



**STATE OF NORTH CAROLINA
OFFICE OF STATE PERSONNEL
1331 MAIL SERVICE CENTER
116 WEST JONES STREET
RALEIGH, NC 27699-1331**

**MICHAEL F. EASLEY
GOVERNOR**

**THOMAS H. WRIGHT
STATE PERSONNEL DIRECTOR**

ADVISORY MEMORANDUM #001-02

TO: Directors, Area Mental Health Programs
Directors, Departments of Public Health
Directors, Department of Social Services
County Managers
County and Local Agency HR Managers

A handwritten signature in cursive script, appearing to read "Patrick J. McCoy".

FROM: Patrick J. McCoy, PHR
Program Team Leader
Local Government HR Services

DATE: July 22, 2002

SUBJECT: Administrative Rules for Unlawful Workplace Harassment

In 1997, the General Assembly ratified Senate Bill 78, State Employee Workplace Harassment, which amended NCGS 126, State Personnel Act, to provide for a right of appeal for employees alleging harassment in the workplace. These provisions include protections from sexual harassment along with other circumstances that create a hostile or threatening work environment for employees. This advisory memorandum is your notification that the administrative rules governing this law became effective July 18, 2002 for all covered employees of local government jurisdictions.

After the passage of SB 78, the State Personnel Commission authorized the Office of State Personnel to begin the rule-making process to incorporate the new appeal rights for State employees in the relevant provisions in Title 25 of the North Carolina Administrative Code. Soon after these rules were adopted, the North Carolina Department of Health and Human Services Division of Human Resources proposed the same changes to 25 NCAC 11 Section .1700, *Local Government Employment Policies*. The proposed rules provide an appeals process for allegations of unlawful workplace harassment by local government employees subject to the State Personnel Act. If you have not already done so, you should review your existing grievance procedure and incorporate these appeal rights. For your convenience, I have attached a model Unlawful Workplace Harassment Prevention Plan that includes a grievance procedure for your review and consideration.

An Equal Opportunity Employer

Counties and local jurisdictions that have been approved as “substantially equivalent” in the systems portion for Employee Relations will need to pay particular attention to these new rules since there currently are no provisions for substantially equivalent status relative to unlawful workplace harassment appeals.

Therefore, the provisions of 25 NCAC 01I .2310 *Appeals* regarding unlawful workplace harassment apply to all local jurisdictions whether substantially equivalent or not. My office will be seeking your input and feedback so that we can assess the impact on the local government personnel system and determine whether or not to amend the rules to incorporate the unlawful workplace harassment provisions in the provisions for substantially equivalent status.

A full text review of these rules can be accessed on-line through the following site, http://ncrules.state.nc.us/2002rulespendin_/title25stateper_/default.htm. Please note that you will have to scroll down on the left-hand column and click on Title 25- State Personnel Rules. The provisions relevant to SubChapter I Rules are found on pages 5 and 6.

If you have any questions or need further clarification, please contact your local government personnel consulting team.

PJM:hs

Enclosure

c: Thomas H. Wright
Stephen E. Davis