

MINUTES

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

June 20, 2013

The State Personnel Commission (SPC) met on June 20, 2013. Acting Chair Wayne Peedin called the meeting to order. Members present were: Chairman Wayne Peedin, Commissioner Virgie DeVane-Hayes, Commissioner Morris Lee Rascoe, Commissioner Thomas Stern, Commissioner Lisa Grafstein, and Commissioner Mark Hamberlin. Pursuant to North Carolina General Statutes §138A, the North Carolina Ethics Act, Chairman Peedin asked all Commissioners if there were any conflicts of interest with respect to any matters coming before the Commission. There were no conflict of interest.

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

1. Maria Isabel Prudencio-Arias v. University of North Carolina at Chapel Hill

Attorneys for the Petitioner

Mr. Alan McSurely

Attorney for the Respondent

Ms. Katherine Murphy

Next on the agenda was the business session. Chairman Peedin 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 from the April 18, 2013 State Personnel Commission meeting. Chairman Peedin asked for a motion to approve the minutes. Commissioner Rascoe made a motion to approve the minutes. Commissioner Hayes seconded the motion. The motion was made and carried. **[See Attachment]**

State Personnel Director's Report

The next item on the agenda was the State Personnel Director's Report.

State Personnel Director Neal Alexander thanked all of the Commissioners for being present and for the work that they do. Director Alexander presented Commissioner Rascoe with a plaque due to finishing his term with the Commission by retiring from Bertie County local government. Director Alexander stated that he presented this plaque to Commissioner Rascoe for his dedicated service on the Commission and in the field of human resources. The plaque was signed by Governor Pat McCrory. Chairman Peedin asked Commissioner Rascoe if he

SPC Minutes of June 20, 2013

Page 2

would like to say a few words. Commissioner Rascoe expressed his enjoyment in working with all of the Commissioners and in serving local and state government for 35 years and 5 months. Commissioner Rascoe said that the only area that he had not served in was family planning.

Next, Ms. Pam Bowling, Human Resources Managing Partner, presented to the Commission, for consideration and approval, state classification and pay actions. Ms. Bowling stated that a study of the Physician classifications was conducted over the past year for the Department of Health and Human Services and the Department of Public Safety. New classifications were developed and presented to the State Personnel Commission effective March 1, 2013. After additional study, the Office of State Personnel recommended that the classification of Psychiatrist be established to distinguish in that specialist from other medical disciplines. To coincide with the implementation of the study, Ms. Bowling requested an effective date of June 1, 2013. **[See Attachment]**

Ms. Bowling explained that the other item before the Commission was a report of education and experience requirement changes that were made by the Office of State Personnel since the April 18, 2013 Commission meeting. **[See Attachment]**

Chairman Peedin asked if the Commissioners had any questions of Ms. Bowling. There being no questions, Chairman Peedin asked for a motion to approve the state classification and pay action as presented by Ms. Bowling. Commissioner Grafstein made a motion to approve the action. Commissioner Rascoe seconded the motion. The motion was made and carried.

Next, Ms. Lynn Floyd, Human Resources Partner, presented to the Commission, for consideration and approval, revised Merit Based Recruitment and Selection Plans for the following agencies and universities: Appalachian State University and the Office of State Personnel (OSP). Ms. Floyd explained the revisions that were made to the plans. Ms. Floyd also stated that the staff of Office of State Personnel reviewed the revised plans and recommended that the Commission grant approval of the above-mentioned plans with an effective date of July 1, 2013. **[See Attachment]**

Chairman Peedin asked if there were any questions. Commissioner Grafstein stated that she had a concern regarding OSP's role going forward due to pending legislation that may subject OSP to the expansion of exempt positions or positions that are not subject to the State Personnel Act and the incorporation of an expanded range of positions into the Office of State Personnel. Commissioner Grafstein explained that she was concerned because OSP had always been a neutral arbitrator in these situations in employee relations and the way personnel policies are implemented around the state. Commissioner Grafstein stated that she hopes that continues in the future and that whatever changes are wrought doesn't diminish the role of OSP of being the enforcer. Commissioner Grafstein also stated that it's been a personal privilege to work with everyone. Commissioner Grafstein stated that everyone that had been before the Commission from the Office of State Personnel had been professional, above board and transparent. She stated that she appreciated that and would really miss everyone. Chair Peedin asked if there

SPC Minutes of June 20, 2013

Page 3

were any other comments. Commissioner Stern stated that if the current legislation passed, he and Commissioner Grafstein would probably not be finishing out the last two years of their term. Commissioner Stern stated that Ms. Floyd was not in the hot seat but was in the praise seat. Commissioner Stern also stated that it had been a pleasure to work with this agency and with everyone and that he fully appreciated all of hard work to make things happen. Commissioner Stern stated that Delores (Joyner) was the glue that makes things happen in so many ways. Commissioner Stern stated that he would miss serving on the Commission.

Chairman Peedin made a special recognition to Ms. Pam Bowling and Ms. Lynn Floyd. Chairman Peedin stated that they had been very professional in their presentations in the four years that he has served. Chairman Peedin stated that they have been faced with some difficult questions and did not always have answers right then, but were very professional about it. Chair Peedin asked if there were any more questions. Commissioner Hamberlin stated that he was too new to have an appreciation of everyone. Commissioner Hamberlin asked if the proposal that was brought before the Commission, had any particular elements that had changed in the overall policy or is it just in general that this is the overall process and do you approve of this. Ms. Floyd explained that each agency/university has an approved plan and as leadership changes they may wish to tweak it for various reasons; i.e. clarity, or current leadership. Commissioner Hamberlin suggested sharing some of his observations and recommendations regarding Merit Based Recruitment and Selection Plans because he knows personnel that does Merit Based Recruitment and Selection Plans professionally. Ms. Floyd stated that she is open to receive any kind of feedback to make the job better and more efficient. Chairman Peedin asked if there were any more question. Being that there were no more questions to be asked, Chairman Peedin asked for a motion to approve the revised Merit Based Recruitment and Selection Plans for Appalachian State University and the Office of State Personnel (OSP) as presented by Ms. Floyd. Commissioner Grafstein made a motion to approve the action. Commissioner DeVane-Hayes seconded the motion. The motion was made and carried.

Next, Ms. Chariss Jones, Human Resources Partner, presented to the Commission, for consideration and approval, revised Employee Grievance Policy and Procedures for the Department of Agriculture and Consumer Services. The changes that have been made are to clarify the existing language to make the policy more employee friendly and also seeking to have grievances heard by a hearing officer instead of a hearing panel. This practice is done across agencies and universities within the agency internal process and will not jeopardize the integrity of the internal agency grievance policy. Chairman Peedin asked if there were any questions from any commission members. Commissioner Stern stated that he wanted to see the actual page in the policy where changes would be made. Ms. Jones pointed out the exact location within the policy where the commissioners could see the language change from hearing panel to hearing officer. Also, Commissioner Stern asked if there have been any concerns raised by employees regarding this change. Ms. Jones stated there have not been any concerns raised by employees. Commissioner Grafstein wanted to reassure that this change was in alignment with current OSP policies. Chairman Peedin asked for background on the definition and clarification of hearing officer versus hearing panel. Ms. Jones stated, that the hearing officers will be brought on board

SPC Minutes of June 20, 2013

Page 4

to the Department through the recruitment and selection process and this is not in any way tied to the pending legislation of H.B. 834. Commissioner Stern stated that in the future to present a document stating the previous policy and then a document with new changes to the policy. Ms. Jones stated that the agency would take that into consideration for future presentations. Commissioner Hamberlin asked what the differences would be between a hearing panel and hearing officer. Ms. Jones stated that a hearing panel is usually a selection of 3-5 individuals selected from across the agency usually not in the same work unit as the grievant. The hearing officer is an attorney by degree or by trade. Also, the new Human Resources Director for the Department of Agriculture and Consumer Services has found that using hearing officers is a best practice rather than using hearing panels and that would best suit the agency at this time. Chairman Peedin asked the legal staff if the policy changes were all in order and following guidelines. The policy does appear to be in order as stated by legal staff, Valerie Bateman. Chairman Peedin asked if there were any more questions regarding the changes to the grievance policy for the Department of Agriculture and Consumer Services. Director Alexander stated that the Commission would be informed and educated on the grievance procedure policy that is currently pending legislation. Commissioner Hamberlin asked if there would have to be any more changes to the policy due to the pending legislation. Ms. Jones stated that the only change that may come forth is a step one mediation that may be added pending the new legislation regarding employee grievances. Being that there were no more questions, Chairman Peedin asked for a motion to approve the changes to the grievance policy for the Department of Agriculture and Consumer Services. Commissioner Grafstein made a motion to approve the action. Commissioner Rascoe seconded the motion. The motion was made and carried. [See **Attachment**]

Next, Ms. Sharon Howard, Human Resources Partner, presented to the Commission, for consideration and approval, a new Employee Grievance Policy and Procedures for the Department of Public Safety. The Department of Public Safety has drafted a new employee grievance policy due to the consolidation of the three agencies forming the Department of Public Safety. The agencies that make-up the consolidation are the Department Crime Control and Public Safety, the Department of Corrections, and the Department of Juvenile Justice and Delinquency Prevention. Ms. Howard stated that last October the Commission approved a grievance policy for DPS, but the policy was never implemented. Due to changes in leadership, DPS would like to bring forth another policy for approval by the Commission that reflects the way new leadership would like to handle employee grievances. Being that there were no more questions, Chairman Peedin asked for a motion to approve the grievance policy for the Department of Public Safety. Commissioner Grafstein made a motion to approve the action. Commissioner Rascoe seconded the motion. 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

1. **Derick A. Proctor v. North Carolina Department of Crime Control and Public Safety, State Capitol Police Division**
2. **Major Anthony Moss v. North Carolina Department of Crime Control and Public Safety, Butner Public Safety**