

EMPLOYEE GRIEVANCE POLICY SUMMARY FACTS

On August 21, 2013, the State Human Resources Act was signed into law that made significant changes to the grievance process. Key among the changes is the creation of a uniform grievance policy for all NC state agencies and universities. The end goal is to ensure that all employees have a fair and equitable means to address workplace disputes arising out of employment regardless of where they work. A new Employee Grievance Policy was written to reflect those changes and approved by the State Human Resources Commission. The policy became effective December 1, 2013 for agencies and will become effective for the university system on May 1, 2014.

Goals of the Employee Grievance Policy:

- Provide procedural consistency across the agencies and universities 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.

Notable Changes and Enhancements:

Grievable Issues	<ul style="list-style-type: none">• Updates the list of issues that are grievable and who may file a grievance.
Informal Grievance Process	<ul style="list-style-type: none">• Creates two informal processes whereby employees and their employer are given the opportunity to resolve workplace disputes before an employee files a formal grievance.<ul style="list-style-type: none">- For alleged unlawful discrimination, harassment or retaliation, employees will utilize an Equal Employment Opportunity Informal Inquiry process to attempt to resolve the complaint.- For policy violations (with the exception of dismissal and separation due to unavailability), employees will be given an opportunity to have an Informal Discussion with appropriate personnel that has jurisdiction regarding the alleged event or action to attempt to resolve the dispute.
Step 1: Mediation	<ul style="list-style-type: none">• Provides mediation as the first step of the formal internal grievance process for all grievances. Mediation provides the grievant and an agency respondent an opportunity to openly discuss a grievance in a neutral environment with the goal of reaching a mutually acceptable resolution.
Step 2: Hearing	<ul style="list-style-type: none">• Retains a hearing process as the second step of the formal internal grievance process following an impasse at mediation. The grievant is provided the opportunity to present their grievance orally to a Hearing Officer or Hearing Panel. Following the hearing, the Hearing Officer or Hearing Panel Chair will draft a proposed recommendation for a Final Agency Decision (FAD).
Final Agency Decision (FAD)	<ul style="list-style-type: none">• Reviewed by the Office of State Human Resources Director prior to issuance. The agency head will issue the FAD in writing within 90 calendar days from the initial filing of a grievance.
Office of Administrative Hearings (OAH)	<ul style="list-style-type: none">• Retains the opportunity for a grievant to petition for a contested case hearing to the Office of Administrative Hearings if not satisfied with the FAD, in cases where the grievable issue may be appealed.