

## NAVIGATING HUMAN RESOURCES FOR SENIOR RESIDENT SUPERIOR COURT JUDGES AND CHIEF DISTRICT COURT JUDGES

JANUARY 22, 2025



RUSS EUBANKS  
CHIEF HUMAN RESOURCES OFFICER

RUSS.V.EUBANKS@NCCOURTS.ORG  
(919) 890-1108



2

## SESSION OBJECTIVES

- Meet the HR Team
- Overview of HR services / functional areas
- Provide answers to your HR questions
- Set you up for success as you manage a staff



3

## WHAT DOES HUMAN RESOURCES DO?

- Employee Benefits
- Recruiting & Talent Management
- Salary Administration
- Time and Leave
- Compensation and Classification
- Employee Relations/EEO
- Safety/Workers' Comp/COOP
- Performance Management
- HR Policy Development
- Communications



4

## JUDICIAL BRANCH CUSTOMERS

- Clerk of Superior Court
- Superior Court
- District Court
- Supreme Court
- Court of Appeals
- District Attorney
- Commissions and Conferences
- Indigent Defense Services
- Administrative Office of the Courts

9 Major Divisions of the Courts  
7,602 Employees/Positions  
297 Hiring Authorities



5

## HR GOAL # 1 – ODYSSEY STAFFING



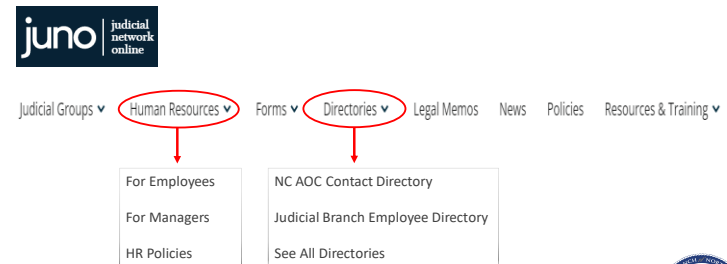
6

## HR GOAL #2 – AUTOMATED ONBOARDING

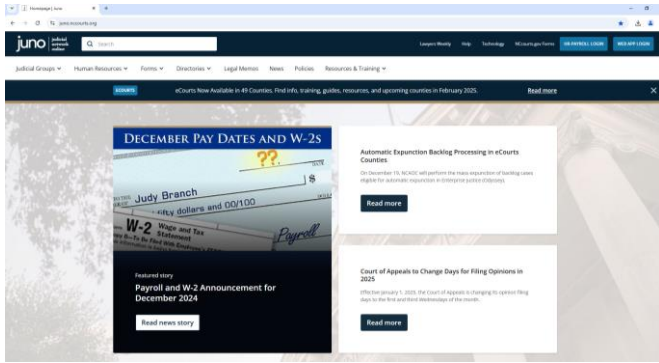


7

## WHERE DO I FIND HR INFORMATION?



8



TALENT MANAGEMENT  
 TRAVIS DAVIS  
 919-890-1126



### RECRUITMENT CYCLE



Good morning Judge Bridges,

As provided by the Current Operations Appropriations Act of 2022, SC-278 is receiving a new Court Administrator I position (65035829) and a new Court Coordinator position (65035743). You may begin recruiting for the positions now and they may be filled once the recruiting process is completed.

If you are designating all or some of the hiring responsibilities to others, be sure to forward this message to all designees. A salary administration specialist will send a copy of this e-mail along with new hire documents to the personnel contact on file for your office.

#### CHECKLIST

The hiring process involves several important steps. See the [Effective Hiring](#) pages for detailed information about each part of the process. The checklist below will help ensure you meet the legal requirements for posting, recruiting, and on-boarding processes. Click an item to jump to additional information about that topic.

- [Job Posting](#)
- [Recruiting Strategy](#)
- [Interviews](#)
- [Reference Checks](#)
- [Criminal Background Checks](#)
- [Job Offers](#)
- [Employment Eligibility Verification](#)
- [Onboarding New Hires / Transfers](#)
- [Notifying Applicants](#)

#### JOB POSTINGS



## JOB POSTINGS



## JOB POSTINGS - COMMON JOB TITLES

- Court Coordinator
- Court Assistant
- Official Court Reporter



## FORM AOC-A-231

North Carolina Administrative Office of the Courts Human Resources Division		JOB POSTING REQUEST FORM	
<b>SECTION 1 - INSTRUCTIONS</b> Hiring managers or designees complete this form to request posting of a vacant position. Submit the completed form to the HR Recruiter assigned to your work unit. See the Hiring Authorization Notice for Recruiter information (except IDS positions see IDS Executive Director). Special Note: A valid and current Position Description (Form AOC-A-114) must be on file in Human Resources before posting a vacant AOC position. See page two (2) of this form for additional details.			
<b>SECTION 2 - POSITION INFORMATION</b>			
<b>Position Details</b>		<b>Position Appointment Type (enter X in applicable box)</b>	
Job Title		<input type="checkbox"/> Permanent Full-time	
Working Title		<input type="checkbox"/> Permanent Part-time	
Position Number		<input type="checkbox"/> Time Limited Grant Funded Full-time	
Division or Work Unit		<input type="checkbox"/> Time Limited Grant Funded Part-time	
County of Position		<input type="checkbox"/> Temporary Full-time	
Former Employee		<input type="checkbox"/> Temporary Part-time	
Expected Fill Date		<input type="checkbox"/> Position Work hours (e.g. 40, 20, 30 hours per week)	
<b>SECTION 3 - RECRUITING METHOD AND APPLICANT REQUIREMENTS</b>			
<b>Recruiting Method Desired (enter X in applicable box)</b>		<b>Applicant Requirements (enter X in applicable boxes)</b>	
<input type="checkbox"/> Internal - Judicial Branch workforce		<input type="checkbox"/> Resume	
<input type="checkbox"/> External - General Public		<input type="checkbox"/> Cover Letter	
		<input type="checkbox"/> Writing Sample	
<b>SECTION 4 - HIRING MANAGER OR DESIGNEE</b>			
Name		Email	
Title		Phone	
<b>SECTION 5 - DESCRIPTION OF WORK</b>			
<b>SECTION 6 - MANAGEMENT PREFERENCES</b>			
<b>SECTION 7 - SUPPLEMENTAL QUESTIONS</b>			



# SAMPLE JOB POSTING



STATE OF NORTH CAROLINA  
invites applications for the position of:  
**Court Coordinator**

**Job Class Title:** Court Coordinator  
**Position Number:** 65035947  
**Department:** District Court  
**Division/Section:** District Court 43  
**Salary Range:** \$48,243.00 - \$73,617.00  
**Recruitment Range:** \$48,243.00 - \$73,617.00  
**Salary Grade:** Grade 16  
**Appointment Type:** Permanent Full-time  
**Work Location:** Cherokee County  
**Opening Date:** 01/03/25  
**Closing Date:** 01/16/25



# SAMPLE JOB POSTING - CONTINUED



District Court 43, serving Cherokee, Clay, Graham, Haywood, Jackson, Macon, and Swain counties, seeks a qualified individual to perform a variety of administrative and case management functions for the Senior Resident Superior Court Judge or Chief District Court Judge in the district. The Court Coordinator may manage the office in the absence of the judge.  
 Duties include, but are not limited to, the following:

- Develop case management procedures, track status of cases and prepare periodic reports, schedule cases and resolve scheduling conflicts, prepare and distribute calendars, and answer questions regarding status of cases.
- Compose and prepare a variety of materials including correspondence, reports, and legal documents.
- Assist with legal research.
- Schedule appointments and meetings, make travel arrangements, and maintain administrative records for the office.
- Ensure office supplies and equipment are ordered, distributed, and maintained.

**MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:**

Graduation from a four-year college or university with a degree in court administration, criminal justice, public administration, business, or a related field, and one year of experience in the court system to acquire the knowledge, skills, and abilities to perform the work described; or an equivalent combination of education and experience.

**Attach cover letter and resumé.**



# SAMPLE SUPPLEMENTAL QUESTIONS

How many years of legal secretarial experience do you possess?

- None  Less than 2 years  2 or more years

Rate your skill level with Microsoft Excel?

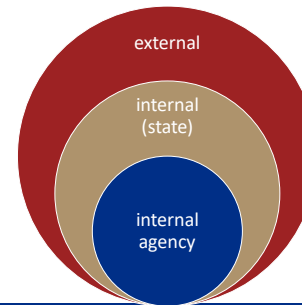
- None  Basic  Intermediate  Advanced

Rate your ability to speak, read, and understand Spanish.

- None  
 Basic  
 Intermediate  
 Advanced



# POSTING STRATEGIES



## WHAT IS NEOGOV?



The image shows a login form for NEOGOV. At the top, the word "NEOGOV" is displayed in a bold, blue, sans-serif font. Below this, there are two input fields: "Username" and "Password". Underneath the password field, the text "All fields are required" is written in a smaller font. At the bottom of the form, there is a blue button labeled "Log In" and a link that says "Forgot your username or password?"

21



## WHO IS A JOB APPLICANT?



22



## INTERVIEWS



23



## BACKGROUND & REFERENCE CHECKS



24



## CRIMINAL BACKGROUND CHECKS



25

## THE JOB OFFER



26

## RECRUITING TASKS TO REMEMBER

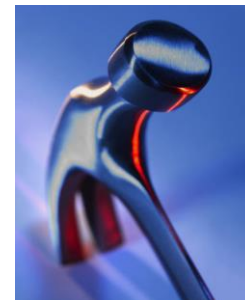
- Plan a structured interview to help you compare candidates.
- Don't hire anyone who is not an "applicant." Applicants are those who apply during the active recruitment period.
- Don't make hiring decisions before the close of the recruitment period.
- Perform reference checks and criminal background checks **before** the official job offer is made.
- Once the selected candidate accepts the offer, contact the unsuccessful applicants to let them know the position has been filled.
- Be prepared to justify your hiring decision. Take notes on the whole process.



27

## RECRUITING TOOLS

- Juno Pages, Recruitment and Hiring
- NeoGov Tutorial
- Effective Hiring Manual
- Sample Interview Questions
- Interviewing Training Module (3 parts)
- Interview Rating Sheet
- Reference Check Form
- Reference Authorization Release



28

JUDICIAL SUPPORT STAFF  
FAIR LABOR STANDARDS ACT  
PERFORMANCE MANAGEMENT  
SUCCESSION PLANNING

JAY CARTER BIGGS – 919.890.1102



29

JUDICIAL SUPPORT STAFF  
(JSS)



30

## POSITIONS

### Judicial Support Staff (JSS)

- Court Assistant
- Court Coordinator
- Court Manager (I – III)
- Court Administrator (I – III)



31

## POSITIONS

### Court Reporting

- Digital Recording Technician
- Official Court Reporter

### Custody Mediation

- Custody Mediation Program Assistant
- Custody and Visitation Mediator



32



## JOB SPECIFICATIONS

Available on Juno

- Human Resources > Careers > Job Descriptions
- Include information about the job



33

## SALARY RANGES

JOB TITLE	MINIMUM	MIDPOINT	MAXIMUM
Court Assistant	\$39,511	\$48,475	\$57,438
Court Coordinator	\$48,243	\$60,930	\$73,617
Court Manager I	\$53,465	\$68,622	\$83,778
Court Manager II	\$59,463	\$77,439	\$95,414
Court Manager III	\$62,771	\$82,310	\$101,849
Court Administrator I	\$70,282	\$93,192	\$116,101
Court Administrator II	\$78,830	\$105,624	\$132,418
Court Administrator III	\$88,467	\$119,784	\$151,101
Custody Mediation Program Asst.	\$43,614	\$54,233	\$64,851
Custody and Visitation Mediator	\$62,771	\$82,310	\$101,849



34

## SALARY OFFERS

### Support Staff and Custody Mediation Positions

Jay Carter Biggs  
Jay.C.Biggs@nccourts.org  
(919) 890-1102

### Court Reporters

Karen DiGiacomo  
Karen.DiGiacomo@nccourts.org  
(919) 890-1138

### Magistrates

Kurt Miller  
Kurt.Miller@nccourts.org  
(919) 890-1119



35

FAIR LABOR STANDARDS ACT  
(FLSA)



36

## FLSA – OVERTIME PROVISIONS

- Exempt vs. Non-Exempt (Subject)
- All Judges and Court Administrators are exempt
- Most Court Managers are subject
- All Court Coordinators and Court Assistants are subject

37



## FLSA – GENERAL INFORMATION

- Integrated HR/Payroll System is the official time record for each employee.
- Prior approval to work overtime.
- Rights cannot be waived.
- Variable schedules/averaging work hours over multiple weeks.

38



## FLSA – TRAVEL TIME

Normal commute time.

Multi-County Districts:

- Travel from home.
- Travel between courthouses.

39



PERFORMANCE MANAGEMENT

40

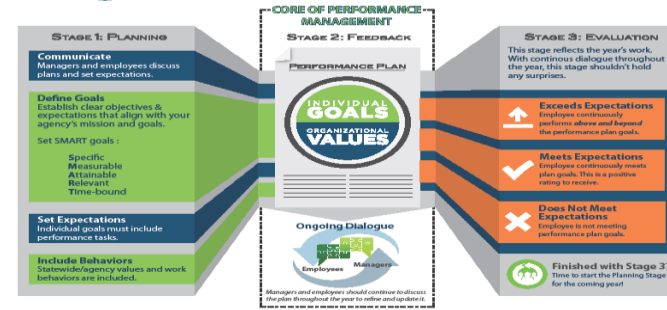


# PERFORMANCE MANAGEMENT

- Performance management
- Performance evaluation
- NCVIP



## PERFORMANCE MANAGEMENT PROCESS



# STAGE ONE: PLANNING

## Goals

- What work is to be done
- Account for 50% of the final rating

## Values

- How the work is to be done
- Account for 50% of the final rating

**No more than 60 days to complete**



## Performance Management Process



1. Planning
2. Feedback
3. Evaluation

This quick reference card outlines the "Planning" stage of performance management, the first of the three performance management stages.



## STAGE TWO: FEEDBACK

- Ongoing communication throughout the year



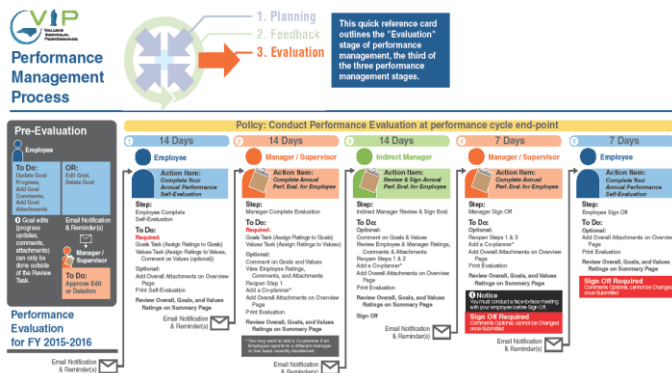
45

## STAGE THREE: EVALUATION

- Self-evaluation
- Evaluation by direct manager/supervisor
- Reviews and sign-off
- No surprises



46



47

## ANNUAL PERFORMANCE EVALUATION (APE) RATING LEVELS

3. Exceeds Expectations
2. Meets Expectations
1. Does Not Meet Expectations



48

## ROUNDING OF RATINGS

**Overall Ratings between:**

2.7 – 3.0

1.7 – 2.6

1.0 – 1.6

**Will Receive an Overall**

**Annual Performance Evaluation Rating of:**

Exceeds Expectations

Meets Expectations

Does Not Meet Expectations

49



## RESOURCES

Quick reference guides on Juno

- Human Resources > For Managers > Performance Management (NCVIP)

Online training modules

- Learning Management System (LMS)

50



## SUCCESSION PLANNING

51

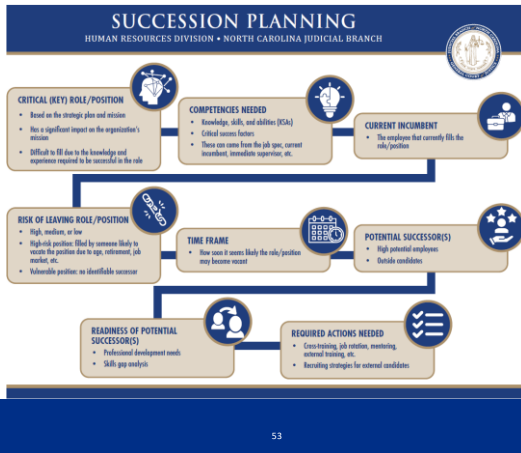


## SUCCESSION PLANNING - GENERAL INFO.

- Purpose
- Process
- Contacts

52





## SUCCESSION PLANNING CONTACTS

Jay Carter Biggs  
Jay.C.Biggs@nccourts.org  
(919) 890-1102

OR

Travis Davis  
Travis.E.Davis@nccourts.org  
(919) 890-1126



## QUESTIONS

SALARY ADMINISTRATION,  
TIME/LEAVE, & HR-PAYROLL SYSTEM  
DEBBIE TANT  
919-890-1124



## ABOUT YOU



57

## OFFICE STAFF CHANGES

- New Hires
- Leaves of Absence
- Separations
- Salary Administration
- Restructuring of Office
- Time/Pay matters



58

## FMLA ENTITLEMENT

- Up to 12 weeks of leave for
  - Birth and care of newborn
  - Placement for adoption or foster care
  - Care for spouse, child, parent with serious health condition
  - Employee's own serious health condition
  - Military Caregiver Leave, 26 weeks in a 12-month period
- "Qualifying Exigency Leave" expands eligibility for 12-week FMLA entitlement to employees with a military member serving in the Guard or Reserves or the regular armed forces



59

## FMLA ELIGIBILITY

- Must have worked for employer 12 months (need not be consecutive)
- Must meet criteria for hours worked in the previous 12 months
  - 1040 hours for permanent full-time or part-time, including grant positions
  - 1250 hours for temporary employees
- Not paid but employee may use earned leave or shared leave
- May be intermittent, if medically warranted, or with approval of employer in other cases.



60

## DESIGNATING LEAVE AS FMLA

- Be aware the employee need not mention the law by name
- It is up to the hiring authority to designate the leave as FMLA
- Act quickly
- Contact the salary administration specialist for your district or the leave of absence
- Contact with medical provider can not be by direct supervisor

61



## INTEGRATED HR/PAYROLL SYSTEM

62



## BASIC TIME/LEAVE APPROVAL

Why enter/approve weekly?

- Increased accuracy/error detection
- Leave quotas updated
- Holidays stay in the holiday bucket
- Easier to read and approve because list of entries are shorter
- Based on Fair Labor Standards – looking at 40-hour work week to calculate overtime



63



## MANAGER TAB

- Approve Timesheets
- Working Time Report
- My InBox – includes Leave Requests (DO NOT USE)
- My Team – Information about staff that directly reports to you (includes salary)
- Manager Reports
  - Comp Time Aging
  - Leave Liability
  - My Employees Quota Overview
  - Time Leveling

64



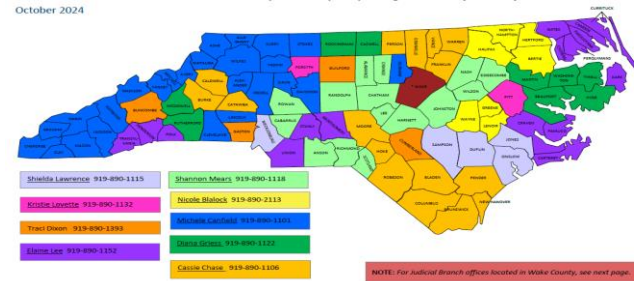


## WHO TO CALL

- My Benefits – Benefits Specialist
- My Personal Data – Human Resources Specialist
- My Pay – Human Resources Specialist
- My Time – Katie McMinn (Time/leave Specialist) or your HR Specialist
- My Staff – Human Resources Specialist
- Leave of Absence – LOA Specialist
  - Diana Griess (919) 890-1122
- Who NOT to call: BEACON BEST Shared Services



## HUMAN RESOURCES SPECIALISTS (HRS) COUNTY ASSIGNMENTS



BENEFITS  
LAJUNE HARRISON  
919-890-1309



## BENEFITS RESOURCE - JUNO

- [www.juno.nccourts.org](http://www.juno.nccourts.org)
- HR/For Employees/Benefits/NCCourts.gov Benefits Webpage



## WHAT'S IN YOUR BENEFITS PACKAGE?

- Pension
- Health Insurance
- NC Flex Plan Options
- Supplemental Insurance
- Supplemental Savings Plans
- Additional Benefits



69

## CONSOLIDATED JUDICIAL RETIREMENT SYSTEM (CJRS)

- 5-year vesting
- Contribution – 6 % of salary
- Death Benefit (1 x annual salary)
- Service retirement (min. age 50 with 24 years service or 65 with 5 years of service)
- Early retirement (min. age 50 with 5 years service)
- Retirement benefit capped at 75% of final compensation
- Retiree benefit formula
  - 3.02% times Final Salary times Years of Service (District Court Judges)
  - 3.52% times Final Salary times Years of Service (Superior Court Judges)



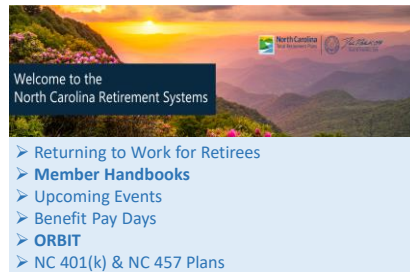
70

## CJRS RESOURCES

Visit: <https://www.myncretirement.com/>

Contact: (919) 814-9815

Email: [Specialty.Plans@NCTreasurer.com](mailto:Specialty.Plans@NCTreasurer.com)



71

## HEALTH INSURANCE

Plan Options Include

- Enhanced 80/20 Plan
- Traditional 70/30 Plan



Visit [www.shpnc.org](http://www.shpnc.org) to review the 2025 Enrollment Guide and learn more about your benefits.

Enrollment may be done online using *eBenefits* or by calling the Eligibility and Enrollment Support Center: **1-855-859-0966**.



72

### 80/20 & 70/30 Plan for Active Subscribers

Monthly Premium Rates January 1, 2025 – December 31, 2025	Enhanced PPO Plan (80/20)		Base PPO Plan (70/30)	
	TOBACCO ATTESTATION COMPLETE?*		TOBACCO ATTESTATION COMPLETE?*	
	YES	NO	YES	NO
<b>ACTIVE SUBSCRIBERS</b>				
Subscriber	\$50.00	\$110.00	\$25.00	\$85.00
Subscriber + Child(ren)	\$305.00	\$365.00	\$218.00	\$278.00
Subscriber + Spouse	\$700.00	\$760.00	\$590.00	\$650.00
Subscriber + Family	\$720.00	\$780.00	\$598.00	\$658.00

**Notes:**

1. If your employment contract is for less than 12 months, contact your Health Benefits Representative or benefits office for monthly rates.
2. If you are self-employed and you or your dependent(s) are Medicare eligible, the State Health Plan is the primary insurer and the Non-Medicare rates apply. An exception to this would be if you or your dependent(s) are Medicare eligible due to end stage renal disease (ESRD).
3. If you work for a local government employer, contact your Health Benefits Representative or benefits office for monthly rates.
4. The employer share for Active subscribers is 85%.

\*Premium credit completed during enrollment period.



## NC FLEX PROGRAM OPTIONS

- Dental Plan
- Vision Plans (includes no cost Core Option)
- Critical Illness Plan
- Cancer Insurance
- Disability
- Accidental Death and Dismemberment Insurance (includes no cost Core Option)
- Accident Plan
- Voluntary Group Term Life Insurance
- Health Care & Dependent Day Care Flexible Spending Accounts



## SUPPLEMENTAL SAVINGS PLANS

- Supplemental Retirement
  - NC 401(k)
  - NC 457 – Deferred Compensation Plan  
Visit [www.myncplans.com](http://www.myncplans.com) or call Empower at 1-866-627-5267
- NC 529 College Savings Plan through College Foundation of NC



## SUPPLEMENTAL INSURANCE – POST TAX PLANS

- Accident Insurance – AFLAC
- Cancer Insurance – Colonial
- Term Life Insurance – Colonial
- Disability Insurance – Colonial
- Hospitalization Insurance – Colonial
- Whole / Universal Life Insurance – Pierce Insurance Agency
- Long Term Care – Pierce Insurance Agency



## ADDITIONAL BENEFITS

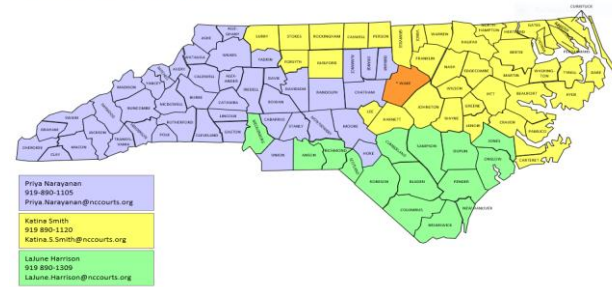
- Paid Holidays
- Service Awards Program
- Judicial Longevity (After 5 years of service)
- State Employees' Credit Union Banking
- Employee Assistance Program (EAP)



77

## YOUR BENEFITS REPRESENTATIVES

HR Benefits Specialist Assignments by County



78

SAFETY & WORKERS COMPENSATION  
LORING ROBERTS  
919-890-1112



79

## SAFETY & HEALTH

- Prevent accidents and promote a healthy work environment
- Employ proactive strategies
- Improve compliance with laws and regulations
- Evaluate and control hazards to maintain the well-being of employees
- Reduce costs, lost workdays, & job restrictions
- Respond to and address safety hazards and unsafe conditions

**WATCH YOUR STEP!**

Take time to ensure proper footwear, good footing, and a clear path when walking.

Be on the lookout for exposed cords or cables, obstructions like boxes or open file cabinet drawers, and wet floors.



80

# SAFETY WALKTHROUGH

- Observe working conditions
- Identify and document potential hazards
- Inspection every 3 years
  - Office spaces
  - File storage areas
  - Fire safety equipment
  - Emergency Procedures
  - Ergonomics

**JUDICIAL BRANCH COURTHOUSE SAFETY INSPECTION**  
CHECKLIST

Judge Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Division: \_\_\_\_\_ Branch: \_\_\_\_\_  
 Court/Building: \_\_\_\_\_

Inspection is an integral part of the normal operation of the court. Inspections are conducted to identify and document safety hazards. Inspections are conducted to ensure that the court meets the requirements of the state and federal courts. Inspections are conducted to ensure that the court meets the requirements of the state and federal courts. Inspections are conducted to ensure that the court meets the requirements of the state and federal courts.

Inspection Item	Y	N	N/A	Comments/Corrective Action
<b>General/Overall Inspection</b>				
Is the building safe and secure?				
Are there any fire safety hazards?				
Are there any electrical hazards?				
Are there any ergonomic hazards?				
Are there any safety hazards?				
Are there any other hazards?				



# SAFE WORK PRACTICES ... NO WORKERS' COMP

Numbers 2, 4, and 5 are some of our leading causes of injuries

What can you do to keep your office from looking like this?



# WORKERS' COMPENSATION (WC)

- Insurance that provides benefits and/or medical care for employees injured while performing job-related duties
- Medical benefits, wage replacement, disability benefits
- Injury caused by an accident during the discharge of work duties
- Medical assistance when more than first aid is necessary
- Report injury and file written notice within 30 days of incident
- Workers Compensation Policy on Juno Section 6.F
- When in doubt ... call!

All forms and Workers' Comp Handbook available on Juno:  
<http://www2.nccourts.org/NEO/safety.htm>



# THREE TYPES OF WORKERS' COMPENSATION INJURIES



- Medical Only (MO)
  - Medical treatment only under certain dollar amount
- Medical Complex (MCPLX)
  - Medical treatment only over certain dollar amount, or subrogated claim
- Indemnity (IND)
  - Medical treatment and missed time



## REPORTING FORMS

- Judicial Branch Employee Notice of Accident / Incident
- Judicial Branch Supervisor Notice of Employee Accident / Incident
- Witness Statement Form



85

## PATIENCE WITH THE PROCESS

- Workers' Compensation Process can be lengthy
- Anywhere from 1 day to 500+ weeks
- There are many options – Consult with AOC HR
- Team process:
  - Workers' Compensation Coordinator
  - Hiring Authority
  - Benefits
  - Employee Relations
  - Third-Party Administrator



86

## WORKERS COMP COMPLIANCE

- Avoid contacting employee on WC leave about work matters or asking when they expect to return-to-work
- Direct employee to speak with HR about benefits while on WC leave
- Employees on WC leave or under doctor's care may not be separated
  - Contact Nicole Blalock, Workers' Comp Coordinator,
    - 919-890-2113



87

## CONTINUITY OF OPERATIONS (COOP)



Courts must maintain a COOP plan to ensure they know what to do if faced with an emergency that threatens the continuation of normal operations.



Each Senior Resident Superior Court Judge or her or his designee is tasked with creating and updating each county's COOP plan.



88

EMPLOYEE RELATIONS  
TERRI HARRIS  
919-890-1104



89

## WHAT IS EMPLOYEE RELATIONS?

- Promote Positive Work Environment
- Management consultations
- Employee complaints and grievances
- Conflict Resolution/Mediation Services
- Team Building
- Workplace Investigations
- Discipline / Termination best practices
- Policy review
- Employee Assistance Program (EAP)
- Employment and Labor law compliance



90

## EQUAL EMPLOYMENT OPPORTUNITY (EEO)

<p>Title VII of the Civil Rights Act of 1964</p> <ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• Sex or Gender</li> <li>• Religion</li> <li>• National Origin</li> </ul>	<p>Age Discrimination in Employment Act of 1967 (ADEA)</p> <ul style="list-style-type: none"> <li>• Age (40 and older)</li> </ul>	<p>Title I of the Americans With Disabilities Act of 1990 and 2008 (ADA)</p> <ul style="list-style-type: none"> <li>• Disability</li> </ul>	<p>Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)</p> <ul style="list-style-type: none"> <li>• Genetic Information</li> </ul>
--	---	---	---



91

## ADDITIONAL PROTECTIONS

Other Federal
<ul style="list-style-type: none"> <li>• Pregnancy Discrimination Act (PDA)</li> <li>• Pregnancy Workers Fairness Act (PWFA)</li> <li>• Uniformed Services Employment and Re-employment Rights Act (USERRA)</li> </ul>

Other State
<ul style="list-style-type: none"> <li>• Workers' compensation action (NCGS §97)</li> <li>• Wage and hour and OSH (NCGS §95, Art 2A &amp; 16)</li> <li>• National Guard re-employment rights (NCGS §127A, Art 16)</li> <li>• Compliance with juvenile court (NCGS §7B, Art 27)</li> <li>• Seeking relief from domestic violence (NCGS §50B-5.5)</li> </ul>



92

## EEO PROTECTED CATEGORIES

- Race
- Color
- National origin
- Religion
- Age (40 and older)
- Sex: gender, pregnancy, sexual orientation, gender identity
- Disability or medical condition
- Genetic Information Discrimination Act (GINA)



93

## EMPLOYMENT – RELATED ACTIVITIES

- Application
- Testing
- Interviews
- Selection / Hiring
- Compensation / Salary Changes
- Assignments
- Training Programs
- Scheduling
- Promotion / Demotion
- Layoff / RIF
- Use of any type of leave
- Benefits / Perquisites



94

## WHY EEO MATTERS

- Non-Discrimination
  - Employment decisions based on business needs, not personal characteristics
- Fair Workplace Practices
  - Use consistent criteria all employment activities
- Anti-harassment
  - Preventing unwelcome conduct or speech that can adversely affect the employee and / or work environment
- Reasonable Accommodations
  - Support employees with disabilities (seen and unseen) or religious practices



95

## ADA – REASONABLE ACCOMMODATIONS



- An employee / applicant does not need to mention ADA or accommodation
- Employer and employee obligated to participate in an interactive dialogue
- Enable qualified individual with disability to perform essential job functions
- An employer is responsible for reasonable accommodation, subject to undue hardship
- Undue hardship is relative to an employer's resources
- If multiple options, the employer gets to choose



96



## UNLAWFUL WORKPLACE HARASSMENT



Types of unlawful sexual harassment:

- Quid Pro Quo
  - Someone in position of authority seeks sexual favors from an employee in return for a job benefit.
- Hostile Work Environment
  - Pervasive and continuing behavior that impede someone's ability to perform their job, due to hostility and discomfort. Can be colleague, customer, and supervisor.
- Abusive of Authority
  - Misuse of power or position
  - Intimidating, coercive, demeaning



97

## REPORTING INAPPROPRIATE OR UNLAWFUL BEHAVIOR

- Tell the offender to STOP.
- Report to supervisor or hiring authority;
- Report to the alleged harasser's supervisor or hiring authority;
- Report to Human Resources;
- File a Complaint Form for Judicial Branch Employees (AOC-A-188);
- File a claim directly with the EEOC.

Deer Oaks EAP Services provides free confidential assistance and is available 24/7/365 at 866-327-2400 or visit [www.deeroakseap.com](http://www.deeroakseap.com) (username and password both NCAOC).



98

## RETALIATION IS PROHIBITED

### Be Aware!

Findings may be based on retaliation even when no findings for underlying claim

Often makes a bad situation much worse

Keep your emotions in check!



### Protected Activities

Filing or being a witness in a complaint or related activity

Intervening to protect others

Opposing employment practices that would result in discrimination



99

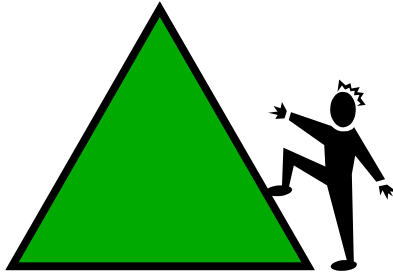
## LABOR LAW POSTERS



100

## THREE KEY MEDICAL RELATED LEAVE LAWS

- **FMLA**  
Family Medical Leave Act
- **ADA**  
Americans With Disabilities Act
- **Workers' Comp**  
NC Workers' Compensation Act



101

## SUPPORTING A GREAT PLACE TO WORK

- Lead by and set positive examples
- Standard operating procedures, office policies, best practices
- Facilitate open lines of effective communication
- Establish and communicate clear performance goals and expectations
- Provide support, feedback, coaching, and opportunities to improve
- Recognize and appreciate employees' work
- Praise in public, correct in private



102

## LEARNING MANAGEMENT SYSTEM (LMS)

### Unlawful Workplace Harassment:

Applies to all employees of all judicial officials and other hiring authorities within the Judicial Branch in North Carolina. This session is designed to equip judicial employees with practical skills to analyze on-the-job situations for unlawful workplace harassment and apply appropriate actions.

### HR Rules & Tools for Supervisors:

A four-part series developed to introduce new hiring authorities and supervisors, who may have limited experience supervising people, to the essential requirements of human resource law (the Rules) and present some processes and best practices (the Tools) for successful HR management.



103

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

### Personal-Related Issues

- Stress management
- Marital / Family Problems
- Child / Elder Care Issues
- Grief / Loss
- Financial and budgeting
- Legal consultations

### Work-Life Services

- Effective Communication
- Job Stress / Burnout
- Work performance
- Pet Sitters, Travel Planning, Home Repairs
- Estate Planning
- Education and Training resources

(888) 993-7650

**DEEROAKS** EAP  
An AllOne Health Company



104

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

### Management Consults

- Guidance for dealing with issues related to management role
- Assist with ideas to reinforce acceptable behavior and performance

### Confidential Referrals

- All contact is confidential
- Self referral – employee chooses to contact EAP for support or resources
- Mandatory – Formal referral initiated by manager in response to problematic performance or behaviors that need to change to promote success.
  - Manager informed when employee complies or “no-show”

### Critical Incident Response

- Traumatic or stressful events that affect the organization and staff
- Crisis de-brief sessions – individual or group phone call for difficult cases

### Webinars / Learning

- Work-related and personal life topics
- Leadership Series
- Extensive training catalog with on-site, one-hour programs

**DEEROAKS EAP**  
An AllOne Health Company



105

## HR ISSUES CASE STUDY



106

## PART I

Sally, the longest serving court coordinator in your office (20 years and counting!), has been calling in sick frequently or missing days at a time without giving advanced notice. Sally tells her co-workers she is allergic to the mold she believes is in certain areas of the courthouse. Although Sally has the sick time to take, her absences are creating a hardship for your office.

When you meet with Sally to discuss her situation, she tells you that she isn't really sick – her son was recently arrested on his third drug offense and she is now taking care of his child, her granddaughter. The granddaughter has an autoimmune disease and is often ill at unpredictable times. Sally is struggling with how to adjust to her new circumstances. She doesn't want anyone at work to know what's going on at home because she feels her son's addiction is due to her parenting and doesn't want her co-workers digging around in her son's criminal history.



107

## PART I: PRESENTING ISSUES

- Confidentiality
- EAP
- FMLA
- Office morale
- Potential abuse of position
- Retirement
- Workplace safety



108

## PART II

Assume Sally, a court coordinator, decided to retire. Mary was hired to replace Sally as a court coordinator. Mary came highly recommended from an attorney colleague, and you were eager to get her on board because that position had been vacant for over three months. You met with Mary while the job was posted and you were so impressed, you hired her on the spot. Due to her previous law firm experience and excellent recommendations, you tell Mary that her starting salary will be well above the salary for which she is eligible based on her qualifications.

Mary is bright, dependable, and does good work. She is also single, very attractive, and you've noticed several male colleagues spend a fair amount of time socializing with Mary in the office. Mary has a long-time partner and has let all potential suitors know she is otherwise taken.



109

## PART II, *CONTINUED*

Ted, a magistrate, is one such person who has paid Mary a great deal of attention. Ted is also a cousin to the Clerk of Superior Court. Mary has let Ted know, politely but firmly, that she is with someone and not interested in him. But Ted persists to the point of making Mary uncomfortable. He stands too close and asks a lot of questions about her personal life. On more than one occasion, he has put or attempted to put his arm around her shoulders.

You have spoken with Mary about how to deal with Ted and you've spoken with Ted asking him to respect Mary's desire not to have a social relationship with him.

Lately, Mary has been missing work particularly on days that Ted is on the schedule. Because she does not have a lot of earned leave, Mary's absences have been unpaid. When you meet with her to discuss her continuing absences, she accuses you and Ted of sexual harassment and threatens to file a charge of discrimination.



110

## PART II: PRESENTING ISSUES

- Recruitment
- Compensation
- Office politics
- Sexual harassment
- Leave
- EAP



111

## PART III

Ted is furious when you meet with him to discuss the situation. Ted refuses to take the unlawful workplace harassment training and denies he has done anything improper or unprofessional toward Mary.

You learn the next day that the police were called to Ted's home. Ted's son came home and found the car crashed into the house and Ted inside, clearly drunk, with a gun in his lap threatening to kill himself. The police diffused the situation and removed all the guns from Ted's home before taking him to a local facility for an assessment. Ted was released after 24 hours and now he wants his guns back.



112

## PART III: PRESENTING ISSUES

- Substance abuse
- Potential workplace violence
- Workplace safety
- Magistrates
  - Limited disciplinary measures available
  - Allowed to conceal carry in court
  - Remain in pay status for as long as position held



113

