

25 NCAC 01J .0611 DISCIPLINARY SUSPENSION WITHOUT PAY

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one prior disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance. A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one full work day, but not more than two work weeks. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week, but not more than two full work weeks. Prior to placing any employee on disciplinary suspension without pay, a management representative shall conduct a pre-suspension conference with the employee in accordance with the procedural requirements of this Section. An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights.

An agency or university has the option of imposing the same periods of disciplinary suspension without pay upon all employees as long as the period is the same as for employees exempt from the overtime provisions of the FLSA as set forth in this Section.

*History Note: Authority G.S. 126-4(6); 126-35;
Eff. October 1, 1984;
Amended Eff. October 1, 1995; January 1, 1989; September 1, 1988;
Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge Beecher Gray declared rule 25 NCAC 01J .0611 void as applied in Michael A. Kelly, Steven Wayne Mobley v. NC Department of Environment and Natural Resources (04 OSP 1572; 04 OSP 1573; Affirmed 664 S.E.2d 625);
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.*