FAQ 04/2012: Proposed Board of Governors Personnel Authority

Many questions have been raised about specific policies and programs currently covering University SPA employees. This reference sheet provides the facts, and may be updated from time to time as additional questions are raised.

1. **What will the compensation program be?** The Guiding Principles adopted by the BOG state: “The University will use compensation policies and procedures that recognize the contribution, experience, performance, and service of University employees. In keeping with best practices and to the extent allowed by law and funding, such policies and procedures will be market-based. Legislatively appropriated funds for pay increases will be allocated to faculty and staff job categories.” Since developing a new compensation structure takes a long time, Career-banding will be continued for the foreseeable future.

2. **Will the grievance process change?** The Legislature amended the grievance process last year to eliminate review by the State Personnel Commission, and OSP has announced their intention to change the grievance policy for agencies and the University this year, so the grievance process is changing even if the BOG is not granted Personnel Authority. Regardless of any changes, The Guiding Principles adopted by the BOG ensure that employees will have a fair grievance process as follows: “...adverse employment actions will be subject to fair processes and reviewable through structured procedures that provide for fair notice and the opportunity for the employee to be heard; grievance panels will include employee peers. A reasonable and lawful standard (“just cause”) will apply.

3. **Will we still have the same number of holidays?** The University will observe at least the same number of holidays as the State. For many years the University has advocated for the right to have additional paid holidays to allow for a campus shut-down between Christmas and New Year’s. Under BOG authority the University will be able to adopt a holiday process that better fits the University calendar.

4. **Will I still have the right to communicate with Legislators?** Yes, BOG policy 300.5.1 governing political activity affirmatively states “...as private citizens all University employees retain the rights and obligations of citizenship, including freedom to engage in political activities,...”.

5. **What will happen to my Longevity Pay?** The BOG has committed to continuing Longevity Pay for current SPA employees as long as it continues to be funded by the Legislature.

6. **Will I have property rights to my job?** “Property rights”, which are defined as employee protection against termination for reasons other than just cause, can and will be provided for in BOG policy for current SPA employees, as required by the Guiding Principles: “A reasonable and lawful standard (“just cause”) will apply.” The BOG policies currently provide property rights for tenured faculty.
7. **Will I be protected from political coercion?** Freedom from political coercion is a right of all State employees, through Article 5 of the State Personnel Act, which includes University employees who are otherwise exempt from the State Personnel Act. In addition, BOG policy 300.5.1 governing political activity states that no University employee shall: “Make any promise of preferential treatment (or actually confer such preference) or make any threat of detrimental treatment (or actually impose such detriment) to any person, with respect to any condition or incident of employment over which the employee has authority, control, or influence, for purposes of inducing support of or opposition to any candidate for elective public office.”

8. **Will I still have reemployment rights after layoff?** The BOG will develop a policy that defines reemployment rights within the University.

9. **If my job is eliminated will I still get severance pay?** Current EPA employees have rights to severance pay under policies adopted by the BOG. In addition, the BOG has a regulation extending health care benefits for one year if an employee’s position is eliminated. (300.2.1[R])

10. **Will my sick leave benefits change?** The accrual rate adopted by the BOG for leave-eligible EPA employees is the same as SPA employees.

11. **Will I still be eligible for Shared Leave?** The Shared Leave policy for current EPA employees is the same as the SPA policy, as the BOG has adopted the current State policy for EPA employees.

12. **Will I lose vacation days?** Employees will not lose accrued vacation. The University wants a vacation policy that conforms to best practices in Higher Ed, including the ability to provide higher levels of vacation for mid-career hires.

13. **What will happen to Veterans’ preference?** Veteran’s preference will not change. Chapter 128 of the North Carolina General Statutes provides for employment preferences for Veterans (and spouses) in all State departments, agencies and institutions. Veteran’s rights also are protected through Federal legislation and regulation.

14. **What happens to Whistleblower protection?** No change. The whistleblower protections in Article 14 of the State Personnel Act cover all University employees, including those who are otherwise exempt from the State Personnel Act. An employee who wishes to report improper activities has a number of options: they can go through campus channels; come to General Administration and GA HR or Legal will investigate; or they can go through the State Auditor’s tip line.

15. **Will the policies change immediately when the legislation passes?** When legislation is enacted which grants University personnel authority to the Board of Governors, the President will lead a process to develop University-specific policies for all staff. The Board will adopt, and the University will follow, all policies currently in place under the State Personnel Act until new University policies can be developed and approved.