

MINUTES

STATE PERSONNEL COMMISSION MEETING 4300 REEDY CREEK ROAD RALEIGH, NORTH CAROLINA

December 13, 2007

The State Personnel Commission (SPC) met on December 13, 2007 at 9:00 a.m. Madam Chair Robin Adams Anderson called the meeting to order. Members present were Madam Chair Robin Adams Anderson, Commissioner George I. Allison, Commissioner Axel Lluch, Commissioner Janie Harrell, Commissioner Gregory Richardson, Commissioner Brenda Smith and Commissioner Caroline Lee.

Next on the agenda was the oral argument component of the docket. The following case was scheduled for oral argument:

1. **Monty S. Poarch v. N.C. Department of Crime Control and Public Safety,
North Carolina Highway Patrol**

Attorney for the Petitioner

Attorney for the Respondent

J. Michael McGuinness

Joseph Dugdale

Next on the agenda was the business session. Chair Anderson asked if anyone signed up for the Public Hearing. No one signed up for the Public Hearing.

The first item on the business agenda was the approval of the minutes for the October 11, 2007 State Personnel Commission Meeting and the approval of the proposed State Personnel Commissioner Meeting dates for 2008. There being no corrections to the minutes, the minutes were approved as submitted. Chair Anderson asked for a motion to approve the proposed 2008 State Personnel Commission dates. Commissioner Richardson made a motion to approve the dates. Commissioner Harrell seconded the motion. The motion was made and carried. **[See Attachments]**

State Personnel Director's Report

The next item on the agenda was the State Personnel Director's Report.

Next, Ms. Lynn Floyd, Human Resources Partner, presented to the Commission, for consideration and approval, state government classification and pay actions. Ms. Floyd explained why the proposed classifications were being made. Ms. Floyd explained that the Office of State Personnel (OSP) staff had reviewed the proposals and were in agreement. Due to

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the imminent implementation of the new human resources payroll system, Ms. Floyd asked for an effective date of May 1, 2008. [See Attachment]

Chair Anderson asked for a motion and second to approve the state government classifications and pay actions presented to the Commission by Ms. Floyd. Commissioner Lee made a motion to approve the actions. Commissioner Harrell seconded the motion. The motion was made and carried.

Ms. Lynn Freeman, Human Resources Managing Partner, presented to the Commission, for consideration and approval, proposed career banding classification actions. Ms. Freeman explained that in the past session of the General Assembly, the Office of State Personnel was allowed to resume development of classifications in career banding. This included banding classifications for all of the university positions and five occupational groups for the agencies. The five occupational groups include nursing, engineer, fiscal, library and pharmacy. Ms. Freeman explained that she would be presenting the first group of those classifications to the Commission at this meeting. Ms. Freeman stated that the legislation requires that the Office of State Personnel give quarterly reports to the Governmental Operations Legislative Committee (Gov Ops). The Gov Ops meeting was held on December 12. In addition to what Ms. Freeman presented to the Commission, Gov Ops requested for anything that may appear abnormal. Ms. Freeman stated that in the group of positions presented to the Commission there was nothing that appeared to be abnormal. Ms. Freeman stated that since the nursing classifications had not been reviewed within the last four or five years there might be a need to upgrade there. Ms. Freeman asked that the Commission approve the proposed classifications. **Please see the attachments for effective dates.**

Commissioner Allison asked if the legislature addressed the issue of funding. Ms. Freeman stated that they basically approved the report. She also stated that the Office of State Personnel had met with them to attempt to explain the program better and are still trying to achieve cost neutral upon implementation.

Ms. Freeman also stated to the Commission that General Administration had asked that a banded class be developed for every type of occupation or role that they have by May 1.

Chair Anderson asked for a motion and a second to approve the classes in the career banding classifications as proposed. Commissioner Harrell made a motion to approve the proposed career banded classifications. Commissioner Allison seconded the motion. The motion was made and carried.

Ms. Lynn Floyd, Human Resources Partner, presented to the Commission for consideration and approval, a continuous recruitment request for the classification of Dentist II from the Department of Correction. Ms. Floyd explained that the Department of Correction has experienced difficulty in recruiting for this classification. Ms. Floyd stated that OSP staff had

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reviewed the request and recommended the approval to the Commission. The Commission approved the request. **[See Attachment]**

Ms. Peggy Oliver, Human Resources Policy Administrator presented to the Commission for consideration and approval proposed adoptions and amendments to various rules in Title 25 of the North Carolina Administrative Code. Ms. Oliver explained the reasons for the proposed actions for rule 25 NCAC 1C.0215 Employment Contracts. **[See Attachment]**

Chair Anderson asked for a motion to approve the rule to begin the rulemaking process. Commissioner Allison made a motion to approve the rule to begin the rulemaking process. Commissioner Richardson seconded the motion. The motion was made and carried.

Next, Ms. Oliver presented and gave reasons for the proposed action for rule 25 NCAC 1C.0414 Contractual Employees. **[See Attachment]**

Chair Anderson asked for a motion to approve the rule to begin the rulemaking process. Commissioner Harrell made a motion to approve the rule to begin the rulemaking process. Commissioner Richardson seconded the motion. The motion was made and carried.

Next, Ms. Oliver presented the following rules regarding veterans' preference: 25 NCAC 1H.1102 Claiming Veterans' Preference; 1H.1103 Allegation of Denial of Veterans' Preference; 1H.1104 Application of the Veterans' Preference and 1H.0701 General Provisions. Ms. Oliver gave a summary of the rules and also gave the reasons for the proposed actions. Commissioner Richardson made a motion to approve the above-referenced rules to begin the rulemaking process. Commissioner Smith seconded the motion. The motion was made and carried. **[See Attachment]**

Mr. Drake Maynard, Human Resources Managing Partner presented to the Commission for consideration and approval the following proposed rules to begin the rulemaking process: 25 NCAC 1I.2301 Just Cause for Disciplinary Action; 1I.2002 Types of Appointments and Duration and 1I.2006 Break in Service. Mr. Maynard gave the background and the purposes for the proposed actions of the rules. **[See Attachment]**

Chair Anderson asked for a motion to approve the above-referenced rules to begin the rulemaking process. Commissioner Harrell made a motion to approve the rules. Commissioner Lluch seconded the motion. The motion was made and carried.

Ms. Peggy Oliver presented to the Commission for consideration and approval the Hearing Officer's Report on rule 25 NCAC 1L.0102. Ms. Oliver gave a brief history of the rule and explained that a public hearing had been held. Included in the Hearing Officer's Report was comments that had been received regarding the rule. Ms. Oliver asked that the

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Commission approve the rule so that it could proceed to the next step of the rulemaking process. **[See Attachment]**

Chair Anderson asked for a motion to approve the rule. Commissioner Lee made a motion to approve the rule. Commissioner Lluch seconded the motion. The motion was made and carried.

Ms. Oliver also presented to the Commission for consideration and approval, the Hearing Officer's Report on rules 25 NCAC 1N.0501 Policy; .0502 Administration; .0503 Wellness Leader and .0504 Wellness Committee. Ms. Oliver gave a summary of the rules and informed the Commission that a public hearing had been held. Mr. Carl Goodwin, Human Resources Managing Partner also presented the Worksite Wellness Policy. Ms. Oliver asked that the Commission approve the Hearing Officer's Report and the Worksite Wellness Policy. **[See Attachments]**

Chair Anderson asked for a motion to approve the Hearing Officer's Report and the Worksite Wellness Policy. Commissioner Allison made a motion to approve the Report and the Policy. Commissioner Harrell seconded the motion. The motion was made and carried.

Next, Ms. Nellie Riley, Human Resources Managing Partner presented to the Commission for consideration and approval the White Males as Diversity Partners Report. Ms. Riley gave a brief summary of the project by giving timelines for the process, the selection and meeting of the focus groups. Ms. Riley discussed the initiatives that were developed by the advisory group. Ms. Riley asked if there were any questions from the Commission. **[See Attachment]**

Commissioner Richardson stated that he noticed that the report did not break out data on other minorities, i.e. American Indians and Hispanics. Ms. Riley explained that the 2004 EEO (Equal Employment Opportunity) Status Report did break out the minorities in groups. Chair Anderson stated that since Commissioner Richardson had expressed this concern previously that there be a standing rule that all reports relating to minorities, breakout the various groups of minorities. Commissioner Richardson asked if there would be a project that was similar to the White Male project that would express the concerns of American Indians and Hispanics. Ms. Riley stated that research was currently being done and that a report would be forthcoming in June. This report would express the concerns of American Indians, Asians and Hispanics.

Chair Anderson asked for a motion to approve the report. Commissioner Smith made a motion to approve the report. Commissioner Harrell seconded the motion. The motion was made and carried.

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Next, Ms. Bobbi Brown, Human Resources Partner presented to the Commission for consideration and approval, Equal Employment Opportunity Institute (EEOI) Semi-Annual Reports from July 2005 thru June 2007. Ms. Brown gave a brief history and summary of the reports. Ms. Brown asked the Commission to approve the reports. **[See Attachments]**

Chair Anderson asked for a motion to approve the EEOI Semi-Annual Reports. Commissioner Allison made a motion to approve the reports. Commissioner Richardson seconded the motion. The motion was made and carried.