

**STATE HUMAN RESOURCES COMMISSION MEETING**  
**LEARNING AND DEVELOPMENT CENTER, COMMISSION CONFERENCE ROOM**  
**101 WEST PEACE STREET - RALEIGH, NORTH CAROLINA**

**MEETING MINUTES – August 1, 2019**

**Members Present**

Members present at the Learning and Development Center for the meeting were: Commissioner Ross Beamon, Commissioner Doug Boyette, Commissioner John Eller, Commissioner Martin Falls, Commissioner Emily Jones, Commissioner April Page and Commissioner Philip Strach, acting Chair for the August 1, 2019 meeting.

**Other Attendees**

Other attendees present were: Barbara Gibson, Director; Judy Estevez, Chief Deputy Director of Administration; and Tammy Penny, Deputy Director of Human Resources Programs, 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; Twanetta Lytle, Kassia Elliott, Scarlette Gardner and Kristin Siemek of the Office of State Human Resources; and Dan Hill, Catherine Anderson and Joe Harley of the Department of Public Safety.

**Opening**

The Commission convened its open meeting at 9:02 a.m. in the Learning and Development Center Commission Conference Room.

The State Human Resources Commission (SHRC) last convened on June 6, 2019. Pursuant to North Carolina General Statutes Chapter 138A and the North Carolina Ethics Act, Acting Chair Phil Strach 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 noted by any Commissioner.

There were no adjustments to the agenda as proposed for the August 1, 2019 meeting.

**CONSENT AGENDA ITEMS**

Approval of the minutes for the June 6, 2019 State Human Resources Commission Meeting.

**Motion:** Commissioner Falls made a motion to recommend approval of the consent agenda.

**Second:** Commissioner Beamon seconded the motion.

**Motion carried.**

**Business Session**

**Public Comment**

No one signed up for public comment.

### **State Human Resources Director's Report**

Director Gibson began by welcoming everyone and thanked Commissioner Strach for serving as Acting Chair of the Commission while Chair Rozier is out on maternity leave. She then spoke to the budget stalemate mentioning some agreement on HR topics between the Governor's budget and the legislative budget but there remain concerns that parts of the budget might negatively impact agencies and employees. These concerns include the lack of the Salary Adjustment Fund which harms the implementation of the new Classification and Compensation System and no raises for some State employees which affects the ability to attract, retain and motivate employees to and within State government. Both of these matters are top concerns to OSHR.

Other matters OSHR is watching include the status of the State Health Plan - the Treasurer is the featured speaker for the September 2019 HR Directors' meeting regarding this matter; Consultant Mercer's continued progress on a labor market study - which is more complex than anticipated, nevertheless is on time and budget to date; and Executive Order 95 - the Paid Parental Leave Act providing 8 weeks of fully paid leave to eligible State employees who have given birth and 4 weeks to eligible State employees for bonding - which most of the non-Cabinet agencies have opted in. One agency, DOJ, has asked for an exception to allow 8-weeks for the non-birthing parent. This leave is generating a lot of positive feedback and appears to be a good recruiting tool for the younger generation which addresses the aging State employee population. The Total Rewards Division is providing training on the leave to HR directors, Leave Analysts, and others directly involved in approving this leave. Also, the Workplace Safety, Health and Worker's Compensation team launched the "Flag the Hazard" program to replace the "Hazard Hero" program. Over 200 reports have been filed under the new program with more than half of them being resolved within 7 days. That division is also preparing to launch another initiative in collaboration with the Governor's Highway Safety Program focusing on pedestrian safety. The City of Raleigh will be a key partner.

The Director closed by noting the new additions to the OSHR team - the Workplace Safety, Health and Worker's Compensation Division is now fully staffed - Heather Banta joined the team as State Safety and Health Manager and Cathy Pope took on Scarlette Gardner's former role as State Worker's Compensation Manager and introducing the new Deputy Legal Counsel Christine Ryan in person to the Commission.

### **Scarlette Gardner - Workplace Safety Health and Workers' Compensation: Separation: Payment of Vacation Leave Rule: 25 NCAC 01E .0210**

Workplace Safety, Health and Worker's Compensation Division Director Scarlette Gardner presented revisions to the language of 25 NCAC 01E .0210 to address a variation between the Rule and OSHR's policy regarding the payment of vacation and sick leave when an employee is separated due to unavailability of suitable employment resulting from a Worker's Compensation injury. She noted that the need for the change was found during review by new legal staff. The long-term practice in State government per the policy is to pay out one year's worth of sick leave or 12 days. This Rule revision codifies that current practice and corrects the inconsistency.

Acting Chair: There being no further discussion, the Acting Chair called for a motion to recommend approval of the resubmission of this Rule to the Rulemaking Process to align the language of the Rule and OSHR's policy and practice.

**Motion:** Commissioner Beamon so moved.

**Second:** Commissioner Falls seconded the motion.

**Motion carried.**

### **Scarlette Gardner – Workplace Safety, Health and Workers' Compensation: Workers' Compensation Leave Policy**

Workplace Safety, Health and Worker's Compensation Division Director Scarlette Gardner presented business necessary revisions to the Workers' Compensation Leave Policy. The policy includes language regarding an employee's eligibility for ongoing health insurance coverage during workers' compensation leave of absence. A change to State law since the policy was originally enacted now requires the employee to pay a portion of the health insurance premium. Additionally, the division is undertaking a comprehensive review of the remainder of this policy and the other workers' compensation policies which will be addressed in full at another SHRC meeting.

Acting Chair: There being no further discussion, the Acting Chair called for a motion to recommend approval of revisions to the Worker's Compensation Leave Policy.

**Motion:** Commissioner Falls so moved.

**Second:** Commissioner Eller seconded the motion.

**Motion carried.**

### **Andrea Clinkscales - Total Rewards: Paid Parental Leave Pilot Policy**

Total Rewards Division Director Andrea Clinkscales presented the newly created Paid Parental Leave Pilot Policy for the Commission's review and approval. Referring back to Director Gibson's earlier reference to Executive Order 95 which provides paid parental leave to State employees - 8 weeks of fully paid parental leave to eligible State employees who have given birth and 4 weeks of fully paid parental leave to other employees to care for and to bond with newborns or recently adopted, foster or other child legal placement – Clinkscales noted that the Executive Order is applicable only to Cabinet agencies under the Governor's oversight. This pilot policy allows all other State entities the flexibility to participate in the paid parental leave as well as to expand on the parameters in the Executive Order such as DOJ requesting to offer 8 weeks of paid parental leave to non-birthing parents.

The Commission expressed concerns regarding this flexibility noting that some wording in the policy may be inconsistent and thus not clear as to minimum and maximum timeframes allowed to be offered. Additionally, the Commission asked for clarity about the length of the pilots and the process of how requested exceptions would be approved. Overall, the Commission inquired about how fairness and equity would remain consistent.

With the assistance of Director Gibson and General Counsel Lars Nance, OSHR explained that Cabinet agencies would all be treated the same under the Executive Order while timeframes used by non-Cabinet agencies under pilot programs would be at the discretion of the agency. The 8-week and 4-week scenarios provided by the Executive Order was a starting point, a consensus resulting from meetings with HR directors. This policy addresses a national trend and allows State government to be competitive. It creates an infrastructure for the first year for any agency, even a Cabinet agency if their budget allows. Agencies have the responsibility of monitoring the following: they submit the request and describe the program, policy and procedures; have an internal policy and procedure; and report its use to OSHR. OSHR will provide review and approval of exceptions. To assist in tracking, OSHR has worked with OSC to create a special leave category. Additionally, General Counsel Nance provided that case law offered some restrictions to expanding on the timeframes by mandating equal time for the birth and non-birth parent with the exception being the period of disability for the birth parent because the other person is not engaged in a disability period.

Commissioner Falls recommended approval of the policy as written with any exceptions from any agencies to come to OSHR for approval or disapproval, and then be reported to the Commission in 90 days, 6 months, and then a year for review. This motion was seconded by Commissioner Eller.

Before a vote could be called on the motion, Commissioner Boyette brought a potential clarification issue with the wording in the Designation of Terms or Paid Parental Leave Policy Arrangements section [page 4] at paragraph 3, first sentence, of the proposed policy regarding the minimum and maximum timeframes that can be offered.

Acting Chair: After discussion to address the potential clarification issue with the wording in the proposed policy, the Acting Chair called for a motion to strike the words “a minimum of” from paragraph 3 of the first sentence.

**Motion:** Commissioner Falls so moved.

**Second:** Commissioner Boyette seconded the motion.

**Motion carried.**

Acting Chair: There being no further discussion, the Chair asked Commissioner Falls if he wanted to make a motion to the Paid Parental Leave Pilot Policy as amended.

**Motion:** Commissioner Falls moved the Commission to recommend the approval of the policy as amended with a study to look at it and report back to the Commission in 6 months and then 1 year for review, with exceptions to go through OSHR for approval or disapproval.

**Second:** Commissioner Page seconded the motion.

**Motion carried.**

**Kristen Siemek - Talent Management: Continuous Posting – Juvenile Court Counselors**

State Recruitment Manager Kristen Siemek presented the request to continuously post for Juvenile Court Counselors. Siemek explained that current postings are up for a minimum of 5 days, closed, and those applicants reviewed. If none of those applicants are accepted, the position is reopened and looked at again. Juvenile Court Counselors are needed throughout the State so one recruiter or manager could be addressing 10 or 15 different postings at one time. Additionally, in 2017, the Raise the Age Law changed how juveniles (anyone under the age of 18) were evaluated causing an increased need for Juvenile Court Counselors. Ninety-seven positions were added in 2019. DPS is proposing to add 91 more positions, totaling 572 statewide. The currently vacancy rate for this position is 16% mostly due to how the position is recruited and the need for training programs. To assist in alleviating the vacancy rate, DPS requested the position be continuously posted to create a pool that can be reviewed and interviewed in an ongoing manner to assist hiring managers and recruiters and make the whole system more efficient.

Joe Healy and Catherine Andrews with Juvenile Justice addressed questions from the Commission explaining that while the hiring range for the position is \$40,000 to \$62,000 most Counselors start at \$40,000 depending on education and experience. The maximum of the range is never reached due to retention issues such as taking other positions at Juvenile Justice or with county social services agencies or school boards for better pay.

Chair: There being no further discussion the Chair called for a motion to recommend allowing continuous posting for the Juvenile Court Counselors position.

**Motion:** Commissioner Beamon so moved.

**Second:** Commissioner Jones seconded the motion.

**Motion carried.**

**Adjournment**

Before moving for adjournment, Acting Chair Strach spoke to the Paid Parental Leave Pilot Policy to make sure the minutes accurately reflect that the Commission's concerns with the policy are about fairness among the agencies and legal issues related to that fairness question. He asked OSHR to specifically keep that in mind as pilot programs are implemented. Commissioner Falls agreed with that summation.

There being no additional items on the agenda, Acting Chair Strach asked for a motion to adjourn the business session at 10:08 a.m.

**Motion:** Commissioner Falls so moved.

**Second:** Commissioner Beamon seconded the motion.

**Motion carried.**

**Executive Session**

The State Human Resources Commission did not have an executive session at its August 1, 2019 meeting.

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