

## MINUTES

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

**April 18, 2013**

The State Personnel Commission (SPC) met on April 18, 2013. Chair Susan C. Bailey called the meeting to order. Members present were Chair Susan C. Bailey, Commissioner Wayne Peedin, Commissioner Axel Lluch, Commissioner Virgie DeVane-Hayes, Commissioner Morris Lee Rascoe, Commissioner Mel Asbury, 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. Commissioner Virgie DeVane-Hayes recused herself and did not participate in any of the deliberations for **Michael T. Faison v. North Carolina Department of Crime Control and Public Safety, North Carolina Highway Patrol**. A motion was made by Chair Bailey to move into executive session. The motion was seconded by Commissioner Lluch and the Commission proceeded to start executive session.

### **Executive Session**

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

1. **Phyllis Campbell v. North Carolina Department of Corrections**                      **Tab 1**
2. **Mahatam S. Jailall v. North Carolina Department of Public Instruction**    **Tab 2**

Next on the agenda was a technology presentation presented by John Correllus, IT Director for the Office of State Personnel. John explained that in the future to help support the commission with receiving information, there will be a document repository created online that will be available for the commissioners to use and access their meeting documents. Training will be provided to the commissioners on how to access the document repository.

Next, Chair Bailey introduced a group of students visiting from NC Central University that came to observe the Personnel Commission meeting. Also, Ms. Nellie Riley introduced an intern from NC State that is currently working with and shadowing Ms. Riley and writing a paper on the topic of diversity and employment opportunities.

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

1. **Gerald Price v. North Carolina Department of Agriculture and Consumer Services, Standards Division** Tab 1  
Attorney for the Petitioner Mr. Michael C. Byrne  
Attorney for the Respondent Mr. Barry Bloch
2. **Teresa J. Barrett v. North Carolina Department of Environment and Natural Resources** Tab 2  
Attorney for the Petitioner Mr. Michael C. Byrne  
Attorney for the Respondent Ms. Teresa L. Townsend
3. **Michael T. Faison v. North Carolina Department of Crime Control and Public Safety, North Carolina Highway Patrol** Tab 3  
Attorney for the Petitioner Mr. J. Michael McGuinness  
Attorney for the Respondent Ms. Tammera Hill
4. **Stephen R. West v. The University of North Carolina at Chapel Hill** Tab 4  
Attorney for the Petitioner Mr. David G. Schiller  
Attorney for the Respondent Ms. Katherine A. Murphy

The contested case for **Michael T. Faison v. North Carolina Department of Crime Control** was continued and jurisdiction was extended to the next commission meeting which is scheduled for June 20, 2013. Both parties are currently trying to reach a settlement agreement and need more time to work out details of the settlement.

Next on the agenda was the business session. 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 February 21, 2013 State Personnel Commission meeting. There being no corrections to the minutes, the minutes were approved as circulated.

The next item on the agenda was the State Personnel Director's Report. Mr. Neal Alexander, Director of the Office of State Personnel (OSP) stated that OSP is in the process of developing a strategic plan and also looking into making some changes to the State Personnel Act.

Next, Ms. Lynn Floyd, Human Resources Partner, presented to the Commission for consideration and approval, a merit based recruitment and selection plan from the North Carolina Department of Agriculture and Consumer Services. The proposed plan meets State policy requirements. The plan has been revised to include the option of utilizing Subject Matter Experts (SME's) in the screening process and streamlining/updating terminology. Ms. Floyd explained that staff from OSP has reviewed the plan and recommends that the Commission grant approval of the plan with an effective date of May 1, 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 merit based recruitment and selection plan. A motion was made by Commissioner Rascoe to approve the merit based recruitment and selection plan. The motion was seconded by Commissioner Hayes. The motion was made and carried.

Next, Ms. Pam Bowling, Human Resources Managing Partner, presented to the Commission, for consideration and approval, the following state classification and pay actions: based on a classification review requested by the Department of Agriculture and Consumer Services, OSP conducted a labor market study of the Plant Industry Division Director. Based on comparisons within the relevant labor market, a one-grade range revision is being recommended. Changes to the minimum education requirements are also being recommended. The recommended effective date was April 1, 2013. The second item requested was by the Department of Environment and Natural Resources. They have requested to increase the pay supplement from the museum support group as they hired the new Natural Science Museum Director. The compensation staff at OSP reviewed information relating to labor market data to determine if the total compensation package that may be offered as the department starts recruiting. The increase in the supplement from \$20,000 to \$50,000 is within the compensation findings of OSP. The increase in the supplement is within market guidelines and is recommended for approval. **[See Attachment]**

Chair Bailey asked if there were any questions. There being no questions, Chair Bailey asked for a motion to approve the classifications actions. Commissioner Asbury made a motion to approve the actions. The motion was seconded by Commissioner Grafstein. The motion was made and carried.

Next, Ms. Shari Howard, Human Resources Partner, presented to the Commission, for consideration and approval, proposed policy revisions to the Family Medical Leave policy. In February 2013 the US Department of Labor issued a final rule implementing provisions of the FMLA changes made by the National Defense Authorization Act for fiscal year 2010. The rules relate to employees who have family members in the military and were effective March 8, 2013. The law requires employers to update their internal policies to reflect the changes. All agencies were notified in February and they had to comply with the policy changes by March 8, 2013. The rules were expanded to include certain veterans and military caregivers and clarified definitions of parent, incapable of self-care, physical or mental disability, incapacity and treatment. Also, a change was made to include employment periods prior to a break in service of seven or more years was changed from *need not* to *shall not* be counted in determining whether the employee has been employed by the state for at least 12 months. This change will ensure consistent treatment of all employees when determining eligibility. **[See Attachment]**

Chair Bailey asked for a motion to approve the revisions to the Family Medical Leave Policy. Commissioner Peedin made a motion to approve the revisions. The motion was seconded by Commissioner Asbury. The motion was made and carried.

Next, Ms. Nellie Riley, Human Resources Managing Partner presented to the Commission the 2012 Personnel Action Report. The report includes information relating to staffing, compensation, discipline, grievance, and equivalency information for calendar year 2012. **[See Attachment]**

Chair Bailey asked for a motion to approve the 2012 Personnel Action Report. Commissioner Peedin made a motion to approve the action. It was seconded by Commissioner Asbury. The motion was made and carried.

Next, Ms. Bobbi Brown presented the 2012 annual report for the Equal Employment Opportunity Institute. The report is to provide the Joint Legislative Commission on Governmental Operations with an overview of the level of participation by all state agencies, departments, and universities in the Institute. The data is analyzed by number of attendees, number of participants, number of sessions by adjunct agency, number of participants by adjunct EEOI location and instructor, participants by region, participants by agency, department, or university, participants by race and gender, and participants by salary grade. **[See Attachment]**

Chair Bailey asked for a motion to approve the Equal Employment Opportunity Institute Status Reports (January – June 2012) and (July – December 2012). Commissioner Rascoe made a motion to approve the Reports. It was seconded by Commissioner Hayes. The motion was made and carried.

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