

## North Carolina Department of Public Instruction Grievance and Mediation Policy & Procedure

### A. Purpose

The North Carolina Department of Public Instruction (Department) and its Human Resources Division encourage and support a prompt, fair, and orderly resolution of employee grievances arising out of employment without fear of interference, restraint, coercion, or retaliation. In order to resolve workplace issues and problems efficiently and effectively, the Department hereby adopts the following Grievance and Mediation Policy and Procedure in accordance with Article 8 of Chapter 126 of the North Carolina General Statutes. Effective October 1, 2012, this policy wholly replaces the *Dispute Resolution and Employee Grievance Policy and Procedure for the North Carolina Department of Public Instruction*.

This policy is available on the Department's Intranet and in the Human Resources Division offices.

### B. Overview of the Grievance Process

Informal Meeting with Supervisor	The Department encourages direct communication between employees and supervisors to attempt to address grievances in the spirit of cooperation and compromise before initiating Step 1 of the grievance process.
Step 1: Mediation	Mediation is the first step in the grievance process and involves the services of a Mediator who serves as a neutral third party and whose role is to facilitate the mediation process. Mediation provides an opportunity for the two parties to openly discuss the grievance in a less adversarial environment with the goal of reaching a mutually acceptable resolution. When mediation resolves the grievance, a Mediation Agreement is written that outlines the terms of agreement.
Step 2: Hearing Officer	When mediation does not result in agreement, the employee may proceed to Step 2 by presenting the grievance to a Hearing Officer retained by the Department. The Hearing Officer will forward a recommendation to the State Superintendent who will issue the Final Agency Decision (FAD).
Appeal to Office of Administrative Hearings	Contested case issues, which are defined in the State Personnel Act as appealable, allow the grievant to appeal the FAD to the Office of Administrative Hearings. An Administrative Law Judge will hear the appeal and issue a Final Decision and Order.

### C. Coverage and Applicability

- 1) Any employee in the Department is encouraged to contact his/her Supervisor, or the Employee Relations Manager in the Human Resources Division, to informally address work place and employment-related disputes.
- 2) Career State Employees are eligible to submit a “formal” grievance according to this policy. According to G.S. 126-1.1, a career State Employee is a state employee who is in a permanent position appointment and has been continuously employed by the State of North Carolina in a position subject to the State Personnel Act for 24 consecutive months immediately preceding the filing of grievance or date the act occurred.
- 3) Employees with the following employment status are not covered by this policy:
  - a. Probationary;
  - b. Temporary;
  - c. Trainee employees (who have not attained career status);
  - d. Employees who have not attained career status, except as required by law;
  - e. Employees in positions designated as exempt policy-making/confidential and exempt managerial, except for allegations of illegal discrimination on the basis of race, sex, age, color, creed, religion, national origin, disabling condition, and reasonable accommodation.
- 4) However, as defined within this policy, employees in paragraph 3(a-e) above may grieve allegations of illegal discrimination on the basis of race, sex, age, color, creed, religion, national origin, disabling condition, and reasonable accommodation.

### D. Grievance Rights

Any career State Employee having a grievance arising out of or due to employment should adhere to the following:

- 1) Employee is encouraged to first discuss the problem or grievance with his/her supervisor or the appropriate supervisor in the employee’s chain of command and follow the Grievance and Mediation Procedure approved by the State Personnel Commission, as outlined in this policy.
- 2) Any eligible employee under the above stated guidelines who is not satisfied with the decision of the immediate supervisor may contact the Employee Relations Manager to obtain a copy of the appeal rights and the Department’s Grievance and Mediation Policy and Procedure.
- 3) If the grievance involves alleged illegal discrimination, follow the “Procedure for Discrimination Grievances” of this policy.
- 4) All grievances must be filed within **fifteen (15) calendar days** of the alleged occurrence, which is the basis of the grievance.

- 5) Any career State Employee who otherwise has standing to appeal and who is not satisfied with the Department’s decision has **thirty (30) calendar days** from receipt of the Department’s decision to file an appeal to the Office of Administrative Hearings.
- 6) A Petition for a Contested Case Hearing (Form H-06A) must be filed (received by) within **thirty (30) calendar days** of the action or omission giving rise to the right of appeal.

**E. Grievable Issues**

The following issues may be grieved through the Department’s internal grievance procedure. If the employee disagrees with the Final Agency Decision, the employee may appeal the contested case to the Office of Administrative Hearings. Issues designated with an asterisk\* may be appealed through the Department’s internal grievance process or may be appealed directly to the Office of Administrative Hearings without completing the internal grievance procedure.

Following are issues that may be grieved and who may grieve:

<b>Who May File (Covered Persons)</b>	<b>Grievable Issues (Contested Case Issues)</b>
<b>Any applicant for State employment</b>	<ul style="list-style-type: none"> <li>• Denial of employment and compensation because of discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or handicapping condition* (An applicant cannot appeal non-selection for an exempt policy-making position, chief deputy position, chief administrative assistant position, or a confidential assistant or confidential secretary position)</li> <li>• Denial of employment where it is alleged that the selection was not from among the most qualified persons because the hiring decision was based upon political affiliation or influence*</li> <li>• Denial of request to remove inaccurate or misleading information from personnel file</li> <li>• Denial of veteran’s preference in initial State employment or subsequent hirings</li> </ul>
<b>Any State employee or former State employee</b>	<ul style="list-style-type: none"> <li>• Discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition in the denial of promotion, training, or transfer*</li> <li>• Discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping</li> </ul>

	<p>condition when an employee is the subject of demotion, reduction in force, transfer, or termination*</p> <ul style="list-style-type: none"><li>• Retaliation against an employee (denial of employment, promotion, training, transfer, or equal opportunity for compensation or discrimination when an employee is subjected to demotion, reduction in force, transfer or termination) for protesting discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition*</li><li>• Unlawful workplace harassment based upon age, sex, race, color, national origin, religion, creed, or handicapping condition, including both quid pro quo and hostile work environment*</li><li>• Denial of promotion where it is alleged that the selection was not from among the most qualified persons because the hiring decision was based upon political affiliation or influence *</li><li>• Denial of veteran’s preference regarding initial State employment, reduction in force, and other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers</li><li>• Denial of request to remove inaccurate or misleading information from personnel file</li><li>• Any retaliatory personnel action for reporting improper government activities (“whistle blower”)</li><li>• Violation of the Fair Labor Standards Act (FLSA), Age Discrimination in Employment Act (ADEA), Family and Medical Leave Act (FMLA), or Americans with Disabilities Act (ADA)</li></ul>
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All grievable issues listed above for any State employee or former state employee may be grieved by a career State employee or former career State employee. Issues designated with an asterisk\* may be appealed through the Department’s internal grievance process or may be appealed directly to the Office of Administrative Hearings without completing the internal agency grievance procedure.

<p><b>Career State employees or former career State employees</b></p>	<ul style="list-style-type: none"> <li>• Denial of promotion due to failure to post*</li> <li>• Denial of promotion or reemployment priority over non state employees*</li> <li>• Dismissal, demotion or suspension without pay without just cause</li> <li>• Failure to give priority reemployment rights after a reduction in force</li> <li>• Failure to give employees in exempt policy-making and exempt managerial status priority reemployment consideration or reassignment after removal from an exempt position</li> </ul>
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**F. Issues that are not Grievable**

Matters that normally are a responsibility of management in the discharge of their duties and responsibilities are not grievable under this policy. Such matters include, but are not limited to, those listed below. While an employee may complain informally about the matters listed as follows, an employee may not grieve through the formal procedure where the matter involves the following:

- Verbal coaching, reprimand, or admonishment by a supervisor;
- Written warning for performance or conduct;
- Any extension of disciplinary action;
- Placement into “investigation with pay” status;
- Position classification;
- Position assignment in terms of duties and responsibilities or organization;
- Duty station assignment;
- Work Schedule assignment;
- Performance Evaluation comments or rating, except when it is a performance pay dispute (such pay disputes are handled by the Department’s Performance Pay Dispute Resolution Policy);
- Denial of any secondary or dual employment request;
- Denial of any request for the advancement of leave;
- Any management or Human Resources referral to the Employee Assistance Program;
- Salary administration except in matters where unlawful discrimination is alleged;
- Denial of participation in the Voluntary Shared Leave program;
- Any requirement to use technology for work efficiency and effectiveness;
- Mission of the Department or any sub-unit’s mission of the Department;
- Any program function of the Department;
- Any plan to implement State Board of Education policy;
- Any standard of service;
- Any Department budget decision.

Any matters not specifically made appealable by the State Personnel Act may not be appealed to the Office of Administrative Hearings.

### **G. Exceptions to the Career Status Rule**

The following grievance may be initiated without regard to type of appointment or length of service:

**Alleged discrimination** (G.S. 126-16 and G.S. 126-36). This type of grievance may be initiated through:

- a. The Department's Grievance and Mediation Procedure; or
- b. Directly to the Office of Administrative Hearings as later described in this procedure. (An employee who chooses to bypass the Department's internal grievance process and appeal directly to the Office of Administrative Hearings must do so within 30 calendar days of notice of the alleged discriminatory action.)

### **H. Performance Pay Disputes**

Performance pay disputes may be filed only for the following issues:

- Failure to receive an increase;
- The amount of performance increase;
- Overall summary rating;
- Career-banding competency level (individual assignment within the banded classification title, not the position's competency level).

Performance pay disputes are handled by the Department's Performance Pay Dispute Resolution Policy. Performance pay disputes are not appealable to the Office of Administrative Hearings.

### **I. Communication of Policy to Employees**

This policy shall be communicated to all employees through the Department's Intranet and through copies provided by the Employee Relations Manager. New employees will be informed of the Grievance and Mediation Policy and Procedure during orientation training sessions. All current employees will receive notice of revised grievance policies and procedures when changes are made. All employees shall be notified no later than thirty (30) calendar days prior to the effective date of the change.

### **J. Time to Prepare for Grievance Process**

Employees shall be allowed time off from regular duties as may be necessary and reasonable up to a maximum of eight (8) hours for the preparation of the internal grievance without loss of pay, vacation leave, or other time credits. The employee must request and receive approval from management before taking this leave. Employees must notify their supervisor in writing no later than five (5) calendar days in advance of the absence and receive prior approval for the necessity to be absent from work for preparation of the internal grievance.

### **K. Time to Prepare for Contested Case Hearing**

Upon request, the employee's supervisor shall grant leave for participation as a party in a contested case hearing in the Office of Administrative Hearings in connection with employment, without loss of pay, vacation leave, or other time credits. The employee must request and receive approval from management before taking this leave. The

employee must submit in writing a request for leave to the appropriate supervisor no later than five (5) calendar days in advance of the proceeding.

## L. **Other Preparation Guidelines**

### Internal Assistance

The Employee Relations Manager is designated to provide assistance to the employee, schedule hearings and provide consultation to the employee and to management on personnel issues. Employees may request assistance from the Employee Relations Manager in preparing a written summary of the facts regarding the grievance. At no time does the Employee Relations Manager advocate for the employee or for management.

### No Outside Representation

Neither the Department of Public Instruction nor the employee shall be represented by any outside parties (e.g., legal counsel, etc.) during the Grievance and Mediation Process.

### Deadlines

If any deadline falls on a non-workday or any State Personnel Commission approved holiday, the deadline shall be extended until the next business day.

### Access to Personnel File

An employee may access his/ her personnel file by contacting the Department of Public Instruction Human Resources Division. Employees may examine any information in their personnel file except pre-employment letters of reference and information about a mental or physical disability that a prudent doctor would not share.

### Appeal to the Office of Administrative Hearings

Any Contested Case issue not satisfactorily resolved by the Grievance and Mediation Process may be appealed to the Office of Administrative Hearings. A Petition for a Contested Case Hearing (Form H-06A) must be filed (received by) within thirty (30) calendar days of the action or omission giving rise to the right of appeal at the Office of Administrative Hearings.

## NC Department of Public Instruction Grievance and Mediation Procedure & Form

### Procedure for Non-Discrimination Grievances

The Department of Public Instruction maintains a two-step process for resolution of employee grievances. Both steps in the process are designed to maximize communication and resolution of workplace issues. The Department encourages direct communication between employees and supervisors as the first method of addressing any and all grievances.

#### Informal Meeting with Supervisor

If an employee has a problem or issue, it should first be discussed with the employee's immediate supervisor or another appropriate supervisor. Mediation follows the unsuccessful attempt by the employee to resolve the grievable issue with the immediate or other appropriate supervisor in the employee's chain of command.

If the informal process is not successful, the employee may proceed to Step 1 – Mediation. The grievant (employee) may file a written complaint on the Grievance Form provided in this policy or provided by the Human Resources Division. The employee must submit the Grievance Form to the Employee Relations Manager within **fifteen (15) calendar days** of the alleged event or action that is the basis of the grievance. Time spent in informal efforts to resolve the grievance with the immediate or other appropriate supervisor in the employee's chain of command is considered part of the 15-calendar day period. It does not delay the deadline for submitting the Grievance Form unless both parties agree in writing to a longer period of time.

#### Step 1: Mediation

Mediation is an informal, structured process where parties involved in a conflict or dispute use the assistance of a neutral third party to attempt to resolve their conflict(s) or dispute(s) in a mutually acceptable manner.

##### Purpose

- The purpose of mediation is to provide a less adversarial method of resolving grievances. Parties are encouraged to reach a mutually acceptable resolution.

##### Mediation Process

- The Office of State Personnel (OSP) maintains a process to assign mediators to grievances upon request by the Department within a timely manner. The mediation process shall be concluded within **forty-five 45 calendar days** from the filing of the grievance unless the parties agree in writing to a longer period of time.

#### Location and Time Allocation

- Mediation shall be conducted in a location identified by the Department and approved by the OSP 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.
  
- Only OSP-approved mediators will mediate grievances presented by state employees, former state employees or applicants. OSP will maintain a pool of qualified mediators to facilitate mediations.

#### Attendance at Mediation

- Attendance at the mediation is defined as following :
  - The employee, former employee or applicant who initiated the grievance;
  - The designated Department representative serving as the respondent who has the authority to negotiate an agreement on behalf of the Department;
  - The OSP-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 their attorney or other advisor.
  - Emergency substitution of a mediator must be approved by the OSP Mediation Director or designee. The OSP Mediation Director and designees may attend mediations as observers.
  
- Audiotape, videotape or other recording is not permitted during the mediation.

#### Conclusion of Mediation

- When an agreement is reached, the following shall occur:
  - The grievant and the respondent will sign a Mediation Agreement that outlines the terms of agreement and becomes a legally binding document; and
  - The original signed Mediation Agreement is provided to the Department Human Resources office. A copy of the signed Mediation Agreement is provided to the grievant, respondent and the OSP Mediation Director.
  - The Mediation Agreement is considered a public document under G.S. 132-1.3 and shall be maintained on file for not less than three years.
  
- When an agreement is not reached (i.e., reaches an 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 Department Human Resources office. A copy of the signed Notice of Impasse is provided to the grievant, the respondent and the OSP Mediation Director.
  - The Department has the responsibility to provide the grievant with information regarding Step 2 of the grievance process.
  - The Notice of Impasse shall be maintained on file for not less than three years.

#### Limitations on a Mediation Agreement

- The Mediation Agreement will:
  - Serve as a written record;

- Not contain any provision contrary to State Personnel Commission policies and rules, and applicable state and federal law; and
- Not be transferable to another state agency.
- When mediation resolves a grievance but it is determined upon Department or OSP review that one or more provisions of the Mediation Agreement do not comply with State Personnel Commission policies or rules or applicable state or federal laws, the parties are encouraged to reconvene the mediation to resolve the specific issue(s). If the parties do not resolve the issue(s), the mediation will impasse and the grievant may proceed to Step 2 of the grievance process.
- The approval of the State Personnel Director is required for Mediation Agreements 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 Mediation Agreement involves an exception to State Personnel Commission policy, the approval of the Commission is required.

#### Post-Mediation

- Except for the Mediation Agreement or the Notice of Impasse, 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.
- When mediation does not result in agreement, the employee may proceed to Step 2 of the grievance process.

#### Responsibilities

- The employee is responsible for:
  - Making a good faith effort to resolve the grievance;
  - Attending the mediation as scheduled by the agency, and
  - Notifying Human Resources office in advance if a circumstance prevents the employee from attending a scheduled mediation.
- An employee who has an unexcused failure to attend mediation as scheduled forfeits the right to proceed with the grievance process.
- The respondent is responsible for:
  - Making a good a faith effort to resolve the grievance;
  - Attending the mediation as scheduled by the agency;
  - Notifying Human Resources office in advance if circumstances prevent the respondent from attending a scheduled mediation; and
  - Preparing for the mediation by becoming knowledgeable regarding the issues surrounding the grievance and remedies sought, and consulting with management, Human Resources staff and/or legal counsel regarding areas for negotiation.

- The respondent, who has an unexcused failure to attend mediation as scheduled may be subject to disciplinary action, up to and including dismissal, based on unacceptable personal conduct.
  
- The Department is responsible for:
  - Administering the mediation program within the agency;
  - Appointing a Department mediation coordinator who will be responsible for organizing mediations and for preparing the grievant and the respondent to mediate;
  - Identifying suitable locations for mediations;
  - Ensuring confidentiality of the mediation to the extent provided by law;
  - Using only OSP-approved mediator(s) for each mediation session;
  - Providing nominees for consideration to be trained as OSP mediators according to the number of Department mediation requests per year;
  - Reimbursing mediators for travel at state-approved rates and covering any administrative costs associated with mediation;
  - Designating Department representatives to serve as respondents who will mediate in good faith and who will have the authority to negotiate an agreement on behalf of the Department to resolve a grievance; and
  - Designating appropriate personnel (management staff, human resources personnel and legal counsel) to be available to respond to issues that may arise during the course of the mediation.
  
- The Office of State Personnel is responsible for:
  - Developing and maintaining mediation program policy, procedures and forms;
  - Establishing mediator eligibility and training requirements;
  - Maintaining a pool of qualified mediators;
  - Maintaining a process for assigning mediators upon agency request;
  - Ensuring that mediators adhere to the OSP Mediator Code of Conduct; and
  - Conducting on-going studies/analyses to evaluate program effectiveness.

## Step 2: Hearing Officer

- In situations where mediation does not produce an agreement at Step 1, the matter may be appealed to an impartial Hearing Officer at Step 2. The Hearing Officer is appointed by the Human Resources Director.
  
- The request for review by the Hearing Officer shall be made in writing to the Employee Relations Manager within ten (10) calendar days of receipt of the Step 1 form “Notice of Mediation Impasse” indicating the grievance was not resolved.
  
- The grievant shall provide a written summary of the specific facts of the grievance, copies of which shall be provided at the same time to all other parties concerned. The grievant may ask the Employee Relations Manager for help in preparing the request and the written summary of facts regarding the appeal.

- The Employee Relations Manager shall transmit the request to the Hearing Officer. Each party shall be notified at least ten (10) calendar days in advance of the scheduled date of the hearing. Neither the grievant nor management may be represented by an attorney during the hearing.
- The Employee Relations Manager shall:
  - Act as an advisor on personnel policy to the Hearing Officer, and
  - Not participate in the deliberations of the Hearing Officer.
- At the conclusion of the hearing, it will be the responsibility of the Hearing Officer to inform the State Superintendent in writing of the details of the grievance and provide a recommendation for the Final Agency Decision. This written summary shall include reasons why the problem was not resolved at the preceding steps and shall be forwarded to the State Superintendent within ten (10) calendar days after the conclusion of the hearing.
- The grievant shall be provided the Final Agency Decision within ten (10) calendar days from the date the State Superintendent receives the Hearing Officer's report, or be advised as to the conditions which prevent a response within the ten (10) calendar days, and when a response may be expected. A written decision must be delivered to the grievant within a reasonable time from the date the grievance was initiated. A reasonable time is:
  - No more than sixty (60) calendar days for employees alleging unlawful workplace harassment;
  - No more than ninety (90) calendar days for dismissals;
  - No more than ninety (90) calendar days for demotions;
  - No more than ninety (90) calendar days for suspensions without pay;
  - No more than one-hundred twenty (120) calendar days for all other issues.
- In the case of dismissal, the final agency decision should inform the grievant that the Final Agency Decision is a public document and can be released upon request.
- The Final Agency Decision will include a statement of any applicable appeal rights and advise the grievant that an appeal must be filed with the Office of Administrative Hearings within thirty (30) calendar days of receipt of the Department's decision. See attached "Procedure for Appeals".

Advisory Note: Performance Pay Dispute issues are not appealable to the Office of Administrative Hearings. They do not progress beyond the Final Agency Decision. Refer to Section G of this policy regarding Performance Pay Disputes.

### Appeal to the Office of Administrative Hearings

- Any career state employee who otherwise has standing to appeal to the Office of Administrative Hearings who is not satisfied with the Department's decision has thirty (30) calendar days from receipt of the Department's decision to file an appeal to the Office of Administrative Hearings. Such appeal is made by filing a petition for contested case hearing with the:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, North Carolina 27699-6714  
Phone: (919) 431-3000

The grievant must be informed that there is a fee for filing with the Office of Administrative Hearings.

## Procedure for Discrimination Grievances

### Right to Appeal

- Any applicant, state employee or former state employee shall have the right to appeal if they have reason to believe that, because of age, sex, race, color, national origin, religion, creed, political affiliation, unlawful workplace harassment, disabling condition or reasonable accommodation except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration that:
  - Employment, compensation, promotion, benefits, training, or transfer was denied to that employee; or
  - Demotion, reduction in force, or termination of employment was forced upon the employee.

For Discrimination Grievances, the grievant may elect to proceed to proceed to Step 1 of the Non-Discrimination Grievance Procedure and request mediation.

### Appeal Procedure

- This appeal may be through the Department's Grievance and Mediation Procedure if filed within fifteen (15) calendar days after the act or omission that is the basis of the grievance.
- The employee may appeal to the Office of Administrative Hearings by filing a petition for contested case hearing within thirty (30) calendar days of the event that constitutes the basis of the grievance. Such appeal must be made to:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Phone: (919) 431-3000

The grievant also has the option to file a Petition for a Contested Case Hearing with the Office of Administrative Hearings and/or to file a complaint with the Equal Employment Opportunity Commission.

## Procedure for Unlawful Workplace Harassment

### Right to Appeal

- An employee who alleges unlawful workplace harassment shall have the right to bypass any step in the Department's Grievance and Mediation Procedure involving discussions with or review by the alleged harasser.
- Unlawful Workplace Harassment Grievances must be filed in writing within fifteen (15) calendar days of the alleged harassing action. The Department shall take immediate, appropriate, and remedial action rendering the written response, including applicable

appeal rights, to the grievant within sixty (60) calendar days of receipt of the written grievance.

### **Procedure for Appeal to the Office of Administrative Hearings**

- A Petition for a Contested Case Hearing (Form H-06A) must be filed (received by) within thirty (30) calendar days of notice of the action or omission giving rise to the right of appeal at:

Office of Administrative Hearings  
1711 New Hope Church Road  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Phone: (919) 431-3000

- Forms can be secured from the Office of Administrative Hearings (OAH).

The hearings are conducted by the Office of Administrative Hearings. Hearing procedures may be obtained by contacting:

Chief Hearings Clerk  
Office of Administrative Hearings  
1711 New Hope Church Road  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Phone: (919) 431-3000

### **To File a Charge with the EEOC**

- State employees must file a charge within six (6) months (180 days) from the date of the alleged act(s) of discrimination. The Charge Form may be completed by contacting:

Intake Coordinator  
Office of Administrative Hearings  
Civil Rights Division  
1203 Front Street, Bldg. B  
Raleigh, NC 27609  
Phone: (919) 733-0431

## **Policy Responsibilities**

The following responsibilities and accountabilities apply to the communication, execution, and maintenance of this policy:

- It is the responsibility of the Department of Public Instruction to insure that all managers, supervisors, and employees are informed of the Grievance and Mediation Policy and Procedure and their rights and obligations thereunder. Employees can contact the Employee Relations Manager for specific information concerning their grievance rights.
- It is the responsibility of the Employee Relations Manager to notify current employees of any substantive changes in the policy no later than thirty (30) calendar days prior to the effective date of the changes. Copies of the Grievance and Mediation Policy and Procedure shall be available in the Human Resources Division and on the Department's Intranet.
- The Human Resources Director is the custodian of the personnel files. Employees shall be entitled to examine their own personnel file (except for letters of reference solicited prior to employment and information about a mental or physical disability that a prudent doctor would not share) during regular business hours. Employees who wish to view or make copies of their personnel files shall make their request to the Human Resources Director.
- The Employee Relations Manager will continuously evaluate the Grievance and Mediation Policy and Procedure's effectiveness in achieving its stated goals and make recommendations for changes as needed.

## NC Department of Public Instruction Grievance Form

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1. Full name, address and telephone numbers (*work and home*) of person making the charge:

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2. Division and Work Unit: \_\_\_\_\_

3. Full name(s) of person(s) against whom the charge is made (*the respondent*):

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4. Position held, formerly held, or applied for:

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5. Current position: \_\_\_\_\_

6. Your complaint is based on what action? (*Must be one of Department of the Public Instruction's grievable issues.*)

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7. A clear and concise statement of the facts, including pertinent dates constituting the grievance: \_\_\_\_\_  
(*Separate pages may be attached.*)

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8. What policy or practice do you feel this action violated?

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9. Name(s) of person(s) who should be interviewed concerning this complaint:

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10. Describe the relief desired (*Separate pages may be attached*):

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This is the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(Month) (Year) (Signature)

Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name and Title