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Mr. Tom Harris, Chief of Staff, General Counsel for the State Employees' Association of North Carolina (SEANC) spoke to the Commission regarding the rules on temporary employees. Mr. Harris stated that SEANC recognized the legitimate need for state agencies to use temporary employees on a short-term basis. Mr. Harris stated that SEANC's concern was using temporary employees without benefits on a long-term basis and therefore displacing permanent employees. Mr. Harris presented to the Commission other concerns that SEANC had regarding these rules. Mr. Harris stated that SEANC opposed the proposed rules as written because it felt that the proposed rules do not address the real issue. Mr. Harris said that the real problem is the practice that goes on in state government to use temporary employees on a long-term permanent basis. SEANC proposed that the rules not be approved by the Commission at this time, but to give SEANC the opportunity to work with the Office of State Personnel on developing new rules to alleviate the problems.

Chair Anderson thanked Mr. Harris for addressing the Commission regarding the concerns of SEANC on the proposed rules on temporary employees. Chair Anderson informed Mr. Harris that the Commission was at the last stage of the process regarding these rules and that a public hearing had been held to address concerns from the public. Mr. Harris stated that SEANC had submitted comments regarding these rules. He also stated that he appreciated the Office of State Personnel working with SEANC in the past on the issues and complimented Mr. Thomas Wright, the State Personnel Director.

Approval of the Minutes of the December 14, 2006 State Personnel Commission Meeting

The first item on the business agenda was the approval of the minutes for the December 14, 2006 State Personnel Commission meeting. There being no corrections to the minutes, the minutes were approved as circulated. **[See Attachment]**

State Personnel Director's Report

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

Next, Ms. Lynn Floyd and Ms. Pam Bowling, Human Resources Partners presented to the Commission, for consideration and approval, state government classification and pay actions. Ms. Floyd explained that recommendations were being made in various occupational groups due to labor market data. Based on the analysis of the labor market and turnover, a recommendation of two salary grades was being made for some of the classes. Ms. Floyd also recommended approval of an effective date of April 1, 2007. **[See Attachment for list of classification actions]**

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

Ms. Bowling explained to the Commission that one agency (Department of Environment and Natural Resources) had submitted several supplemental salary requests. However, the justification to pay those salary supplements did not have sufficient information for the Commission to make a decision. Therefore, Ms. Bowling, asked for an extension of time to present this personnel action to the Commission at its April meeting.

Chair Anderson asked for a motion and second to extend the supplemental pay authorization until the April State Personnel Commission meeting. Commissioner Richardson made a motion to approve the actions. Commissioner Shatley seconded the motion. The motion was made and carried.

Ms. Floyd also presented to the Commission for consideration and approval, for the new In-Range Salary Plan for the Office of Administrative Hearings. Ms. Floyd explained that the Plan met the requirements and was in compliance with the policies and rules of the Commission. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the In-Range Salary Plan of the Office of Administrative Hearings, presented to the Commission by Ms. Floyd. Commissioner Shatley made a motion to approve the In-Range Salary Plan. Commissioner Lee seconded the motion. The motion was made and carried.

Next, Ms. Floyd presented to the Commission for consideration and approval, the Revised Merit-based Recruitment/Selection Plan for UNC-Pembroke. Ms. Floyd explained that the Plan met the requirements and was in compliance with the rules and policies of the Commission. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the Revised Merit-based Recruitment/Selection Plan of UNC-Pembroke, presented to the Commission by Ms. Floyd. Commissioner Bailey made a motion to approve the Plan. Commissioner Pearce seconded the motion. The motion was made and carried.

Ms. Floyd also presented to the Commission for consideration and approval a continuous recruitment request from Western Carolina University. Ms. Floyd explained that NCGS 126-14.3 required closing dates for each job opening posted in a state agency or university unless the State Personnel Commission approved an exception for critical classifications. The Office of State Personnel received such a request from Western Carolina University for the classification of Grounds Worker vacancies. Upon review and analysis of the information and the agency's

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rationale for the exception, Ms. Floyd recommended approval of the exception to closing dates on the postings. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the continuous recruitment request from Western Carolina University, presented to the Commission by Ms. Floyd. Commissioner Pearce made a motion to approve the exception. Commissioner Richardson seconded the motion. The motion was made and carried.

Ms. Peggy Oliver, Human Resources Policy Administrator submitted to the Commission the Hearing Officer's Report on rules 25 NCAC 1C.0216, 1C.0405 and 1C.0407 regarding temporary employment. Ms. Oliver explained that there were no verbal or written comments received at the hearing. Comments that were received after the hearing were attached to the Report. Ms. Oliver gave a summary of the rules. Ms. Oliver recommended that the Commission approve to rules to be forwarded to the Administrative Rules Review Commission for consideration and approval.

Chair Anderson asked for a motion and second to approve the above rules, presented to the Commission by Ms. Oliver. Commissioner Bailey made a motion to approve the exception. Commissioner Shatley seconded the motion. The motion was made and carried.

Mr. Lynn Summers, Human Resources Partner, presented to the Commission for consideration and approval proposed amendments to Title 25, Subchapter 10 Performance Management System. Mr. Summers explained to the Commission the reason for the proposed amendments. After the explanation, Mr. Summers recommended to the Commission that the proposed rules be approved to begin the rulemaking process. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the proposed amendments to the rules in Title 25, Subchapter 10 Performance Management System, presented to the Commission by Mr. Summers. Commissioner Bailey made a motion to approve the proposed rules. Commissioner Pearce seconded the motion. The motion was made and carried.

Mr. Drake Maynard, Human Resources Managing Partner, presented to the Commission the Guilford County Employee Relations Policies for consideration and approval. Mr. Maynard gave a brief summary to the Commission regarding the Guilford County Employee Relations Policies. Mr. Maynard recommended the approval of the policies to the Commission. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the Guilford County Employee Relations Policies, presented to the Commission by Mr. Maynard. Commissioner Lee made a motion to approve the Policies. Commissioner Shatley seconded the motion. The motion was made and carried.

Mr. Maynard also submitted to the Commission for consideration and approval, the Mediation and Grievance Policy for Elizabeth City State University. Mr. Maynard gave the Commission a brief summary of the Policy and recommended the approval of the Policy. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the Mediation and Grievance Policy for Elizabeth City State University, presented to the Commission by Mr. Maynard. Commissioner Richardson made a motion to approve the Policy. Commissioner Bailey seconded the motion. The motion was made and carried.

Ms. Nellie Riley, Human Resources Managing Partner presented to the Commission a Special Emphasis Report on Disabled Individuals and Employment in North Carolina State Government. The disabled demographic is a component of the Special Emphasis Project. Ms. Riley gave the Commission a summary of the Report. **[See Attachment]**

Executive Session

1. **Thomasina Burrows v. N.C. Department of Health and Human Services, Division of Vocational Rehabilitation Services/Independent Living Programs** **Tab 1**

2. **Todd R. Holbrook v. N.C. Department of Transportation, Division of Motor Vehicles** **Tab 2**

3. **Reginald Hargrave v. Lexington City Schools** **Tab 3**