

Employment Policy for Exempt Professional Staff

Updated: February 7, 2025

POLICY:	POL06.25.01
TITLE:	Employment Policy for Exempt Professional Staff
CATEGORY:	Personnel
SUB-CATEGORY:	Conditions of Employment
AUTHORITY:	Board of Trustees
CONTACT:	Department for People Operations, Success, and Opportunity (252) 328-9847
RELATED POLICIES:	<p>Review Process and Procedure for EHRA Non-Faculty Employees</p> <p>Notice of Nondiscrimination Policy</p> <p>UNC Policy Manual Chapter 100.1 - The Code - Section 611</p> <p>UNC Policy Manual Chapter 100.1 - The Code - Section 103</p> <p>UNC Policy Manual Chapter 300.1.1 - Policy on Employees Exempt from the North Carolina Human Resources Act</p> <p>UNC Policy Manual Chapter 300.2.22 - Leave Programs for Faculty and Staff Exempt from the North Carolina Human Resources Act</p> <p>UNC Policy Manual Chapter 300.2.22.1[R] - Regulation on Personal Leave Programs for EHRA Employees</p> <p>UNC Policy Manual 300.1.1[R] - Regulation Concerning Discharge for Stated Cause for Non-Faculty Employees Exempt from the North Carolina Human Resources Act</p> <p>UNC Policy Manual Chapter 300.2.18[R] - Regulations on Annual Performance Appraisal for Most Exempt Professional Staff (EPS)</p> <p>UNC Policy Manual Chapter 300.5.1 - Political Activities of Employees</p> <p>UNC Policy Manual Chapter 300.4.1 - Policy on Interpersonal Relationships among Faculty, Staff and Students</p> <p>UNC Policy Manual Chapter 1000.2.2 - Policy on the Waiver of Tuition and Fees for Faculty and Staff</p> <p>UNC Policy Manual Chapter 1100.3 - Head Coaches' and Athletic Directors' Contracts</p> <p>N.C. General Statute Chapter 116</p> <p>N.C. General Statute Chapter 126</p> <p>N.C. General Statute Chapter 128</p> <p>N.C. General Statute Chapter 135</p> <p>Article 1 of the North Carolina Constitution</p>
ADDITIONAL REFERENCES:	<p>Department of People Operations, Success, and Opportunity website</p> <p>EHRA Non-Faculty Employee Review and Appeal Form</p>
HISTORY:	<p>Chancellor: October 12, 2005; Board of Trustees: December 16, 2005; Amended: January 1, 2009; Revised December 2, 2013; Board of Trustees: January 13, 2014;</p> <p>Revised July 2014; Board of Trustees: September 19, 2014; Revised July 29, 2016; Revised February 16, 2018; Amended February 7, 2025.</p>
PREVIOUS VERSIONS:	No previous versions available.

1. Purpose

East Carolina University (hereinafter referred to as “ECU”) employs positions that are not subject to most provisions of the State Human Resources Act (General Statute Chapter 126). These positions are subject to the Policy on Employees Exempt from the North Carolina Human Resources Act adopted by the University of North Carolina Board of Governors. This Policy outlines the provisions to which these positions are subject. If there is a discrepancy between provisions of this policy and UNC policies, as originally adopted or periodically revised, UNC policies supersede.

1.1 Scope

1.1.1 The following positions are covered by this Policy except as otherwise stated herein:

1.1.1.1 Exempt Professional Staff (“EPS”) (as defined in Section I.C. and governed by Section III of The UNC Policy Manual 300.1.1, “Exempt Professional Staff”).

1.1.2 The following positions are otherwise categorized and are not covered by this policy:

1.1.2.1 All faculty positions subject to the ECU Faculty Manual

1.1.2.2 Senior Academic and Administrative Officers (as defined in Section I.A. of The UNC Policy Manual 300.1.1, “Senior Academic and Administrative Officers”) category of employment subject to G.S. 116-11(4), G.S. 116-11(5), or G.S. 116-14

1.1.2.3 Positions within the “physicians or dentists” category under G.S. §126-5 with faculty appointments

1.1.2.4 Temporary appointments, which include but are not limited to University students who are employed incident to their status as students, as in graduate teaching assistantships, Post Docs, or work-study positions

1.2 Applicability of Policy

Except as otherwise stated, this policy applies to all permanent covered positions.

1.3 Administration

The Chancellor shall be responsible for the implementation of this Policy and may delegate their authority to other identified officers of East Carolina University as they deem appropriate.

2. Appointments to Covered Persons

2.1 Every appointment to a covered position within East Carolina University shall be made by the Chancellor or the Chancellor’s designee, by means of a letter of appointment that fulfills the requirements of this section.

2.2 Letters of appointment

2.2.1 EPS appointments within a constituent institution covered by this policy shall be made by the chancellor, or the chancellor’s designee, by means of a letter of appointment that includes notice that the employment conferred is either for a stated definite term, is an employment “at will” subject to discontinuation at the discretion of the chancellor, or is a commissioned police officer role subject to disciplinary and discharge procedures as provided in this policy; the salary, benefits, applicable provisions for the separation of employment, including any separation payment and retreat rights; any funding contingencies applicable to the position; notice that the employment is subject to these policies or applicable institutional policies, as originally adopted and as they may be periodically revised from time to time, and a copy of the institutional policies shall be attached to the letter of appointment (or accessible through references via links in the letter of appointment); and any other term(s) the chancellor (or designee) agrees to, which shall be consistent with applicable policy or regulation. No EPS “at will” appointment may purport to confer any property interest in such employment.

2.3 Source of Funding

When a covered position is funded in whole or substantial part from sources other than continuing state budget funds or permanent trust accounts, the letter of appointment shall state that continuation of the employee’s service in that position is contingent upon the continuing availability of funds from such other sources to support that position, shall specify the source of such funds, and shall state that the effect of such contingency may apply without the additional notice otherwise required by Sections 4.1, 4.2, and 4.3; provided, that the affected employee shall be informed at the earliest possible practicable date of the occurrence of such a funding contingency.

2.4 Multiple Appointment Relationships

2.4.1 When an EPS employee is to serve simultaneously in both a position covered by this policy and a position of University employment not covered by this policy, with the result that two different appointments provide different conditions of employment, one position shall be designated the primary appointment to determine the conditions of employment and the rights and responsibilities of the employee.

Any funding contingency shall be set forth separately for the position covered by this policy and for the other position, since the operation of any such contingencies may be independent. When an appointment to an EPS position is to be accompanied by a

faculty appointment pursuant to Section 610 or 611 of The Code, the term “affiliate/adjunct” or similar nomenclature, shall be used to identify the faculty appointment.

3. Evaluation of Performance

Any employee in a position covered by these Policies shall receive an annual review using an evaluation instrument. Employees shall be provided an electronic or written copy of their completed performance appraisal and shall be required to acknowledge receipt of their appraisal either through signature or electronic confirmation. Each covered employee shall receive no less than one face-to-face meeting (or telephone or video conference meeting in the instance of a remote or teleworking employees) in which the supervisor reviews the employee’s annual performance; the overall rating; and the specific expectations for goals, objectives, and professional development activities for the upcoming cycle.

4. Discontinuations of Employment in Covered Positions

4.1 Discontinuation of Appointment with Notice or Severance Pay

4.1.1 Discontinuation of Appointment at Will with Notice or Separation Pay. Employment within an EPS position that is established by the letter of appointment to be employment “at will” is subject to discontinuation at any time at the discretion, of the chancellor (or designee) and may be for any reason or no reason so long as the reason is not unlawful; provided, that such a discontinuation (as distinguished from discharge for cause, Section III.B.3.) shall be subject to advance timely notice of discontinuation and/or receipt of a lump sum separation payment. At the chancellor’s discretion (or their designee), the notice provided in this Section B may be a working notice for the employee, or the notice period may be covered by paid administrative leave.

4.1.1.1 FOR EMPLOYEES HIRED PRIOR TO JULY 1, 2024

The chancellor (or their designee) may provide the employee with a combination of notice and separation pay that totals the respective required number of days. The determination of whether the employee shall receive notice of discontinuation of the appointment, receive separation pay in lieu of notice, or a combination of the two shall be in the sole discretion of the chancellor (or their designee).

- a. During the first year of service, not less than a thirty (30) calendar day notice prior to discontinuation of employment or a lump sum separation payment equivalent to thirty (30) calendar days of pay;
- b. During the second and third years of service, not less than a sixty (60) calendar day notice prior to discontinuation of employment or a separation payment equivalent to sixty (60) calendar days of pay; and
- c. During the fourth and all subsequent years of continuous service, not less than a ninety (90) calendar day notice prior to discontinuation of employment or a separation payment equivalent to ninety (90) calendar days of pay.

4.1.1.2 FOR EMPLOYEES HIRED ON OR AFTER JULY 1, 2024

The chancellor (or their designee) shall provide advance timely notice of discontinuation at least thirty (30) calendar days prior to the date of discontinuation.

In addition to the thirty (30) days’ notice provided above, the chancellor (or designee) may offer the employee a lump sum separation payment which shall be in exchange for an executed release of any and all claims, to the extent permitted by law, against the University through the date of discontinuation. Such a lump sum separation payment for an employee shall not exceed sixty (60) calendar days of pay and may be limited by ECU policies, such as defined separation payment amounts based on years of service. An offer of a separation payment is not a right of choice for the employee, but rather an option exercised in the sole discretion of the chancellor (or designee).

4.2 Expiration of Term Appointment

Employment within a covered EPS position that is established by the letter of appointment to be for a stated definite term expires automatically at the conclusion of the stated term without the requirement of any advance notice. Such an appointment may be renewed or extended at the sole discretion of ECU. Unless otherwise provided in the letter of appointment, ECU may make reasonable efforts to provide at least thirty (30) calendar day notice of a contract renewal but has no obligation to provide notice of renewal (or non-renewal).

4.3 Discharge for Cause

Any Exempt Professional Staff may be discharged for stated cause. Discharge for cause is to be distinguished from Discontinuation of Appointment with Notice or Severance Pay (Section 4.1.) or Expiration of Term Appointment (Section 4.2.). Stated causes for discharge shall include, but not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of their employment.

Discharge for cause shall be used to separate from employment any employee who is appointed by a stated definite term appointment prior to the expiration of the term. At-will employees do not have a right to the discharge for cause process, regardless of whether grounds for a discharge for cause exist, and nothing in UNC Policy 300.1.1[R] is intended to limit the university’s discretion to elect to discontinue an at-will employee in accordance with UNC Policy 300.1.1.

4.4 Disciplinary Action and Discharge for Commissioned Police Officers

Notwithstanding the above provisions, any employee occupying a covered commissioned police officer position shall be subject instead to the disciplinary procedures as prescribed in Article 8 of G.S. 126 and applicable policy or regulation.

5. Reviews

The University is committed to workforce success and equality of opportunity for all employees. Therefore, the University shall establish separate EPS Regulations for employees covered under this Employment Policy in conformance with the policies of The University of North Carolina. The Chancellor has the authority to issue and shall be responsible for approving and implementing regulations or standard operating practices necessary to carry out the requirements of this Employment Policy. However, requests for review concerning Discontinuations of Appointment with Notice or Severance Pay (Section 4.1.); or Expiration of Term Appointment (Section 4.2.) may be brought only upon allegations of violations of applicable notice requirements or violations of any provision of Section 6. or 7. of this Employment Policy.

6. Equal Employment Opportunity

It is the policy and intention of East Carolina University that there be equal employment opportunity and freedom from unlawful discrimination in all employment within East Carolina University as set in Section 103 of The UNC Code and the University's Notice of Nondiscrimination Policy. Employment in covered positions shall be conducted in accordance with all provisions of state or federal law or regulations prohibiting any such discrimination.

7. Protected Activity

Employment in covered positions shall not be adversely affected by the exercise of rights guaranteed by the First Amendment to the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in covered positions shall be subject to any limitations on political activity established by Article 5 of N.C. Gen. Stat., Chapter 126. The Board of Governors' policies concerning political activity, the UNC Policy Manual Section 300.5.1., et seq., as they may be revised from time to time, shall apply to positions covered by those policies.

8. Statutory and other Rules of Employment

8.1 Privacy of personnel records

Employees in covered positions enjoy the protections of and are subject to the provisions of Article 7 of § NC G.S.126, entitled "The Privacy of State Employee Personnel Records."

8.2 Employment preference for veterans

Employees in covered positions enjoy the protections of and are subject to the provisions of NC G.S. § 128-15, which provide for preference in employment for veterans of United States military service and their spouses and widows or widowers.