

## MINUTES

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

October 9, 2008

The State Personnel Commission (SPC) met on October 9, 2008. Madam Chair Robin Adams Anderson called the meeting to order. Members present were Madam Chair Robin Adams Anderson, Commissioner Susan Bailey, Commissioner Caroline Lee, Commissioner Brenda Smith, Commissioner Dean Shatley, Commissioner Axel Lluch, and Commissioner Wayne Peedin.

The cases of William Scott Burgess v. North Carolina Department of Crime Control and Public Safety, North Carolina Highway Patrol and Norman K. Goering v. North Carolina Department of Crime Control and Public Safety, North Carolina Highway Patrol were previously scheduled for the October 9<sup>th</sup>, 2008 Commission meeting. However, at the request of the Respondent's attorney, Mr. Ashby T. Ray, both cases were continued from the October 9<sup>th</sup>, 2008 Commission meeting and rescheduled for the December 11<sup>th</sup>, 2008 Commission meeting.

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 August 21<sup>st</sup>. 2008 State Personnel Commission meeting. There was one correction to the minutes which was the addition of Commissioner Dean Shatley. Chair Anderson asked for a motion and second to approve the minutes as corrected. Commissioner Peedin made the motion to approve the minutes as corrected. Commissioner Shatley seconded the motion. The motion was made and carried. [See Attachment]

#### **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. Ms. Floyd asked for an effective date of December 1<sup>st</sup>, 2008. [See Attachment]

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Chair Anderson asked if there were any questions. There were no questions. 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 Bailey seconded the motion. The motion was made and carried.

Ms. Floyd also presented to the Commission for consideration and approval continuous recruitment requests for the Department of Crime Control and Public Safety (Public Safety Officers) and Department of Juvenile Justice and Delinquency Prevention – Youth Services Behavioral Specialists. Ms. Floyd explained that the Office of State Personnel (OSP) staff had reviewed the requests and were in agreement. Ms. Floyd asked that the Commission approve both continuous recruitment requests with an effective date of October 9, 2008.

Chair Anderson asked if there were any questions. Commissioner Shatley asked if there was an expiration date. Ms. Floyd explained that there was not an expiration date. However, there have been occasions where the agencies have had positions on continuous recruitment status and no longer had the problems with recruitment so they made a request to have the continuous recruitment status removed. Chair Anderson asked for a motion and second to approve the continuous recruitment requests presented to the Commission by Ms. Floyd. Commissioner Shatley made a motion to approve the requests. Commissioner Bailey seconded the motion. The motion was made and carried.

Next, Ms. Pam Bowling, Human Resources Partner, presented to the Commission, for consideration and approval, proposed career banding band rates. Ms. Bowling explained that the document before the Commission was a culmination of OSP's review of labor market rates for various classifications. Ms. Bowling explained that several of the classifications had not been reviewed in at least two years. Ms. Bowling requested that the Commission approve the proposed rates effective November 1<sup>st</sup>, 2008. **[See Attachment]**

Chair Anderson asked if there were any questions. Chair Anderson asked if each of the rates that were presented had been changed. Ms. Bowling stated that all of the rates that were before the Commission were proposed to be changed. Chair Anderson asked for a motion and a second to approve the career banding band rates with an effective date of November 1<sup>st</sup>, 2008 as presented by Ms. Bowling. Commissioner Peedin made a motion to approve the proposed career banding band rates. Commissioner Lluich seconded the motion. The motion was made and carried.

Ms. Peggy Oliver, Human Resources Policy Administrator, presented to the Commission, for consideration and approval, a proposed amendment to **Rule 25 NCAC 1H.0632 Applicant Information and Application** to begin the rulemaking process. Ms. Oliver explained the reasons for the proposed amendment. This Rule is proposed in order for the agency to use its discretion in allowing applicants to submit a resume for the initial selection process and then if the applicant is selected for an interview they would be required to complete a PD 107 (state government application) and submit it at that time. Ms. Oliver recommended that the Commission approve the proposed rule to begin the rulemaking process. **[See Attachment]**

Chair Anderson asked if there were any questions. Chair Anderson asked if there would be a form attached to the resume or just a cover letter. Ms. Oliver stated that there would just be a cover letter attached. Commissioner Peedin expressed a concern because at the Department of Administration, a resume that is attached to an application can not be reviewed or looked at when you're determining whether or not the applicant is highly qualified. Commissioner Peedin asked if this rule would change that practice. Ms. Oliver explained that it would be the discretion of the agency. Mr. Thomas Wright, State Personnel Director gave a brief history on how this proposal came about. Chair Anderson asked for a motion and second to approve the rule to begin the rulemaking process. Commissioner Peedin made a motion to approve the rule to begin the rulemaking process. Commissioner Lluich 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 rules **25 NCAC 1C.1009 Separation: Payment of Vacation Leave** (Amendment), **1E.0210 Separation: Payment of Vacation Leave** (Amendment), and **25 NCAC 1D.0517 Leave** (Repeal). Ms. Oliver gave a brief history of the rules and explained that the rules had been noticed and a public hearing had been held. Ms. Oliver asked that the Commission approve the rule to be forwarded to the Administrative Rules Review Commission. **[See Attachment]**

Chair Anderson asked if there were any questions. Chair Anderson asked for an explanation of vacation hours that may be carried over and how it converts. Ms. Oliver explained that you could carry over 240 and anything over that converts to sick leave at the end of December. Chair Anderson asked for a motion and second to approve the Hearing Officer's Report. Commissioner Shatley made a motion to approve the Report. Commissioner Lluich seconded the motion. The motion was made and carried.

Ms. Nellie Riley, Human Resources Managing Partner, presented to the Commission for consideration and approval, the Special Emphasis Project Report: Young Employees. Ms. Riley gave a brief summary of the Report and presented to the Commission members of the advisory committee who worked on this project. Ms. Riley also shared several recommendations from the

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advisory committee on proposed new benefits in state government. Ms. Riley recommended that the Commission approve the Report. **[See Attachment]**

There was a lot of feedback from the Commission regarding the report presented by the Ms. Riley. Members of the Commission were able to share their experiences in the workforce. There was a recommendation to follow the young people for a 10-year period when they are hired in state government. Chair Anderson asked for a motion and second to approve the Special Emphasis Project: Young Employees, presented by Ms. Riley. Commissioner Bailey made a motion to approve the Report. Commissioner Lluch seconded the motion. The motion was made and carried.

Next, Ms. Bobbi Brown, Human Resources Partner, presented to the Commission for consideration and approval the Equal Employment Opportunity Institute (EEOI) Status Report (January – June 2008). Ms. Brown gave a brief history and summary of the Report. Ms. Brown recommended that the Commission approve the EEOI Status Report for that cycle. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the Equal Employment Opportunity Institute (EEOI) Status Report (January – June 2008) presented by Ms. Brown. Commissioner Bailey made a motion to approve the Report. Commissioner Shatley seconded the motion. The motion was made and carried.

Next, Mr. Drake Maynard presented to the Commission for consideration and approval the 2008-2009 local government salary plans. Mr. Maynard gave a summary of the salary plans and recommended that the Commission approve the plans. **[See Attachment]**

Chair Anderson asked if there were any questions. There were no questions. Chair Anderson asked for a motion and second to approve the 2008-2009 local government salary plans. Commissioner Bailey made a motion to approve the local government salary plans. Commissioner Smith seconded the motion. The motion was made and carried.

Next, Mr. Maynard presented to the Commission for consideration and approval employee grievance policies and procedures for the following agencies and universities: North Carolina Department of Justice, North Carolina Department of Labor, North Carolina Department of Revenue, North Carolina Department of Secretary of State, Office of the State Auditor, Office of the State Controller, East Carolina University, Elizabeth City State University, University of North Carolina – Asheville, University of North Carolina School of the Arts, University of North Carolina – Wilmington, and Western Carolina University. Mr. Maynard recommended that the Commission approve the above employee grievance procedures with an effective date of November 1<sup>st</sup>, 2008 as being in compliance with the Commission's policies and guidelines. **[See Attachments]**

Chair Anderson asked for a motion and second to approve the employee grievance policies and procedures as presented by Mr. Maynard. Commissioner Bailey made the motion to approve the employee grievance policies and procedures. Commissioner Peedin seconded the motion. The motion was made and carried.

Next, Mr. Maynard presented proposed rulemaking for Title 25 of the North Carolina Administrative Code on the career status for local government employees. Mr. Maynard gave a brief summary on the previous history of these rules. He explained that there was some concern among local government entities. Mr. Maynard recommended that although there had been a notice and public hearing on **Rules 25 NCAC 1I.2002 Types of Appointments and Duration and 1I.2006 Break in Service** that these rules be withdrawn. Mr. Maynard recommended that the Commission amend **25 NCAC 1I.2002**. Mr. Maynard stated that as a result of meeting with several social services directors, public health directors, county human resources directors and social services directors, a substitute rule to **25 NCAC 1I.2002** was proposed. [See Attachment]

Chair Anderson asked for a motion and second to approve the proposed amendment of **Rule 25 NCAC 1I.2002 Types of Appointments and Duration** as presented by Mr. Maynard. Commissioner Bailey made the motion to approve the proposed Rule. Commissioner Peedin seconded the motion. The motion was made and carried.

Next Chair Anderson asked for a motion to withdraw **Rules 25 NCAC 1I.2002 Types of Appointments and Duration and 25 NCAC 1I.2006 Break in Service** as presented by Mr. Maynard. Commissioner Bailey made a motion to withdraw the above-mentioned Rules. Commissioner Shatley seconded the motion. The motion was made and carried.

Next, Mr. Maynard presented to the Commission for consideration and approval a request to begin the rulemaking process to revise the disciplinary process for state and local government employees subject to the State Personnel Act. Mr. Maynard gave a brief summary and justification for proposed amendments to the disciplinary process. Mr. Maynard explained that he has met with several state and local government entities and SEANC regarding this proposed amendment.

Chair Anderson asked for a motion and second to begin the rulemaking process to revise the disciplinary process for state and local government employees subject to the State Personnel Act. Commissioner Bailey made a motion to begin the rulemaking process to revise the disciplinary process. Commissioner Lluch seconded the motion. The motion was made and carried.

**IV. Executive Session**

1. **James Dobaly v. North Carolina Department of Health and Human Services**
2. **Marcus Guy v. North Carolina A&T State University**
3. **Pam Moses v. Macon County Health Department**
4. **Eric Dewayne Pender v. North Carolina Highway Patrol**
5. **Divina P. Shields v. North Carolina State University**