

Legal Principles for Effective Management

Consistency, Preparedness, Forthrightness,
Commitment to Integrity



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Local College Personnel Policies - 23 N.C.A.C. 2C.0210(a)

Each community college is responsible for adopting and implementing personnel policies that address the following:

- ▶ (1) Adverse weather;
- ▶ (2) Annual leave (vacation);
- ▶ (3) Drug and alcohol use;
- ▶ (4) Civil leave;
- ▶ (5) Communicable disease;
- ▶ (6) Compensatory leave;
- ▶ (7) Definitions of the employment categories and benefits for each:
 - (A) Full-time permanent,
 - (B) Part-time permanent,
 - (C) Full-time temporary, and
 - (D) Part-time temporary;
- ▶ (8) Disciplinary action addressing suspension and dismissal;
- ▶ (9) Educational leave (reference 23 NCAC 2D .0103);
- ▶ (10) Employee evaluation process;
- ▶ (11) Employee grievance procedures;
- ▶ (12) Employee personnel file;
- ▶ (13) Hiring procedures (describing procedures used for employment of both full-and part-time employees);
- ▶ (14) Leave transfer;
- ▶ (15) Leave without pay;
- ▶ (16) Longevity pay plan (reference 23 NCAC 2D .0109);

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- ▶ (17) Military leave (reference 23 NCAC 2D .0104);
- ▶ (18) Nepotism (reference 23 NCAC 2C .0204);
- ▶ (19) Non-reappointment;
- ▶ (20) Other employee benefits;
- ▶ (21) Political activities of employees (reference 23 NCAC 2C .0208);
- ▶ (22) Professional development;
- ▶ (23) Reduction in force;
- ▶ (24) Salary determination methods for full-and part-time employees that address at least the following:
 - (A) Provisions and criteria for salary determination,
 - (B) Requirements for annual salary review, and
 - (C) Establishment of salary formulas, ranges, or schedules;
- ▶ (25) Sexual harassment;
- ▶ (26) Tuition exemption (reference 23 NCAC 2D .0202);
- ▶ (27) Sick leave consistent with provisions of the State Retirement system;
- ▶ (28) Secondary Employment that addresses conflict with the employee's primary job responsibilities and institutional resources;
- ▶ (29) Shared leave consistent with provisions of the Office of State Personnel (reference 25 NCAC 1E .1301 through 25 NCAC 1E .1307).; and
- ▶ (30) Providing a preference for veterans, as defined in G.S. 128-15, in hiring decisions.

Selected Personnel Policies Related to Management



Although managers should be familiar with all of the college's personnel policies, there are several policies of which managers should be particularly cognizant:

Annual leave, Disciplinary issues, Employee evaluation, grievance, and hiring; Personnel file issues; Sexual harassment

Annual/Vacation Leave

- ▶ Supervisors must be consistent in their application of the leave policy. Don't make exceptions for certain employees. Treat all employees the same regarding the application of policies.
- ▶ Although leave is automatically earned, employees may not take leave without supervisor approval.
- ▶ Evaluate the needs of your department before approving leave. If you will not be able to fulfill the needs of the department without that person's presence during the requested leave, then have the forthrightness to deny the leave and suggest an alternate time period.
- ▶ It is a good idea to explain why leave is being denied.
- ▶ Encourage employees to request leave well in advance to attempt to minimize the difficulty presented when a leave request is denied.
- ▶ Emphasize the importance of requesting leave BEFORE it is taken.

Compensatory Leave

- ▶ Employees should be prohibited from working overtime without the supervisor's *prior* approval.
- ▶ Managers should carefully monitor compensatory leave.
- ▶ Managers should keep meticulous notes regarding compensatory leave.
- ▶ Managers should monitor any “official” or “unofficial” time sheets that record compensatory leave to ensure that it is not being accumulated.

Disciplinary issues

- ▶ Supervisors must embody consistency, forthrightness, superb documentation, and a commitment to integrity regarding disciplinary issues.
- ▶ Supervisors must have the forthrightness to address disciplinary issues head on. Ignoring disciplinary problems don't make them go away; it only causes the problem to fester.
- ▶ Any time there is a problem or a failure to meet work expectations, supervisors should address it every time and document it every time.
- ▶ Documentation of problems on evaluations should not be a surprise to employees.
- ▶ While college employees do not enjoy protections of the State Personnel Act, employers should still adhere to the principles of coaching and discussion of problems with employees to maximize the effectiveness of the work environment.
- ▶ Supervisors should treat similar issues the same no matter who the employee is. This will aid in preventing discrimination issues.

Employee evaluation

- ▶ Do not be afraid to write your true thoughts on evaluation forms.
- ▶ Be prepared to support every statement you make on the evaluation. It is a good idea to keep a running record of accomplishments and areas of concern. If you have a running record, it is much easier to support your evaluation.
- ▶ Don't let any comments on the evaluation be a surprise to the employee.

Employee grievance process

- ▶ When supervisors are faced with a grievance, having been consistent, keeping good documentation, being prepared, being committed to integrity, and being forthright puts the supervisor in a good position to defend any decisions or actions he or she has made.

Employee personnel file

- ▶ N.C.G.S. § 115D-27 states that “a personnel file consists of any information gathered by the board of trustees which employs an individual, previously employed an individual, or considered an individual’s application for employment, and which information relates to the individual’s application, selection or nonselection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment **wherever located or in whatever form.**”

Employee personnel file cont'd

- ▶ James Sprunt's policies provide that "An official file for each employee will be kept at all times within the Human Resources office. All employment documentation such as contracts, evaluations, educational attainment records and application materials will be kept in this file. Employees may have access to their file (except for confidential letters of reference) at any time by calling Human Resources to make an appointment."
- ▶ Although James Sprunt says the personnel records are maintained in the Human Resources office, they are really maintained all over campus in various formats. The notes you keep on employees on your computer or in your desk that are never turned in to Human Resources constitute part of that employees' personnel file. The drafts of evaluations constitutes that employees' personnel file.
- ▶ Be aware that the personnel file is located anywhere in whatever form.

Employee hiring

- ▶ Treat all applicants the same regarding policies.
- ▶ Focus on an applicants' qualifications first.
- ▶ Pay attention to the protected classes when hiring: age, sex, race, religion, disability.
- ▶ Keep meticulous notes about all applicants.
- ▶ Ask the same types of work-related questions of everyone.
- ▶ Avoid asking personal questions that could raise questions of discrimination, i.e., do you have children? Are you married? Which musician do you prefer – Luther Vandross or Kenny Chesney?

Sexual Harassment

- ▶ Avoid questionable comments.
- ▶ Avoid affectionate touching.
- ▶ Eliminate discussions about your personal sex life or anyone else's.
- ▶ Do not make any comments or jokes you would not feel comfortable making from a witness stand.
- ▶ Do not send questionable pictures.
- ▶ When in doubt, do not say it.
- ▶ Make sure employees don't engage in inappropriate behavior with each other. Use disciplinary process if necessary.