

MINUTES

STATE PERSONNEL COMMISSION TELECONFERENCE MEETING

JUNE 22, 2007

The State Personnel Commission (SPC) held a teleconference on June 22, 2007 at 10:00 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 Susan C. Bailey and Commissioner Dean Shatley.

Next on the agenda was the business session component of the docket.

State Personnel Director's Report

Ms. Shari Howard, Human Resources Partner, presented to the Commission, for consideration and approval, the proposed amendments to the Career Banding Salary Administration Policies. Ms. Howard stated that the Office of State Personnel had been working with the State Employees' Association to review the career banding policy, to make improvements and clarifications, and to benefit state employees by redefining the promotional policy. The reduction in force policy was also amended in order to redefine promotion. By redefining promotion it will give the employees more appeal rights. In order to redefine promotion, it was necessary to redefine the horizontal transfer and the demotion policy to coincide with the changes. In addition to the above-mentioned changes, a definition was added for the terms reinstatement and reallocation, and information regarding the effective date was also added. **[See Attachment]**

Madam Chair Anderson asked for a motion and second to approve the Career Banding Salary Administration Policy revisions. Commissioner Richardson made a motion to approve the revisions. Commissioner Harrell seconded the motion. The motion was made and carried.

Commissioner Pearce commended Ms. Howard for the changes that had been made because it provided clarification for everybody involved. Chair Anderson commended Ms. Howard on working with outside agencies in clarifying the issues.

Ms. Sharon Howard, Human Resources Partner, presented to the Commission for consideration and approval, the Workforce Planning Policy. Ms. Howard explained that this was a new policy intended to encourage agencies to develop a workforce planning program. The Office of State Personnel is interested in agencies and universities becoming more proactive and reactive in ensuring that they have the human capital needed in carrying out their business direction. The policy encourages a partnership between the Office of State Personnel and agencies to develop a workforce planning program that addresses challenges that state

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government is beginning to face with attracting and retaining our top talent. Ms. Howard recommended the approval of the policy for adoption. **[See Attachment]**

Madam Chair Anderson asked that some typographical errors be corrected and expressed that she had concerns that the policy at the top showed that it was a draft. Mr. Nance explained that at this point that was the final policy that the Office of State Personnel wanted the Commission to consider and approve. Madam Chair Anderson asked for a motion and second to approve the Workforce Planning Policy document as presented without the typographical errors and the term, draft, at the top left corner. Commissioner Shatley made a motion to approve the Policy. Commissioner Harrell seconded the motion. The motion was made and carried.

Ms. Nancy Astrike, Human Resources Partner, presented to the Commission for consideration and approval, the proposed changes to the Equal Employment Opportunity (EEO) Plans and Programs (25 NCAC 1L.0102) and the Equal Employment Opportunity (EEO) Policy. Ms. Astrike recommended that the state standardize the use of factors covered in the equal employment opportunity planning process by adding political affiliation and sexual orientation to the rule. Political affiliation is currently included in the EEO Policy but not included in the EEO Program and Plan Policy. This change will standardize the policies and incorporate political affiliation into the EEO planning process. Sexual orientation is currently included in most university EEO plans and some agency EEO plans. By including sexual orientation in this rule, the EEO planning process will be standardized allowing for common factors between all agencies and universities. Another amendment was to change the term, handicapping conditions to disabling conditions. This is a more current and appropriate terminology within the disabled community. Ms. Astrike asked for an effective date of January 1, 2008. By having January 1, 2008 as the effective date, the agencies would not be required to submit an amended EEO Plan between now and the end of the year. Mr. Thomas Wright, State Personnel Director informed the Commission that the Office of State Personnel had legislative and the Governor's Office support on the proposed amendments. **[See Attachment]**

Madam Chair Anderson asked what was meant by the sentence under footnote 2 on page one of the policy, "Grievances concerning other forms of discrimination based upon sexual orientation may only be processed by the internal grievance procedure of the employing agency". Mr. Maynard, Human Resources Managing Partner, explained that sexual orientation is not addressed as a basis for prohibited discrimination in the State Personnel Act. Where individual agencies and universities prohibit discrimination on this basis, they can only process grievances on that basis within their own university or department internal grievance procedures. The Office of Administrative Hearings and the State Personnel Commission are currently without statutory authority to hear grievances on that basis.

Madam Chair Anderson stated that the U.S. Supreme Court does not recognize sexual orientation as part of their discrimination laws. Madam Chair Anderson stated that as she

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understood it, we were expanding the opportunity for internal grievances but only to stop at the agency and not to proceed to the Office of Administrative Hearings and the State Personnel Commission. Mr. Maynard stated that that was correct. Madam Chair Anderson wanted to know if this was optional. Ms. Astrike stated that the intent of the amendments were to standardize this and to require that all agencies and universities have those factors listed in order to get an approved EEO Plan from the Office of State Personnel.

Commissioner Shatley wanted to know if the state office was receiving complaints of discrimination regarding sexual orientation from employees of agencies or universities that do not have sexual orientation within their EEO Policy. Ms. Astrike stated that there were no formal complaints that she was aware of from employees. Commissioner Shatley explained that he meant informally. Ms. Astrike stated that there was a lot of conversation regarding it, but the feedback from employees was that they didn't really see the point of raising the issue. Commissioner Shatley asked if there were other states that included this in their policy. Ms. Astrike said there were other states that had included this in their policy. Commissioner Shatley asked if there was negative feedback from the policy. Ms. Astrike said the policy was reviewed by a group of human resources directors and policy experts. There were two comments, one being the discussion of the term handicap and one was the addition of a comma.

Madam Chair Anderson asked for a motion and second to approve the Equal Employment Opportunity Policy. Commissioner Shatley made a motion to approve the Equal Employment Opportunity Policy. Commissioner Harrell seconded the motion. The motion was made and carried.

Next, Ms. Margaret Jordan, Public Information Officer, presented to the Commission for consideration and approval, the Rewards and Recognition Policy. Ms. Jordan explained that the purpose of establishing this policy was to encourage agencies to establish rewards and recognition programs, to encourage the agencies to appoint rewards and recognition coordinators, to encourage managers to view rewards and recognitions as an important job function and to encourage managers to be trained in the techniques of rewards and recognitions. The Office of State Personnel will provide guidance and assistance. The agencies will tailor their programs to meet their needs. The Office of State Personnel will also provide supporting materials for the policy on the HR Renovations website. **[See Attachment]**

Madam Chair Anderson asked if there were any questions. Madam Chair Anderson asked how this policy would dovetail under the State Employees' Award for Excellence. Ms. Jordan explained that this policy was just an overarching program that all of the other programs would fit under. Ms. Jordan explained further that each one of the other programs, i.e. State Employees' Award for Excellence, have their own policies. Commissioner Lee asked if the agencies had a choice in participation. Ms. Jordan stated that the agencies had a choice. The State Personnel Director, Mr. Thomas Wright stated that the agencies are not required to participate. Commissioner Lee was concerned about the way the policy was written because she

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felt the policy contained information that did was not a part of the purpose but more of a justification. Ms. Jordan explained that the policy was written in that fashion due to the fact that the rewards and recognition is normally passed over as being “fluff” and is usually overlooked when it is actually a business case when you are looking at employees being rewarded and recognized.

Madam Chair Anderson asked for a motion and second to approve the Rewards and Recognition Policy with the following: (1) the term “draft” be removed; (2) the typographical errors be corrected; and (3) State Personnel Director, Thomas Wright, having the Commission’s approval to rewrite the purpose of the policy. Commissioner Pearce made the motion to approve the Rewards and Recognition Policy with the conditions stated by Madam Chair Anderson. Commissioner Bailey seconded the motion. The motion was made and carried.

At the request of Chair Anderson, Delores Joyner, Administrator to the Commission, asked for a motion for the Career Banding Policy, the Workforce Planning Policy, and the Rewards and Recognition Policy to have an effective date of July 1, 2007. Chair Anderson asked if there was a motion and second. Commissioner Bailey made a motion for the above-mentioned policies to have an effective date of July 1, 2007. Commissioner Pearce seconded the motion. The motion was made and carried.

The meeting was adjourned.