

25 NCAC 01J .1302 GENERAL AGENCY GRIEVANCE PROCEDURE REQUIREMENTS

(a) All agencies and universities shall adopt an Employee Grievance Policy, which shall be approved by the State Human Resources Commission, based on the standards in Paragraph (d) of this Rule.

(b) Grievances filed that are not in accordance with Subparagraph (d)(5) of this Rule shall be dismissed.

(c) A grievant who has an unexcused failure to attend the Step 1 - Mediation or Step 2 - Hearing as scheduled forfeits the right to proceed with the grievance process.

(d) An agency or university grievance process shall include the following:

- (1) a list of who may file a grievance;
- (2) a list of grounds for filing a grievance under the internal grievance process;
- (3) a list of grounds for which contested cases may be brought to the Office of Administrative Hearings after the conclusion of the grievance process in accordance with G.S. 126-34.02;
- (4) an informal process for attempting to resolve a grievable issue prior to the employee's filing a formal grievance;
- (5) a 30-day timeframe in which grievable issues must be raised in both the informal and formal grievance process, except for grievances covered by Rule .0603 of this Subchapter;
- (6) a 90-day timeframe in which the agency or university must complete the entire informal process and the process shall describe each step of the formal grievance process;
- (7) mediation shall serve as Step 1 of the formal grievance process. A description of the mediation process and timeframe to be followed in Step 1 shall state that a mediation agreement is legally binding and that if impasse occurs, the agency shall inform the grievant of the Step 2 grievance process and timeframe for filing;
- (8) a hearing shall serve as Step 2 of the formal grievance process. A description of the hearing process and timeframe to be followed in Step 2 shall be provided, including that a grievant has the opportunity to present the grievance orally to a hearing officer or hearing panel. The hearing officer or hearing panel chair shall draft a proposed recommendation with findings of fact for a Final Agency Decision;
- (9) the process and timeframe for the proposed recommendation to be submitted to the Office of State Human Resources for review and approval;
- (10) information about any applicable appeal rights to the Office of Administrative Hearings shall be included in the Final Agency Decision;
- (11) the responsibilities of all parties involved in the grievance process to include: grievant, respondent, hearing officer or hearing panel and chair, agency and university Human Resource Office, Equal Employment Officer, Affirmative Action Officer, Agency Head and designee, and the Director of the Office of State Human Resources and designees; and
- (12) the manner in which changes in the grievance policies shall be communicated to employees.

*History Note: Authority G.S. 126-34.01; 126-34.02;
Temporary Adoption Eff. May 23, 2014;
Eff. April 1, 2015;
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