



Employment Policies for EPA Non-Faculty Tier I Senior Academic and Administrative Officer Employees of The University of North Carolina at Chapel Hill

These Policies govern appointment of Tier I Senior Academic and Administrative Officer employees and are adopted by the Board of Trustees of The University of North Carolina at Chapel Hill pursuant to the Employment Policies adopted by the Board of Governors of The University of North Carolina for Senior Academic and Administrative Officers on November 14, 1986, and as subsequently amended.

I. Scope and Applicability of Employment Covered by These Policies

1. *Application:* These employment policies apply to Tier I Senior Academic and Administrative Officers (hereinafter "Senior Officer" or "Senior Officers") in the following positions: the Chancellor, the Vice Chancellors, the Provost, Deans, and the Directors of major administrative, educational, research and public services activities of the constituent institutions designated by the Board of Governors. These policies do not apply to EPA Non Faculty positions designated as Tier II Senior Academic and Administrative Officers by the University of North Carolina Board of Governors that are covered by separately published employment policies.
2. *Prior Versions and Policy References:* References in appointment letters and other University policies which may refer to Sections I.A. and Section II of the "Employment Policies for EPA Non-Faculty Employees of the University of North Carolina at Chapel Hill" which had been last revised as of September 25, 2003 are now covered by the most equivalent sections of the "Employment Policies for EPA Non-Faculty Tier I Senior Academic and Administrative Officer Employees of The University of North Carolina at Chapel Hill."

II. Appointment to Covered Positions

1. *Employment Pursuant to Policy:* All Senior Officers are employed in their administrative positions pursuant to these policies. Except with regard to the appointment of the Chancellor, no contract or other writing, except for The Code of The University of North Carolina, may vary these terms nor may any oral agreement modify these provisions.



2. Content of Letters of Appointment: All Senior Officers should receive a letter of appointment to a covered position that shall include:
 - a. the title of the position
 - b. the initial annualized salary
 - c. provision for periodic review of compensation subject to any compensation policies adopted by the Board of Governors or the Board of Trustees;
 - d. notice that the appointment is contingent on the successful completion of a criminal conviction check (unless a successful check has been completed prior to the letter being sent);
 - e. the annual leave entitlement of the employee;
 - f. notice that the employment conferred is "employment at will" subject to continuation or discontinuation at the discretion of the Chancellor; and
 - g. notice that the employment is subject to these Policies, as originally adopted and as they may be periodically revised from time to time.
3. Provision of Written Copy of Policies: A copy of the Policies shall be attached to an initial letter of appointment. The most current version of these policies is available from the University's Office of Human Resources.

III. Approval of Senior Officer Appointments

The appointments of these Senior Officers are subject to the approval of the Board of Governors or the University's Board of Trustees, if delegated such authority by the Board of Governors.

IV. Continuance in Office

Senior Officers do not have tenure in their administrative positions. They serve at the discretion of their employer and are not appointed to serve for specified periods of time. The continuance of these administrators in office therefore is at all times subject to determination by the appropriate authority, as follows:

1. *The Chancellor:* The continuance in office of the Chancellor is determined by the Board of Trustees and the Board of Governors. The Board of Governors may act to terminate such an appointment upon its own initiative or upon recommendation of the President. The Board of Governors in all instances shall consult the Board of Trustees prior to terminating the appointment of the Chancellor.
2. *Other Senior Officers:* The continuance in office of the Provost, Vice Chancellors, Vice Provosts, Deans, and Directors of major educational, research and public services activities whose salaries are set by the Board of Governors is determined by the Chancellor. These Senior Officers are subject to the direction and control of the



Chancellor and serve at the Chancellor's discretion. They are employees at will; thus, the Chancellor may not purport to confer on any such office a period of employment of fixed duration or otherwise confer any property interest in such employment. However, such an officer may be appointed to a period of employment not to exceed a specified number of years, so long as the instrument accomplishing such an appointment states clearly that the incumbent officer is subject to removal at any time, during that period, at the option of the Chancellor.

V. Joint Appointments

Tenure status as a member of the faculty, held concurrently by any Senior Officer of the University is separate and distinct from the administrative office, and such tenure status is governed by the provisions of Chapter Six of The Code of The University of North Carolina and by the University of North Carolina at Chapel Hill's tenure rules and regulations. Those tenure rules and regulations have no bearing upon and do not govern the administrative appointments covered by these regulations.

VI. Compensation

The compensation of Senior Officers covered by this policy shall be set by the Board of Governors or the University's Board of Trustees, if delegated such authority by the Board of Governors. Neither the Chancellor nor any other Senior Officer may be paid, in addition to his/her salary as established pursuant to the foregoing requirements, for any services rendered to any institution-related foundation, endowment, or other University-related enterprise.

VII. Equal Employment Opportunity

It is the policy and intention of The University of North Carolina at Chapel Hill that there be equal employment opportunity and freedom from unlawful discrimination in all employment within the University. To this end, the University has established a separate policy titled the "The University of North Carolina At Chapel Hill Policy On Prohibited Harassment And Discrimination" which shall be used in conjunction with these Employment Policies to define impermissible conduct in employment. Bona fide occupational qualifications or other exceptions to the University's equal opportunity provisions specifically provided for by State or Federal law may be applied to EPA non-faculty Senior Officer positions. Nothing in this Section or in the referenced policy on prohibited harassment and discrimination shall otherwise infer or grant a right to grievance or appeal that is not otherwise explicitly granted to a Tier I Senior Officer under the policies of the Board of Governors of the University of North Carolina.



VIII. Protected Activity

Employment in covered positions shall not be adversely affected by the exercise of rights guaranteed by the First Amendment to the United States Constitution or by Article I of the North Carolina Constitution; provided that employees in covered positions shall be subject to any limitations on political activity established by Article 5 of N.C.G.S. Chapter 126. The Board of Governors' Policy in this regard, as adopted on January 16, 1976, and as it may be revised from time to time, shall apply to covered positions.

IX. Holidays

Senior Officers shall be entitled to the same state-prescribed holidays given to employees subject to the State Personnel Act.

X. Annual Leave

1. *Annual Leave:* A Senior Officer shall be entitled to 26 days of annual leave per calendar year.
2. *Maximum Leave Carry Forward:* The maximum number of unused days of annual leave that may be accrued and carried forward from one year to the next shall be 30 work days; however, unused annual leave in excess of thirty (30) days shall be converted to sick leave on December 31st of each year.
3. *Advancement of Leave:* Subject to approval by the employee's supervisor, a Senior Officer may be advanced the amount of leave that can be accrued during the remainder of the year or during a twelve-month period. If an employee separates from the University and has taken more annual leave than has been accrued, the University will make deductions from the employee's final pay check accordingly, subject to wage-hour laws.
4. *Transfer of Accrued Annual Leave:* A new employee in a covered position cannot transfer accrued annual leave from other UNC institutions or other State agencies to this University. Upon discontinuation of employment from a leave earning position at the University, a covered employee may either elect a payout of accrued annual leave as provided in Section X.5., below, or transfer the remaining balance of any unused annual leave to another UNC institution, State or local governmental agency, subject to the receiving agency's approval.
5. *Payout of Accrued Annual Leave:* A Senior Officer who has accrued such unused annual leave as of the date of discontinuation of employment and who either does not elect or is not eligible to transfer such accrued leave to another position within the University, the UNC system, or another State or local governmental agency shall be paid for such unused annual leave, subject to a maximum of 30 days.



XI. Eligibility for Other Types of Leave

1. *General Leave Benefits:* A Senior Officer shall be entitled to the same state-prescribed sick leave, family and medical leave, family illness leave, civil leave, military leave, community service leave, and special legislative bonus leave given to employees subject to the State Personnel Act. However, with respect to sick leave, a Senior Officer may be advanced the amount of sick leave that can be accrued during the remainder of the year or during a twelve-month period.
2. *Voluntary Shared Leave:* A Senior Officer shall be entitled to the same state-prescribed provisions concerning shared leave as given to employees subject to the State Personnel Act with the exception that the donation and acceptance of such leave shall be computed on the basis of days rather than hours.
3. *Leave of Absence:* A Senior Officer who desires a leave of absence for an interval of 90 days or less must obtain the approval of the President, who shall report all such arrangements to the Board of Governors. A leave of absence for a period exceeding 90 days shall require the approval of the Board of Governors.

XII. Educational Entitlement

A Senior Officer shall be entitled to utilize the benefit of tuition waiver, as provided by N.C. G.S. 116-143.

XIII. Statutory and Other Rules of Employment

1. *Privacy of Personnel Records:* Senior Officers enjoy the protections of and are subject to the provisions of Article 7 of N.C.G.S. 126, entitled "The Privacy of State Personnel Records."
2. *Employment Preference for Veterans:* Senior Officers enjoy the protections of and are subject to the provisions of N.C.G.S. 128-15 and 128-15.1, which provide for preference in employment for veterans of United States military service and their spouses and widows or widowers.
3. *Employment of Related Persons:* Senior Officers are subject to the Policy concerning employment of related persons as adopted by the Board of Governors on April 13, 1972, and as it may be revised from time to time.
4. *Retirement:* Senior Officers may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes.

XIV. Implementation

Any proposed amendment to these Policies must be submitted for review and approved by the President of The University of North Carolina prior to its adoption by the Board of Trustees of the University of North Carolina at Chapel Hill.



XV. Policy Effective Date and Revision History

1. *Effective Date*: The effective date of these Policies shall be October 1, 2009.
2. *Prior Revision History*: September 1, 1981; January 1, 1988; April 12, 1988; October 1, 1991; May 27, 1994; July 1, 1999; Revised January 27, 2000; May 1, 2000; July 1, 2001; September 25, 2003

XVI. Policy Maintenance and Accessibility

This Policy is maintained by the Office of Human Resources (OHR) of The University of North Carolina at Chapel Hill. The most recent revision shall be posted on OHR's publicly accessible web site. A printed copy is also available on request from OHR.