

25 NCAC 01I .2310 APPEALS

(a) An employee with career status as defined in G.S. 126-1.1 who has been demoted, suspended, or dismissed shall have 15 calendar days from the date of his or her receipt of written notice of the action to file an appeal pursuant to his or her agency grievance procedure. If an employee does not appeal his or her demotion, suspension, or dismissal through the agency grievance procedure within 15 calendar days, then the employee shall have no right to file a contested case with the Office of Administrative Hearings under G.S. 126-35.

(b) If an employee appeals his or her demotion, suspension, or dismissal through the agency grievance procedure, then the written notice of the action 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 procedure. Employees who do not follow the agency grievance procedure shall have no right to file a contested case with the Office of Administrative Hearings.

(d) If the employee has completed the agency grievance process and is not satisfied with the final agency decision, or is unable to obtain a final agency decision within 90 days from the date the grievance was filed, the employee may file a petition for contested case hearing in the Office of Administrative Hearings. A petition for contested case hearing must be filed within 30 calendar days after the grievant receives the final agency decision.

History Note: *Authority G.S. 126-1.1; 126-34.02; 126-35;*

Eff. December 1, 1995;

Amended Eff. July 18, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;

Amended Eff. September 1, 2019.