

MINUTES

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

February 18, 2010

The State Personnel Commission (SPC) met on February 18, 2010. Madam Chair Robin Adams Anderson called the meeting to order. Members present were Madam Chair Robin Adams Anderson, Commissioner Alvin G. Ragland, Commissioner Susan Bailey, Commissioner Virgie DeVane-Hayes, Commissioner Morris Lee Rascoe and Commissioner Wayne Peedin.

Next Chair Anderson introduced the new State Personnel Commissioners as follows:

Commissioner Alvin G. Ragland, Vice-President of Engineering and Technology at Headway Corporations which is a staffing and resources company.

Virgie DeVane-Hayes, Hearing Officer and Facilitator with the Sampson County Department of Social Services.

Morris Lee Rascoe, Director of Bertie County Department of Social Services.

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

1. **D. Renee Brooks v. North Carolina Department of Health and Human Services, Division of Vocational Rehabilitation**

Attorney for the Petitioner

Ms. Nancy P. Quinn

Attorney for the Respondent

Ms. Kathryn Thomas

The Petitioner's attorney, Ms. Nancy Quinn asked that the Petitioner be allowed to share a portion of her oral argument to submit a brief statement to the Commission. Chair Anderson asked if the Respondent objected to the request. Ms. Kathryn Thomas, Attorney for the Respondent stated that the Respondent did not object. Chair Anderson asked for a motion and second to allow a split in time to be able to listen to the Petitioner. Commissioner Ragland made a motion to allow the Petitioner to share a portion of the oral argument. Commissioner Rascoe seconded the motion. The motion was made and carried. Legal Counsel for the Commission, Mr. Lars Nance stated that the statement needed to pertain to information already in the record and does not need to be new testimony.

2. David S. Nateman v. North Carolina Department of Cultural Resources **Tab 5**

Attorney for the Petitioner

Mr. David G. Schiller

Attorney for the Respondent

Ms. Karen A. Blum

In the above contested case, Mr. Lars Nance, Counsel for the Commission did not advise or participate in the deliberations of the Commission. Ms. Tina Krasner, acted as Legal Counsel in the above contested case.

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 December 10, 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. Pam Bowling, Human Resources Managing Partner, presented to the Commission, for consideration and approval, state classification and pay actions. Ms. Bowling asked that the Commission approve the six new forensic scientist classifications that she presented to the Commission with an effective date of February 1, 2010. Ms. Bowling asked that February 1, 2010 be the effective date so that the Department of Justice would be able to have the opportunity to use the new classes for recruitment purposes. **[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 Bailey seconded the motion. Chair Anderson asked if there were any questions. Commissioner Ragland asked if these positions were new or existing positions. Ms. Bowling explained that the positions were existing positions and then they would be moved into the new titles. Commissioner Ragland asked if they were in different areas. Ms. Bowling stated that they were in a variety of different areas. Ms. Bowling also stated that they reserve the right to come back at a future meeting to abolish the old titles once everything is moved into the new titles. The Commission voted. The motion was made and carried.

Ms. Bowling presented to the Commission for informational purposes, a Report on Recently Approved Training and Experience Requirements of Certain Classifications. Ms. Bowling explained that this Report was presented to the Commission when there was a change in training and experience requirements for various classifications. Ms. Bowling gave a brief

summary of the Report by giving the explanations as to why the changes were made. [See **Attachment**]

Next, Mr. Keita Cannon, Human Resources Partner, presented to the Commission for consideration and approval local government classification revisions for the nutritionist series. Mr. Cannon explained the process in which the local government team with the assistance of the Nutrition Services Branch of the Division of Health and Human Services were able to review the nutrition classes. Mr. Cannon explained the proposed changes in the Nutritionist series. Mr. Cannon asked that the Commission approve the proposed classification revisions with an effective date of March 1, 2010. [See **Attachment**]

Chair Anderson asked if there were any questions. Chair Anderson asked for a motion and second to approve the local government classification revisions as provided by Mr. Cannon with an effective date of March 1, 2010. Commissioner Rascoe made a motion to approve the local government classification revisions. Commissioner Ragland 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, the Hearing Officer's Report on Rules **25 NCAC 1E.1009 Other Management Approved Leave (Adoption); 25 NCAC 1E.1010 Non-Discretionary Types of Other Management Approved Leave (Adoption); 25 NCAC 1E.1011 Discretionary Types of Other Management Approved Leave (Adoption); and 25 NCAC 1E.1701 Smallpox Vaccination (Repeal)** Ms. Oliver explained that the Commission approved the proposed amendments of the rules at a previous meeting. Ms. Oliver further explained that the rules had been noticed and a public hearing had been held. Ms. Oliver asked that the Commission approve the Hearing Officer's Report so that the rules could be forwarded to the Administrative Rules Review Commission for approval. [See **Attachment**]

Next, Chair Anderson asked for a motion and second to adopt the Hearing Officer's Report as presented by Ms. Oliver and to be forwarded to the Administrative Rules Review Commission. Commissioner Ragland made a motion to adopt the Hearing Officer's Report to be forwarded to the Administrative Rules Review Commission. Commissioner DeVane-Hayes seconded the motion. The motion was made and carried.

Next, Ms. Oliver presented to the Commission, for consideration and approval, the following rules in Title 25 of the North Carolina Administrative Code: **25 NCAC 1E.1601 Purpose (Amendment); 25 NCAC 1E.1602 Definitions (Amendment); 25 NCAC 1E.1604 Uses of Community Service Leave (Amendment)** to begin the rulemaking process. Ms. Oliver explained the reasons for the proposed actions to the rules. Ms. Oliver asked that the Commission approve the rules to begin the rulemaking process to make the rules permanent and to change the state policy to reflect the revision. [See **Attachment**]

Commissioner Ragland asked if it is determined how much time someone could have applied to community service. Ms. Oliver stated that it was 24 hours a year to be used for community service. Ms. Oliver also stated that for tutoring and mentoring the hours were different. Chair Anderson asked for a motion and second to approve the proposed amendments as provided by Ms. Oliver to begin the rulemaking process. Commissioner Bailey made a motion to approve the proposed amendments to begin the rulemaking process. Commissioner Ragland seconded the motion. The motion was made and carried.

Ms. Lynn Floyd, Human Resources Partner, presented to the Commission, for consideration and approval, **Rule 25 NCAC 1H.0632 Application Information and Application**, to begin the rulemaking process. Ms. Floyd explained the reasons for the proposed amendments. Ms. Floyd stated that the current application information and application rule allows, at the discretion of the agency, a resume to be accepted in lieu of an application in the initial stages of the screening process. To ensure a uniform opportunity to provide information, it is proposed that this provision be removed as such applicants applying for state vacancies would submit the state application form, the PD 107 or its equivalent to the hiring authority. Ms. Floyd asked that the Commission approve the rule to begin the rulemaking process and to change the state policy to reflect the revision. The policy would be effective April 1, 2010 with the Commission's approval. **[See Attachment]**

Chair Anderson asked if there were any questions of the Commission. Commissioner Peedin asked if resumes would be allowed now. Ms. Floyd stated that resumes would not be allowed for initial screening. Chair Anderson stated that the applicant still needs to complete the PD 107. Chair Anderson asked if you could put in the PD 107, "Please see attached"? Commissioner Peedin responded by saying, no. Commissioner Ragland asked if the resume could be attached to the completed PD 107 as additional information. Ms. Floyd said that it could be attached. Chair Anderson asked for a motion and second to adopt the proposed amendments to begin the rulemaking process as provided by Ms. Floyd. Commissioner Peedin made a motion to approve the rule to begin the rulemaking process. Commissioner Ragland seconded the motion. The motion was made and carried.

Ms. Floyd presented to the Commission for consideration and approval, the Revised Merit Based Recruitment and Selection Plan for the Department of Environment and Natural Resources. Ms. Floyd explained that the Department of Environment and Natural Resources submitted a Revised Merit Based Recruitment and Selection Plan for approval. The plan was updated to reflect the option of having hiring managers involved in screening for the pool of most qualified applicants ensuring statutory compliance with veterans' preference priority, standardizing terminology and adding an internal process checklist. Ms. Floyd stated that staff at the Office of State Personnel reviewed the proposed plan and recommended that the Commission

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approve the plan with an effective date of March 1, 2010. **[See Attachment]** Commissioner Ragland asked how this differed from what some other departments were doing. Ms. Floyd said that some of the departments involve the hiring manager in the screen process to determine the pool of most qualified applicants. Some departments choose not to engage in that option. Ms. Floyd informed the Commission that a memorandum was being prepared to send out with some specifics to update all of the plans with current signatures of agency heads and also to ensure compliance with the veterans' preference priority changes that are in the statutes. The internal check list is specific to the Department of Environment and Natural Resources to fit their organization's needs. Commissioner Ragland asked who assumes the responsibility that there is a pool of qualified candidates. Ms. Floyd's response was the Department of Environment and Natural Resources. Commissioner Ragland asked who assumed the responsibility in the other departments. Ms. Floyd explained that all of that was decentralized in the system and that each agency and university is responsible for that in order to be in compliance with the state policy. State Personnel Director Linda D. Coleman asked Ms. Floyd to specifically address the reason for the hiring manager's need to be involved in the selection procedure because of the nature of the applicant for specific positions. Ms. Floyd explained that the addition of the hiring manager as an option to be involved with the screening for the pool of most qualified. . . There were already subject matter experts, other human resources professional panels, but they wanted to have the ability to include the hiring manager as a part of screening process to determine the pool of most qualified. They wanted to have this as an option also because of the highly technical positions that they have at this department.

Chair Anderson asked for a motion and second to approve the Revised Merit Based Recruitment and Selection Policy Plan for the Department of Environment and Natural Resources to be effective March 1, 2010. Commissioner Rascoe made a motion to approve the Revised Plan. Commissioner Bailey seconded the motion. The motion was made and carried.

Next, Mr. Mike Chapman, Human Resources Partner, presented to the Commission, for consideration and approval, the North Carolina State Employees Workplace Requirements Program for Safety and Health Report (2009). Mr. Chapman stated that he maintains all of the inspections and oversight for the Report. Mr. Chapman also stated that he has information from the Department of Labor on their statistics for fines and citations issued as well as the Workers Compensation Report for information on workers compensation claims and fatalities. Mr. Chapman stated that there were no fatalities in the fiscal year of 2009. Also, workers compensation costs were lower than in previous years. Mr. Chapman asked that the Commission approve the Report. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the North Carolina State Employees Workplace Requirements Program for Safety and Health Report (2009) to be forwarded to the Governor's Office. Commissioner Ragland made a motion to approve the Report. Commissioner DeVane-Hayes seconded the motion. The motion was made and carried.

Executive Session

1. **Gregory Curtis Cain v. Winston-Salem State University**
2. **Pamela Lynn Jordan v. Forsyth County Department of Social Services**
3. **R. Brent Judd v. UNC-TV**
4. **Melissa Renee Suttles v. Broughton Hospital**
5. **Janie Townsend v. Broughton Hospital**