North Carolina Department of Natural and Cultural Resources

Equal Employment Opportunity Plan
March 1, 2020
Revised June 17, 2020
Susi H. Hamilton, Secretary
Shanita A. Washington-Ray, EEO Officer
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The Department of Natural and Cultural Resources Equal Employment Opportunity Certification Statement

This certifies that the attached Equal Employment Opportunity Plan represents the Department of Natural and Cultural Resources commitment to provide equal employment opportunities to all applicants and employees. I attest that the Department of Natural and Cultural Resources follows the North Carolina Equal Employment Opportunity Policy along with all applicable federal and state laws, including current Executive Orders governing equal employment opportunities.

Susi H. Hamilton, Secretary
NC Department of Natural and Cultural Resources

Sondra C. Chavis, EEO Officer

Shanita Washington-Ray, EEO Officer

Date

6/17/2020
The State of North Carolina provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination, harassment or retaliation based on race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information, or disability. The State also recognizes that an effective and efficient government requires the talents, skills and abilities of all qualified and available individuals, and seeks opportunities to promote diversity and inclusion at all occupational levels of State government’s workforce through equal employment opportunity (EEO) workforce planning initiatives.

The State is committed to ensuring the administration and implementation of all human resources policies, practices and programs are fair and equitable. State agencies, departments and universities shall be accountable for administering all aspects of employment, including hiring, dismissal, compensation, job assignment, classification, promotion, reduction-in-force, training, benefits and any other terms and conditions of employment in accordance with federal and State EEO laws and policies.

Employees shall not engage in harassing conduct, and if harassing conduct does occur, it should be reported. Managers and supervisors maintain a critical role and responsibility in preventing and eliminating harassing conduct in our workplace. See the Unlawful Workplace Harassment policy of the State Human Resources Manual for provisions related to unlawful harassment, including sexual harassment.
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Acts of retaliation against an employee who engages in protected activity or the exercise of any appeal or grievance right provided by law will not be tolerated in our workplace.

Coverage

Individuals protected by provisions of this policy are:

1. current employees;
2. former employees; and
3. job applicants

Veterans

Job discrimination of veterans shall be prohibited, and affirmative action shall be undertaken to employ and advance in employment eligible veterans in accordance with Article 13 of G.S. 126 and G.S. 128-15.

See the Veteran's Preference policy in the State Human Resources Manual for provisions related to veteran's preference including the employment and advancement of protected veterans.

Office of State Human Resources Responsibilities

The Office of State Human Resources (OSHR) shall:

1. establish the EEO Plan Requirements and Program Guidelines in accordance with federal and state laws to be followed by all agencies, departments and universities, to ensure commitment to and accountability for equal employment opportunity throughout State government;
2. review, approve and monitor all EEO plans and updates;
3. provide services of EEO technical assistance, training, oversight, monitoring, evaluation, support programs, and reporting to ensure that State government's workforce is diverse at all occupational levels;
4. develop and promote EEO programs and best practices to encourage consistent and fair treatment of all State employees; and
5. meet with agency heads, department heads, and university chancellors, Human Resources Directors and EEO Directors/Officers annually to discuss the progress made toward reaching program goals.
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Agency, Department and University Responsibilities:

Each Agency Head, Department Head and University Chancellor shall:

1. adhere to the policies and programs that have been adopted by the State Human Resources Commission and approved by the Governor;
2. ensure the agency, department or university’s commitment to EEO is clearly communicated to all employees;
3. ensure that Human Resources policies and employment practices are implemented consistently and fairly;
4. designate an EEO Officer/Director who has access to the agency head, department head or university chancellor to be responsible for the operation and implementation of the EEO Plan;
5. provide the necessary resources to ensure the successful implementation of the EEO Program;
6. ensure each manager and supervisor has, as a part of his or her performance plan, the responsibility to comply with EEO laws and policies, and assist in achieving EEO goals established by the agency, department or university;
7. ensure the EEO Plan is designed in accordance with the EEO Plan Requirements and Program Guidelines as specified by the Office of State Human Resources;
8. ensure the EEO Plan is submitted by March 1st of each year to the Office of State Human Resources for review and approval as required by G.S. 126-19;
9. ensure all employees are made aware of the EEO policy including the Unlawful Workplace Harassment Policy found in the State Human Resources Manual;
10. develop strategies to prevent unlawful workplace harassment and retaliation in the workplace;
11. ensure required employee notices describing Federal laws prohibiting job discrimination are posted in work locations where notices to applicants and employees are customarily posted and easily accessible to applicants and employees with disabilities;
12. maintain records of all complaints and grievances alleging discriminatory practices; and
13. ensure all newly hired, promoted, or appointed supervisors and managers complete required EEO training in accordance with G.S. 126-16.1. See the Equal Employment Opportunity Diversity Fundamentals policy located in the State Human
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Complaint Process
An individual covered by this policy who is alleging unlawful discrimination, harassment or retaliation may file a complaint following the process outlined in the Employee Grievance Policy located in the State Human Resources Manual. For the purpose of this policy, political affiliation is not a protected classification under federal EEO law but may be grieved pursuant to G.S. 126-34.02 as a contested case after completion of the agency grievance procedure and the Office of State Human Resources review.
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES OVERVIEW

The Department of Natural and Cultural Resources (DNCR) manages, promotes, and enhances the things that people love in North Carolina – its diverse arts and culture, rich history, spectacular natural areas.

With 27 historic sites, seven history museums, two art museums, two science museums, three aquariums and Jennette’s Pier, 39 state parks and recreation areas, the N.C. Zoo, the nation’s first state-supported Symphony, the State Library, the State Archives, the N.C. Arts Council, the African American Heritage Commission, State Preservation Office, Office of State Archaeology, and Division of Land and Water Stewardship, DNCR manages the treasures of the state. These things unite North Carolinians, create a shared identity, and provide common ground.

DNCR’s mission is to improve the quality of life in North Carolina by creating opportunities to experience excellence in the arts, history, libraries, and nature by stimulating learning, inspiring creativity, preserving the state’s history, conserving the state’s natural heritage, encouraging recreation and cultural tourism, and promoting economic development.

DNCR’s vision is to be the leader in using the state's natural and cultural resources to build the social, cultural, educational and economic future of North Carolina. Every day, DNCR’s places, programs, and ideas strengthen education, improve public health, enhance quality of life, and support robust economic growth across North Carolina.

DNCR’s goals for the 2020-2022 biennium are:

1. Expand educational opportunities for children and families by increasing access to the state’s innovative, interactive, and inspirational natural and cultural sites, programs, and services.
2. Boost economic growth through the “Hometown Strong” initiative to support rural communities, and other efforts.
3. Preserve, enhance, and expand North Carolina’s natural and cultural resources in an effective, efficient, collaborative, and customer-friendly manner.
4. Promote diversity and cultural inclusion in departmental programs, recruitment, administration, and community engagement.

DEPARTMENT ACHIEVEMENTS

The Secretary and Executive Leadership of the North Carolina Department of Natural and Cultural Resources has established Diversity and Inclusion as not only one of their strategic goals but as a major priority for the agency. Understanding that Diversity and Inclusion most begin at the top, DNCR’s leadership team is comprised of 52% female employees, 48% male employees and 19% minority employees. Diversity and Inclusion is a performance goal of all employees on the 2019-20 performance plans. This goal is to increase diversity for staff and to develop programs that serve the diverse population of the citizens of the state of North Carolina.

In their commitment to diversity and inclusion, the department established the position of an Assistant Secretary for Diversity and Cultural Inclusion to aide in meeting this goal. The Assistant Secretary will address under representation, diversity and inclusion in employment, programs and in increasing objectives for Historically Underutilizes Business (HUB). The agency has hosted two successful Internship programs specifically for students of Historically Black Colleges and Universities and Minority Institutions of Higher Education (HBCY/MIIHE). This
internship program, a 10-week, 40 hours per week, paid internship is underway for the third year. This year, with over 45 project proposals, each of the agency’s 27 divisions competitively sought to participate in HBCU/MIHE Internship program.

Since the addition of Diversity and Inclusion as one of the agency’s strategic goals, many of the Division leaders have increased their commitment and efforts to improve Diversity and Inclusion in the agency. In addition to an increase in the hiring of minorities and persons with disabilities, examples of some of the divisions efforts includes:

- Historic Sites including the Lumbee Tribe in the 155th Anniversary of the second battle at Fort Fisher, along with US Colored Troops reenactors. This initiative of intentional communal engagement with diverse populations is an extension of the larger "True Inclusion" work of the division, which also seeks to grow the diversity of historic narratives at each of the 25 sites in the division. For the second year, the division is planning to participate in the Unity Conference, sponsored by the NC Commission on Indian Affairs.

- The NC Aquarium Division committing funding for two additional HBCU/MIHE Interns, this will ensure there will be a HBCU intern at each of the three aquariums.

- The Museum of Natural Science have just applied for an ASTC grant which would give us access to a gender representation toolkit which is a resource designed to help collect data on the visual representation of gender in our exhibits, programs, marketing materials, and other content. If awarded this grant, we would then be eligible to complete a gender equity project.

- The Museum of Art partnered with Arts Access Consulting to train staff on diversity and inclusion with people who have disabilities. To connect with diverse audiences, the Museum has begun providing sensory tours and American Sign Language tours, and plan to continue to improve offerings for people with disabilities in 2020.

**ASSIGNMENT OF RESPONSIBILITY AND ACCOUNTABILITY**

**DNCR Secretary and Executive Leadership Team**

The ultimate responsibility for equal employment opportunity within the Department of Natural and Cultural Resources lies with the Secretary of DNCR. The Chief Deputy Secretary, Deputy Secretaries, Assistant Secretary and Division Directors shall ensure that objectives of the program are accepted and that opportunities for employment comply with the intent of the secretary's policy for equal employment opportunities for all persons.

They are further charged with the responsibility for ensuring that all employment practices and all aspects of the employment function within the Department of Natural and Cultural Resources are implemented in a manner which is equitable for all applicants and employees.

The Chief Deputy Secretary, Deputy Secretaries, Assistant Secretary, and Division Directors shall be held accountable by the Secretary for direct support and compliance with EEO Programs in their areas of responsibilities and to:

1. Adhere to the policies and programs that have been adopted by the State Human Resources Commission and
approved by the Governor;

2. Designate a management-level official responsible to oversee the EEO program;

3. Ensure each manager and supervisor has, as a part of his or her performance plan, the responsibility to comply with EEO laws and policies, and assist in achieving EEO goals established by the agency, department or university;

4. Communicate the agency or university’s commitment to EEO to all employees, applicants and the public;

5. Provide necessary resources to ensure the successful implementation of the EEO program;

6. Ensure the development and implementation of HR policies, procedures, and programs necessary to achieve a diverse workforce in each occupational category; and

7. Take measures to ensure the work environment is consistent with the intent of this policy and supports equal opportunity.

Each Division Director shall communicate to all management and supervisory personnel, the intent of the equal employment opportunity program and require that they inform all of their employees. The Division Directors shall assure that all supervisory and management personnel within their divisions fully understand and support the Secretary’s policy concerning equal employment opportunity for all individuals in DNCR. In addition, the directors shall appoint a representative within his/her division as EEO coordinator, with the responsibility and authority to ensure that the overall objectives of the program are being met.

**DNCR Managers and Supervisors**

Managers and supervisors at all levels shall be held accountable for the progress of the department’s equal employment opportunity program and will be evaluated annually through the performance evaluation process to ascertain results produced within the respective sections. The specific responsibilities of managers and supervisors include, but are not limited to, the following:

1. Assist in the development and implementation of the EEO plan and program and establish program objectives:

2. Maintain a diverse workforce for the department, division, work unit, or section.

3. Assist the EEO officer in periodic evaluations to determine the effectiveness of the EEO program; and

4. Provide a work environment and management practices which support equal opportunity in all terms and conditions of employment.

**DNCR EEO Officer**

The duties of the equal employment opportunity officer shall include, but not be limited to, the following:

1. Interpret and apply Federal laws, state statutes, and policies related to equal employment opportunity;

2. Ensure the EEO Plan is submitted by March 1 annually in accordance with the EEO Instruction and Format Guide as specified by the Office of State Human Resources;
3. Ensure hiring recommendations are reviewed for compliance with EEO program objectives prior to the final Agency/University hiring decision;

4. Ensure all employees are made aware of the EEO policy including the Annual EEO Plan, EEO Policy, Reasonable Accommodation Policy, and Unlawful Workplace Harassment Policy and develop strategies to prevent unlawful workplace harassment and retaliation in the workplace;

5. Maintain and analyze data on workforce utilization and employment practices, including records of all complaints and grievances alleging discriminatory practices;

6. Advise management of the EEO program’s impact and effectiveness;

7. Provide or coordinate EEO training for management and employees;

8. Provide confidential consultation for management and employees in matters involving EEO concerns;

9. Ensure federal laws prohibiting job discrimination are posted in work locations where notices to applicants and employees are customarily posted and easily accessible to applicants and employees with disabilities;

10. Establish and maintain effective working relations with groups concerned with EEO and Diversity & Inclusion;

11. Coordinate programs to achieve program objectives;

12. Present information on the EEO plan and program to management and employees on a regular basis; and

13. Ensure all newly hired, promoted, or appointed supervisors and managers complete required EEODF training in accordance with G.S. 126-16.1.

The EEO Officer is located in the Human Resources Office, 3rd Floor, Suite 321, Archives & History/State Library Building, 109 East Jones Street, Raleigh (919) 814.6675.

**DNCR Diversity and Inclusion Committee**

In 1980 an Affirmative Action Committee was formed within the department to be instrumental in program development and evaluation, and in 1996 it became the department’s Equal Employment Opportunity Committee. In 2016 after the transfer of 5 divisions from DEQ, the EEO Committee reestablished themselves as the Diversity, and Inclusion Committee. In 2019 the Assistant Secretary for Diversity and Cultural Inclusion revamped the committee’s charter and members. This change aligns the committee with the state’s philosophy that EEO, Diversity, and inclusion requires participation and dedication from all department employees. Involving all employees will assist in promoting fairness, as well as create and sustain a work environment of respect where all employees can reach their highest level of productivity.

Committee membership shall be composed of at least one representative from each division. Further, membership shall reflect staffing diversity within the department. Members shall be representative of varying job categories and every effort shall be made to identify membership employees from underutilized groups. The duties of the EEO, Diversity, and Inclusion Committee include:

1. Serve as a communication link between managers and employees and the EEO staff on aspects of the EEO plan and program;
2. Review and evaluate the equal employment opportunity plan and program;
3. Review workforce representation data in each occupational category;
4. Survey the organizational climate and employee attitudes and evaluate the resultant data;
5. Meet with the Agency Head or University Chancellor in conjunction with the EEO Officer to discuss EEO programs, report on the employees' concerns, and recommend changes or additions to the EEO policy, plan, or program;
6. Identify recruitment resources and other activities designed to strengthen the EEO program; and
7. Best practice is that the EEO Committee meet quarterly, but it is important that the group remain engaged and active if meetings are less frequent.
8. Once appointed, all members should attend the EEODF training, if they have not already completed the course.

The Committee should conduct at least one Diversity and Inclusion project per year.
## 2020 DIVERSITY AND CULTURAL INCLUSION COMMITTEE MEMBERS

### Administration

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Tracey Burns</td>
<td>Assistant Secretary</td>
<td>919.814.6758</td>
<td>B/F</td>
</tr>
<tr>
<td>Sondra C. Chavis</td>
<td>Diversity &amp; Inclusion Administrator</td>
<td>919.814.6675</td>
<td>B/F</td>
</tr>
<tr>
<td>Shanita Washington-Ray</td>
<td>ER Consultant/EEO Officer</td>
<td>919.814.6682</td>
<td>B/F</td>
</tr>
<tr>
<td>Angela Thorpe</td>
<td>Executive Director</td>
<td>919.807.7389</td>
<td>B/F</td>
</tr>
<tr>
<td>Erin Lawrence</td>
<td>Engineering Manager II</td>
<td>919.814.6613</td>
<td>W/M</td>
</tr>
<tr>
<td>Jason Diem</td>
<td>Policy Development Analyst</td>
<td>919.814.6638</td>
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### Archives and History

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<tr>
<td>Dr. Joseph Beatty</td>
<td>Historic Publications Editor</td>
<td>919.814.6623</td>
<td>W/M</td>
</tr>
<tr>
<td>Francesca Evans</td>
<td>Archivist III</td>
<td>919.3814.6858</td>
<td>H/F</td>
</tr>
<tr>
<td>Sharon Bryant</td>
<td>Program Coordinator II</td>
<td>252.639.3500</td>
<td>B/F</td>
</tr>
<tr>
<td>Shenetta Fields</td>
<td>Accounting Technician</td>
<td>252-639-3500</td>
<td>B/F</td>
</tr>
<tr>
<td>Kara Deadmon</td>
<td>Museum Curator I</td>
<td></td>
<td>W/F</td>
</tr>
<tr>
<td>Natalie Rodriguez</td>
<td>Historical Interpreter III</td>
<td>919.715.3962</td>
<td>Hisp/F</td>
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### NC Museum of History

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<tbody>
<tr>
<td>Percia Swift</td>
<td>Museum Curator II</td>
<td>919.807.7986</td>
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### Natural Science Museum

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<tbody>
<tr>
<td>Eileen Miller - Murphy</td>
<td>Information &amp; Comm. Spec. III</td>
<td>919.707.9823</td>
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### NC Museum of Art

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<tbody>
<tr>
<td>Katherine White</td>
<td>Associate Director</td>
<td>919.664.6914</td>
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### NC Symphony

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<th>Employee Name</th>
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<tr>
<td>Maria Ewing</td>
<td>Marketing Specialist I</td>
<td></td>
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### NC Arts Council

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<th>Employee Name</th>
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<tbody>
<tr>
<td>Carly Jones</td>
<td>Arts Program Administrator</td>
<td>919.807.6531</td>
<td>2+/F</td>
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### State Library

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<th>Employee Name</th>
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<tbody>
<tr>
<td>Carl Keehn</td>
<td>Director Library for the Blind</td>
<td>919.</td>
<td>W/M</td>
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### Office of Land and Water Stewardship

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<tbody>
<tr>
<td>Walter Clark</td>
<td>Executive Director</td>
<td></td>
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### NC Parks

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<tbody>
<tr>
<td>Kristen Woodruff</td>
<td>Park Superintendent</td>
<td>919.6761027</td>
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### NC Aquariums

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<th>Employee Name</th>
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<tbody>
<tr>
<td>Christin Brown</td>
<td>Museum Curator Supervisor</td>
<td>252.255.1501</td>
<td>W/F</td>
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### NC Zoo

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<th>Employee Name</th>
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<tr>
<td>Kathy Osborne</td>
<td>Zoo Educator</td>
<td>336.879.7715</td>
<td>W/F</td>
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DISSEMINATION OF THE EEO POLICY AND PLAN

Internal

A copy of this plan will be provided to deputy secretaries, Assistant Secretary and Division Directors at the first division meeting following approval by the Office of State Human Resources. Division Directors will be asked to distribute the plan to their section chiefs, branch heads and other supervisors. The plan will also be posted on the department Intranet. Each employee will receive a copy of the department’s equal employment opportunity policy statement signed by the Secretary via the Learning Management System. In addition, each employee will be provided the name and address for the EEO Officer, a statement of the purpose of the Diversity and Inclusion Committee with names and phone numbers of committee members and be advised where a complete copy of the plan and departmental grievance procedures may be accessed.

External

Upon request, this policy and plan will be available to public agencies, institutions, and private companies and groups that have a considerable amount of contact with protected group members to encourage them to make referrals of qualified minorities, females, veterans and persons with disabilities who might apply for positions in the department. A copy of DNCR’S vacancy list, job announcements and any other pertinent material will be provided to appropriate recruitment resource(s). We will also maintain regular and routine contact with recruitment resources.

PROGRAM ACTIVITIES

Recruitment

The Department will establish recruitment practices that attracts a diverse pool of applicants to each occupational category, including veterans and persons with disabilities. The Human Resources staff will electronically advertise each public vacancy using the statewide Office of State Human Resources NEOGOV automated application system. In addition, a listing of vacant positions will be electronically distributed to the Diversity, and Inclusion Committee and throughout the department weekly. The Diversity, and Inclusion Committee will forward the list of vacant positions to Historically Black Colleges and Universities/Minority Institutions of Higher Education (HBCU/MIHE) and other organizations/associations representative of the diverse population within North Carolina. The recruiter will work with individual hiring managers to develop a recruitment plan for positions with underutilization.

Selection

DNCR will follow the State’s recruitment and selection guidelines and ensure that all steps in the selection process are non-discriminatory and job related. Eligible vacancies will be posted using the Office of State Human Resources NEOGOV electronic application processing system. Upon review of all applications for specific vacancies, eligible applications along with hiring guidance will be provided electronically to the designated hiring manager. An EEO analysis will be conducted of the qualified pool of applicants to assess demographics prior to sending the list to the hiring manager. The hiring manager will review and further identify applicants to consider for interviews.
It is best practice to have a diverse interview team and to interview at least applicants for each employment vacancy. Supervisors will be required to give priority consideration to state promotional preference, veteran preference, and Reduction-In-Force applicants in the pool of qualified applicants when selecting new employees.

Hiring managers are to justify their hiring decisions in comparison of applicants who otherwise meet diversity staffing needs or meet one of the priority considerations. EEO representatives from each division are available to assist hiring managers in diversity staffing consideration during the selection process. The Secretary will expect divisions to demonstrate progress in attaining departmental objectives by the end of each year.

**Onboarding**

DNCR will provide the same level of orientation to all new employees, to ensure their understanding of the agency’s organizational structure, benefits and the employee’s role within their unit. The Department developed and implemented an online orientation that is dynamically assigned to all new and transferred employees. The agency will ensure each employee receives a written employment letter outlining the terms and conditions of his or her employment and inform employee about the agency’s EEO Plan and Program.

**Promotion Procedures**

It is the desire of department leadership to encourage eligible staff members to pursue advancement opportunities internally or potentially externally to the department. Managers are encouraged to develop their staff as much as feasible in order to aid staff with their career enhancement and/or promotion opportunities. When applicable, vacancies are advertised internally to DNCR if it is determined by divisional leadership that talent exists internally to fill a specific vacancy. Interested staff members have the opportunity to submit an application via NEOGOV for the advertised internal vacancy. Eligible employees will have the opportunity to be considered for a vacancy in which he or she qualifies, that would result in a promotion. Human Resource Managers are to review and analyze the promotion processes, procedures and selections to ensure they are equitable.

**Compensation and Benefits Procedures**

New Employees - HR is responsible for new employee orientation to ensure all employees are provided proper forms for statutory salary deductions and optional salary deductions for the various insurance plans and will have the opportunity to have any questions answered. If it is not convenient for new employees to come to the Human Resources Office due to their official work location being outside of the local area; information and forms are available in a "packet" provided to the HR Liaison at the new employee's work location. HR will monitor salaries, analyze practices in order to determine trends, and ensure that all employees receive compensation and benefits without discrimination. The department’s HR Office is developing an online orientation process for use by all new DNCR employees, anticipated completion is Spring 2018.

Administration of Compensation: The HR Division shall be responsible for reviewing and monitoring compensation and benefits to ensure they are administered fairly and equitably. This administration of compensation includes approval of all salary recommendations. The criteria should include, but not be limited to, related education, training, and experience as well as the salaries of current employees performing similar duties and responsibilities.
Also, analysis should be conducted to ensure that all benefits and conditions of employment are equally available without discrimination against all employees. This includes leave policies, retirement plans, insurance programs, and other terms, conditions, and privileges of employment.

Performance Management

It is the policy of North Carolina State Government to provide a performance management system which evaluates employees’ accomplishments and behaviors related to goals and organizational values to achieve organizational mission, goals, and business objectives. The system is the NCVIP (North Carolina Valuing Individual Performance). Employee performance standards are to be established, maintained, and applied free from bias. EEO, Diversity, and Inclusion is one of the standard organizational values for all employees.

Managers and supervisors are to be held accountable for their division’s progress. Division leadership will review their managers and supervisor’s performance in accomplishing the EEO goals in their respective areas. Performance ratings of all covered employees will be monitored for trends and patterns.

Career state employees or former career state employees may grieve an overall performance rating of “Does Not Meet Expectations” using the agency’s internal employee grievance process.

Transfer and/or Separation

Transfers will be monitored during the selection and hiring process. Separations will be analyzed by the Equal Employment Opportunity Officer to identify trends and patterns that impact underutilized groups. A DNCR Exit Survey will be offered to separating employees. It is available electronically or in paper form and can be returned to the HR office anonymously. Face-to-Face interviews will be conducted with exiting employees if requested by the separating employee. Data collected from the exit interviews will be used to assess separation trends and workplace culture.

Disciplinary Procedures

The disciplinary process is designed to provide management and employees with a fair, clear, and useful process for correcting and improving performance problems and to assist management in handling cases of unacceptable personal conduct. The HR Director and the Deputy HR Director are available to provide guidance to both employees and management and to assure any disciplinary actions are based on just cause and administered fairly and equitably for all employees in accordance with the Disciplinary Action policy. The Deputy HR Director will analyze disciplinary data to identify trends and potential bias.

The Department complies with general guidelines established by the Office of State Human Resources regarding disciplinary procedures. A copy of the Office of State Human Resources’ policy is available on the Department's Intranet for employee review and use.
Grievance Procedures

No employee will be denied access to the Secretary of the Department of Natural and Cultural Resources. If an employee is seeking assistance with what he or she feels is a legitimate grievance, the Secretary will not make a final agency decision concerning the grievance without affording the employee and respondent an opportunity to resolve the grievance to the satisfaction of both parties at the lowest level, and without retaliation against the employee. It is desirable that grievances be resolved within the various divisions, using the established OSHR grievance procedure.

The Employee Relations consultant will ensure the grievance process is administered equitably and without bias and review and monitor program data to identify trends and patterns. The Department prohibit retaliation against employees and applicants who file a complaint or participate in a grievance procedure.

Training Procedures

Department management recognizes and encourages the benefits for the department to make use of the full competency and potential of all employees. Employees in the Department of Natural and Cultural Resources shall be encouraged to participate in learning and development programs to enhance employee development and advancement opportunities. Therefore, each Division Director is required to ensure equal opportunity in the selection of participants in training programs.

The Office of State Human Resources provides learning and development opportunities that are available to state employees through the Learning Management System (LMS). HR shall forward information regarding training opportunities to the Division Directors for dissemination to their employees. The Staff Development Specialist shall assist employees and managers in discerning and developing appropriate courses to meet their needs. They will also monitor training requests to ensure that persons in underutilized groups have adequate representation and participation in internal and external training such as Leadership Development, Performance Management Program training [mandatory], Recruitment and Selection for Supervisors [mandatory], the Public Manager Program and other types of supervisory training. The Staff Development Specialist will also monitor the Educational Assistance Program to ensure it is being fairly and equitably applied. Reasonable accommodations will be available for any employee with disabilities.

Process to Enroll Managers/Supervisors in the EEODF

The Equal Employment Opportunity and Diversity Fundamentals (EEODF), an EEO educational and diversity program as defined by NC General Statute 126-16.1, or other OSHR approved diversity program is required by state government legislation of all managers and supervisors. Newly appointed managers/supervisors are identified to attend the training within one year of hire or promotion. This class is offered by DNCR Human Resources staff as well as Office of State Human Resources Learning and Development. Through coordination with division management, HR Liaisons and eligible employees may sign up for the class that best fits the availability schedule through the Learning Management System (LMS). Individuals shall coordinate attendance availability through their supervisor and the DNCR HR Staff Development Specialist.
EMPLOYMENT FIRST AND REASONABLE ACCOMMODATION

In March 2019, Governor Roy Cooper signed Executive Order (EO) #92 (Employment First for North Carolinians with Disabilities). The Executive Order makes Employment First the policy of state agencies to reflect the state’s goals to be a leader in recruiting workers with disabilities and making an inclusive job climate for those workers. The Department of Natural and Cultural Resources complies with Federal and State Laws governing reasonable accommodations. This includes but not limited to ADA, ADAAA, Title VII of the Civil Rights Act. DNCR provides reasonable accommodations for both disability and religion to applicants and employees unless the request causes undue hardship. Requests for accommodations are submitted to the EEO Officer for review and approval.

EVALUATION MECHANISM

The effectiveness of the program is assessed based upon meeting the established goals for underutilization and creating a more diverse and inclusive workforce. Future programs will be developed to address identified problem areas at the end of each year as the need arises specifically in the following areas:

- Review of recruitment practices to ensure vacancy announcements are disseminated to a diverse network of job recruiters;
- Hiring and promotion practices are reviewed to ensure decisions are based on job-related abilities using standardized processes;
- Discipline, grievance, compensation, and performance management data are reviewed to evaluate any trends and to ensure that bias is not a factor in decision-making;
- Data collected in the exit interview program is regularly analyzed and shared with senior management;
- Employees are regularly encouraged to provide feedback on their workplace environment.

The Secretary, Chief Deputy Secretary, Deputy Secretaries and all Division Directors, with assistance from their equal employment opportunity coordinators, shall evaluate deficiencies within the individual program areas and divisions and formulate a plan of implementation for the Equal Employment Opportunity program. These plans shall include an assessment of the needs and existent situations relative to equal employment opportunity within the divisions. Objectives, progress, and target dates shall be established based on the particular requirements of each division so as to effectively administer and meet the objectives of the program. The Plan shall be revised annually and submitted by March 1 of each year.

REPORT MECHANISM

The EEO Officer is responsible for making reports to the senior management on a regular basis and to the Office of State Human Resources, as requested. These reports will be used to ensure that the agency/university’s EEO Plan is being followed and that equal opportunities exist for employees and applicants. The EEO Officer will use the following data sources to generate necessary reports by race, sex, age, and disability status, when available:

- NEOGOV applicant tracking data;
- BOBJI transactional reports for compensation, hiring, separations, promotions, and other employee actions;
• NCVIP data for performance management ratings; and
• Internal tracking reports such as the selection/decision log, adverse impact analysis form, or other related information

The EEO Officer shall provide presentations to the Secretary or her designee related to diversity, hiring trends and equal employment opportunity concerns as required. Adverse Impact Analysis will be conducted as needed to help assess staffing diversity during the period of staff reductions.

Files relating to the interviewing and hiring process shall be maintained within the Human Resources Office or electronically in the applicant tracking system. These files will be maintained by position number and will include application for employment and application information forms relating to each person interviewed for a vacancy. Files noted in NEOGOV will be maintained in the timeframe as established by the Office of State Human Resources for NEOGOV records maintenance.

UNLAWFUL WORKPLACE HARASSMENT PREVENTION STRATEGIES

All employees have the right to work in an environment free from discrimination and harassing conduct. No DNCR employee shall engage in conduct that falls under the definition of unlawful workplace harassment, including sexual harassment, discrimination, or retaliation.

The Department of Natural and Cultural Resources prohibits any form of unlawful workplace harassment or retaliation based on opposition to unlawful workplace harassment of employees or applicants. DNCR has established strategies to ensure that worksites are free from unlawful workplace harassment, including sexual harassment, discrimination, and retaliation. These strategies include but are not limited to:

• A commitment by the Secretary and leadership that the DNCR prohibits unlawful workplace harassment, sexual harassment, and/or retaliation of any employee or applicant based on race, sex, religion, national origin, age, color, disability or genetic information.
• Provide training for supervisors and employees to prevent harassing actions.
• Disseminate information prohibiting unlawful workplace harassment and retaliation to all DNCR employees via new employee orientation, policy updates and on the agency intranet.
• Immediately address any complaint of or potential for unlawful workplace harassment
• An employee, former employee or applicant alleging unlawful workplace harassment or retaliation may file a complaint following the process outlined in the Employee Grievance Policy.

REDUCTION IN FORCE

The Department of Natural and Cultural Resources (DNCR) has the authority to separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. DNCR complies with the State Human Resources Reduction In Force policy and the Reduction In Force Priority policy. Retention of employees in classes affected shall be based on systematic consideration, at a minimum of the following factors:

• Type of appointment
- Relative efficiency
- Actual or potential adverse impact on the diversity of the workforce
- Length of service

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

An employee separated through a reduction in force may appeal the separation only on the grounds listed in the Employee Grievance Policy.

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

PREGNANCY WORKPLACE ADJUSTMENTS

In December 2018, Executive Order 82 (Promoting Health and Wellness by Clarifying Protections Afforded to Pregnant State Employees) was issued by Governor Roy Cooper. This Executive Order required that state agencies extend workplace protections and modifications to pregnant employees upon request, unless doing so would impose significant burdens or costs.

In accordance with Executive Order 82 DNCR will:
- Post written notice of the rights afforded to pregnant state employees under OSHR policies and the Order. This notice will be physically displayed in a conspicuous area in each office maintained by the agency;
- Collect and compile information regarding our efforts to educate management and staff of their obligations and employee rights under OSHR policies and the Order; and
- Provide OSHR information in the annual EEO Plans on the following:
  - The number of notices that educate management and their staff of their obligations and employee rights;
  - The content of those notices; and
  - Information regarding any additional education initiative(s) carried out by DNCR, specifically the nature of the initiative (form and/or medium), the information conveyed, and the estimated number of management and staff who were able to obtain information or have access to information.

PROHIBITING THE USE OF SALARY HISTORY

In April 2019, Executive Order #93 (Prohibiting the Use of Salary History in the State Hiring Process) was issued by Governor Roy Cooper. This Executive Order prohibited state agencies from requesting salary history from applicants or relying on previously obtained prior salary information in determining an applicant’s salary. OSHR
was required to remove the employment history fields from the state application. In compliance of Executive Order #93, DNCR discussed the requirements of the EO at the agency-wide HR staff meetings and made modifications to and dissemination of internal forms and procedures to support the EO.

DATA ELEMENTS

Race and Ethnicity

For the purposes of the workforce availability analysis, the following race/ethnicity categories will be used:

1. **White** (Non-Hispanic or Latino) – All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.
2. **Black or African American** (Non-Hispanic or Latino) – A person having origins in any of the black racial groups of Africa.
3. **Hispanic or Latino** – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
4. **Asian** (Non-Hispanic or Latino) – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
5. **American Indian or Alaska Native** (Non-Hispanic or Latino) – A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

2019 Employment Objectives

DNCR attained many of the 2019 employment objectives through new hires and promotions. However due to natural attrition, the 12/2019, BO170 report continues to show under representation in some of the same Standard Occupational Categories. The following list shows the activity toward the 2018 employment objectives in the targeted underrepresented Standard Occupational Categories (SOC) for 2018.

- Officials and Administrators: The objective in this SOC was for 1 Black Male and 1 Black female. DNCR did increase the representation in this SOC through a new hire of 1 Black Male.
- Management Related—The objective was to increase underrepresentation of Black Males by 2 There were 6 new hires and 3 promotions that included 2 Black Females. Under representation for B/M remained the same (1 B/M new hire and 1 B/F Promotion)
- Professional – 33 New Hires
  - Life, Physical, and Social Science Occupations—The objective was for 2 females (1 B/F and 1 W/F). There was one white female hired.
Education, Training, Library—There was an overall objective to decrease underrepresentation for B/M, B/F and O/F by a total of seven. There were (1 B/M, 4 B/F, 1 O/M, 1 O/F)

Art, Design, Entertainment, and Media—The underrepresentation in this sub category was most prevalent for black males at 8 under. The department had one anticipated opening and established an objective of 1 B/M. There was not a hire for the anticipated opening.

- Administrative Support—Objectives were set for 3 B/M, 1 O/M, and 2 O/F. Of the 9 new hires and promotions in this SOC, there is one new hire of an O/M.
- Protective Service—Objectives were established for B/M, B/F, O/M and O/F. There were no hires or promotions in this SOC to address underrepresentation.
- Service
  - Personal Care—Objectives were set for 3 B/M, 2 B/F, 1 O/M, and 2 O/F. The department was able to have an effect on the underutilization with 3 minority new hires (2 B/M, 1 B/F) and 2 minority promotions (1 B/M, 1 B/F). There were no hires or promotions in this SOC to address underutilization.
  - Building and Grounds—Objectives were established for 1 B/F and 1 O/F.
- Skilled Craft—Objectives were established for 1 B/F and 1 O/M. The objective for the B/F was met through a new hire.

2020 Employment Objectives

The 2020 Equal Employment Opportunity Plan Job Opening Estimate Forms are attached in Appendix A. These outline the department's 2020 EEO program objectives. The department is required to establish objectives for specific race/gender groups in any occupation in which underutilization is identified if the occupational category has five (5) or more employees. Underutilization was determined by comparing the number and percentage actually employed with the number and percentage expected based on the 2010 Workforce/Population Composite Census Data for the State of North Carolina in the OSC integrated HR/Payroll system BI report. DNCR currently has a representation of 3.2% of veteran employees. We will include an overall employment objective of 6% for veterans. This is consistent with Executive Order 49 to make North Carolina “the state of choice for veterans.” The department pledges its support to those citizens who have served or who are serving their country by ensuring that veterans are fairly represented in the workforce. DNCR currently has a representation of 1.5% of employees reporting a disability. It is the aspiration to increase that number to 7% by recruitment, education and encouraging employees to self-report.

EEO Plan Utilization Objectives

Workforce Analysis shall be used to examine the representation of each demographic group within each occupational category using one of the following three bases for comparison: (a) the NC working population (ages 18 - 64) as established by the US Census. The statewide NC working population shall be used for the officials and administrators, management related, and professional occupational categories and the geographical recruiting area working population shall be used for the occupational categories; or (b) the two-factor analysis as defined by the office of Federal Contract Compliance Programs (OFCCP) regulations; or (c) the NC Occupational specific civilian labor force and the NC working population (18 - 64) comprised standard. The occupation specific labor force of each demographic group and the working population by each demographic group will be compared to the agency or university workforce. An average of the underutilization resulting from the comparison of the two criteria shall be used to determine the workforce underutilization by occupational category for each demographic.
group. When calculating the underutilization resulting from the occupation specific working population comparison, the statewide working population and the statewide occupational specific category compromise numbers shall be used for analyzing the officials and administrators, management related, and the professional occupational categories. When calculating the underutilization resulting from the occupation specific/working population comparison, the working population in the local geographical recruiting area and the occupational specific category compromise numbers in the local geographical recruiting area may be used for analyzing the other occupational categories.

DNCR management and the EEO Officer are responsible for estimating the number of openings that will occur during the time period covered by the EEO Plan. The projection of job opening estimates includes but is not limited to a review of the vacancies that occurred during the previous EEO planning cycle (12 months) for each occupational category in which under-representation was identified and the short-term and long-term plans of the Department that affects the projected number of openings. Program Objectives shall establish specific strategies targeted at eliminating or reducing any underutilization identified in each occupational category.

This Equal Employment Opportunity report is prepared for the Department of Natural and Cultural Resources pursuant to requirements of state law.

The Department managers will review these estimates regarding future vacancies and projections for equitable representation based on the population percentage of under-utilized groups in North Carolina. The Department of Natural and Cultural Resources will continue working toward realizing these placement goals for 2017 and the upcoming years, as detailed in the job estimates presented in this plan.

In reviewing the report, it is important to understand the meaning of and limitations on the data presented. The report compares the percentage of persons working various job categories in the Department of Natural and Cultural Resources at a particular point in time with percentages of persons reported in various census statistics that reflects the population statewide from ages 16 - 64. Thus, the report’s comparisons are only hypothetical comparisons. They do not include comparisons to percentages of persons in applications actually received by the Department nor to the subset of these applications actually qualified for hire by the Department. Therefore, this report and any findings of “under-utilization” as to job category does not mean, and is not intended to mean, that there are any problems with the Department’s hiring practices or that recruitment or hiring into that job category is illegal or “discriminatory.” Rather, the identification of hypothetical “under-utilization” as to a particular job category merely serves to identify that category as one where the department should seek to ensure that potential candidates are being recruited, encouraged to apply for employment, and considered for employment.

Any setting of hiring “objectives” required by the report is again intended only as a tool to facilitate and focus recruitment efforts and is not intended as a quota, or mandate for hiring particular individuals regardless of qualifications. Further, the setting of such objectives is also hypothetical in that it requires a projection of both the numbers of vacancies and qualified applicants, neither of which may actually occur. The failure to achieve any of these “objectives” does not mean that “discrimination” has occurred. In sum, the report is intended solely as an aid to facilitate the Department’s ongoing efforts to recruit and hire a diversified workforce.
Appendix A

DNCR/OSHA POLICIES

EEO Policy                          Pages 25 – 27

Unlawful Workplace Harassment Policy Pages 25

Employee Grievance Policy          Pages 26 - 39

Reduction in Force Policy           Pages 40 - 41
The State of North Carolina provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination, harassment or retaliation based on race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information, or disability. The State also recognizes that an effective and efficient government requires the talents, skills and abilities of all qualified and available individuals, and seeks opportunities to promote diversity and inclusion at all occupational levels of State government's workforce through equal employment opportunity (EEO) workforce planning initiatives.

The State is committed to ensuring the administration and implementation of all human resources policies, practices and programs are fair and equitable. State agencies, departments and universities shall be accountable for administering all aspects of employment, including hiring, dismissal, compensation, job assignment, classification, promotion, reduction-in-force, training, benefits and any other terms and conditions of employment in accordance with federal and State EEO laws and policies.

Employees shall not engage in harassing conduct, and if harassing conduct does occur, it should be reported. Managers and supervisors maintain a critical role and responsibility in preventing and eliminating harassing conduct in our workplace. See the Unlawful Workplace Harassment policy of the State Human Resources Manual for provisions related to unlawful harassment, including sexual harassment.
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Acts of retaliation against an employee who engages in protected activity or the exercise of any appeal or grievance right provided by law will not be tolerated in our workplace.

Coverage

Individuals protected by provisions of this policy are:

4. current employees;
5. former employees; and
6. job applicants

Veterans

Job discrimination of veterans shall be prohibited, and affirmative action shall be undertaken to employ and advance in employment eligible veterans in accordance with Article 13 of G.S. 126 and G.S. 128-15.

See the Veteran’s Preference policy in the State Human Resources Manual for provisions related to veteran’s preference including the employment and advancement of protected veterans.

Office of State Human Resources Responsibilities

The Office of State Human Resources (OSHR) shall:

6. establish the EEO Plan Requirements and Program Guidelines in accordance with federal and state laws to be followed by all agencies, departments and universities, to ensure commitment to and accountability for equal employment opportunity throughout State government;

7. review, approve and monitor all EEO plans and updates;

8. provide services of EEO technical assistance, training, oversight, monitoring, evaluation, support programs, and reporting to ensure that State government’s workforce is diverse at all occupational levels;

9. develop and promote EEO programs and best practices to encourage consistent and fair treatment of all State employees; and

10. meet with agency heads, department heads, and university chancellors, Human Resources Directors and EEO Directors/Officers annually to discuss the progress made toward reaching program goals.
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Agency, Department and University Responsibilities:

Each Agency Head, Department Head and University Chancellor shall:

14. adhere to the policies and programs that have been adopted by the State Human Resources Commission and approved by the Governor;

15. ensure the agency, department or university’s commitment to EEO is clearly communicated to all employees;

16. ensure that Human Resources policies and employment practices are implemented consistently and fairly;

17. designate an EEO Officer/Director who has access to the agency head, department head or university chancellor to be responsible for the operation and implementation of the EEO Plan;

18. provide the necessary resources to ensure the successful implementation of the EEO Program;

19. ensure each manager and supervisor has, as a part of his or her performance plan, the responsibility to comply with EEO laws and policies, and assist in achieving EEO goals established by the agency, department or university;

20. ensure the EEO Plan is designed in accordance with the EEO Plan Requirements and Program Guidelines as specified by the Office of State Human Resources;

21. ensure the EEO Plan is submitted by March 1st of each year to the Office of State Human Resources for review and approval as required by G.S. 126-19;

22. ensure all employees are made aware of the EEO policy including the Unlawful Workplace Harassment Policy found in the State Human Resources Manual;

23. develop strategies to prevent unlawful workplace harassment and retaliation in the workplace;

24. ensure required employee notices describing Federal laws prohibiting job discrimination are posted in work locations where notices to applicants and employees are customarily posted and easily accessible to applicants and employees with disabilities;

25. maintain records of all complaints and grievances alleging discriminatory practices; and

26. ensure all newly hired, promoted, or appointed supervisors and managers complete required EEO training in accordance with G.S. 126-16.1. See the Equal Employment Opportunity Diversity Fundamentals policy located in the State Human
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Resources Manual for information related to EEO training.

Complaint Process

An individual covered by this policy who is alleging unlawful discrimination, harassment or retaliation may file a complaint following the process outlined in the Employee Grievance Policy located in the State Human Resources Manual. For the purpose of this policy, political affiliation is not a protected classification under federal EEO law but may be grieved pursuant to G.S. 126-34.02 as a contested case after completion of the agency grievance procedure and the Office of State Human Resources review.
Unlawful Workplace Harassment

Contents:
Policy
Purpose
Definitions
Coverage
Complaint Process
Prevention Strategies

Policy
All employees have the right to work in an environment free from discrimination and harassing conduct. No State employee shall engage in conduct that falls under the definition of unlawful workplace harassment, including sexual harassment, discrimination, or retaliation, and no employment decisions shall be made on the basis of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information or disability.

Purpose
The purpose of this policy is to establish that the State of North Carolina prohibits in any form unlawful workplace harassment or retaliation based on opposition to unlawful workplace harassment of State employees or applicants and to require that every agency shall develop strategies to ensure that work sites are free from unlawful workplace harassment, including sexual harassment discrimination and retaliation.

Definitions

"Unlawful Workplace Harassment" is unsolicited and unwelcomed speech or conduct based of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information or disability where:

1. enduring the offensive conduct becomes a condition of continued employment, or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
"Sexual Harassment" - Harassment on the basis of sex is a particular type of violation of this unlawful workplace harassment policy and in addition to the previous definition of unlawful workplace harassment, this unlawful workplace harassment policy prohibits the following: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

"Retaliation" is any adverse action taken against an individual for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices based on race, religion, color, national origin, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older) political affiliation, National Guard or veteran status, genetic information or disability because of opposition to employment practices in violation of the unlawful workplace harassment policy.

Coverage

This policy covers, full-time or part-time employees with either a permanent, probationary, trainee, time-limited or temporary appointment; former employees; and applicants.

Complaint Process

An employee, former employee or applicant alleging unlawful workplace harassment or retaliation may file a complaint following the process outlined in the Employee Grievance Policy located in Section 7 of the State Human Resources Manual.

Prevention Strategies

Each agency head shall develop strategies to prevent unlawful workplace harassment.

The strategies shall at the minimum include:

• a commitment by the agency to the prohibition of unlawful workplace harassment, sexual harassment and retaliation,
• training and other methods to prevent harassing actions,
• a process for disseminating information prohibiting unlawful workplace harassment and retaliation to all agency employees

Workplace harassment prevention strategies shall be included as part of the agency’s Equal Employment Opportunity (EEO) plan.
Policy
It is the policy of North Carolina State government that a grievance process exists to allow for prompt, fair and orderly resolution of grievances arising out of employment. Each agency shall adopt the Employee Grievance Policy as approved by the State Human Resources Commission.

Objectives
In establishing this Employee Grievance Policy, the State Human Resources Commission seeks to achieve the following objectives:
• Provide procedural consistency across the agencies of NC State government;
• Ensure employees have access to grievance procedures to address grievable issues timely, fairly, and without fear of reprisal; and
• Resolve workplace issues efficiently and effectively.

Grievable Issues and Who May Grieve
The following tables list all issues that may be grieved by an applicant for State employment, a probationary State employee or former probationary State employee, and a career State employee or former career State employee. The following issues may be grieved at the agency level only.

<table>
<thead>
<tr>
<th>Applicant for State Employment (initial hire, promotion or reemployment)</th>
<th>Denial of request to remove inaccurate and misleading information from personnel file (excludes the contents of a performance appraisal and written disciplinary action)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary State Employee or former probationary State employee</td>
<td>Denial of request to remove inaccurate and misleading information from personnel file (excludes the contents of a performance appraisal and written disciplinary action)</td>
</tr>
</tbody>
</table>

In addition to the grievable issue listed above, a career State employee or former career State employee may also grieve the following issues:

| Career State Employee or former Career State employee | Overall performance rating of less than “meets expectations” or equivalent as defined in the Performance Management Policy |

The following issues must first be grieved through the internal grievance process. If the grievant is not satisfied with the Final Agency Decision (FAD), the grievant may appeal to the Office of Administrative Hearings.
Who May File
Applicant for State Employment (initial hire, promotion or reemployment)

Grievable Issues
- Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law)
- Denial of veteran's preference as provided for by law
- Unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the applicant believes that he or she has been discriminated against in his or her application for employment
- Retaliation for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the applicant believes that he or she has been retaliated against in his or her application for employment

Probationary State employee or former probationary State employee

- Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law)
- Denial of veteran's preference as provided for by law
- Any retaliatory personnel action for reporting improper government activities ("whistle blower")
- Unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he or she has been discriminated against in the terms and conditions of employment
- Retaliation against an employee for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he or she has been retaliated against in the terms and conditions of employment

In addition to the grievable issues listed above, a career State employee or former career State employee may also grieve the following issues:

| Career State employee or former career State employee | • Dismissal, demotion or suspension without pay for disciplinary reasons without just cause
| | • Involuntary non-disciplinary separation due to unavailability
| | • Denial of reemployment or hiring due to denial of reduction-in-force priority as required by law (G.S. 126-7.1)
| | • Denial of promotional opportunity due to failure to give priority consideration for promotion to a Career State employee as required by law (GS 126-7.1) |
GRIEVANCE PROCESS FOR ALL GRIEVABLE ISSUES

A grievance or complaint must be filed within 15 calendar days of the alleged event or action that is the basis of the grievance. Any grievance or complaint that alleges unlawful discrimination, harassment or retaliation shall be addressed and completed through the Equal Employment Opportunity (EEO) Informal Inquiry process before being considered in the formal internal grievance process. Except as provided herein, all other grievable issues must first be discussed with the immediate or other appropriate supervisor in the employee’s chain of command or other appropriate personnel or agency or university that has jurisdiction regarding the alleged event or action that is the basis of the grievance prior to filing a formal grievance. Disciplinary action grievances as well as non-disciplinary separation due to unavailability shall proceed directly to the formal internal grievance process.

Disciplinary action grievances (i.e., dismissal, suspension without pay, demotion) that include both an allegation of unlawful discrimination, harassment, or retaliation and an allegation that the disciplinary action lacks just cause shall first be addressed through the EEO Informal Inquiry process before proceeding to the formal internal grievance process. Likewise, a grievance that involves both a separation due to unavailability and an allegation of unlawful discrimination, harassment or retaliation shall first be addressed through the EEO Informal Inquiry process before proceeding to the formal internal grievance process. After the EEO Informal Inquiry process is completed, all grievable issues remaining (including that an unresolved disciplinary action lacks just cause or that an unresolved separation due to unavailability was improper, and any unresolved allegations of unlawful discrimination, harassment, or retaliation) may be considered in the formal grievance process if pursued by the employee as per the procedures below.

EEO INFORMAL INQUIRY FOR UNLAWFUL DISCRIMINATION, HARASSMENT OR RETALIATION

An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee (hereafter referred to as complainant) alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the agency Equal Employment Opportunity (EEO) Officer or Affirmative Action (AA) Officer within 15 calendar days of the alleged discriminatory or retaliatory act that is the basis of the complaint. If the complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated as a part of the EEO Informal Inquiry. The investigation will determine if the facts support a finding that there is reasonable cause to believe the alleged act rises to the level of unlawful discrimination, harassment or retaliation.

The agency has 45 calendar days from receipt of the complaint to investigate and respond to the complainant, unless the complainant and the employer mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not exceed 15 calendar days. At the conclusion of the investigation, the agency shall communicate the outcome of the investigation in writing to the complainant. If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management shall take appropriate action to resolve the matter. If the complaint is successfully resolved, the complainant will sign a letter of agreement with the agency detailing the terms of the resolution. The agency shall ensure that the terms of the agreement under the control of the agency are implemented. If the complaint is not successfully resolved, then the complainant may continue the process by filing a formal grievance within 15 calendar days of the written response from the EEO Informal Inquiry.

At any point in the grievance process, the complainant/grievant has the right to bypass discussions with or review by the alleged offender. Time spent in the EEO Informal Inquiry is not a part of the formal internal grievance process.
EXTERNAL FILING OF A DISCRIMINATION CHARGE

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

Information about filing an EEOC charge and deadlines for filing the charge can be found at: http://www.eeoc.gov/employees/charge.cfm or by calling the EEOC regional offices located in Raleigh, Greensboro and Charlotte at 1-800-669-4000.
Information about filing through the Civil Rights Division of the Office of Administrative Hearings can be found at: http://www.ncoah.com/civil/ or by calling 919-431-3036.

SIMULTANEOUS INTERNAL AND EXTERNAL FILING OF A DISCRIMINATION CHARGE

An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee may file simultaneously with the Equal Employment Opportunity Commission at any point in either the EEO Informal Inquiry or the formal internal grievance process.

INFORMAL DISCUSSION

A request for an Informal Discussion must occur within 15 calendar days of the alleged event or action that is the basis of the grievance. Prior to filing a grievance about any issue, excluding unlawful discrimination, harassment or retaliation, disciplinary actions, and non-disciplinary separation due to unavailability, the employee shall first discuss the grievable issue with the immediate or other appropriate supervisor in the employee’s chain of command or other appropriate personnel or agency that has jurisdiction regarding the alleged event or action that is the basis of the grievance.

The employee must clearly declare to the supervisor or other appropriate personnel that the Informal Discussion request is regarding an alleged event or action that is the basis of a potential grievance. The supervisor or other appropriate personnel shall confirm the intention of the requested Informal Discussion with the employee before beginning discussions.
This informal process shall be completed within the 15-calendar day timeframe. However, if progress is being made toward a successful resolution to the dispute or if there are occurrences that are unavoidable or beyond the control of either party, both parties may agree to an extension. This extension must be agreed to in writing and approved by HR and shall not exceed 15 calendar days.
The supervisor shall notify Human Resources when an employee requests an Informal Discussion. The supervisor or other appropriate personnel is responsible for attempting to resolve the grievable issue with the employee. Human Resources shall serve as a resource during these discussions and will work with both parties to strive for a timely resolution.
The outcome of the Informal Discussion shall be communicated to the employee and Human Resources by the supervisor or other appropriate personnel in writing. If the issue is not successfully resolved or if no written response is provided within the 15-calender day timeframe, the employee may proceed by filing a formal grievance. Time spent in the Informal Discussion is not a part of the formal internal grievance process.
GRIEVANCE PROCESS FOR DISCIPLINARY ACTIONS

Disciplinary action grievances, to include dismissal, demotion, suspension without pay, as well as non-disciplinary separation due to unavailability shall bypass the Informal Discussion and proceed directly to the formal internal grievance process.

FORMAL INTERNAL GRIEVANCE PROCESS

The employee must begin the formal internal grievance process by filing a written grievance to the Human Resources Director or designee within the agency in accordance with the Employee Grievance Policy. The employee must complete any of the required informal processes and file within 15 calendar days of the alleged event or action that is the basis of the grievance. Mediation is Step 1 in the internal grievance process.

STEP 1 - MEDIATION

Mediation is the process in which a grievant and an agency respondent use a neutral third party(s) to attempt to resolve a grievance. Mediation provides the grievant and the agency respondent an opportunity to openly discuss the grievance in a neutral environment with the goal of reaching a mutually acceptable resolution.

Mediation Process
OSHR maintains a process to assign mediators to grievances upon agency request. The agency shall submit the request for mediation within 3 business days of receipt of the grievance. The mediation process shall be concluded within 35 calendar days from the filing of the grievance unless the grievant and the agency mutually agree to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension of Step 1 will not extend the 90 calendar day timeline.

Location and Time Allocation
Mediation shall be conducted in a location identified by the agency and approved by the OSHR Mediation Director or designee. The mediation shall be scheduled for an amount of time determined by the mediator(s) to be sufficient. Mediation may be recessed by the mediator(s) and reconvened at a later time.

Limited to Office of State Human Resources-Approved Mediators
Only OSHR-approved mediators will mediate grievances for State agencies. OSHR will maintain a pool of qualified mediators to facilitate mediations. Mediators will not be selected from the agency requesting the mediation.

Mediation Attendees
• The grievant who initiated the grievance;
• The designated agency representative serving as the respondent who has the authority to negotiate an agreement, as appropriate, on behalf of the agency; and
• The OSHR-appointed mediator(s).

Attorneys and other advisors may not attend the mediation. Either party may ask for a recess at any time in order to consult with an attorney or other advisor. Emergency substitution of a mediator must be approved by the OSHR Mediation Director or designee. The OSHR Mediation Director and designees may attend mediations as observers.

Audiotape, videotape, recording devices, and transmission devices are not permitted during the mediation.
Post Mediation
When an agreement is reached, the following shall occur:
• The grievant and the respondent will sign a Mediation Agreement that states the terms of agreement and is a legally binding document.
• The original signed Mediation Agreement is provided to the agency Human Resources Office. A copy of the signed Mediation Agreement is provided to the grievant, respondent and the OSHR Mediation Director.
• The agency shall ensure that terms of the mediation agreement under the control of the agency are implemented.

When an agreement is not reached (impasse), the following shall occur:
• The grievant and the respondent will sign a Notice of Impasse stating that the mediation did not result in an agreement.
• The original signed Notice of Impasse is provided to the agency Human Resources Office. A copy of the signed Notice of Impasse is provided to the grievant, the respondent and the OSHR Mediation Director.
• At the end of the mediation session, the agency shall inform the grievant of the Step 2 grievance process and that the filing must be received by the agency within 5 calendar days of the date of mediation.

Limitations on a Mediation Agreement
The Mediation Agreement shall serve as a written record and shall:
• Not contain any provision(s) contrary to State Human Resources Commission policies, administrative rules, and applicable State and Federal law;
• Not contain any provision(s) that exceeds the scope of the parties’ authority; and
• Not be transferable to another State agency.
When mediation resolves a grievance but it is determined upon agency or OSHR review that one or more provisions of the Mediation Agreement do not comply with the State Human Resources Commission policies or rules or applicable State or Federal laws, the mediation shall be reconvened to resolve the specific issue(s). If the parties are unable to resolve the noncompliance issue(s), the mediation will impasse and the grievant may proceed to Step 2 of the internal grievance process.
Should additional information or clarification be needed to effectuate the terms of the agreement, communication with all parties may occur telephonically. In the event that the mediator who facilitated the mediation is not available, the OSHR Mediation Director or designee will have the authority to stand in place of the mediator in these communications.
Confidentiality of Documents Produced in Mediation
All documents generated during the course of mediation and any communications shared in connection with mediation are confidential to the extent provided by law.

Mediation Agreement Approval
The approval of the Director of the Office of State Human Resources or designee is required for mediation agreements that need a personnel transaction to be processed, except where the only personnel action is the substitution of resignation for dismissal. If a mediation agreement involves an exception to State Human Resources Commission policy, the approval of the Director of the Office State Human Resources or designee is required.

MEDIATION RESPONSIBILITIES

Grievant Responsibilities
The grievant is responsible for:
• Attending the mediation as scheduled by the agency;
• Notifying and receiving approval from Human Resources, in advance of the scheduled mediation, if occurrences that are unavoidable or beyond the control of the grievant prevent attendance at the mediation;
• Preparing for the mediation by being able to orally present clear and concise information regarding the issues surrounding the grievance and the remedies sought; and
• Making a good faith effort to resolve the grievance.
A grievant who has an unexcused failure to attend mediation as scheduled forfeits the right to proceed with the internal grievance process.

Respondent Responsibilities
The respondent is responsible for:
• Attending the mediation as scheduled by the agency;
• Notifying Human Resources, in advance of the scheduled mediation, if occurrences that are unavoidable or beyond the control of the respondent prevent attendance at the mediation;
• Preparing for the mediation by becoming knowledgeable regarding the issues surrounding the grievance and remedies sought;
• Consulting with management, Human Resources and/or legal counsel regarding possible areas of negotiation for grievance resolution; and
• Making a good faith effort to resolve the grievance.

Agency Human Resources Responsibilities
The agency is responsible for:
• Administering the mediation program within the agency;
• Appointing an agency mediation coordinator, and other personnel as needed, to manage and schedule mediations;
• Ensuring that the grievant receives appropriate information about the mediation process;
• Designating a qualified and informed agency representative to serve as the respondent for each mediation who will have the authority to negotiate an agreement, as appropriate, on behalf of the agency that resolves the grievance;
• Ensuring that the selected respondent is adequately prepared for the mediation and has had discussions with management and Human Resources to identify possible areas of negotiation for grievance resolution;
• Ensuring appropriate personnel (management, Human Resources and/or legal counsel) are available to respond to any issues that may arise during the course of the mediation;
• Designating appropriate personnel to be available to review the terms of the draft agreement to ensure it is complete and contains the necessary information for implementation;
• Ensuring confidentiality of the mediation to the extent provided by law;
• Identifying suitable locations for mediations;
• Using only OSHR-approved mediator(s) for each mediation session;
• Reimbursing mediators for travel at state-approved rates;
• Providing nominees for consideration who meet the qualifications set forth by OSHR to be trained as OSHR mediators; and
• Working with agency management to obtain funding for the initial and ongoing training of agency nominated mediators.

Office of State Human Resources Responsibilities
The Office of State Human Resources is responsible for:
• Developing and maintaining mediation procedures and forms;
• Establishing mediator eligibility and training requirements;
• Maintaining a pool of qualified mediators;
• Providing employment mediation training;
• Maintaining a process for assigning mediators upon agency request;
• Ensuring that mediators adhere to the OSHR Mediator Code of Conduct; and
- Conducting ongoing studies/analyses to evaluate program effectiveness.

## STEP 2 – HEARING

### Hearing Officer or Hearing Panel Process

If mediation does not result in a resolution at Step 1, the grievant is entitled to proceed to Step 2 of the internal grievance process. Human Resources will notify the grievant of the opportunity to present the grievance orally to a reviewer(s) outside of the grievant’s chain of command, e.g., Hearing Officer or Hearing Panel. The hearing process shall be concluded within 35 calendar days of filing Step 2 of the grievance process unless the grievant and the agency mutually agree to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension of Step 2 will not extend the 90-calendar day timeline.

### Right to Challenge Appointed Hearing Officer or Hearing Panel Members

The grievant shall have one opportunity to challenge the appointed Hearing Officer or up to 2 members of the Hearing Panel if the grievant believes they cannot render an unbiased recommendation due to a real or perceived conflict of interest. The grievant must submit the basis for the challenge in writing. Management will review the challenge and replace the Hearing Officer or Hearing Panel members as appropriate.

### Hearing Attendees

- The grievant who initiated the grievance;
- The Hearing Officer or Hearing Panel members;
- Witnesses giving testimony, as approved by the Hearing Officer or Hearing Panel Chair; and
- Appropriate agency and HR representatives.

Attorneys and other advisors may not attend the hearing. Either party may ask the Hearing Officer or the Hearing Panel Chair for a recess at any time in order to consult with an attorney or other advisor.

Audiotape, videotape, recording devices, and transmission devices are not permitted during the hearing except as approved by management in accordance with agency process.

### Grievance Presented to Hearing Officer or Hearing Panel

The Hearing Officer or Hearing Panel Chair will preside over the hearing to allow the parties to present information relevant to the nature of the grievance, facts upon which the grievance is based, and the remedies sought. Each party shall be given a fair opportunity to present evidence on the issues to be heard and to question witnesses.

### Proposed Recommendation for Final Agency Decision

The Hearing Officer or Hearing Panel Chair will draft a proposed recommendation, including an explanation and justification to support the recommendation, for a Final Agency Decision. The proposed recommendation will be submitted to the Agency Head or designee and the Director of the Office of State Human Resources (Director) or designee within the 35-calendar day timeframe for the Step 2 hearing process. The Agency Head may provide a memorandum with comments on the proposed recommendation to the Director or designee.

### Office of State Human Resources Review

The Director of the Office of State Human Resources or designee shall review the proposed recommendation for a Final Agency Decision based on established criteria. The Director or designee may approve as written or may
provide recommendations for modification or reversal within 10 calendar days of the receipt of the proposed recommendation. The proposed Final Agency Decision shall not become final or be issued until reviewed and approved by the Office of State Human Resources.

Final Agency Decision

The agency shall issue the Final Agency Decision to the grievant within 5 calendar days of receipt of the Office of State Human Resources review of the proposed recommendation. The Final Agency Decision shall be issued in writing within 90 calendar days of the initial filing of the grievance. The Final Agency Decision shall include information about applicable appeal rights.

Settlement Approval
The approval of the Director of the Office of State Human Resources or designee is required for settlements that need a personnel transaction to be processed, except where the only personnel action is the substitution of a resignation for a dismissal. If a settlement involves an exception to the State Human Resources Commission policy, the approval of the Director of the Office of State Human Resources proposed recommendation will be submitted to the Agency Head or designee and the Director of the Office of State Human Resources (Director) or designee within the 35-calendar day timeframe for the Step 2 hearing process. The Agency Head may provide a memorandum with comments on the proposed recommendation to the Director or designee.

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HEARING RESPONSIBILITIES

Grievant Responsibilities
The grievant is responsible for:
• Attending the hearing as scheduled by the agency;
• Notifying and receiving approval from Human Resources, in advance of the scheduled hearing, if occurrences that are unavoidable or beyond the control of the grievant prevent attendance at the hearing; and
• Preparing for the hearing by being able to present clear and concise information regarding the issues surrounding the grievance and remedies sought.
A grievant who has an unexcused failure to attend a hearing as scheduled forfeits the right to proceed with the internal grievance process.

**Hearing Officer/Hearing Panel Chair Responsibilities**
The Hearing Officer/Hearing Chair is responsible for:
• Calling the hearing to order and establishing the process for the proceedings;
• Maintaining order and decorum;
• Ensuring that all parties are allotted adequate time to present evidence and question witnesses; and
• Submitting a proposed recommendation for a Final Agency Decision.

**Agency Human Resources Responsibilities**
The agency is responsible for:
• Establishing the use of either a Hearing Officer or a Hearing Panel;
• Administering the hearing process within the agency;
• Ensuring that all parties receive appropriate information about the hearing process;
• Establishing a process for the grievant to challenge the appointed Hearing Officer or Hearing Panel members; and
• Consulting with OSHR on the proposed Final Agency Decision recommendation.

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**APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS**

**Agency Requirements to Notify Grievant of Appeal Rights**
The Final Agency Decision shall inform the grievant in writing of any applicable appeal rights through the Office of Administrative Hearings for contested case issues. The grievant must be informed of the following:
• The appeal is made by filing a “Petition for a Contested Case” hearing with the Office of Administrative Hearings;
• The appeal to the Office of Administrative Hearings must be filed within 30 calendar days after the grievant receives the FAD; and
• A fee is charged for filing a Petition for a Contested Case Hearing.

**Grievant Access to the Office of Administrative Hearings**
If the grievant has completed the internal grievance process and is not satisfied with the Final Agency Decision, the grievant may file a Petition for Contested Case Hearing in the Office of Administrative Hearings in cases where the grievable issue may be appealed. An Administrative APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

**Agency Requirements to Notify Grievant of Appeal Rights**
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• The appeal is made by filing a “Petition for a Contested Case” hearing with the Office of Administrative Hearings;
• The appeal to the Office of Administrative Hearings must be filed within 30 calendar days after the grievant receives the FAD; and
• A fee is charged for filing a Petition for a Contested Case Hearing.

Grievant Access to the Office of Administrative Hearings
If the grievant has completed the internal grievance process and is not satisfied with the Final Agency Decision, the grievant may file a Petition for Contested Case Hearing in the Office of Administrative Hearings in cases where the grievable issue may be appealed. An Administrative Law Judge will conduct a hearing and render a Final Decision.
A Petition for Contested Case Hearing must be filed within 30 calendar days after the grievant receives the FAD. The grievant may file the appeal at:

Office of Administrative Hearings
1711 New Hope Church Road (Physical Address) Raleigh, NC 27609
6714 Mail Service Center (Mailing Address) Raleigh, NC 27699-6700
(919)431-3000

Hearing procedure requirements and filing form (OAH Form H-06A) can be obtained from the Office of Administrative Hearings at: http://www.ncoah.com/hearings/ or by calling (919) 431-3000.

RESPONSIBILITIES FOR THE EMPLOYEE GRIEVANCE POLICY

Agency Human Resources Responsibilities
Each agency shall:
• Adhere to the Employee Grievance Policy as adopted by the State Human Resources Commission;
• Develop and communicate internal grievance procedures as needed;
• Provide current employees and new hires with access to the Employee Grievance Policy;
• Notify all employees of any change to the internal agency grievance process no later than 30 calendar days prior to the effective date of the change;
• Enter all grievance data in the State’s HR/Payroll System as events occur; and
• Provide employee grievance data to OSHR as requested.

Office of State Human Resources Responsibilities
The Office of State Human Resources shall:
• Present the Employee Grievance Policy to the State Human Resources Commission for approval at any time modifications are made;
• Provide consultation and technical assistance to agencies as needed; and
• Conduct ongoing studies/analyses to evaluate policy effectiveness.
### Definitions

The following are definitions of terms used in this policy:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency</td>
<td>A State department, office, board or commission.</td>
</tr>
<tr>
<td>Alleged Event or Action</td>
<td>The precipitating workplace event or action, or the receipt of notice of an event or action that is the basis for filing a grievance.</td>
</tr>
<tr>
<td>Applicant</td>
<td>A person who submits an application for initial hire, promotion or reemployment for a position in a State agency.</td>
</tr>
<tr>
<td>Career State Employee</td>
<td>A State employee who is in a permanent position with a permanent appointment and has been continuously employed by the State of North Carolina or a local entity in a position subject to the North Carolina Human Resources Act for the immediate 12 preceding months. Employees who are hired by a State agency, department or university in a sworn law enforcement position and who are required to complete a formal training program prior to assuming law enforcement duties with the hiring agency, department or university shall become career State employees only after being employed by the agency, department or university for 24 continuous months.</td>
</tr>
<tr>
<td>Complainant</td>
<td>An applicant, probationary State employee, former probationary State employee, career State employee or former career State employee who initiates an informal complaint through the Equal Employment Opportunity (EEO) Informal Inquiry process.</td>
</tr>
<tr>
<td>Contested Case Issue</td>
<td>A grievable issue that may be appealed to the Office of Administrative Hearings.</td>
</tr>
<tr>
<td>Equal Employment</td>
<td>An informal process for addressing allegations of unlawful discrimination, harassment and retaliation that may facilitate a resolution prior to the filing of a grievance.</td>
</tr>
<tr>
<td>Opportunity Informal</td>
<td></td>
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<tr>
<td>Inquiry</td>
<td></td>
</tr>
<tr>
<td>Final Agency Decision</td>
<td>The final decision issued by the Agency Head that concludes the internal grievance process.</td>
</tr>
<tr>
<td>Grievable Issue</td>
<td>A workplace event or action as defined by NC State statute as grievable that allows an eligible employee to challenge the alleged workplace event or action through established grievance procedures for resolution.</td>
</tr>
<tr>
<td>Grievant</td>
<td>An applicant, probationary State employee, former probationary State employee, career State employee or former career State employee who initiates a grievance.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
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<td>-------------------------</td>
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</tr>
<tr>
<td>Hearing</td>
<td>A proceeding overseen by a Hearing Officer or Hearing Panel that allows a grievant to present information relevant to the nature of the grievance and the remedies sought.</td>
</tr>
<tr>
<td>Hearing Officer</td>
<td>An officer appointed by an agency to oversee the proceedings of a hearing and submit a proposed recommendation for a Final Agency Decision (FAD).</td>
</tr>
<tr>
<td>Hearing Panel</td>
<td>An agency appointed panel of no less than three members selected to conduct a hearing. The designated panel chair has the responsibility to oversee the proceedings of the hearing and submit a proposed recommendation for a Final Agency Decision.</td>
</tr>
<tr>
<td>Impasse</td>
<td>An impasse occurs when mediation does not result in an agreement.</td>
</tr>
<tr>
<td>Informal Discussion</td>
<td>An informal process for addressing a grievable issue that may facilitate a resolution prior to the filing of a formal grievance.</td>
</tr>
<tr>
<td>Internal Grievance</td>
<td>The process available to an applicant, probationary State employee, former probationary State employee, career State employee or former career State employee to file a formal grievance based on issues that are defined as grievable by NC State statute.</td>
</tr>
<tr>
<td>Internal Grievance</td>
<td>The internal grievance process must be completed within 90 calendar days. Time spent in the Informal Discussion and the EEO Informal Inquiry is not included in the 90-calendar day timeframe.</td>
</tr>
<tr>
<td>Process Timeframe</td>
<td></td>
</tr>
<tr>
<td>Mediation</td>
<td>The process in which the grievant and the agency respondent use a neutral third party(s) to attempt to resolve a grievance in a mutually acceptable manner. Responsibility for resolving the grievance rests with the parties.</td>
</tr>
<tr>
<td>Mediation Agreement</td>
<td>The written agreement resulting from the successful resolution of a grievance reached in mediation. The Mediation Agreement is legally binding on both parties.</td>
</tr>
<tr>
<td>Mediator</td>
<td>A neutral third party(s) approved by the Office of State Human Resources (OSHR) whose role is to guide the mediation process, facilitate communication, and assist the parties to generate and evaluate possible outcomes for a successful resolution. A mediator does not act as a judge and does not render decisions.</td>
</tr>
</tbody>
</table>
Probationary State Employee
A State employee who is exempt from the provisions of the North Carolina Human Resources Act only because the employee has not been continuously employed by the State for the time period required to become a career State Employee.

Respondent
A designated agency representative who has the authority to negotiate an agreement, as appropriate, on behalf of the agency to resolve a grievance.
Policy
Retention Factors
Avoiding a RIF
Office of State Human Resources Responsibility
Agency or University Responsibility
Notification Requirements
Appeals
Leave

Policy
An agency or university has the authority to separate an employee whenever it is necessary due to:

- Shortage or loss of funds;
- Shortage or loss of work;
- Abolishment of a position; or
- Other material changes in position duties or organization

No loss of funds shall be required as a precondition for a reduction in force; however, an agency or university may not use the RIF process to circumvent the disciplinary process required to separate or demote an employee for a disciplinary reason.
RIF procedures also apply to position or budgetary changes that result in an involuntary reduction in an employee’s work hours.

Retention Factors
Retention of employees in classes affected by a RIF action shall be based on a fair and systematic consideration, at a minimum, of the following factors:

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

Although all retention factors must be evaluated, they may be weighted differently for each RIF event to meet the needs of the employing agency or university.
Area of Analysis for RIF: The analysis may include all or part of an agency (a unique work unit, division or entire agency/university). Differences in operation, work function, funding source, staff, and personnel administration may be considered when determining the appropriate area of analysis. However, the analysis to avoid a RIF must apply to the entire agency/university.

1. **Type of Appointment:** Neither temporary nor probationary employees in their initial 12 months of employment (or initial 24 months of employment for sworn law enforcement officers) shall be retained in classes in which employees with permanent appointments (those who have satisfactorily completed a probationary or equivalent trial period) must be separated in the same or related class.

2. **Relative Efficiency:** Relative efficiency shall be expressed as the employee’s most recent overall performance rating. Management may also consider the rating for each individual or institutional goal and value when overall performance ratings are equivalent, documented employee skills and ability to perform the remaining work required of class members after the implementation of the RIF, and any active disciplinary action(s) received by the employee.

3. **Actual or Potential Adverse Impact:** In accordance with federal guidelines affecting equal employment opportunity and affirmative action, all decisions concerning reduction-in-force must be analyzed to determine their impact on agency utilization goals based on race and sex to avoid adverse impact in violation of Section 4.d of the Uniform Guidelines on Employee Selection Procedures as applied to selection rates for separation through RIF.

4. **Length of Service:** Total state service determines length of service credit. In determining the length of service credit, an eligible veteran shall be accorded one year of state service for each year, or fraction thereof, of military service, up to a maximum of five (5) years of credit.

**Avoiding a RIF**

A decision to implement a RIF must be reached only after the systematic consideration of actions designed to avoid the layoff. These actions may include but are not limited to the elimination of vacant positions; reduction in non-personnel related expenses; placement in a vacant position for which the employee qualifies; or retraining employees to facilitate placement in other positions at the agency or university.

**Office of Human Resources Responsibility**

The responsibilities of the Office of State Human Resources (OSHR) shall include, but are not limited to the following:

- Establishing the Reduction in Force (RIF) Plan Requirements and Program Guidelines to be followed by all agencies and universities to ensure commitment to, and accountability throughout, State Government;
- Reviewing, approving and monitoring RIF plans and updates;
- Providing technical assistance, training, oversight, monitoring, evaluation, and support to the RIF program; and
- Developing, updating, and maintaining the RIF Priority Verification List database system.

Agency or University Responsibility

The responsibilities of each Agency Head, Department Head and University Chancellor, or their designees, shall include:

1. Adhering to the RIF policy and programs that have been adopted by the State Human Resources Commission and approved by the Governor;
2. Submitting RIF plans and any necessary updates for approval by OSHR a minimum of one week prior to notifying employees of RIF actions; and
3. Submitting employee information within 30 days of RIF notification to OSHR to maintain the RIF Priority Verification List.

Notification Requirements

The employing agency or university shall notify the employee in writing as soon as possible and in any case no fewer than 30 calendar days prior to the effective date of separation. The written notification shall include the reasons for the reduction-in-force, expected date of separation, the employee’s eligibility for priority reemployment consideration, applicable appeal rights, and other benefits available.

Appeals

An employee separated through a reduction in force may appeal the separation only on the grounds listed in the applicable Employee Grievance Policy.

Leave

Vacation Leave: Employees may request, subject to approval by management, to exhaust vacation leave and be paid in a lump sum for the balance not to exceed 240 hours. If an employee had over 240 hours of vacation leave at the time of their separation the excess leave shall be reinstated when reemployed within one year after separation.

Bonus Leave: Bonus leave will be paid in a lump sum if eligible.

Sick Leave: Employees separated due to reduction-in-force shall be informed that their sick leave shall be reinstated if employed in any agency or university within five years.
Appendix B

DATA ELEMENTS

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Employment Quantitative Analysis – Performance Management  Page  55

Employment Quantitative Analysis – Recruitment  Page  50

Employment Quantitative Analysis – Disciplinary Actions  Page  51
## B0170: Job Opening Estimates Form Labor Force Standard by SOC Subcategory as of 12/2019 Based on 2010 Census

### Natural and Cultural Resources
SOC Category: OFFICIALS AND ADMINISTRATORS === Subcategory: OFFICIALS AND ADMINISTRATORS

<table>
<thead>
<tr>
<th>White Male</th>
<th>White Fem</th>
<th>Black Male</th>
<th>Black Fem</th>
<th>Hisp Male</th>
<th>Hisp Fem</th>
<th>Asian Male</th>
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<th>Tot Fem</th>
<th>Tot Mnr</th>
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<th>Vets</th>
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<tbody>
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### Labor Force Standard

| # Difference | 1 | 2 | -1 | -1 | -1 | -1 | -1 | -1 | -1 | -2 | -8 | -4 |
| % Difference | 2.6 | 4.7 | -1.3 | -0.2 | -2.0 | -1.1 | -1.3 | -0.8 | -0.4 | -0.3 | 2.3 | -7.4 | -7.5 |

### Employment Objectives: Using SOC Subcategory

Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.

| Planned # Increase | 2 |
| Planned % Increase | |

Target Classification(s): State History Museum Associate Director

Action Steps
### B0170: Job Opening Estimates Form Labor Force Standard by SOC Subcategory as of 12/2019 Based on 2010 Census

**Natural and Cultural Resources**

**SOC Category:** MANAGEMENT RELATED 
**Subcategory:** BUSINESS SPECIALISTS, INCL PURCHASING

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<th>Tot Mnt</th>
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**Employment Objectives:** Using SOC Subcategory

Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.

| Planned # Increase | | | | | | | | | | | | | | | |
| Planned % Increase | | | | | | | | | | | | | | | |
| **Target Classification(s)** | Procurement Specialist II (2), Procurement Specialist I (2) |
| **Action Steps** | | | | | | | | | | | | | | | |
**B0170: Job Opening Estimates Form Labor Force Standard by SOC Subcategory as of 12/2019 Based on 2010 Census**

**Natural and Cultural Resources**

**SOC Category:** PROFESSIONALS === Subcategory: COMPUTER AND MATHEMATICAL OCCUPATIONS

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<th>White+ Male</th>
<th>White+ Fem</th>
<th>Black Male</th>
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<th>Hisp Male</th>
<th>Hisp Fem</th>
<th>Asian+ Male</th>
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<th>AIAN Fem</th>
<th>Ethn Unk</th>
<th>Total</th>
<th>Tot Fem</th>
<th>Tot Mnt</th>
<th>Disab</th>
<th>Vets</th>
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**Employment Objectives:** Using SOC Subcategory

**Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.**

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</thead>
<tbody>
<tr>
<td>Planned % Increase</td>
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</tbody>
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**Target Classification(s):** User Support Specialist

**Action Steps**
## B0170: Job Opening Estimates Form Labor Force Standard by SOC Subcategory as of 12/2019 Based on 2010 Census

### Natural and Cultural Resources

**SOC Category:** PROFESSIONALS
**Subcategory:** EDUCATION, TRAINING AND LIBRARY OCCUP

<table>
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<th>White Fem</th>
<th>Black Male</th>
<th>Black Fem</th>
<th>Hisp Male</th>
<th>Hisp Fem</th>
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<th>Total</th>
<th>Tot Fem</th>
<th>Tot Mnt</th>
<th>Disab</th>
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### Employment Objectives: Using SOC Subcategory

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**Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.**

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<td>Action Steps</td>
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**B0170: Job Opening Estimates Form Labor Force Standard by SOC Subcategory as of 12/2019 Based on 2010 Census**

**Natural and Cultural Resources**

**SOC Category:** PROFESSIONALS ==== **Subcategory:** ARTS, DESIGN, ENTERTAIN AND MEDIA OCCUP

<table>
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<th>White + Fem</th>
<th>Black Male</th>
<th>Black Fem</th>
<th>Hisp Male</th>
<th>Hisp Fem</th>
<th>Asian + Male</th>
<th>Asian + Fem</th>
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<th>Tot Fem</th>
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</table>

**Employment Objectives:** Using SOC Subcategory

*Export to Excel to enter employment objectives below. Fill in Planned # Increase, Planned % Increase, or both.*

|                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Planned # Increase |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Planned % Increase |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Target Classification(s) |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Action Steps     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |

Information Communication Specialist I
## 2019 EEO Quantitative Analysis Form

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</thead>
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Page | 55
# 2019 Employment Quantitative Analysis

## 2018-19 Performance Management

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<th>BM</th>
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## 2019 Employment Quantitative Analysis

### 2018-19 Recruitment

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## 2019 Employment Quantitative Analysis
### 2018-19 Disciplinary Actions

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