

MINUTES

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

April 15, 2010

The State Personnel Commission (SPC) met on April 15, 2010. 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 K. Dean Shatley, II, Commissioner Axel Lluch, Commissioner Wayne Peedin, Commissioner Alvin G. Ragland, Commissioner Virgie DeVane-Hayes, Commissioner Morris Lee Rascoe 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. **Lorraine Smith v. North Carolina Department of Environment and Natural Resources** **Tab 1**
Attorney for the Petitioner Mr. J. David James
Attorney for the Respondent Mr. Francis W. Crawley

2. **Leland D. Smith v. North Carolina Department of Cultural Resources** **Tab 2**
Attorney for the Petitioner Mr. John Gresham
Attorney for the Respondent Ms. Karen A. Blum

3. **Douglas Van Essen v. North Carolina State Board of Cosmetic Arts Examiners** **Tab 3**
Attorney for the Petitioner Ms. Faith Herndon
Attorney for the Respondent Mr. Grady L. Balentine, Jr.

***Status of the Following Contested Cases**

Haresh Motiroam Advani v. East Carolina University, Division of Finance and Administration (Facility Services) (Continued until the June 17, 2010 State Personnel Commission Meeting)

Wade B. Bulloch v. North Carolina Department of Crime Control and Public Safety, State Highway Patrol (Continued until the June 17, 2010 State Personnel Commission Meeting))

SPC Minutes of April 15, 2010

Page 2

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 February 18, 2010 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. Pam Bowling, Human Resources Division Director, presented to the Commission, for consideration and approval, state classification and pay actions. Ms. Bowling asked that the Commission approve the establishment of permanent classifications to replace existing temporary classifications in the licensed professional counselor classifications with an effective date of June 1, 2010. Ms. Bowling explained that the temporary classifications would be abolished as the permanent classifications were set up or purposes of the State and Local Pay Plans. **[See Attachment]**

The Office of State Personnel and the Department of Correction conducted a classification study of Probation and Parole Officers in 2009, as mandated by the North Carolina General Assembly. The purpose of the study was to address changes in classification concepts and the recruitment and retention difficulties for qualified Probation/Parole Officers, given the high turnover and vacancy rates with the State of North Carolina. Ms. Bowling asked that the Commission approve the establishment of the Probation and Parole Officer II Trainee classification with an effective date of April 15, 2010. **[See Attachment]**

Finally, Ms. Bowling asked that the Commission approve an action to allow local governments to use the classification of recreational therapist. It is an existing classification already in the State Plan. Ms. Bowling requested the approval with an effective date of June 1, 2010. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the state classification and pay actions as provided by Ms. Bowling. Commissioner Peedin made a motion to approve the state classification and pay actions. Commissioner Shatley seconded the motion. Chair Anderson asked if there were any questions. Commissioner Ragland asked if the licensed professional counselor classifications were new or existing positions. Ms. Bowling explained that the positions already exist. They are allowed to set up temporary classifications until the classifications are brought to the Commission for approval. Upon the Commission's approval, permanent classifications are set up and the temporary classifications are abolished. The Commission voted. The motion was made and carried.

SPC Minutes of April 15, 2010

Page 3

Next, Ms. Lynn Floyd, Human Resources Partner, presented to the Commission for consideration and approval a continuous recruitment request for the North Carolina Department of Transportation – Division of Motor Vehicles – Law Enforcement Agent. Ms. Floyd explained that the Office of State Personnel staff had reviewed the request and were in agreement. Ms. Floyd asked the Commission to approve the continuous recruitment request. Ms. Floyd recommended an effective date of April 15, 2010. Commissioner Ragland asked if this request was for a specific time period. Ms. Floyd stated that there is no time limit. She explained that when the agency no longer needs continuous posting, the agency comes to the Office of State Personnel to have it removed from continuous posting. If they have issues again, it has to be brought through the analysis process again and presented to the Commission again for consideration and approval. Chair Anderson asked if there was a benefit to have it removed from continuous recruitment. Ms. Floyd said that there is not an incentive. Commissioner Shatley said that possibly one incentive would be not to have to review received applications. Commissioner Ragland asked what was creating the need for the request, i.e. having a lot of turnover, not finding qualified candidates. . . Ms. Floyd stated that it has been difficult to find qualified applicants for the law enforcement positions. Commissioner Ragland asked about the pay to market analysis. Ms. Floyd stated that an analysis had been performed. Ms. Floyd stated that the pay to market is not the biggest issue. Law enforcement in all agencies represents challenges because there is competition against city, county and federal agencies as well. Commissioner Ragland asked if the community colleges were a source of recruitment. Ms. Floyd explained that this particular classification required a four-year degree. However, someone could go to a community college and further their education at a four-year college. State Personnel Director Linda D. Coleman stated that these positions are currently being advertised on the website under the Division of Motor Vehicles. **[See Attachment]**

Chair Anderson asked for a motion and second to adopt the continuous recruitment request for the law enforcement agent with an effective date of April 15, 2010 as presented by Ms. Floyd. Commissioner Ragland made a motion to approve the continuous recruitment request. Commissioner Rascoe seconded the motion. The motion was made and carried.

Next, Ms. Floyd presented to the Commission for consideration and approval a revised Merit-Based Recruitment and Selection Plan for the North Carolina Department of Transportation. The major revisions to the plan include identification of additional positions on the Executive Management staff, articulating the operational workflow used in the recruitment/selection process, incorporating the statutory changes to Veterans Preference priority, and streamlining terminology. The Office of State Personnel staff has reviewed the proposed plan and recommends the Commission grant approval effective May 1, 2010. **[See Attachment]**

SPC Minutes of April 15, 2010

Page 4

Chair Anderson asked if there were any questions. Chair Anderson asked for a motion and second to approve the revised Merit-Based Recruitment and Selection Plan of the North Carolina Department of Transportation. Commissioner Allison made a motion to approve the Plan. Commissioner Shatley 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, Personnel Function Report (Senate Bill 886 Report). Ms. Riley gave a brief history of the Senate Bill 886 Report. Ms. Riley stated that in 1997 there were some concerns regarding patronage, demographic representation was not as broad as the legislature would have liked to have seen it, and concerns about compensation. The Senate Bill 886 Report came about due to these concerns. Also, in addition to these concerns, there was the need to look at the representation of state government, disciplinary actions, grievances, compensation and equivalencies. Ms. Riley presented to the Commission a highlighted executive summary of the things that are happening in state government as a whole. Commissioner Shatley expressed his concerns about the inequities, i.e. white males being paid more. Ms. Riley explained that the Commission could direct the Office of State Personnel to do something. Chair Anderson explained that there had been several initiatives and projects to address these concerns. Director Coleman stated that the legislature, in the last budget session, froze any equity salary increases. So there is nothing that can be done about equity this year until they release salary increases from that freeze. Director Coleman stated that the legislature looks to the departments, agencies and universities to administer the salaries. Salary administration is one of the delegated policies that go to the universities and state agencies. Director Coleman explained that much of what the Commission sees that happens is actions made on a agency level and not on a State Personnel level. There is no prohibition in the BEACON System that was in the PMIS System that would alert when people were paying outside of the recommended policy. Director Coleman stated that the Commission's concerns would be reviewed. Commissioner Ragland asked if the departments are aware of what their utilization is within their agency. Commissioner Ragland also stated that in the private sector if people are held accountable for what they do, they usually improve. Commissioner Ragland also asked if this could be a part of their performance criteria. Commissioner Ragland stated that these were just some suggestions. Director Coleman stated that they are aware because several of the reports show these representations. Director Coleman stated that they have several opportunities to hire people in these groups if there is underutilization. **[See Attachment]**

Next, Chair Anderson asked for a motion and second to approve the Personnel Function Report (Senate Bill 886 Report) as presented by Ms. Riley. Commissioner Lluch made a motion to approve the Report. Commissioner Shatley seconded the motion. The motion was made and carried.

Next, Dr. Lynn Summers, Human Resources Partner, presented to the Commission for consideration and approval the Performance Management Report for Cycle 21 (July 1, 2008-June 30, 2009). Dr. Summers gave a brief summary of the Report. Dr. Summers gave four

SPC Minutes of April 15, 2010

Page 5

highlights of the Report: (1) the rating inflation continues to decline; (2) in viewing the demographics of performance ratings, North Carolina state government is very consistent with findings from other organizations and from national studies; (3) poor performers; and (4) about 6,000 employees covered under the State Personnel Act, did not receive performance ratings in 2009. Next Dr. Summers gave recommendations for improving the performance management system. Dr. Summers asked the Commission to approve the Performance Management Report for Cycle 21 (2009). **[See Attachment]** Dr. Summers asked if there were any questions. Chair Anderson commented that she finds it troubling that there is an unquantifiable perception that excellent and outstanding ratings are skewed. Chair Anderson stated that it is troubling because just because it is a 80, 85, or 90 percent doesn't mean that North Carolina does not have a 90 percent excellent workforce. Chair Anderson stated that she knows that this has been the perception and that the performance cycle report is based on this.

Chair Anderson asked for a motion and second to approve the Performance Management Report for Cycle 21 (2009) to be forwarded to the General Assembly. Commissioner Rascoe made a motion to approve the Report. Commissioner Shatley 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 2009). Chair Anderson stated that Mr. Lars Nance, Counsel to the Commission, asked to be recognized. Mr. Nance stated that he had a privilege of attending the EEOI for training the week before the meeting. Mr. Nance also stated that it was very beneficial. He felt that Ms. Brown, as his trainer, did an excellent job and that it was an excellent experience. Mr. Nance stated that Ms. Nellie Riley stated that she would be more than happy to work with you in attending one of the courses. Mr. Nance recommended that the Commissioners take the training and that Bobbi be their trainer. However, Mr. Nance stated that he knew that there are other excellent trainers, but he learned so much in his training. Ms. Brown thanked Mr. Nance for his compliment and thanked Ms. Riley since she started the program originally. 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 2009. 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 2009). **[See Attachment]**

Chair Anderson asked for a motion and second to approve the Equal Employment Opportunity Institute Semi-Annual Report (July – December 2009) to be forwarded to the General Assembly. Commissioner Ragland made a motion to approve Report. Commissioner Rascoe seconded the motion. The motion was made and carried.

Executive Session

1. **Marcie A. Edler v. Lincoln County Department of Social Services** Tab 1
2. **Francisco Okafor v. North Carolina Department of Health and Human Services** Tab 2
3. **David T. McPhun v. North Carolina Department of Health and Human Services, Health Service Regulations Division** Tab 3
4. **Bernard Westbrook v. North Carolina A&T State University
Ms. Linda McAbee, Vice Chancellor for Human Resources** Tab 4
5. **Danny Ellis v. North Carolina Department of Health and Human Services, Health Service Regulation Division** Tab 5