

UNC HR Best Practice Team

GLOSSARY

“At Will” Employees – Employees who are exempt from the State Personnel Act (EPA) whose appointments are established by a letter of appointment to be an “employment at will,” subject to discontinuation at any time at the discretion of the chancellor or president.

Discontinuation of Appointment With Notice or Severance Pay – Employees who are exempt from the State Personnel Act (EPA) whose appointments are established by a letter of appointment to be an employment at will are subject to discontinuation at any time at the discretion of the chancellor or president; provided that such a discontinuation shall be subject to advance timely notice of discontinuation or the payment of severance pay, in calendar days.

Discontinued Service Retirement – Subject to approval and availability of funds, an unreduced or reduced retirement benefit under the N.C. Teachers’ and State Employees’ Retirement System or the Law Enforcement Officers’ Retirement System may be available to an eligible employee who is subject to the State Personnel Act (SPA), and who has his/her job involuntarily terminated as a result of economies in the State Budget, in accordance with G. S. 126-8.5. An eligible employee must have at least 20 years of creditable retirement service and be at least age 55; or be at least age 50 and be eligible to receive a reduced benefit (reduced by 1/4 of 1% for each month that retirement precedes an eligible employee’s 55th birthday).

Economies in the State Budget – Economies resulting from elimination of a job and its responsibilities or from a lack of funds to support the job.

EPA Non-Faculty Instructional and Research Employees – Employment positions with constituent institutions of the University that are covered under Policy 300.2.1, “Employees Exempt from the State Personnel Act.” These positions are generally not subject to the State Personnel Act (N.C.G.S. Chapter 126) and do not include: (1) faculty positions subject to institutional tenure regulations; (2) positions within administrative categories of employment subject to N.C.G.S. §116-11(4), N.C.G.S. §116-11(5), or N.C.G.S. §116-14; (3) positions within the “physicians or dentists” category under N.C.G.S. §126-5 with faculty appointments; and (4) University students who are employed incident to their status as students, as in graduate teaching assistantships or work-study positions.

Expiration of Term Appointment – An employee who is exempt from the State Personnel Act, whose appointment is established by a letter of appointment to be for a stated definite term, shall expire automatically at the conclusion of the stated term; such an appointment may be renewed or extended at the option of the employer, by written notice in accordance with policy.

Financial Exigency – (1) As defined in the “Senior Academic and Administrative Officer” and “Employees Exempt from the State Personnel Act” (Non-Faculty Instructional and Research employees) policies, significant decline in financial resources of the University that compels a reduction in the

institution's budget. The determination of whether a condition of financial exigency exists shall be made by the chancellor, with advance notice to and approval by the President and the Board of Governors. (2) As defined in The Code (faculty), a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget.

Fixed Term Faculty – Appointment to a faculty rank for a fixed term.

Health Insurance Continuation When Reduction in Funding Eliminates an EPA Position: Pursuant to State law [N.C.G.S. 135-40.2(a)(6)], when a University campus or affiliated entity eliminates a job due to a reduction in funds, unless otherwise exempt from Regulation 300.2.1[R], the employee in that job may be entitled to up to twelve (12) months of continued coverage by the State Health Plan if he or she meets the eligibility criteria for this coverage to remain in effect. The University campus or entity shall continue paying premiums for this coverage in accordance with the eligibility criteria. Elimination of an employee's job neither requires nor permits an employer to pay State Health Plan premiums for dependents of the employee; however, the former employee may continue dependents' coverage under the same terms as current employees. At the expiration of this coverage, former employees may pay the premiums for their continued coverage and that of their dependents. There is no time limit as to how long this coverage may be purchased.

Priority Reemployment – Priority consideration for reemployment given to employees (or former employees) subject to the State Personnel Act (SPA) who hold career status and have received official written notification of imminent separation due to reduction-in-force for a period of 12 months from the date of the official written notification, provided the employee files a completed state application with his/her employer within 30 days of receipt of written notification of separation.

Program Curtailment or Elimination – Employment that is established by the letter of appointment to be for a stated definite term may be terminated prior to expiration of the stated term because of major curtailment or elimination of a program. The determination of whether there shall be a major curtailment or an elimination of a program shall be made by the chancellor, with advance notice to and approval by the President and the Board of Governors. If the curtailment or elimination of a program is such that the contractual obligation to an employee cannot be met, the employment of the individual may be terminated, subject to certain notice requirements. In accordance with policy, SAAO Tier II and EPA Non-Faculty Instructional and Research employees must receive a set notice.

Reduction in Force – Separation of an eligible employee subject to the State Personnel Act (SPA) whenever necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization.

Senior Academic and Administrative Officer (SAAO Tier I) – Senior officers of the University of North Carolina who are subject to the provisions of Policy 300.1.1,I.B, Section II, UNC Policy Manual, include the President [N.C.G.S. 116-14(a)]; the vice presidents, associate vice presidents, assistant vice presidents, and other members of the President's professional staff designated by the Board of Governors on recommendation of the President [N.C.G.S. 116-14(b)]; the chancellors of the constituent institutions

[N.C.G.S. 116-11(4)]; the vice chancellors, provosts, and deans of the constituent institutions, and the directors of major administrative, educational, research and public services activities of the constituent institutions designated by the Board of Governors [N.C.G.S. 116-11(5)].

Senior Academic and Administrative Officer (SAAO Tier II) – Senior officers of the University of North Carolina who are subject to the provisions of Policy 300.1.1,I.B., Section III, of the UNC Policy Manual and are: (1) members of the President’s professional staff other than those identified as SAAO (Tier I) above and (2) associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the constituent institutions, other than those identified as SAAO (Tier I) above, that have been designated by the President. [N.C.G.S. 116-11(5)].

Severance Salary Continuation – Continuation of salary for an eligible employee subject to the State Personnel Act who has been reduced in force and who does not obtain another permanent job in State government by the effective date of the reduction in force. The amount of severance paid is based on the employee’s years of service and age.

SPA Employee – Employees subject to the State Personnel Act (N.C.G.S. Chapter 126).

SPA Probationary, Time-Limited (3 years or less), Trainee (less than 6 months), Temporary, and Intermittent – An employee, who is separated while a probationary, time-limited (3 years or less), trainee (less than 6 months), temporary or intermittent employee, is not eligible for RIF rights including severance pay, priority reemployment, and continuation of health insurance. (See “Types of Appointments” in the SPA Policy Manual under Employment and Records.)

Tenured Faculty – Appointment to a faculty rank that confers permanent tenure.

Tenure-Track Faculty – Appointment to a faculty rank for renewable probationary terms.