

Deviation Request Form (DRF)

Directions: The Initiator will complete Sections A through C. Additional continuation pages can be included if necessary.

Initiator	Amanda Thompson			Date	11/24/2020			
A. Requested deviation applies to (Technical Procedure – include specific section):								
Section 9.2.1 of the Administrative Policy and Procedures								
B. Requested deviation:								
Policy current reads: 9.2.1: Allowable alternate work schedules shall not begin prior to 5:00 A.M. and not extend beyond 7:00 P.M.								
Policy will read: 9.2.1: Allowable alternate work schedules shall not begin prior to 5:00 A.M. and not extend beyond 9:00 P.M.								
C. Necessity for the deviation:								
To accommodate flexible work hours for employees needing flex schedules during Covid-19.								
D. Technical review and Authorization (to be completed by the Quality Manager and/or Technical Leader)								
Comments(to include merits and impacts):								
Approved	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Duration	1 year		
Signature	Timothy G. Suggs			Date 12/02/2020				
<small>Digitally signed by Timothy G. Suggs DN: cn=Timothy G. Suggs, o=North Carolina State Crime Laboratory, ou=Quality Manager, email=tsuggs@ncdoj.gov, c=US Date: 2020.12.02 15:15:40 -05'00'</small>								
E. Quality Assurance Authorization (to be completed by the Quality Manager, Forensic Scientist Manager or designee)								
Acceptable within general QA guidelines and good laboratory practice?					<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Significant negative impact to Crime Laboratory Quality System?					<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Restrictions/limitations:								
Effective 12/07/2020								
<input checked="" type="checkbox"/>	Authorized	<input type="checkbox"/>	Rejected	Signature	Timothy G. Suggs		Date	12/02/2020
<small>Digitally signed by Timothy G. Suggs DN: cn=Timothy G. Suggs, o=North Carolina State Crime Laboratory, ou=Quality Manager, email=tsuggs@ncdoj.gov, c=US Date: 2020.12.02 15:15:50 -05'00'</small>								

Administrative Policy and Procedures

- 1.0 Purpose** - The policy and procedures described in this document shall provide standard administrative policies and procedures for all personnel assigned to the State Crime Laboratory (Laboratory).
- 2.0 Scope** - These administrative policies and procedures shall apply to all personnel of the Laboratory.
- 3.0 Management Structure** - Management Structure for all personnel assigned to the Laboratory shall be as follows:
- 3.1** Technician or Forensic Scientist.
 - 3.2** Forensic Scientist Supervisor (if defined in Section).
 - 3.3** Forensic Scientist Manager (or designee) or Section Supervisor (or designee).
 - 3.4** Assistant Director (or designee).
 - 3.5** Lab Director (or designee).
 - 3.6** NC Attorney General (or designee).
- 4.0 Personnel File** - The NC Department of Justice shall maintain a personnel file for each employee.
- 5.0 Job Description** – The Laboratory shall maintain active job descriptions for managerial, technical, and key support personnel. A current job description is maintained according to policies established by Department of Justice’s Human Resources. Job descriptions shall include the following:
- Knowledge, skills and abilities (KSAs).
 - Minimum educational requirements.
 - Level and type of experience.
 - Required certifications.
 - Core job responsibilities.
- 6.0 New Employee Checklist** – The New Employee Checklist shall be completed by a new employee and Forensic Scientist Manager or designee. Once completed, the checklist shall be maintained in the employee’s personnel file.
- 7.0 Statement of Qualifications** – A Statement of Qualifications for each employee involved in testing and evidence handling shall be maintained on the Section shared drive. The Statement of Qualifications shall be reviewed and updated on an annual basis.
- 8.0 Work Authorizations** – The Forensic Scientist Manager, Section Supervisor, and/or discipline Technical Leader shall maintain on the Laboratory intranet a work authorization list that indicates the type of analysis/work, instrumentation, and review level authorized for each employee.
- 9.0 Work Hours**
- 9.1** Normal business hours are 8:00 A.M. to 5:00 P.M., Monday through Friday.

9.2 Alternate work schedules – Alternate work schedules may be authorized by the Forensic Scientist Manager or Section Supervisor if the schedule is advantageous to the employee and the Laboratory. Alternate work schedules shall be submitted in writing and approved by the Forensic Scientist Manager or Section Supervisor prior to an employee operating under the alternate work schedule. The Forensic Scientist Manager or Section Supervisor shall ensure adequate staffing during normal business hours.

9.2.1 Allowable alternate work schedules shall not begin prior to 5:00 A.M. and not extend beyond 7:00 P.M.

9.2.2 Once approved, the alternate work schedule shall become the employee's permanent work schedule until a subsequent request is approved or until changed by Laboratory management to meet the needs of the agency. The absence of a request shall automatically place an employee in the normal business hour category.

9.2.3 Changes to work schedules shall be permissible only with the prior approval of the Forensic Scientist Manager, Section Supervisor or designee.

9.3 Overtime Hours – Overtime hours may be mandated by Laboratory management.

10.0 Daily Check-In

10.1 It shall be the responsibility of all Section employees, while out of the Section conducting Laboratory business (e.g., court, crime scenes, meetings, etc.), to contact the Section Office Assistant or designee each day.

10.2 The purpose is to obtain any messages or learn of any important business that must be dealt with that day, allowing sufficient time to conduct that business. In addition, the employee shall advise the Office Assistant of the expected return to the office or the need to return to court, crime scene, etc., the following day.

11.0 Leave

11.1 All employees requesting leave shall submit a leave request at least one week prior to the leave. The leave request shall be given to the Forensic Scientist Manager/Section Supervisor for approval. Prior to submitting the leave request to the Forensic Scientist Manager/Section Supervisor, the employee shall review the court calendar to determine if the employee is under subpoena for the requested leave period. If the employee is under subpoena for the period of time for which he/she is requesting leave, the number of subpoenas shall be recorded on the leave request. Prior to approving the requested leave, the Forensic Scientist Manager/Section Supervisor shall review the court calendar to ensure that the employee has correctly documented the number of subpoenas associated with the leave period. The Forensic Scientist Manager/Section Supervisor shall forward the leave request to the Office Assistant to record the leave on the Section calendar.

11.1.1 If the employee determines that he/she is under subpoena for the leave period requested, it is his/her responsibility to contact the appropriate District Attorney's Office(s) to inquire as to whether the leave can be accommodated. The employee shall notify the court coordinator, via email, of the resolution of the issue. The employee shall copy his/her manager/supervisor on all related correspondence with the court coordinator.

- 11.2 The Office Assistant or Section Supervisor shall notify the Laboratory Court Coordinator of the leave or absence. The Laboratory Court Coordinator shall advise the court system of this leave; however, the employee shall be responsible for appearing in court when not released by court officials.
- 11.3 If there is need for unexpected leave, the employee shall call the Forensic Scientist Manager/Section Supervisor or designee between the hours of 8:00 A.M. and 10:00 A.M. and request leave. Upon return to the office, the employee shall submit a leave request for approval. When leave is required and the total hours cannot be determined in advance, the employee shall obtain prior approval from the Forensic Scientist Manager and complete a leave request with the appropriate number of hours upon return to the office.
- 11.4 If an employee is sick and requesting leave, the employee shall contact the Forensic Scientist Manager/Section Supervisor or designee between the hours of 8:00 A.M. and 10:00 A.M. Each day thereafter that the employee remains absent, the employee shall call the Section Forensic Scientist Manager or designee to advise of his/her condition and expected date of return.
- 11.5 Community service leave (as set forth in the State Personnel Manual) shall have prior approval by the Forensic Scientist Manager, Section Supervisor or designee.

12.0 Adverse Weather Court Coordination - Subpoenas for testimony may be held objectionable if they place an “undue burden” on the person subpoenaed or are “otherwise unreasonable or oppressive.” It is the intent of the adverse weather court coordination plan to ensure that the appropriate personnel in any affected court district are made aware, in a prompt and reasonable manner, of any concerns for the lives, safety, and well-being of Laboratory employees. Nothing in this plan negates the reasonable obligations imposed on Laboratory employees in the service of the courts.

- 12.1 When an anticipated adverse weather event (*e.g.*, winter precipitation, hurricane, or wildfire) has the potential to create travel hazards for Laboratory employees under subpoena for court testimony, the following steps shall be taken when feasible:
 - 12.1.1 Each employee who has been informed of a request to testify in court during the time of potential hazardous travel shall ensure that all paperwork necessary for court is printed prior to the weather event and that the employee’s Forensic Scientist Manager/Supervisor is notified as soon as possible.
 - 12.1.2 The Forensic Scientist Manager/Supervisor shall promptly contact the appropriate court coordinator (the Raleigh Court Coordinator or the designated coordinator at the Triad or Western Regional Laboratories) to discuss the matter. In the event of a court case involving subpoenas for employees from multiple units, the managers/supervisors involved shall select one manager/supervisor as the coordinator for that case. Prior to the weather event, affected managers (or at least the coordinating manager) must meet with the appropriate court coordinator(s) and legal counsel (in person or by phone conference) to discuss possible contingencies based on the relevant circumstances.
 - 12.1.3 Court coordinators shall ensure the FA Manager is aware of any weather event impacting analysts/employees at their respective locations. The FA Manager or designee shall communicate an advisory message to FA customers based on consultation with legal counsel and the appropriate court coordinator.

- 12.1.4** For any given case in which the requested appearance of Laboratory employees is possible, the coordinating parties (legal counsel, court coordinator, and manager/supervisor) shall ensure that alternative contact information (*e.g.*, home or cell phone numbers) is shared prior to the weather event to ensure that issues are appropriately resolved in an expedient and organized manner. An employee under subpoena shall ensure that his or her manager and court coordinator is provided with contact information for the employee.
- 12.2** Coordinating parties should consider whether, as circumstances warrant, employee travel should take place prior to the weather event to ensure availability to testify. This determination should take into account the duration/impact of the anticipated weather event, travel time, duration of lodging, burden on the employee, nature of the case, and any other relevant factor for the reasonableness of the plan.
- 12.3** It is expected that employees may not necessarily know of a specific request to testify prior to the time of the weather event (*e.g.*, when the employee has a subpoena but has been placed on phone standby). As such, all Forensic Scientist Managers/Supervisors and court coordinators, as well as legal counsel, must be ready to assist as needed with *unanticipated* testimony requests received during a weather event.
- 12.4** The respective court coordinator at each Laboratory location is the primary liaison with district attorney's offices and shall attempt resolution of all requested testimony obligations affected by an adverse weather event through contact with local victim/witness liaisons. Forensic Scientist Managers/Supervisors are designated as the secondary points-of-contact and must be able to (1) support court coordinators with relevant information and, (2) when necessary, intervene by placing calls directly to victim/witness liaisons or other personnel at district attorney's offices. Legal counsel is available in a consulting role but will not take over as the point-of-contact unless a manager/supervisor has reached an impasse despite reasonable efforts. In such event, legal counsel will refer the matter to the Laboratory Director or designee for further determination.
- 12.5** Relevant to an adverse weather event, the most important overall factor for seeking alternate testimony arrangements should be whether the court system for the county in which the employee works/resides is closed, though closures of county court systems along the route of travel may be an important factor, as well as any other significant travel advisory. Employee-specific circumstances may also justify seeking accommodations.
- 13.0 Sign In/Out** – Each Section shall maintain a log or other sign out sheet for employees to record entering and leaving the Section.
- 14.0 Vehicles** – Vehicles for use by Laboratory employees shall be managed by the Logistics Section. Each time a vehicle is used, the mileage log shall be completed so that data can be reported back to Motor Fleet Management monthly.
- 15.0 DNA Samples** – All newly hired employees shall give a DNA sample for inclusion in the Forensic Biology Section Database of Employees for the purpose of exclusion of adventitious DNA profiles in casework. This sample shall be collected on the first day of employment or as soon as possible thereafter.
- 16.0 Separating Employees** – When employees leave the employment of the Laboratory, all keys, access badges, and equipment shall be returned. A Memorandum shall be prepared to notify the District Attorneys of the separation. The Laboratory Separation Checklist shall be completed and placed in the employee's personnel file.

17.0 Technical Leader Selection - The Forensic Scientist Manager (FSM) of the Raleigh Laboratory Section shall appoint technical leader(s) for the technical discipline(s). For disciplines that involve multiple laboratory locations, the FSM of the Raleigh Laboratory section shall include the FSM of the other laboratory locations in the selection process. The selection process shall be implemented as follows.

17.1 Upon technical leader vacancy, the FSM shall announce the vacancy to the scientists in the discipline. All eligible forensic scientists interested in being technical leader shall submit a memorandum of interest to the FSM of the respective Raleigh Laboratory section. In order to be considered for the technical leader position, Forensic Scientists must:

17.1.1 Meet the training and experience requirements of a Forensic Scientist III.

17.1.2 Meet the requirements as outlined in the FBI Quality Assurance Standards to be the technical leader for DNA or DNA Database.

17.1.3 Possess a minimum “Meets Expectations” work performance history for the previous 18 months.

17.2 Scientists shall be given five business days to submit the memorandum.

17.3 The FSM(s) that supervise the discipline shall jointly review each interested scientist’s qualifications and schedule a time to meet and discuss the technical leader collateral duties with each scientist. Following the joint discussion with each scientist, the technical leader selection shall be made and forwarded to the Assistant Director of Technical Operations and the Quality Manager for review. After consensus is reached, the final appointment of the selected scientist shall be made by the Raleigh FSM.

17.4 Technical leader appointments shall be made for a maximum of a three year term except for the DNA Technical Leaders. DNA Technical Leaders shall work with the applicable FSMs on the length of the appointment. At the end of the term, the selection process shall be repeated. Forensic scientists that have previously served as a technical leader may reapply for the vacant technical leader position.

17.4.1 The contingency plan for a vacated DNA Technical Leader position is for the Assistant Director of Technical Operations and Quality Manager, in consultation with the Forensic Biology Manager and/or DNA Database Manager, to assign as Technical Leader a qualified DNA Forensic Scientist who meets the Federal DNA Standards until the selection process outlined above can be completed.

Revision History		
Effective Date	Version Number	Reason
05/01/2020	7	3.0 – replaced chain of command with management structure 4.0, 5.0 – updated job description requirements 7.0 – updated CV requirement 11.3 – replaced leave slip with leave request. 12.0 – removed on call requirement and added adverse weather court coordination plan 17.0 – added technical leader selection process