INTRODUCTION

In 2022, the University received legislative authority to exempt its commissioned institution law enforcement officers (LEOs) from most provisions of the North Carolina State Human Resources Act (SHRA). This enabled the University to establish a new classification and compensation structure for institution LEOs within the University’s EHRA personnel system under the instructional, research, and information technology (IRIT) category.

By this legislative authority, most EHRA LEOs (except senior police executives who remain classified as Senior Academic and Administrative Officers) retain their rights to progressive discipline and traditional SHRA grievance procedures and are not employed at-will. Likewise, the majority of these EHRA LEO employees (typically at the rank of Senior Police Supervisor or below based on job duties) continue to be classified as FLSA non-exempt and subject to related overtime and special premium pay like other non-exempt SHRA employees.

Section 300.2.1 of the UNC Policy Manual provides the primary policy provisions for EHRA LEOs as EHRA IRIT employees. In addition, Section 300.2.21[R] of the UNC Policy Manual ("Regulation on Campus Law Enforcement Officers Exempt from the Provisions of the State Human Resources Act") outlines the special provisions associated with EHRA LEOs. An established conversion process to support the movement of institution LEOs from SHRA to EHRA status has been communicated to the constituent institutions and should have been completed no later than June 30, 2023.

This frequently asked questions (FAQ) document was developed to assist constituent institution CHROs and Chiefs of Police as they carry out the implementation and ongoing administration of this new classification and compensation structure for EHRA LEOs. It has been updated periodically to reflect new guidance based on questions and feedback from the constituent institutions.

The latest FAQ update was accomplished on July 18, 2023.

FREQUENTLY ASKED QUESTIONS

Do all SHRA LEO positions crosswalk into the new EHRA structure?

All vacant and filled SHRA institution LEO positions were “crosswalked” into the new EHRA LEO structure. Unlike prior SHRA to EHRA conversions, such as IT or audit, business, and finance (ABF), this transition did not result in the loss of any traditional SHRA job protections or benefits. EHRA LEOs retained their due process rights under the SHRA disciplinary and grievance policies. For this reason, the crosswalk to EHRA status was not optional nor subject to any individual employee election. All current and future positions and incumbents are subject to this conversion. System Office HR provided an infographic that summarizes the relevant changes for affected employees and is available, along with other relevant documentation supporting this conversion, on the System Office HR website for institution HR professionals.

Like most other EHRA non-faculty positions, are EHRA LEO positions all FLSA exempt?

No. EHRA LEOs represent a special category of EHRA positions and may be either FLSA exempt or non-exempt based on standard federal FLSA requirements, including the job duties test. Therefore, EHRA LEOs will be a mix of FLSA exempt and non-exempt positions, and institution HR and payroll systems required configuration to support this.

What if an existing FLSA non-exempt SHRA LEO was crosswalked to a FLSA exempt position?

The EHRA LEO classification guidelines established FLSA status based on job duties. Any deviation from this guidance requires review and approval by System Office HR. One of the underlying objectives of the new EHRA LEO program is that the conversion process should not disadvantage any individual officer. Therefore, if an existing FLSA non-exempt incumbent converted to FLSA exempt status, then a good faith effort should have been made to set the newly annualized salary at an amount commensurate to the prior total annual compensation as a non-exempt employee, considering prior overtime and premium pay. It is recommended that a three-year look-back
period of payroll records be applied to support any decision-making for such an adjustment.

Are all EHRA LEO positions classified as IRIT positions? What about Chiefs of Police and principal deputies that have been traditionally classified as EHRA Senior Academic and Administrative Officers (SAAOs)?

Although the vast majority of EHRA LEOs are classified in the EHRA category of IRIT, SAAO Tier II status must be maintained for all Chiefs of Police and for principal deputies if these positions were classified as SAAO prior to the EHRA conversion. These SAAO positions remain covered by the EHRA non-faculty employment policies under Section 300.1.1. of the UNC Policy Manual, which means that they are at-will appointments and do not receive the job protections or grievance rights of other EHRA LEOs. The implementation does not affect the terms and conditions of employment associated with these existing SAAO positions. With respect to all police executive positions below the rank of chief of police or their principal deputy, the constituent institutions shall refer to the EHRA LEO classification leveling guidelines for specific criteria. In any instance, an existing SHRA LEO incumbent who is SHRA was to be crosswalked to an EHRA IRIT category. Consult with System Office HR for guidance on individual cases.

Do we have flexibility with respect to the starting salary for Police Trainees or are we limited to the minimum salary for this classification?

Institutions have the flexibility to begin Police Trainees at the stated salary minimum ($39,462 at launch) or at a higher amount not to exceed $1 below the minimum salary of the Police Officer I job classification. Note: This minimum salary amount is current as of July 2023 and will continue to be updated with future EHRA LEO salary range revisions.

Our agency has two Police Majors (currently assigned to the SHRA classification of Public Safety Manager) that are both next level reports to the Police Chief. Which Police Executive classification should these be crosswalked into?

Please refer to the EHRA LEO classification guidelines matrix. This guidance is specific regarding eligibility for each Police Executive classification, some of which ties to position role and by individual institution groupings.

Can an existing SHRA LEO incumbent be converted to the EHRA Police Officer II or Police Officer III career progression steps, or must they all begin at the Police Officer I classification?

At the level of Police Officer, incumbents should be assigned to whichever of the three classification steps is appropriate based on their qualifications and experience. Therefore, an individual who satisfies the qualifications for Police Officer II or III will have been crosswalked at that level.

NEW GUIDANCE! In the initial implementation (“crosswalk”) from SHRA to EHRA, must LEOs at the level of MPO and above (e.g., MPO, assistant police supervisor, police supervisor, senior police supervisor, etc.) be assigned to start at the Level I career progression step or can the Level II and III steps be used (when applicable) based on prior service or experience?

CHROs in consultation with the Campus Police Chief have the option to either walk over LEOs uniformly at the Level I career progression steps or to utilize the Level II or III steps based on documented prior years of service in the equivalent rank or job classification prior to the EHRA LEO implementation. For the MPO classification, the System Office has observed that some of the institutions were confused by the evolving guidance regarding walkovers into the EHRA MPO classification. Therefore, to assure all campuses have equitable options at their disposal, we have further modified our stance to permit LEOs to be walked over to any MPO career progression step (I, II, or III) based on prior years of LEO service as of the implementation of the EHRA program at your institution. This means that all LEOs qualifying for MPO may still be uniformly walked over at Step I or alternatively, LEOs may be walked over to MPO Levels II or III based either on prior years in a pre-existing MPO classification or designation or lacking a prior program at the institution, with 9 years of prior LEO experience for MPO II or 12 years of such experience for MPO III. This is strictly an added option and there is no requirement whatsoever that any institution revisit or revise its now completed MPO walkover if it does not desire to. The
System Office has issued a detailed memo regarding this updated MPO walkover flexibility which can be separately reviewed here. This expanded flexibility is being offered on a one-time basis only as part of the EHRA LEO implementation and is not relevant for LEOs who may qualify for MPO status post implementation.

**NEW GUIDANCE! Is the EHRA Master Police Officer (MPO) classification a required component of the new EHRA LEO program or is it optional at institutional discretion?**

Regardless of whether a campus law enforcement agency previously had an MPO program or designation or not, the use of the MPO classification in the new EHRA LEO program is required. This means that any LEO meeting the minimum qualifications for this classification must be cross walked at least as an MPO I unless they have been placed in a higher-level LEO job classification.

**May external lateral EHRA LEO hires be accomplished at Level II or Level III career progression steps based on prior experience and qualifications or must such hires always start at Step I of the relevant hiring job classification?**

To enable flexibility to address critical hiring needs, this will be left to the option of the Campus Police Chief with approval of their institution’s Chief Human Resources Officer. Either approach may be utilized depending on the institution’s desired approach. However, if external lateral hires are appointed at Level II or III career progression steps, then all existing similarly qualified EHRA LEOs within the agency must be equitably treated in terms of their assigned career progression steps.

**Are there specific parameters that we must consider when accomplishing future salary adjustments for EHRA LEOs, including career progression steps defined in the new compensation structure?**

The EHRA LEO classification/job leveling matrix provides specific guidance on salary administration with respect to movement between classifications and career progression steps. As a rule, institutions are advised to follow this guidance in implementing EHRA LEO salary adjustments. For example, career progression steps are intended to be the greater of 5% or the stated salary minimum of the step. However, constituent institutions still retain authority under established EHRA salary administration guidelines to implement salary adjustments for other reasons including equity, labor market, additional duties, and of course competitive promotional opportunities. The EHRA LEO compensation structure does not limit institutions from exercising additional discretion utilizing established EHRA salary increase guidelines and associated pre-approval requirements.

**NEW GUIDANCE! Has the EHRA LEO program resulted in new administrative procedures for the institution beyond what was required to manage the prior SHRA LEO career banding classifications?** Yes. The EHRA LEO program created new administrative procedures that should be provided for by the institution’s Chief Human Resources Officer and/or Chief of Police. While LEOs by System Regulation have the responsibility for informing their supervisory chain when they have met the requirements for a new EHRA LEO career progression step or addition of an LEO educational supplement, the institution must have business processes in place to receive, validate, and implement these steps. It is also suggested that the institution implement the capability to monitor when LEOs attain defined career progression step qualifications such as years of experience in a specific rank to assist them in obtaining the available benefits (e.g., advancement of rank and added pay). It is in the institutional interest to assure that LEOs are fully availed of the benefits of the EHRA LEO program for purposes of recruitment and retention.

**What is the expected timeframe for System Office HR to approve LEO-related salary increases, including crosswalk worksheets, during implementation?**

System Office HR processed all relevant approvals as quickly as possible while any non-standard or non-typical crosswalks required more detailed review. Any clearly non-standard crosswalks, like a Police Officer to an Assistant Police Supervisor or Police Supervisor, required a position database submission and is subjected to a case-by-case review. For institutions without special IRIT authority, this process has included consultation with OSHR, which increased approval timelines.
Is there specific salary increase action code for step increases for salary database submissions?

Yes, the System Office HR created unique salary codes for EHRA LEO career progressions (“1E”) and conversions (“12K”). These codes are reflected in the salary increase database functionality.

When making standard SHRA-to-EHRA LEO classification crosswalks, how do we handle an incumbent who does not strictly meet the minimum qualifications for the new EHRA classification? For example, perhaps they lack a required minimum degree or specific number of years of experience.

For a “standard” crosswalk (e.g., the incumbent is not being crosswalked to what would be interpreted as a higher classification in the new EHRA structure), existing incumbents are grandfathered in as far as meeting the new EHRA classification minimum requirements. This is in keeping with the stated objective of not disadvantaging any LEO in converting to the new EHRA structure. However, crosswalks into what would be considered a higher job classification or future promotional opportunities will require the incumbent to satisfy any established minimum qualification requirements.

How were LEO recruitments in process or planned during the SHRA-to-EHRA conversion process?

If the hire was to occur prior to conversion, then it was suggested to disclose that the institution was in the process of moving to a new classification and compensation system for LEOs and the relevant SHRA salary and job classification was to be posted along with the EHRA LEO classification and salary with an effective date.

We also suggested posting a link to the EHRA LEO infographic to better inform prospective applicants and hires of these changes. If the hire is to be effective post-implementation, then posting only the EHRA classification and salary would be appropriate.

How do we administer LEO educational supplements?

The LEO educational supplements should be handled like other EHRA supplements, which means they are NOT considered part of base pay but rather are a recurring lump sum in addition to base pay. Since they are not considered part of base pay, the LEO educational supplement is NOT used in the following calculations: special pay (e.g., shift) premiums for FLSA non-exempt employees; legislative salary increases; salary increases for labor market, equity, additional duties, or promotion; life insurance calculations; and vacation payout. Educational supplements are regular compensation for retirement earnings purposes. If an employee is on leave without pay for any reason, the educational supplement is treated no differently than any other form of pay as far as being paused.

Do UNC System LEOs remain eligible for SHRA longevity pay after converting to EHRA status?

Existing UNC System SHRA LEOs who convert to EHRA LEO status retain grandfathered eligibility for longevity pay if they would be eligible for such pay under SHRA policy, now or in the future. They do not need to be receiving longevity pay at the time of the conversion to retain this eligibility in the future. These LEOs retain this eligibility even if they transfer from one UNC System institution law enforcement agency to another with no break in service. However, following implementation, longevity pay is not available to LEOs newly hired as EHRA employees for UNC System employees coming from non-LEO positions or for LEOs hired from state agencies outside of the UNC System, even if in either instance the individual was eligible for longevity in their prior position.

Can longevity pay and/or the educational supplement bring an employee’s total cash compensation above the maximum of an EHRA salary range?

An educational supplement and/or longevity pay is not part of base pay and therefore does not count toward an employee exceeding the maximum of an EHRA LEO pay range.

Are FLSA exempt EHRA LEOs eligible for holiday premium, on-call pay, or comp time?

No, these categories of special pay are limited to FLSA non-exempt EHRA LEOs who are paid on an hourly basis. However, unlike other categories of EHRA employees, institutions have the flexibility to award FLSA exempt EHRA LEOs compensatory time for exceptional circumstances at the discretion of institution human resources and the chief of police. However, such compensatory time is not intended to be employed on a routine basis, nor is there any...
automatic employee entitlement to these for any employee.

**NEW GUIDANCE! Have the minimum experience qualifications for the Police Commander and Police Executive I classification been updated?**

Yes. For Police Commander, at least 3 years of the experience requirement must have been in a supervisory role equivalent to a Police Sergeant or greater. At the agency head’s discretion, this requirement may be modified to require the noted supervisory experience to be at the level of Police Lieutenant or greater, but this must be accomplished on a consistent basis if used. For Police Executive I, at least 4 years of the experience requirement must have been in a supervisory role equivalent to a Police Lieutenant or greater. The EHRA leveling guide has been adjusted to reflect these changes.

**NEW GUIDANCE! If a current LEO in the MPO classification leaves the agency, is the vacated position automatically posted and filled at the MPO level?**

Typically, no. A vacated MPO position is generally recruited for at the Police Officer I classification level. However, the posting may indicate that depending on the qualifications and experience of the selected candidate, the appointment may be made at Police Officer Levels I, II, or III or at any of the three MPO levels at the agency heads discretion. Agency Heads are reminded however of the need to assure equitable treatment with existing MPOs in terms of how the SHRA to EHRA crosswalk was accomplished for these existing incumbents during the program implementation.

**NEW GUIDANCE! If an LEO in one of the higher career progression steps of an LEO classification (e.g., Level II or III) leaves the agency, must the vacated position be posted and hired at the same career progression step of the departing individual?**

No. Apart from the MPO scenario noted above, a vacated position is posted at the first career progression step of its assigned EHRA LEO job classification. However, at the agency’s discretion, the posting may indicate that lateral hires may be hired into Steps I, II, or III based on qualifications and experience. Agency Heads are reminded however of the need to assure equitable treatment with existing LEOs in terms of how the SHRA to EHRA crosswalk was accomplished when the EHRA program was implemented at the agency.

**If our institution previously awarded holiday pay or on-call pay to an FLSA exempt SHRA LEO, is there any way this can be addressed in terms of the employee’s newly established EHRA compensation?**

For those institutions who presently have this practice, we recommended a 3-year lookback and incorporating a reasonable approximation of these special pays to the newly adjusted EHRA LEO’s annualized salary. As previously stated, exceptional use of compensatory time is also an option for EHRA exempt LEOs at institution discretion. However, there is no grandfathering of holiday or on-call pay for FLSA exempt EHRA LEOs.

**For EHRA LEOs who are classified as FLSA non-exempt, are premium and on-call rules any different than for SHRA employees?**

No. The University has adopted the current SHRA special pay programs for EHRA LEOs that are FLSA non-exempt. This means for these employees, there should be no change in your pay practices for these special pay categories. As noted earlier in these FAQs, supplemental pay is not included in any premium pay calculation. Refer to the relevant SHRA policies for additional procedural guidance.

**Off-duty officers in an emergency could be expected to return to work even if they are not formally on-call. Should these officers receive on-call pay for all the time they are not working?**

Although anyone could be called in on an emergency basis, it is not realistic to require everyone to be ready and available to respond around the clock. If the frequency of situations warrants additional assistance, then the law enforcement agency should formally schedule more officers on-call; otherwise, the law enforcement agency should understand that not all employees may be able to respond when not on-call. With that understanding, no additional standing on-call compensation is warranted for LEOs who are not designated as on-call.
**Should the ORP have been offered to converting employees?**

Yes, if they have not already been offered and declined entry into the ORP. Employees receive only one opportunity to choose between TSERS and ORP. Once offered, an employee who chooses to remain in TSERS is locked into an irrevocable retirement decision.

**Is an EHRA LEO eligible for the 5% 401(k) employer contribution?**

Yes, the employee is still eligible for the employer provided 401(k) contribution as an EHRA employee.

**Are EHRA LEOs still eligible for the Special Separation Allowance at retirement? And if so, does their sick leave count towards the calculation even if they’re enrolled in the ORP?**

Yes, if the LEO employee otherwise meets the eligibility criteria for the Special Separation Allowance. Their sick leave should be included when calculating the Special Separation Allowance regardless of their retirement plan.

**REQUIRED REPORTING PROCEDURES (These steps should have all been completed as of June 30, 2023)**

System Office HR has endeavored to make the EHRA LEO conversion reporting and monitoring process as streamlined as possible for constituent institutions. The following procedural guidelines shall be utilized:

- Institutions with Special IRIT Authority may proceed with their SHRA to EHRA LEO conversion. We ask that you prove us with a copy of the conversion template prior to executing, so we can provide feedback if appropriate.

- Institutions without Special IRIT Authority should provide the conversion spreadsheet to the System Office prior to execution. For each role, if you are following the expected crosswalk from SHRA to EHRA, you’ll only need to put the converting position on the spreadsheet. You will not need to put it through the database. Database entry is only required when it is a non-standard crosswalk between the SHRA and EHRA role (e.g., moving an SHRA Police Officer to an EHRA Commander Role).

- OSHR would like to review the worksheets from those constituent institutions without Special IRIT Authority as soon as the SHRA to EHRA LEO conversion is completed. This is not a formal approval process but part of OSHR post-audit monitoring.