25 NCAC 01I .2302 DISMISSAL FOR UNSATISFACTORY PERFORMANCE OF DUTIES

(a) Unsatisfactory Job Performance is work-related performance that fails to meet job requirements as specified in the job description, work plan, or as directed by the management of the work unit or agency.

(b) Agencies shall apply this Rule consistent with the requirements of 25 NCAC 01J .0605.

(c) In order to be dismissed for a current incident of unsatisfactory job performance, an employee must first receive at least two prior disciplinary actions. First, one or more written warnings, followed by a warning or other disciplinary action that notifies the employee that failure to make the required performance improvements may result in dismissal.

(d) Prior to the decision to dismiss an employee, the agency director or designated management representative must conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of Rule .2308 of this Section.

(e) An employee who is dismissed must receive written notice of the specific reasons for the dismissal as well as notice of any applicable appeal rights.

(f) Failure to give specific written reasons for the dismissal, failure to give written notice of applicable appeal rights, or failure to conduct a pre-disciplinary conference constitute procedural violations with remedies as provided for in 25 NCAC 01J .1316. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

History Note: *Authority G.S. 126-4; 126-35;*
Eff. August 3, 1992;
Amended Eff. April 1, 2001; December 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;
Amended Eff. September 1, 2019.