Employee Grievance Policy

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Employee Grievance Policy (continued)

Policy

It is the policy of North Carolina State government that a grievance process exist to allow for prompt, fair and orderly resolution of grievances arising out of employment. Each agency shall adopt the Employee Grievance Policy as approved by the State Human Resources Commission.

Objectives

In establishing this Employee Grievance Policy, the State Human Resources Commission seeks to achieve the following objectives:

- Provide procedural consistency across the agencies of NC State government;
- Ensure employees have access to grievance procedures to address grievable issues timely, fairly, and without fear of reprisal; and
- Resolve workplace issues efficiently and effectively.

Definitions

The following are definitions of terms used in this policy:

Term	Definition
Agency	A State department, office, board or commission.
Alleged Event or Action	The precipitating workplace event or action, or the receipt of notice of an event or action that is the basis for filing a grievance.
Applicant	A person who submits an application for initial hire, promotion or reemployment for a position in a State agency.
Career State Employee	An employee who is in a permanent position and has been continuously employed by the State in a position subject to the NC Human Resources Act for the immediate 24 preceding months.
Complainant	An applicant, probationary State employee, former probationary State employee, career State employee or former career State employee who initiates an informal complaint through the Equal Employment Opportunity (EEO) Informal Inquiry process.
Contested Case Issue	A grievable issue that may be appealed to the Office of Administrative Hearings.

Employee Grievance Policy (continued)

Equal Employment Opportunity Informal Inquiry	An informal process for addressing allegations of unlawful discrimination, harassment and retaliation that may facilitate a resolution prior to the filing of a grievance.
Final Agency Decision	The final decision issued by the Agency Head that concludes the internal grievance process.
Grievable Issue	A workplace event or action as defined by NC State statute as grievable that allows an eligible employee to challenge the alleged workplace event or action through established grievance procedures for resolution.
Grievant	An applicant, probationary State employee, former probationary State employee, career State employee or former career State employee who initiates a grievance.
Hearing	A proceeding overseen by a Hearing Officer or Hearing Panel that allows a grievant to present information relevant to the nature of the grievance and the remedies sought.
Hearing Officer	An officer appointed by an agency to oversee the proceedings of a hearing and submit a proposed recommendation for a Final Agency Decision (FAD).
Hearing Panel	An agency appointed panel of no less than three members selected to conduct a hearing. The designated panel chair has the responsibility to oversee the proceedings of the hearing and submit a proposed recommendation for a Final Agency Decision.
Impasse	An impasse occurs when mediation does not result in an agreement.
Informal Discussion with Supervisor	An informal process for addressing a grievable issue that may facilitate a resolution prior to the filing of a formal grievance.
Internal Grievance Process	The process available to an applicant, probationary State employee, former probationary State employee, career State employee or former career State employee to file a formal grievance based on issues that are defined as grievable by NC State statute.
Internal Grievance Process Timeframe	The internal grievance process must be completed within 90 calendar days. Time spent in the Informal Discussion with Supervisor and the EEO Informal Inquiry is not included in the 90 calendar day timeframe.

Employee Grievance Policy (continued)

Mediation	The process in which the grievant and the agency respondent use a neutral third party(s) to attempt to resolve a grievance in a mutually acceptable manner. Responsibility for resolving the grievance rests with the parties.
Mediation Agreement	The written agreement resulting from the successful resolution of a grievance reached in mediation. The Mediation Agreement is legally binding on both parties.
Mediator	A neutral third party(s) approved by the Office of State Human Resources (OSHR) whose role is to guide the mediation process, facilitate communication, and assist the parties to generate and evaluate possible outcomes for a successful resolution. A mediator does not act as a judge and does not render decisions.
Probationary State Employee	An employee who is in a permanent position but has not attained career status by being continuously employed by the State in a position subject to the NC Human Resources Act for the immediate 24 preceding months.
Respondent	A designated agency representative who has the authority to negotiate an agreement, as appropriate, on behalf of the agency to resolve a grievance.

Grievable Issues and Who May Grieve

The following tables list all issues that may be grieved by an applicant for State employment, a probationary State employee or former probationary State employee, and a career State employee or former career State employee.

The following issues may be grieved at the agency level only.

Applicant for State employment (initial hire, promotion or reemployment)	• Denial of request to remove inaccurate and misleading information from applicant file (excludes the contents of a performance appraisal and written disciplinary action)

Employee Grievance Policy (continued)

Probationary State employee or former probationary State employee	• Denial of request to remove inaccurate and misleading information from personnel file (excludes the contents of a performance appraisal and written disciplinary action)

In addition to the grievable issue listed above, a career State employee or former career State employee may also grieve the following issue.

Career State employee or former career State employee	• Overall performance rating of less than "meets expectations" or equivalent as defined in the Performance Management Policy

The following issues must first be grieved through the internal grievance process.
If the grievant is not satisfied with the Final Agency Decision (FAD), the grievant may appeal to the Office of Administrative Hearings.

Who May File	Grievable Issues
Applicant for State employment (initial hire, promotion or reemployment)	• Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law) • Denial of veteran's preference as provided for by law • Unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the applicant believes that he or she has been discriminated against in his or her application for employment • Retaliation for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the applicant believes that he or she has been retaliated against in his or her application for employment

Employee Grievance Policy (continued)

Probationary State employee or former probationary State employee	• Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law) • Denial of veteran's preference as provided for by law • Any retaliatory personnel action for reporting improper government activities ("whistle blower") • Unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he or she has been discriminated against in the terms and conditions of employment • Retaliation against an employee for protesting (objecting to or supporting another person's objection to) unlawful discrimination based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he or she has been retaliated against in the terms and conditions of employment

In addition to the grievable issues listed above, a career State employee or former career State employee may also grieve the following issues.

Career State employee or former career State employee	• Dismissal, demotion or suspension without pay for disciplinary reasons without just cause • Involuntary non-disciplinary separation due to unavailability • Denial of reemployment or hiring due to denial of reduction-in-force priority as required by law (G.S. 126-7.1) • Denial of promotional opportunity due to failure to give priority consideration for promotion to a Career State employee as required by law (GS 126-7.1)

Employee Grievance Policy (continued)

GRIEVANCE PROCESS FOR ALL GRIEVABLE ISSUES

A grievance or compliant must be filed within **15 calendar days** of the alleged event or action that is the basis of the grievance. Unlawful discrimination, harassment or retaliation complaints must be filed under the Equal Employment Opportunity (EEO) Informal Inquiry process before proceeding to the formal internal grievance process. All other grievable issues must first be discussed with the immediate or other appropriate supervisor in the employee's chain of command prior to filing a formal grievance with the exception of disciplinary action grievances. Disciplinary action grievances shall proceed directly to the formal internal grievance process.

EEO INFORMAL INQUIRY FOR UNLAWFUL DISCRIMINATION, HARASSMENT OR RETALIATION

An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee (hereafter referred to as complainant) alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the agency Equal Employment Opportunity (EEO) Officer or Affirmative Action (AA) Officer within **15 calendar days** of the alleged discriminatory or retaliatory act that is the basis of the complaint. If the complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated as a part of the EEO Informal Inquiry. The investigation will determine if the facts support a finding that there is reasonable cause to believe the alleged act rises to the level of unlawful discrimination, harassment or retaliation.

The agency has **45 calendar days** from receipt of the complaint to investigate and respond to the complainant, unless the complainant and the employer mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not exceed 15 calendar days.

At the conclusion of the investigation, the agency shall communicate the outcome of the investigation in writing to the complainant. If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management shall take appropriate action to

Employee Grievance Policy (continued)

resolve the matter. If the complaint is successfully resolved, the complainant will sign a letter of agreement with the agency detailing the terms of the resolution. The agency shall ensure that the terms of the agreement under the control of the agency are implemented.

If the complaint is not successfully resolved, then the complainant may continue the process by filing a formal grievance within **15 calendar days** of the written response from the EEO Informal Inquiry.

In filing a formal grievance, the complainant may bypass the Informal Discussion with Supervisor process. At any point in the grievance process, the complainant/grievant has the right to bypass discussions with or review by the alleged offender. Time spent in the EEO Informal Inquiry is not a part of the formal internal grievance process.

External Filing of a Discrimination Charge

The complainant alleging unlawful discrimination, harassment or retaliation has the right, at any time, to bypass or discontinue the EEO Informal Inquiry or the formal internal grievance process and file a charge directly with the Equal Employment Opportunity Commission. The complainant may not, however, file a contested case with the Office of Administrative Hearing if the internal process has not been completed. The charge must be filed within **180 calendar days** of the alleged event or action that is the basis of the complaint.

Information about filing an EEOC charge can be found at:
http://www.eeoc.gov/employees/charge.cfm or by calling the EEOC regional offices located in Raleigh, Greensboro and Charlotte at 1-800-669-4000.

Information about filing through the Civil Rights Division of the Office of Administrative Hearings can be found at: http://www.ncoah.com/civil/ or by calling (919) 431-3036.

Simultaneous Internal and External Filing of a Discrimination Charge

An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee may file simultaneously with the Equal Employment Opportunity Commission (EEOC) at any point in either the EEO Informal Inquiry or the formal internal grievance process.

INFORMAL DISCUSSION WITH SUPERVISOR

Employee Grievance Policy (continued)

A grievance must be filed within **15 calendar days** of the alleged event or action that is the basis of the grievance. Prior to filing a grievance about any issue, excluding unlawful discrimination, harassment or retaliation and disciplinary actions, the employee shall first discuss the grievable issue with the immediate or other appropriate supervisor in the employee's chain of command. Disciplinary action grievances, including separation due to unavailability, shall bypass the Informal Discussion with Supervisor and proceed directly to the formal internal grievance process.

This informal process must be completed within the **15 calendar day** timeframe, unless the employee and the agency mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party.

The supervisor shall notify Human Resources if an employee requests an informal discussion. The supervisor is responsible for attempting to resolve the grievable issue with the employee. Human Resources shall serve as a resource during these discussions and will work with both parties to strive for a timely resolution if requested by the employee or the supervisor.

The outcome of the informal discussion must be communicated to the employee and Human Resources by the supervisor in writing. If the informal discussion is unsuccessful in resolving the grievable issue, the employee may choose to file a formal grievance. If no written response is provided by the supervisor within the **15 calendar day** timeframe, the employee may proceed by filing a formal grievance. Time spent in the Informal Discussion with Supervisor is not a part of the formal internal grievance process.

Grievance Process for Disciplinary Actions

Disciplinary action grievances, to include dismissal, demotion, suspension without pay, and separation due to unavailability, shall bypass the Informal Discussion with Supervisor and proceed directly to the formal internal grievance process.

FORMAL INTERNAL GRIEVANCE PROCESS

The employee must begin the formal internal grievance process by filing a grievance within the agency in accordance with the Employee Grievance Policy. The employee must complete any of the required informal processes and file within **15 calendar days** of the alleged event or action that is the basis of the grievance. Mediation is Step 1 in the internal grievance process.

Employee Grievance Policy (continued)

STEP 1 - MEDIATION

Mediation is the process in which a grievant and an agency respondent use a neutral third party(s) to attempt to resolve a grievance. Mediation provides the grievant and the agency respondent an opportunity to openly discuss the grievance in a neutral environment with the goal of reaching a mutually acceptable resolution.

Mediation Process

OSHR maintains a process to assign mediators to grievances upon agency request. The agency shall submit the request for mediation within **3 business days** of receipt of the grievance. The mediation process shall be concluded within **35 calendar days** from the filing of the grievance unless the grievant and the agency mutually agree to extend the time due to occurrences that are unavoidable or beyond the control of either party.

Location and Time Allocation

Mediation shall be conducted in a location identified by the agency and approved by the OSHR Mediation Director or designee. The mediation shall be scheduled for an amount of time determined by the mediator(s) to be sufficient. Mediation may be recessed by the mediator(s) and reconvened at a later time.

Limited to Office of State Human Resources-Approved Mediators

Only OSHR-approved mediators will mediate grievances for State agencies. OSHR will maintain a pool of qualified mediators to facilitate mediations. Mediators will not be selected from the agency requesting the mediation.

Mediation Attendees

- The grievant who initiated the grievance;
- The designated agency representative serving as the respondent who has the authority to negotiate an agreement, as appropriate, on behalf of the agency; and
- The OSHR-appointed mediator(s).

Attorneys and other advisors may not attend the mediation. Either party may ask for a recess at any time in order to consult with an attorney or other advisor.

Employee Grievance Policy (continued)

Emergency substitution of a mediator must be approved by the OSHR Mediation Director or designee. The OSHR Mediation Director and designees may attend mediations as observers. Audiotape, videotape, recording devices, and transmission devices are not permitted during the mediation.

Post Mediation

When an agreement is reached, the following shall occur:

- The grievant and the respondent will sign a Mediation Agreement that states the terms of agreement and is a legally binding document.
- The original signed Mediation Agreement is provided to the agency Human Resources Office. A copy of the signed Mediation Agreement is provided to the grievant, respondent and the OSHR Mediation Director.
- The agency shall ensure that terms of the mediation agreement under the control of the agency are implemented.
- The Mediation Agreement is considered a public document under G.S. 132-1.3 and shall be maintained on file for three years.

When an agreement is not reached (impasse), the following shall occur:

- The grievant and the respondent will sign a Notice of Impasse stating that the mediation did not result in an agreement.
- The original signed Notice of Impasse is provided to the agency Human Resources Office. A copy of the signed Notice of Impasse is provided to the grievant, the respondent and the OSHR Mediation Director.
- At the end of the mediation session, the agency shall inform the grievant of the Step 2 grievance process and that the filing must be received by the agency within **5 calendar days** of the date of mediation.
- The Notice of Impasse is considered a public document under G.S.132-1.3 and shall be maintained on file for three years or until any known litigation is completed.

Limitations on a Mediation Agreement

The Mediation Agreement shall serve as a written record and shall:

- Not contain any provision(s) contrary to State Human Resources Commission policies, administrative rules, and applicable State and Federal law;
- Not contain any provision(s) that exceeds the scope of the parties' authority; and
- Not be transferable to another State agency.

Employee Grievance Policy (continued)

When mediation resolves a grievance but it is determined upon agency or OSHR review that one or more provisions of the Mediation Agreement do not comply with the State Human Resources Commission policies or rules or applicable State or Federal laws, the mediation shall be reconvened to resolve the specific issue(s). If the parties are unable to resolve the noncompliance issue(s), the mediation will impasse and the grievant may proceed to Step 2 of the internal grievance process.

Should additional information or clarification be needed to effectuate the terms of the agreement, communication with all parties may occur telephonically. In the event that the mediator who facilitated the mediation is not available, the OSHR Mediation Director or designee will have the authority to stand in place of the mediator in these communications.

Confidentiality of Documents Produced in Mediation

Except for the Mediation Agreement and the Notice of Impasse, which are considered to be public documents in accordance with G.S. 132-1.3, all other documents generated during the course of mediation and any communications shared in connection with mediation are confidential to the extent provided by law.

Mediation Agreement Approval

The approval of the Director of the Office of State Human Resources or designee is required for mediation agreements that need a personnel transaction to be processed, except where the only personnel action is the substitution of resignation for dismissal. If a mediation agreement involves an exception to State Human Resources Commission policy, the approval of the Director of the Office State Human Resources or designee is required.

MEDIATION RESPONSIBILITIES

Grievant Responsibilities

The grievant is responsible for:

- Attending the mediation as scheduled by the agency;
- Notifying and receiving approval from Human Resources, in advance of the scheduled mediation, if occurrences that are unavoidable or beyond the control of the grievant prevent attendance at the mediation;
- Preparing for the mediation by being able to orally present clear and concise information regarding the issues surrounding the grievance and the remedies sought; and

Employee Grievance Policy (continued)

- Making a good faith effort to resolve the grievance.

A grievant who has an unexcused failure to attend mediation as scheduled forfeits the right to proceed with the internal grievance process.

Respondent Responsibilities

The respondent is responsible for:

- Attending the mediation as scheduled by the agency;
- Notifying Human Resources, in advance of the scheduled mediation, if occurrences that are unavoidable or beyond the control of the respondent prevent attendance at the mediation;
- Preparing for the mediation by becoming knowledgeable regarding the issues surrounding the grievance and remedies sought;
- Consulting with management, Human Resources and/or legal counsel regarding possible areas of negotiation for grievance resolution; and
- Making a good a faith effort to resolve the grievance.

Agency Human Resources Responsibilities

The agency is responsible for:

- Administering the mediation program within the agency;
- Appointing an agency mediation coordinator, and other personnel as needed, to manage and schedule mediations;
- Ensuring that the grievant receives appropriate information about the mediation process;
- Designating a qualified and informed agency representative to serve as the respondent for each mediation who will have the authority to negotiate an agreement, as appropriate, on behalf of the agency that resolves the grievance;
- Ensuring that the selected respondent is adequately prepared for the mediation and has had discussions with management and Human Resources to identify possible areas of negotiation for grievance resolution;
- Ensuring appropriate personnel (management, Human Resources and/or legal counsel) are available to respond to any issues that may arise during the course of the mediation;
- Designating appropriate personnel to be available to review the terms of the draft agreement to ensure it is complete and contains the necessary information for implementation;

Employee Grievance Policy (continued)

- Ensuring confidentiality of the mediation to the extent provided by law;
- Identifying suitable locations for mediations;
- Using only OSHR-approved mediator(s) for each mediation session;
- Reimbursing mediators for travel at state-approved rates;
- Providing nominees for consideration who meet the qualifications set forth by OSHR to be trained as OSHR mediators; and
- Working with agency management to obtain funding for the initial and ongoing training of agency nominated mediators.

Office of State Human Resources Responsibilities

The Office of State Human Resources is responsible for:

- Developing and maintaining mediation procedures and forms;
- Establishing mediator eligibility and training requirements;
- Maintaining a pool of qualified mediators;
- Providing employment mediation training;
- Maintaining a process for assigning mediators upon agency request;
- Ensuring that mediators adhere to the OSHR Mediator Code of Conduct; and
- Conducting ongoing studies/analyses to evaluate program effectiveness.

STEP 2 – HEARING

Hearing Officer or Hearing Panel Process

If mediation does not result in a resolution at Step 1, the grievant is entitled to proceed to Step 2 of the internal grievance process. Human Resources will notify the grievant of the opportunity to present the grievance orally to a reviewer(s) outside of the grievant's chain of command, e.g., Hearing Officer or Hearing Panel. The hearing process shall be concluded within **35 calendar days** of filing Step 2 of the grievance process unless the grievant and the agency mutually agree to extend the time due to occurrences that are unavoidable or beyond the control of either party.

Right to Challenge Appointed Hearing Officer or Hearing Panel Members

The grievant shall have one opportunity to challenge the appointed Hearing Officer or up to 2 members of the Hearing Panel if the grievant believes they cannot render an unbiased recommendation due to a real or perceived conflict of interest. The grievant must submit the basis for the challenge in writing. Management will review the challenge and replace the Hearing Officer or Hearing Panel members as appropriate.

Employee Grievance Policy (continued)

Hearing Attendees

- The grievant who initiated the grievance;
- The Hearing Officer or Hearing Panel members;
- Witnesses giving testimony, as approved by the Hearing Officer or Hearing Panel Chair; and
- Appropriate agency and HR representatives.

Attorneys and other advisors may not attend the hearing. Either party may ask the Hearing Officer or the Hearing Panel Chair for a recess at any time in order to consult with an attorney or other advisor.

Audiotape, videotape, recording devices, and transmission devices are not permitted during the hearing except as approved by management in accordance with agency process.

Grievance Presented to Hearing Officer or Hearing Panel

The Hearing Officer or Hearing Panel Chair will preside over the hearing to allow the parties to present information relevant to the nature of the grievance, facts upon which the grievance is based and the remedies sought. Each party shall be given a fair opportunity to present evidence on the issues to be heard and to question witnesses.

Proposed Recommendation for Final Agency Decision

The Hearing Officer or Hearing Panel Chair will draft a proposed recommendation with findings of fact for a Final Agency Decision. The proposed recommendation will be submitted to the Agency Head or designee and the Director of the Office of State Human Resources (Director) or designee within the **35 calendar day** timeframe for the Step 2 hearing process. The Agency Head may provide a memorandum with comments on the proposed recommendation to the Director of the Office of State Human Resources or designee.

Office of State Human Resources Review

The Director of the Office of State Human Resources or designee shall review the proposed recommendation for a Final Agency Decision based on established criteria. The Director or designee may approve as written or may provide recommendations for modification or reversal within **10 calendar days** of the receipt of the proposed recommendation.

Employee Grievance Policy (continued)

Final Agency Decision

The agency shall issue the Final Agency Decision to the grievant within **5 calendar days** of receipt of the Office of State Human Resources review of the proposed recommendation. The Final Agency Decision shall be issued in writing within **90 calendar days** of the initial filing of the grievance. The FAD shall include information about applicable appeal rights. If the FAD is not issued to the grievant within the **90 calendar day** timeframe, the grievant may file a Petition for a Contested Case Hearing with Office of Administrative Hearings in cases where the grievable issue may be appealed.

Settlement Approval

The approval of the Director of the Office of State Human Resources or designee is required for settlements that need a personnel transaction to be processed, except where the only personnel action is the substitution of a resignation for a dismissal. If a settlement involves an exception to the State Human Resources Commission policy, the approval of the Director of the Office of State Human Resources or designee is required.

HEARING RESPONSIBILITIES

Grievant Responsibilities

The grievant is responsible for:

- Attending the hearing as scheduled by the agency;
- Notifying and receiving approval from Human Resources, in advance of the scheduled hearing, if occurrences that are unavoidable or beyond the control of the grievant prevent attendance at the hearing; and
- Preparing for the hearing by being able to present clear and concise information regarding the issues surrounding the grievance and remedies sought.

A grievant who has an unexcused failure to attend a hearing as scheduled forfeits the right to proceed with the internal grievance process.

Hearing Officer/Hearing Panel Responsibilities

The Hearing Officer/Hearing Panel is responsible for:

- Calling the hearing to order and establishing the process for the proceedings;

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- Maintaining order and decorum;
- Ensuring that all parties are allotted adequate time to present evidence and question witnesses; and
- Submitting a proposed recommendation with findings of fact for a Final Agency Decision.

Agency Human Resources Responsibilities

The agency is responsible for:

- Establishing the use of either a Hearing Officer or a Hearing Panel;
- Administering the hearing process within the agency;
- Ensuring that all parties receive appropriate information about the hearing process;
- Establishing a process for the grievant to challenge the appointed Hearing Officer or Hearing Panel members; and
- Consulting with OSHR on the proposed Final Agency Decision recommendation.

APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

Agency Requirements to Notify Grievant of Appeal Rights

The Final Agency Decision shall inform the grievant in writing of any applicable appeal rights through the Office of Administrative Hearings for contested case issues. The grievant must be informed of the following:

- The appeal is made by filing a “Petition for a Contested Case” hearing with the Office of Administrative Hearings;
- The appeal to the Office of Administrative Hearings must be filed within **30 calendar days** after the grievant receives the FAD; and
- A fee is charged for filing a Petition for a Contested Case Hearing.

Grievant Access to the Office of Administrative Hearings

If the grievant has completed the internal grievance process and is not satisfied with the Final Agency Decision, the grievant may file a Petition for Contested Case Hearing in the Office of Administrative Hearings in cases where the grievable issue may be appealed. In order to An Administrative Law Judge will conduct a hearing and render a Final Decision.

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A Petition for Contested Case Hearing must be filed within **30 calendar days** after the grievant receives the FAD. The grievant may file the appeal at:

Office of Administrative Hearings
1711 New Hope Church Road (Physical Address)
Raleigh, NC 27609
6714 Mail Service Center (Mailing Address)
Raleigh, NC 27699-6714
(919) 431-3000

Hearing procedure requirements and filing form (OAH Form H-06A) can be obtained from the Office of Administrative Hearings at: http://www.ncoah.com/hearings/ or by calling (919) 431-3000.

RESPONSIBILITIES FOR THE EMPLOYEE GRIEVANCE POLICY

Agency Human Resources Responsibilities

Each agency shall:

- Adhere to the Employee Grievance Policy as adopted by the State Human Resources Commission;
- Develop and communicate internal grievance procedures as needed;
- Provide current employees and new hires with access to the Employee Grievance Policy;
- Notify all employees of any change to the internal agency grievance process no later than **30 calendar days** prior to the effective date of the change;
- Enter and maintain all grievance data on a monthly basis in the State's HR/Payroll system or other applicable human resource information system;
- Submit a semi-annual report on employee grievances in accordance with instructions from the OSHR. These reports are due to OSHR on the **first business day of January and July**; and
- Submit additional employee grievance data to OSHR as requested.

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Office of State Human Resources Responsibilities

The Office of State Human Resources shall:

- Present the Employee Grievance Policy to the State Human Resources Commission for approval at any time modifications are made;
- Provide consultation and technical assistance to agencies as needed;
- Report to the State Human Resources Commission at its February and August meetings, or as otherwise scheduled, the employee grievance data received from the agencies; and
- Conduct ongoing studies/analyses to evaluate policy effectiveness.