

MINUTES

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

December 13, 2012

The State Personnel Commission (SPC) met on December 13, 2012. Chair Susan C. Bailey called the meeting to order. Members present were Chair Susan C. Bailey, Commissioner George I. Allison, Commissioner Wayne Peedin, Commissioner Axel Lluch, Commissioner Virgie DeVane-Hayes, Commissioner Morris Lee Rascoe, Commissioner Thomas Stern, and Commissioner Lisa Grafstein. Pursuant to North Carolina General Statutes §138A, the North Carolina Ethics Act, Chair Bailey asked all Commissioners if there were any conflicts of interest with respect to any matters coming before the Commission. Ms. Anne Brown did not advise the Commission in the case of **Amanda Thaxton v. North Carolina State Ethics Commission**. Ms. Kathy Thompson of the Attorney General's Office advised the Commission in the above mentioned matter.

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

- Teresa J. Barrett v. North Carolina Department of Environment and Natural Resources**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorney for the Respondent Mr. Jay L. Osborne
- Charlotte Boyd v. North Carolina Department of Transportation**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorney for the Respondent Mr. Neil Dalton
- John Price v. State of North, Office of the State Auditor**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorney for the Respondent Mr. Brandon L. Truman
- Amanda Thaxton v. North Carolina State Ethics Commission**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorneys for the Respondent Ms. Anne Brown
Mr. I. Faison Hicks
- Archie Andrew Copeland v. North Carolina Department of Juvenile Justice and Delinquency Prevention**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorneys for the Respondent Ms. Vanessa Totten
Mr. Gerald Robbins

6. **Walter Bruce Williams v. North Carolina Department of Crime Control and Public Safety**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorney for the Respondent Ms. Tamara Zmuda

7. **Phyllis Campbell v. North Carolina Department of Correction**
Attorney for the Petitioner Mr. James P. West
Attorney for the Respondent Ms. Yvonne B. Ricci

8. **Rufus C. Carter v. North Carolina Department of Correction, Division of Prisons**
Attorney for the Petitioner Mr. Kirk Angel
Attorney for the Respondent Ms. Yvonne B. Ricci

9. **Doris Wearing v. Polk Correctional Institution,**
Attorney for the Petitioner Ms. Clarissa Halks (No appearance)
Attorney for the Respondent Ms. Yvonne B. Ricci

The parties to the case below notified the State Personnel Commission at its meeting of December 13, 2012 that they had reached a settlement in the case.

Sheila Beck Jones v. Hoke County Department of Social Services

Attorney for the Petitioner Ms. Evelyn M. Savage
Attorneys for the Respondent Mr. R. Jonathan Charleston
Mr. Michael R. Porter
Mr. Jose A. Coker

Next on the agenda was the business session. Commissioners Hayes and Peedin had to leave prior to the business session due to other previous commitments. Chair Bailey asked if anyone had signed up to speak during the public hearing session. No one had signed up to speak.

The first item on the business session agenda was the approval of the minutes from the November 9, 2012 State Personnel Commission meeting. There being no corrections to the minutes, the minutes were approved as circulated. **[See Attachment]**

Next, Chair Bailey asked for a motion to approve the proposed 2013 State Personnel Commission Meeting Dates. Commissioner Rascoe approved the proposed 2013 State Personnel Commission Meeting Dates. Commissioner Allison seconded the motion. The motion was made and carried. **[See Attachment]**

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The next item on the agenda was the State Personnel Director's Report. Ms. Ann G. Cobb, Interim State Personnel Director deferred to staff since they would be presenting reports to the Commission for consideration and approval.

Next, Ms. Laura Sheely, Human Resources Partner, presented to the Commission, for consideration and approval, the following state classification and pay actions: The first two groups that Ms. Sheely presented were the recommendation of the establishment of the Licensed Marriage and Family Therapist Class that would be for the use in local and state government and the recommendation for the Probation Parole Associate. It was the recommendation that the Probation Parole Associate be included in the existing Probation and Parole Officer/Trainee progression. Ms. Sheely asked for the approval to be effective February 2013. **[See Attachment]**

Chair Bailey asked if there were any questions. There being no questions, Chair Bailey asked for a motion to approve the above-mentioned classification actions. Commissioner Allison made a motion to approve the classification actions. Commissioner Rascoe seconded the motion. The motion was made and carried.

Next, Ms. Sheely stated that the next request was the result of an ongoing need in information and technology in a statewide study. Ms. Sheely recommended the establishment of seven new classifications in the information and technology job family. Ms. Sheely stated that once the positions were established, the Office of State Personnel would be returning with several existing information and technology classes to be abolished. Ms. Sheely asked for the approval to implement all of the study actions and band revisions with an effective date of January 1, 2013. **[See Attachment]**

Chair Bailey asked if the Commission had any questions or comments. There being no question or comments, Chair Bailey asked for a motion to approve the above-mentioned classification actions. Commissioner Grafstein made a motion to approve the classification actions. Commissioner Allison seconded the motion. The motion was made and carried.

Next, Ms. Sheely presented to the Commission for consideration and approval an In-Range Adjustment Plan for the North Carolina Department of Public Safety. The plan will be implemented to reflect the consolidation of the North Carolina Department of Correction, Department of Crime Control and Public Safety and the Department of Juvenile Justice and Delinquency Prevention. Ms. Sheely stated that the Office of State Personnel had reviewed the proposed plan and recommended that the Commission grant approval effective February 1, 2013. **[See Attachment]**

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Chair Bailey asked if the Commission had any questions or comments. There being no questions or comments, Chair Bailey asked for a motion to approve the above-mentioned In-Range Adjustment Plan for the Department of Public Safety. Commissioner Stern made a motion to approve the In-Range Adjustment Plan. Commissioner Lluch seconded the motion. The motion was made and carried.

Next, Ms. Sheely gave a Statewide Education and Experience Study Project Synopsis update. Ms. Sheely stated that the next round of Education and Experience changes would continue to focus on agency priorities and classifications related to these priorities. The Classification and Compensation Division staff will also be focusing on bringing consistency between Education and Experience for salary graded classifications and equivalent career-banded classifications. Remaining classifications will then be reviewed by job family until the study is complete.

Next, Ms. Lynn Floyd, Human Resources Partner, presented to the Commission for consideration and approval, a continuous recruitment request from the North Carolina Department of Public Safety for the Probation/Parole Associate classification. Ms. Floyd explained that NCGS§126-14.3 (Open and Fair Competition) requires closing dates for each job opening posted in a state agency or university unless an exception for critical classifications is approved by the State Personnel Commission. The Office of State Personnel received a request from the North Carolina Department of Public Safety for an exception to this requirement for the Probation/Parole Associate classification. Upon review and analysis of information and the department's rationale for the exception request, the Office of State Personnel recommended approval of the Probation/Parole Associate classification with an effective date of December 13, 2012. **[See Attachment]**

Chair Bailey asked if the Commission had any questions or comments. There being no questions or comments, Chair Bailey asked for a motion to approve the continuous recruitment request from the North Carolina Department of Public Safety for the Probation/Parole Associate classification as presented by Ms. Floyd. Commissioner Allison made a motion to approve the continuous recruitment request. Commissioner Lluch seconded the motion. The Commission voted. The motion was made and carried.

Next, Mr. Dominick Derasmo, Human Resources Partner, presented to the Commission for consideration and approval, local government salary plans (2012-2013). Mr. Derasmo stated that the Office of State Personnel had reviewed the salary plans and that the plans were in compliance. Mr. Derasmo recommended that the Commission approve the salary plans. **[See Attachment]**

Chair Bailey asked if the Commission had any questions or comments. Commissioner Grafstein asked who sets the pay plans. Mr. Derasmo explained that most local government entities operate under their own pay plan provisions. However, substantial equivalency gives

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local government greater flexibility. They do not have to maintain salary grade relationships between specific occupational groups. Therefore they can go above and beyond. Chair Bailey asked for a motion to approve the local government salary plans (2012-2013) as presented by Mr. Derasmo. Commissioner Rascoe made a motion to approve the plans. Commissioner Allison seconded the motion. The Commission voted. The motion was made and carried.

Mr. Derasmo also presented to the Commission for consideration and approval the Petition for Substantial Equivalency for Eastpointe Mental Health. Eastpointe's petition requested review for two of the six systems portions of personnel administration: Recruitment, Selection and Advancement; and Classification and Compensation. Mr. Derasmo conducted the review and found that Eastpointe operates a sound and comparable system for administering Recruitment, Selection and Advancement programs. Mr. Derasmo also found that Eastpointe has the professional capacity and expertise to independently manage the Classification and Compensation programs. Based on the review of Eastpointe's submitted policies and procedures, Mr. Derasmo recommended that the Commission approve the petition to operate substantially equivalent systems in Recruitment, Selection and Advancement; and Classification and Compensation. **[See Attachment]**

Chair Bailey asked if the Commission had any questions or comments. Commissioner Grafstein did not participate in the consideration of this issue. There being no questions or comments, Chair Bailey asked for a motion to approve the Petition for Substantial Equivalency submitted by Eastpointe Mental Health as presented by Mr. Derasmo. Commissioner Allison made a motion to approve the continuous recruitment request. Commissioner Lluch seconded the motion. The Commission voted. The motion was made and carried.

Next, Ms. Nancy Astrike, Human Resources Partner, gave a brief synopsis on the North Carolina State Government High Performance (NCSGHP) Workforce Consortium. Ms. Astrike explained that this was an initiative that was begun under a previous State Personnel Director, Linda D. Coleman. The goal was to engage in work to determine, maintain, and create a workforce that would improve the delivery of services to the citizens of the State of North Carolina. In order to achieve that objective, the Director put together a consortium of state agencies and departments as well as educational institutions that would have a shared mission around that goal. Ms. Astrike stated that the Consortium came up with forty-two (42) recommendations. Ms. Astrike explained the initiatives that the Consortium wanted to move forward with first. Ms. Astrike stated that the Office of State Personnel wanted the Commission to be aware of the initiatives. **[See Attachment]**

Chair Bailey asked the Commission if there were any questions or comments. Chair Bailey thanked Ms. Astrike for her presentation and stated that it was very informative.

Next, Ms. Nellie Riley presented to the Commission proposals for collection of veterans data and collection of disability data. These proposals were prepared due to requests made by

the Commission at their August 2012 meeting. Chair Bailey informed that Commissioner Peedin had to leave but that he thanked her for the hard work that she had done in preparing this information for the Commission. First, Ms. Riley presented the proposal regarding disabilities. Ms. Riley discussed the proposal, findings, conclusions and the recommendations. Commissioner Grafstein asked if there was currently an affirmative action plan. Ms. Riley stated that there is not an affirmative action plan and that that is one of the recommendations. Commissioner Grafstein asked if the Commission had the authority to adopt rules to establish an affirmative action plan. Ms. Riley stated that the Commission might want to add that to the recommendations. Ms. Riley also added that the Commission's powers were under NCGS§ 126-4. Ms. Riley asked that the Commission approve that the Office of State Personnel move forward with this proposal and that if the Commission wanted to add recommendations, the Office of State Personnel would be glad to do so. **[See Attachment]**

Chair Bailey asked if there were any further questions or comments. There being no further questions or comments, Chair Bailey asked for a motion to move forward with the proposal for collection of disability data. Commissioner Grafstein made a motion with a modification to add a recommendation to investigate the authority to implement an affirmative action plan for people with disabilities. Commissioner Allison seconded the motion. The Commission voted. The motion was made and carried.

Next, Ms. Riley presented to the Commission for consideration and approval, the proposal for the collection of Veterans' Data. Ms. Riley presented the proposal, findings, conclusion, and recommendations. Ms. Riley asked the Commission for approval to move forward with the proposals for the collection of veterans' data. **[See Attachment]**

Chair Bailey asked if there were any questions or comments. There being no questions or comments, Chair Bailey asked for a motion to move forward with the proposal for collection of veterans' data. Commissioner Grafstein made a motion to approve the proposal. Commissioner Allison seconded the motion. The Commission voted. The motion was made and carried.

The Commission adjourned and went into Executive Session to consider the oral argument cases and cases in which the parties waived oral argument.

Executive Session

The State Personnel Commission voted and rendered decisions in the following cases:

- 1. Stephen R. Hyer v. North Carolina Office of the Commissioner of Banks**

2. **James F. Bridges v. North Carolina Department of Transportation**
3. **Gooch et. al. v. Central Regional Hospital, North Carolina Department of Health and Human Services**
4. **David B. Stone v. North Carolina Department of Cultural Resources**