

25 NCAC 01J .0603 APPEALS

(a) A career employee who has been demoted, suspended, or dismissed shall have 15 calendar days from the date of his or her receipt of written notice of such action to file an appeal with his department/university grievance procedure. If an employee does not appeal his or her dismissal through the agency grievance procedure within 15 days, then the employee shall have no right to file a contested case with the Office of Administrative Hearings under G.S. 126-34.02.

(b) If an employee appeals his or her dismissal through the agency grievance procedure, then the initial dismissal letter shall not constitute the final agency decision, but the final agency decision shall be the decision made at the conclusion of the employee's appeal through the agency grievance procedure.

(c) Grievances that allege discrimination, harassment, or retaliation shall follow the agency grievance process. Employees with grievances alleging discrimination, harassment, or retaliation who do not follow the agency grievance process shall have no right to file a contested case with the Office of Administrative Hearings.

*History Note: Authority G.S. 126-1A; 126-34.01; 126-34.02; 126-35; 150B, Article 3; 150B-23; Eff. February 1, 1976;
Amended Eff. March 1, 1994; April 1, 1989; December 1, 1984; October 1, 1984;
Temporary Amendment Eff. February 18, 1999;
Amended Eff. February 1, 2011; July 18, 2002;
Temporary Amendment Eff. May 23, 2014;
Amended Eff. April 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.*