

10A NCAC 01E – GRIEVANCE PROCEDURES

Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years or they shall expire. As a result of the periodic review of Subchapter 10A NCAC 01E, Grievance Procedures, 21 rules were determined to be "Necessary with Substantive Public Interest," requiring readoption by January 31, 2020. One of these 21 rules is being proposed for readoption with substantive changes, while 20 of these are being proposed for readoption as a repeal in order to streamline the information available to the public regarding grievance forms and accessibility of the forms used by the Department for grievances or complaints. In summary, 10A NCAC 01E .0101 is being proposed for readoption with substantive changes and the following rules are being proposed for readoption as a repeal: 0A NCAC 01E .0102 - .0108, .0201 - .0208, and .0301 - .0305.

PUBLIC COMMENT PERIOD: June 17, 2019 – August 16, 2019

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1 10A NCAC 01E .0101 is proposed for re adoption with substantive changes as follows:

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3 **SUBCHAPTER 01E – ~~GRIEVANCE~~ NONDISCRIMINATION PROCEDURES**

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5 **SECTION .0100 – ~~ADA GRIEVANCE~~ NONDISCRIMINATION PROCEDURES**

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7 **10A NCAC 01E .0101 ~~APPLICABILITY AND SCOPE~~ NONDISCRIMINATION PROCEDURES**

8 ~~This Subchapter provides for the prompt and equitable resolution of complaints against any division within the~~
9 ~~Department of Human Resources alleging any action prohibited by the U.S. Department of Justice regulations~~
10 ~~implementing Title II of the Americans with Disabilities Act, 28 CFR Part 35. The Department of Health and Human~~
11 ~~Services provides for the prompt and equitable resolution of complaints against any Division within the Department~~
12 ~~alleging any act prohibited by Federal laws and regulations implementing Title II of the Americans with Disabilities~~
13 ~~Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and other applicable~~
14 ~~nondiscrimination regulations as required by Federal agencies for the Department’s receipt of Federal financial~~
15 ~~assistance. The Department’s forms for filing complaints or grievances are located at~~
16 ~~<https://www.ncdhhs.gov/about/department-initiatives/ada-grievance-procedure>.~~

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18 *History Note: Authority 28 C.F.R. 35.107; 45 C.F.R. 84.7; 45 C.F.R. Part 80.7;*
19 *Eff. May 1, ~~1993~~.1993;*
20 *Readopted Eff. January 1, 2020.*

1 10A NCAC 01E .0102 - .0108 are proposed for readoption as a repeal as follows:

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3 **10A NCAC 01E .0102 COMPLAINTS**

4 **10A NCAC 01E .0103 INVESTIGATION**

5 **10A NCAC 01E .0104 WRITTEN DETERMINATION**

6 **10A NCAC 01E .0105 RECONSIDERATION**

7 **10A NCAC 01E .0106 RECORDS**

8 **10A NCAC 01E .0107 OTHER REMEDIES**

9 **10A NCAC 01E .0108 CONSTRUCTION**

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11 *History Note: Authority 28 C.F.R. 35.107;*

12 *Eff. May 1, ~~1993~~ 1993;*

13 *Repealed Eff. January 1, 2020.*

1 10A NCAC 01E .0201 - .0208 are proposed for readoption as a repeal as follows:

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3 **10A NCAC 01E .0201 APPLICABILITY AND SCOPE**

4 **10A NCAC 01E .0202 COMPLAINTS**

5 **10A NCAC 01E .0203 INVESTIGATION**

6 **10A NCAC 01E .0204 WRITTEN DETERMINATION**

7 **10A NCAC 01E .0205 RECONSIDERATION**

8 **10A NCAC 01E .0206 RECORDS**

9 **10A NCAC 01E .0207 OTHER REMEDIES**

10 **10A NCAC 01E .0208 CONSTRUCTION**

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12 *History Note: Authority G.S. 143B-10(j)(2); 45 C.F.R. 84.7;*

13 *Eff. May 1, ~~1994~~, 1994;*

14 *Repealed Eff. January 1, 2020.*

1 10A NCAC 01E .0301 - .0305 are proposed for readoption as a repeal as follows:

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3 **10A NCAC 01E .0301 APPLICABILITY AND SCOPE**

4 **10A NCAC 01E .0302 COMPLAINTS**

5 **10A NCAC 01E .0303 INVESTIGATION**

6 **10A NCAC 01E .0304 RESOLUTION OF MATTERS**

7 **10A NCAC 01E .0305 RECONSIDERATION**

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9 *History Note: Authority G.S. 143B-10(j)(2); 45 C.F.R. Part 80.7;*

10 *Eff. November 1, ~~1994~~, 1994;*

11 *Repealed Eff. January 1, 2020.*