



State of North Carolina
Department of Public Safety
POLICY
REQUIREMENTS & PROCEDURES

ADULT CORRECTION & JUVENILE JUSTICE

Division: **ADULT
CORRECTION &
JUVENILE
JUSTICE**

Chapter: **PERSONNEL
MANUAL**

Policy: **Educational Assistance
Program**

Issue Date: **April 1, 1993**

Revised: **January 1, 2017**

POLICY

It is the policy of the Division of Adult Correction and Juvenile Justice to administer an educational assistance program consistent with the policies and procedures of the Office of State Human Resources subject to funding availability.

PURPOSE

The purpose of the educational assistance program is for workforce planning and development. The educational assistance program provides management with a means to support educational activities that are deemed beneficial to both the agency and employee, and that serve to develop the employee's knowledge, skills and abilities directly related to their current classification or the classification series in which they are working.

The educational assistance program is not an employee benefit, right or entitlement; it is a management program for workforce development. Denial of participation in the education assistance program is not grievable, except on grounds for discrimination.

The educational assistance program provides reimbursement of academic costs based on the **availability of funds** at the agency/university level, and/or time off the job if the course is available only during working hours.

ELIGIBILITY

The person must be employed with the Division of Adult Correction and Juvenile Justice to be considered.

Eligible Employees: Full-time or part-time (half-time or more) employees with a permanent or time-limited permanent appointment are eligible. Employees with a probationary or trainee appointment may be determined as eligible by management after satisfactory performance for a period of not less than six (6) months.

Ineligible Employees: Employees with a temporary appointment, part-time (less than half-time) appointment and intermittent appointment are not eligible.

For the purpose of administering this program in the Division of Adult Correction and Juvenile Justice, the Director of the Office of Staff Development and Training (OSDT) shall be responsible for determining employee eligibility (per division chain of command approval) and eligibility of sources for the educational assistance program. In exercising this responsibility, this position shall be guided by applicable State Personnel Policies, position classification documentation, and accreditation documentation as may be required to determine eligibility per this policy.

ACADEMIC SOURCES

Academic courses/degrees from accredited community colleges/colleges/universities via traditional classroom, video-based, distance learning, web-based, e-learning and certain correspondence courses are eligible for consideration and approval.

Academic sources are defined as a course/degree provided by an accredited community college/college/university. The course must provide academic credit (as opposed to CEU's), be listed in the college/university course catalog and charge tuition in the traditional meaning of tuition (as opposed to only registration fees). Accreditation must be via an accrediting agency authorized by the US Department of Education.

Correspondence courses not accredited by the US Department of Education or the American Council on Education/CREDIT for academic credit, are not eligible under this policy.

APPROVED COURSES

Management shall make the determination whether to provide assistance for an employee to take a specific course based on the following principle:

"Deemed beneficial to both the agency/university and the employee's knowledge, skills and abilities to do the job".

In fulfilling this principle, each level of management must determine that the course or degree satisfies the requirement of being beneficial to both the Department and to the employee and that the improved knowledge, skills and abilities gained by the employee will benefit him/her in completion of his/her current and/or potential job duties. Management may consider workforce planning, succession planning and career development in approving employees for educational assistance. **The Director of OSDT shall make the final decision concerning course approval.** Please note the following:

- I. Courses providing knowledge and skills directly related to maintaining or improving current job skills ("current job" means same status and pay); courses mandated by law or regulation or those required by the employer for the employee to retain the job.
Example: An employee in an administrative support position taking a word processing computer course at a community college to learn how to use new equipment and software at the work site. Knowledge and skills gained from the course will directly impact the employee's ability to do the job; therefore, this course is eligible for educational assistance.

- II. Courses directly related to the profession in which the employee is currently working, current classification or classification series, other than courses for incumbent employees who do not meet the minimum educational and experience requirements for the job.
Example: An employee in a probation officer job classification taking a graduate course from a state university entitled Advanced Criminal Behavior Studies. This course is not required for the position of probation officer, however, information and knowledge obtained from this course can be deemed beneficial to the employee's knowledge and abilities to do the job. Therefore, this course is eligible for educational assistance.

- III. Courses included in an academic program directly related to the job or current classification or classification series, and which are necessary to complete a degree program other than courses for incumbent employees who do not meet the minimum educational and experience requirements for the job.

For the purpose of administering this program in the Division of Adult Correction and Juvenile Justice, this example is interpreted as providing for educational assistance for courses required to complete a degree program when the degree program is directly related to the position or position classification series of the employee. Once it has been established that the degree being sought is directly related to the employee's position and the course being taken is a requirement of the accredited educational institution, educational assistance can be provided for a course even though the course itself may not appear to be directly related to the position classification.

Example: An employee in a correctional officer position and taking an undergraduate history course entitled Western Civilization when documentation from the university confirms that this course is required for a Bachelor of Science degree in Criminal Justice. While this history course is not directly related to the job of correctional officer, the degree in criminal justice is directly related; therefore, this course is eligible for educational assistance once documentation is provided that the employee is pursuing this specific degree and that this course is required for the degree sought.

- IV. Courses outside the employee's current classification level where the coursework will help meet future work needs in hard to recruit classifications.
Example: Employees with experience or skills in the health care field participating in a nursing or other health care related program.

Assistance should not be granted in cases where management has determined that neither the course, nor the degree pursued, is of sufficient benefit to the agency/university.

Audited courses

Academic courses which are audited are eligible for educational assistance; however, an employee may be reimbursed for the same course or course equivalent only once. Reimbursement requires a statement written on school letterhead signed by the instructor that the employee attended at least 85% of the scheduled class meetings during the academic term.

Thesis/Dissertation Research Courses

Job-related thesis/dissertation research courses at the master/doctoral level are restricted as follows:

- I. All required written examinations for the degree shall be successfully completed before the course is approved.
- II. A maximum of 15 hours leave may be approved for each academic credit hour. All leave hours must be used during the academic term and may not be accumulated.
- III. A maximum total of 9 academic credit hours is allowed for any one (1) employee.

EDUCATIONAL LEAVE

Approved courses should be taken on the employee's own time. If a course can only be taken during an employee's work hours, educational leave may be requested. The request must be submitted prior to the beginning of the course to allow sufficient time for review. Requests for educational leave may be approved at the division level (see chart at end of policy); however, approvals shall be forwarded to OSDT for recordkeeping and reporting obligations.

Educational leave during work hours may be approved not to exceed one course per academic term (a semester, quarter or summer session) up to five (5) semester hours or eight (8) quarter hours credit. The supervisor shall determine reasonable travel time.

In the event an employee is approved for educational leave and subsequently fails or withdraws from the course, the employee must reimburse the Department through reduced vacation leave for the number of hours the employee was away from work. Exceptions may be made for unforeseen disabilities, military duty, changes in work locations, etc.

REIMBURSEMENT

Academic Costs - Charges assessed by an eligible source to every person enrolling for the course. Academic costs include in-state tuition, fees and course/lab fees.

Reimbursement of Academic Costs

- I. Eligible employees may be reimbursed academic costs charged by the eligible source attended (note the exceptions listed below):
 - A. University of North Carolina institutions and Institutions of the North Carolina Community College System: 100% of academic costs for up to 20 semester hours.
 - B. All academic institutions other than institutions of The University of North Carolina and institutions of the NC Community College System: Up to the maximum academic cost charged by the UNC institutions for up to 20 credit hours or 32 quarter hours per fiscal year.
- II. Exceptions: Graduate professional programs (medicine, veterinary medicine, etc.) with unusual course/lab fees, tuition or other fees will be considered on a course by course basis. Agency heads may approve payment of these academic costs.
- III. Reimbursement shall not be made for charges, other than academic costs, specifically related to processing or receiving CEUs (continuing education units).
- IV. Reimbursement shall not be authorized for transportation costs, graduation fees, examination fees, textbooks and supplies.
- V. Financial assistance from any other financial aid program shall not be duplicated under this program. However, the difference, if any, between such aid and the allowable costs under the State's plan may be reimbursed. This includes grants, stipends, loans, etc.
- VI. When employees of an educational institution or any other State agency are granted free tuition, the value of this tuition must be considered as part of the allowable academic costs.

Note: Tuition waiver programs at institutions of The University of North Carolina are authorized by both state laws (NCGS 116-143) and governed by IRS regulation (US Code Title 26, IRS Section 117 (d)(2)). The education assistance policy is not applicable to tuition waiver programs.

- VII. The employee shall receive reimbursement, subject to the availability of funds, of approved academic costs upon submitting evidence of satisfactory completion of the course, and documenting academic costs. Requests for reimbursement should be submitted within 30 days of course completion.
- VIII. If an employee transfers to another State agency/university, and subsequently completes an approved course, the employee should submit a request for reimbursement to the employing agency/university. The employing agency/university is responsible for processing the request per the provisions of this policy, and providing reimbursement if funds are available. Employees who separate from State service, except by reduction in force, are not eligible for reimbursement.

Tax Status

On January 1, 2013, Congress passed the American Taxpayer Relief Act that permanently extends employer provided education assistance (Section 127 of the Internal Revenue Code). This allows an employee to exclude from income up to \$5,250 per year in educational assistance at the undergraduate and graduate level.

APPLICATION PROCEDURES

- I. To apply for Educational Assistance, an employee shall complete a Form DOC/PD-136 including the following information:
 - A. Name, Home Address, SSN, Date, Agency, Location, Work Phone, Job Title, Status, School Attended, Location, GI Benefit, and reimbursement expected.
 - B. The course title(s), number, academic credits, class schedule, and whether the course is for graduate or undergraduate, credit or non-credit, or for certification/licensing.
 - C. A description of the course(s), demonstrating how the course(s) meet criteria for the approved courses, or for certification/licensing.
 - D. The amount of academic cost reimbursement, specifying tuition and/or fees, and any course/lab fees requested.
 - E. Amount of time off from work for educational leave including all travel time.

- F. If time off from work is requested, a statement demonstrating unavailability of the course except during work hours.

The completed form shall be submitted to the employee's immediate supervisor and forwarded through the chain of command.

Requests for educational leave may be approved at the division level (see chart at end of policy); however, approvals shall be forwarded to the Office of Staff Development and Training for recordkeeping and reporting obligations.

Employees should receive a written response from management regarding approval/disapproval of educational assistance requests, noting any changes in the application or conditions of approval. The response shall also indicate whether the reimbursement for the course is subject to withholding taxes or not.

- II. The application must be submitted in advance to OSDT 30 days prior to course registration to allow time for appropriate review, approval and notification to the employee. The Secretary, or designee, may approve an application received after class begins if circumstances warrant.
- III. OSDT will review the application for policy guidelines. If tuition is requested and funds are available, OSDT will list the request on a pre-approval form and return the application with a note to the applicant.
- IV. Within a maximum of 30 days of satisfactory course completion or receipt of grade, the employee must sign the approved application, attaching his/her grade(s) and receipt and forward the request to OSDT for final processing. Failure to do so could result in non-reimbursement. Satisfactory course completion is defined as a grade of "C" or better for undergraduate courses and a grade of "B" or better for graduate courses. An "Incomplete" shall not be reimbursed until a final grade has been issued.

Both courses taken at the agency request and courses taken under the Extended Educational Leave Policy require prior written approval of the agency/university head or their designee.

Courses Taken at Agency/University Request

- I. Because of specific high priority skill needs of the agency, employees may be asked by management to take specific courses or degree programs. Under these circumstances, all limitations under the provisions of this policy are waived, except requirements for withholding taxes and FICA. All expenses should be reimbursed. These include transportation costs; examinations and administrative fees; textbooks

and other course materials. (Any books or materials paid for by the agency/university become the property of the agency.)

- II. If the hours or number of courses involved exceed the limits of the educational assistance program, then the situation shall be administered under the policy provisions for Extended Educational Leave.
- III. The designation, "At Agency Request," can only be determined with the approval of the Secretary or designee.

Extended Educational Leave

- I. The agency may consider any employee (permanent, probationary or trainee) for extended educational leave to participate in job or career-related work study, scholarship or fellowship programs based upon the following criteria:
 - A. Verification that both labor market and organizational needs exist for development in program requested.
 - B. Equal opportunity provided in selection of candidate(s).
 - C. Employees are informed of agency policies and procedures regarding:
 1. Announcement and application procedures;
 2. Screening and selection of employees;
 3. Limitations and restrictions on training;
 4. Leave, salary and benefit conditions and any withholding taxes and FICA;
 5. Employment agreement.

Requests for extended educational leave initiated by the employee and not meeting the above criteria shall be administered according to the State Personnel policy on leave without pay.

Certification/Licensing

- I. Incumbent employees who must meet minimum educational requirements and for whom maintenance of certification/licensing is required after employment or is deemed desirable by management and approved by the Secretary or designee are eligible for educational assistance under the following conditions:
 - A. certification/licensing is mandated by act of General Assembly, or

- B. certification/licensing is a policy requirement of the employing agency/university.
- II. Educational leave is authorized for courses and examinations required for initial certification/license and renewal of the certification/license. Reimbursement is authorized for 100% of the academic costs, less any applicable withholding taxes and FICA.
- III. Certification/licenses resulting solely from attainment of academic degrees shall be considered under educational assistance for academic course work.

ADMINISTRATION RESPONSIBILITY

The Office of State Human Resources is responsible for the interpretation of the State Academic Assistance Policy; and approval of the agency policy and procedures, and subsequent revisions. The Division of Adult Correction and Juvenile Justice is delegated responsibility for, and authority to administer the program within the provisions of this policy in a fair, consistent and equitable manner. The responsibility for managing the Educational Assistance Program in the Division of Adult Correction and Juvenile Justice has been delegated to the Office of Staff Development and Training. Changes to this policy or procedures require prior written approval of the Office of State Human Resources. State Equal Employment Opportunity policies and procedures are applicable to all Rules in this Section.

MAINTAINING RECORDS

Each agency is responsible for retaining records, on a fiscal year basis, of academic assistance activity. This information shall be reported annually to the Office of State Human Resources upon request and shall include the following:

- Number employees participating in the program,
- Amount (tuition and fees) reimbursed,
- Number employees granted educational leave,
- Number employees taking courses at agency's request,
- Number employees granted extended education leave,
- Number of employees taking courses for mandated/required certification/licensing

Educational Leave Approving Authorities

DACJJ Administration	Section Chief
Community Corrections	Executive Officer
Prisons	DOP Regional Operations Manager
Office of Staff Development & Training	Director
Alcohol & Chemical Dependency Programs	Section Chief
Correction Enterprises	Director
Parole Commission	Executive Director
Inmate Grievance Commission	Executive Director
JJ Court Services	Director
JJ Facility Operations	Director
JJ Community Programs	Director