

**STATE HUMAN RESOURCES COMMISSION MEETING  
LEARNING AND DEVELOPMENT CENTER, COMMISSION CONFERENCE ROOM  
101 WEST PEACE STREET - RALEIGH, NORTH CAROLINA**

**MEETING MINUTES – OCTOBER 9, 2014**

**Members Present**

Members present were Chair Susan B. Manning, Commissioner Phillip Strach, Commissioner Martin Falls, Commissioner Dan Barrett, Commissioner Gloria Evans, and Commissioner Virgie DeVane-Hayes.

**Other Attendees**

C. Neal Alexander, Jr., Director, Office of State Human Resources; Tina Krasner, General Counsel to the Commission; Valerie Bateman, General Counsel to Office of State Human Resources; Shari Howard, Rules and Policy Coordinator, Office of State Human Resources; and LaShanda Langley, State Human Resources Commission Administrator, Office of State Human Resources.

**Opening**

The State Human Resources Commission (SHRC) met on October 9, 2014. Pursuant to North Carolina General Statutes §138A and the North Carolina Ethics Act, Chair Manning asked all Commissioners if there were any conflicts of interest or potential conflicts of interest with respect to any matters coming before the Commission. There were no conflicts of interest or potential conflicts of interest noted by any Commissioner. Having no members of the public present at 8:15am at the Learning and Development Center Commission Conference Room, the Commission convened its open meeting at 8:16am in the Learning and Development Center Commission Conference Room, and immediately recessed to go into Executive Session pursuant to the North Carolina General Statutes §§ 143-318.11(a)(6)(discussion of a public officer or employee), and pursuant to G.S. 143-318.11(a)(1) (for the purpose of “prevent[ing] the disclosure of information that is privileged or confidential pursuant to the law of this State . . .”) and 143-318.11(a)( 3) (for the purpose of “consult[ing] with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body”).

**Executive Session**

The State Human Resources Commission voted and rendered a decision in the following case:

- **Cynthia Oxendine vs. Hoke County DPH – 11 OSP 12579**

Attorney for Petitioner	M. Jackson Nichols, Esq. and Catherine Lee, Esq.
Attorney for Respondent	Gemma Saluta, Esq.

## Business Session

### Approval of Agenda

Since there were no changes or additions to the agenda, the agenda was approved as written and the meeting proceeded to the next item on the agenda.

### Oral Argument

The following case was scheduled and heard for oral argument:

#### **1. Peter Duane Deaver vs. Hoke County DPH – 11 OSP 05950**

Attorney for Petitioner  
Attorney for Respondent

Philip R. Isley, Esq.  
Charles G. Whitehead, Special Deputy  
Attorney General

### CONSENT AGENDA ITEMS

1. Approval of Minutes for the August 28, 2014 State Human Commission Meeting
2. Proposed 2015 SHRC Meeting Dates (Feb. 5, Apr. 2, June 4, Aug. 6, Oct. 1, Dec. 3)  
**(Commission Action: Motion to Approve Proposed Meeting Dates for 2015)**

Since there were no changes or additions to the August meeting minutes, they were approved as submitted. Chair Manning asked for a motion to approve the consent agenda items.

**Motion:** Commissioner Strach made a motion to approve the consent agenda items.

**Seconded:** Commissioner DeVane-Hayes seconded the motion.

The motion carried.

### Public Comment

No one signed up for public comment.

### State Human Resources Director Report

Director Neal Alexander thanked the State Human Resources Commission for their dedication and service to the citizens of North Carolina. Director Alexander stated that OSHR is still continuing to work on the Statewide Compensation System Project. OSHR is currently in the process of implementing the new Performance Management System and policy. Also, Ray Scerri is currently working on the Affordable Care Act for temporary employees. Director Alexander stated that Workers Compensation continues to be an important area of focus and that the state is spending about \$145 million dollars a year on workers compensation costs. OSHR is continuing to work on lowering these costs. The Hazard Conference was a success and helped spread the word on the importance of workplace safety. Director Alexander stated that the grievance process is working very well, and the final reports for NC GEAR should be received in a couple months. Director Alexander also reminded the commission that we will continue to have rules as an item on the agenda for future meetings.

### **Vacation/Bonus Leave Policy**

Shari Howard, OSHR Rules and Policy Coordinator, requested the approval of the amendment to the vacation/bonus leave policy and associated rules. The changes to the policy are required to comply with SB744 (S. L. 2014-100) the Appropriations Act of 2014 which awarded bonus leave to State employees who are eligible to earn vacation leave effective September 1, 2014.

**Motion:** Commissioner Falls made a motion to approve the policy amendment and associated rules.

**Seconded:** Commissioner DeVane-Hayes seconded the motion.

The motion carried.

### **Appointment Types**

Shari Howard, OSHR Rules and Policy Coordinator, requested the approval of the amendment to the Appointment Types policy and associated rules. The policy is being amended to remove reference to some appointment types that have been repealed through rules review, to align the policy with proposed changes to the Performance Management Policy related to probationary and trainee employees, and to correct RIF reemployment probationary period requirements to comply with the probationary period as defined in G.S. 126-1.1(b). Based on last minute discussions with UNC-GA, Mrs. Howard recommended the commission consider one revision to the policy amendment in the "Probationary Appointment" section located on page 33 in the third paragraph. OSHR had recommended amending the definition of "extended leave" to remove reference to "month" and instead reference "pay period" to match the extended leave definition that is referenced in the Leave Without Pay (LWOP) policy and other leave accrual policies. It was discovered prior to the meeting that some universities have not been following the "extended leave" definition as defined in the leave policies. It was therefore recommended that the definition for extended leave in the Appointment Types and Career Status policy remain defined as "month" instead of "pay period" until OSHR can research how the universities are defining the period of extended leave based on the different pay periods that are utilized in the different constituent universities.

**Motion:** Commissioner Falls made a motion approve the policy amendment including the revision of the definition of "extended leave" to reference "month" instead of "pay period" and associated rules.

**Seconded:** Commissioner Evans seconded the motion.

The motion carried.

### **Community Service Leave Rules**

Shari Howard, OSHR Rules and Policy Coordinator, requested the approval to amend the community service leave associated rules to begin the permanent rulemaking process. The changes are required to align the rules with the CSL policy which was approved by the SHRC effective June 1, 2014 to comply with Senate Bill 402 (Session Law 2013-360) which required the State Human Resources Commission to establish policies and rules governing a leave program that allows employees to volunteer in a literacy program in a public school for up to five hours each month. The associated rules were also approved to begin the rulemaking process; however, during the fiscal note certification process, it was discovered that further

changes were needed to associated rules to clearly understand the administration of the rules and the relationship of the new Literacy Leave program to regular CSL and the tutoring/mentoring option. As a result, all of the CSL associated rules are being resubmitted to begin the permanent rulemaking process.

**Motion:** Commissioner Strach made a motion to amend the community service leave associated rules to begin the permanent rulemaking process.

**Seconded:** Commissioner Falls seconded the motion.

The motion carried.

### **Adjournment**

Chair Manning asked if there were any other business items to be heard during the business session. There being no additional items on the agenda, Chair Manning asked for a motion to adjourn to executive session as permitted by N.C. G.S. § 143-318.11(a)(1) “[t]o prevent the disclosure of information that is privileged or confidential pursuant to the law of this State” (Chapter 126) and, if necessary, under 143-318.11(a)(3) [t]o consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged . . . .” and under 143-318.11(a)(6) “[t]o consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.”

**Motion:** Commissioner Strach made a motion to adjourn to executive session

**Seconded:** Commissioner Falls seconded the motion.

The motion carried.

### **Executive Session**

The State Human Resources Commission voted and rendered a decision in the following case:

– **Peter Duane Deaver vs. DOJ/SBU – 11 OSP 05950**

Attorney for Petitioner  
Attorney for Respondent

Philip R. Isley, Esq.  
Charles G. Whitehead, Special Deputy  
Attorney General

### **Minutes submitted by:**

LaShanda Langley, State Human Resources Commission Administrator