

25 NCAC 01I .2303 DISMISSAL FOR GROSSLY INEFFICIENT JOB PERFORMANCE

(a) Grossly inefficient job performance is a type of unacceptable personal conduct and means the employee fails to perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or agency and that failure results in:

- (1) death or serious harm or the creation of the potential for death or serious harm, to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility;
or
- (2) the loss of or damage to agency property or funds that result in a serious impact on the agency or work unit.

(b) Dismissal on the basis of grossly inefficient job performance shall be administered in the same manner as unacceptable personal conduct detrimental to State service consistent with G.S. 126-35(a). Employees may be dismissed on the basis of an incident of grossly inefficient job performance without any prior disciplinary action.

(c) Prior to dismissal of an employee with career status on the basis of grossly inefficient job performance, there shall be a pre-disciplinary conference between the employee and the agency director or designated management representative. The pre-disciplinary conference shall be held in accordance with Rule .2308 of this Section.

(d) Dismissal for grossly inefficient job performance requires written notification to the employee. The written notification shall include specific reasons for the dismissal and notice of the employee's right of appeal.

(e) Failure to give specific written reasons for the dismissal, failure to give written notice of applicable appeal rights, or failure to conduct a pre-disciplinary conference constitute procedural violations with remedies as provided for in 25 NCAC 01J .1316. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

*History Note: Authority G.S. 126-4(7a); 126-35;
Eff. August 3, 1992;
Amended Eff. April 1, 2001; December 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,
2016;
Amended Eff. September 1, 2019.*