

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 716

Short Title: Mediate State Employee Grievance/Time Frame. (Public)

Sponsors: Representatives Coleman; Dollar, Parmon, and Wainwright.

Referred to: State Personnel.

March 17, 2005

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE MEDIATION OF STATE EMPLOYEE
3 GRIEVANCES UNDER THE STATE PERSONNEL ACT AND RELATING TO
4 THE TIME FRAME FOR CONTESTED CASES UNDER G.S. 126-34.1.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 126-34 reads as rewritten:

7 "**§ 126-34. Grievance appeal for career State employees.**

8 Unless otherwise provided in this Chapter, any career State employee having a
9 grievance arising out of or due to the employee's employment and who does not allege
10 unlawful harassment or discrimination because of the employee's age, sex, race, color,
11 national origin, religion, creed, handicapping condition as defined by G.S. 168A-3, or
12 political affiliation shall ~~first discuss the problem or grievance with the employee's~~
13 ~~supervisor and follow the grievance procedure established by the employee's department~~
14 ~~or agency. The internal grievance procedure of each State agency, department,~~
15 ~~institution, and The University of North Carolina shall include mediation as the first~~
16 ~~step of the procedure.~~ Any State employee having a grievance arising out of or due to
17 the employee's employment who alleges unlawful harassment because of the employee's
18 age, sex, race, color, national origin, religion, creed, or handicapping condition as
19 defined by G.S. 168A-3 shall submit a written complaint to the employee's department
20 or agency. The department or agency shall have 60 days within which to take
21 appropriate remedial action. If the employee is not satisfied with the department or
22 agency's response to the complaint, the employee shall have the right to appeal directly
23 to the State Personnel Commission."

24 **SECTION 2.** G.S. 126-34.1 is amended by adding a new subsection to read:

25 "(f) The Office of Administrative Hearings must conduct a contested case hearing
26 and render a decision on cases filed under this section no later than 210 days from the
27 date the case was filed with the Office of Administrative Hearings. If the Office of
28 Administrative Hearings fails to complete the contested case hearing process in 210

1 days of the date filed, the petitioner who filed the case may petition the Superior Court
2 of Wake County for a hearing de novo."

3 **SECTION 3.** This act is effective when it becomes law and applies to State
4 employee grievances that arise on or after that date.