

**STATE HUMAN RESOURCES COMMISSION MEETING
VIA WEBEX**

MEETING MINUTES – July 11, 2024

Members Present:

Members present on the Webex for the meeting were: Acting Chair Phillip Strach and Commissioner Andrea Allard, Commissioner Doug Boyette, Commissioner April Page, Commissioner Tye Vaught, and Commissioner Tracy Webb. Commissioner Dekhasta Becton Rozier, Chair, and Commissioner Ross Beamon, were unavailable.

Other Attendees

Other attendees present: Glenda Farrell, Chief Deputy, and Twanetta Lytle Alston, Deputy Director, Office of State Human Resources; General Counsel Blake Thomas, Assistant General Counsel Anna Perkinson, and Legislative Liaison Lockhart Taylor, Legal Division, Office of State Human Resources; Denise H. Mazza, State Human Resources Commission Administrator, Office of State Human Resources; Nancy Astrike, Felicia Bridges, Andrea Clinkscales, Lorence Crossett, Brittany Evans, Linda Forsberg, Creshaye Graham, Jennifer Harrison, Chryste Hofer, Stephanie McFadden, Irshad Patel, Paige Pearson, Armond Pittman, Kristin Siemek, Mike Suggs, and Deyla Tharrington, Office of State Human Resources; Dr. Donnell Adams, HRD, and Melissa Martin NC Department of Administration; Angeline Hariston, HR Director, NC Office of Administrative Hearings; Kieta Cannon, HRD, NC Office of Auditor; Bancroft Neufville and Pam Hess, Department of Agriculture and Consumer Services; Glenda Ellerbee, HR Director, NC Office of State Controller; Andrea Porterfield, HR Director, NC Department of Commerce; Magnolia Lugo, HR Director, NC Community Colleges; Jerry Daniels, HR Director, NC Department of Insurance; Kirstin Bierline, HRD, and Tina Wong, NC Department of Justice; Davita Morant, Tonya Fields, Patricia Guzman, Denise Johns, and Cassandra Harris-Skinner, NC Department of Public Safety; Heidi Nolta NC Department of Revenue; Patricia Garcia, HR Director, Office of State Budget & Management; Eric Frey, HRD, NC State Bureau of Investigation; Josephine Stith, NC Department of State Treasurer, and Darryl Bass, Vice President and Chief Human Resources Officer, Chris Chiron, Associate Vice President for HR Policy, Keith Dupuis, Senior Class Account Director.

Opening

The Commission convened its open meeting pursuant to N.C.G.S. § 126-2(h) at 9:02 a.m. via Webex Teleconference.

The State Human Resources Commission (SHRC) last convened on May 30, 2024 at a Special Meeting.

Pursuant to North Carolina General Statute Chapter 138A and the North Carolina Ethics Act, Chair Rozier asked all Commissioners if there were any conflicts of interest or potential conflicts of interest with respect to any matters coming before the Commission. No conflicts were presented.

Minutes of the July 11, 2024 State Human Resources Commission Meeting

There were no additions or corrections to the agenda for the July 11, 2024 meeting.

CONSENT AGENDA

The Chair presented the draft minutes for the April 18, 2024 and May 30, 2024 State Human Resources Commission meetings. There being no further discussion or questions, the Chair called for a motion to recommend approval of these minutes.

Motion: Commissioner Page made a motion to recommend approval of the draft minutes for the April 18, 2024 and May 30, 2024 SHRC meetings.

Second: Commissioner Vaught seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the draft minutes for the April 18, 2024 and May 30, 2024 SHRC meetings.

Motion carried.

Legislative Update

Legislative Liaison Lockhart Taylor presented a brief update regarding the short session of the of General Assembly as to OSHR. In the final weeks of the session, HB 223 passed both chambers with minimal changes as follows:

- Section 1 initially had three provisions that addressed continuous job postings, same day contingent job offers and pooled hiring. However, the General Assembly inserted a special provision regarding same day hiring and pooled hiring and last year's budget. So OSHR removed those provisions from our bill to ensure the language did not conflict with the language in last year's budget.
- Section 2 amended General Statute § 126 -24. Prior to the passage of this provision, supervisors in both state and local government were not permitted to access a candidate's personnel file during the interview process. This new provision allows access to personnel files to prevent any application fault for all.
- Section 3 allows HR to notify local authorities such as governing boards, county managers and commissioners for the state, if OSHR believes a local entity has hired an individual who does not meet the minimum qualifications for the job. This is not intended to interfere with or control the hiring process on the local level, but rather to ensure disclosure to stakeholders if OSHR believes a candidate is not qualified for the position.
- Section 4 the bill was removed at the last minute to discuss some concerns in the Senate.

Minutes of the July 11, 2024 State Human Resources Commission Meeting

- Section 5 removed the requirement that jobs have to be posted and can't be filled in under 21 days. This was an antiquated provision regarding listing jobs through the local employment offices across the State. We still list those jobs through the Employment Service offices across the state.
- Section 6 allows the director of OSHR to make class specification changes without waiting for the next commission meeting. Classification changes by the director must be consistent with the Commission's approved classification structure and reported to the Commission at the next meeting.
- Section 7 grants the Commission the authority to adopt temporary rules and permanent rules to allow local agencies to hire and pay trainees for local government positions that are subject to the State Human Resources Act.
- Section 8 clarified language regarding the hiring preference of members of the National Guard. In the 2021 budget, the General Assembly provided members of the National Guard the same hiring preference rights for State employment as veterans. However, the statute failed to provide Guard members comparable grievance rights if they believe they were denied preference.
- Section 9 amended N.C.G.S. § 126-30 to stipulate that any document attached to or supplementing a State job application is subjected to the same consequences as providing fraudulent information on an actual job application.
- Section 10 amends N.C.G.S. § 126-6.3 by requiring OSHR to prohibit any agency or division based on an individual budget code from acquiring new temporary employees if the agency or division has an invoice due to Temporary Solutions that is overdue by 90 days, and an amount exceeding \$200,000. The previous language required that in that an agency or division must pay all invoices before they could acquire new temporary employees through Temporary Solutions. Last year when the state comptroller went live with the new North Carolina financial system, agencies got behind on old invoices due to a technical issue. So the law required Temporary Solutions to deny a couple of agency from getting new temps until all invoices were paid. The new language not only corrected language requiring the payment of all invoices, regardless of the age, but would also allow the director of OSHR to create exceptions, when failure to acquire new temporary employees would severely harm the provisions of providing vital services to the public.
- The final section creates a six-month pilot program allowing temporary employees working for the Department of Health and Human Services and obtaining a permanent position that is equal to or similar to the position the temporary was already in. The temporary employee must be hired through Temporary Solutions, the candidate must be

in good standing, meet minimum qualifications and continuously working in a position for at least six months prior. The position which has been filled must be vacant, and the salary may not exceed \$80,000. DHHS will also be allowed to waive certain requirements such as publicly posting the position, holding an interview and new reference checks, selecting the applicants from a pool of the most qualified.

This bill was signed by the Governor on June 28, 2024, the effective date.

Taylor thanked everyone and offered to answer questions if there were any.

Director's Report

Chief Deputy Glenda Farrell presented the Director's Report at this meeting. Farrell greeted everyone and thanked them for staying involved. She noted that this year was particularly special for OSHR, as in addition to our usual celebrations involving lunch, games and ice cream socials, starting on Monday, OSHR would be celebrating its 75th anniversary by gathering at the Executive Mansion to hear from Deputy Chief of Staff Noel Talley, who represented the Governor's office, and guest speaker, Secretary Ron Penny, who carried OSHR through his years as the State Personnel Director from 1993 through 2000. Farrell stated that Penny reminded OSHR of the progress this agency has made, including the work he and his team did to create the In-Range Adjustment Policy, a tool that is so ingrained in our compensation system today, but was a radical change from the State's previous compensation system in the 1990s. Continuing in the footsteps of those before us OSHR has brought to the Commission many new tools and policy changes to meet the needs of State Agencies responding to the workforce issues existing before and during the pandemic, and which were further exacerbated by the Great Resignation. While dealing with unprecedented high vacancy and turnover rates, agencies had to change their staffing models to provide necessary services to a growing population in our State. To help them succeed. OSHR worked with agencies to build the tools they needed to quickly fill positions while retaining a skilled workforce. One of these tools, which was recently codified in House Bill 223 is a series of improvements to our system for the Commission. The most significant change is that OSHR would have authority to approve continuous posting request, and specify classification changes between Commission meetings, if necessary. This will give agencies the opportunity to more quickly respond to urgent recruitment needs. OSHR plans to always present these to the Commission at the meeting following the change.

OSHR will continue to partner with agencies to identify and address recruitment and retention needs and bring these to the Commission for consideration and to monitor the legal proceedings on the U.S. Department of Labor rule changing the Fair Labor Standards Act salary thresholds. The new federal rule is in effect and OSHR is working with State agencies to respond to a small number of employees who are below the new threshold, which changed on July 1, but have been classified as not subject to the Fair Labor Standards Act. Around this time every year or less. Total Rewards Pay Administration Team works closely with staff in the State Comptroller's office to plan for legislative increases and any other pay impacting legislation in the Budget Bill.

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Last fall, the NC General Assembly approved a fiscal biennium budget which included a 3% legislative increase effective July 1 for most State employees. Farrell stated that if the General Assembly passes a revised budget that modifies the legislative increase, OSHR will coordinate with agency partners to make the necessary adjustments including updating the LI guidance memo to keep the greater HR community apprised.

On June 12, 2024, OSHR hosted a State Safety Day with a steady flow of traffic on the Bicentennial Mall. Numerous State employees and others visited agency and vendor booths. Attendees enjoyed music and food trucks and having conversations regarding personnel and work safety, including everything from fire safety to gun safety, and the new hot topic - heat stress. CBS 17 did a great interview with OSHR Eddie Johnson and Kimberly Lapsley, which aired on the noon news. Farrell extended her thanks to Scarlet Gardner and her team for organizing this second annual State Safety Day noting she couldn't wait to see how much it grows next year.

Carol Battle and OSHR NC Flex team hosted the Caswell Awards in June with 13 individuals receiving the award this year in front of an enthusiastic crowd. They are now working hard at planning the Governor's Awards for Excellence ceremony. On October 15, OSHR will be recognizing a distinguished group of employees who have gone above and beyond their daily jobs to make life better for the people of our State.

On the recruitment side, the Talent Acquisition team is preparing to host another terrific State of North Carolina Career Expo. This is the second annual in-person all agency Career Expo to be held on September 9. Last year, the event was filled with job seekers talking to representatives from all State agencies and institutions in the UNC system. Everyone from students looking for their first job to retirees looking for temporary employment joined. The Department of Adult Corrections used this event to offer onsite interviews and make conditional offers to fill critical vacancies for parole and correctional officers. Lastly, the HCM negotiation committee is excited to see potential solutions for the Human Capital Project Management Program and has prepared essential communications and documentation for the committee members and advisors. The steering committee meetings were held in May and June, with the next meeting being in August. The Executive Governance Council was also held in May and their next meeting is in August.

Chief Deputy Farrell closed by thanking the Commissioners for their tireless support of State employees.

Exceptions

Deputy Director Twanetta Alston Lytle presented a high level overview of the approved variances and exceptions since the Commission meeting held on May 30 2024. They included:

- OSHR allowed one exception to the 11-month limit for a temporary employee assigned to Department of Health and Human Services, DSOHF, at Central Regional Hospital.

The application systems manager is heavily involved in the facilities transition of health records from VISTA to Epic. This exception was approved for up to 10 months from June 6 through April 6, 2025 to help ensure compliance with a 22 month maximum temporary employment limit.

- OSHR approved one request for the Department of Health and Human Services and one request for the Department of Adult Correction for an exception to the Hours of Work and Overtime Compensatory Policy to pay overtime compensation at straight time rates to employees whose positions were designated as exempt from overtime compensation.
- Disability Determination Services within the Department of Health and Human Services requests an exception to pay overtime at straight time rates to 47 FLSA exempt employees for a max of 15 hours per week per employee for the period of May 2024 through May 2025. Should the Social Security Administration lift their hiring restrictions at any point during the approved time period of this exception, Disability Determination Services will notify OSHR within 30 days of the change and OSHR will assess whether conditions exist to support continuing overtime payouts. Since October 20, 2023, Disability Determination Services has not been able to backfill any of the 43 positions lost due to retirements and or separations as their federal partner the Social Security Administration has frozen all hiring. As of March 2024, there were 155 total vacancies. The Disability Determination Services has a backlog of 12,532 cases, with cases waiting approximately 128 days to be assigned to Disability Determination staff.
- The Division of Institutions within the Department of Adult Correction request to extend the temporary immediate payout of overtime at a straight time rate for FLSA. Exempt classifications assigned to cover essential posts of correctional officers and correctional food service officers is effective July 1, 2024, until December 31, 2024 for this request for a maximum payout of 80 hours per 28 day cycle per employee. While vacancy rates are decreasing for correctional officers and correction of food service staff, the offender population has increased by 29,872 on January 01, 2023, to 31,689 on March 28, 2024. This offender population increase has resulted in more staff required for the coverage of essential posts.
- To note, OSHR previously approved payout of overtime at straight time rates for exempt position classifications assigned to cover essential posts of Correctional Officer and Correctional Food Service Officer from January 01, 2024 to June 30, 2024, for a max payout of up to 80 hours per 28-day cycle, per employee.

Alston Lytle concluded her report by thanking the Commission for the opportunity to present.

Business Session

Public Comments

There were no public comments at the July 11, 2024 State Human Resources Commission meeting.

Total Rewards/Salary Administration: Hours of Work and Overtime Compensation Policy

Division Director Andrea Clinkscales recommended changes to the Hours of Work and Overtime Compensation Policy. Generally, the recommended revisions to the policy were meant to better align with the Fair Labor Standards Act and associated federal regulations.

The first major change was regarding the threshold salary for FLSA exemptions. The U.S. Department of Labor had recently issued a final rule updating the salary thresholds for minimum wage and overtime pay, which took effect on July 1 2024. Under the new rule, employees who are FLSA not subject must be paid at least \$844 a week or \$43,888 per year. While this federal rule is currently subject to multiple pending legal challenges, it has not been blocked in North Carolina. So, OSHR proceeded with following the guide by updating that terminology in the Policy to reduce confusion with the concept of being exempt from the State Human Resources Act. Throughout the document “exempt from” or “subject to FLSA,” is replaced with “FLSA not subject” or “FLSA subject.” It's also important to note that this matches the terminology used in the State’s HR Payroll System. Also, throughout the document, footnotes which allow the reader to access any federal regulations on the same topic as well as go into greater detail, contain cross references to other policies that address the same subjects. In section 3, the reference to submitting FLSA to OSHR has been removed, since this information is readily available in the HR Payroll System. In section 5, language was softened to be more flexible about employees acknowledging the State's overtime policies, recognizing that some agencies perform this task via paper while others use electronic means to notify FLSA subject employees of the State’s overtime policy. A sentence was also added to section 13 to make it clear that employees may be disciplined for engaging in unauthorized overtime and, at section 14, has been retitled to make it clear the distinction between an employee who is required to remain on call, meaning that their time cannot be used for their own purposes, from that of employees who are merely required to just leave word as to how they may be reached. Section 16 was added to address rest periods and break times based on federal regulations. Several changes were made to section 20 to make it clear whether time is compensable under FLSA for specific travel situations. So specifically, the travel away from the home at section 20.4., as well as the corresponding example, was updated to clarify when hours of work include travel time. This is different depending upon whether the travel is within the regular working hours, whether the traveler was a driver or a passenger, and whether the employee was performing other duties while traveling. Two new sections were also added, new sections 20.5 and 20.6. regarding when travel time to the office is compensable for hybrid telework and field-based employees and section 23 was updated to reflect changes in the law. These new sections were added as additional exemptions to FLSA subject status that were not previously covered in the policy. These two sections include the educational establishment exemption, which is covered in Section 23.2B, and the combination exemption, which is covered in the new section 23.6. Lastly, we've added a new section 25.6 on the sleep period indicating how it may be excluded from hours worked. Clinkscales ended by making herself available for questions and recommending the Commission approve these revisions to this Policy.

Commissioner Andrea Allard asked if these revisions align with federal policy for travel or if they were only additions to North Carolina's travel policies, noting the supporting footnotes were to federal regulations. She also questioned why only the employee driving can attribute the travel as worktime if two employees are traveling together.

Acting Chair Phillip Strach added that as he specializes in Labor and Employment Law, he could confirm that the State law on this issue generally follows the FLSA. He agreed with Commissioner Allard's concerns that there could be abuse but stated that the way the Policy is written is actually a correct statement of the federal law.

There being no further discussion or questions, the Chair called for a motion to recommend approval of revisions to Hours of Work and Overtime Compensation Policy as presented.

Motion: Commissioner Webb made a motion to recommend approval of the revisions to the Hours of Work and Overtime Compensation Policy as presented.

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the revisions to the Hours of Work and Overtime Compensation Policy as presented.

Motion carried.

Total Rewards/Salary Administration: On-Call Emergency & Callback Pay Policy

Division Director Andrea Clinkscales next presented revisions to the On-Call Emergency and Callback Pay Policy. These changes were necessary to align with the revisions in the Hours of Work and Overtime Compensation Policy – incorporating the same changes in terminology to again alleviate confusion with exemption from the State Human Resources Act and adding to section 2 as part of the definition, and including a cross reference to the Hours of Work and Overtime Compensation Policy to align and be consistent with the same. Clinkscales closed by offering to answer any questions and requesting the Commission approve these recommended changes.

There being no further discussion or questions, the Chair called for a motion to recommend approval of revisions to the On-Call Emergency & Callback Pay Policy as presented.

Motion: Commissioner Vaught made a motion to recommend approval of the revisions to the On-Call Emergency & Callback Pay Policy as presented.

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the revisions to the On-Call Emergency & Callback Pay Policy as presented.

Motion carried.

Total Rewards/Salary Administration: Pay Administration Policy

Pay Administration Consultant Lorence Crossett presented proposed changes to the Pay Administration Policy including adding a new section 5.1, which concerns the effective dates of salary adjustments, adding new language that in-range adjustments shall be made effective on a current basis, and that agencies shall make every effort to ensure employees receive salary adjustments in a timely manner. This new language also requires OSHR approval for any retroactive salary adjustments that happen on an effective date that is older than 90 days.

There are several exceptions described in the Policy, including any salary adjustments that the agency is required to provide, rather than having the discretion whether or not to provide any adjustments due to settlements, orders, salary adjustments from the labor market adjustment reserve, and then retroactive implementation of legislative increases in the Budget Act to the beginning of the fiscal year. The updated language is also to reflect similar to the Shift Premium Pay Policy - that the agency and OSHR together shall determine and agree on the classifications eligible for special assignment pay. Crossett closed by offering to answer any questions and requesting the Commission approve these recommended changes.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Pay Administration Policy as presented.

Motion: Commissioner Allard made a motion to recommend approval of revisions to Pay Administration Policy as presented.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the revisions to the Pay Administration Policy as presented.

Motion carried.

Total Rewards/Salary Administration: In-Range Adjustment Policy

Pay Administration Consultant Lorence Crossett next presented proposed changes to the In-Range Adjustment Policy which included adding a new section 5, establishing that the effective date and grace adjustments should be set under section 5.1 of the Pay Administration Policy and requiring retroactive salary adjustments going back further than 90 days to be approved by OSHR, updated changes in section 6 under the agency responsibilities, adding a title year for in-range adjustment plans and clarifying that in-range adjustment plans are developed and maintained by the agency then sent to OSHR for review by October 1, 2024, once every two years thereafter. Section 7 also clarified that it is the OSHR's responsibility to clarify support to agencies in the development of their plans through training, consultation, and regular review.

Crossett closed by offering to answer any questions and requesting the Commission approve these recommended changes.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Pay Administration Policy as presented.

Motion: Commissioner Page made a motion to recommend approval of the revisions to the In-Range Adjustment Policy as presented.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the revisions to the In-Range Adjustment Policy as presented.

Motion carried.

Total Rewards/Salary Administration: Reallocation Policy

Pay Administration Consultant Lorence Crossett next presented proposed revisions to the Reallocation Policy, specifically clarifying in section 8 in “Determining Effective Date” adding language that reallocations are again to be made effective the first day of the pay period following the month when the termination for the reallocation was made and again aligning with the Pay Administration Policy that the agency shall make every effort to ensure that these are done in a timely manner, so the reallocations are evaluated in a timely manner. A cross reference to section 5.1 of the Pay Administration Policy requiring OSHR approval for any retroactive salary adjustments, particularly for reallocations was also added. Crossett closed by offering to answer any questions and requesting the Commission approve these recommended changes.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Reallocation Policy as presented.

Motion: Commissioner Vaught made a motion to recommend approval of the revisions to the Reallocation Policy as presented.

Second: Commissioner Vaught seconded the motion.

A roll call vote was held and all currently attending members of the Commission recommended approval of the revisions to the Reallocation Policy as presented.

Motion carried.

Total Rewards/Salary Administration: Military Leave Policy

Division Director Andrea Clinkscales presented changes to the Military Leave Policy. The intent of these changes clarify the rights of employees as well as the obligation of the state and state

agencies under the Uniformed Services Employment and Reemployment Rights Act. One particularly notable change is adding, for compliance with USERRA, that a Uniformed Service member may elect to continue their coverage for up to 24 months after their absence begins, or for the duration of the period of absence, whichever is shorter, with the Comp Time Policy. Clinkscales closed by offering to answer any questions and requesting the Commission approve these recommended changes.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Military Leave Policy as presented.

Motion: Commissioner Boyette made a motion to recommend approval of the revisions to the Military Leave Policy as presented.

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the the revisions to the Military Leave Policy as presented.

Motion carried.

Talent Acquisition: Selection of Applicants Policy

State Talent Acquisition Manager Kristin Siemek presented recommended changes to a current advisory in the Selection of Applicants Policy. The Selection of Applicants Policy guides what agencies need to take into consideration when they are screening applications to be referred to the hiring manager, and also the credentials that need to be verified once an applicant is hired. In section 5, "Verification of Credentials," it states that the agency shall verify the dates of employment, complete reference checks, and also verify academic and professional credentials. A current advisory note in that Policy states that the credentials that are required to be verified include the highest post-secondary degree in all cases and registrations, licenses, certifications, and work history that are used to qualify or set the salary of the applicant. The advisory note implies that the highest post-secondary degree that an applicant has must be verified, even if it was not used to qualify the candidate or set the salary. Upon review of the Administrative Code, that was no such intent, so OSHR recommends rewriting the advisory note to make it clear that only the highest post-secondary degree that is used to qualify or set the salary of an applicant needs to be verified. Siemek closed by requesting approval of this change to the policy.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Selection of Applicants Policy as presented.

Motion: Commissioner Allard made a motion to recommend approval of the revisions to the Selection of Applicants Policy as presented.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the revisions to the Selection of Applicants Policy as presented.

Motion carried.

Legal: Periodic Review Process for Multiple Rules

General Counsel Blake Thomas reminded the commissioners that at the April 18 SHRC meeting, staff recommended that rules be initially determined to be necessary or unnecessary as listed in the enclosed report. Two of those rules we suggested to be listed as unnecessary; the remainder as necessary. The Commission voted to accept that recommendation and the Governor approved that action. The determinations were posted for public comments and no public comments were received. Thomas asked the Commission to approve the determinations about these rules as presented.

There being no further discussion or questions, the Chair called for a motion to recommend making no changes to the determinations about whether the rules are necessary or unnecessary for 25 NCAC 01A, 01B and 01C in the Periodic Review process as presented.

Motion: Commissioner Allard made a motion to make no changes to the determinations about whether the rules are necessary or unnecessary for 25 NCAC 01A, 01B and 01C in the Periodic Review process as presented

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission recommended making no changes to the determinations about whether the rules are necessary or unnecessary for 25 NCAC 01A, 01B and 01C in the Periodic Review process as presented

EEO, Accessibility and Workforce Services: Unlawful Workplace Harassment Policy

Division Director Nancy Astrike recommended changes to the state's existing Unlawful Workplace Harassment Policy. The revisions make the Policy more robust and specifically align it with the recently approved EEOC Enforcement Guidance on Harassment approved by the Commission on April 29, 2024. The changes recommended include adding citations throughout the policy, adding section 3 as an objective section to be clear on what the policy is intended to achieve, revising section 4 to update the definitions, adding section 6 with conduct that is specifically unlawful, and also what conduct is not unlawful - this section clarifies that harassment may be based on perception, association or committed by members of the same protected class, adding a new section 7 on virtual work environment which explains that harassment can occur in a virtual work environment, including on email systems, video conferencing technology on the intranet, public websites or social media accounts, adding section 8, the sexual harassment section, to expand on what sexual harassment could be in the workplace, language was added in section 9 to explain the complaint process, and section 10,

“Prevention Strategy,” was revised to include additional strategies for agencies to follow to help prevent the occurrence of unlawful workplace harassment. A strike closed by offering to answer any questions and requesting the Commission approval of these recommended changes.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Unlawful Workplace Harassment Policy as presented.

Motion: Commissioner Webb made a motion to recommend approval of the revisions to the Unlawful Workplace Harassment Policy as presented.

Second: Commissioner Vaught seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the revisions to the Unlawful Workplace Harassment Policy as presented.

Motion carried.

Talent Acquisition: Continuous Posting for the North Carolina Department of Revenue

State Talent Acquisition Manager Kristin Siemek requested the Commission approve of the Department of Revenue’s request that the Administrative Specialist I classification be deemed critical and be allowed to have a continuous posting. Siemek explained that the Department of Revenue has three contact centers, one in Greensboro, one in Raleigh and one in Rocky Mount, where they have Administrative Specialists who are in contact center agents positions. These positions are entry level positions that interact with the public, answering taxpayer questions, which can probably be a little sensitive at times, and can be very stressful due to the nature and volume of calls. Many employees who are hired into this entry level position as a contact center agent quickly become promoted to other divisions or go to another agency for a higher salary. The contact centers are averaging 30% vacancy rate with a 30% turnover rate. This equates to an average of 30 positions consistently being vacant. Having a continuous posting for this position will help address the vacancies. Siemek closed by requesting approval of the Department of Revenue’s request for a continuous posting of the Administrative Specialist I position.

There being no further discussion or questions, the Chair called for a motion to recommend approval the Department of Revenue’s request for a continuous posting of the Administrative Specialist I position as presented.

Motion: Commissioner Page made a motion to recommend approval the Department of Revenue’s request for a continuous posting of the Administrative Specialist I position as presented.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval the Department of Revenue's request for a continuous posting of the Administrative Specialist I position as presented.

Motion carried.

Total Rewards/Classification and Compensation: Revised Classification Specifications

Manager of Classification and Compensation Felicia Bridges recommended the creation of five new classifications to meet the emerging need for cloud specific information technology roles, and changes to four classifications either because of our strategic goal to continuously evaluate current specs to modernize and update existing jobs, or on behalf of requests submitted by agencies.

At the request of the Department of Agricultural and Consumer Services. OSHR recommended revisions to two classifications belonging to the Agricultural, Environmental and Scientific job family. These are the Agricultural Program Technician I and Agricultural Program Technician II. After reviewing the information provided by the agency, it was determined that these specialized roles require updates to the knowledge skills and abilities to reflect a higher-level skill set needed to perform the duties of these classes. There were no changes needed to the minimum education and experience requirements for the Agricultural Program Technician I but additional majors were added to the minimum education requirements for the level II, to reflect the addition of seed analysis to the class concepts.

OSHR also recommended the creation of five statewide classifications in the Information Technology job family, based on requests submitted by the Department of Information Technology and the Office of State Controller. These five new classifications are: Cloud Architect, Cloud Engineer, Cloud Administrator, Application System Specialist II and Database Administrator III. Due to expansion and growth of its functions, the Department of Information Technology and the Office of State Comptroller requested the creation of five new classifications to meet the specialized expertise required for cloud computing in today's business environment. As a part of the Systems Administration job branch, these classifications differ as the work requires different levels of skills and understanding of work in a cloud environment. These new classifications will attract and retain top talent and demonstrate the state's ability to adapt and work with and maintain a cloud infrastructure and platforms. A substantial increase in demand for complex IT services necessitated the changes, as current classifications do not support emerging business needs. Additionally, creation of these classifications will provide a career path for employees in the information technology field, which is vital for organizational success and employee morale.

In addition, OSHR is also recommending revision to two classifications belonging to the Information Technology job family, as requested by the Department of Information Technology. The first is the Information Technology Business Relationship Specialist, and the second is the Application Systems Specialist. Changes in the Information Technology Business Relationship

Specialists are proposed to add cloud related content in the job. There's new changes proposed in the education and experience of this job. The current Application System Specialist classification will remain the same. However, the job title is proposed to be changed to an Application System Specialist I due to the creation of an additional higher level Application System Specialist.

OSHR Classification and Compensation request these proposed new and revised classifications be reviewed and approved.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the creation of five class specifications and revision of four existing class specifications for the Statewide Compensation Plan.

Motion: Commissioner Vaught made a motion to recommend approval of the creation of five class specifications and revision of four existing class specifications for the Statewide Compensation Plan.

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the creation of five class specifications and revision of four existing class specifications for the Statewide Compensation Plan.

Motion carried.

Adjournment

There being no further discussion or questions, the Chair called for a motion to adjourn.

Motion: Commissioner Page so moved.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to adjourn the July 11, 2024 SHRC Meeting.

Motion carried.

The Commission adjourned at 10:21 a.m.

Minutes of the July 11, 2024 State Human Resources Commission Meeting

Executive Session

The State Human Resources Commission did not have an executive session at its July 11, 2024 meeting.

Minutes submitted by:

Denise H. Mazza,

State Human Resources Commission Administrator