
ARTICLE IX

GRIEVANCE PROCEDURES AND APPEAL POLICIES

**NORTHAMPTON COUNTY LOCAL
GOVERNMENT**

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

Contents

Section 1. Definitions.....	2
Section 2. Informal Resolution of Complaints Policy	2
Section 3. Appeal of Adverse Actions for Permanent General County Employees	3
Section 4. Appeal of Adverse Actions for Career Status Employees Subject to STATE HUMAN RESOURCES ACT	5
Section 5. Appeals Policy for Northampton County Health Department and Department of Social Services	6

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

Northampton County Local Government has established a formal process by which General County employees who have permanent status or employees subject to the State Human Resources Act who have obtained career status (12 months) may grieve adverse actions. The process for which an employee will take depends on the situation and whether or **not** the employee is subject to the STATE HUMAN RESOURCES ACT.

Section 1. Definitions

A. Adverse Action: A personnel action that involves one (1) of the following situations:

Reduction in Force; Suspension without Pay; Disciplinary Demotion; Dismissal or when an employee perceives that he/she has been treated unfairly in the application of the following laws: Fair Labor Standards Act; the Age Discrimination in Employment Act; The Family Medical Leave Act; The Americans with Disabilities Act; Equal Employment Opportunity Policy.

B. Non-Adverse Actions: Issues relating to working conditions, policies, and/or practices **not** defined as adverse actions. Employees experiencing non-adverse concerns typically utilize the informal resolution of complaints policy.

Section 2. Informal Resolution of Complaints Policy

This section is for all County employees, regardless of STATE HUMAN RESOURCES ACT coverage. This policy sets forth the procedures in which a county employee can resolve a non-adverse action issue. This policy recognizes that employees may have issues relating to work conditions, policies, or practices that require attention and resolution when possible.

This procedure can be utilized when all efforts of the employee have failed to address the problem. These procedures do **not** assure a change in a situation but do provide formal steps to examine the issues brought forth, and if feasible and reasonable, make changes to resolve the problems.

The employee is first and foremost encouraged to resolve any such issues by working with coworkers and management. If unable to reach an adequate solution, the following problem-resolution procedure should occur.

- a) Request a meeting with the immediate Supervisor to present the issue of concern.
- b) The Supervisor shall schedule a meeting with the employee within three (3) working days.
- c) At the meeting, the Supervisor shall review the issue with the employee and collect all relevant information and data concerning the situation.

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

- d) The Supervisor should review the issues from the meeting and reach a conclusion regarding the issue. The Supervisor should make recommendations regarding the issue in writing to the employee within seven (7) days of the meeting. The letter should contain a summary of the issues and recommended actions that can be taken to resolve the issue, or if no action is recommended, reasons why.
- e) If the employee is unsatisfied with the immediate Supervisor's response, he/she may request a meeting with the next highest supervisor or Department Head.
- f) At this meeting, the employee shall again present the issue being grieved, reasons for the grievance, and recommended solutions from the employee.
- g) The Department Head shall review all matters regarding the issue and provide a written response to the employee within seven (7) days of the meeting. The letter shall review the conference points and provide recommendations for resolution. This is the final step in the grievance procedures and the employee shall accept the Department Head's recommendations regarding the grievance.

If the issue involves other employees of the agency, the management shall include those employees in the review of the situation and should consider their input and feedback in the final decision process.

Section 3. Appeal of Adverse Actions for Permanent General County Employees

This section provides the appeals procedures for General County employees **not** subject to the STATE HUMAN RESOURCES ACT in regard to Adverse Actions taken against an employee. Employees of the Sheriff's Office and Register of Deeds are **not** covered by this policy.

A County employee who has an adverse action taken against them may file for a formal appeal of the adverse action. The policy provides for specified timeframes in which the appeal must be requested. Failure of the employee to request the appeal procedure in a timely fashion will result in the loss of all appeal rights granted under this policy.

There are three (3) steps, which a General County employee may take to have an appeal on an adverse action heard. They are as follows:

1. **STEP 1:** The employee with an adverse action who seeks the first step in the appeal process shall request IN WRITING for an appeal. The request must be submitted to the Department Head and must be received within fifteen (15) days of the occurrence of the adverse action.

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

The Department Head will then schedule a formal hearing and inform the employee in writing of the specific date and time of the hearing. The employee, at this hearing, will be able to provide information to the Department Head regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the Department Head for consideration. The Department Head shall then render a decision in writing within ten (10) days to the employee.

2. **STEP 2:** If the employee is **not** satisfied with the decision made, the employee may request a second appeal to the County Manager. The employee shall submit a formal appeal request in writing to the Northampton County Manager within thirty (30) days of the date of the letter of the Department Head decision notification.

The County Manager will then schedule a formal appeals hearing and inform the employee in writing of the date and time of this hearing. The employee, at this hearing, will be able to provide evidence on their behalf to the County Manager regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the County Manager. The County Manager shall then render a decision regarding the appeal in writing within ten (10) days to the employee.

3. **STEP 3:** If the employee is not satisfied with the decision made by the County Manager, the employee may request a second appeal to the Northampton County Board of Commissioners. The request shall be submitted in writing within thirty (30) days of the date of the decision notification letter from the County Manager. The request shall be in writing and directed to the Clerk to the Board of Northampton County Commissioners.

The Clerk will then schedule a formal appeals hearing with the Northampton County Commissioners and notify the employee in writing of the date and time.

The employee, at this hearing, will be able to provide evidence on their behalf to the County Commissioners regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the Commissioners for consideration.

The Board of Commissioners will render a decision regarding the appeal in writing within ten (10) days to the employee.

This decision is the final decision and the last step in the Appeal Process for County employees **not** subject to the STATE HUMAN RESOURCES ACT.

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

Key Points Regarding this Policy:

- a) All timeframes must be met. Failure to meet timeframes results in loss of appeal rights under this policy.
- b) All requests for appeals must be in writing.
- c) Employees in probationary or temporary employment situations **do not** have rights under this policy.
- d) Each adverse action shall have a copy of the appeals process attached, as well as each written decision in every step of the appeal process.
- e) Only employees in a permanent status have appeal rights under this policy.

It is important to note that employees of the SHERIFF'S OFFICE and REGISTER OF DEEDS **do not** have appeal rights under this policy, since they may be discharged at will. Employees of these departments do have a right of protection under federal workplace laws.

Section 4. Appeal of Adverse Actions for Career Status Employees Subject to STATE HUMAN RESOURCES ACT

Employees of the Department of Social Services, Health Department and the Emergency Management Coordinator are subject to the STATE HUMAN RESOURCES ACT and have appeal rights granted under the STATE HUMAN RESOURCES ACT. Employees subject to the STATE HUMAN RESOURCES ACT have specific procedures in which they must follow to formally appeal an adverse action.

A *career status employee* who has been demoted, suspended without pay shall have fifteen (15) calendar days from the date of his/her receipt of written notice of such action to file an appeal through the appeals policy granted to employees subject to the STATE HUMAN RESOURCES ACT.

An employee who alleges discrimination may elect to follow the normal appeals policy granted to them via the STATE HUMAN RESOURCES ACT.

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

Section 5. Appeals Policy for Northampton County Health Department and Department of Social Services

A. Purpose

This policy provides appeal procedures for *career-status employees* of the Northampton County Health or Social Services Departments who have been separated due to a reduction-in-force, demotion, suspension, dismissal or received a reduction in pay for disciplinary reasons.

This policy also applies to employees who believe they have been discriminated against because of age, sex, race, color, national origin, religion, creed, genetic information, political affiliation or disability.

No action involving demotion, suspension, or dismissal is to be taken against any employee for disciplinary reasons until such action has been recommended to and approved by the Department Director or his/her designee, *except* when, in the judgment of the Supervisor, immediate suspension is necessary.

In **no case** will an employee be dismissed *without* approval of the Director or (or his/her designee) and *without* the furnishing of a statement, in writing, setting forth in numerical order the specific acts or omissions that are the reasons for the disciplinary action and the employee's appeal rights.

B. Procedure

The procedure will consist of the following steps:

1. STEP 1 – APPEAL TO DIRECTOR

In cases of involuntary separation due to a demotion, suspension, dismissal or discrimination, or any alleged action as described in PURPOSE above, a career status employee has the right to appeal to the Department Director.

The appeal must be made in the form of a written request and must be received by the Director within fifteen (15) calendar days after demotion, suspension, dismissal, alleged discrimination, harassment or denial. The request must include the action(s) being appealed, reasons the action(s) are perceived to be wrong, unfair, or offensive and a proposed resolution or remedy.

Upon receipt of the appeal, the Director will make arrangements for the employee to present his/her case, if the employee so desires. The Director will issue a decision within five (5) working days and a written copy of this decision will be furnished immediately to all parties concerned.

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

2. STEP 2 – APPEAL TO THE RESPECTIVE BOARD

If the decision reached by the Director is **not** acceptable to the employee, he/she may request that his/her case be presented to the respective board for its consideration. This request should be made in writing and submitted through the Director **not** later than fifteen (15) days after receipt of the Director's decision.

The case will then be placed on the Board's agenda at its next regularly scheduled meeting. Facts surrounding the case will be presented to the Board and the employee may speak to them if he/she so desires.

After reviewing the case, the Board will consult with whatever other sources it deems appropriate and render a recommendation to the Director within five (5) working days after having heard the appeal. The Director will issue a FINAL agency decision to the employee within ten (10) working days of receipt of the Board's advisory opinion.

3. STEP 3 – APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

If the employee is **not** satisfied with a final agency decision or is unable to obtain a final agency decision within a reasonable length of time, he/she may file a written appeal to the Office of Administrative Hearings **not** later than thirty (30) days after receipt of the final agency decision.

a) Procedure for Appeal of this Decision

To appeal this Final Agency Decision, a request for a contested case hearing may be made in accordance with Chapter 150B, Article 3 and Chapter 126, Article 8 of the North Carolina General Statutes.

A Petition for a contested case hearing must be filed with the Office of Administrative Hearings, in accordance with North Carolina General Statute 150B-23(a). In addition, a copy of the Petition and Certificate of Service form must be mailed, delivered or faxed to the registered agent for the Local Government Entity named on the Petition as Respondent.

ARTICLE IX: GRIEVANCE PROCEDURES AND APPEAL POLICIES

To file a Petition with the Office of Administrative Hearings, the following directions must be followed:

STEP 1 – REQUESTING THE FORM

Contact the Office of Administrative Hearings. Employee must request a Petition form be mailed or faxed or it may be obtained online at: www.ncoah.com. The Certificate of Service form and instructions are included on the bottom of the Petition form.

STEP 2 – COMPLETING THE FORM

Once the Petition and instructions are received, the top and bottom portions of the form must be completed.

STEP 3 – SUBMITTING THE COPIES

The original plus one (1) copy of the Petition and Certificate of Service form must be received by the Office of Administrative Hearings within thirty (30) days after the Final Agency Decision is received. If a Petition is **not** filed within this timeframe, the right to appeal may be lost.

A copy of the Petition and certificate of service must also be mailed, delivered or faxed to the registered agency of the Local Government Entity named on the Petition; failure to do so may result in the dismissal of the appeal.

STEP 4 – FILING FEE

The Office of Administrative Hearings charges a fee for each Petition filed. Employees must contact their office or visit their website at www.ncoah.com to obtain information regarding the amount of the filing fee and accepted forms of payment.

The Office of Administrative Hearing has up to one hundred eighty (180) days to make a decision after the case has commenced.

Any further appeals may be filed with the North Carolina Court of Appeals within thirty (30) days from the receipt of the final decision.