STATE OF NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

1501 MAIL SERVICE CENTER RALEIGH, N.C. 27699-1501

MICHAEL F. EASLEY
GOVERNOR

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SECRETARY

March 1, 2001

UNLAWFUL WORKPLACE HARASSMENT POLICY

The policy of the Department of Transportation is that no state employee may engage in speech or conduct that is defined as unlawful workplace harassment as indicated below. All current or former state employees are guaranteed the right to work in an environment free from unlawful harassment and retaliation.

DEFINITION:

The State defines unlawful workplace harassment as unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by GS.168 A-3 that creates a hostile work environment or circumstances involving quid pro quo.

PROCEDURE:

Any former employee, full-time or part-time employee with either a permanent, probationary, trainee, time-limited permanent or temporary appointment who feels that he/she has been unlawfully harassed in the workplace must do the following:

(1). Submit a written complaint to the Human Resources Director within 30 calendar days of the alleged harassing action.

(2). Agency must respond with appropriate remedial action in writing within 60 calendar days from receipt of written complaint. If not satisfied with the Human Resources Director's decision, or if the Director doesn't render a decision within 60 calendar days from date complaint is received, the complainant may appeal directly to the Office of Adminstrative Hearings and the State Personnel Commission within 30 calendar days.

If a final written decision is provided to the complaint prior to the 60 day expiration period as allowed by State's Unlawful Workplace Harassment Prevention Policy and Rules, the Department of Transportation (DOT) waives its right to make another of different determination. A notice of Final Agency Decision and Waiver and an Acknowledgement of Waiver will be completed in order to facilitate the process.

Note: An individual with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or handicapping condition as defined by G.S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the Office of Administrative Hearings and the State Personnel Commission.

Note: Complainants may file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).

Note: Applicants, while not covered under the State statute (SB78), are covered under other State and Federal Civil Rights Acts.

A prompt and impartial investigation will be made of all cases alleging unlawful workplace harassment based on presented facts surrounding the misconduct. Any interference, coercion, restraint or reprisal of any person complaining of unlawful workplace harassment is prohibited.

Secretary of the
Department of Transportation

Questions or comments concerning this policy should be referred to:

Human Resources Director
NC Department of Transportation
1517 Mail Service Center
Raleigh, North Carolina 27699-1517