

Attachment 1

North Carolina Department of Health and Human Services
EMPLOYEE GRIEVANCE FILING FORM

Check ONE only: Step 1 Appeal Step 2 Appeal (see 12 below) Step 3 Appeal

**File Step 1 Appeal with Immediate Supervisor (Copy to Unit Human Resource Office).
File Step 2 and Step 3 Appeals with Authorized Person in the Unit Human Resource Office.**

1. Name (First, Middle, Last): _____

2. Home Address (include zip code): _____

3. Home Telephone (include area code): _____ - _____ - _____
(If none, list a telephone number where you can be reached)

4. Business Telephone: _____ - _____ - _____

5. Present (or Former) Position Title: _____

6. Classification and Salary Grade: _____

7. Division/Institution: _____ 8. Work Unit/Department: _____

9. Grievance (e.g., written warning, dismissal, demotion, denial of promotion, etc.):

10. Brief statement of issues and facts on which grievance is based (attach additional sheet if necessary):

11. Statement of relief desired (attach additional sheet if necessary):

12. **Step 2 Only:** Do you want a conference with Division/Institution Director? Yes No

13. Grievant's Signature: _____ 14. Date: _____

***The Following to be Completed by the Immediate Supervisor at Step 1 and
an Authorized Person in the Unit Human Resource Office at Steps 2 and 3.***

1. Received by (Name and Title): _____ 2. Date Received: _____

Attachment 2

North Carolina Department of Health and Human Services

**Management Response to
Step 3 Appeal Notice**

1. Division/Institution: _____
2. Grievant's Name (First, Middle, Last) _____
3. Sex: ____ 4. Race: ____ 5. Date of Birth: _____ 6. Soc. Sec. No. _____
7. Date of Entry on Duty: _____ 8. Total months of continuous state service at time of action under appeal: _____
9. Grievant's Present (or Former) Classification and Salary Grade: _____
10. Work Unit/Department: _____
11. Brief response to employee's grievance: _____

12. If grievance is based on dismissal, demotion or disciplinary suspension, date of pre-disciplinary conference: _____
13. Is grievance timely filed? Yes No (If No, explain; attach receipt certification)

14. State any objections to grievability of matters raised in the appeal:


15. Person who will represent management at hearing (**only one representative allowed**):
 - a. Name: _____
 - b. Title: _____
 - c. Telephone Number: (_____) _____
 - d. E-Mail Address: _____
16. Response Prepared by:
 - a. Name and Title: _____
 - b. Signature: _____ Date: _____

EMPLOYEE RELATIONS POLICY

1. It is the responsibility of every division/facility/school director to insure that all managers, supervisors, and employees under his/her jurisdiction are informed of the department grievance policy and procedure and their rights and obligations thereunder. Employees can contact their Human Resource Manager or Employee Relations Specialist for specific information concerning their grievance rights.
2. It is the responsibility of the Human Resource Manager in each division/facility/school to notify current employees of any substantive changes in department and State Personnel Commission policy no later than 30 days after the effective date of the changes, except that employees shall be notified of the most recent substantive changes in the Employee Grievance Policy at least 30 days prior to their effective date. This may be accomplished by notices distributed with paycheck stubs, by e-mail, by newsletter or by some other method designed to communicate information to all employees. New employees shall be provided a copy of the current Employee Grievance Policy within 30 days of their appointment. Copies of the Employee Grievance Policy shall be available in each Human Resource Office. At least one updated copy of the State Personnel Manual shall be available to employees at a known accessible location at each department facility.
3. Management may choose the duration of disciplinary suspensions without pay from one (1) work day up to ten (10) consecutive work days (two full work weeks) for employees subject to the Fair Labor Standards Act (FLSA); and either one full work week (five (5) work days) or two full work weeks (ten (10) work days) for employees not subject to the FLSA.
4. The following shall be the procedure for issuing written warnings to department employees:
 - A. Tell the employee that he/she is being issued a written warning and not a non-disciplinary action such as counseling.
 - B. Tell the employee the specific issues that are the basis for the warning.
 - C. Tell the employee what specific improvements or corrections must be made to address the issues.
 - D. Tell the employee the time frame for making the required improvements or corrections.
 - E. Tell the employee the consequences for failing to make the required improvements or corrections.
 - F. Include the above information in the warning itself along with the employee's appeal rights.
 - G. Provide the employee a copy of the warning in such form as to provide certification of the date it is received by the employee.
 - H. Provide the employee a copy of DHHS Directive III-8 (Employee Grievance Policy).

5. Any disciplinary action (other than dismissal) issued to an employee on or after October 1, 1995, will remain "active" until:
 - A. The employee's supervisor or manager notes in the employee's personnel file that the reason for the action has been resolved or corrected; or
 - B. The purpose of a performance based action has been achieved as evidenced in the employee's latest overall performance summary following the action by a summary performance rating of "good" or better and a rating of "good" or better in the performance area cited in the action; or
 - C. Eighteen months have passed since the action, the employee does not have another active warning or other disciplinary action which occurred during the 18 months and the employee's supervisor or manager has not issued to the employee notice of extension of the action prior to the expiration of the 18 months.
 - D. An employee who has received a demotion or disciplinary suspension that has ceased to be "active" as provided herein is not entitled to restoration to the position held prior to the demotion or to any lost salary resulting from the demotion or disciplinary suspension or to removal of the action from the employee's personnel file, unless such removal is in accord with the division, facility, or school's policy regarding removal of disciplinary actions from personnel files. Such disciplinary action shall not, however, be included in the number of prior actions required for a performance based dismissal.
6. Management at each division, facility or school shall be responsible for determining if, when and under what circumstances disciplinary actions should be removed from employee personnel files and insure that such information is communicated to all division/facility/school employees.
7. The Human Resource Manager of each division/facility/school is the custodian of the personnel files. Employees shall be entitled to view their own personnel files (except for letters of reference solicited prior to employment) during reasonable working hours. Employees who wish to view or make copies of their personnel files shall make their request to the division/ institution Human Resource Manager and be prepared to submit sufficient proof of their identity and to pay a reasonable fee for copying the requested documents.

APPROVED


Lanier M. Cansler, Secretary
Department of Health and Human Services