

# 115C Career Educators

**Resource**

**Handbook**

**Guidelines Governing Reduction-In-Force  
(GS115C) Separations and Reemployment of  
State of North Carolina Government Employees**



# REDUCTION-IN-FORCE

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# REDUCTION-IN-FORCE

A Reduction-in-Force (RIF) under N.C.G.S. 115C, Section 325(e)(1) provides for the dismissal or demotion of educators as a result of a justifiable decrease in the number of positions due to reorganization, decreased enrollment, or a reduction in funding.

The Department's policy and its guidelines for the fair and systematic administration of such (RIF) separations and demotions are the following:

It is DHHS policy that management consider all feasible alternatives to an involuntary RIF separation or demotion of a career educator. *(Unless stated otherwise, this policy applies only to career, not probationary, educators.)*

## **What are my rights?**

Your appointment status determines your Reduction-in-Force (RIF) rights. Generally, if you have successfully completed (with approval by the Board of Education) four consecutive years as an educator, you are considered a "career educator." As a career educator, you have RIF rights to DHHS education positions. If you have less than four consecutive years as a contracted educator your appointment status is probationary and you are not eligible for RIF rights. If you do not know your appointment status, contact your human resource manager.

Career educators separated or demoted due to reduction-in-force have priority reemployment rights for three consecutive years following their separation.

You have the right to request a review by the DHHS Secretary of your recommended separation due to RIF within 15 calendar days of receipt of written notification. The GS115C Appeals Process can be found at: [http://www.ncdhhs.gov/humanresources/hr/2Forms/allforms/REC-rif\\_115C\\_appeals\\_process.doc](http://www.ncdhhs.gov/humanresources/hr/2Forms/allforms/REC-rif_115C_appeals_process.doc). Contact your human resource manager if you have questions related to RIF policy and/or your appeal rights. The GS115C policy can be found at: [http://info.dhhs.state.nc.us/olm/manuals/dhs/pol-50/man/Pol2\\_ER\\_AppendixA1.htm](http://info.dhhs.state.nc.us/olm/manuals/dhs/pol-50/man/Pol2_ER_AppendixA1.htm)

**How will the Department of Health and Human Services help me?**

The Department of Health and Human Services has written guidelines for Reduction-in Force which ensures that potential separations or demotions are handled on a fair and systematic basis. Even before providing written notice, the Department pursues alternatives to staff reduction. The Superintendent informs employees of RIF as soon as possible (at least 30 days prior to separation). Written notification shall include reasons for the RIF, your eligibility for priority reemployment consideration and your appeal rights. The Department will assist employees with placement and support services.

Your human resource manager is your primary contact for placement assistance and services. As an employee separated through RIF, your name will be placed on a list of available educators that will be maintained by the Director of the Division of Human Resources and distributed to all education program administrators and their supporting human resource managers. The HR manager will work with the Director of the Division of Human Resources to coordinate and provide placement assistance throughout the department.

The Department will coordinate outplacement assistance if you wish to seek employment in other state agencies. This may include assistance with resume preparation and interviewing skills. Referral includes coordination with the Office of State Personnel and the Employment Security Commission. Job vacancy information is available by accessing the Office of State Personnel job listings on the Internet website: <http://www.osp.state.nc.us/jobs/>.

**Does the State of North Carolina provide severance pay if I am separated through a Reduction-in-Force? When do I become eligible for severance?**

The intent of severance salary continuation is to ensure bridge from pay status to non-pay status for employees who have been separated from state service as a result of a reduction-in-force. Severance wages are therefore paid to eligible employees to minimize the impact of unemployment and loss of pay as a result of their separation from employment.

The affected state agency may provide severance salary continuation in accordance with the provisions of NCGS 126-8.5. For purposes of determining severance eligibility, NCGS115C educators (teachers) are considered state employees and are therefore eligible for severance salary continuation provided they have been employed as a teacher for at least nine months. Eligible educator employees who are paid on a 10- or 11-month basis would not be paid severance until the date when they could have returned to pay status. Severance salary must be approved by the State Budget Office, and is subject to the availability of funds.

**As a RIF'd employee, if I am on short-term when does my priority reemployment benefit begin?**

Under DHHS' Reduction-in-Force policy, typically an employee's priority reemployment rights begin on the date of notification. However, if you are on short-term disability, then your rights under this benefit would not begin until your short-term disability ended and you were able to work.

# REEMPLOYMENT

When you receive written notification that your position will be subject to a Reduction-in-Force, it is critical that we begin the process of identifying other job opportunities for you. This responsibility rests with both you as an employee facing a potential layoff and the NC Department of Health and Human Services. This chapter explains your rights for reemployment including information on two key components of the process: job placement priority and priority reemployment consideration. The Department's RIF policy, offers specific information on these two components of the reemployment process and your eligibility for them.

What you need to remember is that there are several agencies ready to offer you support and assistance. Your human resource manager will coordinate your job search, and will help you identify prospective opportunities in other state agencies

The NC Office of State Personnel and the Employment Security Commission will be available for job assistance. More important, this chapter provides you with a detailed procedure to begin the process, and it outlines your responsibilities as well as ours in helping to continue your employment without interruption.

Please pay particular attention to this section on reemployment. If you have questions, contact your division, facility, or school human resources office for guidance and additional information.

**What should I do to get another state job**

Your first and most important step is to complete a State of North Carolina employment application and submit it to your human resources office. **This is a critical first step and should be completed quickly.**

Your application will be forwarded to the director of the Division of Human Resources, who will maintain a priority list of available career educators.

Current copies of the priority list will then be forwarded to all education program administrators and their supporting human resource managers and you shall be given priority consideration for all educator vacancies for which you qualify. If you qualify for a specific job posted within the Department, then the hiring division or facility must contact you and offer you an interview.

**Can I maintain my current salary?**

There is no requirement that your salary be maintained. Any decisions to maintain your current salary will be at the discretion of the hiring agency.

**How do I find out about other jobs?**

Staff in your human resource office will ensure that you have access to current vacancy lists for positions available in the Department of Health and Human Services in addition to other state agencies and facilities. Vacant positions are usually announced through the North Carolina State Government Job Vacancy web site at: <http://www.osp.state.nc.us/jobs/>.

You can access this website at public libraries, university libraries, and local offices of the Employment Security Commission.

Please remember that your efforts to identify vacancies and potential job opportunities can be your best advantage. While the job search is a mutual responsibility, you can certainly increase your prospects for job placement by aggressively searching for vacancies within the department as well as elsewhere in state government. If you identify vacancies at other state agencies, we recommend that you apply for them and attach a copy of your RIF notification.

**What is priority placement?**

Priority placement and priority reemployment considerations are defined in the department's Reduction-in-Force policy. Simply, once you have been notified in writing that your position will be subject to a RIF and that you will be separated, you are accorded certain employment rights. If you have successfully completed four consecutive years as a career educator, you have "priority placement rights" to DHHS educator openings, until your separation date.

After the position has been abolished, you are accorded **priority reemployment consideration** rights. In either case, you are accorded priority rights to 115C vacancies for which you qualify. You are ensured of these rights and considerations for three years from the date of written notification that you will be separated from a position subject to Reduction-in-Force.

**What if I'm eligible to retire?**

If you decide to retire or to apply for retirement after receiving an official written notice of an impending Reduction-in-Force, you will waive the right to priority reemployment consideration. If you choose to apply for retirement after separation through a Reduction-in-Force, you may retain priority reemployment consideration during the three-year period.

# CAREER SUPPORT SERVICES

Whether it has been some time since you last entered the job market or not, it is worthwhile to brush up on your job hunting skills. This is a good time to inventory your strengths and weaknesses, take a fresh look at your options and plan your next career move. In this section, you will find information on:

- State of North Carolina Employment Application
- Job Search
- Resources for Job Information

## **Do I need to submit a new Application for Employment?**

Yes. The Application for Employment is an important marketing tool. Information that you provide on this document will give a human resource manager and a hiring manager the opportunity to review and assess your qualifications against other applicants. The employment application is a primary recruiting tool for any organization considering applicants for jobs.

Updating your current job application is an important step in your job search. Your current application is a part of your personnel file located in human resources. If your application is more than six months old, you should complete a new one. Current information will improve your competitive position in the selection process. If your application is less than six months old, you may attach an additional sheet to a copy of the application file as an update. Be sure to give yourself credit for every month of experience attained. Remember to include all work experience that is relevant to the job for which you are applying. Related volunteer experience is also considered. Some applicants omit experience that occurred more than 15 or 20 years ago, but it is strongly advised that you include any relevant experience regardless of when it occurred.

## **Why can't I just send a resume?**

To ensure full consideration for any state job, you must submit a signed and dated application to the appropriate hiring agency. A resume can supplement the application, but it does not replace it. The signed application is an official state document and is used to verify educational credentials, investigate prior-convictions, and document an applicant's employment history. A resume does not always provide such information, so it becomes extremely difficult to qualify individuals for employment.

## **How does human resources "qualify" my application?**

The human resources staff reviewing your application will look at the education and experience you have listed on your application to see if it includes the minimum training and experience (to include required knowledge, skills, and abilities) to qualify for the position.

**If I list my job title and my basic duties, isn't that enough?**

No. If the position calls for specific skills under the "required qualifications and preferences," there may not be enough information to qualify you. Be sure to read the vacancy listing carefully. When preparing your application, be sure to cover all of your main duties and training experience. This may include both formal education and other job-related training.

**Where can I get information on the classes/training I have taken on the job?**

The training coordinator for your division or facility can provide you with a listing of the classes you have taken.

**How do I know what to list for my experience?**

When reviewing the major parts of your job, both your job description and work plan should be helpful. In the rush to complete an application, it is often easy to overlook an infrequent part of your job which may be relevant to the job you seek.

**Do I have to type my application?**

A typed application is not required, but it is recommended. However, if you do not type your application, be sure to print clearly and legibly in blue or black ink.

**How do I complete the application for employment?**

**FIRST NAME:** For consistency it is a good idea to use your legal name (as found on social security card or other identification used to confirm your authorization to work in the U.S.).

**IDENTIFY YOURSELF AS A RIF PRIORITY APPLICANT:** It is very important for you to identify yourself as an applicant with RIF priority reemployment consideration. Be sure to answer "Yes" to the "Are you a layoff candidate with the State of NC eligible for RIF priority reemployment consideration as described by GS126" on the application? Also include the date you were notified of your RIF separation.

**JOBS APPLIED FOR:** You need to consider jobs for which you qualify and those which you would actually accept if offered. If you apply for all the jobs for which you might be interested and then are offered a position, you may jeopardize your priority reemployment status if you decline the offer.

**TRAINING:** Review the different classes you have taken over the past five years. Consider which of these is most applicable to the position for which you are applying. While you may have taken a number of classes, some are more relevant to the job than others. For example, stress reduction is a great class for personal development, but may not have direct application to demonstrating your job skills.

**SPECIFIC COURSES:** Some courses are necessary for the work done or are mandated. For example, specific areas of certification such as special education or visual impairment.

**MEMBERSHIPS:** List any professional organizations relative to the position for which you are applying. Include any offices you have held.

**CURRENT EMPLOYER:** List the full name of the agency including the division or facility.

Example:

DHHS  
Central Regional Hospital-Butner  
300 Veazey Road  
Butner, NC 27509

**SUPERVISOR'S NAME:** Use formal names rather than a nickname.

Example:

John Smith instead of "Red" Smith

**REASON FOR LEAVING:** Indicate that you have been RIF'd. This alerts the human resource officer that you may have priority reemployment status.

**LIST MAJOR DUTIES:** Before listing job duties on your application, jot them down on a sheet of paper and consider which of them is most critical. Be sure to compare this list with what is listed in the vacancy posting under both minimum training and experience and under management preferences and highlight your competencies (knowledge, skills, and abilities) which demonstrate your qualifications for the position for which you are applying.

**Where can I get an application?**

You can obtain a State of North Carolina employment application from your human resource office, local library, Employment Security Commission office and on the Internet at: <http://www.osp.state.nc.us/jobs/gnrlinfo.htm#app>

**What steps should I take to begin my job search?**

1. Identify the type of job you want (positions for which you qualify, positions similar to the job you have now, or potential new careers).
2. Have a well-organized application which shows that you have the qualifications for the job you seek. If you are considering a position outside of state government, then a well-written resume is essential.
3. Identify potential employers for whom you would like to work as well as anyone you know who may be aware of openings in your field (family, friends, co-workers, neighbors, or professional organizations).
4. Ask potential employers for advice on resources and contacts that may lead to the job which interests you. Ask them to keep you in mind when vacancies occur.
5. Follow up with a thank-you note to people you visit and call them periodically to see if they know of any vacancies in your area of interest.
6. Gather enough information so you can adequately evaluate your job-hunting strategies.
7. Make a list of all the prospective employers you have discovered through your research, including the name of the person in charge of the department in which you wish to work.
8. List your top 20 potential employment targets.
9. Send tailor-made cover letters and resumes to the person with the authority to hire you from the top 10 on your list.

**What resources exist that will help me find a job?**

**State Government Vacancy Listing.** The Office of State Personnel provides a listing of employment opportunities in state government which can be found at:

<http://www.osp.state.nc.us/jobs/>

**Office of State Personnel-Reduction in Force Resources**

<http://www.osp.state.nc.us/RIF/EERif/index.htm>

**DHHS Division of Human Resources – Employment and Referral Services at:**

<http://www.ncdhhs.gov/humanresources/ers/index.htm>

**Office of the Governor**

<http://jobsnow.nc.gov/>

**Employment Security Commission Vacancy Listing.** The Internet Job Information Service provided by the Employment Security Commission (ESC) of North Carolina is a self-directed system which provides a listing of current job openings. The service is available on the internet and at most county libraries. You may visit the nearest Employment Security Commission Office to register and to receive more information. <http://www.ncesc.com>

**Office State Personnel Service for State Employees.** The OSP offers transitional services including job search and outplacement assistance. The Career Transition Center is located in the Office of State Personnel Temporary Solutions Office at 620 North West Street, Raleigh, NC 27699-1377. Counselor assistance is available at 919-733-7927.

**Chambers of Commerce.** Local Chambers of Commerce provide directories of businesses within an area. These directories can be found on the internet and in local libraries.

**County Libraries.** Books on job hunting, interviewing and resume writing and information on local employers can be found in most libraries.

**NCSU Office of Continuing Education.** The NC State University Office of Continuing Education provides career reviews, counseling services and alternatives for those desiring to change careers and who may need additional education. The office is located in the McKimmon Center on the NCSU campus.

# BENEFITS

In the weeks ahead, your employment benefits are among the most important decisions facing you. Most employees who find themselves occupying positions which are subject to a Reduction-in-Force (RIF) are concerned with the continuation of health care coverage and other insurance programs. Also, you will likely have questions about your retirement benefits and the funds you have contributed to your retirement account. You may have questions about your vacation and sick leave balances.

This chapter will answer many of these questions and provide guidance on exactly what you need to do, when you need to do it, and whom you need to contact. It is our hope that your benefits will continue uninterrupted since the Department will make a concerted effort to place you in another position. But if you find that you are facing separation from state employment as a result of a RIF, the following information will certainly be important to you.

For more information on benefits, contact your human resources office immediately. Benefits representatives will help you with any questions and will make sure you know who to contact for specific guidance.

**Vacation Leave**

If you are separated, you will be paid for the vacation leave you have accumulated up to a maximum of 240 hours on the earliest payroll possible following your separation. If you have over 240 hours of vacation leave at the time of reduction in force, the excess leave shall be reinstated if re-employed within one year. If you transfer to another state agency before you are separated, your vacation leave will be transferred to your new agency to include area mental health, public health, social services, or emergency management agencies. If the agency head is willing to accept the leave, it may be transferred to a public school, community college, or technical college. You may contact your human resources office to verify your vacation leave balance in case of a transfer to another agency or employment separation. In addition, if you are separated, you will be paid for any bonus leave on the earliest payroll date following your separation. Bonus leave is transferred under the same guidelines as vacation leave.

**Sick Leave**

You cannot be paid for accumulated sick leave if you are separated. However, if you return to state employment within five years from your last day of work, your accumulated sick leave will be reinstated. If you transfer to another state agency, your sick leave will be transferred to your new agency. Sick leave will also be transferred to a local agency (those described under Vacation Leave) if the agency agrees to accept this leave. Similarly, if you are employed at a later date by one of the listed agencies, your sick leave may be reinstated if the agency agrees. You should contact your human resource office to confirm your sick leave or if you need verification sent to your new agency.

**Community Service Leave**

If you transfer to another state agency, the balance of your community service leave will be transferred to that agency. You may contact your human resource manager to confirm your community service leave balance.

**Longevity**

If you are eligible to receive longevity pay and are separated from state government, you will receive a prorated amount on the earliest payroll possible following the date of your separation. If you are transferring to another state agency, you will receive longevity on your regularly scheduled eligibility date. Please note that if you do transfer to another state agency, the receiving agency is responsible for the payment of longevity.

## **Health Insurance**

Your health insurance coverage under the State Health Plan will be paid for you up to one year following the date of separation, provided you have been employed for at least 12 months. After this, you may apply for continued coverage under the COBRA program. If you have been employed less than 12 months, you may continue coverage under COBRA. If you have dependent coverage, it may be continued on a contributory basis. For more information, contact your human resource office.

## **Retirement**

### **Service Retirement (Unreduced Benefits)**

You may retire with unreduced service retirement benefits after

- you reach age 65 and complete five years of creditable service, or
- you reach age 60 and complete 25 years of creditable service, or
- you complete 30 years of creditable service, at any age.

### **Early Retirement (Reduced Benefits)**

You may retire with a reduced service retirement benefits after

- you reach age 50 and complete 20 years of creditable service, or
- you reach age 60 and complete five years of creditable service.

Your early retirement benefit is determined by the same formula as a service retirement. However, because benefits may be paid over a longer period of time, they will be reduced. The amount of reduction depends on your age at retirement.

### **Discontinued Service Retirement**

State employees who are at least 55 years of age and have 20 years of creditable service, and who are separated due to RIF, may be eligible for full retirement without a reduction in benefits instead of severance pay.

You may also be eligible for reduced retirement benefits if you are 50 years old and have 20 years of creditable service. Please note that funding for discontinued service retirement must be recommended by the Secretary and approved by the Office of State Budget before it becomes an option. Approval by the Secretary and the Office of State Budget depends primarily on the financial ability of the State of North Carolina to fund discontinued service retirement.

### **Deferred Retirement**

You may still receive a retirement benefit, even if you leave before service or early retirement. You are entitled to a benefit at a later date if you leave for any reason-at any age-after you have completed five years of creditable service, provided you do not withdraw your contributions.

Your benefit is determined by the formula in effect on the effective date of your retirement. It is based on your average final compensation and years of creditable service. You can apply for deferred payments to begin when you reach age 60.

If you have at least 20 years of creditable service when you leave, you can apply for early payments beginning at age 50. However, your benefit is reduced because you may receive payments for a longer period of time.

If you leave the State of North Carolina Retirement System before you have five years of creditable service, the only payment you will receive is a refund of your contributions.

### **Refund of Retirement Contributions**

If you have five years of member service, you have the option of leaving your contributions in the retirement system and maintaining all of the creditable service you have as of the date of separation.

Please note that if you elect to leave your contributions in the retirement system and you have made contributions for at least five years, you are entitled to retirement benefits at a later date.

If you leave state employment, you have the option to receive a refund of your contribution to the retirement system. It is important to note that if you have your contributions refunded and are re-employed by the State at a later date, you have to contribute five years to the retirement system before you are eligible to buy back your prior state service. Buying back prior state service can be expensive. If you have at least five years as a contributing member, interest will be added to your refund. Your refund application will be forwarded to the retirement system once your agency has processed your final paycheck for time worked and accumulated vacation leave. State law does not permit the retirement system to make refunds earlier than 60 days after your application is received. Refund applications are available at your human resources office.

If you transfer to another state agency, your retirement number will remain the same and you have no option of withdrawal.

Contact your human resource manager for additional information on your retirement options.

## **Payroll Deductions**

If you are enrolled in any group life, accident, disability income, dental or cancer coverage insurance plans paid by payroll deduction, you will need to contact your division or facility for information on continuation options if you are separated by RIF. Your health benefits representative can provide the appropriate contacts for any of these insurance companies or service groups. If you transfer to another state agency that provides the same insurance coverage through payroll deduction, you should contact your new human resource manager for information on transfer of your coverage.

If you separate from State of North Carolina government and have a payroll deduction for either Deferred Compensation or the 401(k) tax-sheltered supplemental retirement plan, you will need to contact the respective office to discuss what should be done with the proceeds in your account.

If you have payroll deductions to the State Employee's Credit Union, you should contact a loan officer since your deductions stop when you leave the State's payroll. Deductions do not automatically transfer to another state agency. You must contact the Credit Union directly.

## **Unemployment Insurance Benefits**

You may be eligible to receive unemployment insurance benefits. You should contact your local office of the Employment Security Commission concerning your eligibility to receive benefits. You are not eligible to receive unemployment insurance benefits while receiving severance salary continuation.

# **E**MPLOYEE ASSISTANCE PROGRAM

The announcement of a Reduction-In-Force (RIF) and the potential loss of employment can affect you in different ways. Some employees move through stages of emotional stress when trying to cope with the news. The Employee Assistance Program (EAP) offers a range of support services to employees and their family members who are confronted with the prospects of reemployment or job loss.

EAP is a confidential counseling service which helps employees define problems affecting them personally and identifies appropriate resources to ease and hopefully resolve personal crises. Counseling services are offered for employees who experience job-related stress, family and marital difficulties, financial or legal problems, work-life conflicts, and substance abuse.

You may contact the employee assistance program directly or you may ask your immediate supervisor or human resources office for assistance.

**If I need to talk to someone in EAP, how can I arrange an appointment?**

Appointments with an EAP counselor are as simple as picking up a phone and calling the counselor which serves your agency. Phone numbers for counselors are listed with each facility. Your supervisor or human resource manager can help you with arranging appointments.

**Do I need to schedule time off to see an EAP counselor?**

A supervisor's approval is needed to schedule leave time from work. However, you do not have to discuss your personal concerns with a supervisor. The time you spend with the EAP counselor is not taken from your leave account. If a referral is made by EAP to a third-party resource, leave time must be taken.

**Will my family have access to the EAP services?**

Yes. Because a family member's problem may affect the employee's well-being, the program is available to the immediate family members of an employee.

**Does my State Health Insurance cover services rendered by the EAP program?**

There is no cost for services provided by the Employee Assistance Program counselors. Any costs associated with referrals made by the EAP program will be the employee's responsibility. Your EAP counselor will discuss your insurance benefits, and make every effort to help you get the best services for a reasonable rate under your covered plan.

**How long do assessment sessions last with an EAP counselor?**

Sessions normally last from one to two hours.

**Where will my scheduled appointment with the EAP counselor be held?**

Sessions are scheduled either at the counselor's office or may be scheduled at any location mutually agreed upon

**Will any information discussed at the EAP session be shared with my employer or family?**

No. Your visit with the EAP counselor will be confidential. No information will be given to anyone without your written consent.

**Are other services provided?**

Yes. Sessions to help groups of individuals affected by a Reduction in-Force understand all of the mixed emotions associated with loss of a job will be offered through the Employee Assistance Program. The RIF sessions can help you recognize normal stress reactions and begin the adjustment process needed to focus positively on your future.

The group process will allow you to share feelings and to support other state employees who are in similar positions during the transition. Participation is voluntary. For further information on EAP services, contact your human resource manager or call the DHHS Employee Safety and Benefits section at **919-733-2662**.

# Employee Assistance Program Directory

## Administrator for the DHHS EAP Program:

Ricky Collie  
Assistant Human Resources Director for Facility and Educational Services  
Division of Human Resources  
Raleigh, NC  
919.733.2662

## Employee Assistance Program Consultants

The program consultants listed below provide technical assistance, assessments, and training support for the DHHS facilities:

Ray Robbins  
Central Region  
Raleigh, NC  
1.800.603.8486 (Pager)  
919.855.4730 (Phone)

Vicki Harrington  
Eastern Region  
Greenville, NC  
1.800.451.6324 (Pager)  
252.355.9035 (Phone)

Karen Molli  
Western Region  
Black Mountain, NC  
1.888.774.7926 (Pager)  
828.669.4398 (Phone)

For information about DHHS EAP, you may visit the EAP website at:

**<http://www.dhhs.state.nc.us/humanresources/esb/eapcoordinators.htm>**

# NOTES

*The North Carolina Department of Health and Human Services does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services.*

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