

June 15, 1972

MEMORANDUM

TO: Dr. W. M. Roberts  
FROM: Dr. Clauston Jenkins

Attached is an outline of what an affirmative action plan might contain. I have written the first part related to policy and scope. For the rest, I have suggested an approach and attached data which you may find useful. When you have developed a draft, please give me a chance to review it with some of President Friday's staff before sending it to OEO. If you have further questions, please call me.

Enclosure

June 15, 1972

Outline of a Possible Departmental Affirmative Action Plan

I. Policy and Scope

- A. It is the policy of NCSU and the Department of Food Science to prohibit discrimination against any employee or prospective employee on the basis of race, color, religion, sex, or national origin. The University and the Department are committed, without reservation, to the proposition that employees of this Institution shall be identified initially and thereafter differentiated among on the basis of good-faith assessments of personal merit. Any other policy would be morally indefensible and inconsistent with the pursuit of institutional excellence and the provision of equal employment opportunity for all. Any administrative or supervisory employee of the department who imposes any detriment on a University employee or prospective employee through failure or refusal to subscribe to this proposition shall be subject to internal disciplinary proceedings.
- B. This plan of affirmative action is limited to the Department of Food Science at North Carolina State University and does not represent a University-wide plan except, insofar as the University supports and endorses the plan of the department. The responsibility for implementing the plan rests with the Department of Food Science which must operate within University policy and State laws and regulations. For personnel

June 15, 1972

subject to the State Personnel Act that law and its administration by the North Carolina Personnel Department would represent the boundaries within which the Department must act. Since the law and its administration is designed to insure equity once individuals are employed, it does not normally represent a restriction in the provision of equal opportunity. All purchases by the Department of Food Science must comply with regulations established by the North Carolina Division of Purchase and Contract.

- C. The individual from the Department of Food Science with responsibilities as Equal Opportunity Officer is \_\_\_\_\_.

II. Analysis of Present Composition of Department

- A. Statistical profile of department by sex, race including average salaries.
- B. Data on departmental turnover  
New hires past year  
Resignations and terminations
- C. The recruitment pool  
Faculty - no data on black Ph.D.s  
- data attached on female Ph.D.s  
- recruit on a national market  
SPA - contact Mr. Bill Calloway for data

June 15, 1972

III. Analysis of relationship of this specific research  
program to the local community

- A. Identify service area
- B. Describe impact of research, if any, on local community

IV. A Plan for the Department of Food Science

Follow as much as appropriate the suggested outline on pages 2 and following of enclosure 3 from O.E.O. The key idea here is "appropriate." Use your analysis as the basis of your plan. "Goals" are not quotas in the sense that they must legally be met, but they should be realistic.

CLJ:st



7/19/74

Date

PROVOST'S OFFICE

TO: Dr. Harry C. Kelly  
Dr. N. N. Winstead  
Mr. W. H. Simpson  
~~Dr. C. L. Jenkins~~  
Dr. LeRoy B. Martin

LaVern Clemmons  
Gloria Johnson  
Bobbi Moore  
Leslie Shelton  
Elsie Stephens  
Mary Strickland  
Siew Tan

After document has been  
(approved/initialed)  
please

Return to \_\_\_\_\_

Return for filing \_\_\_\_\_ ✓

*for filing*

*Equal Opportunities*

July 19, 1972

Mr. Richard H. Robinson, Jr.  
Assistant to the President  
University of North Carolina  
Chapel Hill

Dear Dick:

Clauston Jenkins indicated that he had discussed the attached affirmative action plan with you. Please note that they would like to have it returned by the 24 July, 1972. I have given a very hasty preusal. If you return the material to me, I will get it back to Mr. Calloway.

Sincerely,

N. N. Winstead  
Assistant Provost

NNW:st

Attachments

AMP  
THE UNIVERSITY OF NORTH CAROLINA

General Administration

CHAPEL HILL 27514

RICHARD ROBINSON  
Assistant to the President

July 19, 1972

Dr. Nash Winstead  
Assistant Provost  
North Carolina State University  
A Holladay  
Raleigh, North Carolina 27607

Dear Nash:

I have spent the afternoon reviewing the proposed affirmative action plan prepared by and for the Department of Food Science at North Carolina State University.

My interest in this matter, as communicated to Clauston Jenkins, was a reflection of a concern about the desirability of evolving such policy directives on less than a campus-wide basis, because of the risk that any such limited formulation might be construed by some as constituting a precedent which, it might be urged, should be applied more broadly in the future (without the benefit of original input from those other areas of the University community which might be so "automatically" affected). Apparently, however, because of the nature of certain grants running exclusively to the affected department, such a program is now required, in the absence of any current requirement of a campus-wide program development. In that connection, I wonder if anyone has in fact checked out the jurisdictional requirements, i.e. does the department in fact have to develop such a program under the federal guidelines? In that regard, I note that under the terms of Executive Order 11246, which is the mandate under which the Office of Federal Contract Compliance proceeds and which affects the University in a comprehensive way, we are exempt from any such written-plan requirement. Perhaps the current effort of the Department of Food Sciences is subject to some other special source of regulation which obviates my concern.

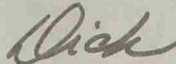
In reviewing this document, I have proceeded without the benefit of any knowledge about the federal regulations under which it was prepared; thus I do not purport to, and perhaps in any case it would not be appropriate for me to, comment on the sufficiency of this proposal, as an affirmative action document and as it relates to the available federal guidelines. I have interlined some penciled notations on pages 1, 2, 12 and 13 which you may wish to consider. In general, I would be very much surprised if the concerned

Dr. Nash Winstead  
July 19, 1972  
Page Two

federal agency did not request greater specificity, with respect to both your description of current practices and your plans for the future. I would hope, however, that they could be content with this general type of presentation.

If any of my comments raise questions which you wish to discuss, please do not hesitate to call me. I should like to have a copy of the final proposal as submitted.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dick", written in a cursive style.

Richard H. Robinson, Jr.

Enclosures

Office of Economic Opportunity

June 30, 1972

Staff

3/10/72

# NORTH CAROLINA STATE UNIVERSITY | AT RALEIGH

SCHOOL OF AGRICULTURE AND LIFE SCIENCES

DEPARTMENT OF FOOD SCIENCE  
Box 5992 Zip 27607

March 6, 1972

Dr. Clauston L. Jenkins  
201 Holladay Hall  
Campus

Dear Dr. Jenkins:

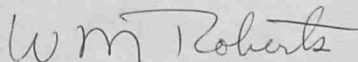
This letter will confirm our conversation pertaining to the Civil Rights affirmative action plan.

I am enclosing all of the material that was sent to me by Director Mark S. Israel, Acting Director, Emergency Food and Medical Services Division, Office of Health Affairs pertaining to it.

We do have a grant with the Office of Economic Opportunity. Mr. Glen Musser is handling it through the Business Office. This is the second year of the grant. Currently, we expect the grant to be terminated June 30, 1972.

If there is any information with which Dr. Mary Head or I can supply you about this proposal, we shall be glad to do so. If either of us should get a call from Washington requesting information as to the status of the Civil Rights affirmative action plan, we shall refer them to you.

Sincerely yours,



W. M. Roberts, Head  
Department of Food Science

WMR:em

Encl.

cc: Dr. Mary Head

3/1  
6-8-72

Talk w/ Mrs. Bob Malone OEO

he said that HEW affirmative action  
plans are satisfactory to OEO.

If we don't have one, Food Service can  
prepare their own & it will be acceptable.

Roberts 2951

Write an outline of a plan - w/ statement about  
responsibility of Dept of Food Service



NORTH CAROLINA STATE UNIVERSITY

OFFICE OF PROVOST .....109 Holladay Hall

MEMORANDUM

November 10, 1971

TO: Academic Deans  
Department Heads  
Faculty Members  
Teaching Assistants

FROM: Harry C. Kelly, Provost *HK*

SUBJECT: Survey of Student Opinion of Courses and Instruction Program Fall Semester, 1971

DATES

Laboratory Sections	November 15-19
Classroom Sections	December 6-10

The questions and procedures for the survey program are based on recommendations of the Faculty Senate Special Committee on Faculty Evaluation composed of members of the Student Government and the Faculty Senate. The survey consists of a course evaluation and an instructor evaluation. In addition, the recommendation was made that all classes other than seminar, research, and special projects courses participate in the evaluation irrespective of class size.

The following steps should be taken to make the survey effective:

1. COURSE CALL NUMBER. At the top left corner of the new form are four columns under the Course Call Number. All four columns must be filled in. Each teaching-faculty member will receive, from his department, a slip with his name and a call number for each class or section that particular faculty member teaches. Please insure that the students are given and use the correct call number for the course, section, and instructor being evaluated. Instructors in cross listed courses should note that there will be a different call number for each listing of the course. Students should be given the correct call number for the listing of the course in which they are registered. If call numbers are lost or forgotten, contact the departmental office, which will have a master list, or call 3125.
2. Students should be reminded to print instructor's name and initials, department, course number, and section number in the appropriate spaces on the left margin of the optical scanning form. REMINDER: DO NOT FOLD SURVEY SHEETS.
3. Students should use a soft lead (#1 or #2) pencil for marking response blocks.
4. After the survey has been completed in the classroom, the forms should be sealed in the envelope provided and returned to the instructor's departmental office. The department is responsible for sending the forms to be processed.

Mr. Bob Malone

OEO

202 254-5450

Food Science

Bill Roberts

---

CHECK ON HEW-OEO ✓

< \$200,000 value

ROBERTS' LETTER

---

Issues: problems w/ OEO about accounting & auditing  
not set up for our type operation  
NCSC now places funds in money bank  
part is to Dept. of Food Science

Total # employees: EPA 32  
SPA 34  
66

---

- 1) what kind
- 2) HEW responsibility
- 3) parts of documents don't seem applicable

SCHOOLS /  
DEPARTMENTS

## POSITIONS

FTE teaching

FTE research

FTE extension

## SALARY

Total Salary  
Expenditure

## STUDENTS / FACULTY

Enrollment

Total Credit  
HoursCredit Hours  
Per  
FTE Faculty

## DEGREES AWARDED

Undergraduate

Master's

Doctoral

## RESEARCH

Value of  
research  
contracts

## RANK OF FACULTY

# Professors

Associate  
# Professors# Assistant  
Professors

# Instructors

Department of Food Science  
NORTH CAROLINA STATE UNIVERSITY

MEMORANDUM

To Mr. C Jenkins

ATTACHED PAPERS

- ☐ Please note and return.
- ☐ Return with recommendations.
- ☒ For your records.
- ☐ Speak to me concerning.
- ☐ Please handle.
- ☐ Please answer.
- ☐ Needs your signature.
- ☐ For your approval.
- ☐ Please give me all data.
- ☐ Note and pass to next person.
- ☐ Please reply, sending me a copy.

Date 7-28-72

Signed: WMB.

July 27, 1972

Mr. Bobby C. Malone  
Senior Program Specialist  
Regional Operations Branch  
Emergency Food and Medical Services Division  
Office of Health Affairs  
1200 19th Street, N. W.  
Washington, D. C. 20506

Dear Mr. Malone:

Enclosed is an Affirmative Action Plan that I have prepared for the Department of Food Science at North Carolina State University. This has been approved by the appropriate officials of the University. It is my understanding that the University has signed various documents stating that it complies with the requirements of the Civil Rights Laws. A study is underway to learn what else must be done.

However, it takes considerable time to work through all of the machinery of a large university. Therefore, I thought that it would be best to prepare the Affirmative Action Plan for the Department of Food Science and operate with it until the university completes its program.

If you have any questions about the Plan, I will be glad to discuss them with you.

Sincerely yours,

W.M. Roberts

W. M. Roberts, Head  
Department of Food Science

WMR:em

Attachment

AFFIRMATIVE ACTION PLAN  
DEPARTMENT OF FOOD SCIENCE  
N. C. STATE UNIVERSITY

I. Policy and Scope

- A. It is the policy of NCSU and the Department of Food Science to prohibit discrimination against any employee or prospective employee on the basis of race, color, religion, sex, or national origin. The University and the Department are committed, without reservation, to the proposition that employees of this Institution shall be identified initially and thereafter differentiated among on the basis of good-faith assessments of personal merit. Any other policy would be morally indefensible and inconsistent with the pursuit of institutional excellence and the provision of equal employment opportunity for all. Any administrative or supervisory employee of the department who imposes any detriment on a University employee or prospective employee through failure or refusal to subscribe to this proposition shall be subject to internal disciplinary proceedings.
- B. This plan of affirmative action is limited to the Department of Food Science at North Carolina State University and does not represent a University-wide plan. The responsibility for implementing the plan rests with the Department of Food Science which must operate within University policy and State laws and regulations.



For personnel subject to the State Personnel Act that law and its administration by the North Carolina Personnel Department would represent the boundaries within which the Department must act. All purchases by the Department of Food Science must comply with regulations established by the North Carolina Division of Purchase and Contract.

II. Analysis of Present Composition of the Department of Food Science

General Statement -

The Department of Food Science is an academic branch of North Carolina State University engaged in teaching, research and extension. It has undergraduate and graduate programs that are accessible to all persons who can meet the requirements of the University. Extensive efforts have been made to recruit male and female and black and white students at all levels. Success has been obtained in recruiting white females at the undergraduate level to a ratio of 60/40 or M/F. Despite extra efforts to recruit blacks, both male and female, no blacks are currently enrolled as undergraduates. One black male is working toward his MS degree. The inability of this department (other departments of food science throughout the U. S. report similar experiences) to recruit undergraduates means that there are very few black professional food scientists available. There has been



an increase in enrollment in white females and this in time will provide a better supply of them for employment. This Department has trained two white females with Ph.D.'s and offered them jobs. However, neither one chose to accept because of more desirable opportunities.

The research faculty are prepared in the basic sciences of biochemistry, engineering and microbiology with applications to food. Thus, they are recognized as food scientists. There has been some increase in the number of white females who have chosen food science but most of them have favored nutrition and food service. This Department's research has been directed toward food product development and processing. The Office of Economic Opportunity has supported a research proposal in food service or school feeding. This has enabled the Department to interest and employ a white female with a Ph.D. Perhaps as the program in Food Science becomes broader, it may be possible to attract and interest more blacks and white females.

A similar problem is encountered in employing extension personnel. There is no difference in the academic qualifications of teachers, researchers and extension personnel. However, our experience indicated that most recent Ph.D. graduates will choose teaching and research to extension. This limits further the supply of personnel for certain positions.

A. Statistical profile of personnel by positions, sex and race  
including average salaries:

Name	Race	Sex	Range in Salary NCSU	Average Salary by Position- Department
<u>PROFESSORS</u>			<u>\$9600-31,000</u>	<u>\$22,312</u>
Roberts, W. M., Head	W	M		
Aurand, L. W.	W	M		
Blumer, T. N.	W	M		
Christian, J. A.	W	M		
Gregory, M. E.	W	M		
Hoover, M. W.	W	M		
Speck, M. L.	W	M		
Thomas, F. B.	W	M		
Warren, F. G.	W	M		
<u>ASSOCIATE PROFESSORS</u>			<u>\$8400-23,900</u>	<u>\$18,550</u>
Hamann, D. D.	W	M		
Jones, V. A.	W	M		
Miller, N. C. Jr.	W	M		
Swaigood, H. E.	W	M		
Tarver, F. R. Jr.	W	M		
Webb, N. B.	W	M		
Carroll, D. E.	W	M		
Gilliland, S. E.	W	M		
<u>ASSISTANT PROFESSORS</u>			<u>\$7200-19,300</u>	<u>\$14,205</u>
Adams, D. M. Jr.	W	M		
Ball, H. R.	W	M		
Hansen, A. P.	W	M		
Head, Mary K.	W	F		
Johnson, B. R.	W	M		
<u>EXTENSION SPECIALISTS</u>				<u>\$10,850</u>
Carawan, R. E.	W	M		
Stokes, S. J.	W	M		
<u>RESEARCH ASSOCIATES</u>				<u>\$9,500</u>
Cho, I. C.	W	M		
Melo, T. S.	W	F		
<u>RESEARCH ASSISTANTS</u>				<u>\$7,700</u>
Hardy, E. R.	W	M		
Saad, Samie G.	W	F		
Weeks, Roma J.	W	F		

Name	Race	Sex	Range in Salary NCSU	Average Salary by Position- Department
<u>SPA EMPLOYEES</u>				
<u>ADMINISTRATIVE SECRETARY</u>			<u>\$6540-8208</u>	<u>\$8,208</u>
McBrayer, E. M.	W	F		
<u>STENO III</u>			<u>\$5700-7164</u>	<u>\$6,408</u>
Emory, M. B.	W	F		
Owens, S. P.	W	F		
<u>STENO II</u>			<u>\$4980-6552</u>	<u>\$5,722</u>
Council, R. B.	W	F		
Dickinson, D. J.	W	F		
Langdon, P. M.	W	F		
Smith, F. M.	W	F		
Walton, Marie	W	F		
Whittingdon, D. M.	W	F		
<u>TYPIST II</u>			<u>\$4980-6252</u>	<u>\$4,980</u>
Hughes, R. D.	W	F		
<u>ACCOUNTING CLERK</u>			<u>\$5448-6852</u>	<u>\$6852</u>
Isbell, B. T.	W	F		
<u>RESEARCH ANALYST</u>			<u>\$10332-13092</u>	<u>\$10,824</u>
Gibbs, E.	W	F		
<u>CONSULTING ENGINEER</u>			<u>\$11340-14412</u>	<u>\$11,868</u>
Brantley, S. A.	W	M		
<u>RESEARCH MECHANIC</u>			<u>\$7164-9000</u>	<u>\$7872</u>
Brown, J. C.	W	M		
Franks, E. E.	W	M		

<u>Name</u>	<u>Race</u>	<u>Sex</u>	<u>Range in Salary NCSU</u>	<u>Average Salary by Position- Department</u>
<u>RESEARCH TECHNICIANS III</u>			<u>\$7848-9852</u>	<u>\$8285</u>
Adams, V. K.	W	F		
Beam, D. K.	W	F		
Bromby, C. A.	W	M		
Eakes, B. D.	W	F		
Hovis, A. R.	W	M		
Howell, B. C.	W	F		
Howell, J. C.	W	F		
Paschal, L. A.	W	F		
Walker, N. W.	W	F		
Winn, S. E.	W	F		
Wise, B. L.	W	F		
<u>RESEARCH TECHNICIANS II</u>			<u>\$7164-9000</u>	<u>\$7848</u>
Barbour, B. C.	W	F		
Hill, D. A.	W	M		
<u>RESEARCH TECHNICIAN I</u>			<u>\$5964-7500</u>	<u>\$6252</u>
Cardellino, R. D.	W	F		
<u>DAIRY PLANT MANAGER</u>			<u>\$9000-11340</u>	<u>\$11,340</u>
Middleton, J. I.	W	M		
<u>DAIRY PLANT FOREMAN</u>			<u>\$6852-8580</u>	<u>\$8,580</u>
Wood, L. O.	W	M		
<u>DAIRY PLANT OPERATOR II</u>			<u>\$5700-7164</u>	<u>\$6,564</u>
Blackmon, T. D.	W	M		
Holland, J. H.	W	M		
Robbins, W. L.	W	M		
Smith, P. G.	W	M		
<u>GENERAL UTILITY MAN</u>			<u>\$4548-5700</u>	<u>\$4,764</u>
Core, V. Jr.	W	m		

B. Date on departmental turnover - 1971-72:

NAME	POSITION	RACE	SEX	PN #	REASON
Bunn, A. N.	Dy Plant Opr	W	M	26148	Resigned 10/19/71
Robbins, W.L.	Dy Plant Opr	W	M	26148	*EOD 1/17/72
Leach, Ed.	Gen Utility	B	M	26160	Disability Retire3/72
Core, V.Jr.	Gen Utility	W	M	26160	EOD 4/1/72
Schwartz, C.L	Steno III	W	F	25312	Resigned 1/28/72
Owens, S.P.	Steno III	W	F	25312	Trans Grad Sch 2/72
Hughes, R.D.	Typist II	W	F	25440	EOD 2/23/72
Meehan, M.R.	Res Tech 3	W	F	25417	Resigned 9/1/71
Beam, D.K.	Res Tech 3	W	F	25417	EOD 9/1/71
Williams, E.B.	Res Tech 3	W	M	25423	Trans NC Dept Agr 1/3/72
Hovis, A.R.	Res Tech 3	W	M	25423	EOD 5/15/72
Howell, J.C.	Res Tech 3	W	F	25520	EOD 10/1/71
Pattishall, K.H.	Res Tech 3	W	F	25532	Resigned 3/31/72
Howell, B.C.	Res Tech 3	W	F	25532	EOD 4/1/72
Whitley, J.M	Res Mech I	W	M	25558	Resigned 4/28/72
Franks, E.D.	Res Mech I	W	M	25558	EOD 5/1/72
Cooper, M.E.	Typist 2 PT	W	F	25323	Resigned 11/8/71
WhittingtonDM	Typist 2 PT	W	F	25326	EOD 11/29/71
WhittingtonDM	Typist 2 PT	W	F	25326	Grant terminated 6/30/72
Wise, B. L.	Res Tech 3	W	F	25557	EOD 7/1/72
Rutledge, K.S.	Res Tech 3	W	F	25523	Resigned 10/1/71
Bromby, C.A.	Res Tech 3	W	M	25523	EOD 10/1/71
Bromby, C.A.	Res Tech 3	W	M	25523	Resigned 6/30/72
Bowen, J.M.	Steno II	W	F	25318	Resigned 2/29/72
Langdon, PM.	Steno II	W	F	25318	EOD 3/1/72
Joyner, S.A.	Steno II	W	F	25325	Resigned 10/29/71
Dickinson, D.M.	Steno II	W	F	25325	EOD 10/25/71

\*Entry On Duty

II.

- C. Tabular data on the manpower pools are presented in reports and tables in the Appendix.
1. Survey of faculty and students by sex and race in Department of Food Science in 34 universities made by Oregon State University 1972. Appendix Table (1).
  2. Number of Bachelor's Degrees conferred by North Carolina Colleges and Universities by Institution, Sex, and Field of Study, 1968-69. Appendix Table (2).
  3. Number of Master's and Doctor's Degrees Conferred by North Carolina Colleges and Universities by Institutions, Sex, and Field of Study, 1968-69. Table (3).
  4. Sex of Full-Time Faculty Members In North Carolina Senior Colleges and Universities by Institution and Academic Rank, Fall 1969. Table (4).
  5. Selected data from Table XXXVII. Table (5).
  6. Reprint from Science, June 16, 1972. Women and the Professions
  7. Females Ph.D's in Selected Fields. Table (6).
  8. Profile of North Carolina Population, 1970. Table (7).
  9. Civil Rights and Human Relations Agencies and Organizations Serving North Carolina. See Appendix.
  10. Personnel - Faculty Handbook, N. C. State Personnel Manual, Chancellor's Memo of 11-30-70. See Appendix.
  11. Purchasing Manual. See Appendix.



GENERAL STATEMENT  
William R. Calloway  
Director of Personnel Services

The sub-faculty scientific personnel are recruited on a local and state basis. White females have been in greatest supply. However, efforts have been and will continue to be made to advertise openings in appropriate places and to employ qualified applicants in relation to the ethnic composition of the available supply.

The Division of Personnel Services, campus personnel office responsible for all University sub-faculty and sub-professional personnel functions recruits through 1) walk-in applicants, 2) local daily newspapers, 3) senior, community college and technical institutes, and 4) Employment Security Commission and Central State Personnel Department. Special efforts are being made to recruit through predominantly black institutions of learning in the area (St. Augustine College, Shaw University, North Carolina Central University, Durham Business College). Minority group members have also been employed during the past several months through participation in the New Careers program and Co-operative Education program sponsored by Holding Technical Institute.



II. Analysis of the Relationship of This Specific Research Program To Various Clientele

A. Service Area.

The research project provides information that should be of benefit to local, state, regional and national workers who are involved in school feeding. The information will be published. Lectures have been and will continue to be given at conferences at the local through national levels. We are involved in university education programs wherein our graduates will be prepared in this field. Our department will work with other agencies who are training school feeding workers. Also, we assist members of the food industry in meeting the food supply needs of the schools.

Obviously, this information is made available to anyone or groups that requests it. All children in the schools should benefit from an improved feeding program.

B. Research Impact.

The research proposal is designed to develop information on school feeding on such subjects as food acceptability, nutrition and nutrition education, food or meal costs, systems of food preparation and service, ways of getting young people to select and eat nutritious foods, etc. The studies have been designed so that all segments of the population are included. We need to know specific as well as general problems

and possible solutions. Currently, almost one million meals are served in North Carolina schools daily. Nationally, this will exceed twenty-five million daily and probably will increase. The school feeding program is an excellent way to improve the nutritional health of all young people and to teach them good eating habits.

Our research indicates that those young people who need it most can get the greatest benefits from the school feeding program. The research should aid state and national school feeding personnel to develop guidelines and programs that will benefit each local school and young person.

#### IV. Human Rights Committee

A Human Rights Committee has been established for the Department of Food Science. The present membership is:

Dr. Max E. Gregory - Chairman  
Miss Eleanor Gibbs  
Mr. James I. Middleton

Ex-Officio -

Mr. W. R. Calloway - N.C.S.U. Director of Personnel  
Services  
Dr. George Capel - Assistant Director of  
Agricultural Extension  
Dr. Clauston Jenkins - Coordinator, Institutional  
Stud. & Planning

Departmental Equal Opportunity Employment Officer is  
Dr. N. B. Webb

The primary function of the committee is to make sure that the Department of Food Science behaves as an equal opportunity employer and dispenses its services so that no one who is entitled to the benefits is subjected to discrimination.

This committee consults and works with the Good Neighbor Council at N. C. State University.

V. GOALS

- (a) Efforts will continue to recruit and train people, particularly from minority groups, to increase the supply of people who are capable of meeting the various job requirements.  
(See note below).
- (b) We will strive to make sure when recruiting faculty that women of all races and persons from minority groups are given appropriate consideration and evaluation for each position. As faculty positions become available and we recruit replacements, we will indicate in our recruiting letters that we are an equal opportunity employer and give equal consideration to qualified candidates of minority racial or ethnic groups and to women.
- (c) More extensive recruiting will be made to search for qualified personnel among minority groups for sub-faculty scientific positions. Efforts will be put forth to employ on a basis that will distribute the jobs according to the ethnic mix of the supply of qualified people. If properly trained but

inexperienced persons are available, appropriate time will be devoted to giving them on-the-job training. Our aim is to employ a minimum of one black in these positions during the next twelve months.

- (d) We have had a program for employing and training black and white males for certain jobs in the operational aspects of the department. This program will continue with more determined efforts to recruit persons from minority groups. If they can be recruited and trained, they will be employed. We will request the assistance of civil rights and human relations organizations to help find interested persons. Our immediate goal is to employ one black in these positions and others as they can be recruited. We delayed filling the most recent vacancy for three months while we attempted to recruit a black person. In spite of extensive efforts, we could not find a black person. We have another vacant position and we are striving to employ a black for it.
- (e) While recruiting efforts for minority group representation have been unsuccessful for certain secretarial type jobs, more extensive efforts will be put forth to find and employ people from minority groups. We have recently employed a black female for a secretarial position.

NOTE: Unfortunately, there is a shortage of manpower, particularly among the minority groups, to fill the positions in food science and the food industry. Extra efforts have been put forth from this department for several years to recruit and train them. We have made many trips during the last ten years to the public schools in North Carolina to talk to black students. We have visited with counsellors, principals, and other educational and governmental leaders. We have talked with 4-H and FFA groups. Many black students have visited our department. They have been offered scholarships and other types of financial aid. We have a student who does considerable visiting during the summer to tell any student about training, jobs, careers, etc. in food science. Some black students that we have recruited have shifted to less scientific curricula before graduation. We have been told that our curriculum is too scientific. We have our curriculum under continuous review and it meets the minimum standards of the Institute of Food Technologists. If we reduce the scientific content, the food industry will not employ our graduates because they will not have the capability to do the jobs.

We also find that the ratio of women and blacks who take scientific programs in all colleges and universities is far below their ratio in the general population. We plan to



continue our efforts to expand the supply of qualified workers through training. We have increased the white men to women ratio to 60/40 among the undergraduates. More young women are taking graduate programs in Food Science. Hopefully, we will make a break-through with the black students.

- f. We believe that North Carolina, N. C. State University and the Department of Food Science personnel and purchasing policies are in conformity with the Affirmative Action Guidelines in principle and practice. It is our goal to provide equal employment opportunities and treatment "for all job classifications without regard to race, creed, color, national origin, sex or age; except where sex or age is a bona fide occupational qualification."

APPENDIX

Table (1)



February 29, 1972

Department of Food Science & Technology  
Oregon State University  
Corvallis, Oregon 97331

TO: Departments of Food Science

FROM: Department of Food Science & Technology  
Oregon State University  
H. W. Schultz, Dept. Head

Enclosed are the results of a recent survey taken by the  
our department from 34 universities across the nation. This data  
may be helpful to you for "equal employment opportunity" information.

We thank each of the participating departments for their  
cooperation in returning this information to us.

	BY SEX		BY RACE					
	Male	Female	American Indian	Caucasian	Negro	Oriental	Spanish American	Other
PENNSYLVANIA STATE UNIVERSITY Food Science & Industries Division								
Undergrad	19	7		24	2			
Graduates	15	3		16				2
Faculty	14			13				1
TEXAS A & M UNIVERSITY Dept. of Soil & Crop Sciences								
Undergrad.	4	3		5				
Graduates	28	2		23		5		2
Faculty	12	1		13				
UNIVERSITY OF WASHINGTON Institute for Food Science & Technology								
Undergrad.	17	9		21	1	3	1	
Graduates	17	5		13	1	4	2	2
Faculty	5	1		6				
UNIVERSITY OF TENNESSEE Department of Food Technology								
Undergrad.	17	5		19		2	1	
Graduates	17	4		14		7		
Faculty	4			4				
UNIVERSITY OF MARYLAND Food Science Program, Dept. of Horticulture								
Undergrad.	9	1		9				1
Graduates	19	11		22	2	4	2	
Faculty	15			15				

BY SEX		BY RACE					
Male	Female	American Indian	Caucasian	Negro	Oriental	Spanish American	Other

# OHIO STATE UNIVERSITY

## Dept. of Horticulture, Food Processing & Technology

Undergrad.	37	5		40		2	
Graduates	18	1		15		3	1
Faculty	6	2		7		1	

# WASHINGTON STATE UNIVERSITY

## Dept. of Food Science & Technology

Undergrad.	12	5		15		1	
Graduates	14	4		10		3	5
Faculty	8	2		10			

# UNIVERSITY OF HAWAII

## Dept. of Food Science & Technology

Undergrad.							
Graduates	7	5				12	
Faculty	6	1		3		4	

# UNIVERSITY OF FLORIDA

## Dept. of Food Science

Undergrad.	18	27		29	4		1	1
Graduates	10	5		11		3		1
Faculty	14			14				

# UNIVERSITY OF GEORGIA

## Food Science Department

Undergrad.	23	4		25	2			
Graduates	29	4		20		9	1	3
Faculty	24	2		25				1

BY SEX				BY RACE			
Male	Female	American Indian	Caucasian	Negro	Oriental	Spanish American	Other

KANSAS STATE UNIVERSITY  
Food Science Program

Undergrad.	0	0					
Graduates	26	8		15		13	6
Faculty	34	9		39	1	3	

UNIVERSITY OF CALIFORNIA AT DAVIS  
Dept. of Food Science & Technology

Undergrad.	32	22		40		11	4
Graduates	40	13		25		13	15
Faculty	28	1		27		1	1

UNIVERSITY OF MINNESOTA  
Dept. of Food Science and Industries

Undergrad.	56	13		65		2	2
Graduates	26	2		18	1	7	2
Faculty	20	1		19		1	1

CLEMSON UNIVERSITY  
Food Science Dept.

Undergrad.	10	10		19		2	
Graduates	3	1		4			
Faculty	8			7		1	

NORTH CAROLINA STATE UNIVERSITY  
Dept. of Food Science

Undergrad.	29	23		50	1		1
Graduates	20	7		19	1	3	3
Faculty	32	1		31			2

	BY SEX		BY RACE					
	Male	Female	American Indian	Caucasian	Negro	Oriental	Spanish American	Other
RUTGERS, THE STATE UNIVERSITY Department of Food Science								
Undergrad.	18	4		22				
Graduates	38	6		23	1	6		14
Faculty	18	1		16		2		1
COLUMBIA UNIVERSITY Food Science Program								
Undergrad.								
Graduates	3				1	2		
Faculty	1	2		2		1		
MICHIGAN STATE UNIVERSITY Food Science & Human Nutrition								
Undergrad.	28	8		33	1	1		1
Graduates	56	9		36	1	4		24
Faculty	29	15		39		2	1	2
UNIVERSITY OF MASSACHUSETTS Department of Food Science & Technology								
Undergrad.	20	16		31	5			
Graduates	41	13		21	5	7		21
Faculty	15			14				1
UTAH STATE UNIVERSITY Department of Nutrition and Food Sciences								
Undergrad.	11	37		66		1	2	
Graduates	15	7		15		5		3
Faculty	10	6		14				2

	BY SEX		BY RACE					
	Male	Female	American Indian	Caucasian	Negro	Oriental	Spanish American	Other
UNIVERSITY OF RHODE ISLAND All University Food Science Program								
Undergrad.	9	17		25		1		
Graduates	23	9		16		11	1	4
Faculty	23	5		26				2
IOWA STATE UNIVERSITY Department of Food Technology								
Undergrad.	9	6		12		1	2	
Graduates	22	1		15	1	4	1	
Faculty	14	10		20		2	2	
VIRGINIA POLYTECHNIC INSTITUTE & STATE UNIVERSITY Department of Food Science & Technology								
Undergrad.	5	3		8				
Graduates	10	1		10				1
Faculty	12			12				
UNIVERSITY OF ILLINOIS - at Urbana-Champaign Department of Food Science								
Undergrad.	25	10		35				
Graduates	39	10		35	2	11		1
Faculty	15	2		15		2		
UNIVERSITY OF NEBRASKA Dept. of Food Science & Technology								
Undergrad.	32	3		30		1		1
Graduates	9	2		5				6
Faculty	8			7				1



	BY SEX		BY RACE					
	Male	Female	American Indian	Caucasian	Negro	Oriental	Spanish American	Other
UNIVERSITY OF WISCONSIN Department of Food Science								
Undergrad.	13	9	No Record					
Graduates	50	22						
Faculty	21	6						
MASSACHUSETTS INSTITUTE OF TECHNOLOGY Department of Nutrition and Food Science								
Undergrad.								
Graduates	73	27		74	2	11	9	4
Faculty	28	2		28		1		1
PURDUE UNIVERSITY Food Sciences Institute								
Undergrad.	46	19		64			1	
Graduates	13	4		12		5	3	2
Faculty	32			32				
UNIVERSITY OF MISSOURI Food Science and Nutrition Department								
Undergrad.	50	8	0	55	1	0		2
Graduates	28	5		25		4	1	3
Faculty	12	2		14				
CORNELL UNIVERSITY Food Science & Technology								
Undergrad.	21	8		25	2			2
Graduates	52	13		37	4	12	4	8
Faculty	45	5		46	2	1		1

BY SEX		BY RACE					
Male	Female	American Indian	Caucasian	Negro	Oriental	Spanish American	Other

LOUISIANA STATE UNIVERSITY  
Department of Food Science

Undergrad.	18	5	0	18	0	1	3	4
Graduates	26	12	0	18	2	7	6	5
Faculty	10	1		10				1

UNIVERSITY OF MAINE  
Department of Food Science

Undergrad.	0	0						
Graduates	2	1	0	3	0	0	0	0
Faculty	6	5		11				

MISSISSIPPI STATE UNIVERSITY  
Food Technology

Undergrad.	2	0		1			1	
Graduates	12	0		7				3
Faculty	3	0		2		1	1	

CALIFORNIA STATE POLYTECHNIC COLLEGE

Undergrad.	81	14	0	99	3	3	2	8
Graduates	0	0						
Faculty	5	0	1	4				

OREGON STATE UNIVERSITY  
Department of Food Science and Technology

Undergrad.	52	27		70		8		1
Graduates	20	3		19		2	1	1
Faculty	33	1		30		4		

APPENDIX

Table (2)

INSTITUTION AND SEX	Agriculture	Architecture	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Trade or Industrial Training	Other Fields	Textiles	Radio, T. V. & Motion Pictures	GRAND TOTAL
PUBLIC INSTITUTIONS																										
N.C. State University																										
Men	88	52	57	-	6	104	583	23	-	-	80	-	-	-	-	-	56	9	42	12	177	4	-	227	-	1,520
Women	1	2	10	-	2	22.5	1	35.5	-	-	-	-	-	-	-	-	9	1	3	-	52	-	-	2	-	141
Total	89	54	67	-	8	126.5	584	58.5	-	-	80	-	-	-	-	-	65	10	45	12	229*	4	-	229	-	1,661
UNC-Asheville																										
Men	-	-	-	-	-	-	-	-	1.4	-	-	-	-	-	-	-	7	1	9	4	21	-	-	-	-	43
Women	-	-	1	-	-	-	-	3	1.5	-	-	-	-	-	-	-	-	-	7.5	16	-	-	-	-	-	33
Total	-	-	1	-	-	-	-	3	2.5	-	-	-	-	-	-	-	11	1	9	11.5	37	-	-	-	-	76
UNC-Chapel Hill																										
Men	-	-	53.5	322	-	37	-	216	20.5	39.5	-	11.5	73	-	8	-	64.5	14	141.5	75	598	-	-	-	18	1,692
Women	-	-	19	15	-	163	-	159	27.5	47	-	-	126	-	1	-	38.5	3.5	11.5	48	182	-	-	-	5	846
Total	-	-	72.5	337	-	200	-	375	48	86.5	-	11.5	199	-	9	-	103	17.5	153	123	780	-	-	-	23	2,538
UNC-Charlotte																										
Men	-	-	11	52	-	-	12	14	-	1	-	4	-	-	-	-	14	2	7	9	45	-	-	-	-	171
Women	-	-	13	-	-	-	1	45	-	6	-	-	13	-	-	-	14	-	-	7	37	-	-	-	-	136
Total	-	-	24	52	-	-	13	59	-	7	-	4	13	-	-	-	28	2	7	16	82	-	-	-	-	307
UNC-Greensboro																										
Men	-	-	2	-	-	3	-	6	7	-	-	-	-	-	-	-	2	-	4	1	18	-	-	-	-	43
Women	-	-	33	22	-	231	-	100	35	36	-	3	5	67	-	-	48	1	8	21	131	-	-	-	-	741
Total	-	-	35	22	-	234	-	106	42	36	-	3	5	67	-	-	50	1	12	22	149	-	-	-	-	784
UNC-Wilmington																										
Men	-	-	8	40	-	7	-	3	-	2	-	-	-	-	-	-	11	-	3	-	32	-	-	-	-	106
Women	-	-	1	4	-	24	-	7	-	6	-	-	-	-	-	-	4	1	2	-	6	-	-	-	-	55
Total	-	-	9	44	-	31	-	10	-	8	-	-	-	-	-	-	15	1	5	-	38	-	-	-	-	161
Appalachian																										
Men	-	-	15	52	-	161	-	2	5	6	-	12	-	-	-	1	24.5	1	10	8	90	-	1.5	-	-	389
Women	-	-	14	5	-	356	-	30	2	19.5	-	2	-	8	-	15	27	1	5	10.5	54	-	-	-	-	549
Total	-	-	29	57	-	517	-	32	7	25.5	-	14	-	8	-	16	51.5	2	15	18.5	144	-	1.5	-	-	938
East Carolina																										
Men	-	-	17	232	-	142	-	15	14	6	-	57	-	-	-	2	36	3	19	51	138	-	7	-	-	739
Women	-	-	12	23	-	523	-	74	21	25	-	3	51	4	-	11	31	1	5	34	63	-	6	-	-	887
Total	-	-	29	255	-	665	-	89	35	31	-	60	51	4	-	13	67	4	24	85	201	-	13	-	-	1,626
Elizabeth City																										
Men	-	-	3	-	-	47	-	3	-	-	-	-	-	-	-	-	5	-	2	-	12	-	-	-	-	72
Women	-	-	6	-	-	93	-	11	-	-	-	-	-	-	-	-	1	-	1	-	17	-	-	-	-	129
Total	-	-	9	-	-	140	-	14	-	-	-	-	-	-	-	-	6	-	3	-	29	-	-	-	-	201
Fayetteville																										
Men	-	-	2	-	-	36	-	1	-	-	-	-	-	-	-	-	3	-	-	-	14	-	-	-	-	56
Women	-	-	3	-	-	96	-	16	-	-	-	-	-	-	-	-	7	-	-	-	21	-	-	-	-	143
Total	-	-	5	-	-	132	-	17	-	-	-	-	-	-	-	-	10	-	-	-	35	-	-	-	-	199

TABLE XXXVII. (Cont.)

NUMBER OF BACHELOR'S DEGREES CONFERRED BY NORTH CAROLINA COLLEGES AND UNIVERSITIES  
BY INSTITUTION, SEX, AND FIELD OF STUDY, 1948-49

INSTITUTION AND SEX	Agriculture	Architecture	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Trade or Industrial Training	Other Fields	Textiles	Radio, T. V., & Motion Pictures	GRAND TOTAL
PUBLIC INSTL. (Cont.)																										
N.C. A and T																										
Men	17	-	29	55	-	56	32	3	1	3	-	-	1	-	-	-	-	-	4	2	86	-	-	-	-	289
Women	-	-	12	34	-	68	1	25	1	9	-	-	28	18	-	-	5	-	1	1	61	-	-	-	-	264
Total	17	-	41	89	-	124	33	28	2	12	-	-	29	18	-	-	5	-	5	3	147	-	-	-	-	553
N.C. Central																										
Men	-	-	14	28	-	31	-	4	4	5	-	10	-	-	-	-	6	-	6	1	18	-	-	-	-	127
Women	-	-	11	28	-	102	-	37	3	14	-	1	6	11	-	-	7	-	1	13	51	-	-	-	-	285
Total	-	-	25	56	-	133	-	41	7	19	-	11	6	11	-	-	13	-	7	14	69	-	-	-	-	412
Pembroke																										
Men	-	-	5	49	-	50	-	6	3	2	-	-	-	-	-	-	15	-	5	7	33	-	-	-	-	175
Women	-	-	2	3	-	101	-	9	-	1	-	-	-	1	-	-	5	-	1	5	15	-	-	-	-	143
Total	-	-	7	52	-	151	-	15	3	3	-	-	-	1	-	-	20	-	6	12	48	-	-	-	-	318
Western Carolina																										
Men	-	-	19.5	181.5	-	41	-	9.5	8.5	7.5	-	-	0.5	-	-	-	13	-	17	22.5	61.5	22	-	-	-	404
Women	-	-	12	11	-	174	-	31.5	4.5	6	-	-	2	6	-	-	9	-	1.5	15	34.5	-	-	-	-	307
Total	-	-	31.5	192.5	-	215	-	41	13	13.5	-	-	2.5	6	-	-	22	-	18.5	37.5	96	22	-	-	-	711
Winston-Salem																										
Men	-	-	4	-	-	23	-	1	-	-	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	36
Women	-	-	5	2	-	101	-	14	-	-	-	-	15	-	-	-	-	-	-	-	5	-	-	-	-	142
Total	-	-	9	2	-	124	-	15	-	-	-	-	15	-	-	-	-	-	-	-	13	-	-	-	-	178
N.C. School of Arts																										
Men	-	-	-	-	-	-	-	-	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15
Women	-	-	-	-	-	-	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12
Total	-	-	-	-	-	-	-	-	27	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	27
PUBLIC TOTAL																										
Men	105	52	240	1,011.5	6	738	627	306.5	79	72	80	94.5	74.5	-	8	3	257	30	269.5	192.5	1,351.5	26	8.5	227	18	5,877
Women	1	2	154	147	2	2,054.5	3	597	107.5	169.5	-	9	246	115	1	26	209.5	8.5	40	162	745.5	-	6	2	5	4,813
Total	106	54	394	1,158.5	8	2,792.5	630	903.5	186.5	241.5	80	103.5	320.5	115	9	29	466.5	38.5	309.5	354.5	2,097	26	14.5	229	23	10,690
PRIVATE INSTITUTIONS																										
Atlantic Christian																										
Men	-	-	12	74	-	40	-	4	4	1	-	-	-	-	-	-	16	12	3	-	25	-	-	-	-	191
Women	-	-	1	10	-	92	-	19	4	1	-	-	2	-	-	-	5	3	1	-	18	-	-	-	-	156
Total	-	-	13	84	-	132	-	23	8	2	-	-	2	-	-	-	21	15	4	-	43	-	-	-	-	347
Barber-Scotia																										
Men	-	-	4	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	18
Women	-	-	4	5	-	27	-	8	-	-	-	-	-	7	-	-	-	-	-	-	15	-	-	-	-	66
Total	-	-	8	9	-	29	-	8	-	-	-	-	-	7	-	-	-	-	-	-	27	-	-	-	-	84

TABLE XXVII. (Cont.)

NUMBER OF BACHELOR'S DEGREES CONFERRED BY NORTH CAROLINA COLLEGES AND UNIVERSITIES  
BY INSTITUTION, SEX, AND FIELD OF STUDY, 1968-69

INSTITUTION AND SEX	Agriculture	Architecture	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Trade or Industrial Training	Other Fields	Textiles	Radio, T. V., & Motion Pictures	GRAND TOTAL
PRIVATE INSTL. (Cont.)																										
Belmont Abbey	-	-	3	65	-	-	-	9	-	-	-	-	2	-	-	-	-	3	5	-	50	-	-	-	-	135
Men	-	-	3	65	-	-	-	9	-	-	-	-	2	-	-	-	-	3	5	-	10	-	-	-	-	12
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	147
Total	-	-	3	65	-	-	-	9	-	-	-	-	2	-	-	-	-	3	5	-	60	-	-	-	-	147
Bennett	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-
Men	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-
Women	-	-	12	-	-	27	-	12	-	5	-	-	3	13	-	-	4	-	4	8	32	-	-	-	-	120
Total	-	-	12	-	-	27	-	12	-	5	-	-	3	13	-	-	4	-	4	8	32	-	-	-	-	120
Campbell	-	-	14	127	-	31	-	16	2	1	-	-	-	-	-	15	13	-	12	74	-	4	-	-	-	309
Men	-	-	5	5	-	117	-	24	3	5	-	-	4	16	-	3	6	-	2	19	-	1	-	-	-	210
Women	-	-	19	132	-	148	-	40	5	6	-	-	4	16	-	18	19	-	14	93	-	5	-	-	-	519
Total	-	-	19	132	-	148	-	40	5	6	-	-	4	16	-	18	19	-	14	93	-	5	-	-	-	519
Catawba	-	-	9	56	-	13	-	-	2	-	-	-	-	-	-	3	3	9	8	21	-	-	-	-	-	124
Men	-	-	2	4	-	26	-	13	3	3	-	-	1	4	-	2	1	2	6	17	-	-	-	-	-	84
Women	-	-	11	60	-	39	-	13	5	3	-	-	1	4	-	5	4	11	14	38	-	-	-	-	-	208
Total	-	-	11	60	-	39	-	13	5	3	-	-	1	4	-	5	4	11	14	38	-	-	-	-	-	208
Davidson	-	-	58	-	-	-	-	32	3	18	-	-	-	-	-	10	3	10	26	96	-	-	-	-	-	256
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	256
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	256
Total	-	-	58	-	-	-	-	32	3	18	-	-	-	-	-	10	3	10	26	96	-	-	-	-	-	256
Duke	-	-	29	40	-	-	79	37	4	8	2	-	-	-	-	33	17	88	52	218	-	-	-	-	-	607
Men	-	-	20	4	-	12	-	51	20	37	-	-	53	-	-	22	14	18	56	76	-	-	-	-	-	383
Women	-	-	49	44	-	12	79	88	24	45	2	-	53	-	-	55	31	106	108	294	-	-	-	-	-	990
Total	-	-	49	44	-	12	79	88	24	45	2	-	53	-	-	55	31	106	108	294	-	-	-	-	-	990
Elon	-	-	12	57	-	22	-	11	-	2	-	-	-	-	-	12	6	6	-	74	-	-	-	-	-	202
Men	-	-	2	4	-	51	-	18	-	11	-	-	-	-	-	6	2	3	-	11	-	-	-	-	-	108
Women	-	-	14	61	-	73	-	29	-	13	-	-	-	-	-	18	8	9	-	85	-	-	-	-	-	310
Total	-	-	14	61	-	73	-	29	-	13	-	-	-	-	-	18	8	9	-	85	-	-	-	-	-	310
Greensboro	-	-	1	11	-	2	-	-	4	1	-	-	-	-	-	3	1	1	4	12	-	-	-	-	-	40
Men	-	-	3	1	-	81	-	11	8	5	-	-	-	-	-	6	7	1	7	19	-	-	-	-	-	149
Women	-	-	4	12	-	83	-	11	12	6	-	-	-	-	-	9	8	2	11	31	-	-	-	-	-	189
Total	-	-	4	12	-	83	-	11	12	6	-	-	-	-	-	9	8	2	11	31	-	-	-	-	-	189
Quilford	-	-	15	18	-	10	-	12	-	4	-	-	-	-	-	7	4	9	9	127	-	-	-	-	-	215
Men	-	-	4	-	-	35	-	14	-	7	-	-	-	-	-	4	1	-	11	24	-	-	-	-	-	100
Women	-	-	19	18	-	45	-	26	-	11	-	-	-	-	-	11	5	9	20	151	-	-	-	-	-	313
Total	-	-	19	18	-	45	-	26	-	11	-	-	-	-	-	11	5	9	20	151	-	-	-	-	-	313



TABLE XXXVII. (Cont.)

NUMBER OF BACHELOR'S DEGREES CONFERRED BY NORTH CAROLINA COLLEGES AND UNIVERSITIES  
BY INSTITUTION, SEX, AND FIELD OF STUDY, 1968-69

INSTITUTION AND SEX	Agriculture	Architecture	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Trade or Industrial Training	Other Fields	Textiles	Radio, T. V., & Motion Pictures	GRAND TOTAL
PRIVATE INSTL. (Cont.)																										
High Point																										
Men	-	-	6	40	-	16	-	3	1	2	-	-	-	-	-	-	10	4	2	5	29	-	-	-	-	118
Women	-	-	3	3	-	58	-	13	7	2	-	-	-	-	-	-	3	4	1	5	30	-	-	-	-	129
Total	-	-	9	43	-	74	-	16	8	4	-	-	-	-	-	-	13	8	3	10	59	-	-	-	-	247
J.C. Smith																										
Men	-	-	4	2	-	5	-	3	-	1	-	-	-	-	-	-	5	-	3	7	38	-	-	-	-	68
Women	-	-	2	-	-	22	-	16	-	12	-	-	-	-	-	-	1	1	23	40	40	-	1	-	-	118
Total	-	-	6	2	-	27	-	19	-	13	-	-	-	-	-	-	5	1	4	30	78	-	1	-	-	186
Lenoir Rhyne																										
Men	-	-	8	34	-	25	-	10	-	3	-	-	-	-	-	-	4	-	6	-	60	-	3	-	-	153
Women	-	-	-	2	-	103	-	13	-	1	-	-	12	-	-	-	11	1	-	-	23	-	-	-	-	166
Total	-	-	8	36	-	128	-	23	-	4	-	-	12	-	-	-	15	1	6	-	83	-	3	-	-	319
Livingstone																										
Men	-	-	7	-	-	12	-	3	-	-	-	-	-	-	-	-	5	-	5	-	28	-	-	-	-	60
Women	-	-	7	-	-	44	-	10	-	4	-	-	-	-	-	-	8	-	3	-	26	-	-	-	-	102
Total	-	-	14	-	-	56	-	13	-	4	-	-	-	-	-	-	13	-	8	-	54	-	-	-	-	162
Mars Hill																										
Men	-	-	13	40	-	26	-	13	4	5	-	-	-	-	-	-	18	10	4	-	20	-	-	-	-	153
Women	-	-	4	5	-	77	-	17	9	6	-	-	1	1	-	-	11	3	-	-	7	-	-	-	-	141
Total	-	-	17	45	-	103	-	30	13	11	-	-	1	1	-	-	29	13	4	-	27	-	-	-	-	294
Meredith																										
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Women	-	-	8	6	-	15	-	9	8	8	-	-	-	17	-	-	13	22	1	1	65	-	-	-	-	173
Total	-	-	8	6	-	15	-	9	8	8	-	-	-	17	-	-	13	22	1	1	65	-	-	-	-	173
Methodist																										
Men	-	-	4	65	-	1	-	6	-	2	-	-	-	-	-	-	2	7	6	-	16	-	-	-	-	109
Women	-	-	2	5	-	39	-	18	-	5	-	-	-	-	-	-	1	3	1	-	14	-	-	-	-	88
Total	-	-	6	70	-	40	-	24	-	7	-	-	-	-	-	-	3	10	7	-	30	-	-	-	-	197
N.C. Wesleyan																										
Men	-	-	5	-	-	-	-	10	1	2	-	-	-	-	-	-	10	7	4	-	29	-	-	-	-	72
Women	-	-	1	-	-	-	-	25	1	7	-	-	-	-	-	-	8	4	1	13	16	-	-	-	-	76
Total	-	-	6	-	-	-	-	35	2	9	-	-	-	-	-	-	18	11	5	17	45	-	-	-	-	148
Pfeiffer																										
Men	-	-	5	24	-	1	-	4	4	-	-	-	-	-	-	-	6	9	9	1	32	-	-	-	-	95
Women	-	-	4	5	-	26	-	12	2	3	-	-	-	-	-	-	4	10	1	1	13	-	-	-	-	81
Total	-	-	9	29	-	27	-	16	6	3	-	-	-	-	-	-	10	19	10	2	45	-	-	-	-	176
Queens																										
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Women	-	-	8	-	-	3	-	37	22	11	-	-	4	-	-	-	15	4	2	28	43	-	-	-	-	177
Total	-	-	8	-	-	3	-	37	22	11	-	-	4	-	-	-	15	4	2	28	43	-	-	-	-	177

TABLE XVII. (Cont.)

NUMBER OF BACHELOR'S DEGREES CONFERRED BY NORTH CAROLINA COLLEGES AND UNIVERSITIES  
BY INSTITUTION, SEX, AND FIELD OF STUDY, 1968-69

INSTITUTION AND SEX	Agriculture	Architecture	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Trade or Industrial Training	Other Fields	Textiles	Radio, T. V., & Motion Pictures	GRAND TOTAL
PRIVATE INST. (Cont.)																										
Et. Andrews	-	-	3	13	-	1	-	13	5	-	-	-	-	-	-	-	2	7	4	8	48	-	-	-	-	108
Men	-	-	3	13	-	1	-	13	5	-	-	-	-	-	-	-	2	7	4	8	48	-	-	-	-	108
Women	-	-	-	4	-	27	-	18	10.5	5	-	-	5	-	-	-	1.5	6	-	11	15	-	3	-	-	106
Total	-	-	3	17	-	28	-	31	15.5	5	-	-	5	-	-	-	3.5	13	-	19	63	-	7	-	-	214
Et. Augustine's	-	-	2	14	-	19	-	2	-	1	-	-	-	-	-	-	4	-	4	-	16	-	-	-	-	62
Men	-	-	2	14	-	19	-	2	-	1	-	-	-	-	-	-	4	-	4	-	16	-	-	-	-	62
Women	-	-	3	5	-	48	-	11	-	5	-	-	-	-	-	-	4	-	1	-	26	-	-	-	-	103
Total	-	-	5	19	-	67	-	13	-	6	-	-	-	-	-	-	8	-	5	-	42	-	-	-	-	165
Salem	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Women	-	-	8	-	-	11	-	16.5	19	21.5	-	-	2	6	-	-	10	2	3	5	20	-	-	-	-	124
Total	-	-	8	-	-	11	-	16.5	19	21.5	-	-	2	6	-	-	10	2	3	5	20	-	-	-	-	124
Shaw	-	-	3	10	-	10	-	2	-	-	-	-	-	-	-	-	5	3	4	5	12	-	-	-	-	54
Men	-	-	3	10	-	10	-	2	-	-	-	-	-	-	-	-	5	3	4	5	12	-	-	-	-	54
Women	-	-	4	3	-	31	-	14	-	1	-	-	-	-	-	-	3	-	2	6	19	-	-	-	-	83
Total	-	-	7	13	-	41	-	16	-	1	-	-	-	-	-	-	8	3	6	11	31	-	-	-	-	137
Wake Forest	-	-	55	48	-	16	-	22	13	13	-	-	-	-	-	-	21	8	16	35	167	-	-	-	-	414
Men	-	-	55	48	-	16	-	22	13	13	-	-	-	-	-	-	21	8	16	35	167	-	-	-	-	414
Women	-	-	10	2.5	-	5	-	28	10	21	-	-	2	-	-	-	16	4	1	22	35.5	-	-	-	-	157
Total	-	-	65	50.5	-	21	-	50	23	34	-	-	2	-	-	-	37	12	17	57	202.5	-	-	-	-	571
Warren Wilson	-	-	2	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	22	-	1	-	-	27
Men	-	-	2	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	22	-	1	-	-	27
Women	-	-	3	-	-	7	-	7	-	-	-	-	-	-	-	-	-	-	-	-	12	-	3	-	-	32
Total	-	-	5	-	-	7	-	8	-	-	-	-	-	-	-	-	-	-	1	-	34	-	4	-	-	59
John Wesley College	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	-	-	-	6
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	-	-	-	6
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	2
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	-	-	-	-	8
Piedmont Bible College	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	-	-	-	-	-	-	-	-	16
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	-	-	-	-	-	-	-	-	16
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17	-	-	-	-	-	-	-	-	17
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33	-	-	-	-	-	-	-	-	33
PRIVATE TOTAL	-	-	274	738	-	252	79	213	47	64	2	-	-	-	-	-	191	139	199	176	1,226	-	12	-	-	3,612
Men	-	-	274	738	-	252	79	213	47	64	2	-	-	-	-	-	191	139	199	176	1,226	-	12	-	-	3,612
Women	-	-	120	73.5	-	984	-	434.5	126.5	186.5	-	-	91	64	-	-	160.5	117	47	205	645.5	-	8	-	-	3,263
Total	-	-	394	811.5	-	1,236	79	647.5	173.5	250.5	2	-	91	64	-	-	351.5	256	246	381	1,871.5	-	20	-	-	6,875
GRAND TOTAL	105	52	514	1,749.5	6	990	706	319.5	126	136	82	94.5	74.5	-	8	3	448	169	468.5	368.5	2,577.5	26	20.5	227	18	9,489
Men	105	52	514	1,749.5	6	990	706	319.5	126	136	82	94.5	74.5	-	8	3	448	169	468.5	368.5	2,577.5	26	20.5	227	18	9,489
Women	1	2	274	220.5	2	3,038.5	3	1,031.5	234	356	-	9	337	179	1	26	370	125.5	87	367	1,391	-	14	2	5	8,076
Total	106	54	788	1,970	8	4,028.5	709	1,351	360	492	82	103.5	411.5	179	9	29	818	294.5	555.5	735.5	3,968.5	26	34.5	229	23	17,565

NOTE: Fractional figures reflect "split" or "double" majors.

\* Includes nine bachelor's degrees conferred at Fort Bragg branch.

APPENDIX

Table (3)

TABLE XX

NUMBER OF MASTER'S AND DOCTOR'S DEGREES GRANTED BY NORTH CAROLINA  
COLLEGES AND UNIVERSITIES BY INSTITUTION, SEX, AND  
FIELD OF STUDY, 1968-69

INSTITUTION AND SEX	Agriculture	City Planning	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Other Fields	Textiles Radio, T. V., & Motion Pictures	GRAND TOTAL
<b>MASTER'S</b>																								
<b>PUBLIC INSTITUTIONS</b>																								
N.C. State University	38	-	35	-	-	110	134	-	-	-	9	-	-	-	-	-	32	-	11	8	31	-	12	420
Men	2	-	8	-	-	37	-	2	-	-	-	-	-	-	-	-	2	-	1	1	9	-	-	62
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	40	-	43	-	-	147	134	2	-	-	9	-	-	-	-	-	34	-	12	9	40	-	12	482
UNC-Chapel Hill	-	33	29	39	2	65	6	49	19	13	-	1	112	-	-	20	14	2	22	6	89	-	8	529
Men	-	5	17	2	-	117	-	65	12	31	-	1	64	-	-	69	11	-	8	1	79	-	1	483
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	38	46	41	2	182	6	114	31	44	-	2	176	-	-	89	25	2	30	7	168	-	9	1,012
UNC-Greensboro	-	-	1	-	-	37	-	6	9	-	-	-	-	2	-	-	1	-	-	2	2	-	-	60
Men	-	-	4	-	-	88	-	19	18	1	-	-	-	16	-	17	7	-	-	1	3	-	-	174
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	5	-	-	125	-	25	27	1	-	-	-	18	-	17	8	-	-	3	5	-	-	234
Appalachian	-	-	13	23	-	152	-	4	-	6	-	-	-	-	-	4	5	-	-	-	26	-	-	233
Men	-	-	4	19	-	89	-	13	-	12	-	-	-	-	-	21	2	-	-	-	11	-	-	171
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	17	42	-	241	-	17	-	18	-	-	-	-	-	25	7	-	-	-	37	-	-	404
East Carolina	-	-	5	38	-	98	-	3	2	-	2	-	-	-	-	1	3	-	2	11	2	1	-	168
Men	-	-	-	1	-	80	-	3	7	-	-	-	-	-	-	8	-	-	2	-	-	-	-	101
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	5	39	-	178	-	6	9	-	2	-	-	-	-	9	3	-	2	13	2	1	-	269
N.C. A and T	-	-	6	-	-	14	-	1	-	1	-	-	-	-	-	-	1	-	4	-	1	-	-	28
Men	-	-	-	-	-	23	-	3	-	-	-	-	-	-	-	-	2	-	2	-	2	-	-	34
Women	-	-	8	-	-	37	-	4	-	1	-	-	-	-	-	-	3	-	-	-	3	-	-	62
N.C. Central	-	-	3	3	-	20	-	-	-	2	-	-	-	-	-	-	-	-	-	-	8	-	-	36
Men	-	-	-	1	-	31	-	1	-	-	-	-	-	-	-	14	-	-	-	-	1	-	-	48
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	3	4	-	51	-	1	-	2	-	-	-	-	-	14	-	-	-	-	9	-	-	84
Western Carolina	-	-	1	-	-	133	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	137
Men	-	-	-	-	-	53	-	2	-	-	-	-	-	-	-	-	1	-	-	-	2	-	-	58
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	1	-	-	186	-	2	-	-	-	-	-	-	-	-	1	-	-	-	5	-	-	195

TABLE XXXIX. (Cont.)

NUMBER OF MASTER'S AND DOCTOR'S DEGREES CONFERRED BY NORTH CAROLINA  
COLLEGES AND UNIVERSITIES BY INSTITUTION, SEX, AND  
FIELD OF STUDY, 1968-69

98

INSTITUTION AND SEX	Agriculture	City Planning	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Other Fields	Textiles	Radio, T. V., & Motion Pictures	GRAND TOTAL
PUBLIC INSTL. (Cont.)																									
PUBLIC TOTAL																									
Men	38	33	93	103	2	629	140	63	30	22	9	3	112	2	-	25	54	2	39	27	162	3	12	6	1,611
Women	2	5	35	23	-	518	-	108	37	44	-	1	64	16	-	129	25	-	11	5	107	-	-	1	1,131
Total	40	38	128	126	2	1,147	140	171	67	66	9	4	176	18	-	154	81	2	50	32	269	3	12	7	2,742
PRIVATE INSTITUTIONS																									
Duke																									
Men	-	-	16	-	-	2	17	24	-	7	16	-	17	-	2	-	30	22	18	5	80	-	-	-	256
Women	-	-	9	-	-	34	-	30	-	17	1	-	7	-	-	-	5	4	2	-	24	-	-	-	133
Total	-	-	25	-	-	36	17	54	-	24	17	-	24	-	2	-	35	26	20	5	104	-	-	-	389
Guliford																									
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	3
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	3
Livingstone																									
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	-	5
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	-	5
Wake Forest																									
Men	-	-	7	-	-	1	-	2	-	-	-	-	2	-	-	-	4	-	9	5	4	-	-	-	34
Women	-	-	3	-	-	2	-	4	-	-	-	-	-	-	-	-	1	-	1	5	5	-	-	-	16
Total	-	-	10	-	-	3	-	6	-	-	-	-	2	-	-	-	5	-	9	6	9	-	-	-	50
Southeastern Baptist Theological Seminary																									
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	-	-	8
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	-	-	8
PRIVATE TOTAL																									
Men	-	-	23	-	-	3	17	26	-	7	16	-	19	-	2	-	34	38	27	10	84	-	-	-	306
Women	-	-	12	-	-	36	-	34	-	17	1	-	7	-	-	-	6	4	2	1	29	-	-	-	149
Total	-	-	35	-	-	39	17	60	-	24	17	-	26	-	2	-	40	42	29	11	113	-	-	-	455
MASTER'S GRAND TOTAL																									
Men	38	33	116	103	2	632	157	89	30	29	25	3	131	2	2	25	90	40	66	37	246	3	12	6	1,917
Women	2	5	47	23	-	554	-	142	37	61	1	1	71	16	-	129	31	4	13	6	136	-	-	1	1,280
Total	40	38	163	126	2	1,186	157	231	67	90	26	4	202	18	2	154	121	44	79	43	382	3	12	7	3,197

NUMBER OF MASTER'S AND DOCTOR'S DEGREES CONFERRED BY NORTH CAROLINA  
COLLEGES AND UNIVERSITIES BY INSTITUTION, SEX, AND  
FIELD OF STUDY, 1968-69

INSTITUTION AND SEX	Agriculture	City Planning	Bio. Sciences	Bus. & Commerce	Computer Science	Education	Engineering	English & Journalism	Fine & Applied Arts	Foreign Languages	Forestry	Geography	Health Professions	Home Economics	Law	Library Science	Mathematics & Statistics	Philosophy & Religion	Physical Sciences	Psychology	Social Sciences	Other Fields	Textiles	Radio, T. V., & Motion Pictures	GRAND TOTAL
DOCTOR'S																									
PUBLIC INSTITUTIONS																									
N.C. State University																									
Men	20	-	16	-	-	14	42	-	-	-	5	-	-	-	-	-	14	-	8	-	17	-	-	-	136
Women	-	-	1	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	7
Total	20	-	17	-	-	19	42	-	-	-	5	-	-	-	-	-	14	-	8	-	18	-	-	-	143
UNC-Chapel Hill																									
Men	-	5	23	13	1	21	-	25	3	10	-	3	11	-	-	-	5	4	26	8	36	-	-	1	196
Women	-	-	6	-	1	8	-	6	2	4	-	-	2	-	-	-	1	2	4	6	6	-	-	-	42
Total	-	5	29	13	2	29	-	31	5	14	-	3	13	-	-	-	6	6	30	14	42	-	-	1	238
UNC-Greensboro																									
Men	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1
Women	-	-	-	-	-	3	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	3
Total	-	-	-	-	-	3	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	4
PUBLIC TOTAL																									
Men	20	5	39	13	1	35	42	25	3	10	5	3	11	1	-	-	20	4	34	8	53	-	-	1	333
Women	-	-	7	-	1	16	-	6	2	4	-	-	2	2	-	-	1	-	2	4	7	-	-	-	54
Total	20	5	46	13	2	51	42	31	5	14	5	3	13	3	-	-	21	4	36	12	60	-	-	1	387
PRIVATE INSTITUTIONS																									
Duke																									
Men	-	-	30	-	-	15	5	14	-	1	2	-	-	-	-	-	3	20	16	8	36	-	-	-	150
Women	-	-	5	-	-	3	-	2	-	1	-	-	-	-	-	-	-	-	2	1	-	-	-	-	14
Total	-	-	35	-	-	18	5	16	-	2	2	-	-	-	-	-	3	20	16	10	37	-	-	-	164
Wake Forest																									
Men	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5
Women	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5
PRIVATE TOTAL																									
Men	-	-	35	-	-	15	5	14	-	1	2	-	-	-	-	-	3	20	16	8	36	-	-	-	155
Women	-	-	5	-	-	3	-	2	-	1	-	-	-	-	-	-	-	-	2	1	-	-	-	-	14
Total	-	-	40	-	-	18	5	16	-	2	2	-	-	-	-	-	3	20	16	10	37	-	-	-	169
DOCTOR'S GRAND TOTAL																									
Men	20	5	74	13	1	50	47	39	3	11	7	3	11	1	-	-	23	24	50	16	89	-	-	1	488
Women	-	-	12	-	1	19	-	8	2	5	-	-	2	2	-	-	1	-	2	6	8	-	-	-	68
Total	20	5	86	13	2	69	47	47	5	16	7	3	13	3	-	-	24	24	52	22	97	-	-	1	556



APPENDIX

Table (4)



TABLE XIII. (Cont.)

SEX OF FULL-TIME FACULTY MEMBERS\* IN NORTH CAROLINA SENIOR COLLEGES AND  
UNIVERSITIES BY INSTITUTION AND ACADEMIC RANK, FALL 1967

Institution	In Tenure			Asst. Prof.			Assoc. Prof.			Prof.			Other Faculty			All Faculty		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
ABILENE CHRISTIAN	-	-	-	-	-	-	12	-	12	11	-	11	-	-	-	34	-	34
Abilene State	-	-	-	3	-	3	12	12	24	11	-	11	-	-	-	36	36	72
Adams	4	4	8	-	-	-	-	-	-	-	-	-	-	-	-	8	8	16
Adams State	17	2	19	27	13	40	28	16	44	18	13	31	-	-	-	83	46	129
Adams State	18	-	18	20	2	22	18	5	23	18	-	18	-	-	-	56	13	69
Adams State	37	-	37	23	2	25	17	-	17	-	-	-	-	-	-	57	-	57
Adams State	DATA NOT AVAILABLE																	
Adams State	11	-	11	15	2	17	24	13	37	11	-	11	-	-	-	46	2	48
Adams State	21	1	22	12	1	13	21	6	27	7	11	18	-	-	-	62	18	80
Adams State	11	3	14	5	1	6	14	6	20	4	2	6	-	-	-	37	12	49
Adams State	18	3	21	10	3	13	25	13	38	6	1	7	-	-	-	65	28	93
Adams State	15	-	15	10	2	12	11	7	18	6	8	14	1	1	2	35	18	53
Adams State	11	-	11	9	4	13	13	8	21	14	16	30	-	-	-	47	28	75
Adams State	12	5	17	13	2	15	12	16	28	29	7	36	-	-	-	60	30	90
Adams State	DATA NOT AVAILABLE																	
Adams State	12	3	15	13	10	23	19	9	28	16	11	27	-	-	-	60	33	93
Adams State	7	5	12	6	4	10	8	12	20	2	14	16	-	-	-	23	35	58
Adams State	8	-	8	6	4	10	15	4	19	8	3	11	-	-	-	37	11	48
Adams State	4	-	4	6	2	8	23	3	26	3	4	7	-	-	-	36	9	45
Adams State	14	3	17	9	2	11	27	5	32	12	5	17	-	-	-	62	15	77
Adams State	17	3	20	6	2	8	11	17	28	3	7	10	-	-	-	37	24	61
Adams State	-	4	4	3	10	13	2	14	16	6	6	12	-	-	-	11	34	45
Adams State	10	1	11	16	2	18	26	2	28	11	2	13	1	-	1	64	7	71
Adams State	DATA NOT AVAILABLE																	
Adams State	1	6	7	6	8	14	8	-	8	6	6	12	-	-	-	27	21	48
Adams State	10	5	15	13	7	20	14	10	24	6	11	17	-	-	-	44	33	77
Adams State	DATA NOT AVAILABLE																	
Adams State	4	1	5	4	1	5	9	-	9	2	5	7	-	-	-	24	7	31
ADAMS STATE	194	53	347	211	96	307	397	198	595	214	175	389	6	1	7	1,283	526	1,809
ADAMS STATE	1,429	148	1,577	1,201	240	1,441	1,589	547	2,136	818	498	1,316	176	68	244	3,240	1,529	4,769

\* Excluding Academic Deans.

\*\* Including Agricultural Experiment Station.

APPENDIX

Table (5)

## APPENDIX

TABLE 5.

Table XXXVII. \*Number of Bachelor's Degrees Conferred by North Carolina Colleges and Universities by Institution, Sex and Field of Study, 1968-69.

<u>Institution</u>	<u>Agriculture</u>		<u>Bio.Sciences</u>		<u>Physical Scs.</u>		<u>Total All Grad</u>	% of <u>Total in Agr</u>	
	<u>M</u>	<u>W</u>	<u>M</u>	<u>W</u>	<u>M</u>	<u>W</u>		<u>B.S.</u>	<u>P.S.</u>
Elizabeth			3	6	2	1	201		
Fayetteville			2	3			199		
N.C. A & T	17		29	12	4	1	553		
N.C. Central			14	11	6	1	412		
Bennett				12		4	120		
J.C.Smith			4	2	3	1	186		
Livingstone			7	7	5	3	162		
St. Augustine			2	3	4	1	165		
Shaw			<u>3</u>	<u>4</u>	<u>4</u>	<u>2</u>	<u>137</u>		
Sub-Total (Blacks)	17	0	64	60	28	14	2,125	8.6%	
Grand Total (All Public & Private Institutions)	105	1	514	274	468	87	17,565	8.2%	
Percentage of Blacks to Total Graduates									1.06%

\*Selected data from Table XXXVII - Statistical Abstract of Higher Education in North Carolina, 1969-70. Research Report 1-70 (February 1970)  
North Carolina Board of Higher Education, Raleigh, North Carolina.

and it does the country no service to damage an agency as useful and effective as the DBS.

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## Letters

### Biologics Control

The reports by Nicholas Wade (*News and Comment*, 25 Feb., p. 861; 3 Mar., p. 966; 10 Mar., p. 1089; 17 Mar., p. 1225) on the Division of Biologics Standards (DBS) do no great credit either to *Science* or to the reportorial craft. Having worked on the development, production, and evaluation of biologic products, both in the United States and elsewhere, for over 30 years, I can assure Wade that, had he dug a little deeper, he could have developed a really useful and informative story about biologics control and its problems.

The control of biologic products—pioneered in the United States some 70 years ago and still carried out there more than anywhere else—can perhaps be best compared with the control of safety in flight. Both have many obscure and complicated scientific problems still to be resolved. Both require first-class scientific expertise and mature administrative judgment, along with the toughness to withstand pressures from politicians, commercial interests, and the sensational press. It is at best an extremely difficult assignment, yet the record of performance of the DBS has been remarkably close to perfect. The Cutter "episode" of 1955 came about despite the efforts of the responsible scientists in the Biologics Control Laboratory to prevent such a disaster. Indeed the fact that Morris and Turner chose to resurrect this episode, and came up with no other significant examples of failure to maintain adequate control, indicates how well the control job has been performed over the years.

Of course there are weaknesses—in funding, in legal authority, in staffing, and so forth—as in any such agency. But the major weakness is the lack of scientific information. For instance, the relative inadequacy of all laboratory tests so far devised for evaluating the efficacy of influenza vaccine is well known, not just to the DBS but around the world. However, the best available procedure—the CCA (chicken cell agglutination) test—has at last been

brought up to a high level of precision through the efforts of the responsible members of the DBS staff. Moreover, it should be emphasized that influenza vaccine has been tested for efficacy in man probably more extensively and more often than any other vaccine, and that the great majority of properly controlled field trials have shown influenza vaccine to be moderately to highly effective.

Control agencies are unglamorous, and this points up a second major weakness of the DBS—a chronic insufficiency of funds. Control agencies are "news" only when something appears to go wrong; as long as everything appears to go right they will attract little attention or support from administrators, legislators, or the press. Consequently, unless something appears to be wrong with them they can be maintained in a state of financial semistarvation indefinitely.

Finally, the DBS also needs adequate legal authority to do its job. Twice in the last 30 years the Congress has given the DBS authority to control the potency, but not the efficacy, of biologic products. Therefore it is comforting, even at this late date, to learn that at last an administrative decision has been reached (*News and Comment*, 10 Mar., p. 1089) that the DBS apparently *does* have such authority.

What emerges from a careful and thorough study of the DBS story is the realization that no government regulatory agency can do its best unless it gets the full fiscal, administrative, and legal support that it needs in order to do its job. In the present structure of the government, any effort on behalf of the DBS to get such support may be scuttled at a dozen points along the line. All of us who have long been concerned with the maintenance of the high standards of biologics control, for which the United States is justifiably noted, have been hoping all along that the importance of the agency responsible for this activity would eventually be recognized. One-sided "recognition" such as *Science* has provided can do great harm,

### Women and the Professions

In "Women in academia" (Editorial, 14 Jan., p. 127), Philip Abelson contrasts the professional involvement of women in America and in Europe and underlines the reduced opportunities of women in higher education.

Any comparison of work situations on the two continents must include considerations of prestige, professional standards, pay levels, degree of autonomy, and responsibility. In Europe, historical and economic forces have perhaps played a more significant role than concern with sexual equality. The great male migrations to the United States during the 19th and early 20th centuries, the decimations of war, political and racial oppression, and the talent drain, as gifted men sought improved opportunities, all drastically reduced the male population and propelled women into activities to fill their own lives and the needs of the economy. Except when they temporarily replaced male workers during the wars, American women were able to stay at home. However, since 1950, women in the labor force have increased 70 percent; 50 percent in the last decade. The small number of working women is due, not only to discrimination, but also to genuine choice.

In 1970-1971, women constituted only 10.94 percent of medical school applicants. Of these, 11.27 percent were accepted, and the proportion of women increased to 9.6 percent of the student body from the 9.0 percent of a year earlier (1). The proportion of women accepted exceeds the proportion of men accepted (2). The dropout rate seems to be twice the male rate (3).

In Russia, where gifted men are assigned to the physical sciences and other fields, salary and prestige are low in the medical profession; 75 percent of physicians are women. In England, where women constitute 24 percent of physicians, because of the relatively low income, a large proportion of qualified women do not practice (4).

In the United States, women appar-



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ently do not find the dental profession attractive. The vice president of the Association of American Women Dentists urges women to come into dentistry for professional prestige, good income, and limited working hours (5). In Poland and Russia 80 percent of dentists are women, a result, according to a Polish woman dentist (5), of the movement of women into dental schools during the wars and the willingness of returning men to leave the profession to them.

Too many bright girls and boys do not move on to higher education. Of the education of both sexes, particularly of women, statistics show a dramatic change during the decade 1959-1969 (6). The total number of B.A.'s doubled; the number of M.A.'s and Ph.D.'s nearly tripled. The male-female ratios shifted from 2 to 1 for B.A.'s and M.A.'s and 3 to 1 for Ph.D.'s to 4 to 3, 5 to 3, and 7 to 1, respectively. If a graduate program in psychology is characteristic, the dropout rate for females was significantly higher than for males (7).

For the period 1968-1980, the growth in the number of degrees granted is estimated at 50 percent for the B.A., 100 percent for the M.A., and 115 percent for the Ph.D., with a concomitant rise of 20 percent in the labor force. The proportion of educated persons seeking employment will be higher than in any previous decade (8). Economic forces will inevitably affect sex ratios in work areas.

Part of the woman's problem in academia is due to the heavy concentration of women in three fields, the large number of men in the same fields, and broader male interests. In both 1959 and 1969, half the women and one-third of the men who held doctorates were in the fields of education, psychology, and the social sciences. In education, men outnumbered women 4 to 1; in psychology 3 to 1, and in the social sciences, 7 to 1. One-third of the men who had doctorates were in engineering, mathematics, and the physical sciences; in these areas, the number of women was negligible. In the biological sciences, the number of Ph.D.'s amounted to 11 to 14 percent of both men and women. The small numbers in other areas also were divided according to sex: men, but almost no women, in agriculture, business, religion, and philosophy; women, and many men, in English, journalism, arts, and foreign languages.

These interests are foreshadowed in high school. Since 1955, the National

Merit Scholarship Corporation has tested 800,000 high school juniors each year, boys and girls in equal number (9). The girls do better in English, the boys in mathematics, social studies, and natural science. Among the finalists, boys outnumber girls, 2 to 1.

The Los Angeles Times Scholarship Fund has, since 1964, awarded scholarships in four areas: English, social science and history, mathematics, and science. Candidates may choose the area, and half the girls chose English. Of 32 scholarships, girls have been awarded 5, all in English (10).

Early verbal competence reinforces interest in predominantly verbal activities. Movement into other fields in increasing numbers may alleviate the woman's problem in academia.

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## Obsolete Technology

Bryce Nelson, in his report "Mobile TB x-ray units: An obsolete technology lingers" (*News and Comment*, 10 Dec., p. 1114), emphasizes the present messenger returns from the use of chest x-rays to detect cases of tuberculosis.

The term "obsolete" is usually reserved for procedures that have been used effectively in the past but no longer fulfill their original purposes or are no longer needed. However, with equal force, the negative aspects of the term "obsolete" can easily be applied to certain new health-screening procedures that are widely heralded at the present time and in some instances are even required by law.

The Philadelphia Neoplasm Research Project (1) is a good instance in point. Among 6136 men, age 45 or over, who were studied over a 10-year period, 121 developed lung cancer; only 8 percent

APPENDIX

Table (6)

*Data is latest that is available*  
 Female PhD's in Selected Fields as a Percentage of Total PhD's in the field

<u>Field</u>	<u>% Female 1968-69</u>	<u>% Female 1969-70 &amp; No.</u>	
Agronomy, Field Crop	0.6%	0.5%	1
Animal Science	0.3%	0.4%	6
Wildlife Management	0	2.0%	1
Food Science	4.0%	11.0%	11
Horticulture	2.0%	7.0%	5
Poultry Science	12.0%	0	0
Soil Science	0	16.0%	2
Botany	13.0%	12.0%	27
Zoology	16.0%	10.0%	42
Biochemistry	18.0%	15.0%	67
Entomology	4.0%	3.0%	6
Genetics	14.0%	16.0%	15
Plant Pathology	4.0%	6.0%	6
Microbiology	22.0%	21.0%	77
Physiology	14.0%	9.0%	22
Agricultural Economics	0.5%	0	0
Agricultural Engineering	2.0%	0	0
Architecture (MA degree)	6.0%	6.0%	43
Agricultural Education	0	2.0%	1
Adult Education	14.0%	14.0%	15
Industrial Arts	1.0%	0	0
Counseling & Guidance	18.0%	23.0%	121
Psychology	23.0%	29.0%	85
Chemical Engineering	0.7%	0.9%	4
Civil Engineering	0	0.5%	2
Electrical Engineering	0.5%	0.3%	3
Engineering Mechanics	0	0.6%	2
Industrial Engineering	0	2.0%	3

<u>Field</u>	<u>% Female 1968-69</u>	<u>% Female 1969-70 &amp; No.</u>	
Mechanical Engineering	0	0	0
Materials Engineering	0.5%	0.4%	1
Nuclear Engineering	0	0.7%	1
Forestry	0	0	0
Recreation	0	17.0%	2
English & Speech	28.0%	27.0%	418
Foreign Languages	34.0%	34.0%	293
Philosophy & Religion	9.0%	8.0%	58
Economics	7.0%	7.0%	52
History	13.0%	13.0%	137
Political Science	10.0%	11.0%	56
Physical Education	21.0%	29.0%	75
Sociology & Anthropology	21.0%	22.0%	162
Math	6.0%	7.0%	78
Statistics	6.0%	10.0%	18
Chemistry	8.0%	8.0%	167
Computer Science	5.0%	2.0%	2
Physics	2.0%	3.0%	37
Geology	6.0%	3.0%	7

APPENDIX

Table (7)

North Carolina Population, 1970

<u>Race</u>	<u>Number</u>	<u>Percentage</u>
White	3,901,767	76.8
Negro	1,126,478	22.1
Indian	44,406	0.9
Other	<u>9,408</u>	<u>0.2</u>
Total	5,082,059	100.0

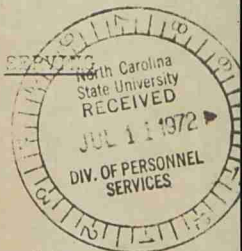
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Percent of North Carolina families  
below the poverty line: 16.3%



CIVIL RIGHTS AND HUMAN RELATIONS AGENCIES AND ORGANIZATIONS SERVING

NORTH CAROLINA



I. FEDERAL

A. Washington, D. C.

1. Department of Justice, Community Relations Service  
512 Ninth Street, N. W.  
(202) 386-6121 Washington, D. C.
2. Department of Justice, Civil Rights Division  
Leslie D. Smith  
(202) 739-3844 Washington, D. C.
3. Department of Justice, Civil Rights Division  
Frank Schwelb, Chief Housing Section  
Washington, D. C. 20530
4. U. S. Commission on Civil Rights  
Jacob Schlitt, Field Director  
Mid Atlantic States  
1405 I Street, N. W.  
(202) 254-6717 Washington, D. C. 20425
5. Equal Employment Opportunity Commission  
Office of State and Community Agencies  
1800 G Street, N. W.  
Peter C. Robertson, Director  
(202) 343-1100 Washington, D. C. 20506
6. Department of Housing and Urban Development  
Fair Housing Division  
451 Seventh Street, S. W.  
(202) 655-4000 Washington, D. C. 20410
7. Department of Health Education and Welfare  
Office for Civil Rights  
Room 3645, Seventh and D Streets, N. W.  
A. J. Howell, Director Washington, D. C. 20024

B. Southeast Region (Atlanta)

1. Department of Justice  
Community Relations Service  
75 Piedmont Avenue  
Atlanta, Georgia 30309  
Mr. Henry Mitchum, North Carolina Field Representative

2. Department of Housing and Urban Development  
Fair Housing Division  
645 Peachtree - 7th Building  
Atlanta, Georgia 30323  
Jerome Norris, Director  
(404) 526-3139
3. Department of Health Education and Welfare  
Office of Civil Rights  
Mr. Lamar Clements, Field Representative for North Carolina  
Atlanta, Georgia  
(404) 526-3307

C. North Carolina Offices

1. Department of Justice, FBI  
Raleigh Office  
(919) 755-4620  
(If no answer call) Charlotte FBI Office  
(704) 372-5485
2. U. S. Attorney for Eastern Region  
Federal Building  
Raleigh, North Carolina  
(919) 755-4530
3. U. S. Department of Labor, Wage and Hour and Public  
Contracts Division.

For information and to report violations, there are  
offices in the following cities.

- |                  |                    |
|------------------|--------------------|
| 1. *Asheville    | 6. Greensboro      |
| 2. Charlotte     | 7. *Hickory        |
| 3. *Durham       | 8. *High Point     |
| 4. *Fayetteville | 9. Raleigh         |
| 5. *Goldsboro    | 10. *Wilmington    |
|                  | 11. *Winston-Salem |

(Asterisks indicates staff investigation in that office.)

II. STATE OF NORTH CAROLINA

1. North Carolina Good Neighbor Council  
Fred L. Cooper, Director  
Box 12525  
Raleigh, North Carolina 27605  
(919) 829-7996
2. State Department of Public Instruction  
Human Relations Division  
Robert Strother, Special Assistant to Superintendent  
Raleigh, North Carolina 27602  
(919) 829-4207

3. North Carolina Board of Health  
Civil Rights Coordinator  
Medicare-Medicade, Standards Section  
F. James Boehm,  
Box 2091  
Raleigh, North Carolina 27602  
(919) 829-7762
4. State Bureau of Investigation  
Intelligence Division  
Raleigh, North Carolina  
(919) 829-4311

III. HUMAN RELATIONS, COMMUNITY RELATIONS COMMISSIONS, AND ORGANIZATION OF CITIES, COUNTIES, AND TOWNS IN NORTH CAROLINA.

1. See: Human Relations Directory published by the Good Neighbor Council. (New Councils which have been recently formed and are not in the Directory, are located in Creedmoor, Clayton, Louisburg-Franklin County and Wake Forest.)

IV. PRIVATE VOLUNTARY ASSOCIATIONS IN NORTH CAROLINA WHICH HAVE CIVIL RIGHTS, HUMAN RIGHTS, OR HUMAN RELATIONS EMPHASES.

1. Foundation for Community Development  
Nathan Garratt, Director  
811 West Main Street  
Durham, North Carolina  
(919) 688-8248
2. Housing Opportunity Made Equal (H.O.M.E.)  
National Committee Against Discrimination in Housing, Inc.  
John J. Ingle, Director  
710 West North Street  
Raleigh, North Carolina 27603  
(919) 828-3870
3. N.A.A.C.P.  
Mr. Charles McLean, State Field Director  
1750 Jackson Avenue  
Winston-Salem, North Carolina 27106  
(If Mr. McLean cannot be reached, call the State President)
4. N.A.A.C.P.  
Mr. Kelly Alexander, State President  
Alexander Funeral Home  
112 North Irwin Avenue  
Charlotte, North Carolina  
(704) 333-1167

5. N.A.A.C.P. Legal Defense and Education Fund, Inc.  
Julius Chambers, Director-Attorney  
237 West Trade Street  
Charlotte, North Carolina 28202  
(704) 332-6121
  6. National Conference of Christians and Jews  
Carolinas Region  
515 Southeastern Building  
Greensboro, North Carolina 27401  
J. R. Johnson, Regional Director  
(919) 273-8800
  7. National Conference of Christians and Jews, Inc.  
Mecklenburg Chapter  
Mrs. Kitty Huffman, Program Director  
Box 4436  
Charlotte, North Carolina 28204  
(704) 332-4420
  8. North Carolina Committee for Racial Justice  
Reverend Leon White, Director  
Room 204  
133 Fayetteville Street  
Raleigh, North Carolina 27602  
(919) 833-3071 or (919) 834-1082
  9. North Carolina Civil Liberties Union  
Associated with American Civil Liberties Union  
Norman Smith, General Counsel  
Southeastern Building  
P. O. Box 1872  
Greensboro, North Carolina 27402  
(919) 273-1641
  10. North Carolina Voter Education Project  
Mr. John Edwards, Director  
336 1/2 East Pettigrew Street  
Durham, North Carolina 27701  
(919) 682-1222
  11. Southern Christian Leadership Conference  
Milton Fitch, State Coordinator  
516 South Lodge Street  
Wilson, North Carolina  
(919) 243-5967
- Mr. Golden Frinks  
State Field Secretary  
Peters Street  
Edenton, North Carolina

12. The Urban League of Winston-Salem  
610 Coliseum Drive  
Winston-Salem, North Carolina  
(919) 725-5614
13. SPECIAL NOTE: Assistance May be secured through many  
local organizations throughout the state.

COMPILED BY THE NORTH CAROLINA GOOD NEIGHBOR COUNCIL

JUNE, 1971



## GENERAL EMPLOYMENT POLICIES

### RECRUITMENT, EVALUATION, AND REFERRAL

It is a policy of State government that persons will be recruited and selected for employment on the basis of training, experience, and other characteristics which best suit an individual to the job to be performed. To accomplish this the State Personnel Department provides a centralized applicant recruitment, interviewing, and referral service for all State agencies and institutions. Applications are accepted for employment in any area of State government and agencies informed of the qualifications of these applicants for consideration in making appointment to present and future vacancies.

*Although each State agency is responsible for an effective recruitment program designed to its own needs, the State Personnel Department conducts extensive outside recruitment programs at educational institutions, through various news media, and by other appropriate means and sources. All applications are screened and referred to suitable vacancies. Any agency may contact the Recruitment Division of the State Personnel Department to request assistance in recruiting qualified applicants for any specific vacancy. Within the competitive service program, certain positions require the selection of applicants by competitive ranking procedures. Agencies under this program will receive referrals based on the applicant's competitive standing for position vacancies.*

*Each agency shall be responsible for investigating the accuracy of statements contained in each individual's application and the personal references contained therein.*

The State Personnel Department will provide services in the area of designing, developing, and administering examination programs to assist agencies in selecting the most suitable persons for certain types of work. This includes administration of the examination programs required by law for selection of employees in the competitive service agencies.



## EQUAL EMPLOYMENT OPPORTUNITY

### Policy Statement

It is the policy of the State of North Carolina that neither race, color, religion, sex, nor national origin is to be considered in the

Recruitment and employment of new employees of the State.

Promotion, demotion, transfer, lay-off, termination, or selection of employees of the State for training and development.

Establishment of rates of pay including the awarding of salary adjustments and/or merit salary increments.

### Appeal Procedure

Any applicant for employment or any employee who believes that employment, promotion, training, transfer, salary adjustment or a merit salary increment was denied him or that demotion, transfer, lay-off or termination was forced on him, because of his race, color, religion, sex or national origin may appeal directly to the State Personnel Board.

If, in its review of the complaint, the State Personnel Board determines that the plaintiff was discriminated against because of his race, color, religion, sex or national origin, it shall recommend within five days appropriate corrective action in writing to the defending agency.

## APPOINTMENTS

An appointment is the approval or certification of an applicant or employee to perform the duties and responsibilities of an established position subject to the provisions of the State Personnel Act. The selection and appointment of all personnel into classified State service shall be made by the head of the agency in which employment is requested, subject to final approval of the State Personnel Director.

### Types of Appointments and Duration

1. *Permanent*—An appointment to a permanently established position to perform the duties and responsibilities on a permanent basis.
2. *Probationary*—An appointment to a permanent position under competitive examination made from an officially promulgated register for a probationary period of six months. At the end of this period, the employee's performance is evaluated and the appointment becomes permanent, or he is separated if his services have not been satisfactory. Upon the written request of the appointing authority stating reasons therefor, the State Personnel Director may approve the extension of the probationary period of an employee for a period not to exceed three months. Any agency may use the probationary concept following an employee's entry on duty.
3. *Provisional*—An appointment to a position under competitive examination made in the absence of an appropriate register, which appointment is subject to qualification through examination and which may not continue for more than thirty days after a register is established or for more than six months from the date of employment. The period of provisional service shall be credited on the probationary period.
4. *Temporary*—An appointment for a limited term, not to exceed three months, to a permanent or temporary position. When sufficiently justified, an extension may be requested.
5. *Permanent part-time*—An appointment to a permanent part-time budgeted position on a continuing basis for as much as half time.
6. *Temporary part-time*—An appointment of less than full time for a limited term not to exceed three months.
7. *Emergency*—An appointment to a position under competitive examination when an emergency exists and when it is not possible to secure a person from an appropriate register. These appointments are for a period of thirty days and may not be extended for more than one additional thirty day period. Other rules applicable to competitive examinations do not apply.

## POSITION VACANCY

An appointment may be made only if a classified and budgeted position vacancy exists in the position complement authorized for the agency to which the individual is to be assigned.

## QUALIFICATIONS

The employee or applicant must possess at least the minimum education and experience requirements, or their equivalent, as set forth in the class specification of the position to which certification is made. This shall apply in cases of new appointments, promotions, demotions, transfers, and reinstatements. Exceptions: (1) If an employee is demoted to a position in the same field of work, he is automatically qualified for the lower class. (2) If an employee is reinstated without a break in service to a position of the same class or to a lower class in the same field of work, he is automatically qualified.

Agencies may impose additional requirements, over and above the minimum acceptable standards, which they deem necessary.

## EMPLOYMENT OF RELATIVES

It is the policy of State government that persons considered for employment or promotion will be selected on the basis of training and experience and other characteristics which best suit the individual to the job to be performed. All such considerations being reasonably equal, a selection will not be made which will involve employment of close relatives.

If conditions are such that it is necessary for relatives to be considered, the following will apply:

1. Two members of an immediate family shall not be employed within the same agency if such employment will result in one supervising a member of his immediate family, or where one member occupies a position which has influence over the other's employment, promotion, salary administration and other related management or personnel considerations.
2. Where two members of an immediate family are employed, it shall be the responsibility of the agency head to certify to the State Personnel Department that efforts of recruitment and evaluation have failed to provide other qualified applicants, thereby, justifying the employment of relatives within the same agency.

The term *immediate family* shall be understood to refer to that degree of closeness of relationship which would suggest that problems might be created within the work unit, or that the public's philosophy of fair play in providing equal opportunity for employment to all qualified individuals would be violated. In general, this would include wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather. It might also include others living within the same household or otherwise so closely identified with each other as to suggest difficulty.

## AGE LIMITATIONS

*No Maximum Age.* No individual shall be barred from State employment because of age if such individual, veteran or non-veteran, is otherwise qualified. (Reference concerning veterans is G.S. 128-15.)

*Minimum Age for Law Enforcement Officers.* Law enforcement officers must be at least twenty-one years of age. The State Constitution requires that they be eligible voters. (Reference Article 6, Section 7, of the State Constitution.)

*Minimum Age for General Employment.* The minimum at which minors may be employed is eighteen years of age. Exceptions are provided under the law if the employing agency procures an *Employment Certificate* from the County Social Services Department. (Reference G.S. 110.)

## COMMITMENTS

A commitment should not be made to an employee or an applicant without the approval of the State Personnel Department. Questions about an employee's or applicant's meeting minimum education and experience requirements or about salary or position classification should be directed to the State Personnel Department. Questions about funds or other fiscal matters should be directed to the Budget Division.

## WORK SCHEDULE

The standard workweek for employees subject to the Personnel Act is forty hours per week.

Because of the nature of the various State activities, some positions require a workweek of more than five days. The normal workday is from 8:30 to 5:30 except in summer months when it is 8:00 to 5:00. This schedule does not apply to educational institutions, hospitals, and similar agencies with schedules geared to round-the-clock service unless they elect to adopt it.

- \* State offices will not close as a result of adverse weather conditions. In the case of a catastrophic, the Governor or the Department of Administration will issue necessary orders and instructions, after consulting with civil defense and highway patrol officials. In the event hazardous conditions develop during the working day, employees who anticipate special problems in transportation should be permitted and encouraged to avail themselves of petty leave or annual leave privileges in order to leave early. When possible, such employees should be given an opportunity to make up such time rather than charge it to leave.

## EMPLOYMENT OF THE MENTALLY RETARDED

It is the policy of State government to support and encourage employment of mentally retarded persons in State government jobs, where such persons meet necessary requirements to perform the required duties of the position and where such employment may be accomplished without detriment to the employee or to the State service.

Mentally retarded applicants considered for employment shall be recommended as eligible for placement by the Division of Vocational Rehabilitation, Department of Public Instruction. Completion of an approved training center or workshop program applicable to the position applied for may be substituted for the class specification requirements for education and training.

## LIMITATION OF POLITICAL ACTIVITY

State law provides: As an individual, each employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee subject to the Personnel Act shall: (1) take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the State; (2) otherwise use the authority of his position, or utilize state funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in a partisan election involving candidates for office or party nominations, or affect the results thereof.

No State employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee subject to the Personnel Act to support or contribute to any political issue, candidate, or party.

Failure to comply with this Article is grounds for disciplinary action which, in case of deliberate or repeated violation, may include dismissal or removal from office.

## LEGAL DEFENSE

State employees may be provided legal defense for any civil or criminal action or proceeding against him because of an act done or an omission made in the scope of his employment as a State employee. According to the provisions of the law, the Attorney General has the authority to determine whether the State will provide defense for the employee.



## POSITION MANAGEMENT

It is the policy of the State of North Carolina to deliver its programs of service and achieve its objectives through sound management practices. A basic part of this policy is effective and economical position management.

Position management involves the *design and control* of individual positions to achieve a proper balance of values among the following management considerations: number of positions; total cost of services; maximum use of scarce or costly manpower skills; maximum attraction, retention, and motivation of competent personnel; provision for maximum developmental opportunities; effective use of work processes, equipment, and techniques; and clear delineation of duties and responsibilities. *Good position management reflects the composite resolution of these often conflicting values.*

Position management is inherently the responsibility of managers and supervisors. Staff assistance in this area is available to management from the State Personnel Department.

### POSITION DESIGN

Position design is the structuring of work assignments to achieve organizational goals with the best use of manpower most readily available and by avoiding unnecessary competition for personnel in short supply. Each agency and each program of service in State government is in competition for scarce manpower, funds, and space resources. These represent actual and imposed controls or limitations. Position design has as its goal the improved management of positions within the limitations of available resources. Line managers have many factors to consider in designing positions. These include labor market resources, equipment or work process alternatives, pay competition, competing demands for funds and space, overall goal or program priorities, training possibilities, and many others. To assist management with data collection and analysis of the many considerations, staff assistance, both from within the agency and resources of other staff agencies, should be used.

Position design is accomplished by systematically following several guides which are keys to developing facts necessary to good position design and management:

- Analyzing the mission of the organizational unit (program priorities, funds limitations, mission coverage),
- Determining the tasks to be performed in accomplishing the agency's mission (skills needed, level of skills and tasks, workload, supervision required),
- Determining the most efficient methods, work processes, equipment, and techniques for performing identified tasks,
- Designing positions by grouping tasks together on the basis of the most effective use of available manpower skills (skill content and level, supervision, clerical or administrative support, development or promotional potential),

Continuously reviewing assignments and restructuring work of positions, including vacancies, to maintain efficiency and economy on a current basis (organizational change, program modification, labor market change, turnover, technological innovation, staff growth, and development).

## POSITION CLASSIFICATION

In the successful accomplishment of position management, there is a need to define the nature of positions, relative to the mission and the dynamics of the organization and the whole of State government. Position classification is the process of identifying and describing the different kinds of work to be found in an organization and then arranging positions with similar kinds of work together into groups or classes on the basis of their duties, responsibilities, and qualification requirements. Position classification is one of the most important steps which can be taken toward the development of efficient administrative management, and it is fundamental to other features of personnel administration. It provides the basis for an equitable and logical pay plan, for meaningful standards of recruitment and selection, and for good employee-employer relations; it supports management in planning, budgeting, maintaining, and improving organization; and in general, position classification prepares the way for the systematic determination and execution of specific personnel and pay transactions as well as general personnel policies.

Basic to an understanding of position classification are the concepts of position and class.

*A position* is a group of duties and responsibilities assigned by competent authority to be performed by one individual employed on a full-time or part-time basis.

*A class* is a specific group of positions which are so similar in duties and responsibilities that they justify common treatment in selection, compensation, and other employment processes and the same descriptive title may be used to designate all positions in the class regardless of the agencies in which they are located.

Position classification, therefore, is not a classification of individuals. If individuals are placed into classes according to their qualifications and a salary range for each class applied to each individual in that class, all persons with equal qualifications would receive the same rate of pay whether they perform minor and routine tasks or difficult and responsible tasks.

## CLASSIFICATION PLAN

The classification plan for the State of North Carolina consists of all classes established for positions subject to the State Personnel Act, together with procedures for maintaining the plan and specifications for each class. In grouping positions into classes, they are first sorted by kind of work, for example, clerical, nursing, accounting, or engineering. Second, the duties and responsibilities of individual positions are evaluated or weighed to determine their relative level of difficulty and responsibility. Among the classification factors used in determining the level of a position are the following:

1. Variety and complexity of work;
2. Analytical requirement (thinking necessary for solving problems);
3. Responsibility for work decisions and their importance (consequence of error);
4. Supervisory duties (supervision exercised);
5. Supervision received (how detailed are instructions, how closely work is reviewed);  
and
6. Nature and significance of public contacts.

In line with these general principles, groups of positions are subdivided by kind of work and level of difficulty and responsibility into classes. Thus, classes arranged vertically by level for a particular kind of work become a class series, for example: Accountant I, Accountant II, Accountant III, and Accountant IV.



## CLASS SPECIFICATIONS

For each class as previously defined, a class specification is written. Specifications are intended to identify every type of work which exists throughout State government. Changes in departmental organization and work assignments and the creation of new positions from time to time require new classes and specifications or modifications in existing classes and their specifications. Individual class specifications are arranged by a schematic code system in accordance with several broad occupational groupings. Such an arrangement puts together those classes which are most closely akin in terms of occupations and the major functions of the classes.

A class specification is a generalized description of the duties and responsibilities characteristic of positions which comprise a class; it is not intended to describe all the duties of each position in the class but rather to give a composite view of the class so as to set it apart from other classes. Each class specification includes the following sections: (1) Class Title, (2) Description of Work, (3) Examples of Duties Performed, and (4) Recruitment Standards, including (a) knowledges, skills, and abilities; (b) minimum education and experience; and (c) special requirements.

*Class Title* – The class title is the official title to be used for payroll, position control, and other personnel and budget records. It may cover positions in several agencies and does not preclude the use of more specific working titles, if individual agencies so desire. In a series where Roman numerals are used to indicate more than one level of work, the numeral “I” always denotes the lowest level.

*Description of Work* – This section describes by a general statement and then by more detailed statements the type of work and responsibilities which characterize the class. A consideration of such factors as variety and difficulty of work, work hazards, relative independence of action, supervision received and exercised, and other distinguishing features are also included.

*Examples of Duties Performed* – The heading of this section states accurately what its purpose is, namely to illustrate a more specific picture of the duties assigned to positions in the class in terms of typical examples rather than an all-inclusive list of assignments. It does not define or limit the duties which may be assigned to an employee, and individual positions in the class will involve duties which are not listed.

### *Recruitment Standards* –

- (a) *Knowledges, Skills, and Abilities* - Knowledges, skills, and abilities set forth the requirements of employees for successful work performance in positions allocated to the class. They are written in terms of what are required of new employees at time of appointment or promotion. They do not specify the desirable qualifications of a thoroughly experienced employee in the class. Thus, their purpose primarily is to be of assistance in the recruitment, examination, and placement of applicants. They may be used also to identify training guides to develop promotability of lower level employees. Personal characteristics such as honesty, courtesy, dependability, sobriety, and industry are not mentioned; they are requirements for all employees in all classes of work in the State service.

Knowledges are listed first as the subjects, topics, and items of information or learning which a new employee should know at the time of appointment. Furthermore, degrees or amounts of knowledge are indicated through the use of phrases which have the meanings indicated as follows:

*“Some Knowledge”* – implies familiarity only with the elementary principles and terminology.

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"*Some Knowledge*" - implies familiarity only with the elementary principles and terminology.

## MAINTAINING THE CLASSIFICATION PLAN

The State Personnel Department is generally responsible for establishing, revising and maintaining the Classification Plan for the entire State government. Agency heads may report the need for classification action; or the State Personnel Department may initiate studies of single positions, occupational groups, or organizational groups of positions to determine that classifications are current. While central control of the Classification Plan is retained by the State Personnel Department, the maintenance of the plan is the responsibility of everyone concerned with employment. This includes individual employees, immediate supervisors, and agency heads.

*Employees* – When an employee thinks his position is not in the right class, he should request his supervisor to conduct a review of his duties. His request should include a statement of his reasons for believing his job classification is wrong. It should be reviewed by his supervisor and agency head or his representative; and if the request seems justified, the agency head should submit it, along with his comments, to the State Personnel Department. The position will then be studied to determine if the classification should be changed.

*Supervisors and Agency Heads* – A major responsibility for position classification rests with line management -- agency heads and supervisors. They are responsible for determining the duties and responsibilities of positions, for assigning individual employees to work and informing them of their assigned duties, and for reporting changes in duty assignments and organization and the need for classification action to the State Personnel Department. These are integral parts of their general responsibility for efficient and economical management.

## ESTABLISHMENT AND REVISION OF CLASSES

Classification studies may reveal from time to time the need to establish new classes or revise existing classes. These actions must be recommended by the Personnel Director and approved by the State Personnel Board and the Governor. Likewise, classes which are no longer used are abolished with the Board's approval.

*Allocation of Positions* – Every position subject to the Personnel Act is allocated to an appropriate class in the Classification Plan. The allocation of a position is its assignment to a class containing all positions which are sufficiently similar in duty assignments to justify common treatment in selection, compensation, and other employment processes. A class may consist of a single unique position or of many like positions.

*Tentative Flat Rate Provisions* – If there is insufficient information available to determine or recommend to the State Personnel Board a definite classification and pay provision, the State Personnel Director may assign a tentative flat rate salary to a tentative class. When sufficient information is available to define a classification, such a recommendation will be made to the State Personnel Board.

# ADMINISTRATION OF THE PAY PLAN

## GENERAL PAY POLICIES

### Pay Status

An employee is in pay status when working, when exhausting annual or sick leave, or when drawing workmen's compensation for a period not to exceed twelve months. An employee is not in pay status after his last day of work when separated because of resignation, dismissal, death, retirement, reduction in force, and leave without pay for military and maternity purposes.

### Total Compensation and Total Employment

An employee being paid for full-time employment shall not receive additional compensation for additional work performed for the State except as provided under the dual employment policy and under the overtime policies. Under the dual employment policy, an agency may secure the services of an employee in another agency on a part-time, consulting, or contractual basis when the demand for an employee with special skills and abilities is required for efficient operation of a program.

It is necessary that the practice of cross hiring in State government be carefully controlled. Such arrangements should take into consideration such factors as the character of the services to be performed, the effect on the morale of other State employees, the ethical considerations involved, the temporary loss of the services of the individual to the parent agency, the possible reduced efficiency of the individual as a result of fatigue or inattention to primary responsibilities, the urgency of the situation, possible alternative arrangements, and other pertinent factors. See pages 3-35 - 3-38.

### Overtime Pay

Institutions of higher education, schools, and hospitals will be guided by the State Personnel memorandum entitled "Fair Labor Standards Act as Amended in 1966." Other agencies should refer to the State Personnel memorandum entitled "Policy on Hours of Work and Overtime Compensation" dated October 1, 1971.

### Availability of Funds

Approval of all personnel actions is subject to the availability of funds. No action can be taken by the State Personnel Department which would exceed the funds appropriated an agency for salaries and wages in either year of a biennium.

## NEW APPOINTMENTS

### Salary Rate

1. The minimum rate of pay for a class shall normally be paid a qualified employee.
2. It is intended that agencies make as few appointments above the minimum rate as possible. Rates above the minimum, but *not in excess of the third step* may be requested when:
  - (a) a tight labor market exists and major sources of recruitment such as the Personnel Department, local offices of the Employment Security Commission, colleges and schools, and newspaper advertising have been exhausted.
  - (b) the applicant possesses exceptional qualifications above the minimum requirement of the class specification. One additional step in the range may be requested for each year of qualifying experience or training above the minimum requirement. In some instances, partial or full credit may be given for closely related experience or training in lieu of that specifically stated in the specification.
  - (c) salary inequities would not be created. This should be considered very carefully in order to avoid present or future inequities.

Forms PD-105 requesting appointments at rates above the minimum must include a statement of reasons and justification for such rates.

3. The minimum rate of pay shall normally be paid temporary or part-time employees. Rates below the minimum may be set if reasons are acceptable to the State Personnel Department. Part-time employees shall be paid hourly rates or a proportionate annual rate.

### Date to Begin Work

A new employee may begin work on any scheduled workday in the month. When the first day of a month falls on a nonworkday and the employee begins work on the *first workday* of a month, the date to begin work will be shown as the first of the month. In some types of employment, the workdays differ from the normal Monday through Friday workweek. In these cases, the entrance on duty date will be the day he actually begins work.

### Increment Anniversary Date

The increment anniversary date will be the first day of the month in which an employee completes his first full month of service.

### Qualifications

The employee must possess at least the minimum education and experience requirements, or their equivalent, as set forth in the class specification. This applies to permanent, temporary, and part-time appointments; also, where training requirements have been established in specific areas.



## PROMOTION

Promotion is a change in status upward resulting from assignment to a position of higher salary level.

### Salary Rate

The salary of the employee shall be increased to the new minimum or by *one* step, whichever is larger. A two step increase may be requested in exceptional promotional cases. Personnel forms must include statements of justification when two steps are requested. The amount of the increase is based on the increment value applicable to the employee's current salary. The maximum of the range in the higher class shall not be exceeded.

If an employee is scheduled for an increment on the same date as the promotion, an automatic increment shall be granted before the promotion; a merit increment *may* be granted before the promotion.

If an employee who is receiving longevity is promoted to a class two or more salary grades higher, he shall receive a two step promotional increase and then cease to be eligible for longevity until he has served three years at the maximum of the higher classification. If he is promoted to a class one salary grade higher, he shall receive a one-step promotional increase and remain eligible for longevity pay. In both cases, the maximum of the higher classification shall not be exceeded.

### Effective Date

Promotions shall be made effective on the first day of the month. Such requests cannot be made effective earlier than the first day of the following month when received after the tenth of the month.

### Increment Anniversary Date

Promotions of less than two steps will not affect the granting of annual increments except that the agency head may recommend that a new increment anniversary date be established one year from the effective date of a promotion. A two step promotion shall establish a new increment anniversary date.

### Qualifications

The employee must possess at least the minimum education and experience requirements, or their equivalent, as set forth in the class specification.

*... REMINDER: Since it is left to the discretion of the agency head whether to change an increment anniversary date when a one step promotion is given, it is necessary to enter the next increment eligibility date on Forms PD-105.*



## DEMOTION

Demotion is a change in status downward resulting from assignment to a position of lower salary level.

### Salary Rate

When the employee's current salary falls within the range of the lower class, it may remain the same or be reduced to any step in the lower range.

When the employee's current salary is above the maximum of the range for the lower class, his salary shall be reduced at least to the maximum of the lower range. *Exception: If the employee's current salary is above the maximum of the range for the higher class, his salary shall be reduced at least to an equal dollar amount above the maximum of the lower range.*

### Effective Date

Demotions shall be made effective on the first day of the month.

### Increment Anniversary Date

An employee's increment anniversary date does not change when he receives a demotion.

### Qualifications

If an employee is demoted to a position within the same field of work, he automatically qualifies. However, if a demotion is made to a different field of work, the employee must meet the minimum education and experience requirements, or their equivalent, as set forth in the class specifications.

## REALLOCATION

Reallocation is the assignment of a position to a different classification.

### Salary Rate

1. When an employee's position is assigned to a higher grade as a result of reallocation:
  - (a) The employee's salary shall be adjusted to the new minimum or may be adjusted by a full step if the adjustment to the minimum does not equal a full step.
  - (b) The agency head may, if funds are available, recommend a one step salary adjustment for employees whose present salaries are within the new range. A two step increase may be requested for exceptional cases as determined on an individual basis.
  - (c) If an employee is receiving longevity and his position is reallocated to a class one grade higher, he may be recommended for no increase and become eligible for longevity as soon as his salary again reaches the maximum or he may be recommended for a one step increase and remain eligible for longevity.

If an employee is receiving longevity and his position is reallocated to a class two or more salary grades higher, he may be recommended for no increase or a one step adjustment and will be eligible for longevity as soon as the salary again reaches the maximum. If a two step adjustment is given, the employee will cease to be eligible for longevity until he has served three years at the maximum of the higher classification.

If an employee is scheduled for an increment on the same day as the reallocation, an automatic increment shall be granted before a salary adjustment is considered; a merit increment may be given.

2. When an employee's position is assigned to a lower grade, the employee's salary may remain unchanged if it is within the range of the lower classification or it may be reduced as determined on an individual basis.
3. When an employee's position is assigned to the same grade level, the employee's salary shall remain unchanged.

### Effective Date

Reallocation shall be made effective on the first day of the month.

### Increment Anniversary Date

Salary adjustments of less than two steps will not affect the granting of annual increments except that the agency head may recommend that a new increment anniversary date be established one year from the effective date of a full step adjustment. A two step adjustment shall establish a new increment anniversary date.

### Qualifications

The employee must possess at least the minimum education and experience requirements, or their equivalent, as set forth in the class specification.

## SALARY RANGE REVISION

Salary range revision is any change in a salary range approved by the State Personnel Board.

### Salary Rate

1. When an employee's position is assigned to a higher grade as a result of salary range revision:

- (a) The employee's salary shall be adjusted to the new minimum or may be adjusted by a full step if the adjustment to the minimum does not equal a full step.
- (b) If an employee's salary falls from the merit to the automatic area, and it has been twelve months or more since he received an increase that established an increment anniversary date, he shall receive an automatic increment on the date of the range revision before being considered for an adjustment.
- (c) The agency head may, if funds are available, recommend a one step salary adjustment for employees whose present salaries are within the new range.
- (d) If an employee is receiving longevity and his salary range is revised, he may be recommended for no increase or may be recommended for a one step adjustment and become eligible for longevity as soon as his salary is back at the maximum. Or, in the case of one grade revisions, he may receive a one step adjustment and remain eligible for longevity.

If an employee is scheduled for an automatic increment on the same date as the salary range revision, an automatic increment shall be given before a salary adjustment is considered; a merit increment *may* be given.

2. When a classification is assigned to a lower grade, the employee's salary may remain unchanged or it may be reduced as determined on an individual basis.

### Increment Anniversary Date

Salary adjustments will not affect the granting of annual increments except that the agency head may recommend that a new increment anniversary date be established one year from the effective date of a full step adjustment.

Automatic increments will establish new increment anniversary dates.

... *REMINDER: It is particularly important for agency heads to make a study of all salaries within an agency and to give careful consideration to each individual case before recommending salary adjustments in order to avoid inequities that may arise. It is equally important to give the same individual evaluation in determining whether to change increment anniversary dates. Anniversary dates can cause salary inequities if all things are not taken into consideration.*

## INITIAL CLASSIFICATION

Initial classification occurs in the following situations: (a) when a group of positions are classified and brought under the State Personnel Act, (b) when a position under the Personnel Act, but not officially classified, is reviewed and a permanent classification and salary range is assigned.

### Salary Rate

1. If the employee's salary is below the minimum rate for the range assigned, it shall be adjusted to the minimum.
2. If the employee's salary falls within the range assigned to the position, it shall remain unchanged. However, if his salary falls in the automatic area and it has been twelve months or more since his last salary increase, he shall receive an automatic increment on the date of initial classification.
3. If the employee's salary is above the maximum of the range, it may remain unchanged.

### Increment Anniversary Date

1. Salary adjustments will not establish increment anniversary dates except when an agency head recommends that a new increment date be established.
2. If no salary increase is given or if a new increment date is not established, credit for time served since his last salary increase shall be given toward an annual-automatic or merit increment.
3. Annual increments will establish new increment anniversary dates.

### Qualifications

An employee is automatically qualified when his position is initially classified.

## TRANSFER

A transfer is the movement of an employee from one position to another within his present agency or between agencies without a break in service. A break in service occurs when an employee is in non pay status for more than thirty-one calendar days from the *last day of work*.

Normally, a transfer between agencies results in an employee reporting to work in the receiving agency the first workday following his separation date from the releasing agency.

### Salary Rate, Increment Anniversary Date, Qualifications

If the employee transfers to a position having the same salary grade, the salary and the increment anniversary date shall remain unchanged. The employee is automatically qualified for the position classification provided he is transferred at the same classification or to a lower class in the same field of work.

If the transfer is to a higher class and results in a promotion, see page 3-5.

If the transfer is to a lower class and results in a demotion, see page 3-6.

### Benefits Transferred

When an employee transfers to another agency, he transfers all unused sick and annual leave as well as time earned toward his next increment. If he transfers to an academic position or other exempt position in which he will not earn leave the same as employees subject to the Personnel Act, accumulated annual leave shall be paid for in a lump sum. Accumulated sick leave will be lost.

### Responsibility of Agencies

If an employee reports to work the first workday following his separation, the releasing agency shall carry the employee on its payroll through the day prior to the effective date of the transfer even though the separation date may fall on a non workday. An exception may be made when the releasing date falls on a non workday at the first of the month, in which case the pickup should be made on the first day of the month. If other time is involved, such as holidays or approved vacation, the releasing agency and the receiving agency shall agree upon who will pay the employee.

It is the responsibility of both the releasing agency and the receiving agency to arrive at appropriate transfer dates and to transfer leave properly. If, however, the employee has been paid for unused annual leave by the releasing agency, after a separation which was apparently in "good faith" and not intended as a means of realizing compensation for accumulated annual leave, and he is reemployed before the date through which annual leave was paid, the payment for annual leave shall not be considered as dual compensation.

*Note:* The receiving agency should contact the releasing agency to determine the correct date of transfer in order that leave may be transferred correctly.



## REINSTATEMENT

Reinstatement is the reemployment of a former permanent full-time or permanent part-time employee to a permanent full-time or part-time position with a break in service of less than five years or when the employee has been on leave without pay.

A break in service occurs when an employee is in nonpay status for more than *thirty-one* calendar days because of resignation, dismissal, retirement, or reduction in force.

### Salary Rate Upon Reinstatement

1. Request the same salary that was paid at the time of separation or a lower salary within the salary range for the class recommended.
2. Request a salary relative to that which was paid employee at the time of separation (original salary plus legislative increases or increases resulting from a correction of salary range) if such salary is within the salary range for the class recommended.
3. Request a salary in accordance with the standards used for making new appointments.
4. Request a salary in accordance with promotional policy if reinstatement is to a higher class.
5. Upon reinstatement from military leave, an employee's salary shall be based on his last salary plus any automatic increments and general salary increases due while on leave. The addition of merit increments will be considered if recommended by the agency head.

### Effective Date

A reinstatement may be made effective on any scheduled workday in the month. When the first day of a month falls on a nonworkday and the employee begins work on the *first workday* of a month, the date to begin work will be shown as the first of the month. However, if the position requires work on such days, the date will be the day he actually begins work.

If an employee is reinstated before the date through which annual leave was paid, the payment for unused annual leave shall not be considered as dual compensation.

### Benefits Reinstated

Employees separated from the State because of reduction in force, authorized leave without pay, or while drawing workmen's compensation as a result of illness or injury on the job shall be credited with accumulated sick leave if reinstated within one year from the date of separation.

Employees separated because of resignation, dismissal, or retirement may not reinstate sick leave after incurring a break in service.

Employees who enter the armed services or who engage in active military service and who return to State employment within a period of two years after being separated or released, or becoming entitled to be separated or released, from active military service under other than dishonorable conditions shall be entitled to full membership service credit for the period of such active service in the armed services. Under this provision, credit is received for such service upon furnishing an acceptable copy of a military discharge to the Teachers' and State Employees' Retirement System.



### Increment Anniversary Date

When reinstated from resignation, dismissal, or retirement, the increment anniversary date will be the first day of the month in which the employee completes his first full month of service.

When reinstated from leave without pay or reduction in force, the anniversary date will be postponed one month for each month the employee is on leave without pay for more than one-half the scheduled workdays in that month. This does not apply to military leave, educational leave, or periods covered by workmen's compensation in which cases the increment anniversary date does not change.

### Qualifications

The employee must possess at least the minimum education and experience requirements, or their equivalent, as set forth in the class specification of the position to which reinstated. If the employee is reinstated from leave without pay, he is automatically qualified provided he is employed in the same classification or to a lower class in the same field of work.

Agencies with positions under competitive service should follow the standards applicable to competitive service positions.

## ANNUAL SALARY INCREASES

A full-time or part-time permanent, probationary, or provisional employee whose performance warrants his continued employment is eligible to be advanced within his assigned salary range by (1) annual automatic increments, (2) annual merit increments, or (3) six months merit increments. The date upon which the employee is eligible to receive an annual increase is the employee's "increment anniversary date".

### Types of Annual Increments and Eligibility

1. *Annual Automatic Increment*—An employee whose annual salary is below the third step of his assigned salary range and who has served twelve months in permanent status at the same salary shall receive an automatic increment on his established increment anniversary date. Automatic increments must be granted in full amounts for full-time employees or on a pro rata basis for part-time employees.
2. *Annual Merit Increment*—An employee whose annual salary is at or above the third step in his assigned salary range and who has served twelve months or more in permanent status at the same salary may receive merit increments until his salary is at the maximum of the range. Merit increments must be granted in full amounts except when a salary is near the maximum and a partial increment may be granted to reach the maximum. Merit increments for part-time employees must be computed on a pro rata basis.

An employee whose salary is established on a flat rate shall be considered in the merit area and may be scheduled for a merit increment; however, the decision to grant the increment would be based on an individual evaluation of the circumstances prior to the effective date.

The State Personnel Act requires each agency, board, commission, department, or institution subject to the provisions of the Personnel Act to file with the State Personnel Director a written description of the plan or method it is currently following in awarding or allocating merit salary increments. If any modification is made to the approved plan, it will be necessary to receive approval by the State Personnel Board.

The awarding of merit increments is based on work performance and the limited amount of merit funds intentionally precludes the payment of merit increments to all eligible employees. Determining which employees should be given merit increases will in some cases be a difficult decision for the supervisors and agency heads. The State Personnel Board decided that for uniformity in the merit increment program, the following factors shall be considered: work attitude, initiative, application of time, reliability, knowledge of work, quality of work, volume of work, attitude toward others, punctuality, and date of last salary increase. Using these factors in evaluating total performance, the determination of who is to receive a merit increase shall be made upon the recommendation of the immediate supervisor in cooperation with other administrative officials within the agency. In compliance with the Personnel Act, employees shall be fully informed as to the factors and methods used in determining why they were or were not included in the recommendation. Supervisors are urged to have frank discussions with the employee as to the manner and procedure in which the increments are being paid. This responsibility must and should be left entirely with the various agencies.

A merit increment, if scheduled and recommended, should be made effective on the increment anniversary date. However, a merit increment which has been overlooked cannot be made retroactive if submitted after the tenth of the month in which it was to be effective.

If an employee is denied a merit increment on his normal anniversary date, he remains eligible for an increment and could receive one at any time by substitution of increment funds. If he does not receive one, he is eligible for consideration and scheduling the following July 1.

3. *Six Months Merit Increment*—A permanent full-time or permanent part-time employee in the automatic or merit area of the salary range who has shown outstanding performance and who has served at least six months and less than twelve months since the last salary increase that established an increment anniversary date may be awarded a six months merit increment. This will not change the employee's increment anniversary date. These increments must be charged against unused merit increment funds allocated under the two-thirds provision.

### Unused Merit Funds - Substitution

A scheduled, but unused, merit increment may be used to grant a six months merit increment to an employee who is performing his work in an exceptional manner or to grant an annual merit increment to an employee who has been denied a merit increment during the fiscal year.

Unused merit increments are available in cases where an employee is scheduled for an increment but does not receive it due to being promoted or demoted, being denied the merit increment, or being terminated from State service prior to his receiving the scheduled increment. The monthly increment value used individually or a combination of two or more must at least equal the monthly value of the increment being granted. If the value exceeds the amount needed, the balance may be used in granting other increments. The increment being substituted must not be used prior to the effective date for which it was originally scheduled.

If an employee's salary falls from the merit to the automatic area as a result of range revision, reallocation, or promotion and the employee subsequently receives an automatic increment within the fiscal year, merit funds which may have been scheduled for the employee *may not* be used to grant a merit increment to another employee.

There are times when the scheduling of annual increments and the provision for six month's merit increments as described above does not meet the needs for rewarding exceptional performance. In such cases, the agency head may determine that provisions should be made to *schedule* certain individuals for six month's merit increments. This may be done provided the six month's merit increment is scheduled after the 2/3 calculation has been determined and prior to selection of employees to whom annual increments will be granted.

### Increment Funds Become Part of Base Salary

When increment funds are granted to an eligible employee, such funds immediately become a part of the employee's base salary; therefore, when an increment is granted, it loses its identity. If and when an employee leaves his job, all of his salary including any increments previously added to his salary, are subject to reversion. Therefore, no increment reserve can be established by turnover once the increment has been granted.

### Limitation on Number of Merit Increments Allowable

Funds shall be requested by each agency to cover all automatic increments which will come due during each fiscal year. However, as provided in the Personnel Act, Article 2, only two-thirds of the amount of money required to cover all merit increments for the year can be requested. The limited amount of merit funds intentionally precludes payment of merit increments to all eligible employees. Merit increments scheduled for the fiscal year cannot exceed the 2/3 calculation amount of money approved for merit increments.

*Exception:* Agencies with twenty-five or less employees may be exempt from the two-thirds merit increment limitation with approval of the State Personnel Department. Elected officials, officials whose salaries are set by the Governor and/or a Board or Commission, and agency heads not covered by the Personnel Act are not counted as an employee in this instance.

### Increment Anniversary Dates

1. Increment anniversary dates will be established when:
  - (a) a new employee first enters on duty or an old employee is reinstated after a break in service except for employees reinstated within one year after a reduction in force. The anniversary date will be the first of the month in which the employee completes his first full month of service.
  - (b) an employee receives a promotion or a salary adjustment as a result of reallocation with an increase of two steps or more.
  - (c) an agency head recommends a new increment anniversary date as a result of a one step adjustment upon reallocation or a one-step promotion.
  - (d) an agency head recommends a new increment anniversary date when an employee receives a salary adjustment as a result of salary range revision.
  - (e) an employee receives an annual automatic or merit increment.
2. Increment anniversary dates shall be delayed on a month for month basis when an employee is reinstated within one year after a reduction in force or when an employee is on leave without pay for more than one-half the scheduled work days in a given month. *Exception: military leave, educational leave, and periods covered by workmen's compensation. See "g", "i" and "j" below*
3. Increment anniversary dates will not change when:
  - (a) an agency head recommends that the anniversary date remain unchanged as a result of a one step adjustment upon reallocation or a one step promotion.
  - (b) an agency head recommends that the anniversary date remain unchanged when an employee receives a salary adjustment as a result of salary range revision.
  - (c) an employee receives a six months merit increment.
  - (d) an employee is on leave without pay for a period not exceeding one-half the scheduled work days in a month.
  - (e) an employee receives a demotion.
  - (f) an employee transfers to a position with the same salary grade and at the same rate of pay in the same or another agency.
  - (g) an employee is drawing workmen's compensation for a period not to exceed twelve months.
  - (h) an employee receives a merit increment of less than one increment value when going to the maximum of the salary range.
  - (i) an employee is on military leave.
  - (j) an employee is on educational leave.

## LONGEVITY PAY

Longevity pay is for rewarding long-term meritorious service of permanent full-time employees who have served fifteen years with the State with the last three years at the maximum rate of the salary range for their classification.

### Amount of Longevity Pay

Annual longevity pay amounts are equal to one-half of the increment value for maximum rates of pay. (See Schedule of Longevity Pay Amounts, Page 3-34 ).

### Time and Method of Payment

Longevity payment shall be made in a lump-sum separately from the normal payroll between February 1 and 15 of each year to employees eligible as of December 31 of the preceding year.

1. Employees separated due to resignation, dismissal, or reduction-in-force between January 1 and the time of payment are not eligible to receive payment.
2. Eligible employees retiring on December 31 may receive the longevity payment.
3. Eligible employees on leave without pay at the time of actual payment shall not receive the longevity check until they are reinstated.
4. Employees on leave without pay on December 31 but who completed the eligibility requirements before going on leave without pay may be eligible for the payment upon their return.
5. If an employee transfers from one agency to another on January 1, the releasing agency will prepare and process the longevity forms and the check. The check should be sent to the receiving agency with a letter requesting that the employee be given the check between February 1 and 15.

### Effect of Longevity Pay

Longevity pay is not considered a part of annual base pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual base salary.

### Eligibility Requirements

*First: Fifteen Years of Aggregate State Service on December 31 of the Year of Eligibility*

1. Aggregate service shall include on a month-for-month basis, all permanent, full-time employment with the State, whether such service was exempt from or subject to the Personnel Act.
2. Credit for the aggregate service requirement also shall be given for:

Employment with other governmental units which are now State agencies. (Example: County highway maintenance forces, War Manpower Commission).



Authorized military leave.

Employment with the Community College System and the public school system of North Carolina to the extent that a school year is equivalent to one full year.

3. Credit for the aggregate service requirement shall not be given for temporary or part-time employment and periods of break-in-service or leave without pay in excess of one-half the workdays in a month. (Exception: military leave)

*Second: The Last Three Years of Service with a Salary at the Maximum or Less than One Longevity Step Above the Maximum*

1. Salary Range Revision

If an employee's salary is at the maximum or less than one longevity step above the maximum and as a result of revision it falls below the new maximum, he will receive credit for time spent at the maximum prior to the revision after he reaches the new maximum. However, any intervening time spent below the new maximum is not creditable.

If an employee's salary is above the maximum by one longevity step or more and it falls to the maximum or less than one longevity step above the new maximum, the service prior to the revision is not creditable.

2. A one-step promotion or salary adjustment from one maximum to another maximum does not affect eligibility for longevity.
3. Credit for the three-year requirement shall not be given for periods of leave without pay in excess of one-half the workdays in a month.
4. If an employee resigns and is reinstated at the maximum, time spent at the maximum prior to the resignation is not creditable.
5. If an employee's salary was at the maximum and as a result of the new salary schedule effective July 1, 1960, fell below the maximum by less than one step, credit for the three-year requirement will be given for this service below the maximum, provided he has again reached the maximum and has not received an increase of a full step, exclusive of a legislative increase or a salary adjustment as a result of a range revision.

*Third: Recommendation by the Agency Head as Having Served the State in a Meritorious Manner Worthy Of Recognition and Encouragement*

Longevity pay is permissive and the responsibility for granting or continuing it rests with the appointing authority.

Actions Affecting Continuation:

1. When an employee is receiving longevity pay and is promoted to a class two or more salary grades higher, he shall receive a one-step increase in accordance with the promotional policy and one additional step (or a partial step to the maximum) in lieu of longevity pay. The employee then ceases to be eligible for longevity pay until he has served three years at the maximum rate for the higher classification.
2. When an employee is receiving longevity and his position is reallocated to a class two or more salary grades higher, he may receive a one step increase and remain eligible for longevity as soon as his salary again reaches the maximum; or he may receive an additional step in lieu of longevity in which case he would cease to be eligible for longevity until he has served three years at the maximum rate for the higher classification.



3. If by salary range revision an employee's salary falls below the maximum, he is not eligible for continued longevity pay until his salary reaches the new maximum.
4. Upon change of appointment to temporary, part-time, or exempt, the employee is ineligible for continued longevity pay.
5. Leave without pay for six months or more during a calendar year, except for workmen's compensation or extended illness, shall delay continuation of longevity pay for one year.

... REMINDER: *Longevity pay is not automatic. It must be recommended by the supervisor and agency head based on meritorious service.*

## HOLIDAY PREMIUM PAY

The State recognizes that many employees are required to work on holidays to provide essential services to the citizens of North Carolina. Some holidays are days that have special meaning filled with events and festivities that cannot be enjoyed by those employees that are required to work. Therefore, the following policy is adopted to recognize the services of these employees.

### Premium Pay for Holidays

State employees subject to the State Personnel Act who are *required* to work on any of the following holidays shall be given, in addition to regular salary, premium pay equal to one-half of their regular straight-time hourly rate for such hours as are worked on these days. If an agency or unit has regularly established work shifts that change at a time other than midnight, the time of shift change closest to midnight will set the hour limits of the *day* for purpose of computing premium pay. For example, if shifts change at 11:00 p.m., the holiday period will begin at 11:00 p.m. the night before and end at 11:00 p.m. on the night of the holiday.

The holidays included are: New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the State Personnel Board provides for another day to be observed in lieu of any of these holidays because the holiday itself falls on a day that is normally a non-workday for the majority of State employees, the provision for premium pay will apply *only* to the holiday itself as indicated in the previous listing.

### Compensatory Time Off for Holidays Worked

The present policy of providing equal time off, at the convenience of the agency, if an employee is required to work on a holiday shall be continued. This is *necessary* to avoid increasing the total work schedule of the employee beyond the hours for which he is compensated by his regular salary.

*REMINDER: It is the intent of this policy to include temporary employees, the only exception being that hourly paid temporary employees are not included under the provisions for Compensatory Time Off for Holidays Worked.*

Effective 12-1-70

## LEAVE

Absences from work during scheduled working hours shall be charged to the appropriate leave account of the employee. Administration of the leave program within the scope of established policy shall be the responsibility of the agency head.

### Annual Leave

1. *Amount Earned*—A full-time permanent, probationary, or provisional employee who is working or on paid leave for one-half or more of the regularly scheduled workdays in any month shall earn annual leave computed at the following rates:

<u>Days in Scheduled Workweek</u>	<u>Days Earned Each Month</u>	<u>Days Earned Each Year</u>
5	1.25	15
5½	1.38	16½
6	1.50	18
7	1.75	21

A part-time permanent, probationary, or provisional employee who is employed on a continuing basis with a permanent part-time appointment in a budgeted position for as much as half time shall earn annual leave on a pro rata basis if he works one-half or more of the scheduled work days in a month. The leave shall be computed as a percentage of total amount earned by a full-time employee.

For leave policies relating to employees exempt from the Personnel Act, (except academic personnel), see the Budget Methods and Accounting Procedures Manual, B.M. No. 5.8, Page 2 of 4.

2. *Maximum Accumulation*—Annual leave shall not be cumulative for more than thirty (30) working days. When thirty days are accumulated, no additional leave can be earned until some of the thirty days have been taken.
3. *Advancement*—
  - (a) The appointing authority may advance annual leave not to exceed the amount an employee can earn during the current calendar year or the difference between the amount of accumulated leave carried forward and the thirty days maximum allowable.
  - (b) New employees may be granted leave only as it is earned through the first six months service. After six months, an employee may be advanced that amount of leave he would earn during the remainder of the calendar year.
4. *Scheduling Annual Leave*—Annual leave shall be taken only upon authorization of the appointing authority who shall designate such time or times when it will least interfere with the efficient operation of the agency. Normally, it should not be granted when the employment of temporary help would be necessary during the annual leave of the regular employee.
5. *Leave Charges*—
  - (a) The minimum amount of annual leave which may be taken or paid for is one-half day.
  - (b) Only scheduled workdays shall be charged in calculating the amount of leave taken. Saturdays and/or Sundays are charged if they are scheduled workdays. Holidays are not charged when an employee is taking leave; however, they are charged in computing lump sum terminal leave payments.
6. *Annual Leave Transferable*—Unused annual leave shall be transferred when an employee transfers between State agencies.

7. *Other Uses of Annual Leave—*

- (a) Medical appointments requiring an absence in excess of two hours must be charged to annual leave when sick leave is not applicable.
- (b) Annual leave may be used in lieu of sick leave after all sick leave is exhausted.
- (c) Annual leave may, upon approval of the agency head, be transferred in units of one-half.
- \*(d) Annual leave may be used for absences as a result of adverse weather conditions.

8. *Effect of Annual Leave on Increments—*Annual leave with pay will have no effect on the increment anniversary date; however, leave without pay will delay an employee's increment anniversary date one month for each month he is on leave without pay for more than half the workdays in that month—the only exceptions being military leave, educational leave, and workmen's compensation.

9. *Separation - Payment of Annual Leave—*

- (a) An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of thirty days when he is separated from State service due to RESIGNATION, DISMISSAL, REDUCTION IN FORCE, DEATH, SERVICE RETIREMENT, LEAVE WITHOUT PAY FOR MATERNITY OR MILITARY PURPOSES. If the last day of terminal leave falls on the last workday in the month, he shall be paid for the remaining non-workdays in that month. Employees retiring on DISABILITY RETIREMENT may exhaust annual leave rather than being paid in a lump sum.
- (b) Should an employee be separated before he has earned all of the annual leave taken, it will be necessary to make deductions from his final salary check for overdrawn leave on a calendar day basis.
- (c) Payment for annual leave may be made on the regular payroll or on a supplemental payroll, reflecting the number of days annual leave and the amount of payment. This will be charged to the budget subhead under which the employee's position was charged. A separate check must be issued for any travel due.
- (d) Retirement deduction shall be made from all terminal leave payments.
- (e) Receipt of lump sum leave payment and retirement benefits shall not be considered as dual compensation.
- (f) In the case of a deceased employee, payment for unpaid salary, terminal leave, and travel must be made, upon establishment of a valid claim, to the deceased employee's administrator or executor. In the absence of an administrator or executor, payment must be made to the Clerk of Superior Court of the county of the deceased employee's residence. (Note General Statutes 28-68).
- (g) Termination of Benefits: During the period of terminal leave, an employee ceases to earn leave and increments and ceases to be entitled to take sick leave and holidays. The last day of work is the date of separation. Exception: When an employee exhausts sick and annual leave before disability retirement, the date separated will be the ending date of annual leave. In these cases, the employee continues to earn benefits during the period of exhausting leave.

10. *Leave Records—*It is the responsibility of each agency to maintain annual records for annual leave earned and taken for each employee. It shall be optional with each agency as to when and how often the crediting and balancing of an employee's leave record is to be done. However, it must be done at least once by the end of each calendar year. In cases where an employee has accumulated near the maximum of thirty days, it is suggested that leave be credited month by month in order to assure that the maximum accumulation is not exceeded. Agencies should assume responsibility for notifying employees of leave balances at least once each year.

Agencies must retain annual leave records for all separated employees for a period of at least four years from the date of separation.

## Sick Leave

1. *Amount Earned*—A full-time permanent, probationary, or provisional employee who is working or on paid leave for one-half or more of the regularly scheduled workdays in any month shall earn sick leave computed at the following rates:

<u>Days in Scheduled Workweek</u>	<u>Days Earned Each Month</u>	<u>Days Earned Each Year</u>
5	.833	10
5½	.916	11
6	1.000	12
7	1.166	14

A part-time permanent, probationary, or provisional employee who is employed on a continuing basis with a permanent part-time appointment in a budgeted position for as much as half time shall earn sick leave on a pro rata basis if he works one half or more of the scheduled work days in a month. The leave shall be computed as a percentage of total amount earned by a full-time employee.

For leave provisions relating to employees exempt from the Personnel Act (except academic personnel), see the Budget Methods and Accounting Procedures Manual, B.M. No. 5.8, page 2 of 4.

2. *Accumulation*—Sick leave is cumulative indefinitely.
3. *Advancement*—The appointing authority may advance sick leave not to exceed the amount an employee can earn during the current calendar year.
4. *Verification of Sick Leave*—The appointing authority may require a statement from a medical doctor or other acceptable proof that the employee was unable to report for work to the end that there will be no abuse of sick leave privileges.
5. *Sick Leave May be Granted for:*
  - (a) illness or injury which prevents an employee from performing his usual duties. (See page 4-9 for option under Workmen's Compensation.)
  - (b) a maximum of three days in case of death in the employee's immediate family.
  - (c) medical appointments exceeding two hours when the appointment is directly related to an illness or injury for which sick leave is applicable.
  - (d) quarantine due to a contagious disease in the employee's immediate family.
6. *Sick Leave Shall Not be Granted for:*
  - (a) illness of a member of an employee's immediate family.
  - (b) maternity leave purposes.
7. *Sick Leave is Non-transferable to Any Other Type of Leave.*
8. *Leave Charges*
  - (a) The minimum amount of sick leave which may be taken is one-half day.
  - (b) Only scheduled workdays shall be charged in calculating the amount of leave taken. Saturdays and/or Sundays are charged if they are scheduled workdays.
9. *Sick Leave Transferable*—Unused sick leave shall be transferred when an employee transfers to another State agency.



10. *Effect of Sick Leave on Increments*—Sick leave with pay will have no effect on the employee's increment anniversary date; however, sick leave without pay will delay the increment one month for each month he is on leave without pay for over half the workdays in the month.

11. *Separation*—

- (a) Sick leave is not allowable in terminal leave payments when an employee separates from State service.
- (b) Should an employee be separated before he has earned all of the sick leave taken, it will be necessary to make deductions from his final salary check for overdrawn leave on a day for day basis.
- (c) Sick leave shall be exhausted before going on leave without pay because of extended illness. While an employee is exhausting sick leave, he earns all benefits for which he is entitled.

12. *Reinstatement of Sick Leave*—

- (a) Reduction in force: Employees separated because of a reduction in force shall be credited with accrued sick leave if reinstated within one year.
- (b) Authorized leave without pay: Employees granted leave without pay shall be credited with accrued sick leave if reinstated before the termination date of such leave.
- (c) Separation for other reasons: If an employee is reinstated within one year from the date of his last workday, the employing agency may consider reinstatement of sick leave credits accumulated at the time of separation. (See page 3-16 for procedure.)

- \*13. *Retirement Credit*—One month of credit is allowed for each 20 days, or any portion thereof, of sick leave to an employee's credit upon retirement.

14. *Sick Leave Without Pay*—

- (a) Sick leave without pay may be granted by the appointing authority for the remaining period of disability after both sick and annual leaves have been exhausted. In the event such leave exceeds one year, an extension must be requested.
- (b) Leave without pay will delay employee's increment anniversary date one month for each month he is on leave without pay over half the workdays in that month.

15. *Leave Records*—It is the responsibility of each agency to maintain annual records for sick leave earned and taken for each employee. It shall be optional with each agency as to when and how often the crediting and balancing of an employee's leave record is to be done. However, it must be done at least once by the end of each calendar year. Agencies should assume responsibility for notifying employees of leave balances at least once each year.

Agencies must retain sick leave records for all separated employees for a period of at least four years from the date of separation.

**Funeral Leave**

An employee may use a maximum of three days sick leave when there is a death in the immediate family. Leave exceeding this must be charged to annual leave or leave without pay. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, step-mother, and step-father.



## Petty Leave

1. *Policy*—The decision to grant petty leave is an administrative one and may be administered within the following provisions.
2. *Amount Earned*—Permanent full-time employees may be granted petty leave at the rate of seventy minutes per month. Permanent part-time employees may be granted petty leave on a pro rata basis.
3. *Noncumulative*—Petty leave may not be accumulated from one year to the next. Any unused petty leave at the end of the calendar year is lost.
4. *Advancement*—The appointing authority may advance petty leave not to exceed the amount an employee may earn during the calendar year.
5. *Petty Leave May be Granted for:*
  - (a) Personal matters which cannot be transacted outside of office hours.
  - (b) Time lost by late reporting to work.
  - (c) Medical appointments.
  - \* (d) Absences due to adverse weather conditions.
6. *Leave Charges*—
  - (a) The minimum amount of petty leave which may be granted is in units of fifteen minutes, except for late reporting, which may be taken in units of five minutes.
  - (b) The maximum amount of petty leave which may be granted at any one time is 120 minutes.
7. *Separation*—Unused petty leave is lost when an employee separates from State service. Annual leave may be transferred in units of one-half of a day to cover any overdrawn petty leave. If no annual leave is available, overdrawn petty leave must be deducted from the employee's salary in units of one-half of a day.
8. *Leave Records*—It is the responsibility of each agency to maintain annual records for petty leave earned and taken for each employee. It shall be optional with each agency as to when and how often the crediting and balancing of an employee's leave record is to be done. However, it must be done at least once by the end of each calendar year.

#### Leave - Adverse Weather Conditions

In order to provide an equitable method of handling absences when employees are unable to get to work because of hazardous driving conditions, the following policy shall be followed throughout the State service. These procedures are designed to eliminate some of the inequities which were evident previously.

Employees who are unable to get to work because of hazardous driving conditions will be given an opportunity, if possible, to make up the hours lost from work at a time scheduled by their employing department. The employee may, if he desires, use any accrued vacation or petty leave as an offset against the time lost.

Unless general catastrophic conditions prevail, no *announcement will be made on the radio or by other means concerning the closing of State offices*. In the case of a catastrophe, the Governor or the Department of Administration will issue necessary orders and instructions, after consulting with civil defense and highway patrol officials.

In the event hazardous conditions develop during the working day, employees who anticipate special problems in transportation should be permitted and encouraged to avail themselves of petty leave or annual leave privileges in order to leave early. When possible, such employees should be given an opportunity to make up such time rather than charge it to leave.

### Compensatory Leave

Under the State's overtime compensation policy certain employees are designated as Administrative, Executive or Professional. Employees in these categories are exempt from the provision for overtime pay. To grant these employees compensating time is a decision that must be made by the agency head. When compensatory leave is granted to Administrative, Executive or Professional employees, the following applies:

1. *Amount—*

Compensatory time is granted on an hour for hour basis.

2. *Noncumulative—*

Compensatory leave is not cumulative beyond a twelve-month period. For this reason, an employee must be required to take compensatory leave as soon as possible after it is credited.

3. *Nontransferable—*

Compensatory leave may not be transferred to any other type of leave or to another agency.

4. *Separation—*

Compensatory leave is lost when an employee is separated from State service. The employee's separation date may not be moved forward in order to pay for compensatory time.

## **Educational Leave**

### **1. *Employees Eligible--***

Any full-time permanent employee may be granted leave with pay during normal working hours for additional training in a career related course of instruction to upgrade knowledge and skills. This leave may be granted only when a comparable course is not scheduled after working hours.

### **2. *Type of Instruction--***

Courses taken must be related to the particular job the employee holds or may be courses which would prepare an employee for career opportunities. The training may include refresher courses, academic and commercial courses. Courses for cultural and personal enrichment must be taken after normal working hours.

### **3. *Maximum Amount--***

Leave with pay from duties may not exceed actual time for classroom instruction in *one* such course during the semester or quarter of instruction and a reasonable amount of time for travel to and from the institution and the place of employment.

### **4. *Continuation of Benefits--***

An employee on leave with pay shall continue to earn full annual and sick leave credits as well as time toward increments and any other benefits to which full-time employees are entitled.

### **5. *Procedure--***

Employees must complete and submit three copies of Request For Educational Leave, Form PD-136, through supervisory channels to the agency head for approval. The agency head or personnel officer will forward the original and one copy of the application to the State Personnel Department. (It is not necessary to submit Forms PD-105.) One copy of the application will be retained by the State Personnel Department and the other copy returned to the agency showing action taken.

It shall be the responsibility of the agency head to forward to the State Personnel Department reports of scholastic achievement.

### **6. *Extended Educational Leave--***

Extended educational leave without pay shall be granted in accordance with the normal leave policy as outlined on pages 4-14 - 4-15.

## Civil Leave

### 1. *Jury Duty*—

When an employee serves on a jury, he is entitled to leave with pay for the period of absence required. He is entitled to his regular compensation plus fees received for jury duty.

### 2. *Court Attendance*—

#### (a) Official Duties

When an employee attends court in connection with his official duties, no leave is required. Fees received as a witness while serving in an official capacity shall be turned in to the agency for which he works. (When an employee is required to attend court on a day that he would normally be off, the time is to be considered as working overtime and the employee will be allowed compensatory leave.)

#### (b) Private Litigation Witness

When an employee is subpoenaed in private litigation, to appear in court as a witness, he must take annual leave or leave without pay if annual leave has been exhausted. Any fees received may be retained by the employee.

#### (c) Witness for Federal or State Government or Subdivision Thereof

When an employee is subpoenaed or directed by proper authority to appear as a witness for the Federal Government, the State of North Carolina, or a political subdivision thereof in a matter not related to his official duties, he shall be granted civil leave *with* pay. Any fees received shall be turned in to the State agency for which he works. The employee may use annual leave rather than take civil leave with pay in which case he may retain any fees received.

## Workmen's Compensation Leave

### 1. *Use of Leave-*

When an employee is injured on the job he may choose either:

- (a) Employee Option I: Take accumulated sick and annual leave and receive all benefits adjudged to be due under the Workmen's Compensation Act with the exception of weekly benefit payments. First sick leave and then annual leave must be exhausted before going on leave without pay.
- (b) Employee Option II: Go immediately on leave without pay and reserve for personal use accumulated sick and annual leave. Under this option the employee will receive all the benefits for which he may be adjudged eligible under the Workmen's Compensation Act.

Once an option has been selected by the employee it cannot be changed during the period covered.

### 2. *Responsibility of Employer and Employee-*

Regardless of the option chosen, the agency is required by law to report the injury to the North Carolina Industrial Commission using I.C. Form No. 19.

Responsibility for claiming compensation is on the injured employee. A claim must be filed by the employee through his agency with the North Carolina Industrial Commission within one year from date of injury. Otherwise, the claim is barred by law.

### 3. *Continuation of Benefits-*

- (a) Annual Increment: Upon reinstatement an employee's salary will be computed on the basis of his last salary plus any increment or other salary increase to which he would have been entitled during his first twelve months on workmen's compensation. An employee's increment anniversary date will not change for the first twelve months. However, if leave exceeding twelve months is necessary, the increment anniversary date will be delayed on a month for month basis.
- (b) Annual and Sick Leave: An employee drawing workmen's compensation will continue to earn annual and sick leave credits for a period not to exceed twelve months. If the employee is unable to return to work within 30 days following the twelve months period, he shall be paid in lump sum for all accumulated sick and annual leave. Such payment will be made even though the employee is granted additional leave without pay or continues to draw workmen's compensation.



HOLIDAYS

OFFICIAL HOLIDAY SCHEDULE FOR UNIVERSITY DETERMINED BY CHANCELLOR  
AND ANNOUNCED IN BLUE BULLETIN ANNUALLY.

## Holidays

1. The following days are adopted by the State Personnel Board and approved by the Governor as holidays:

New Year's Day	Labor Day
Easter Monday	Veteran's Day
Confederate Memorial Day	Thanksgiving Day
Independence Day	Christmas (2 or 3 days)*

\*If the day preceding and following Christmas day are scheduled workdays, three workdays will be observed.

2. The schedule is issued on a calendar year basis and each year a schedule of the holidays for that year will be issued to agency heads.
3. Agency heads shall post or issue written notice of the holiday schedule to all employees.
4. The schedule shall be used by all State agencies operating under the policies, rules, and regulations of the State Personnel Department. Institutions of higher education and agencies requiring a twenty-four hour operation may adopt varying holiday schedules in keeping with operational needs provided the employees are given the same number of holidays as approved by the State Personnel Board. Such special holiday schedules must be filed with the State Personnel Department.
5. When a scheduled holiday falls on Saturday or Sunday, Monday will be observed as a holiday.

## Military Leave

1. *Physical Examination for Military Service*—An employee may be granted necessary time off as administrative leave, when required for examination, to determine physical fitness to enter military service.
2. *Leave with Pay*—Leave with pay shall be granted to members of reserve components of the armed forces for certain short periods of active duty training and for state military duty.
  - (a) *Employees Eligible*—Permanent full-time, including probationary and provisional employees who are members of the Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, or the Coast Guard Reserve, shall be entitled to military leave with pay.
  - (b) *Acceptable Training Duty*—Eligible employees shall be granted leave with pay for mandatory annual active duty training of the nature of a summer encampment, maneuver, or training school.
  - (c) *Unacceptable Training or Duty*—Employees shall not be entitled to leave with pay for military duty in which participation is voluntary or not a fulfillment of a reserve obligation; for weekly drill, instruction, or target practice; for special drill, instruction, target practice, or other special, non-recurring activities; or for disciplinary duties resulting from failure of the reservist to fulfill an obligation. If the employee is not eligible for leave with pay, all lost time shall be charged to petty and/or annual leave. If all annual leave is exhausted, the employee shall be placed on leave without pay.
  - (d) *Maximum Amount of Leave with Pay*—Employees granted leave with pay for military purposes shall be granted only one such leave in any one calendar year. The maximum amount of time allowable for a leave of this type is fifteen (15) calendar days in any one calendar year, or at any one time. Nonworkdays falling within the period of absence shall be charged against the fifteen days of allowable time, although nonworkdays at the beginning or end of the period shall not be charged. Absence from duty on all days in excess of fifteen shall be charged to annual leave or leave without pay.
  - (e) *Emergency or Special Duty Assignments*—Members of the Army or Air National Guard ordered to active duty under the authority of the Commander-in-Chief, the Governor, or members receiving special duty assignments in connection with summer encampment, when ordered by the Adjutant General, shall be entitled to military leave with pay. In such cases, the provisions of Paragraphs b, c, and d shall not apply.
  - (f) *Administrative Responsibility*—It shall be the responsibility of the appointing authority to determine that the employee has met all the requirements set forth above and to require the employee to submit a copy of his orders to report for duty.
  - (g) *Retention and Continuation of Benefits*—During the period of leave with pay, employees shall incur no loss of service or suffer no effect upon service rating. They shall continue to earn and accumulate sick and annual leave, earn time toward their next increment, and receive any promotion or increment for which they might be eligible.
2. *Leave without Pay*—Leave without pay shall be granted for periods of active duty with the armed forces of the United States as a result of involuntary draft or military conscription, or for a period of one voluntary enlistment not to exceed four years. Armed forces of the United States shall include the Army, Navy, Marine Corps, Air Force, Coast Guard, and other organizations which during time of war or emergency are brought into Federal military service.
  - (a) *Employees Eligible*—Permanent full-time, provisional, and probationary employees who enter military service for one of the above stated reasons are eligible for leave without pay.

- (b) *Maximum Amount of Leave Without Pay*—The period of leave without pay for involuntary service shall not exceed the period of *active duty* plus ninety days. In the case of voluntary enlistment, leave without pay shall not exceed the period of one enlistment to a maximum of four years, plus ninety days. However, if the enlistment is extended as a result of war or national emergency, leave without pay shall be extended to the date of separation or six months after the end of war or national emergency, whichever comes first, plus ninety days. Employees who reenlist or enlist for more than four years shall not be eligible for military leave without pay or the reinstatement benefits of this paragraph. Employees seeking an extension of leave without pay after separation from military service for other than military purposes may be granted additional leave without pay subject to the provisions of Other Types of Leave Without Pay, pages 4-1 – 4-15. Employees hospitalized for a service-connected disability or injury shall be granted additional leave without pay for the period of hospitalization plus ninety days or for twelve months, whichever is shorter. Hospitalization must begin before reinstatement in order for the provisions of this paragraph to apply.
- (c) *Employee Responsibility*—The employee shall make available to the agency head a copy of orders to report for active duty, shall advise the agency head of the effective date of leave and the probable date of return, shall provide the agency head with any requested information regarding military service, shall be responsible for making application for reinstatement within ninety days from the date of separation from service, and shall notify the agency head of any change in the expected date of return or decision not to return. If the employee exceeds the time granted for leave without pay without applying for an extension of leave, he shall not be eligible for reinstatement benefits.
- (d) *Employer Responsibility*—It shall be the responsibility of the agency head to ascertain that the employee is eligible for military leave without pay and to require a copy of military orders. The agency head shall explain to the employee his rights and benefits concerning leave, increments, retirement status, and reinstatement from leave. Forms PD-105 indicating final separation shall be submitted if the employee exceeds the time limitations of paragraph b., or the agency learns during the period of leave without pay that the employee will not return to State service.
- \* (e) *Retention and Continuation of Benefits*—During the period of leave without pay for military service, the employee shall retain all accumulated sick leave and continue to earn time toward increments. He is also entitled to full retirement membership service credit for the period of such active service in the armed forces after being separated or released, or becoming entitled to be separated or released, from active military service under other than dishonorable conditions. Under this provision, credit is received for such service upon filing with the Teachers' and State Employees' Retirement System a copy of the service record showing dates of entrance and separation. (In addition, the retirement membership service credit is available to employees who return to State employment *within a period of two years* after the earliest discharge date, or any time after discharge and have rendered ten or more years of membership service in the Retirement System. Voluntary enlistments following the earliest discharge are not creditable.
- (f) *Reinstatement from Leave Without Pay for Military Services*—Employees on leave without pay who are separated or discharged from military service under honorable conditions and who apply for reinstatement within the established time limits shall be reinstated to the same position or one of like status, seniority, and pay with the same agency. Employees may be reinstated to a position of similar status, seniority, and pay with another State agency. The employee's salary upon reinstatement shall be based on his last salary plus any automatic increments and general salary increases. The addition of merit increments will be considered if recommended by the agency head. Employees who resign without knowledge of their eligibility for leave without pay and reinstatement benefits, but who are otherwise eligible for the reinstatement benefits of this paragraph, shall be reinstated from military service the same as if they had applied for and been granted leave without pay for military service. An employee on leave without pay who receives a dishonorable discharge and/or separation may be considered for reinstatement. The decision to reinstate a dishonorably discharged employee shall be the responsibility of the agency head. If during military service, an employee is disabled to the extent that he cannot perform the duties of his original position, he shall be reinstated to a position with duties commensurate with the disability.

## Maternity Leave

### 1. *Employees Eligible and Maximum Amount—*

Maternity leave without pay may be granted to full-time or part-time permanent, probationary, or provisional employees for a period not to exceed six months.

### 2. *Employee Responsibility—*

The employee shall apply in writing to her supervisor for leave without pay. She is obligated to return to duty within or at the end of the time granted. If she finds she will not return to work, she should notify the agency immediately. Failure to report at the expiration of a leave of absence may be considered as a resignation.

### 3. *Agency Responsibility—*

The decision to grant maternity leave is an administrative one and should be done only when there is reasonable assurance that the employee will return to work and when the agency can reinstate the employee to a position of similar status and pay. If it is necessary to fill a position vacant by maternity leave or if it is necessary to terminate an employee on maternity leave, the position may be filled by a temporary or permanent appointment provided the employee on leave without pay is notified of such action immediately.

### 4. *Use of Accumulated Leave—*

Accumulated annual leave not to exceed thirty days must be paid in a lump sum before going on maternity leave without pay.

Sick leave may not be used for maternity purposes.

### 5. *Retention of Benefits—*

During the period of leave without pay for maternity purposes, the employee shall retain all accumulated sick leave, retirement status, and time earned toward the next increment; however, she ceases to earn all benefits on the last day of work.

### 6. *Increment Anniversary Date—*

An employee's increment will be delayed one month for each month she is on leave without pay for over half the workdays in a month.



## Other Types of Leave Without Pay

Leave without pay may be granted to a full-time or part-time permanent, probationary or provisional employee for educational purposes which will better equip the employee for the performance of his duties and responsibilities; to do special work for the Federal Government in cases of emergency or when the State is to profit by the experience gained or the work performed; for vacation purposes; or for other reasons deemed justified by the agency head and the State Personnel Director.

### 1. *Maximum Amount—*

Leave without pay normally shall not exceed twelve months. Any exceptions to this should be agreed upon by the agency head and the State Personnel Director. Maternity leave is limited to six months. Leave without pay for military purposes is covered under Military Leave, pages 4-11 – 4-12.

### 2. *Employee Responsibility—*

The employee shall apply in writing to his supervisor for leave without pay. He is obligated to return to duty within or at the end of the time granted. If he finds he will not return to work, he should notify the agency immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, may be considered as a resignation.

### 3. *Agency Responsibility—*

The decision to grant leave without pay is an administrative one for which the agency head must assume full responsibility. Factors to consider are workload, need for filling employee's job, chances of employee returning to duty, and chances of agency's ability to reinstate employee to a position of similar status and pay. If it is necessary to fill a position vacant by leave without pay or if it is necessary to terminate an employee on leave without pay, the position may be filled by a temporary or permanent appointment provided the employee on leave without pay is notified of such action immediately.

### 4. *Retention of Benefits—*

The employee shall retain all accumulated sick leave, retirement status, and time earned toward his next increment. He ceases to earn leave on the date leave without pay begins except in cases where an employee is drawing workmen's compensation. He ceases to earn time toward increments, except while on military leave, educational leave, and while drawing workmen's compensation.

### 5. *Payment for Nonworkdays – Short periods of Leave Without Pay—*

A short period of leave without pay for this purpose is considered to be not more than 10 workdays.

An employee on leave without pay for a short period is entitled to be paid for nonworkdays (weekends and holidays) only when he is in pay status at least the half day immediately preceding or following the nonworkday(s).



6. *Payment of Annual Leave and Continuation of Benefits—*

Accumulated annual leave not to exceed thirty days shall be exhausted rather than paid in a lump sum before an employee goes on leave without pay.

*Exceptions:* Annual leave is paid in a lump sum before maternity and military leave without pay. Annual leave is held to the employee's credit during periods of suspension.

For educational leave without pay, annual leave may be exhausted, paid in a lump sum, or retained for future use. Leave for workmen's compensation is explained on page 4-9.

An employee, exhausting leave before going on leave without pay shall continue to be in a leave earning capacity, be eligible to take sick leave, be entitled to holidays, and be eligible for salary increments and promotional increases during the period covered by annual leave.

7. *Increment Anniversary Date—*

An employee's increment will be delayed one month for each month he is on leave without pay for over half the workdays in a month. In cases of military leave without pay, educational leave and while drawing workmen's compensation, the increment anniversary date does not change.

8. *Retirement Status—*

- \* If an employee is granted a leave of absence for purposes which will tend to make him a more valuable employee, he may receive permission from the Board of Trustees to make personal contributions to his retirement account during this period and receive service credit. The request must be made in advance by the head of the employing unit and the employer must agree to pay its share of the cost. Leaves are restricted to a career total of two years and this provision is limited to members who are under age 65.

9. *Reinstatement from Leave Without Pay—*

An employee shall be reinstated, except as noted in Item 3, to the same position or one of like seniority, status, and pay if he returns to duty with the same agency. He may be reinstated to a position of similar seniority, status, and pay with another agency.

## SEPARATION

Separation from State service occurs when an employee leaves the payroll for reasons listed below or upon death.

### Resignation

An employee may terminate his services with the State by submitting his resignation to the appointing authority. Normally, it is expected that an employee will give at least two weeks notice prior to his last day of work. Employees are paid in a lump sum for accumulated annual leave. See page 4-2.

### Retirement

An employee may retire when he is eligible and applies for immediate retirement benefits from the Teachers' and State Employees' Retirement System or the Law Enforcement Officers' Benefit and Retirement Fund. Employees are paid in a lump sum for accumulated annual leave. See page 4-2.

### Reduction in Force

An appointing authority may 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. Employees should be given a reasonable notice of any reduction in force. Agencies with positions under competitive service must refer to the *Standards for Personnel Administration for Positions Under Competitive Service* for the rules and regulations. Employees are paid in a lump sum for accumulated annual leave. See page 4-2.

Employees separated due to a reduction in force should be informed that their sick leave may be reinstated if employed in any agency within one year and that time earned toward their increment may be considered in determining their eligibility for the next increment.

### Dismissal

Dismissals should be made in accordance with the provisions of the policy on Disciplinary Action, Suspension, Dismissal as outlined on pages 5-7 - 5-11. Employees who are dismissed are paid in a lump sum for accumulated annual leave. See page 4-2.

## CHAPTER 126

### STATE PERSONNEL SYSTEM

#### ARTICLE 1

#### STATE PERSONNEL SYSTEM ESTABLISHED

##### "126-1. Purpose

It is the intent and purpose of this chapter to establish for the government of the State a system of personnel administration under the Governor, based on accepted principles of personnel administration and applying the best methods as evolved in government and industry. It is also the intent of this chapter that this system of personnel administration shall apply to local employees paid entirely or in part from federal funds, except to the extent that local governing boards are authorized by this chapter to establish local rules, local pay plans, and local personnel systems.

##### "126-2. State Personnel Board

- (a) There is hereby established the State Personnel Board (hereinafter referred to as 'the Board').
- (b) The Board shall consist of seven (7) members who shall be appointed by the Governor on July 1, 1965, or as soon thereafter as is practicable. Two members of the Board shall be chosen from employees of the State subject to the provisions of this Chapter; two members shall be appointed from a list of individuals nominated by the North Carolina association of county commissioners; two members shall be individuals actively engaged in the management of a private business or industry; and one member shall be appointed from the public at large. Of the initial members of the Board, two shall be appointed to serve for terms of two years, two shall be appointed to serve for terms of four years, and three shall be appointed to serve for terms of six years. Their successors shall be appointed by the Governor for terms of six years. Any vacancy occurring prior to the expiration of a term shall be filled by appointment for the unexpired term.
- (c) A member of the Board shall not be considered a public officer, or as holding an office or place of trust or profit within the meaning of article XIV, Section 7, of the Constitution of this State, but shall be deemed a commissioner for a special purpose.
- (d) The Governor may at any time after notice and hearing remove any Board member for gross inefficiency, neglect of duty, malfeasance, misfeasance, or non-feasance in office.
- (e) Members of the Board who are employees of the State subject to the provisions of this Article shall be entitled to administrative leave without loss of pay for all periods of time required to conduct the business of the Board.
- (f) Five members of the Board shall constitute a quorum.
- (g) The Governor shall designate one member of the Board as chairman.
- (h) The Board shall meet quarterly, and at other times at the call of the chairman.

**"126-3. State Personnel Department**

There is hereby established the State Personnel Department (hereinafter referred to as 'the Department'). The Department shall be separate and distinct from the Department of Administration and shall be under the administration and supervision of a State Personnel Director (hereinafter referred to as 'the Director') appointed by the Board and subject to its supervision. The salary of the Director shall be fixed by the Governor subject to the approval of the Advisory Budget Commission. The Director shall serve at the pleasure of the State Personnel Board.

**"126-4. Powers of State Personnel Board**

Subject to the approval of the Governor, the State Personnel Board shall establish policies and rules governing each of the following:

- (1) A position classification plan which shall provide for the classification and reclassification of all positions subject to this chapter according to the duties and responsibilities of the positions.
- (2) A compensation plan which shall provide for minimum, maximum, and intermediate rates of pay for all employees subject to the provisions of this chapter.
- (3) For each class of positions, reasonable qualifications, as to age, character, physical condition, and other attributes pertinent to the work to be performed.
- (4) A recruitment program to attract applicants to public employment and determine the relative fitness of applicants for the respective positions.
- (5) Hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment.
- (6) The appointment, promotion, transfer, demotion, suspension, and separation of employees.
- (7) Cooperation with the Department of Public Instruction, the State Board of Education, the Board of Higher Education, and the colleges and universities of the State in developing pre-service and in-service training programs.
- (8) The evaluation of employee performance, the granting of salary increments, and a program of meritorious service awards, which may include cash awards to be paid from savings resulting from the adoption of the employee suggestions, but in no case shall the cash award exceed ten percent (10%) of the savings resulting during the first year following adoption, or a maximum of one thousand dollars (\$1,000.00).
- (9) Hearing of appeals of applicants, employees, and former employees and the issuing of advisory recommendations in all appeal cases.
- (10) Such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and reasonable system of personnel administration.

**"126-5. Employees Subject to the State Personnel Board; Exemptions:**

- (a) The provisions of this chapter shall apply to all State employees not herein exempt, and to employees of local welfare departments, public health departments, mental health clinics, and local civil defense agencies which receive federal grant-in-aid funds; and the provisions of this chapter may apply to such other county employees as the several boards of county commissioners may from time to time determine.



- (b) The provisions of this chapter shall not apply to the following persons or employees: public school superintendents, principals, teachers, and other public school employees; instructional and research staff, physicians and dentists of the educational institutions of the State; business managers of the University of North Carolina and its several campuses, East Carolina University, and Appalachian State University; members of boards, committees, commissions, councils, and advisory councils compensated on a per diem basis, constitutional officers of the State and except as to salaries, their chief administrative assistants; employees of the General Assembly and its agencies and temporary employees of activities ancillary to the General Assembly, officials or employees whose salaries are fixed by the Governor, or by the Governor and the Council of State, or by the Governor subject to the approval of the Council of State or the Advisory Budget Commission; officials or employees whose salaries are fixed by Statute or by virtue of a specific statutory method other than the method provided by this chapter, and explicitly pertaining to such officials or employees. In case of dispute as to whether an employee is subject to the provisions of this chapter the question shall be investigated by the State Personnel Department and decided by the State Personnel Board, subject to the approval of the Governor, and such decision shall be final.

(Editor's Note: A 1967 amendment deleted the words, "physicians and dentists on the staff of hospitals, mental institutions, reformatories and correctional institutions of the State, deputy directors, director of professional training and director of research of the State Department of Mental Health," from the first sentence of Section 126-5 (b).)

**"126-6. Policies Continued and Powers Transferred**

- (a) All classifications, grades, salaries, conditions of work, and rules and regulations established prior to July 1, 1965, by the State Personnel Council, the State Personnel Director, or the North Carolina Merit System Council shall remain in force until amended, repealed, or superseded by the Board, acting under the authority of this chapter.
- (b) The State Personnel Board and the State Personnel Director herein provided shall be the successors of the State Personnel Council, the State Personnel Director, North Carolina Merit System Council, and the Merit System Supervisor. All records and property in the custody of these agencies and individuals are hereby transferred to the State Personnel Board and the State Personnel Department, effective July 1, 1965.
- (c) Any status of employment or privilege previously attained by an employee in accordance with the State Personnel Act or the State Merit System Act shall continue under the provisions of this Chapter.

**ARTICLE 2**

**PERSONNEL POLICY AS TO SALARY AND LEAVE**

**PRIVILEGES OF STATE EMPLOYEES**

**"126-7. Automatic and Merit Increments for State Employment**

It shall be considered a part of the personnel policy of this State that salary increases as provided in the compensation plan shall be granted in accordance with a standard of efficiency as established by the State Personnel Board. Each employee whose performance merits his retention in service shall be granted a salary increase in an amount corresponding to the increments between steps of the applicable salary range at least once each year until he reaches the intermediate salary step nearest to, but not exceeding, the middle of the salary range established for the class to which his position is assigned. Prior to July 1, 1965, each agency, board,

commission, department, or institution of State government subject to the provisions of this article shall file with the State Personnel Director a written description of the plan or method it is currently following in awarding or allocating efficiency or merit salary increments. At the same time, each such agency, board, commission, department, or institution shall cause a copy thereof to be distributed to each employee. The State Personnel Director, with the approval of the State Personnel Board, shall modify, alter or disapprove any such plan submitted to it which it deems not to be in accordance with the provisions of this Article. Within the limit of available funds, each employee meeting higher standards may be granted increases up to but not exceeding the maximum of the salary range established for the class to which his position is assigned. If, in addition to the salary ranges, the State Personnel Board shall establish uniform provisions for a system of payments over and above the standard salary ranges on a basis combining longevity in service and merit in the performance of duties, that plan of payments shall not be considered in applying this policy governing annual salary increments. The head of each department, bureau, agency, or commission, when making his budget request for the ensuing biennium, shall anticipate the funds which will be required during the biennium for the purpose of paying salary increments and shall include those amounts in his budget request. In no case shall the amount estimated for increments above the step nearest but not exceeding the middle of the range exceed two-thirds of the sum which would be required to grant increments to all the personnel of the agency then receiving or who will receive during the first year of the biennium a salary equal to or above the intermediate step of the salary range. With the approval of the State Personnel Board, State departments, bureaus, agencies, or commissions with twenty-five or less employees subject to the provisions of this chapter may exceed the two-thirds restriction herein provided.

**"126-B. Minimum Leave Granted State Employees**

The amount of vacation leave granted to each full-time State employee subject to the provisions of this chapter shall be at a rate not less than one and one-fourth days per calendar month, cumulative to at least thirty days. Sick leave allowed as needed to such State employees shall be at a rate not less than ten days for each calendar year, cumulative from year to year.

**ARTICLE 3**

**LOCAL DISCRETION AS TO LOCAL  
GOVERNMENT EMPLOYEES**

**"126-F. County Employees May Be Made Subject to Rules Adopted by the Board of County Commissioners**

- (a) When a board of county commissioners adopts rules and regulations governing annual leave, sick leave, hours of work, holidays, and the administration of the pay plan for county employees generally and the county rules and regulations are filed with the State Personnel Director, the county rules will supersede the rules adopted by the State Personnel Board as to the county employees otherwise subject to the provisions of this chapter.
- (b) No county employees otherwise subject to the provisions of this chapter may be paid a salary less than the minimum nor more than the maximum of the applicable salary range adopted in accordance with this chapter without approval of the State Personnel Board. Provided, however, that subject to the approval of the State Personnel Board, a board of county commissioners may adjust the salary ranges applicable to employees who are otherwise subject to the provisions of this chapter, in order to cause the level of pay to conform to local financial ability and fiscal policy. The State Personnel Board shall adopt policies and regulations to ensure that significant relationships within the schedule of salary ranges are maintained.



- (c) When two or more counties are combined into a district for the performance of an activity whose employees are subject to the provisions of this chapter, the boards of county commissioners of the counties may jointly exercise the authority hereinabove granted in subsections (a) and (b) of this section.
- (d) When a municipality is performing an activity by or through employees which are subject to the provisions of this chapter, the governing body of the municipality may exercise the authority hereinabove granted in subsections (a) and (b) of this section.

**"126-10. Personnel Services to Local Governmental Units**

The State Personnel Board may make the services and facilities of the State Personnel Department available upon request to the political subdivisions of the State. The State Personnel Board may establish reasonable charges for the services and facilities so provided, and all funds so derived shall be deposited in the State treasury to the credit of the general fund.

**"126-11. Local Personnel System May Be Applicable**

The board of county commissioners of any county which shall establish and maintain a personnel system for all employees of the county subject to its jurisdiction, which system is found from time to time by the State Personnel Board to be substantially equivalent to the system established under article 1 of this chapter for employees of local welfare departments, public health departments, and mental health clinics, may include employees of these local agencies within the terms of such system. Employees covered by that system shall be exempt from the provisions of article 1 of this chapter.

**ARTICLE 4**

**COMPETITIVE SERVICE**

**"126-12. Governor and Council of State to Determine Competitive Service**

The Governor, with the approval of the Council of State, shall from time to time determine for which, if any of the positions subject to the provisions of article 1 of this chapter, appointments and promotions shall be based on a competitive system of selection.

**ARTICLE 5**

**POLITICAL ACTIVITY OF EMPLOYEES**

**"126-13. Appropriate Political Activity of State Employees Defined**

As an individual, each State employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no State employee subject to the Personnel Act or temporary State employee shall:

- (1) take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the State;

- (2) otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in a partisan election involving candidates for office or party nominations, or affect the results thereof.

**"126-14. Promise or Threat to Obtain Political Contribution or Support**

No State employee or official shall use any promise of personal preferential treatment or threat of loss to encourage or coerce any State employee subject to the Personnel Act or temporary State employees to support or contribute to any political issue, candidate, or party.

**"126-15. Disciplinary Action for Violation of Article**

Failure to comply with this article is grounds for disciplinary action which, in case of deliberate or repeated violation, may include dismissal or removal from office.

**ARTICLE 6**

**\* EQUAL EMPLOYMENT OPPORTUNITY**

**"126-16. Equal Employment Opportunity by State Departments and Agencies and Local Political Subdivisions**

All State departments and agencies and all local political subdivisions of North Carolina shall give equal opportunity for employment, without regard to race, religion, color, creed, national origin or sex, to all persons otherwise qualified."

(Editor's Note: Article 5 of this General Statute was an amendment passed by the 1967 General Assembly. Article 6 of this General Statute was an amendment passed by the 1971 General Assembly.)

Effective: July 1, 1965

Amended: July 1, 1971

# NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

OFFICE OF THE CHANCELLOR  
Box 5067 Zip 27607  
TELEPHONE: 919, 755-2191

November 30, 1970

## MEMORANDUM

To: Deans, Directors, Department Heads, and Supervisors

Subject: Personnel Policies, Procedures, and Practices for Non-Academic Employees

On July 10, 1969, we published certain policy statements on employee grievances and disciplinary procedures. At that time, we stated these policies and procedures would be evaluated and improved upon as we accumulated experience. During recent months, we have received further guidance from the State Personnel Department and President Friday's office. We are now in a position to announce new and improved policies and procedures in the following attached documents:

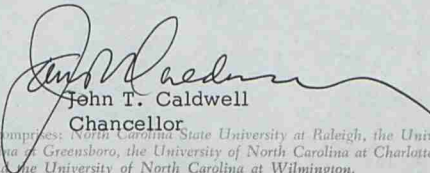
- a) A general statement
- b) Employee suggestion program in personnel matters
- c) Relationship between University Employee Association and the administration
- d) Employee grievances and appeals
- e) Disciplinary procedures

Items b) and c) are designed to encourage individual employees or groups of employees to suggest modifications in existing policies or the establishment of new policies or procedures. Item d) above is designed to provide means to insure prompt and fair responses to an individual employee's grievance wherein existing policies have been violated.

These statements are supplementary to established policies and regulations of the State Personnel Department and are effective this date. The Chancellor's memorandum of July 10, 1969, is rescinded.

Department heads are responsible for seeing that all supervisors are provided copies and that a program is promptly undertaken to inform fully every employee of the University. Additional copies may be obtained by calling Extension 2146.

Your continued wholehearted support of this vital part of our personnel program will be greatly appreciated.

  
John T. Caldwell

Chancellor

THE UNIVERSITY OF NORTH CAROLINA, William Friday, President, comprises: North Carolina State University at Raleigh, the University of North Carolina at Chapel Hill, the University of North Carolina at Greensboro, the University of North Carolina at Charlotte, the University of North Carolina at Asheville, and the University of North Carolina at Wilmington.

CC: President William Friday

# NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

OFFICE OF THE CHANCELLOR  
Box 5067 ZIP 27607

November 30, 1970

## Personnel Policies on Non-academic Employees

### GENERAL STATEMENT

Non-academic employees of the University are subject to the provisions of the State Personnel Act. Administration of these provisions is a joint responsibility on this campus of the University and the State Department of Personnel. Immediate responsibility rests with the University. State personnel regulations, however, do not supply the spirit with which the University must administer its personnel affairs. It is the purpose of this document to state for the guidance of all administrators -- including division heads, department heads, unit heads and supervisors, and the employees themselves -- the spirit with which the University must conduct itself in relationships with its employees and also to provide some basic guidelines for all concerned in the handling of employee complaints and grievances and in the handling of disciplinary matters. These guidelines have long been needed.

Let it be said, too, that the central purpose of this policy document is to improve the expectation of every employee that he will be dealt with sympathetically and justly in all aspects of his relationship with the University. It is obvious that if the spirit is right and is understood and appreciated at every level, then both grievances and disciplinary action can be reduced to insignificance.

It is the earnest desire of the Administration of NCSU-R to provide desirable conditions for work for each person in its employ. Some of the conditions, such as compensation schedule, sick leave, retirement benefits, vacation, etc., are not under our control. The University, however, can and does support justified improvements in these conditions, and it is our responsibility to administer fairly, efficiently, and constructively every available benefit provided under State law and regulation.

It is the University's responsibility to assist each person in its employ to develop personally and in his career. It is the responsibility of the University to earn the loyalty and best effort of each of its employees. It is the responsibility of the University to view personnel problems when they arise as opportunities to improve the performance of the employee or of the University, or both. The necessity for disciplinary action at any stage must always be regarded as a failure either of the University or the employee or both to achieve a positive result.

The summation of the above paragraphs is this: The University strives in pursuit of its academic goals to provide a place of employment which is eagerly sought by good people, and for those who are employed a job which is approached happily each day.

Consistent with the above declarations, supervisors at every level from the foreman of a crew to the Chancellor must take seriously all the responsibilities of good supervision such as:

- 1) An expectation of success from each employee;
- 2) A human concern for the welfare of each employee and his family;
- 3) Adequate instruction in the job to be done;
- 4) Clear definition of duties and responsibilities;
- 5) Fair evaluation of performance;



- 6) Objective handling of employee grievances;
- 7) Fairness in the administration of warranted discipline;
- 8) Cooperation, stimulation, and practical assistance in employee training for personal and career development.

Good supervision, in short, removes the image of the supervisor as a threat and replaces it with the image of the supervisor as a knowledgeable, able leader and helper.

It is the purpose of North Carolina State University to make the above objectives a fact of our institutional life. Everyone concerned is directed to adopt this spirit and the accompanying guidelines as a matter of University requirement.

# NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

OFFICE OF THE CHANCELLOR  
Box 5067 Zip 27607

November 30, 1970

## Suggestion Program on Personnel Policies and Procedures

### PURPOSE

To provide a means and establish procedures whereby University employees are encouraged to submit to proper administrative officials suggestions or recommendations concerning Personnel Policies and Procedures.

### POLICY

In furtherance of its continuing effort and desire to maintain and improve cooperative and harmonious relationships among all its staff, the University encourages the submission of suggestions or recommendations for improvements in the personnel area. Such suggestions or recommendations may concern abandonment or modification of existing policies and procedures or the adoption of new ones. Every employee shall have the right to submit suggestions or recommendations under this program free from interference, coercion, restraint, discrimination, penalty, or reprisal. If desired by the employee, assistance will be provided by the University in preparation of the suggestion or recommendation.

This program pertains to matters of broad application and concern to employees and is not intended to replace or restrict submission of problems or grievances by individuals in accordance with published University Grievance and Appeals Procedures. Examples of such matters are:

- 1) Modification of existing policies or establishment of new policies in the personnel area which might benefit the University as well as improve working conditions of employees.
- 2) Improvement of insurance programs and other fringe benefits for all employees.
- 3) Adjustment of inequities in pay classifications.
- 4) Modification of overtime pay or compensatory leave policies.
- 5) Addition to or improvement of safety measures.

#### PROCEDURE

An employee desiring to submit a suggestion or recommendation is encouraged to discuss the matter with his immediate supervisor and to request his assistance or the assistance of higher level supervisors in preparing the suggestions in writing. Suggestions may be presented by a group of employees who feel they are disadvantaged or want a change in personnel programs per se.

If the employee is a member of the NCSU Employees' Association, he may submit his suggestion to the Association for consideration. If a majority of the elected representatives of the Association approve the suggestion, it would then be forwarded to the Administrator for Finance and Business as a recommendation from the Association. In order to get further evaluations, suggestions from non-members of the Association should normally be forwarded through administrative channels to the Director, Division of Personnel Services.

Suggestions forwarded through administrative channels will receive careful consideration by each level of supervision. In forwarding the suggestion to his administrative superior, each supervisor will furnish comments and reasons supporting his recommendation for favorable or unfavorable consideration of the suggestion. However, if so desired, an individual or group of employees may present proposals for improvement directly to the Personnel Director.

The Director, Division of Personnel Services, will review in detail each suggestion received. He will hold such discussions with the employee or appropriate administrative officials as deemed necessary and will request submission of additional facts considered pertinent. Upon completion of his review, the Personnel Director will forward the suggestion with his comments and recommendation to the Administrator for Finance and Business.

Each suggestion or recommendation received by the Administrator for Finance and Business will be carefully considered. If the matter involved is one which the University is authorized to resolve independently, the Administrator for Finance and Business will so advise the Chancellor and furnish his comments and recommendations. If the matter concerned must be resolved by an agency other than the University, the Administrator for Finance and Business will so advise the Chancellor and furnish his recommendation as to whether or not the matter should be forwarded.

After evaluation of all facts, the Chancellor shall notify the affected persons of his decision on the matter which shall be considered final.

# NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

OFFICE OF BUSINESS AFFAIRS

Box 5067 Zip 27607

November 30, 1970

## MEMORANDUM

To: Mr. Thomas Neal  
President of University Employees' Association

From: J. D. Wright *JDW*  
Administrator for Finance and Business

Subject: Role of the NCSU Employees' Association and Representatives to the Association

Your University Administration is pleased with the many fine suggestions and recommendations which your Employees' Association has submitted during the past year. The spirit in which these recommendations were submitted is commendable. We truly appreciate your contributions in the improvement of our overall personnel and operational programs.

In accordance with your request, I am happy to furnish you some of our ideas and suggestions on the role of the Association and the respective representatives. I hope these views will be of mutual benefit to the Association and the University.

### Role of Employees' Association

The role of the Employees' Association should be to bring to the attention of administrative authorities of the University those matters which are of broad application and concern to employees. Examples of such matters are: improvement of insurance programs for all employees; establishment of an equitable overtime pay policy for State employees; adjustment of inequities in pay classifications for employees; and suggestions submitted under the University Suggestion



Program for modification of existing policies or establishment of new policies in the personnel area which might benefit the University as well as improve working conditions of employees.

In addition to such matters as the above concerning improvements in the personnel area, the role of the Association includes bringing to the attention of Administration any violations of published policies or procedures which could affect the group. The Association should not address itself to individual grievances which should be processed in accordance with published Grievance Procedures. When followed, these procedures assure the individual employee of fair and equitable treatment. However, if these procedures are not followed, a formal report by the Association of all dates and details of circumstances is appropriate.

In furtherance of its interest in the welfare of its members, the Association may wish to consider sponsoring various activities for raising funds to be used for the benefit of all employees or for entertainment.

#### Role of the Representative

Business of the Employees' Association is conducted by a group of employees chosen to represent each segment of the University complex having representation in the Employees' Association. These representatives are elected annually by their fellow employees in the segment or shop which they will represent. The role of each representative is to discuss with fellow employees in the shop or segment represented all matters being considered by the Association and to express their collective point of view at Association meetings.

If an employee feels that he has a grievance, he should discuss it with his supervisor. However, it would be proper for the "shop" employee representative to counsel with the employee to help him decide whether or not he does in fact have a grievance. If it is not a grievance but a matter of policy

affecting many employees, then the employee representative should canvass the others in the shop to see if the majority want the matter presented to the Association.

Fully approved statements or recommendations by the Association should be forwarded to the Administrator for Finance and Business. Each such matter will be carefully reviewed and appropriate recommendation made to the Chancellor. If the subject is one which the University is authorized to act upon independently, the Administrator for Finance and Business will so advise the Chancellor in forwarding his recommendation. If the matter concerned must be resolved by an agency other than the University, the Administrator for Finance and Business will so advise the Chancellor and furnish his recommendation as to whether or not the matter should be forwarded. After evaluation of all facts, the Chancellor shall notify the affected persons of his decision on the matter which shall be considered final.

Again let me thank you for your cooperation, and we look forward to working with your Association in a harmonious and effective manner during the coming months and years.

# NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

OFFICE OF THE CHANCELLOR  
BOX 5067 ZIP 27607  
TELEPHONE: 919, 755-2191

November 30, 1970

## Grievance and Appeal Procedures for Non-academic Employees

### PURPOSE

To provide a means and establish principles of administration to insure prompt, orderly, and fair response to an employee grievance or appeal.

### POLICY

In the continuing effort to provide and maintain the best possible conditions of work for all its employees and to preserve and improve cooperative and harmonious relationships among all its staff, the University encourages the prompt, fair settlement of problems and differences through an orderly Grievance and Appeal Procedure. Every employee shall have the right to present his problem or grievance in accordance with these procedures, with or without a representative of his own choosing, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Every employee will be allowed such time off from his regular duties as may be necessary and reasonable for the processing of a grievance under these procedures without loss of pay, of vacation, or of other time credits.

A grievance is defined as being any employee complaint about personal disadvantage in pay, benefits, or working conditions resulting from the failure of supervisors or administrators to properly interpret and/or apply established personnel policies. Examples of actions which may constitute grounds for a grievance are:

- 1) Failure to pay salary appropriate to job classification.
- 2) Failure to pay employee correct amount due for work performed.
- 3) Withholding from pay amounts not required by law or State regulations or authorized by employee.
- 4) Failure to grant employee benefits to which entitled by State law or regulations as contained in State Personnel Employee Handbook.
- 5) Failure to follow published policies of the University concerning benefits such as petty leave, 15-minute work breaks, uninterrupted lunch period, time off for voting, if required, and at least one week annual leave during summer months, if desired.
- 6) Failure to follow published University policies concerning announcing position vacancies and hiring or promoting from within qualified employees without regard to race or creed.
- 7) Failure to provide necessary tools, equipment, or supplies required for work performance.
- 8) Failure to apportion work or work assignments on a fair and equitable basis within job classification.
- 9) Failure to follow published University disciplinary procedures.
- 10) Failure to comply with Fair Labor Standards Act of 1966 as amended.
- 11) Failure to follow any other published policies or procedures.
- 12) Failure to provide reasonably safe working conditions.

#### OBJECTIVES

The objectives of these procedures include the following:

- 1) To assure employees of a means to get their grievances or appeals considered rapidly, fairly, and without fear of reprisal.
- 2) To provide better understanding of policies, practices, and procedures which affect employees.

- 3) To provide supervisors with greater opportunity both to exercise proper responsibilities in dealing with employees and to improve their effectiveness in carrying out established policies.
- 4) To improve opportunities for all staff members to perform their duties with effectiveness and satisfaction.

#### PROCEDURE

##### Step 1 - Discussions Between Employee and Immediate Supervisor

An employee who has a problem or grievance will discuss it first with his immediate supervisor within a reasonable time after the employee has acquired knowledge of the problem or grievance. If the discussion does not provide an answer satisfactory to the employee, he may request the supervisor to call higher level supervisors into the discussion or request the supervisor to make an appointment for the employee to discuss the matter with the director or dean as appropriate.

Before providing an answer to the employee, the immediate supervisor may wish to consult with his administrative superiors and, in this event, the employee should be so informed. The employee will be provided an answer within five working days, or be advised of reasons why the answer cannot be provided within the stated time, and informed as to when an answer may be expected.

Step 1 is designed to keep decision making and communication at the basic employee-supervisor level where it belongs. The problem or grievance is left in the supervisor's hands until he has had an opportunity to consider an appropriate response or to reconsider a previous action and, in turn, seek the advice and counsel of his administrative superiors. Several levels of administration may be involved in this step, thereby reducing the number of times an employee might be required to state his grievance should an appeal prove necessary.



Step 2 - University Division of Personnel Services

If the decision in Step 1 is not satisfactory to the employee or an answer is not provided within five working days, the employee may appeal to the Director of Division of Personnel Services. The employee will inform his supervisor of his desire to appeal and request an appointment be made with the Personnel Director. The appeal may be in person or in writing but must be presented within five working days after receipt of Step 1 decision. Depending on the nature of the appeal, the Personnel Director will determine to what extent facts will be required in writing. Immediate supervisors, or higher level supervisors if necessary, will when requested assist employees in processing appeals.

After being notified by an employee of appeal from Step 1 decision, the Personnel Director will be responsible for obtaining all possible information pertinent to the grievance. The Personnel Director will, if necessary, consult with all levels of supervisors over the employee and will hold such discussions with the employee as may be deemed necessary. The Personnel Director will then review the facts and within five working days after all necessary discussions are held furnish his recommendation to the employee and the appropriate administrators.

In the absence of written objection by the appropriate administrator or supervisor or appeal by the employee, the Administration will expect the recommendation of the Personnel Director to be carried out within a reasonable period of time.

Step 3 - University Administrator for Finance and Business

If a recommendation of the Personnel Director under Step 2 is not satisfactory to the employee or appropriate administrator, either may initiate action within five working days following the Step 2 recommendation to request a decision by the University Administrator for Finance and Business. The initiator of

the request will develop any additional facts and circumstances concerning the grievance and will provide a copy of this information to the other party who may, in turn, make counter comments and add any additional facts deemed appropriate. At the same time, the Personnel Director will prepare a summary of all facts he has on the matter. Material from all three parties will be provided the Administrator for Finance and Business. The Administrator for Finance and Business shall conduct an in-depth review of all materials submitted and will hold discussions with parties concerned as he deems necessary to develop further possible facts having a bearing on the case. The Administrator for Finance and Business may consult the Chancellor.

Within five working days after all necessary discussions are held, the Administrator for Finance and Business will furnish his decision in writing to all parties concerned and will inform the Chancellor.

In the absence of appeal by the employee, the Chancellor will expect the decision of the Administrator for Finance and Business to be final.

#### Step 4 - State Personnel Board

If the employee is not satisfied with the decision in Step 3, he may request, within five working days after receipt of the decision, a public hearing by the State Personnel Board. His request should be filed through the office of the Administrator for Finance and Business. If the employee so desires, he may ask the University for assistance in submitting his appeal in writing. The date and time for the employee's meeting with the Board will be determined by the State Personnel Director. The date will be set as early as possible after the request is received from the employee. The State Personnel Director will determine the parties deemed necessary for the hearing and request their presence.

The State Personnel Board, within five working days after the hearing, shall make its recommendation to the Chancellor. After considering the Board's

recommendation, the Chancellor shall make his decision and notify the employee in writing of his decision.

# NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

OFFICE OF THE CHANCELLOR  
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November 30, 1970

## Disciplinary Procedures for Non-academic Employees

### PURPOSE

To provide means and establish certain guidelines for administration of disciplinary measures in a just and uniform manner in all departments and activities.

### POLICY

An employee, regardless of occupation, position, profession, or work performed, may be warned, reprimanded, suspended, or dismissed whenever such action is considered necessary by supervisors or other persons in positions of authority. As an important tool of management, administration of disciplinary measures must be fair and equitable and free of prejudice or favoritism. The degree and kind of action to be taken will be based upon sound and considered judgment to assure that the intent of this policy is carried out. Each school or division should establish an internal system of review to insure the soundness of proposed actions.

### FORMS OF DISCIPLINARY ACTIONS

Disciplinary action may be in the form of an oral warning, a written reprimand, suspension, or dismissal. A record must be made of each oral warning in the event further action becomes necessary.

### CAUSES FOR DISCIPLINARY ACTIONS

The causes for disciplinary action fall into two categories: I. Causes relating to performance of duties, and II. Causes relating to personal conduct.

I. Performance of Duties

A. The supervisor is responsible for maintaining proper morale, conduct and discipline of University employees under his supervision. If an employee's performance becomes unsatisfactory, the supervisor will consider carefully all details of the situation available to him and then will administer one of the following forms of disciplinary action:

1. Oral warning - The supervisor may give an oral warning without prior approval of the department head. The supervisor will talk privately with the employee and do the following:
  - a. Review with the employee exactly what is expected of him and why.
  - b. Explain to the employee how he has not met the requirements and why his performance has been unsatisfactory.
  - c. Allow the employee to give the reasons for his actions or failure.
  - d. Make suggestions for correction.
  - e. Record the date of the interview and other pertinent information for future reference.

In the event the supervisor considers second or subsequent oral warnings appropriate, the department head will be informed and may be requested to be present. A record of the date and pertinent information concerning these interviews will be made.

2. Written reprimand - If because of the seriousness of the situation the supervisor determines a written reprimand is necessary, the following action will be taken:
  - a. The supervisor or department head will review the contents of the letter with the director or dean before the reprimand is



issued to the employee. The letter will include a notice to the employee that continued unsatisfactory performance may result in dismissal.

- b. A copy of the letter will be furnished Division of Personnel Services.
3. Dismissal - A person's job is important to him. It supports him, his family, and his personal sense of worth and position in society. Dismissal, therefore, is a serious action to be taken only when an employee fails to perform satisfactorily after he has received one or more oral warnings and a written warning. Before an employee is dismissed because of unsatisfactory performance of duties, the following should occur:
- a. A written summary of the case will be prepared by the supervisor or department head and reviewed with the director or dean.
  - b. When a decision is reached to dismiss an employee, an effective date of not less than two weeks' notice will be determined. This two-week period may include payment for accumulated annual leave and, in exceptional situations with prior approval of the State Personnel Director, may be in the form of payment in lieu of notice.
  - c. The supervisor or department head will give the employee written notice of the decision after obtaining approval of director or dean.
  - d. A copy of the written summary and the written notice will be furnished Division of Personnel Services and the Office of Business Affairs.

- B. The following causes relating to performance of duties are representative of those considered for dismissal:
1. Inefficiency or incompetency in the performance of duties.
  2. Negligence in the performance of duties.
  3. Careless, negligent, or improper use of State property or equipment.
  4. Failure to maintain satisfactory and harmonious working relationships with the public and employees.
  5. Absence without approved leave.
  6. Habitual improper use of sick leave privileges.
  7. Habitual pattern of failure to report for duty at the assigned time and place.
  8. Failure to obtain or maintain a current license or certificate required by law as a condition for performing the job.

## II. Personal Conduct

- A. An employee may be suspended or dismissed without intermediate measures for causes relating to personal conduct detrimental to State service, in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. In less serious or disruptive situations, intermediate measures similar to those listed under Performance of Duties may be in order. When in the judgment of the supervisor, immediate suspension of an employee is necessary, he will do the following:
1. Direct the employee to leave the University premises at once and either (a) report back to the supervisor the next work day or (b) remain away until further notice.
  2. Consult promptly with the department head to decide on appropriate further action.

B. Suspension (Compulsory Leave of Absence Without Pay for Reasons of Personal Conduct)

1. Suspension may be appropriate as an administrative tool when additional time is needed to gather facts or for consultation with higher levels of authority not immediately available. It may also be appropriate to provide a "cooling off" period in certain situations. Suspension should never be used as an act of punishment.
2. Suspension is limited to a maximum of thirty (30) days in any twelve (12) month period.
3. Failure of an employee to report back to work when requested or at the expiration of a period of suspension will be considered to have terminated his employment and any subsequent reinstatement or re-employment would be on the basis of new employment.
4. Each suspension must be fully documented including dates, reasons for the action, signatures of appropriate levels of authority, and a copy furnished the Division of Personnel Services.
5. An employee suspended and later proved not at fault will be reinstated to his same duties, classification, and rate of pay and will receive pay at his regular rate for time lost, based on a 40-hour week.

C. Dismissal - Before an employee is dismissed because of personal conduct, the following should occur:

1. A written summary of the case will be prepared by the supervisor or department head and reviewed with the director or dean.
2. When a decision is reached to dismiss an employee, an effective date of not less than two weeks' notice will be determined. This two-week period may include payment for accumulated annual leave

and, in exceptional situations with prior approval of the State Personnel Director, may be in the form of payment in lieu of notice.

3. The supervisor or department head will give the employee written notice of the decision after obtaining approval of the director or dean.
  4. A copy of the written summary and the written notice will be furnished the Division of Personnel Services and the Office of Business Affairs.
- D. The following causes relating to personal conduct are representative of those considered for suspension or dismissal:
1. Guilty of gross misconduct or conduct unbecoming a University employee.
  2. Conviction of a felony.
  3. Guilty of immoral conduct or a criminal act.
  4. Misuse of University funds or property.
  5. Falsified job information to secure position.
  6. Participation in any action that would in any way seriously disrupt or disturb the normal operation of the University or any other segment of State government.
  7. Trespassing on the home of any State official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants.
  8. Willful damage or destruction of property.
  9. Willful acts that would endanger the lives and property of others.
  10. Possession of unauthorized fire arms or lethal weapons on the job.
  11. Brutality in the performance of duties.

12. Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
13. Reporting to work under the influence of alcohol or drugs or partaking of such things on the job.
14. Acceptance of gifts in exchange for "favors" or "influence".
15. Betrayal of confidential information from official records.
16. Engaging in incompatible employment or serving a conflicting interest.
17. Taking part in political management or in political campaigns prohibited by law.

#### TRANSFER OF EMPLOYEE

After oral warnings or discussions with an employee, the supervisor may realize that the employee's problem is caused by his not being able to fit into the work group or not being able to perform his duties satisfactorily. Disciplinary action should not be taken in this case. Instead, an effort should be made to aid the employee with his problems. If it is determined that a transfer to a different job environment might benefit the employee and the University, the following is suggested:

- 1) That those persons in authority actively seek out other job vacancies for which the employee would qualify. Request assistance from Division of Personnel Services.
- 2) Establish with the employee that this is not a disciplinary action as such but a method by which all can benefit under the circumstances.
- 3) The supervisor or department head should assist the employee through counseling and by making appointments for him to see anyone at any level that he wishes to see.



- 4) The consideration of a transfer should be a sincere desire to transfer without prejudice or malice toward the employee.

RIGHT OF APPEAL

An employee may appeal his suspension or dismissal under the University Grievance and Appeal Procedure.

## **IV. The Faculty**

### **A. ACADEMIC TITLES, APPOINTMENT, PROMOTION, AND TENURE POLICIES**

#### **1. Instructor**

##### **a. Criteria for Rank**

- (1) A minimum of a master's degree or equivalent professional experience.
- (2) Evidence of potential in teaching, or in research, or in other scholarly or germane creative activity.
- (3) Acceptability as a graduate school candidate. In the event it is desirable for a department to employ an individual who is not eligible for admission to the graduate school, some title which does not designate faculty status such as Research Technician or Teaching Technician should be used.

##### **b. Procedures for Appointment**

- (1) Final approval of all appointments at the rank of Instructor is given by the Chancellor and/or the Provost.
- (2) PA-1 Forms accompanied by copies of letters of reference, are submitted to the Provost by the Dean of the School concerned.

##### **c. Tenure Policy**

An instructor shall be appointed for a period of one year. After he has been twice reappointed, his department head, after consultation with all full professors in the department, shall review the case and recommend either (1) that the instructor be promoted at the end of his fourth year or (2) that he receive a terminating appointment of one year. In situations in which, because of a dearth of full professors or otherwise, it appears that the consultation required by the preceding sentence may not produce advice adequately representative of the views of the department's faculty members, the department head shall consult with other senior members of the department familiar with the instructor's work. Notice of intention not to reappoint shall be given an instructor by March 15th if his then current employment is for the regular academic year and otherwise not less than three months prior to the termination of his then current appointment.

This regulation shall not apply to an instructor who is an active candidate for a graduate degree.

With his own consent and with provision for annual review of his case, an instructor may be continued in that rank beyond the fourth year and in such case the above requirement regarding notice of intention not to reappoint shall continue to apply to him.

## **2. Assistant Professor**

### **a. Criteria for Rank**

- (1) Evidence of ability or definite promise as a teacher, or research scholar, or extension worker.
- (2) A doctor's degree, substantial progress towards the degree, or equivalent professional experience.
- (3) Promise of independent achievement in the field of scholarship or creative activity.

### **b. Procedures for Appointment**

- (1) Must be interviewed by the Provost. Biographical information and letters of reference should reach the Provost one week before interview. The Provost's evaluation of the applicant will normally be made known only to the Dean of the School.
- (2) If judgments are favorable, then as soon as practicable the PA-1 Form should be submitted to the Office of the Provost.
- (3) Assistant Professor appointments require the approval of the University Administration, the Consolidated Office, and the Board of Trustees.

### **c. Tenure Policy**

An Assistant Professor shall be appointed for a period of three years. Before the end of the second year his department head, after such consultation with members of the department's faculty as is required in the case of instructors, shall review the case and recommend either (1) that the assistant professor be reappointed for a second term of three years or (2) that he be notified that he will not be reappointed at the end of his first term. Before the end of the assistant professor's fifth year the department head shall, in the same manner, recommend either that (1) the assistant professor be reappointed, with permanent tenure, at the same or higher rank or (2) that he be notified that he will not be reappointed at the end of his then current term. In every case of reappointment as an assistant professor after six years of service in that rank, the appointment shall be with permanent tenure, and thereafter the case shall be reviewed at least once in each three year period for the purpose of determining whether promotion is in order; however, notwithstanding the foregoing provisions, the Chancellor may, in special cases, upon recommendation of the department head, reappoint an assistant professor after six years of service without granting permanent tenure; and in such case the letter of reappointment shall specify the term of the reappointment, the special reasons for not granting tenure, and the conditions (if any have been agreed to) upon fulfillment of which such tenure will be granted.

## **3. Associate Professor**

### **a. Criteria for Rank**

- (1) Distinction and recognition as a teacher, or independent research scholar, or extension specialist.
- (2) A doctor's degree or, in special cases, an equivalent professional experience.
- (3) Established professional reputation in a recognized field.
- (4) Ability to supervise teaching, graduate study, research, or extension programs.
- (5) All academic appointments at the rank of Associate Professor (whether new appointment or promotion) will have prior approval by

the Dean of the Graduate School on behalf of his Administrative Board.

- (6) Extension personnel holding academic rank need not be eligible for Graduate Faculty.

**b. Procedures for Appointment**

- (1) Must be interviewed by the Provost. Biographical information and letters of reference should reach the Provost at least one week prior to the interview. The Provost's evaluation of the applicant will normally be made known only to the Dean of the School.
- (2) PA-1 Forms to the Provost for appointment at this rank will carry a request for appointment to the Graduate Faculty directed to the Graduate Dean, who will certify his decision to the Provost.
- (3) If these two offices concur, the appointment may proceed. If the Graduate Dean's judgment is negative, the Provost will then consult with the Dean of the School concerned and act accordingly.
- (4) Associate Professor appointments require approval of the University Administration, Consolidated Office, and the Board of Trustees.

**c. Tenure Policy**

Though a faculty member promoted to Associate Professorship from within shall have permanent tenure, one coming to that rank from outside the institution shall be appointed for an initial term of five years. Before the end of the fourth year, his department head, after consultation with other members of the department's faculty as required in the case of an instructor, shall review the case and recommend either (1) that the Associate Professor be reappointed, with permanent tenure, at the same or higher rank or (2) that he be notified that he will not be reappointed at the end of his then current term.

Reappointment shall be with permanent tenure until the age of 65.

**4. Professor**

**a. Criteria for Rank**

- (1) Outstanding reputation as a teacher, or independent research scholar, or recognized extension contributor.
- (2) Demonstrated ability in and willingness to participate in institutional affairs.
- (3) A doctor's degree or, in special cases, an equivalent professional experience.
- (4) Established reputation within the profession as a scholar, or in other learned or professional activities.
- (5) Experience in supervising teaching, graduate study, research, or extension programs.
- (6) All academic appointments at the rank of Professor (whether new appointment or promotion) will have prior approval by the Dean of the Graduate School on behalf of his Administrative Board.
- (7) Extension personnel holding academic rank need not be eligible for Graduate Faculty.

**b. Procedures for Appointment**

- (1) Must be interviewed by the Provost. Biographical information and letters of reference should reach the Provost at least one week prior to interview. The Provost's evaluation of the applicant will normally be made known only to the Dean of the School.

- (2) PA-1 Forms to the Provost for appointment at this rank will carry a request for appointment to the Graduate Faculty directed to the Graduate Dean, who will certify his decision to the Provost.
- (3) If these two offices concur, the appointment may proceed. If the Graduate Dean's judgment is negative, the Provost will then consult with the Dean of the School concerned and act accordingly.
- (4) Professor appointments require approval of the University Administration, Consolidated Office and the Board of Trustees.

**c. Tenure Policy**

A Professor shall have permanent tenure until age 65.

**5. Other Academic Titles**

**a. Department Heads**

- (1) The Dean of the School will appoint a Selection Committee to make recommendations for new Department Heads.
- (2) The Selection Committee will give recommendation to the Dean of the School.
- (3) The Recommended Department Head must be interviewed by the Provost and the Chancellor.
- (4) Biographical information should reach the Provost one week before interview. Impressions from the Provost and the Chancellor are given only to the Dean of the School.
- (5) After the reviews, as soon as is practicable, PA-1 Form should be submitted to the Office of the Provost and the Graduate Faculty Membership Form to the Dean of the Graduate School.
- (6) Department Head appointments require approval of the University Administration, the Consolidated Office and the Board of Trustees.

**b. Named Professors**

- (1) The procedure for appointment of individuals to *Named Professorships* was established in the Chancellor's memorandum of June 20, 1960.

To insure that only men of real stature are so recognized the distinction of the candidate must be measured against:

- (a) All the members of the department to which he is to be assigned. He must clearly be the outstanding scholar and teacher in the department, or of distinction equal to that of other named professors in that department.
  - (b) The whole faculty of the institution. The quality of these men must be such that they command the respect and admiration of the general faculty of the Institution and the University.
  - (c) The community of scholars of the nation and the world. Named professors should be favorably known to scholars in their fields beyond the University and the State and Region. Active participation and recognition in the professional societies and organizations of the nation will normally be expected of men of this distinction.
- (2) When the School Dean and Chancellor have certified a named professorship as being vacant, the procedure for making the appointment is as follows:
    - (a) The School Dean, in consultation with the Chancellor and with his approval, shall appoint a committee for the named professorship. This committee shall consist of no fewer than three nor more than five persons. The members of the committee shall



be persons no one of whom would himself be under consideration for the position. The members shall be active or emeritus professors of North Carolina State University or of another faculty of the Consolidated University, although the committee may include one or more members of some faculty outside the Consolidated University. The members of the committee shall be persons who would have knowledge and judgment in the field of scholarship of the named professorship.

- (b) Ample opportunity shall be provided for members of all departments concerned to nominate to the Dean's committee any person in the world of scholarship thought to be worthy of the position without regard to his known availability.
- (c) The committee may consider names nominated by members of the committee itself.
- (d) The committee shall procure essential information on the teaching and research qualifications of the nominees.
- (e) The committee's recommendation shall be presented by the Dean to an administrative committee composed of the Chancellor, Provost, Dean of the Graduate School, and Administrative Dean for Research.
- (f) When the Chancellor, in consultation with the above, makes his decision to approve or reject the recommendation, he shall take necessary steps to implement the appointment or obtain a second recommendation.
- (g) Upon approval by the Chancellor, the School Dean must then submit PA-1 Form. This requires approval of University Administration, the Consolidated Office and Board of Trustees.

#### **c. Emeritus Faculty**

- (1) Emeritus status is the last earned rank that will be accorded to all faculty members of tenure on their first retirement.
- (2) Emeritus faculty will be invited to all formal faculty convocations.
- (3) Emeritus faculty will be included in the catalogue listings of faculty.
- (4) Faculty-Staff Annual Directory will include the local emeritus faculty.
- (5) When possible, desk space will be available for emeritus faculty, along with the privileges accorded other faculty members.
- (6) Physical education facilities on the campus will be available for emeritus faculty use.
- (7) Emeritus faculty are entitled to faculty parking privileges.
- (8) Continued use of laundry services will be available.
- (9) Upon retirement faculty members are presently accorded, by the Faculty Club, special reductions in membership fees of the Faculty Club.
- (10) Library privileges will be the same for the emeritus faculty as for the active faculty.
- (11) Tickets to intercollegiate athletic events may be purchased at the regular faculty rate.
- (12) Voting membership in the General Faculty includes the emeritus faculty.

#### **d. Faculty Member Over 65**

In special cases faculty members beyond the age of 65, but less than 70 years of age, may upon recommendation of their School, continue as full members of the faculty. Each reappointment is made for one year and

is subject to the approval of the Board of Trustees. Between the ages of 70 and 72, yearly appointments may be made on a half-time basis, with the approval of the Chancellor, President, and the Board of Trustees. Both type appoints require PA-1 Forms.

**e. Visiting Faculty**

Appointment as Visiting Professor (Visiting Associate Professor, Visiting Assistant Professor, etc.) will carry neither tenure nor retirement benefits normally associated with full-time faculty appointments in the professional ranks, and are for one year, subject to yearly reappointment. (These conditions should be made clear to the appointee by the Head of the Department.) Interview procedures and requirements are the same as for equivalent faculty rank with the exception that the interview with the Provost is at the discretion of the Dean of the School. PA-1 Forms are required for appointment. Any subsequently proposed change of an initial Visiting Professor appointment to a regular faculty appointment would be subject to the regular University procedures for selection and appointment of individuals in the proposed faculty rank.

**f. Adjunct Appointments**

Adjunct appointments as professor, associate professor, assistant professor, or instructor may be offered to persons whose regular and principal employment is with an organization outside the University of North Carolina and who are invited to participate in instructional or research programs of the University.

Recommendation for adjunct appointment should originate in the appropriate school or department and should be approved by the same procedure now followed in the case of a visiting professor. Interview procedure is at the discretion of the School. PA-1 Forms are required for appointment. The rank of an adjunct appointee should be commensurate with his training, experience, and scholarly distinction. Admission to the graduate faculty through regular procedures will be required for adjunct appointees who teach graduate courses and direct the research of graduate students.

This type of appointment shall be limited to one year and may be subject to renewal. The Chancellor will write the initial letter of appointment. Appointment for each succeeding year or termination of the appointment will be by letter from the Chancellor to be written in the spring of the year. It will carry no tenure, retirement, or other special faculty privileges normally associated with full-time faculty appointments in the professional ranks.

**g. Special or Part-Time Lecturer**

Appointment as a special or part-time lecturer will carry no tenure, retirement or other special faculty privileges normally associated with full-time faculty appointments in the professional ranks. Appointments are for one year or less and must be renewed or terminated each year. (These conditions should be made clear to the appointee by the Head of the Department.) Interview procedures and requirements are the same as for full-time faculty with the exception that the interview with the Provost is at the discretion of the Dean of the School. PA-1 Forms are required for appointment. Any subsequently proposed change of the initial appointment to a regular faculty appointment would be subject to the regular University procedures for selection and appointment of individuals in the proposed faculty rank.

**h. Professional Faculty**

Certain positions without faculty rank, which are exempted from provisions of the State Personnel Act (EPA), are regarded as "professional faculty" positions. They include many appointments in the Division of Student Affairs, the Office of Information Services, Library, County Staff of the Agricultural Extension Service, etc. "Professional faculty" status carries no University tenure. Appointments are from year to year but normally are not subject to formal yearly reappointment. The designation principally entitles the holder to participate in the following:

1. Faculty Group Hospitalization
2. Faculty Group Insurance
3. The purchase of athletic tickets at reduced rates
4. Opportunity to take additional course work
5. State Retirement System

A few specified "professional faculty" positions have been explicitly authorized to participate in Faculty Government.

**i. Research Assistant**

A full-time employee, usually not working for a degree (holder of a bachelor's or master's degree); has a higher level of competence and experience than the SPA research assistant positions. (Salary will depend on training and competence but normally will not exceed that of an instructor.)

**j. Research Associate**

A full-time person engaged in research of an original nature. Requires guidance but not supervision and usually is not working toward a degree. Holds a Ph.D. degree or a master's degree with excellent qualifications and experience. (Salary will depend on training and competence but normally will not exceed that of an assistant professor.)

**k. Senior Research Associate**

A person engaged in full-time original research of his own initiation and possessing a considerable record of achievement in research. This position to be filled primarily by persons possessing the Ph.D. (Salary will depend on training and competence but normally will not exceed that of an associate professor.)

## **B. GRADUATE APPOINTMENTS**

### **1. Graduate Assistants and Graduate Research Assistants**

These designations are applied to graduate students with bachelor's or master's degrees, mostly part-time and working toward graduate degrees.

All graduate students holding University appointments of  $\frac{1}{3}$  service obligation or more and receiving a regular monthly salary check are eligible for the resident or "in-state" rate of tuition.

Loyalty oaths are required of a U. S. Citizen before appointment as a Graduate Assistant.

Refer to Graduate Catalogue for details.

### **2. Postdoctoral Fellows**

Postdoctoral Fellows are usually given the title of Research Associate. Under special circumstances when the Post Doctorate responsibilities include teaching, the title of Visiting Assistant Professor may be used. Postdoctoral Fellows must be appointed on a PA-1 form.

## **C. PROMOTIONS**

Promotions are usually made in the spring of the year. Criteria for appointment to faculty rank are used as criteria for promotion.

Promotion from non-tenure rank to tenure rank is treated as a new appointment; that is, all initial appointees to tenure rank undergo careful examination and interview by the Provost.

## **D. ACADEMIC FREEDOM**

1. Academic freedom is the right of a faculty member to be responsibly engaged in efforts to discover, speak, and teach the truth. It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict him in the exercise of these freedoms in his area of scholarly interest.
2. The University recognizes that in his role as citizen, as to matters outside the area of his scholarly interest, the faculty member has the right to enjoy the same freedoms as other citizens, without institutional censorship or discipline, though he should avoid abuse of these freedoms. He should recognize that accuracy, forthrightness, and dignity befit his association with the University and his position as a man of learning. He should not represent himself as a spokesman for the University.

## **E. SUSPENSION AND DISCHARGE OF FACULTY MEMBERS**

1. A faculty member who has tenure may be suspended or discharged only by the Chancellor, acting with the approval of the President, or by direction of the Board of Trustees, and then only in accordance with the provisions of this Code. Permissible grounds for suspension or discharge are misconduct of such a nature as to indicate that the faculty member is unfit to continue as a member of the faculty, incompetence, neglect of duty, and failure or refusal to carry out validly assigned duties with intent to obstruct or disrupt any normal operation or function of any of the component institutions of the University. For purposes of these provisions: (1) a faculty member serving a stated term shall be regarded as having tenure until the end of that term; and (2) if a faculty member has been offered and has accepted a new contract to begin at a future time, his status shall be the same as if he had

already begun service under such contract.

2. The Chancellor, in his discretion, may: (1) give the faculty member written notice of intention to discharge; or (2) give the faculty member written notice that information concerning the faculty member is being referred to the faculty committee [identified in paragraph (3), below] for its recommendation. The notice shall indicate the reasons for the intended discharge or the substance of the information being referred, shall state that the President approves the Chancellor's action, shall advise the faculty member of his right to a hearing, and shall call attention to these provisions of this Code. Within one week after receipt of notice, the faculty member may request a hearing by written notice to the Chancellor and the chairman of the faculty committee. If no request is filed within that time, the Chancellor may proceed to discharge, when notice of such intent has been given, or the faculty committee may proceed to the making of its recommendation without a hearing.
3. When a hearing is duly requested by the faculty member, it shall be accorded before a standing committee of the institution's faculty, composed of five faculty members who have permanent tenure elected by those members of the faculty who, under legislation of the institution's faculty, are regarded as voting members. The hearing shall be upon written charges or a written summary of information submitted by the Chancellor. The hearing committee shall accord the faculty member a reasonable time within which to prepare his defense. The faculty member shall have the right to counsel; the right to present the testimony of witnesses and other evidence; the right to confront and cross-examine adverse witnesses; the right to examine all documents and demonstrative evidence adverse to him; and the right, upon request, made prior to the hearing, to a transcript of the proceedings furnished at the expense of the University, subject, however, to the approval of the President. The Chancellor, or his delegate or counsel, may participate in the hearing, present evidence, and cross-examine witnesses.
4. In reaching its decision in cases in which a hearing is held, the faculty committee shall consider only the evidence presented at the hearing and such oral or written arguments as the committee, in its discretion, may allow. Evidence regarding the general competence and professional and moral fitness of the faculty member shall always be considered relevant. Should the committee find that the faculty member is guilty of misconduct, incompetence, neglect of duty, or failure or refusal to carry out validly assigned duties with intent to obstruct or disrupt any normal operation or function of any of the component institutions of the University, it shall then decide whether its findings in that respect, considered in the light of the faculty member's general competence and fitness, justify a finding that the faculty member is unfit to continue as a member of the faculty. It shall make its written recommendation accordingly, and shall transmit the recommendation to the faculty member and to the Chancellor; and the Chancellor shall forward it to the President. Publication of such recommendation may be authorized only by the Chancellor, with the approval of the President. The two immediately preceding sentences of this paragraph shall apply whether or not a hearing has been held.
5. If the President concurs, a recommendation of the committee, whether favorable or unfavorable to the faculty member, shall be final. If the committee's recommendation is other than for unconditional retention of the faculty member (indefinitely if no permanent tenure, otherwise to the end of the stated term), the President, in lieu of concurrence, may: (1) with the consent of the faculty member, take any action more favorable to the faculty member than the committee's written recommendation, which action shall be final; or (2) authorize the faculty member to appeal to the trustees. If the committee recommendation is for unconditional retention, the President shall take no action contrary to it except that, upon recommendation of the Chancellor, he may request that the trustees review the case and take final action.



6. The Chancellor shall, in every case, advise the President as to whether the Chancellor concurs in the committee's recommendation. He shall state his reasons in writing and a copy shall be furnished to the faculty member.
7. In any case brought before the trustees, a hearing shall be accorded by the Executive Committee, which may proceed through a subcommittee. The hearing shall be conducted in the same manner as the hearing before the faculty committee; the faculty member shall have the same rights; and the decision of the hearing committee shall be reached solely upon the evidence adduced at the hearing and such argument, oral or written, as the hearing committee may allow. The charges or summary of information shall be the same as those before the faculty committee, unless modified in favor of the faculty member by the President; and the hearing committee shall, in the same manner as the faculty committee, consider general fitness as well as the specific offenses. If the hearing committee is a subcommittee, it shall report to the Executive Committee. The Executive Committee shall direct the action, if any, to be taken by the Chancellor.
8. The Chancellor has authority, with the approval of the President, to suspend a faculty member at any time after giving notice of intention to discharge, and to continue such suspension until final decision has been reached by the procedures herein prescribed. The Chancellor's power to suspend shall not be exercised unless the charges are of such nature that, if assumed to be true, they demonstrate moral turpitude, neglect of duty, or incompetence of a character clearly indicating that the accused is unfit to continue as a member of the faculty, or failure or refusal to carry out validly assigned duties with intent to obstruct or disrupt any normal operation or function of any of the component institutions of the University. Suspension shall always be with pay.
9. Once he has requested a hearing, the faculty member shall not be discharged, without his consent, until final decision is reached (and then only in accordance with such decision), provided that the faculty member may at any time withdraw his request for hearing and consent to the discharge, or he may be discharged upon a finding by the faculty committee that, at any stage of the proceedings before the faculty committee or the trustees' committee, the faculty member, after requesting a hearing, has, without adequate cause, failed to appear.
10. In cases in which a faculty member is charged with violating Section 5-2(a) of these Bylaws, the provisions of Section 4-3 shall be subordinate to the provisions of Chapter V.

## **F. FACULTY GRIEVANCE PANEL**

- I. The Faculty Grievance Panel considers matters other than tenure and disruption. Except for those matters covered by Sections 4 and 5 of the University of North Carolina Code, these procedures will apply to all faculty and will be broadly interpreted as available for other EPA personnel in matters of an academic nature.
- II. The Faculty Grievance Panel is constituted as follows:
  - A. Each school elects a number of faculty to serve on the Panel; the number from each school is equal to one-half of the number of Senators from that school, rounded down when necessary. The same people eligible to vote in Senate elections are eligible to vote for members of the Panel. Eligibility for membership on the panel is the same as for serving on the Faculty Senate with the exclusion of department heads.
  - B. Members of the Panel are elected by the faculty of each school for a two-year term. They are eligible for immediate re-election once. Elections are held annually and terms of members are staggered whenever possible. Time and procedures of elections coincide with those of the Senate elections.

III. In each individual grievance procedure, a committee to hear that grievance is composed, when requested by a principal, under the direction of the Chairman of the Faculty Senate.

A. Three members are selected at random from all persons on the Panel except the one(s) elected from the school(s) of the principal(s). The chairman of the grievance committee is selected from these three members by these three members.

B. One member is selected—at random, if there is more than one member—from the persons elected to the Panel by the plaintiff's school.

C. One member is designated by the Provost, or by the person or persons against whom the grievance has been brought, whichever is appropriate. The decision rests with the Chairman of the Faculty Senate.

IV. No member of an individual grievance committee may be a principal in the case being reviewed. Any questions of eligibility on these grounds are resolved by decision of the three selected Panel members not from the school of either principal (Section 111. A, above). A member will remove himself from the case if he deems himself disqualified for bias or interest.

V. An individual grievance committee will have access to any information which it deems relevant to the case. The authenticity of such information must be demonstrated to any one of the principals concerned if he challenges any part of it.

VI. Each individual grievance committee decides whether to sustain all of any part of the grievance brought to it and transmits its findings and recommendations, if any, in this regard to the Chancellor and the principals concerned. If the Chancellor rejects the findings or recommendations, he will state his reasons for doing so, in writing, to the grievance committee and to the principal (s) and provide an opportunity for response.

VII. The principals shall have the right to legal counsel.

## **G. POLICIES, PROCEDURES, AND DISCIPLINARY ACTIONS IN CASES OF DISRUPTION OF EDUCATIONAL PROCESS**

The following policy and procedures were adopted by the University of North Carolina Board of Trustees October 26, 1970, and constitute official policy governing all campuses of the University.

### **Section 5-1. Policies Relating to Disruptive Conduct**

The University of North Carolina has long honored the right of free discussion and expression, peaceful picketing and demonstrations, the right to petition and peaceably to assemble. That these rights are a part of the fabric of this institutions is not questioned. They must remain secure. It is equally clear, however, that in a community of learning willful disruption of the educational process, destruction of property, and interference with the rights of other members of the community cannot be tolerated. Accordingly, it shall be the policy of the University to deal with any such disruption, destruction or interference promptly and effectively, but also fairly and impartially without regard to race, religion, sex or political beliefs.

### **Section 5-2. Definition of Disruptive Conduct**

(a) Any faculty member (the term "faculty member", wherever used in this Chapter V, shall include regular faculty members, full-time instructors, lecturers, and all other persons exempt from the North Carolina State Personnel System [Chapter 126 of the General Statutes as amended] who receive compensation for teaching, or other instructional functions, or research at the University), any graduate student engaged in the instructional program, or any student who, with the intent to obstruct or disrupt any normal operation or function of the University or any of its component institutions, engages, or incites others to

engage, in individual or collective conduct which destroys or significantly damages any University property, or which impairs or threatens impairment of the physical well-being of any member of the University community, or which, because of its violent, forceful, threatening or intimidating nature or because it restrains freedom of lawful movement, otherwise prevents any member of the University community from conducting his normal activities within the University, shall be subject to prompt and appropriate disciplinary action, which may include suspension, expulsion, discharge or dismissal from the University.

The following, while not intended to be exclusive, illustrate the offenses encompassed herein, when done for the purpose of obstructing or disrupting any normal operation or function of the University or any of its component institutions: (1) occupation of any University building or part thereof with intent to deprive others of its normal use; (2) blocking the entrance or exit of any University building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, said building or corridor or room; (3) setting fire to or by any other means destroying or substantially damaging any University building or property, or the property of others on University premises; (4) any possession or display of, or attempt or threat to use, for any unlawful purpose, any weapon, dangerous instrument, explosive, or inflammable material in any University building or on any University campus; (5) prevention of, or attempt to prevent by physical act, the attending, convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly in any University building or on any University campus; and (6) blocking normal pedestrian or vehicular traffic on or into any University campus.

(b) Any person engaged in the instructional program who fails or refuses to carry out validly assigned duties, with the intent to obstruct or disrupt any normal operation or function of the University or any of its component institutions, shall be subject to prompt and appropriate disciplinary action under this Chapter V if (but only if) his status is such that he is not subject to the provisions of Section 4-3 of Chapter IV.

### **Section 5-3. Responsibilities of Chancellors**

(a) When any Chancellor has cause to believe that any of the provisions of this Chapter V have been violated, he shall forthwith investigate or cause to be investigated the occurrence, and upon identification of the parties involved shall promptly determine whether any charge is to be made with respect thereto.

(b) If he decides that a charge is to be made, he shall, within thirty (30) days after he has information as to the identity of the alleged perpetrator of the offense but in no event more than twelve (12) months after the occurrence of the alleged offense, (i) refer the case to the appropriate existing University judicial body, or (ii) refer the matter to a Hearing Committee drawn from a previously selected Hearings Panel which, under this option, is required to implement action for violation of Section 5-2 (a) or (b) of this Chapter. If the case is referred to an existing University judicial body under (i) above, the procedural rules of that body shall be followed, and subsections (c) through (f) below shall not be applicable. If the matter is referred to a Hearing Committee under (ii) above, the procedural rules prescribed in subsections (c) through (f) below shall be followed.

(c) The accused shall be given written notice by personal service or registered mail, return receipt requested, stating:

(1) The specific violations of this Chapter V with which the accused is charged.

(2) The designated time and place of the hearing on the charge by the Hearing Committee, which time shall be not earlier than seven (7) nor later than ten (10) days following receipt of the notice.

(3) That the accused shall be entitled to the presumption of innocence until found guilty, the right to retain counsel, the right to present the testimony of

witnesses and other evidence, the right to cross-examine all witnesses against him, the right to examine all documents and demonstrative evidence adverse to him, and the right to a transcript of the proceedings of the hearing.

(d) The Hearing Committee shall determine the guilt or innocence of the accused. If the person charged is found guilty, the Hearing Committee shall recommend to the Chancellor such discipline as said body determines to be appropriate. After considering such recommendation the Chancellor shall prescribe such discipline as he deems proper. In any event, whether the person is found guilty or not guilty, a written report shall be made by the Chancellor to the President within ten (10) days.

(e) Any person found guilty shall have ten (10) days after notice of such finding in which to appeal to the President of the University. Such an appeal if taken shall be upon the grounds set forth in Section 5-5.

(f) Any accused person who, without good cause, shall fail to appear at the time and place fixed for the hearing of his case by the Hearing Committee shall be suspended indefinitely or discharged from University employment.

(g) A Chancellor, unless so ordered or otherwise prevented by court, shall not be precluded from carrying out his duties under this Chapter V by reason of any pending action in any State or Federal court. Should a delay occur in prosecuting the charge against the accused because the accused or witnesses that may be necessary to a determination of the charge are involved in State or Federal court actions, the time limitations set forth above in this Section 5-3 shall not apply.

(h) Conviction in any State or Federal court shall not preclude the University or any of its officers from exercising disciplinary action in any offense referred to in this Chapter V.

(i) Nothing contained in this Chapter V shall preclude the President or any Chancellor from taking any other steps, including injunctive relief or other legal action, which he may deem advisable to protect the best interests of the University.

#### **Section 5-4. Aggravated Acts or Threatened Repetition of Acts**

(a) The Chancellor of each of the component institutions of the University shall appoint an Emergency Consultative Panel which shall be composed of not less than three (3) nor more than five (5) faculty members and not less than three (3) nor more than five (5) students who shall be available to advise with the chancellor in any emergency. No member of such Panel shall serve for more than one (1) year unless he be reappointed by the Chancellor. The Chancellor may make appointments, either temporary or for a full year, to fill any vacancies which may exist on the Panel.

(b) If, in the judgment of the Chancellor, there is clear and convincing evidence that a person has committed any of the acts prohibited under this Chapter V which, because of the aggravated character or probable repetition of such act or acts, necessitates immediate action to protect the University from substantial interference with any of its orderly operations or functions, or to prevent threats to or acts which endanger life or property, the Chancellor, with the concurrence as hereinafter provided of the Emergency Consultative Panel established pursuant to (a) above, may forthwith suspend such person from the University and bar him from the University campus; provided, however, that in the event of such suspension the person suspended shall be given written notice of the reason for his suspension, either personally or by registered mail addressed to his last known address, and shall be afforded a prompt hearing, which, if requested, shall be commenced within ten (10) days of the suspension. Except for purposes of attending personally any hearings conducted under this Chapter V, the bar against the appearance of the accused on the University campus shall remain in effect until final judgment has been rendered in his case and all appellant proceedings have been concluded, unless such restriction is earlier lifted by written notice from the Chancellor.

(c) A quorum of the Emergency Consultative Panel provided for in (a) above shall consist of not less than four (4) of its members, and the required concurrence shall have been obtained if a majority of such quorum shall indicate their concurrence. The Chancellor shall meet personally with members of such Panel at the time he seeks concurrence, if it is feasible to do so. However, if the circumstances are such that the Chancellor deems it not to be feasible to personally assemble such members, then he may communicate with them or the required number of them individually by telephone or by such other means as he may choose to employ, in which event he may proceed as provided in (b) above after the required majority of such members have communicated their concurrence to him.

(d) In the Chancellor's absence or inability to act, the President may exercise the powers of the Chancellor specified in this Section 5-4 in the same manner and to the same extent as could the Chancellor but for such absence or inability to act.

#### **Section 5-5. Right of Appeal**

Any person found guilty of violating the provisions of this Chapter V by the Hearing Committee referred to in Section 5-3 shall have the right to appeal the finding and the discipline imposed upon him to the President of the University. Any such appeal shall be in writing, shall be based solely upon the record, and shall be limited to one or more of the following grounds:

- (1) That the finding is not supported by substantial evidence;
- (2) That a fair hearing was not accorded the accused; or
- (3) That the discipline imposed was excessive or inappropriate.

It shall be the responsibility of the President to make prompt disposition of all such appeals, and his decision shall be rendered within thirty (30) days after receipt of the complete record on appeal.

#### **Section 5-6. No Amnesty**

No administrative official, faculty member, or student of the University shall have authority to grant amnesty or to make any promise as to prosecution or non-prosecution in any court, State or Federal, or before any student, faculty, administrative, or Trustee committee to any person charged with or suspected of violating Section 5-2 (a) or (b) of these Bylaws.

#### **Section 5-7. Publication**

The provisions of this Chapter V shall be given wide dissemination in such manner as the President or Chancellors may deem advisable, and shall be printed in the official catalogues which may be issued by each component institution of the University.

### **H. LOYALTY OATH**

Under the provisions of a resolution adopted by the Board of Trustees of the University of North Carolina, June 7, 1941, "all officials, teachers, and other employees of the University of North Carolina" are required to sign the following loyalty oath upon accepting employment in the Consolidated University system:

I, \_\_\_\_\_,  
(Signature)

do solemnly swear (or affirm) that I will support the Constitution of the United States; so help me, God.

I, \_\_\_\_\_,  
(Signature)

do solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and



authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the constitution of said state, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

## **I. NEPOTISM**

### **1. POLICY—EMPLOYMENT OF RELATIVES**

It is a policy of this University that persons considered for employment or promotion will be selected on the basis of training and experience and other characteristics which are necessary for the job to be performed. All such considerations being reasonably equal, a selection will not be made which will involve employment of close relatives.

If conditions are such that it is necessary for relatives to be considered, the following will apply:

- a. Two members of an immediate family *shall not* be employed by the University if such employment will result in one supervising a member of his immediate family; or, where one member occupies a position which has influence over the other's employment, promotion, salary administration and other related management or personnel considerations.
- b. Where two members of an immediate family are employed by the University it shall be necessary to certify that efforts of recruitment and evaluation have failed to provide other qualified applicants, thereby justifying the employment of relatives. A statement to the effect—"The efforts of recruitment and evaluation failed to produce other qualified applicants"—must be included on the PD-105 and PA-1 form. In this instance no commitment should be made to the prospective employee until approval from University administration has been received.

### **2. DEFINITION OF IMMEDIATE FAMILY**

The term "immediate family" shall be understood to refer to that degree of closeness of relationship which would suggest that problems might be created within the work unit, or that the public's philosophy of fair play would be violated. In general, this would include wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, step-mother, step-father, nieces and nephews. It might also include others living within the same household or otherwise so closely identified with each other as to suggest difficulty.

### **3. EXEMPTIONS FROM THE POLICY**

- a. Members of the same family already employed. Should a situation develop later through transfer, promotion or marriage that would conflict with paragraph 1-a above, it shall be necessary that one member resign or transfer to a different position before action involving another member could be effected. If a member separates except for leave-without-pay, that member loses protection of this exemption. If he is reinstated at a later date, the re-employment will be handled as a new hire for the purpose of administration of this policy.
- b. Student laborers and graduate students having either part-time or full-time temporary appointments as teaching assistant, research assistant, or instructor.
  - (1) To qualify as a student one must be regularly and currently enrolled at North Carolina State University and meet the following course load requirements:
    - (a) Enrolled for a minimum of eight semester hours of course work for credit during each semester of the regular academic year.

- (b) Enrolled for a minimum of three hours of course work for credit each summer term or for six hours in one term.
- (2) Exceptions may be requested to the course load requirements during the summer months if the student has been employed as a student laborer during the regular academic year, and it is to the advantage of the University to continue his employment in the *same* assignment during the summer months.
- (3) A son or daughter will not be employed in the same department or activity in which a parent or guardian is employed.

The inherent responsibility rests with deans, directors and department heads to exercise common sense and prudence in avoiding complications which may arise from employing relatives in situations where their relationship could produce favoritism, discrimination or other disrupting phenomena.

## **J. CLASS ATTENDANCE, EXAMINATIONS, AND GRADING POLICIES**

These and related subjects are dealt with in *The Advisers Handbook*, published yearly by the Division of Student Affairs, and in the Undergraduate Catalog.

The following regulations are in effect:

### **1. ATTENDANCE**

a. Attendance at classes, laboratory periods, and examinations is expected of all students. It is the responsibility of each student to present to his instructor a valid excuse for any anticipated absence or any emergency absence which has occurred. Valid excuses for make-up work include:

- (1) Sickness, when verified by a form from the Infirmary or a letter from a physician.
- (2) Death or illness in the family, when verified by a letter from a family physician.
- (3) Official university duties or an approved university trip, as certified by the appropriate staff member.
- (4) Court attendance when required and as certified by the Clerk of Court.
- (5) Pre-induction Physical Examination when verified by official military documents.

b. Excuses for other reasons may be accepted at the discretion of the instructor. Class attendance records are maintained by the faculty for freshman classes and in any other class if desired by the faculty member. Instructors report to the Student Activities Office those students who fail to attend class regularly.

c. Students reported to the Student Activities Office for excessive absenteeism will be counseled as to the importance of attending their classes regularly and, if advisable, their parents will be notified. Continued absenteeism will result in appropriate disciplinary action.

### **2. EXAMINATIONS**

a. Final examinations must be given in all courses. Any exceptions must be approved by the Dean of the School concerned.

b. All students, including seniors, will take final examinations in all courses.

c. No student is required to take three final examinations on the same day. If a student finds that he has three examinations scheduled on the same day, he should report to 204 Peele Hall to have his schedule verified and to obtain a form approving his request to change the date of one of the examinations. He will take the form to one of his professors and arrange for a new examination date. The professor will enter the new date on the form, sign it, and the student will return the form to the Student Activities Office.

### 3. GRADING

a. North Carolina State University operates on a credit-point system. Semester credits represent the number of hours completed with a passing grade; quality points are determined by the grade earned.

Grade	DEFINITION	Quality Points Per Credit Hour
A	Excellent	4
B	Good	3
C	Satisfactory	2
D	Poor	1
F	Unacceptable	0
FA	Unacceptable (Did not attend examination)	0
FD	Unacceptable (Dropped Course)	0
FI	Unacceptable (Failure to remove incomplete)	0
S	Satisfactory	0
U	Unsatisfactory	0
CR	Passing grade for credit-only course	0
NC	No credit Failing grade for credit-only course	0

*Neither quality points nor credit hours are given for following grades:*

W—Withdrew with passing grade, IN—Incomplete (temporary), LA—Later (temporary), AB—Excused from final examination (temporary), AU—Audit.

b. At the discretion of the professor, a student who has at least a "C" average in a course may be given an "Incomplete" grade for work not completed because of a serious interruption in his work not caused by the student's own negligence. An incomplete must be made up during the next semester the student is in residence unless the department involved is not able to allow the make-up. In the latter case, the department will notify the student and the Department of Registration and Records when the incomplete must be made up. Any incomplete not removed during either the period specified by the department or the next semester in residence will automatically become a failure and will be recorded as "FI."

c. A grade of "FA" is recorded for an unexcused absence from a final examination. If an absence from the examination is excused, a grade of "AB" is recorded, and the student must arrange to take the examination during the next semester he is in residence, or the final grade becomes "FA."

d. A grade of "LA" will become an "F" if not cleared by the end of the next semester or summer session in residence.

e. A grade of "FD" is posted if a student has unofficially dropped a course for which he has been scheduled, or if he has officially dropped it with a failure. A failure may be made up only by repeating the subject. Such a repeat course must be regularly scheduled on the student's class schedule.

## **V. Faculty Benefits**

### **A. Salary**

A faculty member's salary is determined by recommendations of his Department Head, his Dean, and the Office of the Provost.

The Office of the Provost has requested (March 31, 1970) that Deans and Department Heads comply with the following recommendation of the Faculty Senate:

"We recommend the Provost establish and enforce the procedure that when a faculty member is not promoted after a reasonable time or given a merit salary raise, the Department Head will verbally explain the reasons for such action and upon written request from the faculty member, he will be given, in writing, the reasons he was not promoted and/or recommended for a merit salary increase."

### **B. Leave**

#### **1. ANNUAL LEAVE**

a. Faculty members on nine-month's appointment do not earn annual leave. They are entitled to certain official holidays, as outlined by the Chancellor in the Blue Bulletin.

b. The following regulations govern the vacation privileges of academic personnel employed on a 12-months basis:

- (1) One calendar month is allowable for vacation annually.
- (2) When vacation is taken in two or more installments, a total of twenty-three (23) working days is allowable.
- (3) No "accumulated leave" on December 31 will be allowed for vacation in the succeeding years.
- (4) Employees will take their vacations at times agreeable to their department heads.
- (5) No terminal leave pay is allowable. Under no circumstances, therefore, will any employee be retained on the payroll after his last day of work.

The above provisions apply to "academic personnel" not subject to the Personnel Act. The provisions do not apply to 12-months non-academic personnel who are not subject to the Personnel Act. Deans will interpret applicability in accordance with current and previous treatment of each position.

#### **2. SICK LEAVE**

All twelve-month appointees in the University, both EPA and SPA, are governed by State regulations on sick leave. These regulations allow the accumulation of ten days sick leave per year. Records should be kept. University policy does not fix a sick leave allowance for nine-month faculty. In their case it is left to the department head to arrange schedules and make decisions delegating work load while a faculty member is ill. Dependent upon circumstances, it may be necessary to place the faculty member on official leave of absence.

### **3. LEAVE OF ABSENCE (LEAVE WITHOUT PAY)**

Any leave of absence must have appropriate administrative approval initiated by the department head. Instructors are not eligible for leave of absence.

### **C. OFF-CAMPUS SCHOLARLY WORK**

It is the policy of this institution to encourage faculty to keep up to date in their special fields of scholarly interest in order that they maintain high competence as teachers. The institution recognizes that it would be a wise investment to encourage each faculty member to leave the campus about once every seven years for a period of from three months to a year to gain a better perspective of his area of scholarly interest and to improve the faculty member's perspective of his responsibilities to his students on campus.

It has proven difficult to get sufficient funds for a fully supported sabbatical leave program. But there are possibilities which, although not completely filling the need, may be suggested to faculty members by deans of the various schools:

1. The availability of faculty fellowships from the government and private foundations—during the school year and during the summer. Information regarding faculty fellowships is available in the D. H. Hill Library.

2. Whenever it is practical from the standpoint of the departmental teaching load and other responsibilities, a Department Head with approval of the Dean of the School may assign a faculty member to "off-campus duty" for a semester (a member assigned for an academic year would be placed on half-salary), permitting him to engage in scholarly work and refreshment. In each case the Department Head and Dean must approve the assignment, report it to the Provost for record, and require a succinct report at the end of the assignment period. Under this type of arrangement no earnings for services may be received from any other source.

### **D. INSURANCE**

For complete information on the subject of this and the following section (E), see the booklet "Group Insurance and Retirement Plans," available at the Payroll Office, Holladay Hall, or the Personnel Office, Primrose Hall.

#### **GROUP INSURANCE**

- a. Group Life Insurance is underwritten by the Prudential Insurance Company of America. This insurance remains in force for 31 days after the retirement date. During this 30-day period, a member of the Group may change his insurance, without medical examination, to one of a number of policies issued by Prudential. Such conversion, however, will necessitate some increase in premium. Group Life Insurance on dependents also will be continued for 30 days after the retirement date. Also during this period, the insurance on a spouse's life may be converted to one of a number of Prudential individual life insurance policies without a medical examination.
- b. Group Hospitalization Insurance is underwritten by Hospital Savings Association. Upon an employee's retirement, coverage will extend automatically only through the period covered by the last premium paid. However, during an additional 20-day period, the retired employee may convert his insurance to an individual policy without interrupting coverage, but will have to pay non-group rates.
- c. Disability Income Insurance (a salary continuation plan) is underwritten by Pilot Life Insurance Company.
- d. A high-level accidental death and dismemberment policy and a tax deferred annuity program is available.

### **E. RETIREMENT**

#### **1. RETIREMENT INCOME**

- a. Retirement Income from the Teachers' and State Employees' Retirement System: A retiring employee should fill out an Application for Service



Retirement Form No. 6 at least 30 and not more than 90 days prior to the retirement date and present it to the Teachers' and State Employee's Retirement System Office in Raleigh.

- b. An election of optional allowance for retirement purposes may be made upon attainment of age 60 without establishment of a date of retirement. Such election may be revoked or changed by the individual at any time until first payment of any benefit becomes normally due at retirement or first retirement check has been cashed.

Such election of an option will become effective 30 days after execution and filing thereof with the Retirement System and any member dying in service after his optional election has become effective shall be presumed to have retired on the first day of the month following the date of death. This means that the surviving beneficiary would receive an allowance, as specified in the option, as though the individual had in actuality retired from service. Should a person die while in active service without having made an election of optional allowance, his beneficiary would receive only the contributions made by the member plus accumulated interest.

## **2. SOCIAL SECURITY BENEFITS**

At least 30 days prior to the retirement date, each employee should contact the District Office of the Social Security Administration (1122 Hillsboro Street—for local employees). At the initial visit to this office, each retiring employee should present his Social Security Number, documentary evidence of date of birth, and copy of the latest W-2 Form.

## **F. ANNUITY PLAN**

A tax-deferred annuity plan is available to members of the faculty. For details see "Group Insurance and Retirement Plans," available at the Payroll Office, Holladay Hall.

## **G. STATE EMPLOYEES CREDIT UNION**

Membership in the State Employees Credit Union is available to members of the faculty, and cooperation with the Credit Union is maintained by the Payroll Office of the University. Offices of the Credit Union are at 119 N. Salisbury Street in Raleigh. Literature on the services of the Credit Union is available at the Payroll Office.

## **H. PATENTS AND INVENTIONS**

The following policy was adopted by the Board of Trustees, University of North Carolina, in 1970:

### **1. CONTRACT WITH RESEARCH CORPORATION**

The administration of the University is authorized to enter into a contract with Research Corporation, and with any other patent disclosure and research corporation or firm as may be recommended by the all-University Patent Committee and approved by the President of the University, which will permit each of the six institutions to refer to those corporations inventions of the University staff members, with the agreement that such corporations or firms, upon accepting the assignment of the invention, assume responsibility for filing and prosecuting the application for patent and for licensing and administering the patents.

### **2. FACULTY PATENT COMMITTEES**

The Chancellor of each institution shall appoint a Faculty Patent Committee, consisting of no less than three and no more than seven members, one of whom shall be designated by the Chancellor to serve as chairman. In each case, the committee membership shall include a representative from the Business Office of the institution.

The chairmen of the six committees, or their delegates, shall meet as an all-University Committee to assure uniform adherence to the Trustees' patent policies and procedures as prescribed in this resolution. The meetings of the Committee shall be at the call of the Vice President for Administration of the University and he shall serve as its chairman.

### **3. PROCEDURE**

When a member of the University staff has made an invention or discovery as a result of work done on University time or utilizing University facilities or materials it shall be his responsibility to discuss this discovery or invention with the head of his department at which time the possibility or desirability of exploring patent opportunities will be considered. If it is a matter which it appears should be considered for purposes of patenting, the Department Head will transmit through the Director of Research or Dean of his School to the Business Manager a request that the matter be considered by the Faculty Patent Committee. The faculty committee will review all pertinent facts presented and may wish to obtain advice from the Research Corporation, or other firm or corporation approved as provided for in Section I hereof, relative to the patent possibility of the discovery or invention concerned. If in the opinion of the faculty committee and/or the Research Corporation, or other firm or corporation approved as provided for in Section I hereof, the discovery or invention is not one in which the university has an interest it may be returned to the inventor who is then free to dispose of it as he sees fit. If in the opinion of the faculty committee and the Research Corporation, or other firm or corporation approved as provided for in Section I hereof, the invention is one in which the University has a definite interest and which in their judgment merits application for patent, the inventor will be requested to make an assignment of the invention to the Research Corporation, or other firm or corporation approved as provided for in Section I hereof, which will in turn take the responsibility of preparing and filing an application for prosecuting this patent until issued. The administration and licensing of the patent when granted will also be handled by the Research Corporation, or other firm or corporation approved as provided for in Section I hereof, under the provision outlined herein.

If the Faculty Patent Committee fails to take action on a proposal for patent application submitted by the above procedure within a period of six months after receiving such a proposal, including all the information needed by the Committee for taking such action, the inventor shall be free to dispose of the proposal as he sees fit.

### **4. GOVERNMENT SPONSORED PROJECTS—SPECIAL PROVISIONS**

Patents arising in the course of Government-sponsored contracts are controlled by the terms of those contracts. Usually the Government will receive a royalty-free, irrevocable, non-exclusive license on such patents. Staff members conducting research on such contracts will be expected to execute such waivers or agreements as will permit the University to comply with its obligations to the Government.

### **5. PROVISIONS WITH REFERENCE TO GRADUATE STUDENTS OR ASSISTANTS**

The same obligations relative to patent assignments on inventions whose development involves the use of University time or facilities shall apply to graduate students, or assistant, as apply to regular full time staff members.

### **6. COPYRIGHTS**

As a general rule, all rights to copyrightable material shall be reserved by the author. The distribution of royalties, if any, is a matter of arrangement between the author and his publishers or licensees. Exception to this rule may be made in case of specific contracts providing for an exception in cases where the University may employ personnel for the purpose of producing a specific work.

## **7. USE OF INCOME FROM PATENTS**

The inventor shall receive a proportion of the gross royalties derived from licensing of a patent to be determined by agreement and specified in the agreement assigning the patent application to the Research Corporation, or other firm or corporation approved as provided for in Section I hereof. Ordinarily this will be approximately 15 percent of the gross royalties.

Income accruing to the institution from the licensing of patents shall be placed in a special research fund and shall be expended to support research (generally in the major divisions of the institutions responsible for the inventions yielding the income) subject to the recommendations of the Chancellor and the President and with the final approval of the Executive Committee of the Board of Trustees.

## **8. INVENTIONS MADE ON PERSONAL TIME AND WITHOUT USE OF UNIVERSITY FACILITIES**

As a general rule, the University makes no claim to rights with respect to inventions or discoveries made by its staff members entirely on their personal time or not involving the use of University facilities or materials. However, when a member of the University staff has made an invention or discovery on his own time or without the use of University facilities or materials, it shall be his responsibility to clear his rights to the invention or discovery through the Head of his Department, the Director of Research, or Dean of his School, with the Faculty Patent Committee and the Research Council.

If the inventor so desires, inventions or discoveries made on a staff member's personal time and utilizing his own facilities and materials, may be assigned to the Research Corporation, or other firm or corporation approved as provided for in Section I hereof, for administration on behalf of the University. Under this arrangement, the procedures will be the same as described in Section III herein, pertaining to inventions or discoveries made by a member of the University staff on University time with the use of University facilities and materials.

## **9. INVENTIONS MADE BY PERSONNEL NOT ASSOCIATED WITH THE UNIVERSITY**

Persons not associated with the University may come to the University with a patentable item which may be to the benefit of the public but which needs further development and refinement before its advantages may be fully realized. Where such inventions fit into the research program of the institution and where personnel of the institution, upon administrative approval, become associated with its continued development, they may be assigned to the Research Corporation, or other firm or corporation approved as provided for in Section I hereof. The procedure will be the same as for work done by staff and on University time; however, the division of royalties shall be in accordance with an agreement made with the original inventor at the time of assignments.

# PURCHASING MANUAL



State of North Carolina  
**PURCHASE AND CONTRACT DIVISION**  
DEPARTMENT OF ADMINISTRATION  
Raleigh

REVISED  
1964

## PART I

### INTRODUCTION

This manual is intended to serve a useful purpose to all persons associated with purchasing equipment, materials, supplies and services for State agencies and for the State's city and county public school systems. It identifies and establishes the basis for all delegation of authority and the rules and procedures to be followed in the purchase of equipment, supplies, materials and services. Additions, modifications or revisions to any portion of this material will be issued from time to time as may be necessary or desirable.

The field of purchasing has made significant moves on several fronts since the manual was first written in 1960.

The growth of value analysis has been spectacular both in concept and in application. Many large and small corporations now employ staffs of value analysts or value engineers. The Purchase and Contract Division subscribes strongly to this approach to purchasing, wherein the function and the cost of an article are related to each other to ascertain maximum value.

Competitiveness in bidding in many commodity areas has been improved. This generally provides lower prices and is the result of continuing, combined efforts of several professional purchasing organizations and antitrust legal divisions.

Purchasing is finding it must play an increasingly large role in reducing costs of operation and keeping them to an efficient minimum. Industry sees purchasing as the untapped profit center; government expects better quality, less waste and lower prices. These objectives are attainable. Their realization requires not only more skillful buying but more effective management of equipment, materials and supplies.

The impact of data processing and other automated procedures has accelerated the trend toward more centralization of purchasing. Recently developed techniques such as the Critical Path Method (CPM) and Program Evaluation Review Technique (PERT) are affording new tools for more accurately planning, scheduling and controlling work.



Some years ago one of the elder statesmen of public purchasing endeavored to summarize good procurement in terms of six "cornerstones." They are important to remember.

- Simplification: reducing the number of items designed to perform the same or similar function;
- Specification: reducing to writing clear, precise and concise description of the commodity;
- Standardization: insuring universal use of the specification once adopted;
- Competition: any method by which a broad list of responsible suppliers is encouraged to compete for the business;
- Inspection: the procedures and methods used to insure that we receive what we have specified and paid for;
- Utilization: the methods and procedures for insuring that what has been purchased is used to the ultimate.

The manual attempts to explain the State's purchasing program as it has developed up to this time from its creation by the General Assembly in 1931. It also outlines necessary policies and procedures for carrying out this program.

The value of centralized purchasing to the economic structure of business has proven itself to the degree of its now having become a confirmed practice. Many state governments had entered into such a program prior to North Carolina's first venture; two or three states, however, even as yet have not established this type of purchasing to any appreciable degree. Virtually all large cities and many counties now conduct their business under centralized purchasing. Private industry, of course, has developed this approach to its highest degree. Under the General Services Administration the Federal Supply Service operates the largest in size of all central purchasing activities.

The basic motive of centralized purchasing is rather obviously to attain price advantage through volume buying. This is purely an economic consideration. Upon this foundation are constructed a number of other advantages, the sum of which may equal the importance of simple monetary savings. Three basic problems associated with any type of purchasing ...simplification, standardization and value analysis...all of which relate to the general field of specifications, can be best accomplished by a centralized approach. In some respects these problems are of more concern to industrial than to governmental purchasing.

Reduction of administrative expense is another prime objective of centralized purchasing. This is attained by concentrating the purchasing effort into a single operation to eliminate much duplication of time and effort which would otherwise be scattered among numerous agencies and individuals, each engaged in similar endeavors with greatly varying degrees of efficiency and with varying policies and practices.

A centralized purchasing department must serve as a clearing house for information on commodity market conditions. This information permits purchases to be made at optimum advantage to the user, whether before, during or after indicated price fluctuations, shortages or other market abnormalities.

The practice of intelligent buying is both an art and a science. And emphasis on its importance in the conduct of modern-day business is so great that basic principles and procedures have become almost universally accepted. In public purchasing some of these are often incorporated into statutory procedures. Time and experience have proven that adherence to these principles is requisite to success, even when departure might seem to afford a temporary price advantage. A successful purchasing activity must protect these basic precepts at all times and in every aspect of its work.

It seems desirable to consider here definitions of certain factors which are basic in making a purchasing decision. Briefly, these are:

- A. QUALITY: possessing the characteristics necessary to the function required; capability of the article to perform as needed.

In relation to purchasing, the term quality has a specialized meaning. It does not connote the usual ideas of "poor," "good," or "best." Rather, it means suitability of a product for its intended use. In this sense over specifying or buying quality in excess of that required can constitute waste of money just as under specifying and buying quality less than is needed.

- B. PRICE: total net cost of acquiring and using the article purchased.

Price is determined by a combination of factors; including base cost, transportation and handling

charges, cash or other purchase discounts, ability of supplier to furnish the quality required at the time needed, maintenance and other costs of using the product, scrap or resale value. Normally, the best price can be obtained by stipulating conditions to eliminate as many variable factors as possible. It is fundamental that as many qualified suppliers as is feasible be given full and equal opportunity to complete in offering the best price.

- C. SPECIFICATION: method of designating a requirement or product wanted or needed; may include terms and conditions of purchase.

As a rule, in public purchasing equipment, materials and supplies are not manufactured to the purchaser's own design or formulation. Therefore, the term purchase description is sometimes used instead of specification. A purchase description may be one or a combination of several types:

- (1) Performance, wherein function and use of the product needed are the basic definitions.
- (2) Design, wherein particular characteristics of the product and their arrangement are the basic definitions.
- (3) Approved Products List, wherein actual products have been tested or examined and approved prior to seeking prices.
- (4) Questionnaire, wherein the purchaser prepares a product information sheet which accompanies the request for prices and which each bidder must complete and return as a part of his proposal. The purchaser confirms this data, if necessary, then uses it as an element of competition in evaluating proposals.
- (5) Samples, wherein the purchaser requires suppliers to furnish representative samples of products offered for his comparison and evaluation in determining successful bidder.
- (6) "Or Equal", wherein one or more suppliers' exact products or typical workmanship is designated as the level of quality desired, and purchaser reserves right to approve any other as equal or acceptable.

The above types are listed in their order of preferred usage. Performance type specifications can most accurately relate the function and cost of a product. Questionnaires and samples often are used advantageously to supplement the other types.

It is most important that purchase descriptions be as non-restrictive as possible to permit the maximum amount of competition on products of suitable quality. Further, it is essential to remember at all times that specifications are intended to assist the purchaser in obtaining the best value, and that it is not intended that details or technicalities should prevent him from doing so.

- D. QUANTITY: requisitioning, purchasing and ordering the amount of a given product which will provide the lowest acquisition price consistent with cost of storing and handling it for normal usage.

The sense of this rather lengthy definition has been summed up in a phrase "economic order quantity." Application of this principle is vital to a well rounded purchasing program. Equipment, materials and supplies represent money, and managing them is equivalent to managing money. Items which are idle, lost or obsolete, which are unused or unusable, all represent money wasted.



## PART II

### LEGAL ASPECTS OF STATE PURCHASING, INCLUDING GENERAL STATUTES

Recognizing the strong trend of business toward centralizing its purchasing functions, the North Carolina General Assembly in 1931 made into law "An Act to Create in the Governor's Office a Division of Purchase and Contract and to Prescribe the Powers and Duties thereof" (P.L. 1931, Chapter 261). It is highly probable that the serious economic depression of that time gave impetus to the passage of this act.

To the everlasting credit of that General Assembly, the Brookings Institute, a private economic research organization, was retained to frame the language of the statute. The law thus provided for the conduct of the State's purchasing affairs in accordance with the best established business practices, and the merits of this statute through the years have been recognized by its use as a model for similar laws since passed by other State legislatures.

In 1957, the General Assembly incorporated the Division of Purchase and Contract into the newly created Department of Administration (P.L. 1957, Chapter 269) (G.S. 143-48 to 64, incl.). No significant changes were made in the intent of the 1931 Act.

The basic statute is quoted below:

#### GENERAL STATUTES OF NORTH CAROLINA

##### Chapter 143 - Sections 48 to 64

143-48. Purchase and Contract Division created. There is hereby created in the Department of Administration a division to be known as the Purchase and Contract Division. (1931, c. 261, s. 1; 1931, c. 396; 1957, c. 269, s. 3.)

143-49. Powers and duties of Director. The Director of Administration shall have power and authority, and it shall be his duty, subject to the provisions of this article:



(1) To canvass all sources of supply, and to contract for the purchase of all supplies, materials and equipment required by the State government, or any of its departments, institutions or agencies under competitive bidding in the manner hereinafter provided for.

(2) To establish and enforce standard specifications which shall apply to all supplies, materials and equipment, purchased or to be purchased for the use of the State government for any of its departments, institutions or agencies; there shall be included in the contract for the printing of the Session Laws of the General Assembly such specifications as to the time limit within which, or the speed with which, such Session Laws are to be printed as to insure the speediest publication practicable so as to make possible an early distribution of the Session Laws after the adjournment of the General Assembly.

(3) To purchase or contract for all telephones, telegraph, electric light power, postal and any and all other contractual services and needs of the State government, or any of its departments, institutions, or agencies; or in lieu of such purchase or contract to authorize any department, institution or agency to purchase or contract for any or all such services.

(4) To have general supervision of all storerooms and stores operated by the State government, or any of its departments, institutions or agencies; to provide for transfer and/or exchange to or between all State departments, institutions and agencies, or to sell all supplies, materials and equipment which are surplus, obsolete or unused; and to have supervision of inventories of all fixed property and movable equipment, supplies and materials belonging to the State government, or any of its departments, institutions or agencies; the duties imposed by this subsection shall not relieve any department, institution or agency of the State government from accountability for equipment, materials or supplies under its control.

(5) To make provision for and to contract for all State printing, including all printing, binding, paper stock and supplies or materials in connection with the same.

(6) To permit charitable, nonprofit corporations operating charitable hospitals, under such rules, regulations and procedures as the Advisory Budget Commission shall adopt, to purchase hospital supplies and equipment under contracts negotiated and entered into by the Department of Administration for the purchase of hospital supplies and equipment for State sanatoria, hospitals and other medical institutions operated by the State or agencies of the State. (1931, c. 261, s. 2; 1951, c. 3, s. 1; 1951, c. 1127, s. 1; 1957, c. 269, s. 3; 1961, c. 310, s. 1)

143-50. Certain contractual powers exercised by other departments transferred to Director. All rights, powers, duties and authority relating to State printing, or to the purchase of supplies, materials and equipment now imposed upon and exercised by any State department, institution, or agency under the several statutes relating thereto, are hereby transferred to the Director of Administration and all said rights, powers, duty and authority are hereby imposed upon and shall hereafter be exercised by the Director of Administration under the provisions of this article. (1931, c. 261, s. 3; 1957, c. 269, s. 3.)

143-51. Reports to Director required of all agencies as to needs. It shall be the duty of all departments, institutions, or agencies of the State government to furnish to the Director of Administration when requested, and on blanks to be approved by him, tabulated estimates of all supplies, materials and equipment needed and required by such departments, institution or agency for such periods in advance as may be designated by the Director of Administration. (1931, c. 261, s. 4; 1957, c. 269, s. 3.)

143-52. Consolidation of estimates by Director; bids, awarding of contract; rules and regulations. The Director of Administration shall compile and consolidate all such estimates of supplies, materials and equipment needed and required by all State departments, institutions and agencies to determine the total requirements for any given commodity. If the total requirements of any given commodity will involve an expenditure in excess of two thousand dollars, sealed bids shall be solicited by advertisement in a newspaper of State-wide circulation at least once and at least ten days prior to the date fixed for opening of the bids and awarding of the contract: Provided, other methods of advertisement may be adopted by the Director of Administration, with the approval of the Advisory Budget Commission, when such other method is deemed more advantageous for the particular item to be purchased. Regardless of the amount of the expenditure, it shall be the duty of the Director of Administration to solicit bids direct by mail from reputable sources of supply. Except as otherwise provided for in this article, all contracts for the purchase of supplies, materials or equipment made under the provisions of this article shall wherever possible be based on competitive bids and shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles to be supplied, their conformity with the standard specifications which have been

established and prescribed, the purpose for which said articles are required, the discount allowed for prompt payment, the transportation charges, and the date or dates of delivery specified in the bid. Competitive bids on such contracts shall be received in accordance with rules and regulations to be adopted by the Director of Administration with the approval of the Advisory Budget Commission, which rules and regulations shall prescribe among other things the manner, time and place for proper advertisement for such bids, indicating the time and place when such bids will be received, the articles for which such bids are to be submitted and the standard specifications prescribed for such articles, the amount or number of the articles desired and for which the bids are to be made and the amount, if any, of bonds or certified checks to accompany the bids. Any and all bids received may be rejected. Each and every bid conforming to the terms of the advertisement herein provided for, together with the name of the bidder, shall be entered on the records, and all such records with the name of the successful bidder indicated thereon shall, after the award or letting of the contract, be open to public inspection. Bids shall be opened in public. A bond for the faithful performance of any contract may be required of the successful bidder in the discretion of the Director of Administration. After the contracts have been awarded, the Director of Administration shall certify to the several departments, institutions and agencies of the State government the sources of supply and the contract price of the various supplies, materials and equipment so contracted for.

The Advisory Budget Commission shall have the necessary authority to adopt rules and regulations governing the following:

(a) Designating a board of award, composed of members of the Budget Commission, or other regular employees of the State or its institutions (who shall serve without added compensation), to act with the Director in canvassing bids and awarding contracts.

(b) Fixing a quorum of the board of award and prescribing the routine and conditions to be followed in canvassing bids and awarding contracts.

(c) Prescribing routine for securing bids and awarding contracts on items that do not exceed \$2,000 in value.

(d) Prescribing items and quantities to be purchased locally.

(e) Providing that where bids are unsatisfactory the Division, with the approval and consent of the Budget Commission, may reject all bids and purchase the article in the open market, but only at a lower price.



(f) Prescribing procedure to encourage the purchase of North Carolina farm products, and products of North Carolina manufacturing enterprises.

(g) Adopting any other rules and regulations necessary to carry out the purpose of this article. (1931, c. 261, s. 5; 1933, c. 441, s. 1; 1957, c. 269, s. 3.)

143-52.1. The Director of Administration shall require bidders to certify that each bid is submitted competitively and without collusion. False certification shall be punishable as in cases of perjury. (1961, c. 963, s. 1.)

143-53. Requisitioning for supplies by agencies; must purchase through sources certified. After sources of supply have been established by contract under competitive bidding and certified by the Director of Administration to the said departments, institutions and agencies as herein provided for, it shall be the duty of all departments, institutions and agencies to make requisition on blanks to be approved by the Director of Administration, for all supplies, materials and equipment required by them upon the sources of supply so certified, and, except as herein otherwise provided for, it shall be unlawful for them, or any of them, to purchase any supplies, materials or equipment from other sources than those certified by the Director of Administration. One copy of such requisition shall be sent to the Director of Administration when the requisition is issued. (1931, c. 261, s. 6; 1957, c. 269, s. 3.)

143-54. Certain purchases excepted from provisions of article. Unless otherwise ordered by the Director of Administration, with the approval of the Advisory Budget Commission, the purchase of supplies, materials and equipment through the Director of Administration shall not be mandatory in the following cases:

(1) Technical instruments and supplies and technical books and other printed matter on technical subjects; also manuscripts, maps, books, pamphlets and periodicals for the use of the State Library or any other library in the State supported in whole or in part by State funds.

(2) Perishable articles and such as fresh vegetables, fresh fish, fresh meat, eggs and milk: Provided, that no other article shall be considered perishable within the meaning of this clause, unless so classified by the Director of Administration with the approval of the Advisory Budget Commission

All purchases of the above articles made directly by the departments, institutions and agencies of the State government shall wherever possible be based on at least three competitive bids. Whenever an order or contract for such articles is awarded by any of the departments, institutions and agencies of the State government a copy of such order or contract, together with a record of the competitive bids upon which it was based, shall be forwarded to the Director of Administration. (1931, c. 261, s. 7; 1957, c. 269, s. 3.)

143-55. Purchase of articles in certain emergencies. In case of any emergency arising from any unforeseen causes, including delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, the Director of Administration shall have power to purchase in the open market any necessary supplies, materials or equipment for immediate delivery to any department, institution or agency of the State government. A report on the circumstances of such emergency and his transactions thereunder shall be transmitted in writing by the Director of Administration to the Advisory Budget Commission at its next meeting and shall be entered in the minutes of the Commission. (1931, c. 261, s. 8; 1957, c. 269, s. 3.)

143-56. Contracts contrary to provisions of article made void. Whenever any department, institution or agency of the State government, required by this article and the rules and regulations adopted pursuant thereto applying to the purchase of supplies, materials, or equipment through the Director of Administration shall contract for the purchase of such supplies, materials or equipment contrary to the provisions of this article or the rules and regulations made hereunder, such contract shall be void and of no effect. If any such department, institution or agency purchases any supplies, materials or equipment contrary to the provisions of this article or the rules and regulations made hereunder, the executive officer of such department, institution or agency shall be personally liable for the costs thereof, and if such supplies, materials or equipment are so unlawfully purchased and paid for out of State moneys, the amount thereof may be recovered in the name of the State in an appropriate action instituted therefor. (1931, c. 261, s. 9; 1957, c. 269, s. 3.)

143-57. Preference given to North Carolina products and articles manufactured by State agencies; sales tax considered. The Director of Administration shall in the purchase of and/or in the contracting for supplies, materials, equipment, and/or printing give preference as far as may be practicable to materials, supplies, equipment and/or printing manufactured or produced in North Carolina: Provided, however, that in giving such preference no sacrifice or loss in price or quality shall be permitted; and, Provided further,



that preference in all cases shall be given to surplus products or articles produced and manufactured by other State departments, institutions, or agencies which are available for distribution: Provided further, that in canvassing and comparing bids there shall be taken into consideration any sales tax or excise tax that will accrue to the State of North Carolina which is levied now or hereafter may be levied and in no case shall a bidder subject to such tax suffer in comparison with bids from those to whom such tax would not apply. (1931, c. 261, s. 10; 1933, c. 441, s. 2; 1957, c. 269, s. 3.)

143-58. Department of Administration directed to give preference to home products. The Department of Administration or any State agency or institution which is authorized to purchase foodstuff and other supplies for State institutions, is hereby directed in all cases where the prices, products, or other supplies are available and equal, the said purchasing agency or institution shall in all such cases, contract with and purchase from the citizens of North Carolina and as far as is reasonable and practical, taking into consideration price and quality, shall purchase and use and give preference to all of such products and supplies as are grown or produced within the State of North Carolina. (1933, c. 168; 1957, c. 269, s. 3.)

143-59. Rules and regulations covering certain purposes. The Director of Administration, with the approval of the Advisory Budget Commission, may adopt, modify, or abrogate rules and regulations covering the following purposes, in addition to those authorized elsewhere in this article:

(1) Requiring monthly reports by State departments, institutions or agencies of stocks of supplies and materials and equipment on hand and prescribing the form of such reports.

(2) Prescribing the manner in which supplies, materials and equipment shall be delivered, stored and distributed.

(3) Prescribing the manner of inspecting deliveries of supplies, materials and equipment and making chemical and/or physical tests of samples submitted with bids and samples of deliveries to determine whether deliveries have been made to the departments, institutions or agencies in compliance with specifications.

(4) Prescribing the manner in which purchases shall be made by the Director of Administration in all emergencies as defined in Chapter 143-55.

(5) Providing for such other matters as may be necessary to give effect to the foregoing rules and the provisions of this article.

(6) Notwithstanding any of the provisions of this article, the Director of Administration, with the approval of the Advisory Budget Commission, may follow whatever procedure is deemed necessary to enable the State, its institutions and agencies, to take advantage of the sale of any war surplus material sold by the federal government or its disposal agencies. (1931, c. 261, s. 11; 1945, c. 145; 1957, c. 269, s. 3.)

143-60. Standardization Committee. It shall be the duty of the Governor to appoint a Standardization Committee to consist of seven members as follows: The Director of Administration, who shall be chairman of said Committee; an engineer from the State Highway Commission to be appointed by the Governor upon the recommendation of the chairman of the State Highway Commission; a representative of the State educational institutions to be appointed by the Governor, a representative of the State departments to be appointed by the Governor, a representative of the State charitable and correctional institutions to be appointed by the Governor, and two members of the Advisory Budget Commission to be designated by the Governor. Four members of said Committee shall constitute a quorum for the transaction of business, or the performance of any duties imposed upon the Committee by this article. The Committee shall meet at such time, or times, as it shall by rule or regulation prescribe, but it may meet at other times at the call of the chairman. The Committee shall keep official minutes and such minutes shall be open to public inspection. It shall be the duty of the Standardization Committee to formulate, adopt, establish and/or modify standard specifications applying to State contracts. In the formulation, adoption and/or modification of any standard specifications, the Standardization Committee shall seek the advice, assistance and cooperation of any State department, institution or agency to ascertain its precise requirements in any given commodity. Each specification adopted for any commodity shall in so far as possible satisfy the requirements of the majority of the State departments, institutions or agencies which use the same in common. After its adoption each standard specification shall until revised or rescinded apply alike in terms and effect, to every State purchase of the commodity described in such specifications. In the preparation of any standard specifications the Standardization Committee shall have power to make use of any State laboratory for chemical and physical tests in the determination of quality. (1931, c. 261, s. 12; 1957, c. 65, s. 11; c. 269, s. 3.)

143-61. Public printer failing to perform contract; course pursued. If any person who has contracted to do the public printing for the State shall fail to perform his contract according to the terms thereof, the Director of Administration shall procure the public printing to be done by other parties, and the Attorney General shall institute suit in the Superior Court of Wake County in the name of the State to recover of the public printer and his bond any damages for failure to perform the contract. (1899, c. 724; 1901, cc. 280, 401, 667; Rev., s. 5094; C. S., s. 7289; 1931, c. 261, s. 2; 1957, c. 269, s. 3.)

143-62. Law applicable to printing Supreme Court Reports not affected. Nothing in this article shall be construed as amending or repealing § 7-34, relating to the printing of the Supreme Court Reports, or in any way changing or interfering with the method of printing or contracting for the printing of the Supreme Court Reports as provided for in said section. (1931, c. 261, s. 13.)

143-63. Repealed.

143-64. Financial interest of officers in sources of supply; acceptance of bribes. Neither the Director of Administration, nor any assistant of his, nor any member of the Advisory Budget Commission, nor of the Standardization Committee shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of, or contract for, any materials, equipment or supplies, nor in any firm, corporation, partnership or association furnishing any such supplies, materials or equipment to the State government, or any of its departments, institutions or agencies, nor shall such Director, assistant, or member of the Commission or Committee accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded, by rebate, gifts or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. Any violation of this section shall be deemed a felony and shall be punishable by fine or imprisonment, or both. Upon conviction thereof, any such Director, assistant or member of the Commission or Committee shall be removed from office. (1931, c. 261, s. 15; 1957, c. 269, s. 3.)



STATE AGENCY FOR SURPLUS PROPERTY

143-64.1. Department of Administration designated State agency for surplus property. The Department of Administration is hereby designated as the State agency for surplus property, and with respect to the acquisition of surplus property said agency shall be subject to the supervision and direction of the Director of Administration who is authorized to prescribe the duties which shall be assigned to the personnel of said Department for surplus property purposes. (1953, c. 1262, s. 1; 1957, c. 269, s. 3.)

143-64.2. Authority and duties of the State agency for surplus property.

(a) The State agency for surplus property is hereby authorized and empowered (1) to acquire from the United States of America such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for educational purposes or public health purposes, including research; (2) to warehouse such property; and (3) to distribute such property to tax supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the State, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the United States Internal Revenue Code, within the State.

(b) For the purpose of executing its authority under this article, the State agency for surplus property is authorized and empowered to adopt, amend, or rescind such rules and regulations as may be deemed necessary; and take such other action as is deemed necessary and suitable in the administration of this article, including the enactment and promulgation of such rules and regulations as may be necessary to bring this article and its administration into conformity with any federal statutes or rules and regulations promulgated under federal statutes for the acquisition and disposition of surplus property.

(c) The State agency for surplus property herein designated is authorized and empowered to appoint such advisory boards or committees as may be necessary to the end that this article, and the rules and regulations promulgated hereunder, may conform with federal statutes and rules and regulations promulgated under federal statutes for the acquisition and disposition of surplus property.

(d) The State agency for surplus property is authorized and empowered to take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the State, require such reports and make such investigations as may be required by law or regulation of the United States of America in connection with the receipt, warehousing, and distribution of property received by the State agency for surplus property from the United States of America.

(e) The State agency for surplus property is authorized and empowered to act as clearing house of information for the public and private non-profit institutions and agencies referred to in subsection (a) of this section, to locate property available for acquisition from the United States of America, to ascertain the terms and conditions under which such property may be obtained, to receive requests from the above mentioned institutions and agencies and to transmit to them all available information in reference to such property, and to aid and assist such institutions and agencies in every way possible in the consummation or acquisition or transactions hereunder.

(f) The State agency for surplus property, in the administration of this article, shall cooperate to the fullest extent consistent with the provisions of this article, with the departments or agencies of the United States of America and shall make such reports in such form and containing such information as the United States of America or any of its departments or agencies may from time to time require, and it shall comply with the laws of the United States of America and the rules and regulations of any of the departments or agencies of the United States of America governing the allocation, transfer, use, or accounting for, property donable or donated to the State. (1953, c. 1262, s. 2.)

143-64.3. Power of Department of Administration and Director to delegate authority. The Department of Administration and/or the Director of said Department may delegate to any employees of the State agency for surplus property such power and authority as he or they deem reasonable and proper for the effective administration of this article. The Department of Administration and/or the Director of said Department may, in his or their discretion, bond any person in the employ of the State agency for surplus property, handling moneys, signing checks, or receiving or distributing property from the United States under authority of this article. (1953, c. 1262, s. 3; 1957, c. 269, s. 3.)



143-64.4. Warehousing, transfer, etc., charges. Any charges made or fees assessed by the State agency for surplus property for the acquisition, warehousing, distribution, or transfer of any property acquired by donation from the United States of America for educational purposes or public health purposes, including research, shall be limited to those reasonably related to the costs of care and handling in respect to its acquisition, receipts, warehousing distribution or transfer by the State agency for surplus property. (1953, c. 1262, s. 4.)

143-64.5. Department of Agriculture exempted from application of article. Notwithstanding any provisions or limitations of this article, the North Carolina Department of Agriculture is authorized and empowered to distribute food, surplus commodities and agricultural products under contracts and agreements with the federal government or any of its departments or agencies, and the North Carolina Department of Agriculture is authorized and empowered to adopt rules and regulations in order to conform with federal requirements and standards for such distribution and also for the proper distribution of such food, commodities and agricultural products. To the extent set forth above and in this section, the provisions of this article shall not apply to the North Carolina Department of Agriculture. (1953, c. 1262, s. 5.)

#### PUBLIC SCHOOLS: PURCHASE OF EQUIPMENT AND SUPPLIES

1955 SESSION LAWS C. 1372, Art. 5, s. 35

115-52. Purchase of equipment and supplies. It shall be the duty of county and city boards of education to purchase all supplies, equipment and materials in accordance with contracts made by or with the approval of the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the county or city board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any county or city administrative unit for purchases unless provision has been made in the budget of such unit to provide payment therefor, or unless surplus funds are on hand to pay for same, and in order to protect the State purchase contracts, it is hereby made the mandatory duty upon the part of the governing authorities of such local units to pay for such purchases promptly in accordance with the terms of the contract of purchase. (1955, c. 1372, art. 5, s. 35.)

115-188. Purchase and maintenance of school buses, materials and supplies.

7. All school buses or service vehicles purchased by or for the account of any county or city board of education, except school buses or service vehicles purchased by such board from another county or city board of education of this State, shall be purchased through the Department of Administration. (1955, c. 1372, art. 21, s. 9.)

ANTI-TRUST ACT: COMBINATION OR CONSPIRACY IN  
RESTRAINT OF TRADE OR COMMERCE.

75-5 (b) (7). Except as may be otherwise provided by Article 10 of Chapter 66, entitled "Fair Trade", while engaged in buying or selling any goods in this State to make, enter into, execute or carry out any contract, obligation or agreement of any kind by which the parties thereto or any two or more of them bind themselves not to sell or dispose of any goods or any article of trade, use or consumption, below a common standard figure, or fixed value, or establish or settle the price of such goods between them, or between themselves and others, at a fixed or graduated figure, so as directly or indirectly to preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale of such goods. (1961, c. 407, s. 1)...; provided, that the provisions of this subsection shall not apply to any act which is done in compliance with the rules and regulations of any State regulatory agency. (1961, c. 407, s. 2.)

It is suggested that unusually careful attention be devoted to understanding these particular sections of the Public Laws:

Chapter 143, Section 49, (1), (2), (4) and (5)...Powers and  
Duties

Chapter 143, Section 52...Bids; Awarding of Contract,  
Rules and Regulations

Chapter 143, Section 53...Requisitioning; Purchase through  
Sources Certified

Chapter 143, Section 56...Contracts (or Purchases) Contrary  
to Law made Void

Chapter 143, Section 57...Preference (Only at No Sacrifice  
or Loss)

Chapter 115, Section 52...Purchase of Equipment and Supplies  
(by Public Schools)

Further, it is most important to note that each power and  
authority conferred by law carries with it an equivalent duty.  
(G. S. 143-49).

## RULINGS OF ATTORNEY GENERAL

The Attorney General has rendered clarifying opinions from time to time pursuant to various questions which have arisen as to the specific meaning of certain language of the above statutes. Excerpts from some of the more significant of these are cited below:

### 1. RELATING TO STOREROOMS AND STORES

Reference: 29 July, 1955, to David Q. Holton  
From: William B. Rodman, Jr., Attorney General  
T. W. Bruton, Assistant Attorney General

"...Under this statute (G.S. 143-49(e)), as the Director of Purchase and Contract it is your duty and you have the power and authority to supervise all storerooms and stores operated by any department, institution or agency of the State. You have authority to provide for the transfer or exchange between State departments, institutions or agencies of supplies, materials and equipment, and to sell all such supplies, materials and equipment which are surplus, obsolete or unused. You are also charged with the duty of maintaining, or seeing that they are maintained, inventories of all fixed property and all moveable equipment, supplies and materials belonging to any department, institution or agency of the State.

"The term 'equipment, supplies and materials' covers a broad field, and, in my opinion, the term used in the statute quoted above is broad enough to include livestock, poultry and all other tangible personal property in the possession of any of the State departments, institutions and agencies."

### 2. RELATING TO QUALITY AND SPECIFICATIONS OF ITEMS REQUISITIONED

Reference: 26 January, 1938, to J. Benton Stacy  
From: A. A. F. Seawell, Attorney General  
Harry McMullan, Assistant Attorney General

"In conference you have submitted to me seven questions...

"1. Does the Division have authority to reject a requisition from a State agency on the grounds that the requisition is for supplies of higher quality than our standard specifications? (see Sec. 2b, Chap. 261, P. L. 1931).



"The section referred to empowers the Department to establish and enforce standard specifications which shall apply to all supplies, materials and equipment purchased or to be purchased for the use of the State Government or any of its departments, institutions, or agencies. You would, therefore, have the right to reject requisition from a State agency upon the grounds that the requisition is for supplies of a higher quality than your standard specifications. This answers your question but does not mean that you would not be authorized, as in your discretion you saw fit, to vary the specifications as to quality in cases found to be proper."

3. RELATING TO FUNDS FROM DONATIONS

Reference: Same as 2., above.

From: A. A. F. Seawell, Attorney General  
Harry McMullan, Assistant Attorney General

"4. Are purchases made from donations to any State agency for either general or specific purposes subject to Chap. 261, P. L. 1931?

"If donations are to the general fund of the agency, the purchases made therefrom are subject to the Act. If the donation is for the specific purpose of purchasing certain articles, the conditions imposed by the donor would control. If a donation is made for an object, but the selection and purchase of the object is not controlled by the terms of the gift, the funds alone being provided to make it, the purchase would be subject to your jurisdiction."

4. RELATING TO EXPENDITURE OF LOCAL FUNDS BY PUBLIC SCHOOL ADMINISTRATIVE UNITS

Reference: 24 September, 1949, to C. M. Williams

From: Harry McMullan, Attorney General  
Ralph Moody, Assistant Attorney General

"You state that you have had a number of requests from school superintendents for advice as to whether or not they are required to purchase all of their requirements as to supplies and equipment through the Division of Purchase and Contract. You state that it appears that in the past, various school units in the State have purchased locally their requirements as to supplies where only local funds are involved, and through the Division of Purchase and Contract where State funds are involved. The State Board of Education, on July 1st, advised the superintendents to purchase their requirements through the Division of Purchase and Contract.



"You inquire if the governing bodies of school administrative units are required to purchase equipment and supplies through the Division of Purchase and Contract when these items will be purchased with local funds.

"I think this is answered by Chapter 115-372 of the General Statutes (Cumulative Supplement of 1947)...

"You will note from the first portion of the above-quoted statute that it is the duty of the school authorities 'to purchase all supplies, equipment and materials in accordance with contracts and/or with the approval of the state Division of Purchase and Contract.' To my mind, this statute is all inclusive since the person who drafted the statute was careful to use the word 'all'; and it was intended that school authorities administering the county and city administrative units should purchase all equipment and supplies, as well as materials, through the Division of Purchase and Contract, irrespective of the source of funds, that is, whether the funds were derived from the State or were purely local funds. In our opinion, the statute is all-embracing as to this operation, and I advise, therefore, that it is the duty of all county boards of education and the governing bodies of city administrative units to purchase all supplies, equipment and materials through the Division of Purchase and Contract, irrespective of the source of funds and that this duty applies equally to local funds as well as State funds."

#### PRECEDING RULING RE-AFFIRMED

Reference: 27 September, 1955, to David Q. Holton  
From: William B. Rodman, Jr., Attorney General  
T. W. Bruton, Assistant Attorney General

16 November, 1956, to David Q. Holton  
From: George B. Patton, Attorney General  
Claude L. Love, Assistant Attorney General

#### 5. RELATING TO PURCHASES FOR COUNTY PUBLIC LIBRARIES

Reference: 16 September, 1954, to David Q. Holton  
From: Harry McMullan, Attorney General

"Receipt is acknowledged of your letter of September 15, in which you state that you have been asked by several county and regional libraries for assistance in the purchase of equipment for their use and that, while it is your desire and intention to discharge the responsibilities assigned to you

by statute, you feel that your Division is not provided with personnel, supplies, etc., necessary for serving the needs of agencies other than those designed by Law...

"I have examined the statutes controlling activities of your office, found in Article 3 of Chapter 143 of the General Statutes and in the School Machinery Law, G. S. 155-372.

"G. S. 143-49 states that the Director of Purchase and Contract shall have power and authority to '(a) canvass all sources of supply and to contract for the purchase of all supplies, materials and equipment required by the State government or any of its departments, institutions or agencies, under competitive bidding, in the manner hereinafter provided for.' There are other provisions in this section which are not related to this question.

"G. S. 115-372 requires all county boards of education and governing bodies of city administrative units to purchase all supplies, equipment and materials in accordance with the contracts or with the approval of your Division...

"County libraries or regional libraries are not departments, institutions or agencies of the State within the meaning of the statute, G. S. 143-49.

"It is, therefore, my opinion that you would have no legal responsibility for purchases made by these libraries of materials and supplies..."

Similarly, the Purchase and Contract Division considers that it has no legal responsibility for the purchase of any other requirements of political subdivisions except those of county and city public school administrative units.

## PART III

### ORGANIZATION OF THE PURCHASE AND CONTRACT DIVISION

The Purchase and Contract Division is one of several divisions of the State Department of Administration. At the present time other divisions are Budget, including Accounting and Disbursing Sections; Data Processing; Property Control and Construction; and General Services, including the Central Motor Pool. The responsibilities of all of these Division are related in varying ways, and under the Director of the Department their functions can be correlated into a comprehensive approach and program.

In a general sense, the Purchase and Contract Division is organized into sections according to types of agencies served. There are some assignments on a commodity or specialized basis but these are always subject to functional re-alignments.

Each group of related functions is headed by a supervisor as indicated by the organization chart shown on Page 25A. Authority for action, however, is vested equally in all personnel serving as purchasing agents.

The governing body as to policy and ultimate decision is the Advisory Budget Commission. It sets forth rules and regulations necessary to the operation of the Division. As prescribed by G. S. 143-52, the Commission designates a Board of Award which may consist of various personnel. The practice of the Commission, however, has always been that its own membership serve as the Board of Award, together with auxiliary members as may be designated by the Commission to insure a necessary quorum. The Board of Award reviews bids and approves the award of contracts.

As defined in the Executive Budget Act, the Advisory Budget Commission, and thus the formal Board of Award, consists of the following six persons:

#### LEGISLATIVE MEMBERS

Chairman, Appropriations Committee, Senate (Current)

Chairman, Appropriations Committee, House (Current)

Chairman, Finance Committee, Senate (Current)

Chairman, Finance Committee, House (Current)

#### PUBLIC MEMBERS

Two, at large, appointed by the Governor

By nature of this membership, the Board of Award is subject to change at each convening of the Legislature, since four of its members are determined by committee chairmanships. It is entirely logical and desirable that the Board for overseeing the State's purchasing policies and for reviewing such expenditures be composed of those same persons who are largely responsible for preparing the State's budget and guiding it through legislative channels.

As already mentioned, the Purchase and Contract Division is organized primarily along horizontal lines in terms of responsibilities, vertically in terms of functions. Agencies should direct their requisitions and address their inquiries to the section devoted to handling the requirements of that particular type of agency. For example, hospitals and colleges will depend upon the institutional section to answer their needs, even though after reaching the Division there may be some re-routing of the matter in question.

An organization chart of the Purchase and Contract Division is shown on the following page.

Federal Donable Surplus Property is a separate section of the Purchase and Contract Division and operates under the authority of its own manual of procedures.





## PART IV

### OPERATING RULES AND REGULATIONS

In accordance with paragraph (g) of Section 143-52 of the General Statutes, the Advisory Budget Commission adopts rules and regulations considered necessary to carry out the provisions of the law. These rules and regulations provide operating procedures needed to supplement the statutes by filling areas of action not fully defined by law. Moreover, certain items may require unusual purchasing methods and by the adoption of rules the Commission approves such methods.

Rules and regulations are necessarily subject to addition and modification as conditions may warrant. Those currently in effect, as adopted by the Commission, are as follows:

#### RULES AND REGULATIONS

In accordance with the provisions of the Public Laws of 1931 and subsequent revisions and amendments relating to the operation of the Purchase and Contract Division, (G. S. 143-48 to 64), the Advisory Budget Commission adopts the following policies applicable to purchases for all State departments, boards, commissions, institutions, agencies and public school administrative units.

1. The regular Board of Award shall be composed of the Advisory Budget Commission. Auxiliary members shall be regular employees of the State or its institutions and shall include a representative of the Attorney General's office and this representative will be designated by the Attorney General.

2. A quorum of the Board of Award for canvassing bids and awarding contracts shall consist of two or more members of the Board and/or of the Auxiliary Board of Award, provided that in considering matters affecting major policy or procedure a majority vote of the regular Board shall be required.

3. The State Purchasing Officer shall call meetings of the Board of Award by notifying members of the Board of such meetings.

4. As a matter of practical policy, bids will be canvassed only by the Purchase and Contract Division, the Board of Award and its auxiliary members. However, anyone desiring an audience before the meeting of the Board of Award may so petition the State Purchasing Officer in writing and this petition will be given due consideration. This petition should be submitted at least three days prior to the scheduled meeting in question.

5. Records will be kept on each Board of Award meeting and released by the State Purchasing Officer.

6. Requirements for technical (scientific) instruments, equipment, supplies and materials not otherwise covered by an established contract shall be requisitioned to the Purchase and Contract Division in the normal manner, and as may be necessary the State Purchasing Officer may make or authorize the purchase without recourse to competitive bids.

Any such requirement or requisition involving a single piece of apparatus or equipment estimated to cost \$5,000.00 or more shall carry the approval of the administrative head of the requisitioning agency.

7. Bids on contracts for bread and other bakery products and for milk and other dairy products shall be forwarded to the Purchase and Contract Division for approval by the Board of Award.

8. In purchasing items which are subject to rapid price fluctuation or of an emergency nature and on bids which are subject to immediate acceptance, the State Purchasing Officer may award contracts without prior approval of the Board of Award, provided that such are to the best interests of the State. Purchases of this nature will be reported to the next meeting of the Board of Award.

9. Where bids are unsatisfactory, they may be rejected in whole or in part. After such rejection the Division with the approval of the Board of Award may negotiate in the open market for the purchase and/or contract of the items involved, but only at a lower price.

After approval by the Board of Award of purchases or contracts so negotiated, orders shall be placed or contracts certified to the using agencies in the regular manner.

10. In the event of tie bids, the successful bidder may be determined on the basis of factors deemed by the Board of Award to serve the best interests of the State, or by lot.

11. In awarding contracts, all qualified proposals will be evaluated and acceptance based on what is judged by the Board of Award to constitute the best value for the purposes intended.

12. In making purchases amounting to less than \$2000 the State Purchasing Officer may proceed without prior approval of the Board of Award in accordance with generally established good purchasing practices, provided that wherever practicable all purchases shall be based on competitive quotations. Further, it shall be the policy of the State Purchasing Officer to report to the Board of Award any controversial matter which might result from purchases made in the above manner.

13. In the purchase of items where transportation cost or local availability is a major consideration, the Purchase and Contract Division may authorize local purchases as conditions may warrant, provided that where practicable such purchases shall be based on competitive quotations, and provided further that a complete record of such purchases is available for inspection by the State Purchasing Officer at all times.

14. Where purchases are made locally by reason either of legal exemption or of delegated authority, it shall be the full responsibility of the local agency or public school administrative unit to comply with all legal requirements and with all procedures as prescribed by the Department of Administration.

15. In contracting for and purchasing aggregates required by the State Highway Commission, the routine ten-day advertising may be omitted provided bids are solicited from all known sources of supply in the vicinity of the project and contracts are approved by the State Purchasing Officer.

16. Approval of purchases by public school administrative units as referred to in the first sentence of G. S. 115-52 shall be based upon compliance with all provisions of Article 3 of Chapter 143.

17. Late bids may be considered when the delay is not the fault of the bidder or when deemed to serve the best interests of the State. The State Purchasing Officer shall investigate such cases and review the circumstances with the Board of Award.

18. Telephone and telegraph bids may be considered if received prior to specified opening time and provided they are confirmed in writing within a reasonable time thereafter.

19. Where a bidder has made an obvious error or when he claims to have made such error the Board of Award may consider the facts and the merits of such facts.

20. The Purchase and Contract Division will maintain lists of qualified vendors for the purpose of soliciting bids on various commodity items. Prospective bidders may be included on or removed from these lists taking into consideration financial standing and responsibility, length of time successfully in business, previous performance and other pertinent factors deemed reasonable and valid.

21. The contracting for services may be handled by the State Purchasing Officer and he shall proceed according to good business procedures to negotiate for these services to the best interest of the State.

22. The State Purchasing Officer may delegate to any of his regular assistants his authority to approve or execute documents.

23. All funds, special, Federal, local gifts, bequests, receipts, fees, etc., used for the purchase of equipment, material, supplies and services shall be handled through the Purchase and Contract Division or according to procedures established by the Purchase and Contract Division.

24. All requirements such as venetian blinds, water coolers, laboratory furniture, food service equipment, etc., shall be removed from general construction contracts whenever practicable and purchased through the Purchase and Contract Division.

25. In contracting for and purchasing items of equipment, materials, supplies and services, the Division must necessarily inquire into the need and level of quality of such requirements.

26. The Board, recognizing that although the law places under the jurisdiction of the Purchase and Contract Division all surplus state property but does not stipulate any procedure for the disposal by sale or otherwise of such property, adopts the following rules and regulations relating to the disposition of items of surplus equipment and supplies:

When property so declared to the Division is to be sold it shall be advertised at least seven days prior to the public opening of sealed bids by the Purchase and Contract Division and

the award made to the highest responsible bidder provided the bids received are acceptable to the Division; provided further, however, that the State Purchasing Officer may use the medium of public auction or other suitable means when found in his discretion to be for the best interest of the State.

Where bids are not satisfactory, the Division may reject them in whole or in part, and re-advertise or negotiate the sale without recourse to further bidding.

No state department, agency or institution shall without written authorization from the State Purchasing Officer sell or transfer any personal property owned by the State.

27. Any decisions made in carrying out the intent and purpose of these rules and regulations may be appealed to the Advisory Budget Commission by any State Agency, supplier, bidder or contractor. Such an appeal shall be in the form of a written request to the State Purchasing Officer for consideration by the Commission.

28. These rules and regulations may be modified or changed by an affirmative vote of four or more members of the Advisory Budget Commission.



## PART V

### METHODS AND TYPES OF PURCHASES

A. TERM CONTRACTS: This type of contract also has other designations, among them "requirements contract," "open-end contract" and "blanket contract." Its essential characteristic is to establish suppliers and prices of a given commodity or group of commodities for a period of time, without any definite quantities being specified. The great majority of the State's term contracts are effective for a period of twelve calendar months. Due to fluctuating markets or for other reasons, however, some contracts may be issued on a ninety-day, six-month or two-year basis.

A term contract is not an "approved list," as it is often referred to. On the contrary, such a contract is a legal agreement between purchaser and seller, equally binding upon both parties, to buy and to sell certain commodities under stipulated terms and conditions. The contract is based on sealed competitive bids as required by law. Neither the Purchase and Contract Division, nor any agency or school unit, nor any successful bidder, can avoid compliance with the contract without risk of being considered legally in default and liable for damages. In this connection it is pertinent to refer again to Chapter 143, Sections 53 and 56 of the General Statutes.

Further, the contract is not in any sense a list of "ceiling" or "approved" prices. Questions often arise regarding agencies and schools purchasing locally or from other suppliers at the same or lower prices than those established on a contract. Any such purchase is illegal. The law is clear in stating "...it shall be unlawful...to purchase any supplies, materials or equipment from other sources than those certified by the Director of Administration." (G. S. 143-53).

A supplier who wishes to bid for the contract, in fair and open competition as defined by the General Statutes, should enter his application with the Purchase and Contract Division.

There are, of course, instances when a general type of item may be covered by a term contract, but a special type is needed for a particular application. For example, the established contract may provide for a 24" exhaust fan with CFM capacity of 3400, which would be in accordance with standard industry specifications; a special need, however, might arise for a 24" exhaust fan to move 4200 cubic feet of air per minute with an explosion proof motor. Such a need should be referred to the Purchase and Contract Division accompanied by an explanation of the requirement, and procedures can be utilized to purchase a fan meeting the necessary specifications.

In view of the frequent confusion of a term contract with an "approved list," it might be advisable to state the customary definition of an "approved list." In the field of purchasing, an "approved list" is better known as an "approved products list" or a "qualified products list" wherein the purchaser has examined and accepted certain brands as equivalents. These approved equivalents are made known to bidders and purchase is made from the low bidder offering one of these brands. In its correct sense, an "approved products list" is a formal, announced procedure. The Purchase and Contract Division employs this procedure for obtaining bids on certain types of items where the use of detailed specifications or the evaluation of comparative engineering data and/or samples have been found not to produce best results.

All term contracts are awarded on advertised, sealed competitive bids as prescribed by Chapter 143, Section 52 of the General Statutes. There are occasions when, after opening, such bids may be rejected as unsatisfactory, for any of several reasons: lack of competition, lack of any or of sufficient price advantage to the State; unanticipated market conditions; errors in specifications, etc. After rejection it is customary to re-advertise the contract for new bids. However, where the market for a particular type of product may be limited to or controlled by one or by a few suppliers, or where for other reasons it is found that satisfactory bids cannot be obtained, rejection of the bids may result in negotiating a contract in the open market as outlined in Paragraph (e) of Section 52, Chapter 143 of the General Statutes, and as amplified in the Rules and Regulations, No. 9.

Term contracts may have one or more suppliers listed for a particular item. However, it is the intent of the Purchase and Contract Division to contract only with the number of sources

reasonably necessary to serve and satisfy the State's requirements. When more than one supplier is listed, agencies and school units should determine which contract supplier can more nearly furnish the product or service to fill the particular need in question, price considered, and place their purchase orders accordingly.

After award of a term contract, which requires review of the bids by and the approval of the Board of Award, each successful bidder is formally notified and supplied with copies of the contract. Subsequently, State institutions and agencies and public school administrative units are furnished the necessary copies in the form of a contract certification for use and guidance in preparing requisitions or in placing purchase orders.

From time to time it becomes necessary to amend, modify or cancel all or portions of existing contracts, whereupon copies of such addenda are mailed to both the contractors and all using agencies.

All term contracts are advertised and awarded subject to certain defined provisions. These conditions are stated on Form No. DA PC TC-1, General Contract Terms and Conditions which should be carefully studied and understood. See Part VIII, FORMS.

Under certain special circumstances where bids are unsatisfactory and are then rejected, a somewhat unusual procedure may be employed whereby a certification is issued which is not founded upon a legal contract but which does establish approved discount schedules at which purchase of the commodities so indicated is authorized without further approval from the Purchase and Contract Division. Once so established, this certified discount schedule may be continued for an unspecified length of time. An example of a present certification of this type is No. 450 covering Art Materials for Instructional Use. Certified discounts of this kind are always premised upon those which have been obtained on previous competitive bids.

B. REQUIREMENTS NOT COVERED BY TERM CONTRACTS: For commodities which are not available from established contracts separate requests for quotations or bids are issued. These proposals may be either of two types:

1. Formal Bids: This procedure involves soliciting from known sources of supply sealed proposals, duly advertised and opened in public at a specified time, as stipulated by law (G. S. 143-52). This procedure must be followed in the purchase of any requirement expected to cost more than \$2,000.00.

This type of bid is often used for purchases involving less than \$2,000.00 if it is felt that an advantage will be obtained either as to price or the conditions of purchase.

After the bids have been opened, they are studied and compared with reference to compliance with specifications, the quality and suitability of the products, time of delivery, service and other pertinent factors offered by the various bidders. Often the bids themselves or a tabulation of them are referred to the requisitioning agency for review and comments.

Finally, all pertinent information is assembled, studied and presented in the form of a recommendation by the Purchase and Contract Division to the Board of Award for its consideration.

2. Informal Proposals: This procedure may be employed for purchases involving less than \$2,000.00. Either verbal or written quotations or bids may be obtained, depending upon the nature and type of the purchase to be made. It does not require public advertising of the requirement nor public opening of the proposals.

Wherever possible, however, several proposals are received from representative suppliers as good purchasing practice dictates, in terms of previous experience with and knowledge of the market.

It is not necessary that these informal proposals be reviewed by the Board of Award. However, any controversial matters or questions of major policy which might be involved are always considered with the Board prior to determining any award.



3. Tabulated Requirements: It is to the State's best interest as implied by G. S. 143-52 that some purchases be handled on a consolidated basis. Requirements such as textiles, coal, certain foodstuffs are examples of these commodities. The formal bid procedure is employed. This procedure is based on a questionnaire being sent to each using agency requesting information as to the amounts of the specific commodities it will need for the period to be covered by the purchase. Customarily the period is quarterly or annually, depending upon the type of item. These requirements are then consolidated into a single bid which designates definite quantities to specific locations. The successful bidder(s) are determined in the same manner as term contracts and the using agencies are then advised by memorandum as to the certified sources of supply and the applicable terms and conditions of purchase. These contracts are for definite quantities and should not be adjusted without due cause. It is necessary that all requests and justifications for adjustment be directed to the Purchase and Contract Division.

C. PURCHASES REQUIRING SPECIAL HANDLING: The very nature of certain commodities dictates that they not be handled in the usual manner. For example, it has been found that automobiles, cement, coal, farm machinery, trucks and school busses can be purchased more advantageously, and better records maintained, if all purchase orders are written by the Purchase and Contract Division. Requirements for all such items must therefore be communicated to the Purchase and Contract Division by means of written requisitions.

The General Statutes stipulate that the purchase of passenger vehicles, including station wagons, costing \$2,500.00 or more be approved by the Council of State, which reviews the need for and intended use of the vehicle. This approval must be obtained before a commitment can be made or an order written to a supplier. Requests for this approval may be channeled through the Purchase and Contract Division.

D. PURCHASES FROM NORTH CAROLINA PRISON ENTERPRISES: Products of the Prison Enterprises are not to be purchased in conflict with any similar products which might be included on established State contracts. If a requirement is covered by an established contract the order must be placed with the supplier listed thereon. Some contracts designate the Prison



Enterprises as the supplier. Items shown in the Prison Enterprises' catalog or price list and not covered by a State Contract should be ordered at the prices given therein. The quality and prices of these items have been approved by the Board of Award.

Fresh meats and canned foods purchased from the Prison Enterprises will be invoiced in accordance with a price schedule related to quoted market prices which has been approved by the Purchase and Contract Division.

The Enterprises operates woodworking, metal-working, sign and other plant facilities which can often fabricate or produce special products at a saving. Such requirements should be obtained from them whenever feasible. All such purchases, however, should be based on detailed, written quotations from the Enterprises to the using agency; when any such quotation exceeds \$500.00 a copy is to be furnished to the Purchase and Contract Division by the Prison Enterprises at the same time it is submitted to the agency or school administrative unit.

E. CONTRACTUAL SERVICES: Contracts for services cannot always best be obtained through the medium of sealed bids. For all practical purposes this medium should be utilized whenever possible. In certain cases, it may be found to be more advantageous to contract for services on the basis of negotiation; however, where negotiation is employed extreme care must be taken to see that proposals are solicited from as many qualified suppliers as is reasonably possible and that all of them understand fully and alike the requirements of the proposed contract. For further details see Part VII, PROCEDURES.

## PART VI

### SPECIFICATIONS, STANDARDS, TESTING AND INSPECTION

The responsibility for establishing, adopting and employing appropriate specifications is assigned to the Purchase and Contract Division, as set forth in G. S. 143-49(2). Since the ultimate award of any contract must be premised upon or closely related to the governing specifications, the total responsibility for the commitment must reside with this Division. Thus, prior to obtaining proposals, the specification furnished by a requisitioning agency may be modified as necessary to permit competitive bidding and to provide for a level of quality commensurate with the intended use of the article.

Wherever feasible, standard specifications will be adopted, based on studies and comparisons as described in the Standards and Inspection Manual. A Standardization Committee is now established and organized to function as prescribed in G. S. 143-60, consisting of a Chairman and six members appointed by the Governor. Necessarily, this Committee must work very closely with the Standards and Specifications Section of the Purchase and Contract Division, and must have the help of sub-committees or advisory groups who can devote considerable time to detailed study of specific items.

Standard specifications as adopted by this Committee are applicable to both the purchase of items covered by term contracts and to purchases made under separate, individual bids.

Where standard specifications are not established, the Purchase and Contract Division develops specifications for the particular requirement. The requisitioning agency should forward a suggested specification or a specification reference with the requisition itself. See Part VII, PROCEDURES.

In considering and developing specifications, it must always be borne in mind that expenditures derived from taxes cannot be expected to provide for "de luxe" or luxurious levels of quality. Therefore, it is necessary to follow a general policy toward the end of purchasing good, standard grades of merchandise which represent an optimum relationship between quality and price, at all times consistent with providing a satisfactory level of service.

In preparing requisitions, it is important to draw specifications or otherwise designate requirements with emphasis on function, utility and economy. Requisitions which call for grades or qualities in excess of normal standards necessarily will be subject to review and return with attendant delays in processing.

Numerous and various forms of testing are required to carry out the Specifications and Standards program. Prior to determining a successful bidder, it is often necessary to analyze engineering details, to compare or evaluate samples, to require demonstrations, to examine previous installations, to make comparative performance tests, to test the product(s) against pre-established criteria or to make other related types of determinations.

Similarly in many cases, actual shipments received should be tested for compliance with applicable specifications or with the conditions of purchase. For example, periodic tests are made from samples of coal received.

General inspection should be made at the point and at the time goods are received by the using agency. If they appear to be defective or unsatisfactory for use, a report should be filed direct to the vendor, using the Complaint to Vendor form, or direct to the Purchase and Contract Division.

For more detailed information and procedure, refer to the Standards and Inspection Manual.

PART VII

PROCEDURES  
AS APPLICABLE TO  
STATE INSTITUTIONS

PART VII

PROCUREMENT PROCEDURES FOR STATE INSTITUTIONS

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## PART VII

### PROCUREMENT PROCEDURES FOR STATE INSTITUTIONS

#### A. GENERAL INFORMATION:

For the purpose of this manual, State institutions are defined generally as those agencies of the State government which maintain educational, health, mental or correctional facilities and which operate under disbursing accounts. The Statutes require that the purchase or rental of all equipment, materials, supplies and/or services for State institutions be made by, or in accordance with, authority granted by the Purchase and Contract Division. In addition, this Division is charged with responsibility for disposal of obsolete or used equipment, materials and/or supplies and with general supervision of all storerooms and stores. To implement the fulfillment of these responsibilities, certain forms and procedures have been established and authorities delegated as will be explained in this manual.

It is extremely important that institutions follow the correct procedures in obtaining the many requirements necessary to their continuing activities. It is also a necessary and vital part of purchasing that a close liaison between the institution and the Purchase and Contract Division be maintained. Our efforts will be directed toward providing prompt and efficient service, and your cooperation is earnestly solicited.

You will find in the Appendix, copies of the majority of forms used in institutional purchasing at the State level. These forms are considered essential to the purchasing effort, and institutional purchasing personnel should be thoroughly familiar with their contents and use. It is necessary that these forms be utilized whenever appropriate and that all information be furnished.

Each institution must maintain and keep in good order for at least five years, all records relating to purchasing. Further, each institution must submit to the Purchase and Contract Division one copy of each purchase order written by the institution. These copies should be submitted monthly and must be arranged in numerical sequence. A

note of explanation must be attached regarding any orders which may be missing. A copy of any voided purchase order should be included.

The General Statutes require that formal bids be advertised in a newspaper of statewide circulation at least ten days prior to the opening date. As might be expected, requisitions frequently cannot be processed the same day they are received; also, after bids are received it is often necessary to study them in detail before a recommendation can be presented to the Board of Award. In addition, the Board meets only once a week. As a result of these factors, the normal time required for processing a requisition is approximately thirty days.

From time to time there will be issued by this office various memoranda pertinent to purchasing problems. Such memoranda should be kept in this manual as a part thereof.

General Statute 143-54 permits the delegation of authority by the Director of the Department of Administration, with the approval of the Advisory Budget Commission, for the purchase of certain types of items. These exceptions are listed under Section C "Delegation of Authority," and under Section E.2., "Printing, Binding and Related Items," may be purchased or contracted for direct by the institution. All other items must be referred to the Division in the regular manner.

#### B. PURCHASES AND RENTALS:

##### 1. Purchase of Equipment, Materials and Supplies:

###### a. Requisition Form

Institutions must use the Standard Requisition Form when requesting purchase of equipment, materials, supplies and/or services through the Division. It is necessary that complete and accurate information be furnished concerning the required product or service. Specifications, if necessary, may be furnished on attached sheets. Budget information requested on the form must be supplied. When such information is not furnished or is incomplete, it will be necessary to return the form to obtain this information before

purchase can be initiated. Requisitions shall be submitted in duplicate on the white and yellow copies. Whenever possible include manufacturer's descriptive literature. If drawings or blueprints are to accompany the Request for Bids, a minimum of ten copies must be supplied, or the original tracing may be furnished for duplication by this office. Allow at least thirty days for normal processing.

b. Methods

The procurement of goods and services for State institutions requires several different procedures utilized by the Purchase and Contract Division which vary with the nature of the items to be obtained.

(1) Formal Bids

Items which cost in excess of \$2000.00 and which cannot be obtained from established State Contracts are purchased by means of formal competitive bids. (See Part V). All formal bids must be approved by the Board of Award as required by law and after approval by the Board, contracts are binding upon both the successful bidder and the State. After approval by the Board, the Division will issue notification to the successful bidder advising him of the acceptance of his proposal. This notification usually is in the form of an accepted copy of the proposal together with a letter of transmittal. A copy of this notification is sent to the institution and constitutes authority to issue a confirming purchase order. One copy of the purchase order must be transmitted to the Division.

(2) Informal Quotations

In procuring items which cost less than \$2000.00 and which are not available from established State Contracts, the Division may utilize the medium of informal quotations. (See Part V). As a matter of policy, informal quotations when controversial in nature, are

reviewed with the Board of Award. Information and authority to purchase items obtained in this manner are generally conveyed to the institution by means of a letter of authorization, a copy of which is sent to the successful bidder. Upon receipt, the institution issues a purchase order confirming the letter of authorization, a copy of which must be forwarded to the Division.

(3) State Contracts (term contracts)

Many items, which are used repeatedly by the State, are covered by State Contracts (See Part V). Copies of these contracts, together with their amendments and revisions, are supplied to all institutions on a continuing basis. Information pertaining to the coverage and use of such contracts is furnished thereon. Except in special cases (See Section D) institutions may place their own purchase orders direct with the contractors listed in accordance with the terms and conditions of the individual contract. A copy of each order so placed must be forwarded to the Division.

c. Bids Referred to Institution for Review

Bids or a tabulation of the proposals received, may be referred to an institution for review in order to obtain information pertinent to award of a contract. In such cases, if it is determined that the lowest proposal satisfactorily meets the requirements and is within available funds, bids should be returned at once to the Division with a statement to this effect. If, however, it is considered by the institution that the low bid would not be satisfactory, a written explanation must be returned with the bids, which points out in detail wherein the lower proposals would not meet the requirements. This information will be given reasonable consideration by the Purchase and Contract Division in its recommendation to the Board of Award. Bids should be reviewed and returned as soon as possible since prices quoted are applicable for a limited time only.



d. Expediting

In cases of late delivery, the institution should first contact the vendor direct in an effort to expedite delivery of the required items. If this is not successful, the matter should be referred to the Division for appropriate action. In any event, as a routine matter, notification of late delivery should be forwarded to the contractor and the Division by use of the Complaint to Vendor Form.

2. Rentals

The rental of all equipment must be made through or by authority of the Purchase and Contract Division. The standard requisition form should be forwarded to the Purchase and Contract Division along with an explanation as to the type of equipment needed. Further information relative to service on equipment and any other matter deemed pertinent to the rentals should be included. The rental of equipment by a State agency within its own organization or to another agency does not normally require the approval of the Purchase and Contract Division; however, the terms of inter-agency rentals should be mutually acceptable to all parties. In the event of a disagreement, the matter shall be referred to the Division and an equitable fee will be established by the Division.

C. EXEMPTIONS AND DELEGATION OF AUTHORITY

Experience indicates that certain items and/or services should be purchased directly by the institution. In the interest of reducing paper work, and of maintaining continuity of service within an institution, authority is hereby delegated for direct purchase or contract by the institution, provided:

1. Where available, items or their functional equivalents are obtained in accordance with established State Contracts.
2. Items so designated are consolidated and forwarded to the Purchase and Contract Division according to established schedules (monthly, quarterly, etc.)



3. Agency quotation forms, general conditions of purchase and purchase order forms are approved by the Purchase and Contract Division.
4. Whenever possible at least three quotations are obtained and made a part of the regular files.
5. No indefinite quantity contracts or price agreements are entered into without specific approval by the Purchase and Contract Division.
6. Copies of all agency purchase orders are forwarded to the Division and the basis for the purchase shown on the face thereof.
7. In all cases applicable legal requirements are complied with and good purchasing procedure is followed.
8. Delegations:

- a. General Requirements (other than as specifically delegated below and under Section E.2):

All equipment, materials and supplies not covered by State Contracts and costing less than \$1,000. In the case of related items, the \$1,000 maximum applies to the total cost rather than to the cost of any single item. Requirements may not be divided in order to avoid compliance with this provision.

Requirements in this classification which will exceed \$1,000 in cost must be referred to the Purchase and Contract Division. Normally, this will be done in the form of a requisition. However, if the cost will be less than the \$2,000 statutory limitation, the institution may obtain competitive quotations from responsible sources of supply and refer these to the Division for prompt consideration and, if found to be in good order, approval.

Note: Where purchases in any amount present questions or problems they should be referred to the Purchase and Contract Division.

- b. Perishable Food Products: Fresh fruits, vegetables, meat and meat products, eggs, etc.

- c. Surgical: Instruments, needles, syringes, rubber goods, etc., not covered by any State Contract. Also, chemicals and drugs if same or equivalents are not available from a State Contract.
- d. Scientific Research Equipment: Items up to \$2,000 in cost not covered by any State Contract.
- e. Repairs and Alterations: Including contracts for labor.
- f. Technical Printed Material (see also Section E): Books, pamphlets, periodicals and manuscripts. Annuals and yearbooks. Maps and charts.
- g. Service and Maintenance Contracts: Laundry, telephone, telegraph, electricity and water. Elevator maintenance.
- h. Athletic Fund Purchases: Expenditure of non-appropriated funds obtained from receipts of athletic departments.
- i. Sale of Service Privileges: Contracts for vending machines distribution and operation, concession stands.
- j. Cultural and Entertainment Programs: Contracts for appearances or performances of individuals or groups.
- k. Articles Purchased Especially for Resale to Students or Staff Personnel: Goods which are sold across the counter in bookstores, concession stands, etc.
- l. Products produced or manufactured by the institution.
- m. Livestock: Cattle, hogs, poultry, etc., and feeds.
- n. Emergency Purchases: Authority is delegated for direct purchase, under emergency conditions, of requirements not in excess of \$2,000 without prior approval of the Purchase and Contract Division. Purchases made under this provision shall be reported to the Division, within a reasonable time, by a statement fully describing the emergency together with copies of any purchase orders issued. Emergency purchases which will involve an expenditure of more than \$2,000 must be authorized by the

Division prior to issuance of purchase orders by the institution. For the purpose of this manual, emergencies are defined as situations which endanger lives, property or the continuation of vital programs which require immediate, on-the-spot purchases of equipment, materials, supplies or services.

D. REGULATIONS REGARDING PURCHASE OF SPECIAL EQUIPMENT

The purchase of certain items such as air conditioners, electric typewriters and some types of calculators requires special justification. Generally, these items are covered by State contracts, and instructions regarding the necessary information will be found thereon. In cases where the item is not under contract, the Division will notify the institution by special memorandum as to the requirements for approval.

E. PRINTING, BINDING AND RELATED ITEMS

1. Printing and Binding

Printing and other items within this category must be requested on the standard requisition form. The requisition must be accompanied by either a sample of the item requested or a clean and neat layout with complete instructions for the printer to follow. In requesting book and publication work, complete manuscript copy shall be submitted including cuts, illustrations, etc., with detailed instructions indicated as to trimmed page size of publication, size of illustrations, type and color of cover stock and all other information necessary to enable the printer to correctly interpret the requirements.

Adequate supplies of printed items should be maintained at all times. These requirements should be requisitioned well in advance of actual need to avoid the necessity of attempting to obtain them on a "RUSH" basis.

2. Delegations of Authority

Note: The following delegations apply specifically to printing, binding, etc. For regulations regarding other items, see Section C above.

Authority is delegated to State institutions to purchase locally certain requirements providing the expenditure is within established limitations unless otherwise specified below. Any such purchase shall be made in compliance with Section C. Paragraphs a. and f.

(a) General

The following may be purchased locally providing the expenditure does not exceed:

- (1) \$100.00: letterheads, envelopes, pre-printed pamphlets, and general office forms.
- (2) \$250.00: booklets, pamphlets, student handbooks and other items generally classified as book work.

(b) Parent Teacher Publications or supplies

(c) School yearbooks or annuals

(d) Athletic programs, posters, tickets, etc.

(e) Other printing requirements to be paid for from nonappropriated funds

(f) Art work and similar professional services (\$100 limit)

(g) Blueprints, photostats, photographs - printing and developing

(h) Reports, technical and scientific books

(i) Tariffs and tax schedules

(j) Subscriptions to magazines, newspapers, periodicals, etc., not otherwise covered by an established contract. (Also see Section C, Paragraph f)

The delegation of this authority does not preclude the procurement of these items through the Purchase and Contract Division. When it is desirable and practical that these items be handled by the Purchase and Contract Division, a requisition must be



submitted in the prescribed manner. Where unusual problems are encountered and the institution considers additional delegated authority necessary, an application for this authority may be submitted to the Division. Such application must be in writing and must present detailed information in support of the request.

3. Paper Stock Requirements:

Paper stock requirements for printing, duplicating, mimeographing and general office use shall be purchased in accordance with established contracts where applicable, or in lieu thereof, in accordance with the provisions as set forth in Section C. 8. Paragraph a.

4. Photoengraving, Steel Die Engraving and Library Binding:

These services shall be purchased in accordance with established contracts, unless otherwise authorized by the Purchase and Contract Division.

F. DISPOSAL OF SURPLUS, OBSOLETE OR USED EQUIPMENT, MATERIALS  
SUPPLIES

All surplus, obsolete or used equipment, supplies and material shall be reported to the Purchase and Contract Division for disposal by one of the methods listed below. In order to derive the most efficient use from valuable office or storage space, agencies should report as surplus any equipment, supplies or materials as soon as they are determined to be in excess of actual needs.

1. Sale by Means of Sealed Bids:

The using agency shall furnish the Purchase and Contract Division a Disposition Form (DA-PC-19) in duplicate giving quantity, description, location, condition, and the person or persons who may be contacted by prospective bidders for inspection of property. The agency will be furnished copies of bids issued by the Division for local distribution.

2. Transfer to Other State Agencies:

Where transfer of State property is desired, a Disposition Form must be furnished the Purchase and Contract Division in duplicate indicating to whom it is proposed to transfer



the items and the price which has been agreed upon. The transfer will not be effected until approval has been received from the Division. If agreement cannot be reached as to price, the relinquishing agency will notify the Division, which will establish a price for the transfer or sale of the commodity or commodities involved. Payment for property so transferred shall be made upon receipt of invoice from the Division.

3. Sale at Public Auction:

Approval for this method must be obtained from the Purchase and Contract Division. Produce, livestock, poultry, wool and sheep, tobacco and like commodities may be sold at public auction markets by open competitive bidding. In such cases it is advisable to notify the auction market as far in advance as possible when you desire to sell.

4. Negotiated Sale:

This type of sale requires the specific approval of the Purchase and Contract Division, and no negotiated sale may be made for any State property or commodity without such approval. A written request to make a negotiated sale must be directed to the Division setting forth the proposed procedures and conditions. Transactions of this kind include such items as milk, eggs, breeding stock, seed and experimental commodities which may require inspection and examination after being sold to fully evaluate the results of the experiment.

All State institutions making sales under condition 3 and 4 above shall report such sales on a Disposition Form by the fifteenth of the following month. This report shall list all sales or transfers made during the previous month showing quantity, description, to whom sold, unit price and the total amount of each sale. A copy of this report must be sent to the Budget Division and the State Auditor. Agencies normally making sales under conditions 3 and 4 must, if no sales were made during the previous month, submit a negative report stating "nothing sold."

Commodities to be sold should be put in as presentable condition as practicable before offering for sale. Scrap metal should be separated and all commodities should be properly stored, packaged, etc., in order to obtain maximum value.

#### G. WAREHOUSING

General Statute 143-59(a)(c) enumerates as one of the duties of the Purchase and Contract Division the general supervision of all storerooms and stores operated by the State. Each institution which maintains a warehouse or storeroom is required to keep an accurate perpetual inventory of all items contained therein. Full and complete records of receipts and disbursements shall be maintained for a period of five years. The full responsibility for the conduct of the warehouse or storeroom will be specifically placed upon one employee. Goods must be stored in safe, dry, adequate quarters in a neat and orderly manner so that "last-in" merchandise will be "last-out." The individual responsible for the conduct of the storeroom or warehouse will maintain adequate records to determine economic order quantities and to maintain the proper level of inventory.

Personnel of the Purchase and Contract Division will make periodic inspection of these warehouses and storerooms and may issue additional instructions regarding the operation of these facilities. A report is made to the State Purchasing Officer on the inspection of each warehouse or storeroom, with a copy furnished to the administrative head of the institution and to the warehouse manager.

#### H. INVENTORY OF STATE OWNED PERSONAL PROPERTY

At a future date, an inventory program will be initiated covering fixed property, movable equipment, supplies and materials owned by the State. Detailed instructions relating to this program will be made a part of this manual as an addendum.

#### I. FEDERAL SURPLUS PROPERTY UTILIZATION

A separate manual has been issued relating to the availability and utilization of Federal surplus property.

J. FORMS

In the interest of both consistency and simplicity, it is important that a number of standard paper forms be employed. The most important of these are enumerated and explained in Appendix.