25 NCAC 01J .0614   DEFINITIONS
As used in this Subchapter:
  (1)   Current Unresolved Incident means conduct or performance that:
          (a)   constitutes a violation of this Section; and
          (b)   for which no disciplinary action has been previously imposed or issued by agency or university management.
  (2)   Disciplinary Demotion means a personnel action taken, without employee agreement, to discipline the employee, which results in:
          (a)   reduction in salary within the employee's current classification;
          (b)   an assignment to a position in a lower salary grade without a corresponding loss of salary; or
          (c)   an assignment to a position in a lower salary grade with a corresponding loss of salary.
  (3)   Disciplinary Suspension Without Pay means the removal of an employee from work for disciplinary purposes without paying the employee.
  (4)   Dismissal means the involuntary termination or ending of the employment of an employee for disciplinary purposes or failure to obtain or maintain necessary credentials.
  (5)   Gross Inefficiency (Grossly Inefficient Job Performance) means a type of unsatisfactory job performance that occurs in instances in which the employee: fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or agency; and, that failure results in
          (a)   the creation of the potential for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) over whom the employee has responsibility; or
          (b)   the loss of or damage to state property or funds that result in a serious impact on the State or work unit.
  (6)   Inactive Disciplinary Action means any disciplinary action issued after October 1, 1995 is deemed inactive for the purpose of this Section if:
          (a)   the manager or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected;
          (b)   the purpose for a performance-based disciplinary action has been achieved, as evidenced by a summary performance rating of level 3 (Good) or other official designation of performance at an acceptable level or better and at least a level 3 or better in the performance area cited in the warning or disciplinary action, following the disciplinary warning or action; or
          (c)   18 months have passed since the warning or disciplinary action, the employee does not have another active warning or disciplinary action which occurred within the last 18 months.
  (7)   Insubordination means the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.
  (8)   Unacceptable Personal Conduct means:
          (a)   conduct for which no reasonable person should expect to receive prior warning;
          (b)   job-related conduct which constitutes a violation of state or federal law;
          (c)   conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the State;
          (d)   the willful violation of known or written work rules;
          (e)   conduct unbecoming a state employee that is detrimental to state service;
          (f)   the abuse of client(s), patient(s), student(s) or a person(s) over whom the employee has charge or to whom the employee has a responsibility or an animal owned by the State;
          (g)   absence from work after all authorized leave credits and benefits have been exhausted; or
          (h)   falsification of a state application or in other employment documentation.
  (9)   Unsatisfactory Job Performance means work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plan, or as directed by the management of the work unit or agency.

History Note: Authority G.S. 126-4; 126-35;
Eff. October 1, 1995;
Amended Eff. January 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.