

**State Human Resources Commission
Report/Policy Summary
(February 16, 2022)**

Title of Policy/Report/Rule:

University SHRA Employee Grievance Policy

Purpose of the Policy:

To provide procedural consistency across The University of North Carolina System, ensuring SHRA employees have access to an internal process to address grievable issues timely, fairly, cost effectively, and without fear of reprisal, and resolve workplace issues efficiently and effectively.

Purpose of the Proposed Change:

- Conforming changes to maintain alignment with proposed revisions to the agency grievance policy
- Addition of coverage for university law enforcement officers as provided by NCGS 126-5(c16), which exempted university LEOs from most provisions of the NC HR Act with the exclusion of Articles 6, 7, 8, 14, and 15. Due to the continuing protections under Article 8, UNC LEOs retain due process rights under Commission-approved disciplinary and grievance policies.

Period Covered (if applicable):

The proposed revisions would be effective 04/01/2023.

Summary of Proposed Policy and Revision(s):

- TABLE OF CONTENTS
 - Adds Rows for Sections XII and XIII.
- SECTION III
 - Moves two rows for “Internal Grievance Process” and “Internal Grievance Process Timeline in the alphabetical list by adding “Formal” to the title.
 - Modifies definition of “Grievant” with “including EHRA Law Enforcement Officers and applicants for EHRA Law Enforcement Officer positions.”
 - Updates definition of Informal Discussion to include “and the process for addressing issues for which one may not file a formal internal grievance.”
- SECTION IV
 - Add National Guard preference to list of issues that may be grieved at the agency level only.
- SECTION V
 - V.A. Clarifying language about which types of grievable issues go through any informal processes prior to the formal internal grievance process.
 - V.C. Adds paragraph: “Grievances that are untimely filed or do not contain a grievable issue as defined in Section IV of this policy shall not proceed through the grievance process. Grievable issues that have not been substantiated or responded

to by the institution shall still be permitted to proceed through the grievance process.”

- SECTION VI
 - VI.A. Adds “or other designated personnel” to clarify that the EEO/AA Officer may not be the only point of contact for filing a complaint or conducting an investigation.
 - VI.A. Expand the timeline for the EEO Informal inquiry to 90 days total to be consistent with the Administrative code. Institutions would have 75 calendar days from receipt of the complaint to complete an investigation plus 15 additional calendar days if the complainant agrees.
 - VI.A. Rephrase “resolve” with “toward resolving”: If there is reasonable cause to believe that discrimination...occurred, management shall appropriate action toward resolving the matter.”
 - VI.A. If the complainant has not been sent a response by the agency within 90 calendar days after agency received the complaint, complainant may continue the process by filing a formal grievance.
- SECTION VIII
 - Adds paragraph: “The employee must file a formal internal grievance request within 15 calendar days of the alleged event or action that is the basis of the grievance or within 15 days of receiving a response at the conclusion of any informal process(es).”
 - VIII.E. Adds paragraph: “There shall be no stenographic, audio, or video recording of the mediation process by any participant. This prohibition includes recording either surreptitiously or with the agreement of the parties.”
 - VIII.J. Adds language to clarify what occurs if the respondent has an unexcused failure to attend a mediation.
- SECTION IX
 - IX.E. Adds paragraph: “A hearing officer may not decline to hear a grievable issue raised by the grievant solely because the agency did not complete the informal inquiry process within the deadline stated in this Policy was not completed.”
 - IX.F. Updates title for university chief human resources officer.
- SECTION X
 - Updates OAH contact information
- SECTION XII
 - Adds “savings clause”: “If any provision of this Policy or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Policy which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Policy are declared to be severable.”
- SECTION XIII
 - Adds sources of authority

Commission Action Requested:

Motion to recommend approval of the proposed changes to the Grievance Policy.

Associated Statute(s) and Rule(s) (if applicable):

Statute: N.C.G.S. 126-34.01 to 126-35

Administrative Code: 25 NCAC 01C .1006 to .1007; 25 NCAC 01D .1937; 25 NCAC 01E

.1010(a)(1); 25 NCAC 01J .0603, .0605, .0606,.0608, .0613; and 25 NCAC 01J .1301 to .1320

Submitted/Presented by:

Sean Womack, Senior Associate Vice President for Equity, Engagement and Employee Relations,
UNC System Human Resources