

25 NCAC 01I .2404 SYSTEM PORTION IV: EMPLOYEE RELATIONS

(a) In order to be declared substantially equivalent in the area of employee relations, a county shall adopt a policy that includes the following policy provisions:

- (1) A provision that employees shall not be disciplined, including dismissed, except for just cause.
- (2) A provision that allows for action, including dismissal, on the basis of unsatisfactory job performance or unacceptable personal conduct.
- (3) A provision that the policy shall be available to all employees.
- (4) A provision that the county shall train all supervisors and managers in the appropriate use of the employee relations policy.

(b) In order to be declared substantially equivalent in the area of employee relations, a county shall adopt a grievance procedure that includes all of the following:

- (1) A provision that extends coverage to at least all county employees subject to North Carolina General Statutes Chapter 126.
- (2) A provision that all employees who have completed a probationary period shall have access to the grievance procedure on at least these issues:
 - (A) Just cause to impose disciplinary demotion in pay or position, disciplinary suspension without pay or dismissal;
 - (B) Allegations of discrimination based on race, sex (including allegations of sexual harassment), religion, age, national origin, handicapping condition, creed or color in hiring, promotion, any disciplinary action, compensation, transfer or training.
- (3) A provision for a hearing before an impartial hearing officer, or a hearing panel appointed by the County Manager and the Human Resources Director. No person who reports directly to the County Manager or who works in the Human Resources area may be a hearing officer or may serve on the hearing panel.
- (4) A provision for a public hearing with the ability of each party to be represented by attorney. The hearing officer or hearing panel shall have the authority to compel attendance at such hearing. The hearing shall be recorded so that a record may be prepared and forwarded to Superior Court.
- (5) A provision that the hearing officer or hearing panel shall make a recommendation to the local appointing authority. The local appointing authority shall make a final, binding decision in the grievance.
- (6) A provision that the final decision shall state in writing that if the employee/grievant disagrees with the decision of the local appointing authority, appeal from that decision may be made to the Superior Court of the county.
- (7) Specific time limits on management responses and decisions, and a provision that if management fails to comply with the time limits of the procedure, that the employee may unilaterally choose to advance to the next step in the procedure.

(c) All provisions of this Section shall be complied with in order for substantial equivalent status to be granted by the Commission.

(d) The Office of State Human Resources shall provide technical assistance and advice to any county wishing to apply for substantial equivalent status in employee relations.

(e) Any county that was approved for substantial equivalent status in the area of employee relations prior October 1, 2006 shall re-apply for approval before October 1, 2007. Failure to apply within that period shall automatically terminate that county's substantial equivalent status in employee relations. Any county that was approved for substantial equivalent status in the area of employee relations prior to October 1, 2006, shall remain substantially equivalent until October 1, 2007, or until approved for substantial equivalent status based on this Section.

(f) The State Human Resources Commission may waive any condition set out in this section and approve a county's request for substantial equivalent status based on a recommendation from the Office of State Human Resources. Such recommendation shall specify that waiver would result in a more effective system of employee relations. Factors to be considered by the Commission in granting a waiver include the following: compliance with the condition would increase the time involved for employees in the overall grievance procedure; the presence of sufficient limits on management's ability to increase the time involved in the grievance procedure; and the assistance from the county available to employees to proceed through the grievance procedure.

*History Note: Authority G.S. 126-11;
 Eff. August 3, 1992;*

Amended Eff. November 1, 2006;

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