



**STATE OF NORTH CAROLINA
OFFICE OF STATE PERSONNEL
1331 MAIL SERVICE CENTER
116 WEST JONES STREET
RALEIGH, NC 27699-1331**

MICHAEL F. EASLEY
GOVERNOR

THOMAS H. WRIGHT
STATE PERSONNEL DIRECTOR

ADVISORY MEMORANDUM 01-04

TO: Directors, Area Mental Health Programs
Directors, Departments of Public Health
Directors, Departments of Social Services
County Managers
Local Jurisdiction HR Directors

FROM: Patrick McCoy, CPM, PHR
Local Government Program Team Leader

A handwritten signature in black ink, appearing to read 'Patrick McCoy'.

RE: NCGS 126, The State Personnel Act - Article 8

As a service to local clients, the NC Office of State Personnel occasionally issues local government HR advisory memoranda concerning topics and issues that come to our attention that can have an affect on local HR administration. The purpose of this advisory memorandum is to bring to your attention several relatively new provisions that have been added to *Article 8: Employee Appeals of Grievances and Disciplinary Actions*. The specific additions are found in *NCGS 126-34.1(a)(11)*. This section now allows employees subject to the State Personnel Act to petition for a contested case hearing for violations of the following federal laws:

- The Fair Labor Standards Act
- The Age Discrimination in Employment Act
- The Family Medical Leave Act
- The Americans with Disabilities Act

It is recommended that you review your county and agency grievance procedure to ensure that these appeal rights have been disclosed to employees subject to the State Personnel Act. As you are aware, all county employees have always had the right to appeal to the federal government through the appropriate authority for alleged violations of the above employment laws.

If you have any questions or need any clarification, please do not hesitate to contact Drake Maynard or me at (919) 733-7934. Thank you for your time and consideration.

pjm

c: Drake Maynard
Local Government Program Team

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