

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 716  
Committee Substitute Favorable 6/1/05

Short Title: Mediate State Employee Grievance/Time Frame.

(Public)

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Sponsors:

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Referred to:

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March 17, 2005

A BILL TO BE ENTITLED

1 AN ACT PROVIDING FOR THE MEDIATION OF STATE EMPLOYEE  
2 GRIEVANCES UNDER THE STATE PERSONNEL ACT AND RELATING TO  
3 THE TIME FRAME FOR CONTESTED CASES UNDER G.S. 126-34.1.  
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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. An independent third party who is not employed by the same  
17 agency as the employee having the grievance shall conduct the mediation. Any State  
18 employee having a grievance arising out of or due to the employee's employment who  
19 alleges unlawful harassment because of the employee's age, sex, race, color, national  
20 origin, religion, creed, or handicapping condition as defined by G.S. 168A-3 shall  
21 submit a written complaint to the employee's department or agency. The department or  
22 agency shall have 60 days within which to take appropriate remedial action. If the  
23 employee is not satisfied with the department or agency's response to the complaint, the  
24 employee shall have the right to appeal directly to the State Personnel Commission."

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

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

1 days of the date filed, then a party may petition the State Personnel Commission Chair  
2 to appoint an experienced personnel law attorney to complete the administrative hearing  
3 decision-making process and certify an official record within 60 days at the expense of  
4 the Office of Administrative Hearings."

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