation leave, or other time credits. Employees must notify their supervisors in advance and receive prior approval of the necessity to be absent from work for preparation of the grievances.

Further, the employee shall be allowed to attend the grievance hearing with no penalty of loss of pay, vacation leave, or other time credits.

Role of the Office of Human Resource Services

The Office of Human Resource Services plays a vital role in the entire grievance process. The Assistant Director of Human Resource Services/Employee Relations Division will interpret the grievance policy for managers and employees, answer questions pertaining to said policy, and outline procedural matters of the grievance hearing process.

The Assistant Director's responsibility includes appointment of the SPA grievance hearing committee and providing instructions, training, and guidance to the committee. The Assistant Director will preside over all SPA Grievance Hearings and will be available for procedural consultation throughout the hearing, but shall not participate in the deliberations of the committee.

STEPS IN THE UNIVERSITY GRIEVANCE PROCESS

Step 1 - Mediation Services

Mediation is the first step in the grievance process and involves the services of a neutral third person that assists an employee and a departmental manager/agency head in resolving an employee grievance in a mutually acceptable manner. Mediation provides an opportunity for the two parties to openly discuss the grievance and reach a resolution that is mutually acceptable to both management and the employee. A mediator from the Appalachian State University Employee Relations Division assists the parties, allowing them to develop a solution themselves. When mediation results in a resolution of the grievance, parties will sign a Mediation Agreement.

If a grievance involves an issue that the agency has identified as not subject to mediation, the employee shall begin the grievance process.

Step 2 - Employee Notice of Grievance/Supervisor Response

To initiate a grievance, the employee must file a written Notice of Grievance within fifteen (15) calendar days of the contested action to the immediate supervisor explaining the act or acts which are being challenged and the relief requested. The employee should send a copy of the Notice of Grievance to the Assistant Director of Human Resource Services/Employee Relations Division.

The supervisor must respond to the employee/grievant in writing within ten (10) calendar days of the date that the supervisor receives the Notice of Grievance. This written response to employee/grievant by supervisor must state the departmental intent to uphold their original decision to dismiss, etc., or state that the department will reconsider their position in the matter. Notification of employee grievance rights to appeal the departmental action must be included with this correspondence to employee/grievant.

Step 3 – Appeal to the Department Head if Supervisor Level Fails

If communication and subsequent decision of the supervisor are not satisfactory to the employee, or if the employee fails to receive a written response from the supervisor within ten (10) days of the time that the employee filed the grievance, the employee can request the consideration of the immediate supervisor's manager or supervisor. This will normally be the department head.

An appeal to the department head may be presented either verbally or in writing within five (5) days of the Step 1 decision, and a written response to the employee's Notice of Grievance should normally be given within ten (10) days of that date. Notification of employee grievance rights to appeal the departmental action must be included.

Step 4 – Appeal to the Chancellor Through the Grievance Committee

If the communication and subsequent decisions at the Step 1 or Step 2 levels are not satisfactory to the employee, or if the decision is not received within the established time frame, or if the decision is not properly implemented, the matter may be appealed to a University grievance committee.

To proceed with the appeal to the University grievance committee, the grievant must submit this request in writing to the Assistant Director of Human Resource Services/Employee Relations Division within five (5) calendar days after Steps 1 and 2 have been determined to be yet unresolved.

The grievant must provide a written summary detailing the facts of his/her complaint to the Assistant Director of Human Resource Services/Employee Relations Division with copies of this summary being furnished to all parties involved.

The Assistant Director of Human Resource Services/Employee Relations Division will appoint the University grievance committee. The committee members shall not be from the same operational unit as the grievant. Five (5) members will be appointed by the Assistant Director of Human Resource Services/Employee Relations Division to serve on the committee plus two (2) alternates, making a total of (7). However, the University grievance committee shall consist of only five (5) members. The grievant shall be allowed the opportunity to eliminate up to two (2) members of the committee if the employee believes that those persons cannot render an unbiased decision. Once a member is eliminated, he/she will be replaced with one of the two alternate(s).

The committee shall not be made up entirely of supervisory or administrative personnel but should also include a group of peers. The demographics of the committee should reflect the demographics of the University personnel pool. In cases where illegal discrimination is alleged, it is recommended that at least one or more committee members be representative of the minority group in question.

The chairperson or a designated member of the grievance committee will preside over the grievance hearing. For the sole purpose of answering procedural questions and/or questions pertaining to personnel policy, the Assistant Director of HRS/Employee Relations Division or designee must be in attendance at the grievance hearing, but shall not participate in the deliberations of the committee. The Assistant Director of Human Resource Services/Employee Relations Division will select someone to record the minutes of the grievance hearing.

Responsibility of the Chancellor in the Grievance Hearing Process and the Final University Decision

At the conclusion of the hearing, the grievance committee chairperson will furnish to the Chancellor a summary of the case along with the committee's recommendation for the final University decision. The committee chairperson must submit a confidential copy of the committee's recommendation to the Office of Human Resource Services at the same time it is delivered to the Office of the Chancellor.

It is the responsibility of the Chancellor to review all relevant information and issue to the grievant a final University decision within twenty-one (21) calendar days of the recommendation of the grievance committee.

The Chancellor must keep in mind the overall time period of the grievance process as governed by the Office of State Personnel, stating that a final University decision must be delivered to the grievant in writing within a reasonable time from the date that the grievance was initiated. A reasonable time is not more than ninety (90) days for dismissals and demotions and no more than one hundred and twenty (120) days for all other issues. The time limit may only be extended, if necessary, with the written consent of the grievant. Notification of grievant appeal rights to the State Personnel Commission must be included.

Appeal of the Final University Decision

If the grievant disagrees with the final University decision and has attained career status (24 immediate continuous months of permanent employment), he/she may appeal this decision within thirty (30) days after receipt of the decision or action. An appeal to the State Personnel Commission is made by filing a petition for a contested case hearing with the Office of Administrative Hearings at the following address:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, North Carolina 27699-6714

Telephone: (919) 733-2698

Appalachian State University Responsibilities

By January 1 of each even-numbered year, the University shall:

1. File its grievance procedure with the Office of State Personnel.
2. File for approval by the State Personnel Commission, any modification(s) to the University grievance procedure prior to the procedure becoming effective.
3. Submit a certified statement that no changes have been made to the grievance procedure since the last approved submission if such is the case.
4. Include in the grievance procedure the effective date of the procedure and the effective date of any changes to the procedures.
5. Continuously evaluate the grievance procedure's effectiveness in achieving the University's goals.
6. Compile information on employee grievance semi-annually and as otherwise requested by the Office of State Personnel. These reports shall be submitted prior to the first business day of January and July.

This grievance procedure/policy is effective January 2009.

UNLAWFUL WORKPLACE HARASSMENT PREVENTION PLAN

Policy Statement

The policy of Appalachian State University is that no employee may engage in conduct that is defined as unlawful workplace harassment as defined below. All current and former state employees, outside vendors and contractors are guaranteed the right to work in an environment at Appalachian State University that is free from unlawful workplace harassment and retaliation.

Harassment based upon race, color, religion, creed, sex, national origin, age or disability is a form of discrimination in violation of federal and state law and Appalachian State University policy, and will not be tolerated. It is the internal policy of Appalachian State University to prohibit harassment on the basis of sexual orientation*. Retaliation against any person opposing or complaining of harassment is in violation of federal and state law and Appalachian State University policy, and will not be tolerated. Consistent with applicable laws and policies, Appalachian State University prohibits workplace harassment of employees and retaliation against employees bringing a complaint of such harassment to the attention of their employer. The following plan provides policy, procedures, and guidelines to assist university members in the prevention and correction of unlawful or impermissible workplace harassment.

As more fully stated in Appalachian State University's Policy Prohibiting Workplace Harassment, the University's policy regarding workplace harassment provides that all employees are guaranteed the right to work in an environment free from workplace harassment and retaliation, and that no employee may engage in speech or conduct that meets the definition of unlawful or impermissible "Workplace Harassment" as defined in the university's policy.

**Because harassment on the basis of sexual orientation is not prohibited by North Carolina or Federal statutes, remedies for such harassment are limited to the University level, and cannot be pursued in the courts or before the Office of Administrative Hearing and the State Personnel Commission.*

Registering a Workplace Harassment Complaint

- An employee who believes that he/she has been subjected to any form of unlawful or impermissible workplace harassment is encouraged to attempt to resolve the matter initially with the administrative official (that is, direct supervisor) most directly concerned with supervising the employee, unless that official is the person alleged to have committed the workplace harassment.

If the employee prefers not to go to his/her supervisor, he/she should bring his/her concerns to the attention of the Director of Appalachian State University's Office of Equity, Diversity, and Compliance (EDC).

- If an employee makes a complaint of workplace harassment to his/her supervisor, it is the responsibility of that supervisor to formally bring the complaint to the attention of the next senior supervisor (if that supervisor is not the person alleged to have committed the workplace harassment) and the Director of the Appalachian State University Office of Equity, Diversity, and Compliance within one working day of that supervisor having been given notice of the alleged harassment by their supervisee, except in circumstances where bringing the complaint to the attention of the next senior supervisor and/or the Director of the Appalachian State University Office of Equity, Diversity, and Compliance (EDC) without the employee's explicit consent would violate the confidentiality of a communication made in either a physician-patient or a counselor-client relationship.
- In accordance with the North Carolina State Personnel Act and the North Carolina Office of State Personnel Policy on Unlawful Workplace Harassment, in order to protect an employee's rights, an employee subject to the State Personnel Act, N.C.G.S. § 126-1, *et seq.* (an "SPA employee"), must file a report of workplace harassment with his/her supervisor or the Director of the Appalachian State University Office of Equity, Diversity, and Compliance (EDC) within 30 calendar days of the alleged harassing action. The employee may elect to bypass any step in the University procedure involving review of or decision by alleged harasser, and appeal directly to the Office of Administrative Hearing and the State Personnel Commission.
- Complaints should be made in writing and given to the employee's supervisor or to the Director of the Appalachian State University Office of Equity, Diversity, and Compliance (EDC) at the following address:

Office of Equity, Diversity, and Compliance (EDC)
Appalachian State University
123 I. G. Greer (P.O. Box 32053)
Boone, NC 28608
(828) 262-2144

- When a written complaint is received, whether from the complaining employee or from the employee's supervisor, the Office of Equity, Diversity, and Compliance will conduct a prompt, thorough, and impartial investigation in consultation with the appropriate supervisor. The totality of the circumstances and facts will be reviewed to determine whether the alleged conduct constitutes workplace harassment. Within sixty (60) calendar days of having received the written complaint, the University will provide a written response to the grievant and the accused based on the findings of the investigation. This response will include the determination of what action, if any, will be taken as a result of the written complaint. If a decision is reached at any time within sixty (60) calendar days from date the Complaint is filed, a "Notice of Final University Decision" form and the "Acknowledgement of Waiver" form must be completed. The "Notice of Final University Decision" will be completed by Appalachian State University's Office of Equity, Diversity, and Compliance (EDC) Director and presented to the Grievant. The "Acknowledgement of Waiver" must be completed and signed by the Grievant and returned to the Office of Equity, Diversity, and Compliance (EDC). A sample of both these documents may be included in this EEO Plan.
- Appalachian State University shall take appropriate remedial action when warranted. Any interference, coercion, restraint or reprisal directed against any person opposing or complaining of workplace harassment is prohibited.
- If an SPA employee is not satisfied with the university's response to the complaint, the grievant may appeal directly to the North Carolina State Office of Administrative Hearings and the State Personnel Commission within 30 calendar days. Any complainant not subject to the State Personnel Act may, if not satisfied with the University's response, pursue such other administrative or judicial remedies (e.g., grievance, lawsuit) as may be available.

Note: *A grievant has a right to file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).*

Note: *An individual with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or disabling condition as defined by G.S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the Office of Administrative Hearings and the State Personnel Commission.*

Unlawful or Impermissible Workplace Harassment Prevention Plan Objectives and Timetable

The following goals, objectives, and completion dates have been established to create, maintain, and ensure a supportive and harassment-free university community.

Review the Appalachian State University Unlawful or Impermissible Workplace Policy and Prevention Plan
Reviewed annually

Provide educational programs, training, and outreach programs for all current and new employees
Ongoing

Communicate the policy and plan to all new and current employees
Ongoing

Develop and disseminate Unlawful or Impermissible Workplace Harassment brochures, posters, and educational materials in a variety of formats
Ongoing; reviewed annually

Develop evaluation methods for training and educational outreach programs
Procedures and programs established
Ongoing and reviewed annually

Develop and review procedures for confidential reporting of complaints and inquiries
Procedures established; reviewed annually

Develop and review procedures for investigating alleged workplace harassment
Procedures established; reviewed annually

Develop and review procedures for consistent and confidential informal and formal resolution of complaints
Procedures established; reviewed annually

Provide a campus resource person responsible for providing guidance and responding to inquiries concerning workplace harassment issues
Established

Develop appropriate disciplinary actions to address Unlawful or Impermissible Workplace Harassment and assure consistent and fair applications
Procedures established; reviewed annually

Develop procedures for monitoring the progress and resolution of all complaints
Procedures established; reviewed annually

Responsibility for Implementation

Office of Equity, Diversity, and Compliance (EDC) and the Office of Human Resources

The Chancellor of Appalachian State University has delegated the responsibility of developing the Unlawful or Impermissible Workplace Harassment policy, submitting that policy and implementation plan as part of the University's Equal Employment Opportunity (EEO) Plan, and reporting complaints through established grievance reporting mechanisms to the Compliance Office.

The Compliance Office has delegated to the University's Office of Equity, Diversity, and Compliance (EDC) the responsibility for implementing and evaluating the prevention plan (including training, education, and outreach); investigating complaints; when appropriate, serving as resources for all parties involved in a workplace harassment allegation; and seeking appropriate resolution.

The University's Office of Human Resource Services will assist employees with the interpretation of the State Personnel Act and procedural guidelines. The University's Office of Human Resources will also coordinate reporting grievances through the mechanism of the State Office of Personnel Management Information System.

Deans and Unit Heads

Deans, Unit Heads, and all other supervisors are responsible for creating and maintaining a supportive and harassment-free work and academic environment for all members of the campus community. They have the responsibility for responding promptly and adequately to complaints of workplace harassment, and for seeking assistance from the University's Office of Equity, Diversity, and Compliance (EDC) in resolving the complaint.

Supervisors

Supervisors are responsible for creating and maintaining a supportive and harassment-free work and academic environment for all members of the campus community. The supervisor is responsible for informing employees of the University's Unlawful or Impermissible Workplace Harassment policy, responding promptly and adequately to harassment complaints, and reporting any allegations to the Office of Equity, Diversity, and Compliance (EDC) when they receive a complaint of workplace harassment.

Employees

Employees are responsible for creating and maintaining a supportive and harassment-free work and academic environment for all members of the campus community. Employees are responsible for adhering to the policy prohibiting workplace harassment and for reporting workplace harassment in accordance with the complaint procedures outlined above to obtain assistance in resolving concerns. Employee conduct towards an outside vendor or contractor that would constitute unlawful workplace harassment could constitute unacceptable personal conduct.

Unlawful or Impermissible Workplace Harassment Policy and Plan Implementation

Training for Administrators and Supervisors

Programs especially designed to meet the needs of administrators and other supervisors will ensure that they:

- Understand the meaning and terminology of the Policy Prohibiting Unlawful or Impermissible Workplace Harassment
- Know the role and responsibilities of supervisors
- Gain an awareness and understanding of federal and state laws
- Know and understand Appalachian State University's policy and plan regarding Unlawful or Impermissible Workplace Harassment
- Know how and to whom to report allegations of workplace harassment, the university procedures for investigating such complaints, and grievance procedures
- Develop skills that will enable them to create and maintain a supportive, harassment-free work and academic environment for all members of the campus community
- Receive workplace harassment resource and reference materials to use in their workplace.

Training for University Employees

Programs especially designed to meet the needs of university employees will ensure that they:

- Understand the meaning and select terminology of the Policy prohibiting Unlawful or Impermissible Workplace Harassment
- Know the rights and responsibility of employees
- Gain an understanding of federal and state laws pertaining to workplace harassment
- Understand Appalachian State University's policy regarding and plan for preventing workplace harassment
- Know the procedures for reporting, investigating, and filing a grievance
- Develop skills needed to create and maintain supportive, harassment-free work and academic environments for all members of the campus community.

Counseling

Professional counseling through the Department of Counseling for Faculty and Staff is available to any University employee who has made an allegation of harassment.

Complaint Resolution

Confidentiality

All information having to do with allegations of, investigations of, material gathered pertaining to, and proceedings relating to a complaint of workplace harassment or retaliation will only be shared on a need-to-know basis and will remain confidential to the extent permitted by law.

Retaliation

Any interference, coercion, restraint, or reprisal directed against any person opposing or complaining of workplace harassment is prohibited and, if proven, subject to disciplinary action.

Discipline

The University has established an impartial disciplinary action program. The program states the following:

- complaints alleging workplace harassment or retaliation will be reviewed on a case-by-case basis on presented facts.
- interference, coercion, restraint or reprisal against any person opposing or complaining of workplace harassment is prohibited.
- all parties are entitled to a fair and impartial hearing.

Appropriate Complaint Resolution Sanctions

If a complaint results in a finding of harassment or retaliation or other inappropriate behavior, the Dean/Unit Head in collaboration with the Equity Officer must determine the most appropriate resolution of the case. An educational approach to assessing remedies, sanctions and penalties is desired. The primary goal when composing an appropriate and comprehensive resolution strategy is to ensure the termination of the harassing or retaliatory conduct and to prevent its reoccurrence. Terminating conduct and preventing its reoccurrence are achieved by imposing appropriate limitations and sanctions upon the respondent. Sanctions should ensure the greatest possibility that the respondent will have a clear understanding of how the inappropriate conduct affected the victim and others. Educating the respondent and all parties is the best way to prevent a reoccurrence. Reasonable measures should also be affected to protect the complainant from retaliation. Deans/Unit Heads and the Equity Officer should ensure that the level and type of remedies prescribed are consistent with resolutions to similar cases.

Rights and Responsibilities of the Respondent

It is your right to have an opportunity to fully respond to the complaint. After an initial meeting with the Equity Officer, you are encouraged to formalize your response in writing, addressing each concern.

- It is your right to have the complaint investigated and resolved in a timely manner. The Office of Equity, Diversity, and Compliance (EDC) in collaboration with the Dean/Unit Head will make a good faith effort to resolve the complaint as promptly as possible.
- It is your responsibility not to take any actions against the grievant that could be considered retaliation. Specifically, you should not attempt to contact the grievant in any fashion during the course of resolving the complaint, except as necessary to perform academic or job-related duties.
- It is your right to know the steps taken to resolve the complaint. You will be fully informed by the Equity Officer regarding the status of the investigation.
- You have the responsibility of providing as much information as possible as requested by the investigators in order to provide a fair and just resolution to the complainant.
- You have the right to confidentiality. Only individuals responsible for or involved with the investigation will have access to the information you provide regarding the complaint. Should the complaint result in a grievance or disciplinary or other formal process, the information you provide may be used in that process.
- You share responsibility for maintaining confidentiality. In doing so, you are protecting your own privacy as well as the privacy of the grievant, witnesses and other involved parties. Disclosure of the existence, nature or details of the case to individuals not directly involved is forbidden. Additionally, you should not attempt to conduct your own inquiry regarding the complaint at this time. To do so would complicate and possibly adversely affect the efforts of the investigators.
- It is your right to be notified of the final disposition of the complaint; that is, whether the complaint was substantiated. You will receive a summary of the investigation and findings.
- It is your right to appeal internally or grieve externally any decisions made and/or actions taken resulting from the complaint. The Equity Officer will fully advise you regarding your rights.
- It is your right not to be subjected to false complaints or frivolous and malicious complaints. Complaints found to be such will be considered misconduct and subject to disciplinary measures.

Dissemination

The Unlawful or Impermissible Workplace Policy and Prevention Plan — including information regarding procedures, resolutions, reporting, and educational programming — will be made available to all employees on at least an annual basis via the following means:

- Distributing the Policy in all employees' mail boxes
- Harassment brochures for all employees
- Posters displayed on campus
- New Employee Orientation
- Workshops: both those offered for open enrollment and those that are mandatory for all current and new employees
- Electronic Media
- Staff, faculty, and student publications

Evaluation

The Office of Equity, Diversity, and Compliance (EDC) and the Office of Human Resources will jointly review, evaluate, and assess the university's harassment prevention and resolution efforts on at least an annual basis.

NOTICE OF FINAL UNIVERSITY DECISION**Unlawful Workplace Harassment**

To:

(Appalachian State University Employee)

From:

(Person designated by University to execute waiver)

Appalachian State University has made the final determination/decision required by G.S. 126-34 regarding the unlawful workplace harassment complaint that you filed on _____ (Date).

By law, Appalachian has until _____ (Date) to make a determination with regard to your complaint. This memorandum is to inform you that Appalachian State University hereby waives its right to make another or different determination with regard to your unlawful workplace harassment complaint between now and _____ (Date).

In addition, because Appalachian State University has waived its right to make another or different determination within this time period, you have thirty (30) calendar days to file an appeal of the final University decision.

The thirty-day period begins upon receipt of this Notice and the attached Final Appalachian State University decision.

Signature/Appalachian State
University Director of Equity,
Diversity, and Compliance (EDC)

Date

ACKNOWLEDGEMENT OF WAIVER**Unlawful Workplace Harassment**

I hereby acknowledge receiving a copy of Appalachian State University's Final Decision and the Notice of Appalachian State University's Final Decision and Waiver of the University's right to make another or different determination with regard to my Unlawful Workplace Harassment Complaint.

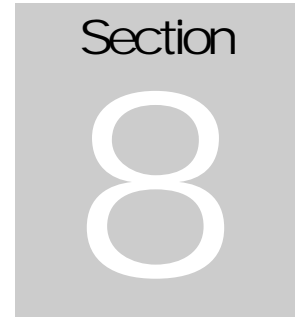
I further acknowledge that I have thirty (30) calendar days from receipt of these documents to appeal to the State of North Carolina Personnel Commission by filing a petition for a contested case hearing at the Office of Administrative Hearings, pursuant to G.S. 150B-23.

Employee Signature

Date

Instructions

Please complete the Acknowledgment of the Unlawful Workplace Harassment Waiver and return to Appalachian State University, Office of Equity, Diversity, and Compliance (EDC).



REDUCTION-IN-FORCE GUIDELINES AND POLICIES FOR STAFF EMPLOYEES

What is a Reduction-in-Force (RIF) Policy?

The RIF policy is designed to provide Appalachian State University with guidelines to separate permanent career SPA (Staff) employees (24 consecutive months of employment) due to shortage of funds or work, abolishment of a position, or other changes in duties and/or direction of the organization. The RIF procedure for staff employees provides equitable treatment for the separation of staff employees when reduction-in-force is necessary.

Appalachian State University will administer the reduction-in-force guidelines in a fair and systematic manner. It is the policy of Appalachian State University that all feasible alternatives to involuntary separation of employees will be considered before a reduction-in-force.

Who Does Not Fall into the RIF Guidelines?

Temporary employees, probationary employees, or employees with time-limited appointments may be laid off without following the reduction-in-force procedures, with no priority consideration or severance pay.

Employees whose work performance is unsatisfactory should be separated from employment through the disciplinary process rather than through reduction-in-force.

Order of Separation

Retention of employees in classes affected shall be based on the following factors: type of appointment, relative efficiency, actual or potential adverse impact on the diversity of the work force, and length of service.

Written Notification Requirements to RIF Employees

After approval by Human Resources and before a reduction-in-force occurs, the Department Head must provide the following information, in writing, to the employee(s) being laid off.

- The reason for the reduction-in-force.
- Notification of RIF decision 30 days' prior to effective date of separation.
- Direction to contact the HR Benefits Office to obtain information on benefit options.
- Direction to contact the Employee Relations Division of Human Resources for information on the following: overview of the RIF guidelines; the policy on priority re-employment; and severance package details.

Vacation Leave

Employees will receive a lump sum for the balance of their vacation time not to exceed 240 hours. If an employee has over 240 hours of vacation leave at the time of reduction-in-force, the number of hours exceeding 240 shall be reinstated if re-employed in any State agency or University within one year.

Sick Leave

Employees separated due to reduction-in-force shall be informed that their sick leave shall be reinstated if employed in any State agency or University within five (5) years.

Health Insurance

When a Staff (SPA) employee has been separated due to reduction-in-force, the department will pay for "Employee Only" health insurance premium for up to twelve (12) months after RIF occurs. Employees with dependent health coverage must make necessary arrangements through the HR Benefits Office as to whether they wish to continue paying dependent premiums.

Priority Placement and Re-Employment Status

When an SPA (Staff) employee is notified of separation by reduction-in-force and an available position is vacant at the same or lower level, the employee, if qualified, must be interviewed for the vacant position. If the RIF employee meets the above conditions, s/he must be offered the vacant position prior to employing anyone who is NOT a current State employee. If the employee accepts a lower level career-banded position, the employee will remain on the priority list until an equal or higher level position becomes available or until the end of the twelve-month period, whichever comes first.

An employee with priority status may accept a temporary position at any level and retain priority consideration.

If the employee is offered a lateral transfer or promotion to a higher level position (the job must be within 35 miles of the present work site), the employee no longer has priority rights to a position whether the employee accepts or rejects the job. If the employee accepts employment outside of State Government, the priority status will be retained by Human Resource Services for the one-year period. If an appointment has not been received within the one-year period, the person may file a new application to be considered for employment under the regular university employment process.

A reduction-in-force applicant who accepts a position at the **same career banded level** must be paid the same salary rate as what the employee was earning at the time of separation by reduction-in-force.

Other Agencies of State Government

An employee with permanent status shall benefit from priority placement and re-employment status in other State agencies subject to the State Personnel Act. Appalachian State University will cooperate with all other State agencies or universities in giving re-employment status to reduction-in-force employees. In addition, the Office of Human Resources will make every effort to help place the reduction-in-force employee in another State agency or university if/when the employee makes such a request. Otherwise, RIF employees must sign a statement indicating that s/he has no interest in receiving assistance.

Appeal Rights

An employee who is notified of separation under the reduction-in-force policy has the right to appeal with Appalachian State University or to the North Carolina State Personnel Commission **ONLY IF** the employee alleges separation due to discrimination on account of the employee's age, sex, race, color, national origin, religion, creed, political affiliation, or disabling condition. Otherwise, appeals are not applicable for RIF employees.

Dr. Kenneth E. Peacock, Chancellor

January 2, 2009
Date

**Reduction-in-Force
Priority Re-Employment Consideration Statement**

Employees who are notified of separation by reduction-in-force must notify the Office of Human Resources in writing of their interest in receiving priority re-employment assistance from Appalachian State University Office of Human Resources and the Office of State Personnel by completing this form and returning it to HR within ten (10) days of receipt of notification of separation by reduction-in-force.

Please indicate your decision by checking one of the following statements:

YES, I am interested in seeking further employment with State government, and I am interested in receiving re-employment assistance from the Office of Human Resources and the Office of State Personnel.

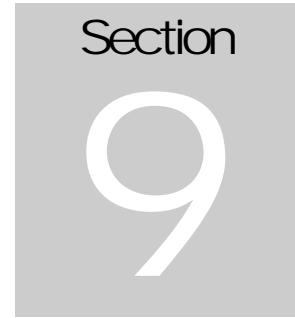
NO, I am NOT interested in receiving re-employment assistance.

Employee's Signature

Telephone Number

Department Name

Date

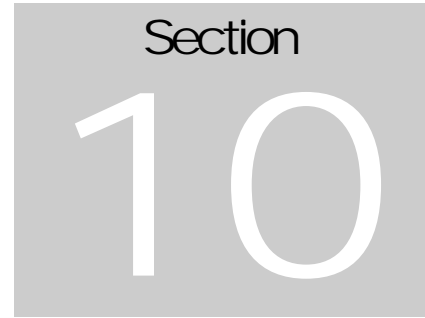


Statistical Analyses

This section contains charts of all statistical information relevant to equal employment opportunity reporting.

Work Force Analysis

- Job Group List
 - Job Groups, EEO Codes, and Census Occupations Assigned to Job Titles
 - Work Force Analysis Data
 - Work Force Analysis Summary
 - Job Group Analysis Data
 - Job Group Analysis Summary
 - Factor Components
 - Factor Availabilities
 - Availability Analysis
 - Incumbency vs. Estimated Availability
 - Incumbency vs. Estimated Availability Summary
 - Incumbency vs. Estimated Availability Detail
 - Annual Placement Goals
 - Annual Placement Goals Attainment Report
 - Annual Placement Goals/SPA Work Force Analysis as of 12/31/08
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Appalachian State University Departmental SPA Work Force Analysis

Appalachian State University SPA Work Force Summary by Race/Gender

Appalachian State University SPA Work Force Analysis by Department
