

## **CHAPTER C. PERSONNEL**

### **SUBCHAPTER 100. DEFINITIONS**

#### **1C SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION**

### **SUBCHAPTER 200. PERSONNEL POLICIES**

#### **1C SBCCC 200.94 Local College Personnel Policies**

- (a) Each local board of trustees shall adopt, publish, and implement personnel policies, consistent with all applicable statutes, rules, and regulations, addressing the following issues:
- (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 1C SBCCC 400.96);
  - (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 1C SBCCC 400.98);
- (17) Military leave (reference 1C SBCCC 400.97);
- (18) Nepotism (reference 1C SBCCC 200.98);
- (19) Non-reappointment;
- (20) Other employee benefits;
- (21) Political activities of employees (reference 1C SBCCC 200.99);
- (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 1E SBCCC 300.99; 800.97; and 900.98);
- (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 (the local board of trustees shall approve or disapprove any secondary employment of the president; the president or any member of the college's senior administration designated by the president shall approve or disapprove secondary employment of all full-time employees); and
- (29) Shared leave consistent with subsection (c) of this section.
- (30) Providing a preference for veterans, as defined in G.S. 128-15, in hiring decisions.

(b) Each local board of trustees shall submit copies of these policies, including amendments, to the NC Community College System President's office upon adoption.

(c) Shared Leave Policy

- (1) Purpose: The purpose of the Voluntary Shared Leave Program is to allow an employee to donate leave, as allowed in this rule, to an employee who has been

approved to receive leave through the Voluntary Shared Leave Program because of a medical condition of the employee or of a member of the employee's immediate family that will require the employee's absence for a prolonged period of time.

- (2) In cases of a prolonged medical condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee, from the sick leave or vacation account of an immediate family member as defined in section of this (c)(8) of this Subchapter or from the sick leave account of a non-family member as provided in (c)(11)(B) of this Rule. For purposes of this Rule, prolonged medical condition means medical condition that is likely to require an employee's absence from duty for a period of at least 20 consecutive workdays. If an employee has had previous absences for the same condition that has caused the employee to not have enough leave to cover the new need for leave or if the employee has had a previous, but different, prolonged medical condition within the last 12 months, the college may waive the requirement that the employee be absent from duty for a period of 20 consecutive workdays to participate in the program.
- (3) An employee who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.
- (4) Participation in the voluntary shared leave program shall be limited to 1,040 hours, (prorated for part-time employees), either continuously or, if for the same condition, on a recurring basis. However, management may grant employees continuation in the program, month by month, for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.
- (5) An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in the voluntary shared leave program. Use of donated leave under the workers' compensation program shall be limited to use with the supplemental leave schedule as described in 25 NCAC 01E .0707.

- (6) The employee shall exhaust all available leave before using donated leave.
- (7) Non-qualifying conditions: This leave does not apply to short-term or sporadic conditions or illnesses that are common, expected or anticipated as determined by the college president or the college president's designee. This includes such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to the intent of this Rule and must be applied consistently and equitably.
- (8) For purposes of this Section, immediate family means:
- (A) Spouse: A husband or wife;
  - (B) Parent:
    - (i) a biological or adoptive parent; or
    - (ii) an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child; or
    - (iii) a step-parent; or
    - (iv) in-law relationships;
  - (C) Child: A son or daughter who is:
    - (i) a biological child; or
    - (ii) an adopted child; or
    - (iii) a foster child (a child for whom the employee performs the duties of a parent as if it were the employee's child); or
    - (iv) step-child (a child of the employee's spouse from a former marriage); or
    - (v) a legal ward (a minor child placed by the court under the care of a guardian);  
or
    - (vi) a child of an employee standing in loco parentis; or
    - (vii) in-law relationships;
  - (D) Sister or brother - biological, adoptive (including step-, half- or in-law relationships);
  - (E) Grandparents, great grandparents, grandchildren, great grandchildren (including step relationships); and

(F) Other dependents living in the employee's household.

(9) Administration

(A) All colleges shall develop policies and procedures to implement the voluntary shared leave program.

(B) Colleges shall not establish a leave "bank" for use by unnamed employees. Leave shall be donated on a one-to-one personal basis.

(10) Qualifying to Participate in Voluntary Shared Leave Program. To participate in the Voluntary Shared Leave Program, an employee shall meet the following conditions:

(A) A donor or recipient shall have a half-time or more permanent, probationary, or time-limited appointment (The limitation and leave balance for permanent part-time employees shall be prorated);

(B) A recipient shall apply or be nominated by a fellow employee to participate in the program;

(C) A recipient shall produce medical evidence to support the need for leave beyond the available accumulated leave; and

(D) The parent college shall review the merits of the request and approve or disapprove according to these Rules.

(11) Donor Guidelines

(A) An employee of a community college may donate vacation leave, bonus leave or sick leave to an immediate family member in any State agency, public school or community college. An employee of a community college may donate vacation or bonus leave to a coworker's immediate family member who is an employee in a state agency or public school provided the employee and coworker are at the same college. An employee may donate vacation, bonus or sick leave to another employee at a community college in accordance with the provisions of (c)(11)(B) of this Rule.

(B) An employee of a community college may donate up to five days of sick leave to a non-immediate family member employee of a community college. The combined total of sick leave donated to a recipient from non-immediate family member donors shall not exceed 20 days per year as defined by local college

policy. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

- (C) The minimum amount of sick leave or vacation leave to be donated is four hours. An employee family member donating sick leave to a qualified immediate family member under the Voluntary Shared Leave program may donate up to a maximum of 1040 hours but may not reduce the sick leave account below 40 hours.
  - (D) The maximum amount of vacation leave allowed to be donated by one individual is the amount of the individual's annual accrual rate. However, the amount donated shall not reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate. Bonus leave may be donated without regard to this limitation.
  - (E) An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. The donation of leave is confidential, and only those individuals authorized under G.S. 115D-29 to access employee personnel file information may view donation information consistent with G.S. 115D-29. Recipients of voluntary shared leave shall not have access to information about individuals who donated leave. The employee donating leave shall not receive remuneration for the leave donated.
- (12) Leave Accounting Procedures. The following conditions shall control the accounting and usage procedures for leave donations in the Voluntary Shared Leave program:
- (A) The community college may establish a specific time period during which leave can be donated.
  - (B) All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to 60 calendar

days to substitute for advanced vacation or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.

(C) At the expiration of the medical condition, as determined by the community college, any unused leave in the recipient's donated leave account shall be treated as follows:

(i) The recipient's vacation and sick leave account balance shall not exceed a combined total of 40 hours (prorated for part-time employees).

(ii) Any additional unused donated leave shall be returned to active (working or on leave without pay) donor(s) on a pro rata basis and credited to the leave account from which it was donated.

(D) If a recipient separates due to resignation, death, or retirement from state government, participation in the program ends. Donated leave shall be returned to active donor(s) on a pro rata basis.

(d) Holiday Leave Policy

(1) Full-time employees who are eligible to earn annual leave pursuant to local college policy shall receive pay for a maximum of 12 paid holidays per fiscal year. Local boards of trustees shall determine the number of paid holidays for those employees eligible to earn annual leave up to a maximum of 12 paid holidays per fiscal year. Part-time employees who are eligible to earn annual leave pursuant to local college policy shall receive pay for paid holidays on a pro-rata basis.

(2) Colleges shall only pay holiday leave to eligible employees who are:

(A) In pay status through the day on which the holiday is scheduled, or

(B) On a leave of absence without pay, but were in pay status for half or more of the workdays in the month.

Local community college boards of trustees shall determine when holidays are scheduled on the college calendar and may require employees to take annual leave, special leave granted by the General Assembly, accumulated compensatory leave, or leave without pay during time on days other than holidays when classes are not scheduled to be in session.

*History Note: Authority G.S. 115D-5; 115D-20; 115D-25.3;*

*Eff. September 1, 1993;*

*Amended Eff. [July 1, 2018](#); May 1, 2017; May 1, 2008; May 1, 2005;  
January 1, 1996.*

### **1C SBCCC 200.95 CIVIL RIGHTS**

- (a) The colleges shall comply with the provisions of the Civil Rights Act of 1964 and other acts banning discrimination because of race, national origin, color, religion, sex, disability, age or political affiliation.
- (b) Compliance Forms. All colleges shall maintain up-to-date compliance forms for the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and Title IX of the Education Amendments of 1972.

*History Note: Authority G.S. 115D-5; P.L. 88-352, as amended; P.L. 92-318; P.L. 93-608;*

*P.L. 95-555;*

*P.L. 101-336; P.L. 102-166; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. July 1, 1998; September 1, 1993; July 1, 1981; July 1, 1980; January 14, 1980.*

### **1C SBCCC 200.96 EQUAL EMPLOYMENT OPPORTUNITY**

The employment and assignment of all college personnel shall be solely on the basis of qualifications and without regard to race, national origin, color, religion, sex, disability, age, or political affiliation.

*History Note: Authority G.S. 115D-5; 45 C.F.R. 676.52;*

*Eff. February 1, 1976;*

*Readopted with Change Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; July 1, 1981.*



## **1C SBCCC 200.97 EMPLOYMENT OF WOMEN AND MINORITIES IN ADMINISTRATIVE POSITIONS**

The community colleges shall seek to employ women and minorities in administrative positions.

*History Note: Authority G.S. 115D-5; P.L. 88-352;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; January 14, 1980.*

## **1C SBCCC 200.98 EMPLOYMENT OF RELATIVES**

A college shall not employ two or more persons concurrently who are closely related by blood or marriage in positions which would result in one person of such family relationship supervising another closely related person or having a substantial influence over employment, salary or wages, or other management or personnel actions pertaining to the close relative. "Closely related" is defined to mean mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, uncle, aunt, nephew, niece, husband, wife, step-parent, step-child, step-brother, step-sister, guardian or ward. With respect to the concurrent service of closely related persons within the same academic department or other comparable college subdivision of employment, neither relative shall be permitted, either individually or as a member of a committee, to participate in the evaluation of the other relative.

*History Note: Authority G.S. 115D-5; 115D-20;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; August 17, 1981.*

## **1C SBCCC 200.99 POLITICAL ACTIVITIES OF EMPLOYEES**

- (a) As an individual, each employee of the community college system retains all rights and obligations of citizenship provided in the Constitution and laws of North Carolina and the Constitution and laws of the United States. Therefore, the State Board encourages employees of the system to exercise their rights and obligations of citizenship.
- (b) Each local board of trustees shall develop a policy on the political activities of its employees, except for the president, that meets the following criteria and submit that policy to the System President to determine if the policy meets these criteria:
  - (1) Employees who decide to run for public offices shall notify the board of trustees through the president of their intentions to run and certify that they will not campaign or otherwise engage in political activities during their regular work hours or involve the college in their political activities.
  - (2) Any employee, who is elected to a part-time public office, shall certify through the president to the board of trustees that the office will not interfere with his carrying out the duties of the position with the college, or request leave.
  - (3) Any employee, who is elected or appointed to a full-time public office or the General Assembly, shall be required to take a leave of absence without pay upon assuming that office. The length of the leave of absence shall be determined by the local board of trustees.
  - (4) Any employee who becomes a candidate for public office shall be prohibited from soliciting support during regular work hours. The employee in question is prohibited from soliciting support on college property unless otherwise authorized by the local board of trustees.
- (c) Political activities of college presidents.
  - (1) Any college president, who decides to run for public office, shall notify the local board of trustees of the intention to run and certify that no campaigning or political activities will be engaged in during regular work hours and that the college will not be involved in the president's political activities.
  - (2) Any college president, who is elected to a part-time public office, shall certify to the local board of trustees that the office will not interfere with carrying out the duties of the college presidency, or request leave.

- (3) Any college president, who is elected or appointed to a full-time public office or to the General Assembly, shall be required to take a leave of absence without pay upon assuming that office. The length of the leave of absence shall be determined by the local board of trustees.
  - (4) Any college president, who is a candidate for public office, is prohibited from soliciting support during regular work hours. The president in question is prohibited from soliciting support on college property unless otherwise authorized by the local board of trustees. The authorization must be on a case-by-case basis.
  - (5) The local board of trustees shall notify the state board if the college president should become a candidate for public office or if the college president is elected or appointed to a public office.
- (d) Definitions as used in this Rule.
- (1) Public office means any national, state or local governmental position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by constitution, statute, or ordinance.
  - (2) Membership in the General Assembly is a full-time public office under this Rule.

*History Note: Authority G.S. 115D-5; 115D-20;*

*Eff. September 1, 1988;*

*Amended Eff. September 1, 1993.*

## **SUBCHAPTER 300. EMPLOYMENT/HIRING PRACTICES**

### **1C SBCCC 300.1 Presidential Selection Process**

- (a) Once a college presidential vacancy occurs or is anticipated, the board of trustees shall notify the System President and invite the System President or the System President's designee to meet with the board of trustees to discuss legal requirements and other procedural matters while also providing technical assistance to the board of trustees as needed.
- (b) In the selection of the college president, the board of trustees shall, at minimum, consider general input from college and community stakeholders on the desired

attributes of a college president and evaluate more than one candidate for the position. The State Board may waive this requirement at the request of the board of trustees if the State Board determines it is in the college's interest to do so.

- (c) The board of trustees shall submit at least one candidate to the System President for review at least ten business days prior to the next regularly scheduled SBCC Personnel Committee meeting or at least ten business days prior to a special called SBCC Personnel Committee meeting.
- (d) While completing the review process, the System President or the System President's designee shall confirm that the board of trustees completed a background check to include the following:
  - (1) Social security number verification,
  - (2) Criminal history check,
  - (3) Civil litigation history check,
  - (4) Education verification,
  - (5) Employment verification, and
  - (6) Personal credit history check.
- (e) Upon completion of the review process, the System President shall present the name(s) of candidate(s) to the Personnel Committee of the SBCC for consideration and assessment.
- (f) Following consideration and assessment of the candidate(s), the Personnel Committee of the SBCC or the SBCC shall authorize the System President to communicate the Personnel Committee's or the SBCC's assessment to the board of trustees.
- (g) The board of trustees shall proceed with the final election process and submit the board of trustees' final election to the SBCC for approval. The board of trustees shall submit the board's recommendation in writing to the System President at least five business days prior to the next meeting of the SBCC.
- (h) The SBCC shall act upon the board of trustees' election at the SBCC's regularly scheduled meeting following receipt of the local board's election unless delayed for cause as determined by the SBCC.

- (i) The System Office shall convey in writing to the chairman of the board of trustees the SBCC's action on the board of trustees' election. The action of the SBCC is final.
- (j) No college shall execute a contract prior to SBCC action to approve the local board's presidential election without a provision specifying that the effective date of the contract is subject to the SBCC's approval of the presidential election.

*History Note: Authority G.S. 115D-5 and 115D-20*

*Eff. [October 1, 2018](#).*

### **1C SBCCC 300.96 ADMINISTRATIVE**

Selection of personnel is the responsibility of the trustees upon the recommendation of the president except for the president who must be approved by the State Board.

*History Note: Authority G.S. 115D-1; 115D-2; 115D-5;*

*Eff. February 1, 1976;*

*Amended Eff. August 17, 1981; September 30, 1977.*

### **1C SBCCC 300.97 FACULTY**

#### **(a) General**

- (1) Colleges shall employ faculty members so as to meet Southern Association of Colleges and Schools' criteria.
- (2) Colleges shall determine appropriate teaching and non-teaching loads for faculty and for technical assistants to the faculty so as to meet Southern Association of Colleges and Schools' criteria.
- (3) The Principles of Accreditation: Foundations for Quality Enhancement Commission on Colleges, Southern Association of Colleges and Schools, current edition is hereby adopted by reference, including any subsequent amendments and editions of this book, to apply to community colleges. Copies for The Principles of Accreditation: Foundations for Quality Enhancement may be inspected in or obtained at no cost from the Office of the System President, Department of Community Colleges, 200 W. Jones Street, Raleigh, NC 27603-1379.

- (b) Instructors for Extension Emergency Services Training. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

*History Note: Authority G.S. 115D-5.*

*Eff. February 1, 1976;*

*Amended Eff. March 1, 2007; July 1, 1998; September 1, 1993; August 17, 1981; September 30, 1977.*

### **1C SBCCC 300.98 EVALUATION OF PRESIDENTS**

- (a) Methodology and Instrumentality. Each local board of trustees shall evaluate the performance of its president annually. The evaluation instrument and methodology shall be selected by the local board, but the evaluation shall, at a minimum, include the following categories:
- (1) General administration;
  - (2) Relationships including:
    - (A) Internal relationships with faculty, staff, students, and trustees; and,
    - (B) External relationships with business and industry, the media, governmental bodies, and the general public;
  - (3) Personal attributes;
  - (4) Personnel administration;
  - (5) Fiscal and facilities administration; and,
  - (6) Academic administration.
- (b) Reporting Requirements. Prior to June 30 of each year, each college board of trustees shall, in writing, notify the State Board of the following:
- (1) The time period for which its president was evaluated and the date the evaluation was completed;
  - (2) Description of the methodology used for the evaluation;

- (3) Certification that the evaluation included a written assessment of the president's performance in each of the categories identified in Paragraph (a) of this Rule;
  - (4) Certification that the full board received a copy and discussed the evaluation results and the results were discussed with the president; and
  - (5) Certification that the full board received a copy of and reviewed the president's contract if the president has a contract;
  - (6) A listing of board members in attendance at the meeting when the president's evaluation was conducted; and
  - (7) Certification that appropriate action, as defined by the local board, has been taken if the president's performance is less than satisfactory in any of the categories identified in Paragraph (a) of this Rule.
- (c) If the president has a contract, local boards of trustees shall note in the meeting minutes that they have reviewed the president's contract.

*History Note: Authority G.S. 115D-5; 115D-20;*

*Eff. September 1, 1993;*

*Amended Eff. [October 1, 2018](#), October 1, 2006.*

## **1C SBCCC 300.99 RE-EMPLOYMENT OF RETIRED PERSONS**

Retired persons may be re-employed in accordance with social security regulations, and policies regulating the State Employees' Retirement System.

*History Note: Authority G.S. 115D-5; 115D-22;*

*Eff. February 1, 1976.*

## **SUBCHAPTER 400. SALARIES AND BENEFITS**

### **1C SBCCC 400.1 DEFINITIONS**

The following definitions apply to this subchapter:

- (a) “Base Salary” – A fixed amount or a rate of compensation paid to an employee for work performed, excluding benefits and any other payments or allowances, such as longevity and bonuses.
- (b) “Bonus Pay” – A lump sum payment provided to employees, excluding longevity pay. Compensation provided to an employee for work in addition to the employee’s normal duties is not considered “bonus” pay.
- (c) “Longevity Pay” – A lump sum payment provided to recognize long-term State service, as provided by 1C SBCCC 400.8.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

#### **1C SBCCC 400.2 COLLEGE PRESIDENT SALARIES**

- (a) Upon hire and each fiscal year thereafter, the college board of trustees shall set the college president’s salary, consistent with the parameters set forth in this rule.
- (b) The college board of trustees shall pay the college president a base salary from State funds consistent with the following provisions:
  - (1) The State Board shall adopt State salary grades for college presidents that are based on institutional size. The System President shall determine annually the proper salary grade for the president of each college based on its institutional size. Institutional size is defined as the sum of:
    - (A) The higher of the number of curriculum budget FTE as defined 1G SBCCC 100.1(4) for the prior reporting year or the average of the number of curriculum budget FTE for the prior two reporting years;
    - (B) The higher of the number of continuing education budget FTE as defined by 1G SBCCC 100.1(4) for the prior reporting year or the average of the number of continuing education budget FTE for the prior two reporting years; and
    - (C) The higher of the number of curriculum and continuing education non-budget annual FTE for the prior reporting year or the average of the number of curriculum and continuing education non-budget annual FTE for the prior two reporting years.



- (2) For each salary grade, the State Board shall adopt a salary that all presidents assigned to that grade shall be paid from State funds, except as provided by provision (b)(3). The State Board shall adjust the prescribed salary for each grade annually consistent with legislative action.
- (3) If the salary paid from State funds to a college president in FY 2012-13 exceeds the salary adopted by the State Board for that college's salary grade, the State Board shall allocate from State funds an amount that equals his or her FY 2012-13 salary supported from State funds adjusted for any subsequent legislative salary adjustment enacted into law by the General Assembly until such time that the president separates from that college.
- (c) Boards of trustees shall pay an acting or interim president from State funds an amount equal to the salary prescribed by the State Board for that college's salary grade.
- (d) Boards of trustees shall not provide bonus pay to the college president using State funds unless authorized by the General Assembly.
- (e) Boards of trustees may supplement the base salary paid from State funds for permanent, acting, or interim college presidents, using non-State funds, if not prohibited by the non-State fund source. The supplement may be in the form of supplemental base salary or bonus pay.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

### **1C SBCCC 400.3 College Employee Rates of Pay**

- (a) The State Board shall adopt a minimum and maximum base salary amount of State funds which may be paid to any individual working in a college. The State Board shall also adopt minimum salaries for curriculum faculty based on educational level.
- (b) The college president shall establish the rate of pay for college employees consistent with the college's local human resources policy required by 1C SBCCC 200.94, the parameters established by the State Board in subsection (a) of this rule, and any applicable legislation enacted by the General Assembly.

- (c) Salary increases shall be granted consistent with local policy and the requirements set forth by the General Assembly.
- (d) Colleges shall not provide bonus pay to college employees using State funds unless authorized by the General Assembly.
- (e) Colleges may supplement the base salary paid from State funds for college employees using non-State funds, if not prohibited by the non-State fund source. The supplement may be in the form of supplemental base salary or bonus pay.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

*Amended Eff. [June 1, 2019](#).*

#### **1C SBCCC 400.4 REPORTING OF COLLEGE EMPLOYEE SALARIES**

Colleges shall certify and report annually to the System Office information about college employee pay as of the prescribed reporting date and in the format prescribed by the System Office.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

#### **1C SBCCC 400.5 CONTRACT BUY OUTS**

- (a) Boards of trustees shall not use state funds to buy out contracts, unless required by a court of competent jurisdiction. The parties entering into a contract are responsible for implementing the contract. Therefore, should it become necessary to terminate employment prior to the expiration of a contract and if it is necessary to buy out the contract, such payment shall not be paid from state funds.
- (b) For an employee who is separated from the college for unsatisfactory job performance, a college may provide up to two weeks' pay from the same funding source as the employee's base salary in lieu of notice. Such pay in lieu of notice is applicable only to dismissals or non-renewals for unsatisfactory job performance.

- (c) An individual in a state-funded position whose employment is terminated prior to the expiration of a contract may not be re-employed by the college to offset the lost wages which the employee would have received under the contract. Colleges shall make all efforts to prevent terminations which require buying out contracts.
- (d) If an individual whose employment contract has been terminated enters into another employment agreement with the college, such employment shall be for a salary commensurate with the services being performed. Such employment shall not be to provide the employee the same level of compensation he or she would have received under the former contract.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

#### **1C SBCCC 400.6 EDUCATIONAL LEAVE WITH PAY**

- (a) The term "educational leave" means the release from duties or time normally required of a full-time employee in carrying out the full load of responsibilities assigned to further his education.
- (b) Each local board of trustees shall adopt an educational leave policy for employees. State funds may be used to pay employee salaries while they are on educational leave if the following criteria are incorporated in the local board of trustees' policy:
  - (1) The employee is employed full-time on a 9-, 10-, 11-, or 12-month basis.
  - (2) The employee shall be under contract to the college for the next fiscal year.
  - (3) Educational leave shall not exceed one semester per fiscal year.
  - (4) An employee who fails to honor the contract stipulated in Subparagraph (b)(2) of this Rule shall be required to repay the amount expended for the educational leave. If the employee fulfills a portion of the contract before failing to honor the contract, repayment shall be based on a pro-rata portion (e.g., if an employee works 4 months of a 12-month contract, a repayment of 66.7 percent of the educational leave would be required).

*History Note: Authority G.S. 115D-5;*

Eff. [October 1, 2018](#)

### **1C SBCCC 400.7 MILITARY LEAVE**

- (a) The rules concerning military leave, codified in Title 25 of the North Carolina Administrative Code, Subchapter 1E, Section .0800 are hereby incorporated by reference including any subsequent amendments and editions of these rules to apply to community college system employees.

*History Note: Authority G.S. 115D-5;*

Eff. [October 1, 2018](#)

### **1C SBCCC 400.8 LONGEVITY PAY PLAN FOR COLLEGE PERSONNEL**

- (a) Employees of institutions in the community college system assigned to permanent fulltime or permanent -part-time- positions shall receive longevity pay if the employees meet the requirements of total qualifying service set forth in this Rule.
- (b) Total service for the longevity pay plan is based on a month-for-month- computation of permanent fulltime and permanent -part-time- (20 hours or more, but less than full-time) employment with:
- (1) An institution in the community college system or a school administrative unit regardless of the source of salary and including state, local or other paid employment.
    - (A) Employment for a school year is equivalent to one full calendar year (credit for a partial year is given on a month-for-month- basis).
    - (B) In no event will an employee earn more than a year of total service credit in a 12-month period.
    - (C) If an employee is in pay status (working, exhausting vacation or sick leave, or when on workers' compensation leave or is on authorized military leave) for one-half or more of the regularly scheduled workdays in a month, credit shall be given for the entire month.

- (2) Departments, agencies, and institutions of the State of North Carolina, (e.g., Department of Administration, Department of Revenue, University of North Carolina, Department of Community Colleges, Department of Public Instruction).
  - (3) Other governmental units which are now agencies of the State of North Carolina (e.g., county highway maintenance forces, War Manpower Commission, judicial system).
  - (4) County agricultural extension service.
  - (5) Local mental health, public health, social services or civil preparedness agencies in North Carolina, if such employment is subject to the Office of State Human Resources Act.
  - (6) Authorized military leave.
    - (A) Credit for military leave is granted only for persons who were employees of the State of North Carolina or other agencies listed in Paragraph (b) of this Rule who were granted leave without pay:
      - (i) for a period of involuntary service plus 90 days or for a period of voluntary enlistment for up to four years, plus 90 days, so long as they returned to employment in a covered agency within the 90 days; or
      - (ii) for a period of active duty for service, alerts, or required annual training while in the National Guard or in a military reserve program.
    - (B) Employees who enlist for more than four years or who re-enlist shall not be eligible for military leave.
    - (C) Employees hospitalized for a service connected- disability or injury shall be granted additional leave without pay for the period of hospitalization plus 90 days or for 12 months, whichever is shorter. The hospitalization must commence before reinstatement into qualifying service for the provisions of this part to apply.
- (c) Total service for the longevity pay plan does not include:
- (1) Temporary service, that is, service by an employee who works in a temporary position, or who is working temporarily in the absence of a permanent employee on leave of absence, except that temporary service of employees of the General

Assembly will be counted and the full legislative terms of the members. Service of legislative interns and pages will not be counted.

- (2) Periods of out-of-state employment with other states, schools, colleges or universities.
  - (3) Periods of employment with agencies of the federal government.
  - (4) Periods of military service other than those categories described in Subparagraph (b)(6) of this Rule.
  - (5) Periods of employment for employers other than the State of North Carolina even though credit in the North Carolina retirement system has been purchased for such employment.
- (d) An employee assigned to a permanent fulltime or permanent part-time- position is eligible for longevity pay only after the date the employee has completed ten years of total service with a community college, a school administrative unit or an agency.
- (e) Annual longevity pay amounts are based on the length of total service to agencies, community colleges, and school administrative units as designated in Paragraph (b) of this Rule and a percentage of the employee's annual rate of pay on the date of eligibility.
- (1) Longevity pay amounts are computed by multiplying the employee's annual base or contract salary rate as of the eligibility date by the appropriate percentage, rounded to the nearest dollar, in accordance with the following table:

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Years of Total State Service	Longevity Pay Rate
10 but less than 15 years	1.50%
15 but less than 20 years	2.25%
20 but less than 25 years	3.25%
25 or more years	4.50%

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- (2) Longevity pay is not considered a part of annual base or contract salary or is it to be represented in personnel and payroll records as a part of annual base or contract salary. (Salary increases effective on the same date as the longevity eligibility date shall be incorporated in the base salary before computing longevity).

- (f) The payment of longevity pay to eligible employees is automatic. Payment shall be made in a lump sum, subject to all statutory deductions, during the monthly pay period in which the employee has satisfied all eligibility requirements.
- (1) Eligible employees on worker's compensation leave shall receive longevity payment in the same manner as if they were working.
  - (2) If an employee retires, resigns, dies, or is otherwise separated on or after the date of becoming eligible for a longevity payment, the full payment shall be made to the employee or to the estate of the employee in case of death.
  - (3) If, on the effective date of this policy, an employee has completed the qualifying length of service but is between eligibility dates, longevity payment will be made on the next longevity anniversary date.
  - (4) If the employee has worked part but not all of one year since qualifying for longevity payment, the employee shall receive a pro-rata- payment in the event of:
    - (A) Separation from the institution;
    - (B) Change in employment status to temporary part-time, or to a position not covered in this policy.
  - (5) If an employee separates from a community college and receives a partial longevity payment and is employed by another community college, school administrative unit, or state agency, the balance of the longevity payment shall be made upon completion of additional service totaling 12 months for an employee having a 12-month period of employment, or upon completion of a lesser term for an eligible employee on less than a 12-month period of employment. The balance due is computed on the annual or contract salary being paid at the completion of the requirement.
  - (6) If an eligible employee at the time of separation has a fraction of a year toward the next higher percentage rate, payment shall be based on the higher rate; however, the basic eligibility for longevity requirement must have been satisfied before this provision can apply.
  - (7) Leave without pay in excess of one-half the work days in a month (with the exception of authorized military leave and worker's compensation leave) will delay the longevity anniversary date on a month-for-month basis.

- (g) Boards of trustees shall pay longevity pay from the same source of funds and in the same pro-rata- amounts from which the employee's regular annual salary is paid (e.g. state, federal, local funds). If boards of trustees want to provide longevity payments in excess of the amounts provided for by subsection (e)(1), such payments may not be supported with state funds as defined by 1H SBCCC100.1.
- (h) The president of each community college shall:
- (1) Determine the quantity of qualifying service and the longevity anniversary date for each eligible employee.
  - (2) Furnish to the State Board, in format prescribed by the System Office, data necessary for a determination of the cost of the longevity pay plan from state funds.
- (i) The President of the Community College System shall determine the total cost of the longevity pay plan from data submitted by each community college. If funds are not adequate to pay longevity rates established under this Rule, the President of the Community College System shall submit a budget revision to the State Budget Officer requesting additional funds from other available sources within State Aid.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

### **1C SBCCC 400.9 EMPLOYEE MERITORIOUS SERVICE AWARDS**

Colleges are authorized to establish employee meritorious service award programs. To express appreciation to their valued employees, colleges may adopt a policy of recognizing continued dedicated service through a program of service awards. The program shall provide:

- (a) Management a tool to recognize ongoing employee dedication and a means to reinforce, acknowledge and retain employee commitment at critical milestones.
- (b) Recognition of employees' service in increments of five years through retirement. A college may define "service" as total service, as defined in 1C SBCCC 400.8(b), or college service.
- (c) Service awards to employees reaching each five-year milestone. Employee service awards may be purchased through the State of North Carolina Service Awards:



Excellence in Service Program or the college may purchase awards of comparable value.

- (d) The purchasing of awards is dependent upon availability of funds to finance the program. Boards of trustees may use State (see 1H SBCCC 200.8) or non-State funds, if authorized by the non-State fund source, to purchase the awards.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

### **1C SBCCC 400.10 PAYROLL DEDUCTIONS**

Colleges are authorized to establish voluntary payroll deduction plans for the following:

- (a) Premiums for any type of group insurance established and authorized by the laws of the state;
- (b) Amounts authorized by members of the State Employee's Credit Union and local teacher's credit union to be deposited with such organizations;
- (c) Loans made to employees by credit unions;
- (d) Charitable organizations as defined in Section 501(c) (3) of the Internal Revenue Code approved by the local board of trustees, subject to rules and regulations adopted by the director of budget;
- (e) Dues for domiciled employees' associations, as provided in G.S. 143B-426.40A(g);
- (f) Contributions to deferred compensation plans authorized by G.S. 143B-426.24;
- (g) Contributions to the Parental Savings Trust Fund established by G.S. 116-209.25; and
- (h) Amounts due to the college, such as parking fees, and fees for childcare services.

The college's finance officer is also authorized to enter into annual contracts, with employees of the college, which authorize the reduction of salaries to provide for the purchase of annuity or retirement income contracts provided that such action has been approved by the board of trustees and otherwise conforms to the provisions of G.S. 115D-25.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

### **1C SBCCC 400.11 LEAVE PAYOUTS**

Colleges may pay full-time employees for a maximum of 240 hours of unused annual leave (prorated for part-time employees) plus any unused special leave authorized by the General Assembly that has a cash value and does not expire.

*History Note: Authority G.S. 115D-5;*

*Eff. [October 1, 2018](#)*

*Amended Eff. [September 01, 2019](#).*

### **1C SBCCC 400.94 ESTABLISHING PAY RATES**

REPEALED by the State Board of Community Colleges, eff. October 1, 2018.

*History Note: Authority G.S. 115D-5; 115D-54; S.L. 2005-276;*

*Eff. February 1, 1976;*

*Amended Eff. March 1, 2007; December 1, 2004; September 1, 1993;  
December 1, 1989; July 1, 1984; August 1, 1981.*

*Repeal Eff. [October 1, 2018](#)*

### **1C SBCCC 400.95 CONTRACT BUY OUTS**

REPEALED by the State Board of Community Colleges, eff. October 1, 2018.

*History Note: Authority G.S. 115D-5; 115D-20;*

*Eff. December 1, 1995.*

*Repeal Eff. [October 1, 2018](#)*

### **1C SBCCC 400.96 EDUCATIONAL LEAVE WITH PAY**

REPEALED by the State Board of Community Colleges, eff. October 1, 2018.

*History Note: Authority G.S. 115D-5; 115D-20; 115D-31; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1993; August 17, 1981; January 6, 1978;*  
*Temporary Amendment Eff. June 1, 1997;*  
*Amended Eff. July 1, 1998.*  
*Repeal Eff. [October 1, 2018](#)*

### **1C SBCCC 400.97 MILITARY LEAVE**

REPEALED by the State Board of Community Colleges, eff. October 1, 2018.

*History Note: Authority G.S. 115D-5; 127A-116; 150B-21.6;*

*Eff. February 1, 1976;*  
*Amended Eff. March 1, 1997; September 1, 1993; August 17, 1981.*  
*Repeal Eff. [October 1, 2018](#)*

### **1C SBCCC 400.98 LONGEVITY PAY PLAN FOR COLLEGE PERSONNEL**

REPEALED by the State Board of Community Colleges, eff. October 1, 2018.

*History Note: Legislative Objection Lodged Eff. October 10, 1980;*

*Legislative Objection Removed Eff. November 20, 1980;*  
*Filed as an Emergency Amendment Eff. July 7, 1980 for a period of 120*  
*days to expire on*  
*November 5, 1980;*  
*Authority G.S. 115D-5; S.L. 1979, ch. 1137, s. 21;*  
*Eff. September 15, 1977;*  
*Emergency Amendment Expired Eff. November 5, 1980;*  
*Amended Eff. June 1, 1991; August 1, 1983; July 1, 1981; November 6,*  
*1980.*  
*Repeal Eff. [October 1, 2018](#)*

### **1C SBCCC 400.99 PAYROLL DEDUCTIONS**

REPEALED by the State Board of Community Colleges, eff. October 1, 2018.

*History Note: Authority G.S. 115D-5; 115D-22; 115D-25; 143-3.3; 143-304;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 1983; August 17, 1981; January 6, 1978.*

*Repeal Eff. [October 1, 2018](#)*