2007 North Carolina Education Lottery EEO Plan Certification Statement

This is to certify that the updates listed below are being submitted for the 2007 EEO Plan for the North Carolina Education Lottery (NCEL). Minor changes, such as updating the physical address of the NCEL's headquarters and updating of the process by which the NCEL coordinates scheduling EEOI Training classes, have occurred since the NCEL's 2006 EEO Plan was approved last year.

Reports:

1. *Workforce Population Analysis*
2. *Job Opening Estimates for Occupations in which Underutilization occurs and EEO Objectives*

Signed:

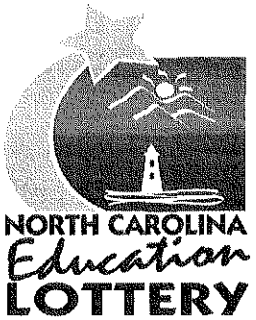
Thomas N Shaheen 5/18/07

Thomas N. Shaheen — Date
North Carolina Education Lottery

Margaret A. Bode 5/18/07

Human Resources/EEO Officer — Date

2007 EQUAL EMPLOYMENT OPPORTUNITY PLAN



NORTH CAROLINA EDUCATION LOTTERY

Thomas N. Shaheen
Executive Director

Margaret Spindola-Bode
Human Resources/EEO Director

2100 Yonkers Road
Raleigh, North Carolina 27604

THE NORTH CAROLINA EDUCATION LOTTERY DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, SEX, RELIGION, CREED, NATIONAL ORIGIN, AGE OR DISABILITY.

AN EQUAL OPPORTUNITY EMPLOYER

NORTH CAROLINA EDUCATION LOTTERY
2007
EQUAL EMPLOYMENT OPPORTUNITY PLAN

THOMAS N. SHAHEEN
EXECUTIVE DIRECTOR

STATE OF NORTH CAROLINA
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of the State of North Carolina to provide equal opportunity in employment for all qualified persons and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or disability. In furtherance of this policy, the State of North Carolina and its various sub-divisions shall:

1. recruit, select, hire, place, train and promote persons in all job classifications without regard to race, color, national origin, religion, creed, sex, age or disability;
2. base selection, hiring and promotion decisions on valid requirements and criteria which are job related and necessary upon entry at that level to perform the essential functions of the job;
3. administer all employment practices, including compensation, benefits, promotion, training, tuition assistance, termination, transfer and demotion objectively and without regard to race, color, national origin, religion, creed, sex, age or disability; and,
4. provide reasonable accommodations for applicants and/or employees with disabilities when doing so will enable them to successfully perform the essential functions of the job or benefit from training;
5. prohibit retaliatory actions employees or applicants for employment who make a charge of employment discrimination, testify, assist or participate, in any manner, in a hearing, proceeding or investigation of employment discrimination;
6. assure a work environment that is free from discrimination.

NORTH CAROLINA EDUCATION LOTTERY
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The North Carolina Education Lottery ("NCEL") is committed to an employment policy of equal opportunity and non-discrimination; in accordance:

- all persons, applicants and employees, are covered by the equal employment opportunity plan without regard to race, color, national origin, religion, creed, sex, age or disability;

- all selection, hiring and promotion decisions will be based on valid requirements that are job related and consistent with performance of the essential functions of the job;

- the basic employment practices of the NCEL will be administered without regard to race, color, national origin, religion, creed, sex, age or disability and, these practices shall include, but not be limited to:

    - recruitment, including advertising or solicitation for employment;
    - selection, hiring and placement;
    - treatment during employment including compensation, promotion and upgrading;
    - evaluation of work performance;
    - administration of all forms of pay and other compensation;
    - selection for training, including trainee, intern and apprenticeship opportunities;
    - other career development opportunities; and,
    - transfer, demotion, termination and/or reduction-in-force.

- reasonable accommodation will be provided for applicants and/or employees with disabilities when doing so will enable them to successfully perform the essential job functions of the job or benefit from training. In determining the degree of reasonable accommodation that may be reasonably undertaken, business necessity and expenses will be considered with other related factors such as: efficiency, health and safety, the need for, as well as the nature and type of duties required to constitute a job position, etc. Decisions made regarding accommodation will be determined on an individual basis;

- retaliatory actions against employees or applicants for employment who make a charge of employment discrimination, testify, assist or participate in any manner in a hearing, proceeding or investigation of employment discrimination is strictly prohibited;

- the NCEL is in compliance with the following:

    - Title VII of the Civil Rights Act of 1964, as amended;
    - Executive Order 11246, as amended;
    - The Rehabilitation Act of 1973;
    - The Civil Rights Restoration Act of 1988;
    - The Americans with Disabilities Act of 1990;
    - The Civil Rights Act of 1991;
    - The Family Medical Leave Act of 1993

- Responsibility and accountability for the implementation of and compliance with the EEO Program is shared by all supervisory and management personnel.

The purpose of the NCEL's Equal Employment Opportunity Program is to ensure that it is in compliance with State and Federal Equal Opportunity guidelines and that all supervisory and management personnel are committed to its success. The NCEL's Human Resources/EEO Director will be responsible for the Program implementation and administration. He/she will be responsible for an annual program update and revision with respect to the Equal Employment Opportunity Plan; taking positive measures to ensure equitable and fair treatment of all protected groups i.e., women, minorities, disabled persons, and older persons within all phases of personnel practices.

Thomas N. Shaheen, Executive Director
North Carolina Education Lottery

Questions or comments concerning this policy should be referred to:

Human Resources/EEO Director
North Carolina Education Lottery
2100 Yonkers Road
Raleigh, North Carolina 27604
(919) 301-3607

PROVISO

This Equal Employment Opportunity report is prepared for the North Carolina Education Lottery ("NCEL") pursuant to requirements of state law.

In reviewing the report, it is important to understand the meaning of and limitations on the data presented. The report compares the percentage of persons working various job categories in the NCEL at a particular point in time with percentages of persons reported in various census statistics that reflects the population statewide from ages 16 – 64. Thus, the report's comparisons are only hypothetical comparisons. They do not include comparisons to percentages of persons in applications actually received by the NCEL nor to the subset of these applications actually qualified for hire. Further, limitations in the specificity of the census data available for use means that such statistics very likely include many individuals not actually qualified to be hired by the NCEL. Therefore, this report, and any findings of "under-utilization" as to particular job categories set further therein, are simply recruitment efforts. A finding of "under-utilization" as to job category does not mean, and is not intended to mean, that there are any problems with the NCEL's hiring practices or that recruitment or hiring into that job category is in any legal or other sense "discriminatory". Rather, the identification of hypothetical "under-utilization" as to a particular job category merely serves to identify that category as one where the NCEL should seek to ensure that potential candidates are being recruited, encouraged to apply for employment, and considered for employment.

Any setting of hiring "objectives" required by the report is again intended only as a tool to facilitate and focus recruitment efforts and is not intended as a quota, or mandate for hiring particular individuals regardless of qualifications. Further, the setting of such objectives is also hypothetical in that it requires a projection of both the numbers of vacancies and qualified applicants, neither of which may actually occur. The failure to achieve any of these "objectives" does not mean that "discrimination" has occurred. In sum, the report is intended solely as an aid to facilitate the NCEL's ongoing efforts to recruit and hire a diversified workforce.

NORTH CAROLINA EDUCATION LOTTERY
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Purpose

The NCEL's Equal Employment Opportunity program is intended to create a workforce climate that is responsive and respectful of fairness and equity for applicants and employees which ensures compliance with State and Federal guidelines. Further, the purpose is to provide guidance in the development of a plan to facilitate greater utilization of all persons. Giving special emphasis to under-utilized groups, i.e., minorities, women, and disabled persons, by identifying previously under-utilized groups in the workforce, and making special efforts toward their recruitment, selection, development, and promotional opportunities.

General Provisions

The NCEL commits to an ongoing evaluation method to assess program effectiveness, and to monitor personnel policies and employment practices in an effort to facilitate workforce balance and fairness in all terms and conditions of employment. Specifically, the NCEL, through its various divisions shall:

- Recruit, hire, train, and promote qualified persons in all occupational categories and job classifications without regard to race, color, religion, sex, creed, national origin, age, or disability;
- Base hiring and promotion decisions upon valid requirements and criteria which are related and necessary to perform the expectations of the job;
- Administer all personnel actions including: compensation, benefits, tuition assistance, training, transfer, reduction-in-workforce, terminations, and promotion, without regard to: race, color, religion, sex, creed, national origin, age, disability; and,
- Assure a non-discriminatory work environment.

In doing so, the NCEL is in compliance with the following as amended:

- Title VII of the Civil Rights Acts of 1964;
- The Equal Pay Act of 1963;
- The Age Discrimination in Employment Act of 1967;
- Title V of the Rehabilitation Act of 1973;
- The Veterans Preference Act;

- The Family Medical Leave Act of 1993;
- Americans with Disabilities Act of 1990;
- Senate Bill 886: Merit Based Hiring; and,
- Senate Bill 78: Unlawful Workplace Harassment

Equal Employment Opportunity guidelines also prohibit retaliatory actions against employees or applicants because they filed a charge, testified, assisted or participated, in any manner, in a hearing, proceeding, investigation, or employment discrimination complaint. The Human Resources/EEO Director of the NCEL will be responsible for program implementation and administration to include update and revision of the Equal Employment Plan on an annual basis.

PROGRAM DEVELOPMENT, IMPLEMENTATION AND COMPLIANCE

The Human Resources/EEO Director is responsible for annually developing the Equal Employment Opportunity Plan. The plan consists of establishing specific goals and timetables for the reduction and eventual elimination of under-utilized groups in all standard occupational classifications. Implementation of and compliance with this plan is the responsibility of supervisors, managers, directors and deputy executive directors. The organization of the plan is composed of four steps:

- Workforce/demographic analysis, which profiles the distribution of workers in each department by race, gender, and persons reporting disabilities, compared with percentage of North Carolina State demographics in each ethnic category. The under-utilization is calculated based on that comparison.
- Estimate or project future job vacancies in each occupational classification where under-utilization has occurred and project the NCEL's capacity to eliminate or reduce the under-utilization.
- Establish placement goals for reduction of under-utilization in each category to include timetables that identify specific dates for achievement.
- Develop an action plan to facilitate the likelihood of goal achievement within the established time frames.

INTERNAL DISSEMINATION

The EEO Policy shall be posted in a conspicuous area, accessible to all employees and applicants, for review on an as needed basis. The Policy shall be included in the newsletter, employee orientation sessions, and posted on the NCEL's website.

EXTERNAL DISSEMINATION

The NCEL will actively recruit from a variety of sources to achieve a diverse workforce that also meets the needs and demands of the agency. The NCEL will conduct targeted recruitment where under-represented groups are identified and disseminate information regarding its Equal Employment Opportunity Program.

EQUAL EMPLOYMENT OPPORTUNITY INSTITUTE (EEOI)

In accordance with General Statutes (126-16.1), the NCEL is required to enroll supervisors and managers in the Equal Employment Opportunity Institute (EEOI). The Equal Employment Opportunity Institute is intended to provide executive managers and supervisors with practical training to assist them in becoming more effective managers and supervisors of an increasingly diverse workforce.

Supervisors and managers hired, promoted, or appointed on or after July 1, 1991 shall enroll in the EEOI within one year of their appointment. The training shall be conducted for the length of time as determined by the EEOI. Incumbents are encouraged to attend the training. The EEOI is designed to do the following:

1. Address and discuss the history and evolution of equal employment opportunity concepts and principles;
2. Assist managers and supervisors to incorporate their equal employment opportunity responsibilities with other management responsibilities;
3. Expose managers and supervisors to workforce equity and fairness issues;
4. Review and discuss accepted management practices for valuing and managing diversity in the workplace;
5. Provide understanding of how diversity and differences can increase productivity and efficiency; and,
6. Empower managers and supervisors to remain adaptable and flexible to meet the challenges of an ever changing and more diverse workforce.

ADMINISTRATION/IMPLEMENTATION OF EEOI

The NCEL's Human Resources Department, in partnership with the Office of State Personnel (OSP), shall conduct and coordinate the EEOI training.

ENROLLMENT PROCESS

The NCEL's Recruitment and Training Manager shall be responsible for the coordination of the enrollment process. The enrollment process shall be as follows:

1. "Eligible Candidate Lists" are prepared by the OSP's Equal Employment Opportunity Services Division and sent to the NCEL for verification. This verification process takes place at the NCEL and is compiled in conjunction with the Recruitment and Training Manager of the NCEL. The final list of Eligible Candidates is then returned to the EEOI.
2. The NCEL Recruitment & Training Manager will schedule ~~EEOI~~ training dates with the EEOI.
3. Once the Recruitment and Training Manager has scheduled EEOI training, candidates will receive a letter of notification. These letters will be sent to the Recruitment and Training Manager for distribution.
4. The Recruitment and Training Manager is encouraged to enroll incumbents in EEOI training. In order to enroll incumbents, the following information should be provided:

   Name, Job Title, Job Band, Race, Sex, Social Security Number (last 4-digits), Age, Hire Date or Date of Last Promotion, Work Location and County

DEFINITIONS

1. "**Supervisory Positions**" are defined as positions in which the majority of the work performed is directing the work of other positions. These employees have the authority to assign and evaluate work; to recommend hiring employees; ~~to~~ disciplining or dismissing employees; or, have significant input into such actions.

2. "**Managerial Positions**" are defined as positions that manage established divisions or subdivisions of a department, agency or university. These employees direct the work of one or more supervisors and have the authority to make recommendations on hiring, rewarding, disciplining, or discharging employees. These employees may also provide suggestions for changes in policy to senior executives with policy-making authority.
3. "**Executive Managerial Positions**" – are defined as policy-making positions. Employees in these positions are agency/department heads, deputies, and other policy makers. The employees in executive managerial positions are usually appointed or elected.

   Note: For the purpose of this policy, the definition of supervisors, managers, and executives, also includes the responsibility of establishing performance expectations, conducting performance appraisal conferences and evaluating performance.

4. "**Incumbent Executive Managers and Supervisors"** are defined as executive managers and supervisors hired or appointed into positions prior to July 1, 1991.

"EEOI Candidates" are defined as:

a. Managers and supervisors hired on or after July 1, 1991 and who may or may not have served in a management role in state government.
b. Incumbent executives, managers and supervisors hired or appointed into current positions prior to July 1, 1991.
c. Incumbent executives, managers and supervisors promoted/appointed to a different management position on or after July 1, 1991.
d. Executive level managers who are hired or appointed with or without executive level experience in state government on or after July 1, 1991.

5. **"Training Level 1"** is defined as the full EEO Training designed for those employees and supervisors identified in item 5a above. Also, management level employees as identified in item 5b and 5c above may participate on space availability basis.

6. **"Training Level 2"** is defined as an abbreviated course designed for executive level managers as identified in item 5c above. Also, executive level managers as identified in item 5b above may participate on a space availability basis.

7. **"Enroll"** for the purposes of this policy shall be defined as the act of attending and completing the EEOI.

EEO COMPLAINT PROCEDURE

Discrimination Complaint

An applicant, employee, or former employee who has reason to believe that employment, promotion, demotion, layoff, termination of employment, transfer, compensation, or training was a result of age, race, sex, color, national origin, religion, creed, or disability, except where a bona fide occupational qualification requires, shall have the right to complain directly to the:

Human Resources/EEO Director
2100 Yonkers Road
Raleigh, North Carolina 27604
(919) 301-3607

Employees or applicants can file charges with the Equal Employment Opportunity Commission (EEOC) within 300 days of the discriminatory act; provided that OAH or the NCEL's internal complaint procedure has given notification that its processing of the charge has been finalized. The addresses are:

Equal Employment Opportunity Commission
1309 Annapolis Drive
Raleigh, North Carolina 27608-2129

Equal Employment Opportunity Commission
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202

Equal Employment Opportunity Commission
2303 W. Meadowview Road, Suite 201
Greensboro, North Carolina 27405-7813

If the individual chooses to complain to the NCEL's Human Resources/EEO Director, a thorough investigation shall be conducted and recommendations made as appropriate. During the review of a discrimination complaint at the NCEL, an attorney will not represent the agency. While the employee may wish to consult an attorney or other individuals or organizations for advice and/or information during the complaint process, the agency shall only communicate with the employee.

STATE OF NORTH CAROLINA
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of the State of North Carolina to provide equal opportunity in employment for all state employees and all qualified applicants without regard to race, color, creed, religion, sex, national origin, age or disability. In support of this policy, the State of North Carolina and its various subdivisions shall:

1. Recruit, hire, train, and promote persons in all job classifications without regard to race, color, creed, religion, national origin, sex, age, or disability;
2. Base hiring and promotion decisions upon valid requirements and criteria which are related and necessary to perform the work;
3. Administer all personnel actions, including compensation, benefits, tuition assistance, training, transfers, reduction-in-force, terminations and promotions, objectively without regard to race, color, creed, religion, sex, national origin, age or disability and;
4. Assure a work place environment free of discrimination.

INTRODUCTION

It is the responsibility of the NCEL, as defined by Statute, to "generate funds to further the goal of providing enhanced educational opportunities so that all students in the public schools can achieve their full potential, to support school construction, to fund college and university scholarships, and to make conforming changes to the general statutes (H. 1023 and S. 622)." In order to successfully fulfill this responsibility, the NCEL has been organized into several major divisions including: Sales, Marketing/Advertising, Legal/Security, Lottery Operations, Finance/Administration, and Legislative/Corporate Communication.

The NCEL has been actively working to meet the mandates of the Governor's program goals. Whenever appropriate, the NCEL has formulated goals to correspond with the Administration's goals of an efficient and effective government, and fair equitable representation of all citizens.

ASSIGNMENT OF RESPONSIBIITY AND ACCOUNTABIITY

A. The Executive Director of the North Carolina Education Lottery is ultimately responsible for all activity including personnel within the agency. Responsibility for personnel policies and procedures and daily activity is delegated to the Human Resources department. The Human Resources/EEO Director reports directly to the Executive Director and is responsible for assuring that the EEO program implementation and administration is carried out in an efficient and effective manner. All matters related to Equal Employment are directed to the Human Resources/EEO Director's office for review (i.e., specialized recruitment functions, discrimination complaints, unlawful workplace harassment, and other Title VII issues which represent but are not limited to Equal Opportunity).

B. The Human Resources/EEO Director of the NCEL has primary responsibility for implementation and management of the Equal Employment Opportunity program. The role of the Human Resources/EEO Director is, in part, as follows:

- Provide, with assistance from the Office of State Personnel and Office of Staff Development and Training and the EEO (Equal Employment Opportunity) Institute, a training program pertaining to equal employment opportunity issues for supervisors and managers.
- Develop, conduct and monitor training programs relative to specific EEOC topics, (i.e., EEO/Unlawful workplace harassment and diversity/race relations training).
- Provide consultation with management on development of policies and procedures regarding EEO issues.

- Assist in recruitment of applicants for employment through the utilization of minority, disabled persons, older adults, and female oriented agencies and organizations, including colleges, universities, and the news media to improve minority representation in areas of under-utilization.
- Act as the liaison with the Office of State Personnel and other state agencies on EEO matters.
- Receive and investigate complaints alleging unlawful workplace harassment including monitoring discrimination complaints filed against the NCEL through the Equal Employment Opportunity Commission, the North Carolina Office of Administrative Hearings, the North Carolina Office of State Personnel and, may function as spokesperson at various levels on EEO matters.
- Distribute current EEO information throughout the NCEL.
- Establish with the managers reasonable projected time frames to correct identified problems consistent with the goals of the agency.
- Communicate with all management and supervisory personnel regarding the purpose of the Equal Employment Opportunity Program.
- Assure that management, supervisory personnel, and employees fully understand the Executive Director's policy regarding equal employment opportunity.
- Monitor PMIS System and other data collection systems that provide the Equal Employment Opportunity information necessary to compile statistical reports which can be utilized for tracking, measuring program effectiveness and to determine where progress has been made and further action is needed.
- Provide technical assistance to employees on EEO policies. Provide guidance and training in the prevention and correction of incidents concerning Unlawful Workplace Harassment of employees.
- Monitor the progress of the NCEL's Equal Employment Opportunity Program by the preparation of statistical reports for each Division, reviewing equity within classification, turnover rates, etc., in order to assist the Divisions in the development of goals and timetables.
- Prepare statistical reports for the Office of State Personnel and the NCEL as requested.
- Attend EEO training and meetings as deemed appropriate by the Executive Director of the NCEL.
- Present work-force analysis of the NCEL and identification of classification where under-utilization exists.
- Report various EEO statistics to the Executive Director as requested. In addition, the progress of a particular unit in relation to established goals is reported to the Executive Director as needed. If corrective action is deemed necessary, a recommendation is made to the appropriate department or division head(s).

C. Each Deputy Executive Director shall be accountable for progress toward goals set by their respective division and is responsible for:

- Outlining goals and objectives to key subordinate staff who in turn discuss same with managers and supervisors.

- Formulate process to identify and mentor individuals within divisions for future opportunities;
- Communicate commitment of principles of the EEO Plan to divisional personnel;
- Review division's employment and promotional practices to ensure that personnel practices do not result in a negative or adverse impact on any race, sex, disabled person, veteran, or ethnic group;
- Encourage division managers and supervisors to monitor subordinate's progress in meeting established EEO goals and implementation of corrective action as necessary;
- Assist the Human Resources/EEO Director in developing quarterly evaluations to determine the effectiveness of the EEO Program; and
- Assist the Human Resources/EEO Director in sensitizing employees to all EEO policies; and preventing and correcting unlawful workplace harassment of employees.

COMMUNICATION AND DISSEMINATION OF POLICY

INTERNAL

A copy of the NCEL's Equal Employment Opportunity Plan is provided to all Directors and Deputy Executive Directors. In addition, a copy of the policy is placed on the NCEL's internet and intranet.

EXTERNAL

The NCEL will actively recruit from a variety of sources to achieve a diverse workforce that also meets the needs and demands of the agency. The NCEL will conduct targeted recruitment where under-represented groups are identified and disseminate information regarding its Equal Employment Opportunity Program. In addition, the NCEL's job opportunities include the statement that the NCEL is "An Equal Opportunity Employer".

WORK FORCE UTLIZATION ANALYSIS

The NCEL's work force was analyzed as of December 31, 2006 according to the statistics received from the Office of State Personnel, Equal Opportunity Services Divisions. This analysis was conducted to identify the areas in which underutilized groups, i.e., white males and females, black males and females, other minority males and females (Hispanics, Asians, Indians and disabled persons), may be under-represented in the North Carolina Education Lottery. Knowledge of these problem areas was extremely helpful in the selection of areas to make job estimates as well as what realistic placement goals should and could be made by Directors and Deputy Executive Directors.

For the purpose of reviewing the volume of work force data, each Division was given the responsibility of reviewing data for their respective areas. The Human Resources/EEO Director reviewed the data presented in the PM863 and prepared the "Job Opening Estimates/Placement Goals for Occupations in which Groups were underutilized", which show the problem areas in Standard Occupational Classes containing five (5) or more employees. These were then submitted to the Division Directors and Deputy Executive Directors for their professional input regarding job estimates and placement goals. The NCEL and division structure indicated that areas of concern varied by department. The areas of utmost concern where underutilization exists are as follows:

Officials and Administrators: This Standard Occupational Category (SOC) is experiencing under-utilization in the White Male, Black Male, Other Male and Other Female categories. Of the 45 total Officials and Administrator positions listed in the PM863-A report, females comprise 60% of the workforce. With regard to minority representation, minorities comprise % 24.4% of Officials and Administrators positions. Of the 11 minorities, 2 are Black Males 18%), 6 are Black Female (55%), 2 are Other Male (18%) and 1 is Other Females (9%). Of the 45 positions, none have voluntarily listed a disability.

Management Related: This Standard Occupational Category (SOC) is experiencing under-utilization in the White Female and Other Male categories. Of the 32 total Management Related positions listed in the PM863-A report, females comprise 44% of the workforce. With regard to minority representation, minorities comprise 34.4% of the Management Related positions. Of the11 minorities, 5 are Black Males (45.5%), 5 are Black Females (45.5% and 1 is Other Females (9%). Of the 32 positions, none have voluntarily listed a disability.

Administrative Support: This Standard Occupational Category (SOC) is experiencing under-utilization in the White Male, Other Male, White Female and Other Female categories. Of the 125 total Administrative Support positions listed in the PM863-A report, females comprise 62.4% of the workforce. With regard to the minority representation, minorities comprise 44% of the Administrative Support positions. Of the 55 minorities, 17 are Black Males (31%), 34 are Black Females (62%), 1 is Other Males (2%) and 3 are Other Females (5%). Of the 55 positions, 4 are listed as voluntary self-reports as a person with a disability (3.2%).

All Occupation Classes: As of December 31, 2006, the NCEL's representation of the female workforce was at 58.9% (119 females out of a total of 202 positions). With regard to minorities in the 202 total positions, minorities represent 77 or 38% of the positions. Of the 77 minorities, 24 are Black Males (31%), 45 are Black Females (58%), 3 are Other Males (4%) and 5 are Other Females (7%). Of the 202 total positions, 4 are listed as voluntary self-reports as a person with a disability (2%).

The following is a definition of each STANDARD OCCUPATIONAL CLASSIFICATION (SOC)

1. **Officials and Administrators**

This category includes top and middle management occupations, which are concerned with achieving the overall objectives of an industrial, commercial, government, or other establishments. Workers in this category are not directly concerned with the fabrication of products or with the provision of services. They require knowledge of and the capability to put into effect management principles, practices, and techniques rather than those of a scientific or other specialty.

2. **Management Related**

Business Specialist: Includes occupations concerned primarily with supporting business operations related to buying goods, materials, or business services for internal use or for further processing in industrial, government, business, and other establishments and occupations concerned with representing clients in business operations; concerned with enforcing adherence to policies, procedures, or regulations; and advising on standards. Inspectors, testers, graders, and samplers in the areas of processing materials, machining, fabricating, and assembling goods and products are classified in the Production Inspectors and Graders Division adjusting; appraising claims, emergency management; and management analysis.

Human Resources, Training, and Labor Relations Specialist: Includes occupations primarily concerned with implementing management policies related to personnel administration and labor relations by performing activities such as representing management or labor in collective bargaining procedures; participating in programs of recruitment, selection, placement, training, welfare, safety, compensation, and promotion; conducting job analyses to provide occupational information; and interviewing and counseling job applicants and employees to determine suitability for employment, vocational training, and other employment development programs.

Finance Specialists: Includes occupations primarily concerned with planning and administering accounting services, advising on accountancy problems, planning and conducting audits of accounts of industrial, governmental, and other organizations; planning and administering operational budgets for governmental and industrial organizations; and administering financial programs such as mortgage approval, credit analysis, and foreign exchange trading.

Marketing Occupations: Includes occupations concerned with selling goods and services, purchasing commodities and property for resale and with conducting partnership.

3. Professionals

Computer and Mathematical Occupations: Includes occupations concerned with the application of mathematical knowledge to the conduct of research and development and related activities and occupations concerned with utilization of the computer in the analysis and solution of business, scientific, engineering and other technical problems.

Architecture and Engineering Occupations: Includes occupations concerned with the application of fundamental architectural and engineering principles in the design and construction of building, equipment and processing systems, highways and roads, and utilization of land areas.

Life, Physical, and Social Science Occupations: This category includes occupations concerned with research pertaining to the physical universe and living organisms to increase basic knowledge. Also included are occupations concerned with human society and its characteristic elements, such as origin or age, and with economic and social relations and institutions involved in human's existence as a member of an organized community.

Community, Social Services, and Religious Occupations: Includes occupations concerned with giving assistance to individuals and groups with problems, such as poverty, illness, family maladjustment, anti-social behavior, and inadequate housing; and organizing and supervising social, recreational and cultural activities. Also includes occupations involving conducting religious worship and performing other spiritual functions associated with beliefs and practices of religious faith or denomination.

Legal Occupations: Includes occupations concerned with the application of principles related to statute law and its administration. Includes presiding over judicial proceedings, conducting litigation, drawing up legal documents, giving legal advice and performing other legal functions.

Healthcare Practitioners: Includes occupations involving preventing and diagnosing human ailments and prescribing and giving medical and surgical treatment for diseases and illnesses; also includes occupations involving diagnosing and treating diseases and disorder of animals. Includes occupations concerned with compounding drugs; providing technical health services to assist physicians/dentists; planning food service or nutritional programs; and giving health treatments.

Registered Nurses: Includes occupations involving the planning, delivery and evaluation of nursing care and a wide variety of nursing services including health maintenance and preventing of illness; and treatment of illness under a physicians instruction; Licensed Practical Nurses are classified under Health Technicians and Technologist.

4. **Technicians**

Health Technologists: Includes occupations concerned with carrying out technological and technical functions in a medical specification or obtaining data for use in diagnosis, treatment, and control of disease.

Drafters, Engineering, and Mapping Technologists: Includes occupations concerned with assisting engineers in both laboratory and production activities. Performs technical tasks under the general supervision of an engineer or drafter, using occupation specific knowledge, principles, and techniques.

Life, Physical, and Social Science Technologists: Includes occupations concerned with assisting life, physical, and social scientists in both laboratory and production activities. Performs technical tasks under the general supervision of a scientist, using occupation specific knowledge, principles, and techniques.

5. **Administrative Support**

Administrative Support Supervisors: First line supervisors in office and administrative support occupations.

Administrative Support Occupations: Includes occupations concerned with preparing, transcribing, transferring, and preserving written communications and records; collecting accounts; gathering and distributing information; operating office machines and electronic data processing equipment; storing, distributing, and accounting for stores of materials; operating telephone switchboards; distributing mail and delivering messages.

6. **Protective Service**

Protective Service Supervisors: First line supervisors and managers in protective service occupations.

Protective Service Occupations: Includes occupations which maintain custody of prisoners in jails, reformatories, or penitentiaries; protect public and private property; maintain law and order in a municipality, rural, or unincorporated district; provide protection against fire, accidents, and other emergencies.

7. **Service**

Service Supervisors: First line supervisors and managers in service occupations.

Healthcare Support Occupations: Includes occupations primarily concerned with the care of patients in medical, psychiatric and home environments. Care involves maintaining general patient hygiene, safety, nutrition, social interaction and assisting health practitioners.

Food and Beverage Occupations: Includes occupations primarily concerned with catering services; cooking and preparing food and beverages; serving food and beverages; and cleaning dishes and cookware.

Building and Grounds Occupations: Includes occupations concerned with maintaining cleanliness in establishments; controlling pests and vermin; cleaning building interiors and equipment; and maintaining landscape and grounds.

Personal Care Occupations: Occupations concerned with providing personal services such as ushering and ticket taking in theaters and lobbies; providing funeral services; washing, drying, and styling hair; giving beauty treatments to patrons; and ushering and arranging for patron's comfort on tours, aboard ships and airplanes.

8. **Skilled Craft**

Skilled Craft Supervisors: First line supervisors and managers in skilled craft occupations.

Farming, Fishing, and Forestry Occupations: Includes occupations concerned with the production, propagation, gathering and catching of animals (land and aquatic), animal products, plant products (crop, timber and ornamental) and the provision of services associated with agricultural production, and game farms, fisheries and wildlife conservation.

Construction and Extraction Occupations: Includes occupations concerned with constructing, altering and maintaining buildings, other structures, roads, bridges, pipelines and similar projects.

Installation, Maintenance, and Repair Occupations: Includes occupations concerned with the adjustment, maintenance, part replacement, and repair of tools, equipment and machines.

Production Occupations: This group includes occupations requiring a high degree of precision in the tasks performed, for the attainment of standards and occupations concerned with the operation, setup and tending of machines and hand production work usually in a factory or other fixed place of business.

Transportation and Material Moving Occupations: Includes occupations concerned with operating and controlling equipment used to facilitate the movement of people or materials.

CATEGORIES

Protected Groups:

WF – White Female; BM – Black Male; BF – Black Female; OM – Other Males (Hispanic, Asian, American Indian); OF – Other Females (Hispanic, Asian, American Indian)

Minority Categories:

BM – Black Male; BF – Black Female; OM – Other Males (Hispanic, Asian, American Indian); OF – Other Females (Hispanic, Asian, American Indian)

The NCEL Directors and Deputy Executive Directors have made realistic estimates regarding future vacancies and projections for equitable representation based on the population percentage of under-utilized groups in North Carolina. The NCEL will continue working toward realizing these placement goals during 2007 and the upcoming years, as detailed in the job estimates presented in this plan.

EQUAL EMPLOYMENT OPPORTUNITY

Recruitment

To facilitate the implementation of the Equal Employment Opportunity Program, the NCEL has established an "employment opportunities" link accessible through the North Carolina Education Lottery's internet (www.lotterync.net) to recruit applicants for employment. All applications are received by the Recruitment and Training department at headquarters. The Recruitment and Training department will establish communication with normal recruitment services, such as: minority, disability, older adults and female oriented agencies and organizations including colleges, universities, and news media. As job vacancies occur which require outside hiring, the vacant position will be posted in accordance with G.S. 126-7.1, and any other applicable state law. If the number of qualified under-utilized groups is insufficient, the Recruitment and Training department, through established channels of communication, will notify normal recruitment sources, professional and community based organizations, colleges, universities, etc.

Americans with Disabilities Act (ADA)

The NCEL shall comply with the Americans with Disabilities Act. Specifically, the employment provisions of Title I prohibit discrimination against a qualified individual with a disability in the job application procedures, hiring, termination, promotion, compensation, job training, and other terms, conditions or privileges of employment. An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or,
- Is regarded as having such impairment.

A qualified individual with a disability is an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without a reasonable accommodation, can perform the essential functions of the position. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by an individual with a disability;
- Job restructuring, modified work schedules, reassignment to a vacant position; and,
- Acquisition or modifications of equipment or devises; appropriate adjustment or modifications of examinations, training materials, or policies, and the provision of qualified readers or interpreters.

The NCEL will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the operation of the NCEL's business.

Interview and Selection

The NCEL utilizes a structured interview with job-related questions and formats prepared in advance. All persons interviewing applicants for possible employment shall use procedures and tools approved by the Human Resources department to document interview results and selections. Each department or division will be expected to maintain documentation reflecting the specific reasons for selection or rejection. Applicants not selected shall receive timely notification.

Position Classification

The NCEL, with the assistance of the Office of State Personnel Position Management Section, will conduct periodic reviews of job classifications. Individual position descriptions are evaluated as requested by management. These reviews will help correct inaccurate position descriptions and ensure that positions are allocated to their appropriate classification. It will also ensure that position descriptions do not include factors that may arbitrarily discriminate against protected groups.

Staff Development and Training

The NCEL's Recruitment and Training Manager will communicate with managers and employees for training provided by the NCEL. Managers will encourage employees to take advantage of training and educational opportunities, when possible, in order to ensure that training and development is provided throughout the employees' career. Where funds are available, opportunities for refund will be made known to employees providing further motivation towards career development. Training activities will be reported to the Human Resources/EEO Director annually by race, sex, and job group.

Management Training

The NCEL's Recruitment and Training Department shall conduct and enroll managers and supervisors in the Equal employment Opportunity Institute (EEOI) training. This training focuses on EEO concepts, laws, and principles and insures that managers and supervisors have a working knowledge of, and become more sensitive to, diversity and workplace equality issues.

Upward Mobility

Departmental transfers and promotions are methods that can be used for upward mobility and increase numbers of staff who are in the under-utilized groups. The policy of the NCEL is to maintain merit-based recruitment and selection process based on job-related criteria. This process shall be consistently applied in a non-discriminatory manner, promote fairness, diversity, integrity and comply with all Federal and State laws, regulations and policies.

Performance Evaluation Process

The NCEL has implemented a Performance Review System according to policies and procedures established and approved by the NCEL Commission. In evaluating performance, every attempt will be made to overcome the potential

for rater bias. All managers, supervisors and employees will be trained in the use of the policy and the agency's Performance Evaluation instrument.

Counseling

Complaint counseling is provided by the Human Resources Department and/or appropriate Department supervisory personnel as needed or requested by employees. Information normally requested and provided consists of the established complaint procedures, as well as other actions the employee may take in filing a complaint.

Auditing and Reporting

An evaluation of the NCEL's progress is important in assessing the overall effectiveness of its EEO Program. This evaluation will show how well the NCEL is proceeding with established goals and timetables. Reports will be made annually to the Equal Opportunity Services Section for review and comments.

The following reports will be requested and/or compiled by the Human Resources/EEO Director to assist in the monitoring process:

Type of Report	Frequency
1. Applicant Recruitment Placement Report (AA-100)	Submitted for each vacant position being filled
2. Copy of employee disciplinary action	Every occurrence of disciplinary action
3. Job applicants by location	As appropriate
4. Employment recommendations by location	As appropriate
5. EEO Plan update by location	As appropriate

UNLAWFUL WORKPLACE HARASSMENT POLICY

I. Policy

A. **Unlawful workplace harassment and retaliation are strictly prohibited.** The NCEL is committed to providing a workplace environment that reasonably accommodates all qualified employees so that they may fulfill their essential job functions and carry out the mission of the NCEL in a professional manner and to the best of their ability. All employees NCEL are expected to act in a manner consistent with standards of

personal conduct that contribute to a professional working environment in all departmental workplaces. The NCEL has **ZERO TOLERANCE** for violations of the unlawful workplace harassment policy and for retaliation.

Prohibited unlawful workplace harassment includes unwelcome or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or handicapping condition and with creates a hostile work environment or constitutes quid pro quo sexual harassment.

B. Professional and Acceptable Personal Conduct

It is the responsibility of every employee of the NCEL to conduct him/herself in a manner that contributes to a workplace environment that is not only free of unlawful workplace harassment but also advances the mission and goals of the NCEL and fosters a harmonious working environment that encourages all employees to perform at their best. The NCEL recognizes that unprofessional and unacceptable personal conduct affecting the workplace contributes to low employee morale, absenteeism, turnover and loss of productivity. It also erodes the public's trust and the agency's credibility in the community.

Every employee of the NCEL is expected to conduct him/herself in a professional manner in the workplace. Whenever there is a failure to abide by acceptable personal conduct standards, the NCEL may take action, including disciplinary action, even if the conduct at issue does not rise to the level of illegal discrimination or harassment under state and federal law.

C. Examples of Prohibited and Legally Dangerous Conduct

The NCEL recognizes that a determination of whether particular speech or conduct violates the law is determined by many factors, including whether the speech or conduct was offensive to the person who experienced it. HOWEVER, the NCEL reminds all employees that engaging in any of the below listed activities may constitute unacceptable personal conduct without regard to whether it violates state or federal law, and the NCEL may take disciplinary action up to and including dismissal for engaging in it.

- Threats of physical violence or harm; displaying items that imply such a threat;
- Slurs, epithets, humiliating and derogatory jokes or comments concerning national origin, ethnicity, race, color, handicap, age, religion, creed or gender;
- Off-color, sexually suggestive, sexist or risqué e-mail, stories, jokes, items, songs, personal accounts, or pictures;
- Questioning others about personal matters, including the nature, existence or details of relationships with spouses or lovers, sexual preferences or history;

- Physical touching other than handshakes, including rubbing, hugging, stroking, kissing or grabbing any part of someone else's body or personal items on their body without their consent;
- Sexually aggressive conduct, including bumping, cornering or touching in any manner around (or clothing on) someone's buttocks, upper leg, thigh, crotch, chest or breasts; and,
- Sexual advances, requests for sexual favors, comments containing sexual language or references with sexual innuendo or implications, obscene gestures.

D. Prompt Investigation, Interim Measures and Remedial Action

Complaints of alleged workplace harassment or retaliation will be promptly investigated and, as warranted, remedial action will be taken. Pending completion of an investigation, interim steps, such as temporary employee reassignment(s), placing an employee on administrative leave with pay, and shift changes, may be taken. Interim measures are neither disciplinary action nor an indication of belief regarding the truth of allegations or the outcome of the investigation. The Executive Director, Deputy Executive Director of Legal/Security and the Human Resources/EEO Director must be consulted prior to implementing an interim measure. However, when circumstances make such contact impracticable, appropriate level managers should take those steps reasonably believed necessary at the time, as directed by their chain-of-command and consistent with the NCEL's policy.

E. Confidentiality

By their nature, allegations concerning conduct that may violate the unlawful workplace harassment policy may have serious implications for the personal and professional lives of affected employees. The NCEL recognizes the concern employees have regarding their privacy and the confidentiality of personnel information. The NCEL also recognizes that both the accuser and accused deserve a fair investigation. Therefore, employees are directed that no confidential personnel or investigation information may be released other than as necessary to conduct the investigation or agency business in compliance with NCEL policy and directives, and other applicable legal standards. Further, managers are admonished to be cautious regarding the transmittal of the sensitive information relative to allegations of unlawful workplace harassment so that the information does not inadvertently become known. Managers should NOT disclose the existence or nature of such allegations to anyone unless that individual has a business need to know the information or the manager is under an affirmative obligation to disclose the information (i.e., court order). Questions concerning whether information should be disclosed may be directed to the NCEL's Deputy Executive Director of Legal/Security or the Human Resources/EEO Director, or to appropriate counsel in the Attorney General's Office.

F. Immediate Duty to Report and ZERO TOLERANCE

Every employee has a duty to immediately report conduct which he or she reasonably believes constitutes unlawful workplace harassment. The NCEL has a ZERO TOLERANCE policy for workplace harassment. The failure of an employee to report conduct that reasonably appears to violate the unlawful workplace harassment policy negatively impacts the NCEL's ability to identify and eliminate unlawful workplace harassment. Therefore, it is imperative that every employee report conduct he or she reasonably believes may violate the unlawful workplace harassment policy.

G. Direct Reporting to Human Resources Department

A complaint or allegation concerning possible violation(s) of the unlawful workplace harassment policy may be submitted directly to the NCEL's Human Resources/EEO Director by phone (919) 301-3607 or facsimile (919) 715-2832. No employee is required to submit a complaint of (or allegations concerning) unlawful workplace harassment to a supervisor against whom the allegations are made or involve.

H. An Aggrieved Party Must Report Complaints Within 30 Days of Conduct

Any aggrieved individual who thinks that he/she has been subjected to conduct in violation of the unlawful workplace harassment policy must report it to an appropriate manager or the NCEL's Human Resources/EEO Director within 30 days of the alleged harassing conduct.

I. Duty to Investigate Allegations

The NCEL is legally obligated to investigate all allegations that concern possible violations of the unlawful workplace harassment policy. Any supervisor who becomes aware of allegations that reasonably may constitute a violation of the unlawful workplace harassment policy must report the allegations to the Human Resources/EEO Director immediately by phone (to be followed by a written report) or facsimile report.

- The supervisor must report the alleged violation even if the allegations concern conduct that occurred more than 30 days before the supervisor became aware of them.
- The supervisor must report the allegations even if the supervisor receives the information from an individual who is not under his or her supervision.

- The supervisor must report the allegations even if the witness or complainant requests that the supervisor NOT report the matter.

The NCEL is aware that an employee may advise a supervisor of allegedly inappropriate conduct of another employee and then request that the supervisor take no action. In some cases an employee may request that they be allowed to resolve the matter directly with the offending party and without a report to the Human Resources/EEO Director or the chain-of-command. While the NCEL is sympathetic to an employee's desire for privacy, nevertheless, due to the serious legal implications of the situation, and the NCEL s legal duty to investigate, the supervisor must report the allegations. It is the responsibility of the Human Resources/EEO Director to determine if the allegations require investigation or if other resolution efforts are appropriate.

J. Unsubstantiated Complaints

It is recognized that the very nature of workplace harassment circumstances may make it difficult or impossible to substantiate a particular complaint. Nevertheless, every aggrieved individual is strongly encouraged to report violations of the unlawful workplace harassment policy without regard to whether he or she is personally aware of corroborating evidence. The failure to report workplace harassment severely restricts the ability of the NCEL to identify and take remedial action to stop such conduct from continuing, and to prevent further harm. The NCEL recognizes that the inability to corroborate or substantiate a complaint does not necessarily mean the complaint was untruthful. However, where it is determined that an individual has made a complaint in willful disregard of the truth or has been intentionally dishonest, that individual may be subject to disciplinary action, as is true when any employee provides false, misleading, or known to be inaccurate or incomplete information in an investigation.

K. Anonymous Complaints

Complaints that are submitted without identifying the complaining individual make it difficult, if not impossible, for the NCEL to adequately investigate, respond or take appropriate action. Employees with complaints are strongly encouraged to contact the Human Resources/EEO Director directly if there are specific concerns about filing a complaint.

L. Information For The Respondent

An individual who is the subject of allegations of unlawful workplace harassment must be informed of the complaint, the specific allegations, the identity of the complainant(s), and given an opportunity to respond to the

allegations. Additionally, at the conclusion of the investigation, the respondent is entitled to be advised that the investigation has concluded and its outcome.

M. Free Speech

The NCEL respects the constitutionally protected right of free speech. However, conduct or language that constitutes unlawful workplace harassment is NOT legally protected as free speech.

N. Cultural Diversity And Notice To Others When Offended

The NCEL recognizes that on occasion employees engage in conversation or conduct with (or within sight or hearing of) co-workers at the workplace concerning current affairs or other matters of personal interest. Additionally, the NCEL appreciates that the workplace brings together culturally diverse individuals who may have differing viewpoints and sensitivities. As a result, a conversation, music, conduct or a personal item that one individual finds enlightening or amusing may be offensive to someone else who sees, hears or is exposed to it. The lawful balancing of free speech with the prohibitions on unlawful workplace harassment (and admonitions regarding professional conduct) does not guarantee that one will never be exposed in the workplace to any word or conduct that one may find personally offensive. Nevertheless, the NCEL desires for all employees to work in an environment that is reasonably culturally sensitive and one that enhances work performance. Therefore, employees are encouraged to promptly and politely advise an offending co-worker (or the co-workers manager) when exposed to speech, conduct or any matter that is personally offensive, so that the situation may be resolved as quickly and amicably as possible. Managers are encouraged to consult as needed with the NCEL s Deputy Executive Director of Legal/Security or the Human Resources/EEO Director when conflicts arise resulting from social and cultural diversity in the workplace.

O. Warning To Supervisory Level Employees

Supervisors and the NCEL are held to a higher liability standard for conduct constituting illegal harassment or discrimination of subordinate level personnel. Any individual who is or reasonably appears to be in a position of workplace authority or control over another may be held to be a supervisor for purposes of determining liability for harassment or discrimination (e.g., departmental coordinators over same department non-supervisory employees). Therefore, it is imperative that supervisory level personnel carefully manage all interpersonal relationships with subordinate personnel, at the work site and away from work.

A. Relationships Between Employees

Dating between supervisors and their subordinates (to include anyone in the chain of command) is prohibited. If such relationships are discovered, NCEL management will counsel affected employees on the potential adverse effect of such activity on the supervisor-subordinate working relationship. As a corrective measure, one (1) of the employees may be transferred to another department, if possible, or dismissed if other arrangements cannot be made.

II. Definitions:

- **Aggrieved Individual:** Any individual, including any applicant, agent or employee (whether current or former, full-time or part-time, permanent, temporary or probationary), who reasonably believes that he/she has been subjected to conduct by any employee or agent of the NCEL in violation of it's unlawful workplace harassment policy.
- **Complainant:** An aggrieved individual who files a complaint or (if appropriate) on whose behalf a complaint is made with the NCEL, which states allegations of concerning the possible violation of the NCEL s unlawful workplace harassment policy.
- **Respondent:** An individual against whom allegations are filed with the NCEL concerning a possible violation of its unlawful workplace harassment policy.
- **Hostile Work Environment:** An environment that a reasonable person would find hostile or abusive and one which the person who is the object of the harassment in fact perceives to be hostile and abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, the severity of the conduct, and whether the conduct is physically threatening or humiliating, or unreasonably interferes with an employee's work performance.
- **Quid Pro Quo Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
- **Vendor/Contractor:** Conduct to/from an outside vendor or contractor that would constitute unlawful workplace harassment toward/from an NCEL employee could constitute unacceptable personal conduct.
- **Retaliation:** Adverse action taken against an employee for engaging in legally protected activity, including an employee's opposition to conduct or action the employee reasonably believes constitutes unlawful workplace harassment.
- **Interim Measures/Steps:** Temporary measures taken for the good of the NCEL pending completion of an investigation or remedial action. These measures are generally taken to minimize workplace disruption and assist

in the timely resolution of a complaint investigation or completion of remedial action. Interim steps, including temporary reassignment or placing an employee on administrative leave, are not disciplinary actions. Interim measures do not indicate that any determination regarding the truth of the allegations or employee wrongdoing has been made.

III. Procedures

1. Any individual who wishes to file a complaint under this policy must submit a written complaint to the NCEL's Human Resources/EEO Director within 30 calendar days of the alleged harassing action.
2. The NCEL Human Resources/EEO Director will investigate and take remedial action within 60 calendar days from receipt of the written complaint, if warranted and appropriate. A complainant's cooperation is essential in order for the NCEL to fairly investigate the allegations. A complainant's refusal to cooperate may be grounds to close the investigation. The complainant and respondent are encouraged to submit any relevant information and the names of potential witnesses for consideration by the investigator. However, the investigator or appropriate personnel in the Human Resources Office will determine in an exercise of independent discretion what information should be considered and which witnesses will be interviewed.
3. The NCEL will provide the complaining party with a written response at the conclusion of the investigation.
4. The individual may file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).
5. If the complaining party wishes to appeal the Human Resources' complaint investigation, he/she may appeal directly to the Executive Director within 30 days after having received the investigation response. The Executive Director will appoint a three-member Appeal Committee who will review the internal investigation, interview the complainant to determine the reason he/she believes further consideration should be given to his/her complaint and, may interview witnesses. The Appeal Committee will be comprised of two (2) management (supervisory) and one (1) non-management (non-supervisory) NCEL employees.

The Appeal Committee will submit a recommendation to the Executive Director within fifteen (15) days of having been appointed to review the complaint. The Executive Director will review all pertinent information and render a final decision within ten (10) days of having received the recommendation from the Appeal Committee.

Thomas N. Shaheen, Executive Director

5/18/07
Date

UNLAWFUL WORKPLACE HARASSMENT PREVENTION PLAN

It is the policy of the NCEL that no employee, former or present, shall engage in or be subject to unlawful workplace harassment as it pertains to speech or conduct. Whether current or former employees, they have the right to work in an environment free of unlawful workplace harassment and retaliation.

Purpose

The purpose of this policy is to set forth the definition of unlawful workplace harassment and provide employees, managers, and supervisors with plan for prevention, process for reporting, investigation, and resolution of unlawful workplace harassment issues.

Definitions:

Unlawful Workplace Harassment is defined as unwelcome or unsolicited speech or conduct based on race, sex, creed, religion, national origin, age, color or handicapping conditions as defined by G.S. 168-3 that creates a hostile work environment or circumstances involving quid pro quo.

Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile environment is determined by looking at all the circumstances, including the frequency of the harassing conduct, its severity, whether it is physically threatening or humiliating and whether it unreasonably interferes with an employee's work performance.

Quid Pro Quo Harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct when (1) submission to such conduct is made whether explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Retaliation is adverse treatment, which occurs because of opposition to unlawful workplace harassment.

Note: *Unlawful workplace harassment shall include, by is not limited to the following: slurs, epithets, obscene gestures, derogatory comments, unwelcome off-color jokes, teasing or sexual advances and similar verbal or physical conduct (i.e., bumping, touching, stroking, cornering, grabbing, hugging, and kissing), and sexually suggestive objects or pictures.*

Complaint Procedure

Any former employee, full-time, or part-time employee with either a permanent, probationary, trainee, time-limited permanent or temporary employment who has reasons to believe that he/she has been subjected to unlawful harassment in the workplace must do the following:

1. **Management/Supervisory/Department/Division Level**

   The NCEL has a ZERO TOLERANCE policy for workplace harassment. All employees have a duty to immediately report conduct, which he/she reasonably believes constitutes unlawful workplace harassment, in writing, to the appropriate manager or to the Human Resources/EEO Director within thirty (30) calendar days of the alleged harassing action. Employees have the right to bypass any step in the complaint process that would involve a review or decision by the alleged harasser. Management may contact the Human Resources/EEO Director for guidance.

2. **Reporting**

   Allegations of harassing conduct must be reported in writing within thirty (30) calendar days of the alleged action to:

   Human Resources/EEO Director
   North Carolina Education Lottery
   2100 Yonkers Road
   Raleigh, North Carolina 27604

   A prompt, thorough and impartial investigation shall be conducted with appropriate remedial action taken within sixty (60) calendar days from receipt of the written complaint if claims are found to be true. Regardless of the findings, the complaint shall be resolved within the sixty (60) calendar pay period. If the claimant is not satisfied with the outcome of the investigation, he/she may appeal directly to the Executive Director within 30 days of having received the investigation response. The Executive Director will appoint a three-member Appeal Committee who will review the internal investigation, interview the complainant to determine the reason he/she believes further consideration should be given to his/her complaint an, may interview witnesses. The Appeal Committee will submit a recommendation to the Executive Director within fifteen (15) days of having been appointed to review the complaint. The Executive Director will review all pertinent information and render a final decision within ten (10) days of having received the recommendation from the Appeal Committee.

3. **External Level**

Complainant may file a simultaneous charge at the same time under Title VII with the Equal Employment Opportunity Commission (EEOC).

Equal Employment Opportunity Commission
1309 Annapolis Drive
Raleigh, North Carolina 27608-2129

Equal Employment Opportunity Commission
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202

Equal Employment Opportunity Commission
2303 W. Meadowview Road, Suite 201
Greensboro, North Carolina 27405-7813

Objectives

In order to create and maintain a work environment in the NCEL that is free of any conduct which falls under the definition of unlawful workplace harassment, the following steps shall be accomplished:

1. Develop and disseminate to management and all employees the unlawful workplace harassment policy statement for the NCEL.

2. Post the Unlawful Workplace Harassment Prevention Plan in a conspicuous place in every work location of the NCEL.

3. Post the NCEL's Unlawful Workplace Harassment Policy in a conspicuous location in every work location of the NCEL.

4. Post the Unlawful Workplace Harassment Policy on the NCEL's website.

5. Provide training as needed for divisions/departments/regions on the Unlawful Workplace Harassment Policy.

6. Issue disciplinary action against violators of the Unlawful Workplace Harassment Policy.

Responsibility and Implementation

The Executive Director of the NCEL is ultimately responsible for ensuring that the employees have a work environment free of any unlawful workplace harassment. However, the Human Resources/EEO Director who reports directly to the Executive Director shall be assigned direct responsibility for the development and implementation of the Unlawful Workplace Harassment Prevention Program. Specifically, the Human Resources/EEO Director shall be responsible for the following:

- disseminate the unlawful workplace harassment policy statement;
- develop methods to evaluate program activities;
- investigate all claims of unlawful workplace harassment for remedial action if required;
- advise as appropriate and necessary, all parties involved in cases alleging unlawful workplace harassment to include supervisor, complainant, and respondent;
- monitor and track all disciplinary action on all cases; and
- serve as resource person to all employees and management.

Supervisor/Management Responsibility

Supervisors and managers are accountable and responsible for maintaining a work environment free of any form of harassment and shall utilize Human Resources office resources to achieve the following:

- administer the NCEL s policy
- communicate the policy and plan to employees during New Hire Orientation
- prevent and correct any identifiable discrimination and/or unlawful workplace harassment
- counsel employees when appropriate to prevent and correct unlawful workplace harassment
- create and maintain a work environment free of unlawful workplace harassment and retaliation.

Employee's Responsibility

- adhere to the unlawful workplace harassment policy
- report any form of discrimination and unlawful workplace harassment; and
- maintain a work environment free of unlawful workplace harassment and retaliation.

Training

The Office of Staff Development and Training (OSDT), in collaboration with the Human Resources Office, will develop an unlawful workplace harassment training module for supervisors and managers based upon the design from the Office of State Personnel, Equal Opportunity Services Division. The components for the supervisors training will include, but are not limited to, the following:

- unlawful workplace harassment policy
- unlawful workplace harassment complaint procedures
- discrimination and unlawful workplace harassment and retaliation
- State and Federal laws
- appropriate disciplinary action

Training For Employees Will Include, But Are Not Limited To, The Following:

- unlawful workplace harassment policy
- unlawful workplace harassment complaint procedures
- employee rights and responsibilities
- complaint procedures
- State and Federal laws
- appropriate disciplinary action

Discipline

Unlawful workplace harassment shall be viewed as unacceptable personal conduct resulting in immediate disciplinary action leading up to and including termination. No disciplinary action will be issued without guidance from and consultation with the Human Resources/EEO Director and the Deputy Executive Director of Legal/Security to ensure the

appropriate level of corrective and/or disciplinary action, and that such action is consistently applied throughout the NCEL for the purpose of fair and impartial treatment.

Prohibition Of Retaliation And Impeding An Investigation

The NCEL shall not tolerate co-workers or supervisor committing acts of retaliation against an employee who has filed an unlawful workplace harassment complaint and/or an employee assisting in a complaint. Furthermore, the NCEL will not tolerate interfering with or impeding in any manner the investigation of a complaint alleging unlawful workplace harassment. Retaliation can include remarks, threats, or the involuntary transfer to another location, assignment, or shift change of the person making the complaint unless the individual filing the complaint requests the transfer. Acts of retaliation shall be viewed as unacceptable personal conduct, which shall result in immediate disciplinary action up to and including termination.

Dissemination

The Unlawful Workplace Prevention Plan shall be publicized and disseminated throughout the NCEL by utilizing the following channels:

- Dissemination and posting of the Equal Employment Opportunity Plan throughout the NCEL.
- Post the EEO Plan, Unlawful Workplace Harassment Policy and Procedures on the NCEL's website.
- Utilize the NCEL s employee newsletter to inform and educate employees regarding unlawful workplace harassment.
- Inform employees of the unlawful workplace harassment policy during New Employee Sessions.

Evaluation

The Human Resources Office shall be responsible for tracking unlawful workplace harassment complaints and disciplinary action by entering that data into the Personnel Management Information System (PMIS).

Investigation Procedure

Managers and supervisors, who receive unlawful workplace harassment complaints, whether formal or informal, should immediately notify the NCEL's Human Resources/EEO Director for the purpose of documentation, consultation, guidance and assistance in conducting the investigation, if required. If the decision is to utilize field personnel to conduct the investigation, a copy of the investigation shall be submitted to the Human Resources/EEO Director and the Deputy

Executive Director, Legal/Security, for review and approval of final action. The following steps shall be taken in handling unlawful workplace harassment complaints:

1. The Supervisor/Manager must report the alleged violation to the Human Resources/EEO Director immediately via telephone or e-mail (to be followed by a written report or facsimile report).
2. The Human Resources/EEO Director will review the information with the Deputy Executive Director of Legal/Security and the Executive Director.
3. Investigations should comply with standard investigative procedures.
4. Conduct the investigation with the maximum degree of confidentiality possible.
5. Interview witnesses who have knowledge of the incident.
6. Review relevant documents.
7. Draft an investigative report.
8. Keep documentation of the incident out of both the employees' personnel (complainant and respondent) files unless harassment is proven and discipline is imposed.
9. Advise the parties when the Human Resources/EEO Director has completed the investigation and if appropriate action will be taken.
10. Advise the parties of the Retaliation Policy and to contact the Human Resources/EEO Director if harassment occurs.