

ARTICLE XI. GRIEVANCE PROCEDURE

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Section 1. Policy

Every employee shall have the right to present a grievance in accordance with these procedures, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Employees will be allowed such time off from their regular duties as may be necessary and reasonable as determined by the department head or County Manager to prepare and present a grievance. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal.

No attorneys or other representatives will be allowed to participate in the process.

Section 2. Coverage

This grievance procedure applies to all departments and all employees of the County except those listed as exempt in Article I, Section 2. A grievance is defined as a concern arising from disciplinary action or discrimination.

Section 3. Purpose of the Grievance Process

The grievance procedure serves a variety of purposes for the employee and the County, including:

1. Providing employees an adequate and fair means for hearing matters of concern to County employees.
2. Encouraging employees to express themselves about conditions of work which affect them as employees;
3. Promoting better understanding of policies, practices, and procedures which affect employees;
4. Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
5. Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
6. Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
7. Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Procedure

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Appointing Authority before the decision becomes effective.

Step One. An employee who wishes to pursue a grievance must file the grievance, in writing, with the immediate supervisor, within fifteen (15) days of the date of the incident giving rise to the grievance. If the employee alleges unlawful sexual harassment by the immediate supervisor, the employee may file the complaint with the County Manager, as set forth in Article V, Section 5. If the grievance concerns an appeal of a dismissal, it shall be filed directly with the appointing authority (County Manager, Sheriff, Register of Deeds, Social Services Director or Health Director) at Step Two. The immediate supervisor shall meet with the employee within five (5) days of receipt of the grievance, and attempt to resolve the grievance informally. The supervisor should and is encouraged to, consult with any employee of the County in order to reach a correct, impartial, fair, and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) days following the meeting.

Step Two. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the Department Head (if the Department Head is not the immediate supervisor) within five calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within five calendar days after receipt of the appeal.

Step Three. (For general employees) If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the County Manager or the corresponding appointing authority (Sheriff, Register of Deeds, Health Director, Social Services Director.) within five calendar days after receipt of the response from Step 2. The County Manager shall respond to the appeal, may meet with the employee to discuss the grievance fully, and will make a decision within (10) calendar days of receipt of the grievance. The Manager's decision is final. However, the Manager should inform the County Board of Commissioners of any possible legal actions. Any appeal of this decision must be made through the North Carolina Court System.

Step Four. For employees only in the Social Services and Public Health Departments (Subject to State Personnel Act) If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal the decision to the North Carolina Office of Administrative Hearings (OAH) within thirty calendar days of the receipt of the Department Head's decision. The findings of the OAH will be forwarded to the State Personnel Commission. The decision of the State Personnel Commission shall be advisory unless unlawful discrimination has been proven, and the appointing authority shall have the final decision.

Section 5. Maintenance of Records

All documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the County Manager. These records will be subject to review by the grievant, the employee's department head, the County Manager or other appointing authority, and the Board of County Commissioners.

Section 6. Other Remedies Preserved

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.

Section 7. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action.