

Employee Grievance Policy

Policy History

Date	Brief Description of Change
October 1, 2001	Revised to include as grievable issues violation of the FLSA, Age Discrimination Act, FMLA or ADA. (Delete “Failure to follow systematic procedures in reduction in force (not alleging discrimination).”
February 1, 2011	The 2010 General Assembly passed House Bill 961 which, among other things, made the disciplinary letter public information. This rule explains how to mesh the statutory requirement that the dismissal letter be public with the reality that the final dismissal letter might not contain the same reasons as originally used. It also provides a process that contemplates that the employee might in fact be reinstated as a result of the internal appeals process and not even be dismissed as a final agency action.
June 1, 2012	Revised to reflect the changing roles of the State Personnel Commission and the Office of Administrative Hearings in rendering a Decision and Order in contested cases. The Alternative Dispute Resolution Procedures were removed from the policy. There were also other minor editorial and policy clarification changes.
December 1, 2013	<p>(Approved at the October 17 Commission Meeting) Policy replaces two grievance policies (Employee Appeals and Grievances and Employee Mediation and Grievances Process). Policy was changed to comply with the law change that resulted from ratification of HB 834.</p> <ul style="list-style-type: none"> • Creation of two informal grievances processes for alleged unlawful discrimination, harassment or retaliation and for policy violations • Mediation is the first step of the internal grievance process. • Step 2: Review by a Hearing Officer or Hearing Panel • Hearing Officer/Panel drafts recommendation for Final Agency Decision • Recommendation will be reviewed by the Director of the Office of State Human Resources • Final agency decision shall be issued in writing within 90 calendar days of the initial filing.

December 1, 2013	(Approved at the December 12 Commission Meeting) As a result of feedback received from various agencies concerning the Dec 1 policy changes approved at the Oct 17 commission meeting, additional clarity to the grievance policy. The commission approved a 12-1-2013 retroactive effective date to replace the previous policy they approved effective on that same date. This replaces the previous approved policy
August 6, 2020	<p>Policy reviewed by Diversity and Workforce Services Division to confirm alignment with current practices and by Legal, Commission, and Policy Division to confirm alignment with statutory, rule(s), and other policies. Reported to SHRC on August 6, 2020.</p> <ul style="list-style-type: none"> • Policy was updated to include the protected classes of gender identity and sexual orientation following the U.S. Supreme Court decision in <u>Bostock vs. Clayton County</u>. • Term Mediation Director changed to Mediation Coordinator.
February 16, 2023	<ul style="list-style-type: none"> • Expand the timeline for the EEO Informal inquiry to 90 days total to be consistent with the Administrative Code. Agencies would have 75 calendar days from receipt of the complaint to complete an investigation plus 15 additional calendar days if the complainant agrees. • If the complainant has not been sent a response by the agency within 90 calendar days after agency received the complaint, complainant may continue the process by filing a formal grievance. • Adding “attempt to”: If the letter finds reasonable cause to believe that unlawful actions occurred, “...management shall attempt to take appropriate action to resolve the matter.” • Clarify that agency grievance policies are supplemental in nature. • Add National Guard preference to list of issues that may be grieved at the agency level only. • Add a section identifying the limited set of situations where an exempt managerial employee can file a grievance to OAH. These situations are specified by law (N.C.G.S. § 126-5(c7) and § 126-34.1(a)(2)), and would now be mentioned expressly in the policy. Specifically state that any employee, regardless of whether they are exempt from the SHRA, may utilize the EEO Informal Inquiry process to raise a complaint related to discrimination, retaliation, or harassment. This does not allow employees exempt from the provisions of N.C.G.S. § 126-34.01 and § 126-34.02 to proceed to the formal internal grievance process. • Adding language to clarify time periods in which employees have to act to move through steps of the grievance process. • Changed language re: prohibition of recording in mediations to match the Rules of Mediation.

	<ul style="list-style-type: none"> • Adds language to clarify what occurs if the respondent has an unexcused failure to attend a mediation. • Adds sources of authority.
October 17, 2024	<ul style="list-style-type: none"> • Revised the policy to reflect the changes to Chapter 126 in Session Law 2024-23, HB223, that added “National Guard” to 126-34.02(b)(4): • Removed “Denial of National Guard preference as provided for by law” from the issues that could be grieved at the agency level only. • Added denial of National Guard preference as an issue that may be grieved through the formal grievance process and appealed to OAH after completion of the grievance process. • Added “National Guard” to the note explaining some statutory exempt employees may be able to grieve the denial of veteran’s preference.
June 25, 2026 (effective July 1, 2026)	Made confirming changes to reflect new Managing Employee Work policy.