

<b>NORTH CAROLINA DEPARTMENT OF COMMERCE</b>		<b>POLICY #</b>  HR 25
<b>Title:</b> Unlawful Workplace Harassment Policy		
<b>Effective Date:</b> May 1, 2006	<b>Administering Authority:</b> Human Resources Dir.	
<b>Statutory Authority (if applicable):</b> G.S. 126		

**Purpose:** To provide a work environment where employees are free from harassment.

**Scope:** All Commerce Employees except ITS and ESC.

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

**Unlawful Workplace Harassment is defined as unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.**

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 Department of Commerce, Human Resources Office, within 30 calendar days of the alleged harassing action.
2. The Department shall respond with appropriate remedial action within 60 calendar days from receipt of written complaint, unless the 60-day period has been waived and the grievant has acknowledged such waiver. Waiver and acknowledgement shall be in writing.
3. The Department shall provide a written response to grievant when the Department has determined what action, if any, will result from the grievant's written complaint.
4. At the expiration of the Department of Commerce's response period (60 calendar days from agency's receipt of written complaint or less, if waived), if the grievant is dissatisfied with the Department of Commerce's response, the grievant may appeal directly to the Office of Administrative Hearings and the State Personnel Commission within 30 calendar days of receipt of the response.

**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 illegal 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 illegal discrimination may still appeal directly to the Office of Administrative hearings and the State Personnel Commission.

**Note:** Grievants 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. For more information, contact your EEO Officer in the Commerce Human Resources Office at (919) 733-2104.