

MINUTES

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

April 16, 2009

The State Personnel Commission (SPC) met on April 16, 2009. Madam Chair Robin Adams Anderson called the meeting to order. Members present were Madam Chair Robin Adams Anderson, Commissioner George I. Allison, Commissioner Susan Bailey, Commissioner Axel Lluch, Commissioner Janie Harrell, Commissioner Brenda Smith, Commissioner Caroline Lee and Commissioner Wayne Peedin.

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

1. **Elizabeth Frazier v. Western Carolina University**

Attorney for the Petitioner
Attorney for the Respondent

Petitioner appeared Pro Se
Katherine A. Murphy

2. **Gary P. Ramsey v. North Carolina Division of Motor Vehicles**

Attorney for the Petitioner
Attorney for the Respondent

Michael C. Byrne
Neil Dalton

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 February 19, 2009 State Personnel Commission meeting. There being no corrections, 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. Pamela Bowling, Human Resources Managing Partner, presented to the Commission, for consideration and approval, state government classification and pay actions. Ms. Floyd explained that there were two actions that the Office of State Personnel wanted the Commission to consider for approval. The first action was to correct the trainee progression for the fire fighter trainee. Ms. Bowling gave reasons for the proposed action and asked that the Commission approve the action with an effective date of December 1, 2008. The next action to be considered for approval was the band revision to the transportation supervisor banded

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classification. The rates were revised based on a market review. Ms. Bowling requested the approval of this action with an effective date of June 1, 2009. **[See Attachment]**

Chair Anderson asked if there were any questions. Chair Anderson asked for a motion and second to approve the state government classification and pay actions presented to the Commission by Ms. Bowling. Commissioner Bailey made a motion to approve the actions. Commissioner Smith seconded the motion. The motion was made and carried.

Next, Mr. Keita Cannon, Human Resources Partner, presented to the Commission for consideration and approval local government revised classification specifications for Public Health Nurse. Mr. Cannon explained to the Commission the reasons for the proposed actions. Mr. Cannon requested the approval of the actions with an effective date of May 1, 2009. **[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 local government revised classification specifications for Public Health Nurse. Commissioner Lee made a motion to approve the actions. Commissioner Bailey seconded the motion. The motion was made and carried.

Next, Ms. Peggy Oliver, Human Resources Policy Administrator, presented to the Commission for consideration and approval, **Rules 25 NCAC 1C.1004 Reduction-in-Force** to begin the rulemaking process. Ms. Oliver explained that the language regarding veterans' preference had been added to the rule as requested by the Commission at their February 19, 2009 meeting. Ms. Oliver recommended that the Commission approve the aforementioned rule to begin the rulemaking process. **[See Attachment]**

Chair Anderson asked for a motion and second to approve for proposed rulemaking **Rules 25 NCAC 1C.1004 Reduction-in-Force**. Commissioner Peedin made a motion to approve the rule to begin the rulemaking process. Commissioner Allison 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 Senate Bill 886 Report (2008). Ms. Riley gave a brief summary of the Senate Bill 886. Next, Ms. Riley gave highlights of the Report. Also, Ms. Riley pointed out that the ethnicity of 307 employees has not been identified in the Report this year. This situation has occurred because of the new Beacon HR Payroll System. Until the designation is corrected then the State of North Carolina will not be in compliance with federal law which requires that an EEO IV Report be issued to federal government every two years. The Report is due in November 2009. Ms. Riley stated that her office is working very hard with the agencies in order to get the designations. Ms. Riley asked that the Commission approve the Senate Bill 886 Report to be forwarded to the General Assembly. **[See Attachment]**

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Chair Anderson asked if the data from the report was reported daily or monthly. Chair Anderson asked if there was any way to determine what effect state changes this year would have on next year's report. Ms. Riley stated that the ethnicity would be recorded by the agency when they place some one on payroll. It has been requested that data dealing with grievances and disciplinary actions be recorded monthly but no less than quarterly. They receive a reminder to go back and check or input data. Chair Anderson asked for a motion and second to approve the Senate Bill 886 Report. Commissioner Allison made a motion to approve the Report. Commissioner Smith 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) Semi-Annual Report (July-December 2008). Ms. Brown explained that the information is a summary of the important trends reflected in the Semi-Annual Status Report. The Report covers the period of July – December 2008. This is mandated training for all managers and supervisors appointed to such positions on or after July 1, 1991. Ms. Brown presented to the Commission the various trends and data within the Report. Ms. Brown asked that the Commission approve the EEOI Semi-Annual Status Report (July – December 2008). **[See Attachment]**

Chair Anderson asked if we were doing better. Ms. Brown stated that during this reporting period we were not doing better. Ms. Brown stated that this is a longer reporting period. Chair Anderson asked if there were procedures in place to make it work. Ms. Brown discussed the adjunct trainer's certification program and its importance. Chair Anderson asked for a motion and second to approve the Equal Employment Opportunity Institute Semi-Annual Report (July – December 2008) to be forwarded to the General Assembly. Commissioner Smith made a motion to approve Report. Commissioner Lluch seconded the motion. The motion was made and carried.

Next, Mr. Lynn Summers, Human Resources Partner, presented to the Commission for consideration and approval the Performance Management Report for Cycle 20 (2008). Mr. Summers gave a brief summary of the Report. Mr. Summers stated that the Report had slightly improved. The agencies are conducting more training and have gained top management's support. Mr. Summers stated that there has been a sizeable difference in performance ratings between blacks and white. Mr. Summers stated that there have been some investigations to determine the difference. It was found that blacks and whites gravitate to different types of jobs and that different types of jobs are rated differently according to Mr. Summers' findings. However, in looking at a certain type of job there was a difference of ratings between blacks and whites. Mr. Summers stated that maybe that it was due to the bias of supervisors. However, in looking at that scenario, it didn't make a difference as to the race of the supervisor; blacks and whites were rated differently. Mr. Summers also gave data on performance ratings and pay.

Mr. Summers asked the Commission to approve the Performance Management Report for Cycle 20 (2008). [See Attachment]

Chair Anderson stated that she recalled the last presentation of this report being bleak but that it seemed that today's report had a more positive outlook. Mr. Summers said that was correct. Chair Anderson asked if there were procedures and policies in place to accomplish this. Mr. Summers said that the agencies now have a great deal of latitude by redesigning their performance management systems.

Chair Anderson asked for a motion and second to approve the Performance Management Report for Cycle 20 (2008) to be forwarded to the General Assembly. Commissioner Allison made a motion to approve the Report. Commissioner Bailey seconded the motion. The motion was made and carried.

IV. Executive Session

- 1. Michael Todd Daniels v. North Carolina Department of Correction**
- 2. Gary Stephens v. North Carolina Department of Juvenile Justice and Delinquency Prevention**
- 3. Shannon M. Black v. North Carolina A & T State University**