

MINUTES

STATE PERSONNEL COMMISSION MEETING 101 WEST PEACE STREET RALEIGH, NORTH CAROLINA

April 12, 2007

The State Personnel Commission (SPC) met on April 12, 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 Janie V. Harrell, Commissioner Caroline Lee, Commissioner Brenda Smith, Commissioner Geraldine Pearce, Commissioner George I. Allison, Commissioner Susan Bailey and Commissioner Dean Shatley.

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

1. **Eleanor J. Parker v. N.C. Department of Health and Human Services**
Attorney for the Petitioner Michael C. Byrne
Attorney for the Respondent Kathryn J. Thomas
2. **Alonzo J. Vann v. North Carolina Department of Transportation**
Attorney for the Petitioner Ralph T. Bryant, Jr.
Attorney for the Respondent Tina A. Krasner
3. **Clayton R. Richardson v. Winston-Salem State University**
Appeared *Pro Se* Clayton R. Richardson
Attorney for the Respondent Q. Shanté Martin
4. **Alvin Earl Williams v. Director of Cumberland County Department of Social Services (Rescheduled for May 12, 2007 Teleconference)**
Attorney for the Petitioner Carmen J. Battle
Attorney for the Respondent Douglas Canders

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

Approval of the Minutes of the February 16, 2007 State Personnel Commission Meeting

The first item on the business agenda was the approval of the minutes for the February 16, 2007 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.

Ms. Nellie Riley, Human Resources Managing Partner, presented to the Commission, for consideration and approval, the Senate Bill 886 Report. The Senate Bill 886 Report provides an opportunity to observe the representation of the workforce, such as, disciplinary actions, new hires, and promotions. The Report is tabulated by each individual agency. Ms. Riley gave a brief summary of the Senate Bill 886 Report. Ms. Riley recommended the approval of the Senate Bill 886 Report. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the Senate Bill 886 Report presented to the Commission by Ms. Riley. Commissioner Allison made a motion to approve the Report. Commissioner Harrell seconded the motion. The motion was made and carried. The Senate Bill 886 Report will be forwarded to the General Assembly.

Ms. Pamela Bowling, Human Resources Partner, presented to the Commission for consideration and approval, changes in the ranges based on a market study performed by the Office of State Personnel for four classifications: (1) law enforcement agent, (2) law enforcement supervisor, (3) law enforcement manager and (4) law enforcement director. Ms. Bowling asked for approval of the changes based on the market study. **[See Attachment]**

Chair Anderson asked for a motion and second to accept the range revisions as proposed. Commissioner Bailey made a motion to approve the revisions. Commissioner Harrell seconded the motion. The motion was made and carried.

Chair Anderson stated for the record that Commissioner Harrell would recuse herself from voting on the actions involving the Office of Administrative Hearings.

Next, Ms. Lynn Floyd, Human Resources Partner, presented to the Commission for consideration and approval state classification and pay actions. The first item presented by Ms. Floyd was the action pertaining to the Office of Administrative Hearings. Ms. Floyd explained that there is a proposal to establish one class of civil rights investigator for the Office of Administrative Hearing to accommodate positions that are now subject to the State Personnel Act. Ms. Floyd requested an effective date of April 1, 2007 for the action. **[See Attachment]**

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Chair Anderson asked for a motion and second to approve the classification and pay actions for the civil rights investigator presented to the Commission by Ms. Floyd. Commissioner Pearce made a motion to approve the actions. Commissioner Bailey seconded the motion. The motion was made and carried.

Next, Ms. Floyd presented to the Commission, for consideration and approval, the remainder of the state classification and pay actions. Ms. Floyd explained that staff at the Office of State Personnel had reviewed the actions and is in agreement with the recommendations. Ms. Floyd requested an effective date of June 1, 2007. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the remainder of the state classification and pay actions. Commissioner Allison made a motion to approve. Commissioner Harrell seconded the motion. The motion was made and carried.

Mr. Keita Cannon, Human Resources Partner, presented to the Commission, a request from Forsyth County for substantial equivalency for two system portions: (1) recruitment, selection and advancement and (2) classification and compensation. Mr. Cannon explained to the Commission that he and Mr. Patrick McKoy had visited the Forsyth County Human Resources Office. They found the staff to be very professional and well trained in the areas. Therefore, Mr. Cannon requested the approval of the Commission to allow Forsyth County to become substantially equivalent in those areas. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the substantial equivalency for Forsyth County for recruitment, selection and advancement and classification and compensation. Commissioner Bailey made a motion to approve the action. Commissioner Allison seconded the motion. The motion was made and carried.

Next, Mr. Mike Chapman, Human Resources Partner, presented the State Employees' Workplace Requirements Program for Safety and Health Report (Fiscal Years 2004-2005, 2005-2006 to the Commission for consideration and approval. Mr. Chapman gave a brief summary of the Report. Mr. Chapman stated that the Report also included the Workers' Compensation Assessment Report for the costs and number of injuries and illnesses. Mr. Chapman recommended that the Commission approve the Report. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the State Employees' Workplace Requirements Program for Safety and Health Report. Commissioner Bailey made a motion to approve the Report. Commissioner Allison seconded the motion. The motion was made and carried.

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Next, Mr. Lynn Summers presented to the Commission for consideration and approval, the Cycle 18 – Performance Management Report. Mr. Summers gave a brief summary of the Report. He stated that there are tremendous consistencies from year to year in the distribution of performance ratings. The tally in 2006 was: 85% of employees were rated outstanding or very good. There are race and sex differences in performance ratings. However, in a statistical sense they do not suggest a disparate impact. Mr. Summers gave three possible explanations for the differences: (1) there are true differences in performance; (2) supervisors exercise some degree of bias in their ratings of employees of different races; and (3) employees of different races and sexes do not sort themselves into positions in a random way. Mr. Summers said that in reviewing the data, poorer performers were more likely to turnover and outstanding performers were more like to stay around.

Chair Anderson asked if anything would happen as a result of the findings in the Report. Mr. Summers stated that the Report would be distributed to the human resources directors and hopefully a subtle hint or suggestion would be made that these are statistics that might be of interest to them. It would be appropriate to be able to produce, next year, a positive correlation between pay and performance. Mr. Summers also mentioned that the revisions of the performance management process is a part of the Human Resources Innovations Project, to give agencies greater flexibility which will enable them to address issues like this. Chair Anderson wanted to know why there were the 1.5 disparities and the poor performance greater than the 5.5. Mr. Summers stated that there was no information on why. Chair Anderson wanted to know if this would be explored. Mr. Summers said that it would be explored. State Personnel Director Thomas Wright asked if the salary increases included promotions and reallocations. Mr. Summers said it was just wages. These were people that stayed in the same position from January 1 – December 31. Chair Anderson wanted to know if there was something that the Commission could do to give support to the Office of State Personnel. Chair Anderson stated that this was a great concern. Mr. Summers stated that it needed to be explored. Director Wright explained that the managers and human resources directors should be educated so that they can look at the distribution of ratings and be able to document why those changes are skewed to the right. Mr. Wright explained that he was surprised at the figures as well. Chair Anderson asked if we were getting better at reducing the 1.5 or getting worse. Mr. Summers explained that there was data for only two years. Chair Anderson wanted to receive a status report on the issue prior to next year. Commissioner Bailey expressed a concern that there were so many employees that were not rated. Mr. Summers explained that he did not have a “why” as to why employees were not rated. Mr. Summers explained that all of the analyses were based on PMIS data. [See Attachment]

Chair Anderson asked for a motion and second to adopt the Performance Management Report – Cycle 18. Commissioner Bailey made a motion to approve the Report. Commissioner Shatley seconded the motion. The motion was made and carried.

