HR POLICY ALERT

THE UNIVERSITY OF NORTH CAROLINA SYSTEM

SPA EMPLOYEE GRIEVANCE POLICY

FREQUENTLY ASKED QUESTIONS

1. **What is the effective date of the new grievance policy?**

   The policy became effective December 1, 2013 for agencies and May 1, 2014 for the university system.

2. **Why was the grievance policy revised?**

   On August 21, 2013, the State Human Resources Act was signed into law that made significant changes to the grievance process to:

   - *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.*
   - *Resolve workplace issues efficiently and effectively.*

3. **What are the changes in the new policy?**

   - *The list of grievable issues in the university system and who may file a grievance has been updated.*
   - *Creation of an EEO Informal Inquiry process for employees and their supervisors to attempt to resolve the complaint* ***(for alleged unlawful discrimination, harassment or retaliation)*** *before an employee files a formal grievance.*
   - *Creation of an Informal Discussion process with appropriate personnel that has jurisdiction regarding an alleged event or action* ***(for policy violation, with the exception of dismissal and separation due to unavailability)*** *to attempt to resolve the dispute.*
   - *Elimination of the use of a support person during Step 2/hearing process.*
   - *Elimination of recordings during Step 2/hearing process (unless approved by management).*
   - *Policy does not allow paid leave time off from employee's regular duties to prepare for participation in the grievance process.*

4. **What are the grievable issues and who may file a grievance?**

   Some issues are grievable at the university level ***ONLY*** *and others must be grieved at the university level* ***PRIOR*** *to filing with the Office of Administrative Hearings (OAH).*

   Grievable Issues - University Level Only

   - *Inaccurate and misleading information from file (excludes the contents of a performance appraisal and written disciplinary action)*
   - *Applicant, Probationary, Career*
   - *Items covered in the University's AA/EEO statement which promote inclusion and diversity, but not within the definition of unlawful discrimination, harassment, or retaliation as contained in NCGS 126-34.02 (b) (1) and (2)*
   - *Applicant, Probationary, Career*
   - *Overall performance rating of* ***less than meets expectations***
   - *Career*

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Grievable Issues - University Level Prior to OAH Appeal

- *Denial of hiring or promotional opportunity due to failure to post*
  - *Applicant, Probationary, Career*
- *Denial of veteran's preference*
  - *Applicant, Probationary, Career*
- *Unlawful discrimination or harassment*
  - *Applicant, Probationary, Career*
- *Retaliation for protesting unlawful discrimination*
  - *Applicant, Probationary, Career*
- *Whistle Blower*
  - *Probationary, Career*
- *Dismissal, demotion or suspension without pay*
  - *Career*
- *Separation due to unavailability*
  - *Career*
- *Denial of re-employment or hiring due to denial of RIF-priority*
  - *Career*
- *Denial of promotional opportunity due to failure to give priority consideration for promotion*
  - *Career*

5. What is the time limit I have to grieve an issue?

The policy establishes a 15 calendar day period within which an employee can file a grievance following the occurrence of an alleged grievable issue.

6. Who do I contact to grieve an issue?

You may contact Ms. Daphine Richardson in the EEO and Employee Relations unit within the Department of Human Resources at (919) 530-6920 or drichardson@nccu.edu. For general questions, you may also call the Department of Human Resources main line number at (919) 530-6334.

7. Where/how do I obtain the grievance form?

The University SPA Employee Grievance Policy can be accessed at the UNC General Administration website at [http://www.northcarolina.edu/sites/default/files/documents/university_spa_employee_grievance_policy_effective_5-1-14_-_final.pdf] or the North Carolina Central University website at http://www.nccu.edu/formsdocs/proxy.cfm?file_id=2666

8. What is a whistleblower?

A whistleblower is a person who exposes misconduct, alleged dishonest or illegal activity occurring in an organization.

9. Is a written warning grievable under the new policy?

No, a written warning was not grievable under the old policy and is not grievable under the new policy. The new policy also clearly defines all grievable issues and who may grieve.

10. Is it mandatory to go through the informal process first?

Yes, as outlined in the policy, the informal process must be completed first for most grievable issues. Disciplinary action grievances as well as non-disciplinary separation due to unavailability shall bypass the informal process and proceed directly to the formal internal grievance process.