



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: October 30, 2023

RE: Approved Personnel Actions for the October 19, 2023
State Human Resources Commission Meeting

Please see below the following personnel actions that were approved on October 27, 2023, by the Governor's Office and by the State Human Resources Commission at the October 19, 2023 State Human Resources Commission meeting. These statements are summaries only; see the documentation for full details.

4. Proposal to Move December 14, 2023 SHRC meeting to November 30, 2023

Rescheduling this meeting will allow temporary rule 25 NCAC 01E .1903 "Eligibility for Paid Parental Leave" proposed in this agenda to be timely processed through temporary rulemaking – allowing review and approval by the SHRC and Governor after public hearing and public comment, and submitting it to the Rules Review Commission for their December 14, 2023 meeting.

(Commission Action: Motion to Recommend Approval to Move the SHRC meeting scheduled for December 14, 2023 to November 30, 2023 to facilitate the processing of temporary rule 25 NCAC 01E .1903 Eligibility for Paid Parental Leave)

5. Proposed Meeting Dates for 2024 (Third Thursday of designated month, except December)

February 15
April 18
July 18
October 17
December 12

IV. BUSINESS SESSION

B. Benefits & Awards: Oliver-Condrey Award Policy

OSHR proposes formalizing an award that has been informally provided in the past to employees who have completed more than 40 years of outstanding state service in Human Resources roles. This award has been provided one time in the past, to Peggy Oliver by former OSHR Director Ron Penny. Ms. Oliver retired after more than four decades of serving state agencies in Human Resources. Director Penny called this informal recognition the “Oliver Award.” Recently, Ronnie Condrey retired after more than 40 years of service in Human Resources to state agencies. In light of the service of Peggy Oliver and Ronnie Condrey, OSHR proposes that the award be formalized and named the “Oliver-Condrey Award.”

Human Resources employees serve an essential role in supporting all parts of state government. This is especially true when employees serve state agencies in human resources for many years and build incomparable institutional knowledge through dedicated service. The recognition program under this policy is designed to acknowledge and express appreciation for outstanding Human Resources contributions in state government for more than forty years.

C. Diversity and Workforce Services: Immigration and Employment of Foreign Nationals Policy, Renamed To Form I-9 and Employment Eligibility Verification Policy

The federal Immigration Reform and Control Act states that the employer must hire only United States citizens or aliens who are authorized to work in the United States. Additionally, all North Carolina State agencies, departments, institutions, community colleges, and local education agencies shall verify, in accordance with the E-Verify Program after hiring the individual, each individual’s legal status or authorization to work in the United States.

These changes update the policy to be consistent with changes to the federal Form I-9 and to include reference to the new Remote Verification option allowed by the Department of Homeland Security. The updates also include information about the requirements for electronic storage of Form I-9s and associated documents. See Summary Sheet for detailed information on changes to policy.

D. Talent Acquisition: Recruitment & Posting of Vacancies Policy

State Government shall meet its workforce needs through systematic recruitment, selection, and career support programs that identify, attract, and select from the most qualified applicants for State employment, and encourage diverse representation at all occupational levels of the workforce. No selection decision shall be made that will constitute unlawful discrimination in violation of State and Federal law.

To update the policy in accordance with the 2023 Appropriations Act on sharing of applications within the agency, at the option of the applicant, and include a reference to the Pilot Program authorized by the 2023 Appropriations Act. See Summary Sheet for detailed information on changes to policy.

E. Talent Acquisitions: Selection of Applicants/Employment Offers/Applicant Reference Checks Policies

1. Employment Offers Policy

This policy outlines internal procedures that must be followed by state agencies and universities prior to making an employment offer, including following posting and screening procedures and obtaining funding and salary approval prior to the offer.

Updated the policy by deleting language that referenced policies and procedures which are no longer in place. Added a section on Accelerated Hiring and Contingent Job Offers, consistent with the 2023 Appropriations Act. See Summary Sheet for detailed information on changes to policy.

2. 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. This policy sets out procedures for identification of the pool of the most qualified applicants and selection of the person for the position.

Updated the policy by deleting language that referenced policies and procedures no longer in place. Added a section on Accelerated Hiring and Contingent Offers, consistent with the 2023 Appropriations Act. See Summary Sheet for detailed information on changes to policy.

3. Applicant Reference Check Policy

To provide consistent guidelines for required reference checks, employment verification and background checks (as applicable) of a selected applicant during the hiring process.

To update the policy to reflect that contingent offers may be made to the selected applicant prior to the completion of reference checks. See Summary Sheet for detailed information on changes to policy.

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

Revision of existing classifications focusing on whether experience can substitute for education, mindful of Executive Order 278, and revisions to existing classifications to align with the trainee progression parameters outlined in the Pay Administration Policy. See documentation for details.

G. Total Rewards/Classification and Compensation: 3 New and 6 Revised Classification Specifications

Three new and six revised class specifications for the Statewide Compensation Plan.

In addition to the revisions resulting from EO278, OSHR Classification and Compensation is recommending 3 new classifications based on agency requests for Chief Financial Officers so OSHR has created a new series comprised of four levels of Agency Chief Financial Officer. These changes will help to recognize the diverse levels of complexity and scope at various agencies. As a result, three new classifications are being requested as Agency Chief Financial Officer I, II, and III, and the existing Chief Financial Officer classification is being modified and re-titled as Agency Chief Financial Officer IV.

On behalf of the Department of Public Safety, OSHR is recommending revisions to two agency specific classifications in the Law Enforcement and Public Safety job family. The recommended changes are substantive and include changes to the minimum education and experience requirements to align with current recruitment requirements, practices, and internal promotional policy which requires ALE experience specifically.

On behalf of the Department of Health and Human Services (DHHS), OSHR Classification and Compensation is recommending changes to the Medical Laboratory Technologist I classification's minimum education and experience. The minimum education and experience requirements are not aligned with the entry level work performed which has created recruitment challenges for this job class.

Lastly, on behalf of the Department of Military and Veterans Affairs, OSHR Classification and Compensation is presenting changes to two classifications, Veterans Services Officer and Veterans Services Office Manager. The agency is requesting to remove the necessary special requirement, "Must be an honorably discharged veteran who served on active duty in the armed forces during the period specified in Section 101, Title 38, U.S. C., and as required for membership in certain veterans' organizations. This requirement authorizes Veterans Service Officer employees to examine the Veteran Military files which are classified confidential and do not imply knowledge and skills needed for the performance of work. Must be accredited with the US Department of Veterans Affairs, NC Division of Veterans Affairs within six months of hire." It is the agency's position

that because civilian workers occupy this same position in the federal VA, this classification at the state level should not require the employee to be a veteran.

Finance and Business Management Job Family

- Agency Chief Financial Officer I - New
- Agency Chief Financial Officer II - New
- Agency Chief Financial Officer III - New
- Agency Chief Financial Officer IV

Law Enforcement and Public Safety Job Family

- ALE Assistant Special Agent in Charge
- ALE Special Agent in Charge

Medical and Health Job Family

- Medical Laboratory Technologist I

Program Management Job Family

- Veterans Service Officer
- Veterans Service Office Manager

H. Talent Acquisitions: Request for Continuous Postings

2 Requests: Department of Administration – Architect II and State Treasurer Office – Accountant III

When the Commission approves continuous posting for positions at an agency, the agency may begin filling positions as soon as they become vacant (rather than posting each position number separately for five business days), and applicants need not apply to multiple postings to be considered for each position.

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.” Today, we request that the following classifications be deemed critical and be allowed to have continuous posting, without a closing date being posted for each job opening.

- Department of Administration – Architect II
- State Treasurer Office – Accountant III

I. Total Rewards/Salary Administration: Temporary Rules

25 NCAC 01E .1903 Eligibility for Paid Parental Leave

The new statute on paid parental leave, N.C.G.S. § 126-8.6, became effective on July 1, 2023. OSHR proposed and submitted temporary rules as directed by the legislature. Those temporary rules were adopted on August 25, 2023. Then, Section 7.83(a) of the 2023 Appropriations Act (N.C. Sess. Law 2023-134) included new language requiring the Commission to adopt rules clarifying the requirement that employees have worked for the previous 12-month period or at least 1,040 hours to be eligible to receive paid parental leave. The revised temporary rule proposed at this meeting follows the new statute.

The revised temporary rule provides that the 12-month or 1,040-hour limits are counted aggregating employment at “(A) the State of North Carolina agencies, departments, and institutions, including The University of North Carolina; (B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; and (C) community college institutions of the State of North Carolina.” The new language specifies that the 12-month limit is counted aggregating employment at any of these employers.

J. Total Rewards/Salary Administration: Paid Parental Leave Policy

The policy provides paid parental leave to state agency employees as required by new N.C.G.S. § 126-8.6. Paid parental leave is designed to promote families’ physical and mental health, increase worker retention, and improve worker productivity and morale.

Open issue on waiting period and schools

- Align with proposed and passed legislative technical changes.
- Include in policy details on transitions to other agencies and eligibility.

B. Paid Parental Leave Rules

On May 16, 2023, Session Law 2023-14 (2023 Senate Bill 20) became law. Part V of the session law enacted new G.S. 126-8.6, which is the first statute providing paid parental leave to state employees. The new law requires the Commission to “adopt rules and policies” to provide paid parental leave. This means that a temporary rule is the fastest possible way to enact a rule on this subject as required by the new law.

Temporary rules 25 NCAC 01E .1901-.1908 Paid Parental Leave were filed with the Office of Administrative Hearings on June 22, 2023 and published on that website. There was a public comment period beginning June 23, 2023 and ending July 19, 2023. The public hearing for the temporary rule was held on Monday, July 10, 2023. No comments were received during either event. Some informal comments were received from other agencies and were incorporated into the proposed rules. See yellow highlighted portions of the temporary rule. The SHRC recommended the approval of the adoption of these rules and the Governor’s Office approved of that recommendation on August 8, 2023.

C. Paid Parental Leave Policy

N.C.G.S. § 126-8.6 provides paid parental leave to state employees. In general, the new parental leave statute is very much like the existing parental leave available under Executive Order 95, the Commission’s Paid Parental Leave Pilot Policy, and the Guidelines and FAQs that OSHR issued to implement the policy and executive order.

Approved changes to this Policy include:

- Reflect changes to N.C.G.S. § 126-8.6 made by House Bill 190, which became law after the last Commission meeting.
- Create a uniform set of benefits matching the structure in N.C.G.S. § 126-8.6 (eight weeks for birthing parents, and four weeks for non-birthing parents) by placing a February 16, 2024 sunset date on the option for agencies to provide the alternative structure historically offered in the policy.
- The changes to this policy will become effective upon approval by the Commission.

D. Total Rewards: Leave: Leave without Pay Policy

Leave without pay may be granted for illness, education purposes, vacation, or for any other reasons deemed justified by the agency head. Special provisions for leave without pay for military, family and medical, and workers’ compensation are covered in respective policies. Parental leave without pay for employees not eligible for FMLA leave is covered at the end of this policy.

Approved changes to this Policy include:

- Added a cross reference to the FMLA Policy, Paid Parental Leave Policy and Reasonable Accommodation Policy for types of leave that may be available after childbirth.
- The changes to this policy will become effective upon approval by the Commission.

E. Total Rewards: Leave: Reasonable Accommodation Policy

The Policy was updated to comply with the Pregnant Workers Fairness Act (PWFA). PWFA requires employers to make reasonable accommodations for “known limitations” related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity.

Approved changes to this Policy include:

- Section 2 of the Policy, “Definitions,” was updated to define the term “known limitations” as it is defined in the Pregnant Workers Fairness Act (PWFA).
- Section 5 of the Policy, “Reasonable Accommodations (Pregnancy),” was updated to include requirements from the PWFA.
- Added a cross reference to the FMLA Policy, Leave Without Pay Policy and Paid Parental Leave Policy.
- The changes to this policy will become effective upon approval by the Commission.

F. Talent Acquisition: Recruitment and Posting of Vacancies Policy

State Government shall meet its workforce needs through systematic recruitment, selection, and career support programs that identify, attract, and select from the most qualified applicants for State employment, and encourage diverse representation at all occupational levels of the workforce. No selection decision shall be made that will constitute unlawful discrimination in violation of State and Federal law. This policy applies only to positions that are subject to N.C.G.S.

Approved changes to this Policy include:

- Clarified when a posting is labeled “Internal to Agency” or “Internal to State Agency and University Employees” and states temporary employees are eligible, temporary employees employed by Temporary Solutions or directly by the agency may apply, but not temporary employees of a third-party staffing agency or contractors. See footnote added to Section 7.1.
- The changes to this policy will become effective upon approval by the Commission.

G. Diversity and Workforce Services: Disciplinary Action Policy

State employees are expected to meet performance standards and conduct themselves appropriately. This policy is intended to provide tools for addressing employee conduct and performance issues in a reasonable, consistent, and effective manner. Any disciplinary action issued in accordance with this policy must be for just cause. The procedures in this policy provide for progressive discipline to address issues involving unsatisfactory job performance for employees to be given notice of deficiencies and an opportunity to improve them. However, this policy also recognizes that some employee conduct occurring either on-duty or off-duty is so egregious and intolerable that continued employment is not a possibility and progressive discipline is not appropriate. The imposition of any disciplinary action shall comply with the procedural requirements of this Policy.

Approved changes to this Policy include:

- Update the Policy to reflect developments in caselaw and precisely match the Administrative Code provisions on the same topics. See the summary sheet for details of the proposed changes.
- The changes to this policy will become effective September 15, 2023.

H. Total Rewards/Salary Administration: Sign-On and Retention Bonus Policy

Programs may develop programs to provide bonuses to recruit or retain employees in hard-to-fill occupations.

Approved changes to this Policy include:

- Two parts of the policy, in sections 2 and 3, discuss employees who are not eligible for a bonus because they already are an employee in North Carolina state government subject to the State Human Resources Act. Both instances of this language, in sections 2 and 3 of the Policy, now use exactly the same language.
- The changes to this policy will become effective August 15, 2023.

I. 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. This policy also addresses employees who are exempt from overtime pay, on-call status, travel time, and special provisions on a variety of topics.

Approved changes to this Policy include:

- State Human Resources Director approval is not required when an agency chooses an option involving compensatory time payout for law enforcement, fire protection, or emergency response positions. See § 29.7 of the Policy.
- An agency head recommendation and State Human Resources Director approval, under the exception/variance process set out in the Administrative Code, is required for all other payouts of compensatory time to positions that are designated as exempt from overtime compensation provisions. See §§ 3 and 29.8 of the Policy.
- Also added “Sources of Authority” section to policy and placed policy history in the policy’s text.
- The changes to this policy will become effective October 1, 2023.

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

<https://ncconnect.sharepoint.com/sites/SHRC/HR%20Directors/Forms/AllItems.aspx?id=%2Fsites%2FSHRC%2FHR%20Directors%2F2023%2008%2007%20SHRC%20Meeting&viewid=5ce74308%2Dc66d%2D48f0%2D8c5e%2D94f2018a6219>