



Office of State Human Resources

ROY COOPER
Governor

BARBARA GIBSON
Director, State Human Resources

TO: Agency Heads, Chancellors, Human Resources Directors, and Other Interested Parties

**FROM: Denise H. Mazza, Administrator
State Human Resources Commission**

DATE: July 17, 2024

**RE: Approved Personnel Actions for the July 11, 2024
State Human Resources Commission Meeting**

Please see below the following personnel actions that were approved on July 17, 2024 by the Governor's Office and by the State Human Resources Commission at the July 11, 2024 meeting. These statements are summaries only; see the documentation for full details.

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

The Hours of Work and Overtime Compensation Policy outlines the state wage and hour regulations and federal compensation requirements. Along with general guidance, this policy addresses many specific situations, such as when to enter time worked for on-call time and travel time.

Generally, the recommended revisions to the policy update it to better reflect the Fair Labor Standards Act (FLSA) and associated federal regulations. See the summary report sheet for specific details about the revisions.

C. Total Rewards/Leave: On-Call Emergency & Callback Pay Policy

The On-Call and Emergency Callback Policy defines compensation requirements for employees called back to work outside of their normal work schedule or return to work due to an unforeseen emergency after leaving the work location at the end of his or her regular shift. This policy also addresses the designation of classes/positions eligible for on-call.

Revisions add cross references to the Hours of Work and Overtime Compensation Policy, along with adding language that was added to the “Waiting Time” section of the Hours of Work policy.

D. Total Rewards/Leave: Pay Administration Policy

OSHR is responsible for the development and consistent administration of the compensation program including pay administration. This policy provides a framework for setting pay in a fiscally responsible way while encouraging excellence and enabling agencies to address recruitment and retention needs.

The revisions make the following changes:

- Add a new section (§ 5.1) about the effective date of salary adjustments.
 - o The new language says that in-range salary adjustments shall be made effective on a current basis, and agencies shall make every effort to ensure employees receive salary adjustments in a timely manner.
 - o The new language requires OSHR approval for any retroactive discretionary salary adjustment that has an effective date that is older than 90 days. There are several exceptions, described in the policy and on the summary sheet, where OSHR approval would not be required even if the action is retroactive and older than 90 days.
- Update section 6.4 (Special Assignment Pay) to reflect that OSHR and the agency shall determine the classes eligible in the rates of pay.

E. Total Rewards/Salary Administration: In-Range Adjustment Policy

The In-Range Adjustment Policy defines salary increase adjustments related to job change, equity, and labor market. This policy addresses increase amounts and agency responsibility for granting an increase in an eligible employee's salary within the employee's current salary range and within the agency where the employee is employed.

The revisions make the following changes:

- Added a new section (§ 5) establishing that the effective date of in-range adjustments should be set under Section 5.1 of the Pay Administration Policy. Subject to exceptions stated in the Pay Administration Policy, this generally requires OSHR approval for any retroactive salary adjustments that go back further than the current month plus 90 days.
- Updated Section 6, Agency Responsibilities, to clarify that in-range salary adjustment plans are developed and maintained by the agency, then sent to OSHR for review. Established a schedule for the in-range adjustment plan required under existing policy.

- Updated Section 7, Office of State Human Resources Responsibilities, to clarify support to agencies in the development of their plans through training, consultation, and regular review.

F. Total Rewards/Salary Administration: Reallocation Policy

The Reallocation Policy outlines employee salary rate administration, exceptions, delayed increases, performance increases, temporary increases, and minimum qualifications when there is an assignment of a position to a different classification.

The revisions make the following changes:

- Clarified language in the “Determining Effective Date” section of the policy (§ 8). The additional language says that reallocations shall be made effective on the first day of the pay period following the month when the determination was made by the agency, and that the agency shall make every effort to ensure positions are evaluated in a timely manner.
- Added a cross-reference to Section 5.1 of the Pay Administration Policy. Subject to exceptions stated in the Pay Administration Policy, this now generally requires OSHR approval for any retroactive salary adjustments that go back further than 90 days.

G. Total Rewards/Salary Administration: Military Leave Policy

Leave will be granted to employees of the state for certain periods of service in the uniformed services. No agent or employee of the State shall discriminate against any employee of the state or applicant for state employment because of their membership, application for membership, performance of service, application for service, or obligation for service in the Uniformed Services.

This policy has been updated throughout to clarify the rights of employees and obligations of employers under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This includes changes as a result of the passage of the Civilian Reservist Emergency Workforce Act (CREW Act), which extended the protections of USERRA to FEMA Reservists. See the summary report sheet for specific details about the revisions. 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.

H. Talent Acquisition: Selection of Applicants Policy

All agencies shall select from the pool of the most qualified persons to fill vacant positions. Employment shall be offered based upon the job-related qualifications of applicants for

employment using fair and valid selection criteria and not on political affiliation or political influence. Nepotism is not permitted. The selection of applicants for vacant positions shall be based upon a relative consideration of their qualifications for the position to be filled. Using fair and valid selection criteria, the agency shall review the credentials of each applicant and determine who possesses the minimum qualifications. From those applicants who meet the minimum qualifications, a pool of the most qualified candidates shall be identified. The pool of the most qualified candidates shall be those individuals determined to be substantially more qualified than other applicants. The individual selected for the position must be chosen from the pool of the most qualified applicants. Selection procedures and methods shall be validly related to the duties and responsibilities of the vacancy to be filled.

Revised the section on verification of credentials (§ 5) to make clear that the highest post-secondary degree that must be verified is the one used to qualify or set the salary.

I. Periodic Review Process for 25 NCAC 01A, 25 NCAC 01B and 25 NCAC 01C

The periodic rule review process, required by G.S. § 150B-21.3A, requires agencies and commissions, in a process before the Rules Review Commission, to review every 10 years all of their active rules codified in the North Carolina Administrative Code. The Rules Review Commission has established that review of the Human Resources Commission's rules should begin with Subchapters 01A, 01B, and 01C of Title 25 of the Administrative Code.

At the April 18, 2024 State HR Commission meeting, the Commission voted to accept the staff recommendation as to what rules be determined to be necessary or unnecessary. These determinations were posted for public comment on April 23, 2024. The comment period ended July 1, 2024. There were no public comments. OSHR staff recommended, and the HR Commission agreed, that since there were no public comments, the HR Commission respond to the lack of public comments by making no changes to the initial determinations about whether rules are necessary or unnecessary. Those determinations are summarized on the summary sheet and found in the report in these materials.

J. Diversity and Workforce Services: Unlawful Workplace Harassment Policy

The Policy ensures that all employees have the right to work in an environment free from discrimination and harassing conduct. No State employee shall engage in conduct that falls under the definition of unlawful workplace harassment.

Revised the policy to make it more robust and align the policy with the new Enforcement Guidance on Harassment from the Equal Employment Opportunity Commission (EEOC). See the summary report sheet for specific details about the revisions. The changes include

adding, expanding, and moving into their own sections of the policy the discussion on unlawful workplace harassment and sexual harassment. New language also explains, consistent with the EEOC guidance, that conduct within a virtual work environment can contribute to a hostile work environment.

K. Talent Acquisition: Continuous Posting for DOR

A continuous posting request allows an agency to have a job be always posted and available to receive applications. It is a valuable tool for agency recruitment. Section 126-14.3 of the General Statutes states that the Commission shall require “that a closing date shall be posted for each job opening, unless an exception for critical classifications has been approved by the State Human Resources Commission.” A continuous posting results from the Commission approving this “exception for critical classifications” and authorizing the job to be always posted and not have a closing date.

Approved the continuous posting request by DOR for Administrative Specialist I, 32000024.

L. Total Rewards/Classification and Compensation: Revised Classification Specifications

Creation of five class specifications and revision of four existing class specifications for the Statewide Compensation Plan

Made changes requested by the Department of Agriculture and Consumer Services to: Agricultural, Environmental, and Scientific Job Family —

- Agricultural Program Technician I (Revisions)
- Agricultural Program Technician II (Revisions)

Made changes requested by the Department of Information Technology and the Office of State Controller to:

Information Technology Job Family —

- Application Systems Specialist I (Revision)
- Application Systems Specialist II (New)
- Cloud Administrator (New)
- Cloud Architect (New)
- Cloud Engineer (New)
- Database Administrator III (New)
- Information Technology Business Relationship Specialist (Revision)

See documentation for details.

The items are available to view on the State Human Resources Commission's HR Directors' SharePoint site at:

[State Human Resource Commission - 2024 7 11 SHRC Meeting - All Documents \(sharepoint.com\)](#)