



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: April 28, 2023**

**RE: Approved Personnel Actions for the April 20, 2023  
State Human Resources Commission Meeting**

Please see below the following personnel actions that were approved on April 26, 2023, by the Governor's Office and by the State Human Resources Commission at the April 20, 2023 State Human Resources Commission meeting. These statements are summaries only; see the documentation for full details.

**B. 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. § 126-7.1(a), (d) and/or 126-14.3(2), (3); it does not apply to exempt policymaking, chief deputy, confidential assistant, or confidential secretary positions, along with most types of statutory exempt positions.

Approved changes to this Policy include:

- Implement Executive Order 278 by helping to eliminate unnecessary management preferences for degrees.
- Through the same escalation process set up for unnecessary management preferences for degrees, help to eliminate unnecessary management preferences for experience that go beyond a classification's minimum and will restrict recruiting.
- Make other minor clarifying changes:

- On page 1, new text clarifies that temporary employees are not covered by this Policy. This matches existing practice.
- On page 3, revised text indicates that the employee or applicant must possess the minimum qualifications required for the position, which must be listed in the vacancy announcement. The revised text indicates that the education and experience requirements in the vacancy announcement must match the class specification, while the knowledge, skills, and abilities/competencies in the vacancy announcement must bear a direct and logical relationship to the position description and class specification.
- On page 4, new text creates an escalation process for hiring managers who wish to go beyond the class specification and add management preferences for additional education or experience. These management preferences would require approval by the Human Resources Director of the agency. In determining whether to grant approval, the agency's Human Resources Director would be required to consider whether the preference is necessary and job-related. Quarterly reporting of these approvals will be required by the agency to OSHR.
- On page 5, new text defines which employees are eligible when an agency determines that it will make a posting "Internal to Agency," "Internal to State Agency and University Employees," or open to everyone. For the two types of internal postings, probationary, permanent and time-limited employees will be eligible by default, but temporary employees are included only if the job posting specifically indicates that they are eligible to apply. This matches existing practice at most agencies. New text on page 5 also requires that "Internal to Agency" postings be either posted on the OSHR website or emailed to all employees of the agency.

### C. Talent Acquisition: Dual Employment Policy

The Dual Employment Policy is a statewide uniform policy to be followed when one state agency (the "borrowing agency") secures the services of an employee of another state agency (the "parent agency") on a part-time, consulting or contractual basis. This policy attempts to cover as many different situations as possible and to strike a sound balance between the interest of the state, the agency, the employee and the public. For employees engaged on a full-time basis, any additional work for other than a state agency is termed secondary employment and is covered in the Secondary Employment Policy.

Approved changes to this Policy include:

- The changes update what state employees are covered by the policy. It now expressly includes dual employment between agencies as well as dual employee between agencies and universities. This matches existing practice. See pages 1-2.

- The changes update the definitions, consistently using the phrases "FLSA Subject" and "FLSA Not Subject" and removing definitions that were not used in the policy. See pages 2-5.
- The policy now clarifies that permission of the parent agency is not required when the employee does only occasional work. See pages 5-6.
- The revisions combine and update the sections "Payment for Services" and Procedures for Payment" to reflect the current payroll system. See page 6-9.
- The policy now provides that any overtime or compensatory time obligations will, by default, be paid by the borrowing agency. The exception is that the parent agency will be responsible for any overtime hours that would have been due solely on the basis of the employee's hours with the parent agency. See pages 8-9.
  - (For example, if an employee subject to the Fair Labor Standards Act worked on a 40-hour schedule for the parent agency, and worked in a weekly pay period 42 hours for the parent agency plus 10 additional hours for the borrowing agency, the parent agency would be responsible for the first 2 hours of overtime, and the borrowing agency would be responsible for any overtime due on the remaining 10 hours.)
- The segments of the policy on honoraria are joined together in one place. The substance of those provisions has not changed. See page 10.
- A source of authority section has been added. See page 12.

D. Request for Continuous Posting – DPS – Youth Counselor

E. Request for Continuous Posting – DHHS – Disability Determination Specialist

(D and E to be considered in same agenda item)

After discussions with agencies, OSHR recommends that the Commission authorize continuous posting for two classifications at specific agencies. 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.

The following classifications were deemed critical and allowed to have continuous posting, without a closing date being posted for each job opening:

- Youth Counselor with DPS
- Disability Determination Specialist with DHHS

#### F. Talent Acquisition: Employment Contract Policy

This policy forbids state agencies and universities from requiring state employees to sign employment contracts outlining conditions of employment such as length of employment, repayment for training, transfer, etc. The policy does allow for exceptions for certain apprenticeship agreements and professional development paid for by the agency or university that is in excess of \$5,000.

Approved changes to this Policy include:

- Corrected statutory and code citations. See page 1.
- The existing policy allows employment contracts requiring an employee to stay with the agency for a minimum specified length of employment if the agency pays for "in excess of \$5000" for professional development seminars or other educational opportunities to employees that are not a requirement for the job. See page 1. The proposed revisions to the policy would specify that this \$5,000 trigger is measured "per agency payment." See page 2.
- Added cross references to other relevant policies. See page 2.
- Added a source of authority section. See page 2.

#### G. Total Rewards/Classification and Compensation: Draft Updates to Salary Ranges, Effective June 1, 2023

On April 14, 2022, the Commission approved revised and enhanced pay plans for the Statewide Classification and Compensation System, effective June 1, 2022. Regular updates, based on general structure movement trends, are necessary to ensure the state's pay plans remain aligned to market and support greater opportunities for growth.

The approved updated pay plans are based on consultation with Mercer, a global human resources consulting firm. The specific update consists of increasing the minimum, midpoint and maximum (including a recalculation of quartile 1 and quartile 3) by 2.5%. The following pay plans are affected:

- General (NC01 to NC30)
- Information Technology (DT01 to DT15)
- Legal (LG01 to LG11)
- Medical-Healthcare (MH01 to MH28)
- Sworn Law Enforcement (SW01 to SW12)

H. Total Rewards/Classification and Compensation: 1 New and 1 Revised Classification Specification

Creation of one new classification and one revision and job title change of an existing classification for use by the Department of Health and Human Services.

The following 1 new and 1 revised agency-specific classification were approved:

Medical and Health Job family

- Autopsy Technician I (New)

Medical and Health Job family

- Autopsy Technician II (Title Change and revision)

I. Total Rewards: Sign-On and Retention Bonus Policy

This Policy is used by agencies to develop programs to provide bonuses to recruit or retain employees in hard-to-fill occupations.

Approved changes to this Policy include:

- Questions that have arisen during implementation of the policy.
  - Removed “during a period in which the agency is offering a sign-on bonus as a recruitment incentive to attract qualified candidates” from the description of the first type of retention bonus in Section 1 of the policy. This change was made to be consistent with the change made to Retention Bonus Situation 1 in the December 2023 SHRC meeting. See page 2.
  - Added language to clarify when bonuses may be paid in one installment and what the corresponding period of consecutive service is for those bonuses. See page 10.
  - Added language to the first bullet in Section 6 to clarify the 90-day minimum between installments is between all installments, not each installment. See page 10.
  - Added an additional bullet in Section 6 to clearly define the “period of consecutive service” for bonuses paid in multiple installments. See page 10.

J. Diversity and Workforce Services - Local Government Section: Scotland County Request for Substantial Equivalency in Recruitment, Selection, and Advancement.

Per N.C.G.S. § 126-11(b), Scotland County requested substantial equivalency in one program area: Recruitment, Selection, and Advancement. It was approved.

## K. 25 NCAC 01C .1007 Separation

This Rule describes circumstances when an employee may be separated from state employment by their employing agency and detail the notice process to do so. It describes in detail when an employee may be separated when unable to perform their position's essential duties listed in the job description or designated work schedule and the employee and agency are unable to reach agreement on a return-to-work arrangement that meets the needs of the agency and employee's condition in either of the following situations:

1. Due to medical condition or vagueness of medical prognosis;
2. Due to court order, loss of required credentials, loss of other required certification, or other extenuating circumstances; or
3. Due to work-related injury if employee has reached maximum medical improvement and agency is unable to accommodate the employee's permanent work restrictions related to such injury or 12 months after the date of the employee's work-related injury.

These changes were previous submitted to the Commission, but due to an error in the published text of the rule, it was resubmitted to the Commission on December 8, 2022, to correct the erroneous language and incorporate changes suggested by the Rules Review Commission staff from its initial review. (The Rules Review Commission staff comments make technical changes and corrected the rule to precisely match statutory language in N.C.G.S. § 126-34.02.) The Rule was published in the North Carolina Register on February 15, 2023 at 37:16 with a deadline to file public comments by Monday, April 17, 2023. A public hearing was held on March 2, 2023. No comments were received to the publication or at the public hearing. At the April 20, 2023 meeting, the Commission recommended submission of the Rule, as revised, to the Rules Review Commission as a permanent rule. It was approved.

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?noAuthRedirect=1&id=%2Fsites%2FSHRC%2FHR%20Directors%2F2023%2004%2020%20SHRC%20Meeting&viewid=5ce74308%2Dc66d%2D48f0%2D8c5e%2D94f2018a6219>