

DHHS POLICIES AND PROCEDURES

Section V:	Human Resources
Title:	Employee Relations
Chapter:	Appendix B – Employee Grievance Policy Summary
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The department recognizes the dignity of every employee. It encourages open communication between employees, supervisors, and managers. In addition, department employees have a right, based on department policy and/or state law, to file formal grievances on certain matters related to their employment.

Who May File A Grievance?

Employees with a permanent appointment, who successfully completed a probationary period, may use the department's grievance policy.

Employees with probationary and trainee appointments have a limited right of appeal. You may file a grievance if you have reason to believe your employment has been affected by unlawful discrimination or that there is inaccurate or misleading information in your personnel file.

Employees with temporary appointments and teachers and other educators not subject to the State Personnel Act (G.S. 126) are not covered by the department grievance policy.

What Issues Are Grievable?

1. Disciplinary actions - written warning (through Step 2), disciplinary suspension, demotion and dismissal.
2. Objections to alleged inaccurate or misleading material in your personnel file.
3. Denial of promotion - If an employee believes a promotion was denied due to management's failure to post notice of the promotional opportunity or failure to give you priority consideration as required by state law, the employee may use the department grievance policy or appeal directly to the State Personnel Commission through the Office of Administrative Hearings.
4. Allegations of unlawful discrimination - Employees may grieve a disciplinary action, layoff or the denial of promotion, training or transfer if they have reason to believe the action was based on unlawful discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition. Such grievances may be filed under the department grievance procedure or directly to the State Personnel Commission through the Office of Administrative Hearings.

5. Involuntary separations due to unavailability after leave has been exhausted.
6. Reduction in force separation - The issue in reduction in force separations where unlawful discrimination is not alleged is limited to whether systematic procedures were applied in determining who would be separated.
7. Whether priority reemployment consideration was wrongfully denied an employee subject to reduction in force (RIF).
8. Violations of the Fair Labor Standards Act, 29 U.S.C. 201, et seq.
9. Violations of the Age Discrimination in Employment Act, 29, U.S.C. 621 et seq.
10. Violations of the Family Medical Leave Act, 29 U.S.C. 2601, et seq.
11. Violations of the Americans with Disability Act, 42 U.S.C. 12101, et seq.
12. Disability Accommodation Denials

What Issues Are Not Grievable?

Although employees may discuss their concerns about the following matters with their supervisor and unit management, these issues are not formally grievable under the Employee Grievance Policy:

1. Supervisory conferences and counseling sessions.
2. Job and shift assignments and reassignments within your current classification.
3. Requirements to work overtime.
4. Disapprovals of leave requests.
5. Department functions, programs, and budgets.

What About Disagreements With Annual Performance Reviews?

The Department of Health and Human Services (DHHS) has a separate Performance Rating Dispute Process (DHHS Directive Number III-9) to address these matters. Information concerning this process is available from the local human resources (HR) manager or employee relations specialist.

What About Position Classifications?

The department has review procedures, separate from the grievance policy, to handle job classification concerns. Information on the procedures is available from the local (HR) manager or employee relations specialist.

How Do You File A Grievance?

A grievance must be submitted on DHHS Form 0660 (Employee Grievance Filing Form) to the grievant's supervisor (copy to the unit HR office) within 15 calendar days from the day the employee first knew or should have known about the matter they are grieving. This is step 1 of the grievance procedure. The supervisor has five (5) calendar days to report a written decision back to the employee.

What If You Are Dissatisfied With Your Supervisor's Response?

An employee may file a step 2 appeal for review by the division/facility/school director. The appeal must be filed on DHHS Form 0660 with the local HR office within five (5) calendar days of receipt of the step 1 decision or the date it should have been received from the supervisor. The director must respond to the employee in writing within 10 calendar days.

Depending upon the grievance issues, the employee may have the right to have the director's decision reviewed by the Secretary of DHHS (a step 3 grievance) and by the State Personnel Commission.

May You Engage An Attorney To Represent You In Your Grievance?

While employees may secure legal assistance at any time, neither the employee nor agency management may be represented by counsel in the grievance procedure.

Where Can You Get Further Information On The Grievance Policy?

The department employee grievance policy and procedures are stated in DHHS Directive Number III-8. A copy of the directive is available in all HR offices. Read the directive carefully and follow all instructions in the directive and in any correspondence received from management concerning the grievance. If the instructions are not followed, the grievance may be dismissed. If an employee needs help in understanding the grievance policy or procedures, the employee should talk with the supervisor, HR manager, or employee relations specialist.

For questions or clarification on any of the information contained in this policy, please contact [Human Resources](#). For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).