

**STATE HUMAN RESOURCES COMMISSION MEETING
VIA WEBEX DUE TO COVID-19 STATE OF EMERGENCY**

MEETING MINUTES – April 2, 2020

Members Present:

Members present on the Webex for the meeting were: Commissioner-Chair Dekhasta Becton Rozier, Commissioner Ross Beamon, Commissioner Douglas Boyette, Commissioner John Eller, Commissioner Martin Falls, Commissioner Emily Jones, Commissioner April Page and Commissioner Phil Strach. Commissioner Meredith Benjamin was unavailable as she had been reassigned due to the State of Emergency to Buncombe County Emergency Operations Center.

Other Attendees

Other attendees present were: Barbara Gibson, Director, Glenda Farrell, Chief Deputy, and Twanette LytleAlston, Deputy Director, Office of State Human Resources; Lars Nance and Christine Ryan, Legal Division, Office of State Human Resources; Denise Mazza, State Human Resources Commission Administrator, Office of State Human Resources; Nancy Astrike, Ryan Bower, Andrea Clinkscales, Lisa Coffey, Carl Dean, Scarlett Gardner, Joe Gilroy, Angela Hayes, Bailey Hodgin, Joel Jordan, Christine Kidd, Jill Lucas, Joe Marro, DeShun Perry, Andrea Porterfield, Mary Lou Rosenoff, Kristin Siemek, and Anita Ward of the Office of State Human Resources; Cosanda Auzenne, Tonya Fields, Lynn Freeman, Dan Hill, Danielle Lockley, Kathleen Murphy, Timothy Moose, Sara Royster, and Erica Zendt of the North Carolina Department of Public Safety; and Tarheel Challenge Director Edward Timmons.

Opening

The Commission convened its open meeting at 9:02a.m. via Webex Teleconference due to the COVID-19 State of Emergency.

The State Human Resources Commission (SHRC) last convened on February 6, 2020. Pursuant to North Carolina General Statute Chapter 138A and the North Carolina Ethics Act, Chair Dekhasta Becton Rozier asked all Commissioners if there were any conflicts of interest or potential conflicts of interest with respect to any matters coming before the Commission. There were no conflicts of interest or potential conflicts of interest reported.

There were no other additions or corrections to the agenda for the April 2, 2020 meeting.

CONSENT AGENDA ITEMS

Approval of the minutes for the February 6, 2020 State Human Resources Commission Meeting.

Motion: Commissioner Falls made a motion to recommend approval of the February 6, 2020 meeting minutes.

Second: Commissioner Page seconded the motion.

Motion carried.

Twanetta AlstonLytle – Exceptions Granted under 25 NCAC 01A .0104 Variences

Deputy Director Twanetta AlstonLytle presented the following overview of exceptions granted by Director Gibson under 25 NCAC 01A .0104 due to the COVID-19 State of Emergency.

Beginning March 13, 2020, to keep sick employees away from the work site, agencies were allowed State of Emergency Leave. This Leave was also extended to temporaries employees. Consistent with Governor Cooper’s Orders, all State employees, including temps, were encouraged to telework. In addition, agencies were given the option to extend the 11-month maximum appointment for temporaries with the requirement to report this use to OSHR, temps could also work more than forty hours and potentially be eligible for overtime. Beginning March 16 through March 31st, due to school closings, Director Gibson expanded the State of Emergency Leave for childcare needs and advised agencies to begin identifying mandatory versus nonmandatory employees based on COVID-19. Beginning April 1st through April 30th, Director Gibson granted 168 hours of State of Emergency Leave for permanent and temporary employees and activated the State Emergency Leave pay provisions for mandatory employees. With the pay provisions, agencies have the option to telework or require work on-site. The pay provision allows agencies to pay mandatory employees for working on site a premium for the first 40 hours worked. That can be either temporary or salaried employees regardless of their FLSA status. It is an agency head decision to pay the premium or employees can earn compensatory time for the first 40 hours worked. The CDE Policy was also revised to incorporate the March 13 and the March 26th exceptions.

Business Session Public Comment

Public Comment

There was no public comments.

State Human Resources Director’s Report

Director Gibson welcome all attending and noted that OSHR was still adjusting to the new, hopefully only temporary, way of life of COVID-19. She expressed her appreciation to the OSHR team - working diligently and often around the clock to ensure that agency and university Human Resources Offices were prepared to assist their employees during this COVID-19 State of Emergency event - and to the dedicated HR Directors and their Agency Leadership - making public health which is really the well-being of their workforce the No. 1 priority while ensuring that the necessary business of state government continues.

She explained that in consultation, and with great support and leadership from Governor Cooper’s Office, she had exercised her authority as State Human Resources Director to provide increased flexibility to agencies and universities subject to the State Human Resources Act to address COVID-19 matters. This included engaging some of the most strategic thinkers in state government HR to think creatively about filling a virtual toolbox with the resources agency

heads need to maintain operations and protect their personnel during this unprecedented State of Emergency; establishing the new State of Emergency Leave to address gaps in the Communicable Disease Emergency Policy – which, for example, did not reflect the technology advances that allow so much of our workforce to telework effectively during this pandemic; providing guidance and flow charts to help agencies and managers assess the needs and, if necessary, implement temporary emergency lay-offs; and holding conference calls daily, and now twice weekly, with HR Directors and agency heads and chief deputies to review updates and address concerns as conditions rapidly evolved. This work has served as a model used for the community colleges, k-12 public school system, and many local governments. She especially noted that the work of DHHS was outstanding - their leadership, guidance and participation in calls with HR, helping to protect our state.

Director Gibson then informed the Commission that, to date, there were twelve state employees who had tested positive for COVID-19 - none of the cases definitively linked to work-related exposure. She stated that the Office of State Human Resources would continue to urge state employees to telework to the greatest extent possible until it is safe for everyone to return to their usual routines and duty stations, and that agencies would continue to work through this process. For COVID-19-related duties that must be completed onsite, mandatory employees will be eligible for additional compensation determined by agencies when funding is available. Also, facility redeployment of under-utilized employees with high-demand skillsets was available to agencies that need additional resources to meet growing demand for services.

In closing, Director Gibson spoke of how proud she was of the work that OSHR and the HR community in State government has done and gave her word that OSHR will continue to respond to our agencies and support our employees with compassion and resolve.

Christine Ryan – Legal, Commission, and Legislative: 25 NCAC 01J .1306 Back Pay

Assistant General Counsel Christine Ryan presented 25 NCAC 01J .1306 Back Pay Rule to the Commission for recommendation to submit to the Rule to the Rules Review Commission as a permanent rule. She reminded the Commission that as previously submitted the only change to the Rule was to a remove the requirement that employees give a sworn statement verifying interim income and any unemployment compensation received during the separation period when receiving back pay compensation in a settlement. During the rulemaking process, there were no public comments at the public hearing and no feedback to its publication in the North Carolina register.

Chair: There being no discussion or questions, the Chair called for a motion to recommend approval of submitting revised 25 NCAC 01J .1306 Back Pay to the Rules Review Commission as a Permanent Rule.

Motion: Commissioner Beamon so moved.

Second: Commissioner Eller seconded the motion.

Motion carried.

Christine Ryan – Legal, Commission, and Legislative: 25 NCAC 01E .0311 Separation

Assistant General Counsel Christine Ryan presented 25 NCAC 01E .0311 Separation Rule to the Commission for recommendation to submit the Rule to the Rules Review Commission as a permanent rule. A minor change to the Rule regarding payout of sick leave had been proposed to allow a partial payout of sick only in situations where there is a worker's comp settlement and separation to align it with actual practice under this event. During the rulemaking process, there were no public comments at the public hearing and no feedback to its publication in the North Carolina register.

Chair: There being no discussion or questions, the Chair called for a motion to recommend approval of submitting revised 25 NCAC 01E .0311 Separation to the Rules Review Commission as a Permanent Rule.

Motion: Commissioner Strach so moved.

Second: Commissioners Beamon and Jones seconded the motion.

Motion carried.

Kristin Siemek - Talent Management – Recruiting & Staffing: Continuous Posting – DPS Youth Program Education Assistant Position

Recruiting & Staffing State Recruiting Manager Kristin Siemek with members of the Department of Public Safety's Human Resources Department and the Tarheel Challenge Academy director requested the reconsideration of a continuous posting for the Department of Public Safety's (DPS) Youth Program Education Assistant positions. This request was previously tabled at the February 6, 2020 SHRC meeting with request by the Commissioners for additional information as to whether the need for the continuous posting was a recruitment or retention issue. Tarheel Challenge Academies are 24/7, quasi-style military residential programs for at-risk youth between the ages of 16 and 18. Siemek explained that this position requires an associate degree or related degree or a high school diploma and two years of related experience directly working with youth at-risk. Due to both retention and recruitment issues, there is a high vacancy rate for this position. A continuous posting would allow applicants to be pre-evaluated on a regular basis so that vacant positions could be filled when needed instead of having to post and screen, and go through the process each time a vacancy occurs.

Commissioner Beamon stated he had researched the program and complimented the work being done by Tarheel Challenge Academy noting that 60% of the participants graduate high school and many join the military and about 41% go on to higher education. He noted that similar to the Substance Abuse Workers Program positions at Dart Cherry and Black Mountain, this was definitely a recruitment and retention issues and not a program issue. He noted that the locations of the Tarheel Challenge Academy program had very low unemployment rates leading to a smaller pool of applicants and suggested considering other locations for the program to address the recruitment and retention issues.

DPS HR employee Dan Hill agreed both issues exist. He stated that recruiters out in the field were promoting this position on a regular basis at career fairs and different events noting that the

position requires a special skill set. He stated that DPS was working to address pay issues that affect retention.

Tarheel Challenge Director Edward Timmons agreed with the statements regarding the program, recruitment and retention issues, and the need for a skill set to be passionate for such work – taking more than a year for employees to clearly understand the job. He stated that a continual posting would alleviate these issues.

Commissioner Falls stated that the Tarheel Challenge Program is a much needed and excellent program. He noted that its review here before the SHRC had heightened awareness to the need to address the vacancy issues and recommended allowing the continuous posting with the SHRC to review its application and results in 6 months and 1 year for the need to address recruitment and retention issues further.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of DPS' request for a continuous posting for the Youth Program Education Assistant positions.

Motion: Commissioner Falls moved to recommend the continuous posting of these positions with a review of the results to be brought to the Commission in 6 months and 1 year from the April 2, 2020 meeting.

Second: Commissioner Beamon seconded the motion.

Motion carried.

Joe Marro - Total Rewards/Classification and Compensation: 6 New and 11 Revised Classification Specs for New Class & Compensation System

Classification and Compensation Manager Joe Marro presented the following 6 new and 11 revised class specs for the North Carolina Department of Public Safety.

6 New Class Specs:

- ALE Director
- ALE Assistant Director
- Special Operations Director
- Special Operations Chief
- Special Operations Investigative Supervisor
- Special Operations Investigator

11 Revised Class Specs:

- Correctional Behavioral Specialist II
- Correctional Behavioral Specialist I
- Archives and Records Division Director
- Archivist Manager
- Archivist Supervisor

- Archivist III
- Archivist II
- Archivist I
- Electrician Supervisor
- OSHA Safety Officer II
- OSHA Industrial Hygienist II

Marro noted that the ALE Director and an ALE Assistant Director were created pursuant to N.C.G.S. 126-5 to manage the daily functions of the ALE for DPS and that the Governor had designed these position as exempt policymaking from the State Human Resources Act effective February 1, 2020. The other 4 positions are within the Special Operations Units - Special Operations Director, 1 position; Special Operations Chief, 3 positions; Special Operations Investigative Supervisor, 2 positions; and Special Operations Investigators, 23 position. They were established to direct, manage, and supervise the operations and duties of the Special Operations Unit. As background, he noted that beginning in 1998, these roles utilized the probation and parole officer class because they carried the powers of arrest through N.C.G.S. 15-205. The Special Operations Unit was formally created in 2014 in response to the 911 tragedy and resulting changes in security approaches nationally. All Special Operations are designed and empowered under the statute and U.S.C. 19, 21 and 29, and are subject to the North Carolina Criminal Justice Standards. The Special Operations Investigator is a 24/7 position, primarily a law enforcement role, established to serve in more complex and dangerous specifications ranging from drugs to Homeland Security. Investigators report to a Special Operations Investigation Supervisor in one of two geographically assigned teams as well as to a federal manager depending on the nature of the case.

The 11 revised classification specs were E&E updates: adding a requirement to administer and/or conduct psychological testing for the Correctional Behavioral Specialist I and II; updating the Archives series to remove Public Administration as a qualifying degree and streamlining the wording across the levels of the specs. The Electrician Supervisor spec was revised to clarify that at least 3 years of journey level electrical experience is required. Lastly, the OSHA Safety Officer II and the OSHA Industrial Hygienist II were revised to require 2 years of independent inspections in the capacity of a federal or state safety compliance officer.

Chair: There being no discussion or questions, the Chair called for a motion to recommend approval of the 6 new and 11 revised class specs.

Motion: Commissioner Falls so moved.

Second: Commissioner Strach seconded the motion.

Motion carried.

Joe Marro - Total Rewards/Classification and Compensation: 2019 Annual Compensation and Benefits Report

Classification and Compensation Manager Joe Marro presented the proposed draft 2019 Annual Compensation and Benefits Report as required under N.C.G.S. 126-7.3. This document provides guidance to the Governor and General Assembly in making funding appropriations for State employee salary increases and salary structure adjustments. It also addresses certain economic and labor market conditions setting the stage for strategic planning. The Report is presented to the Appropriations Committee of the House and Senate no later than 2 weeks after the convening of the Legislature of odd years and no later than May 1 of even numbered years.

Chair: There being no discussion or questions, the Chair called for a motion to recommend approval of proposed draft 2019 Annual Compensation and Benefit Report.

Motion: Commissioner Beamon so moved.

Second: Commission Eller seconded the motion.

Motion carried.

Christine Ryan – Legal, Commission, and Legislative: Overview of 2020 NC OSHR Policies Review Process

Assistant General Counsel Christine Ryan presented the 2020 NC OSHR Policies Review Process to the Commission for informational purposes only. She explained that the project, started before the COVID-19 State of Emergency, would review every OSHR policy and would revise and edit each as needed by the end of 2020. Due to COVID-19, only one policy was being presented at the April 2, 2020 SHRC meeting - the Community Service Leave Rule and Policy.

Andrea Porterfield - Total Rewards/ Salary Administration/Time and Leave Section: 25 NCAC 01E .1601-.1605, .1607 Community Service Leave Rules and the Community Service Leave Policy

Salary Administration/Time and Leave Section Manager Andrea Porterfield presented revisions to Community Service Leave Rules. She explained that when the Community Service Leave Policy was created, the idea of community was seen as within the borders of North Carolina. As the world has changed, the view has also. To align the existing Rule and Policy with those changes, Porterfield stated that revision of the title of the Policy was proposed to “Volunteer Services and Child Involvement Policy” in order to expand its use beyond the borders of North Carolina and to allow employees who have the ability to go to other states, especially in times of disaster relief, to help their fellow man with clean up or anything necessary. In recent years, the State of North Carolina has experienced some adverse weather and received great volunteer support from people outside of the State. The changes to these Rules and Policy would allow state employees the opportunity to return that favor. It would also allow state employees

residing in other states to use the leave. In addition, by adding “child involvement” to the title, it is clear the leave also could be applied for that purpose. Porterfield proposed further revisions to expand the definition of school to include community colleges, universities, vocational and trade school. She noted that expanding the use of the Policy should promote a work life balance to assist employees with different stages of life and would serve as new benefit that would be useful in recruitment.

Commissioner Beamon asked if there was any childcare assistance available for state employees using this leave. Porterfield stated that there had been no discussion of that assistance.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of proposed revisions to 25 NCAC 01E .1601-.1605 and .1607 Community Service Leave Rules.

Motion: Commissioner Beamon so moved.

Second: Commissioners Jones seconded the motion.

Motion carried.

Due to the need to take the proposed revisions to through the rulemaking process, a vote was not held on proposed revisions to the Community Service Leave Policy at this time.

Adjournment

Before adjournment, Commission-Chair Dekhasta Rozier and Commissioner Falls thanked Director Gibson, Chief Deputy Farrell and Deputy AlstonLytle and all OSHR staff for their work during these difficult times noting that taking care of the citizens of North Carolina should be the highest priority.

Chair: There being no other agenda items, the Chair called for a motion to recommend adjournment.

Motion: Commissioner Falls so moved.

Second: Commissioner Beamon seconded the motion.

Motion carried. The meeting concluded at 10:14 a.m.

Executive Session

The State Human Resources Commission did not have an executive session at its April 2, 2020 meeting.

Minutes submitted by: Denise H. Mazza, State Human Resources Commission Administrator