

**STATE HUMAN RESOURCES COMMISSION MEETING
VIA WEBEX**

MEETING MINUTES – February 15, 2024

Members Present:

Members present on the Webex for the meeting were: Commissioner Dekhasta Becton Rozier, Chair, Commissioner Andrea Allard, Commissioner Ross Beamon, Commissioner Doug Boyette, Commissioner Starla Tanner, Commissioner Tye Vaught, and Commissioner Tracy Webb.

Other Attendees

Other attendees present: Barbara Gibson, Director, 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; Felicia Bridges, Andrea Clinkscales, Lorence Crossett, Devon Freed, Linda Forsberg, Scarlett Gardener, Creshaye Graham, Jennifer Harrison, Joel Jordan, Stephanie McFadden, Randy Mizzelle, Irshad Patel, Paige Pearson, Armond Pittman, Susan Reeves, Kristin Siemek, Deyla Tharrington, and Kimerly Whitaker, Office of State Human Resources; Angeline Hariston, HR Director, NC Office of Administrative Hearings; 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; Karen Gerald, HR Director, NC Department of Health and Human Services; Jerry Daniels, HR Director, NC Department of Insurance; Tina Wong, NC Department of Justice; Harlan Frye, NC Department of Revenue; Patricia Garcia, HR Director, Office of State Budget & Management; and 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, and Kevin Adcock, University System.

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 January 18, 2024.

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.

There were no additions or corrections to the agenda for the February 15, 2024 meeting.

CONSENT AGENDA

The Chair presented the draft minutes for the January 18, 2024 State Human Resources Commission meetings. Commissioner Vaught requested a typographical error of the omission of the “e” from his first name be corrected. There being no further discussion or questions, the Chair called for a motion to recommend approval of these minutes with the requested typographical error of the omission of the “e” from his first name be corrected.

Motion: Commissioner Beamon made a motion to recommend approval of the draft minutes for the January 18, 2024 with the requested typographical error of the omission of the “e” from his first name be corrected.

Second: Commissioner Allard seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the draft minutes for the January 18, 2024 State Human Resources Commission meetings with the correction of the typographical error of the omission of the “e” from his first name.

Motion carried.

State Human Resources Director’s Report

Director Gibson greeted everyone and shared that in 2 months OSHR would be celebrating its 75th anniversary. Originally named the Office of the Department of State Personnel, the agency came to life through House Bill 1181, also known as an “Act to Establish a State Personnel Department” dating back to April 22 of 1949. This marked the start of the first ever uniform State Personnel Agency in North Carolina and of all the accomplishments of the Gibson team as well as the past staff, working tirelessly to provide ample resources and protections to our state employees over the last 75 years. Those efforts are amplified by all on the Commission and its predecessors, and on behalf of herself and all of the State Human Resources directors that came before her, Director Gibson thanked the Commissioners for its continued support for OSHR and its fellow state employees. Director Gibson stated that throughout her time as state HR director, she continually stressed the importance of using comprehensive data to make informed Human Resources decisions - expanding knowledge and understanding of the state workforce to help HR colleagues identify crucial information that is needed to recruit and retain our best and brightest state employees. Gibson stated that her intentions to create a robust human capital management system is officially taking the first step with the release of a request for proposal (RFP) to help create the system. She also gave a shout out to OSHR staff that's been involved in the implementation of Executive Order 278, recognizing the value of experience in state government hiring as part of OSHR’s responsibilities surrounding the statewide initiative to train agency HR staff on how to effectively screen applications expanding access to career opportunities in state government. The first round of trainings already underway, it explains how to write vacancy announcements that appeal to prospective applicants and doesn’t close the

door on potentially effective employees from non-traditional backgrounds. This new training was delivered to over 130 HR professionals across the State. OSHR also teamed up with state agencies to expand access to state government jobs last month in collaboration with the Department of Adult Correction and other agencies including OSHR.

Gibson then shared that Governor Roy Cooper had announced Executive Order 303 entitled “Establishing a Unified Approach to Improving Education, Rehabilitation and Reentry Services for Incarcerated and Formerly Incarcerated People in North Carolina.” She thanked both Governor Cooper and the Department of Adult Correction for their efforts in providing resources for formerly incarcerated individuals in their search for gainful employment, and hope these individuals will consider a job with the state of North Carolina. She also thanked the Governor's office for helping provide programs to support state employees who are new parents. Noting two policies on the agenda about this topic - the Paid Parental Leave Administrative Code Rules and an update to the Lactation Support Policy. Paid parental leave helps attract and retain employees in a really tough environment. Gibson thanked the legislature for expanding paid parental leave to K-12 teachers in the public schools. She then explained that changes to the Lactation Support Policy were the first revision to this policy since 2010. The proposed revisions update the policy to reflect changes in the federal law since that time. It also includes a series of additional practical details to help agencies meet obligations and support these employees.

Gibson noted that in some recent press articles questioned how some agencies are classifying some of their employees. She stated that during the Great Resignation in this difficult labor market, OSHR delegated increasing flexibility to agencies for classification and compensation decisions which resulted in agencies being authorized to approve classifications for 95% of their positions as of March of 2023. Then in October, the legislature authorized a pilot that granted autonomy to agencies for all classifications and pay decisions through July of 2025. It is the agency's decision, which classification or salary is appropriate. OSHR has advised agencies to ensure they solidly document pay and classification decisions to ensure internal consistency and pay equity between similarly situated employees and, as always, OSHR will continue to support agencies and remain available to provide guidance and consultation.

Director Gibson reminded the Commission that during the January 18, 2024 special meeting session, representatives at the University of North Carolina System Office provided information on the new pay bands for the UNC system. At this meeting, the UNC System Office would present the next step which is to update the university systems Career Banding Salary Administration Policy to include several provisions that come directly out of the commissioner's questions from the earlier meeting. The policy is phrased as a pilot that the Commission would review again in two years and OSHR will work with the UNC System to determine the effectiveness and sustainability of the pilot policy and its administration.

Gibson concluded her remarks by reminding the Commission that this was officially the last year of the Cooper administration and the policies presented would demonstrate that from our

Veterans and National Guard members to new parents and more, OSHR continues its mission of providing enhanced human resources support to all current and potential state employees.

Talent Acquisitions:

Talent Acquisition Manager Kristin Siemek reported to the Commission that, as stated at the October 19, 2023 SHRC meeting, the Recruitment and Posting of Vacancies Policy was updated to add the Interagency Application Pilot Sharing Program which stated that agency may offer an option to applicants to have their application considered for other positions posted with the agency that are within the same or comparable classifications for which the applicant applied and was qualified and at that time a statement was added in the policy that OSHR would provide guidance in January 2024 to the agencies. Siemek confirmed that guidance was provided in the form of a memo sent to agency HR directors so that existing language is being adjusted the language in the policy to say that the guidance memo is available on the OSHR policy page. The same thing was done to the Employment Offers Policy adding Accelerated Hiring Program Pilot which enables agencies to offer jobs as soon as possible as the completion of interviews for the position adding a statement to the policy that guidance would be provided to the agencies. That guidance was also provided in the form of a memo so we are also updating that statement to say that the guidance memo is available on the OSHR policy page.

Exceptions Granted under 25 NCAC 01A .0104

Deputy Director Twanetta LytleAlston presented three exceptions granted under 25 NCAC 01A .0104 since the January 18, 2024 Commission meeting. The first two allow an exception to the 11-month limit. These exceptions met the conditions in accordance with the law and the conditions stated in the rule.

The first exception that was approved for the 11-month limit in November, permitted a temporary Program Coordinator III with the Department of Health and Human Services to work beyond the 11-month limit for an additional 10 months. That employee is an integral part of implementing Epic for the Electronic Health Records Program and it was determined that system implementation would be significantly impacted if the employee took a 31-day break. The second exception to the 11-month limit was approved on January 23, 2024, permitted a temporary physician to work beyond the 11-month limit for an additional 10 months. That employee provides overnight medical care at Julian F Keith Alcohol and Drug Abuse Treatment Center which is experiencing significant staffing shortages.

During the August 2023 commission meeting, OSHR approved the comp time exception for the Office of State Controller (OSC) specific to its seven-member core team working on the financial backbone replacement project. In December, OSC requested to modify the approved exception and submitted additional documentation. OSHR approved their request to award a retention bonus and an amount not to exceed 15% of the midpoint of the employee salary grade noting it was consistent with recent legislation enacted by the North Carolina General Assembly

to allow certain divisions within the Department of Health and Human Services to provide retention bonuses not to exceed 15% of the midpoint of the employee's salary grade.

Business Session Public Comment

Public Comments

There were no public comments at the February 15, 2024 State Human Resources Commission meeting.

UNC Career Banding Salary Administration Policy

Total Rewards Division Director Andrea Clinkscales introduced the members of the University of North Carolina System presenting the updated Career Banding Salary Administration Policy for the Commission's approval. At the last meeting, the initial draft was presented as information. Since then, considerable collaboration between the UNC System Office and OSHR Total Awards and Legal Divisions and the leadership team reviewed and updated to better align the policy with current practices and establish a pilot that provides delegated authority to the university system to continue administering the career banding program consistent with the parameters outlined in the updated policy. The proposed draft also includes verbiage that if approved by the committee, this policy will be reassessed in 2026 to determine if it will continue to be administered as is or if modifications are needed. Clinkscales then turned the presentation over to Darryl Bass as Vice President and Chief Human Resources Officer and Chris Chiron, Associate Vice President for HR Policy both with the UNC System Office.

Bass stated they have appreciated the collaboration of this project with OSHR and that this policy defines the career banding salary administration components and the rules determining salaries for different types of personnel actions. It is the university's policy to compensate employees at a level sufficient to encourage excellent performance and to maintain the labor market competitiveness that is necessary to recruit, retain and develop a competent and diverse workforce. The proposed revisions substantially update and expand the existing policy. The last materially significant revisions of this policy occurred on January 1, 2015. A quick summary of the proposed changes and the primary goals included:

First, revisions that reflect the authority that has been delegated to the UNC system by the Office of State Human Resources to administer the career banding program for the UNC institutions which remove all references to agencies making it now an agency specific policy.

Second, revisions that expand the scope of the policy from a focus solely on salary administration rules to a wide overview of compensation administration, that includes adding definitions for key compensation terminology and a broader discussion of the requirements for managing pay equity.

Third, these proposed revisions better align with current practice and career banding in a career banding environment. As the policy is currently written, significant emphasis is placed on

employee movement through the competency levels of classification and salary administration was tied to this progression. In practice, however, the compensation program has two levels of emphasis. The first one is defining the competencies needed to achieve the requirements of the position based on business needs, which in turn sets the positions classification and competency level. The second, the employee demonstrated ability to meet the competency requirements for the position are a significant factor and determine both eligibility for salary action and a relative positioning of the employee salary in comparison to others in the same classification and/or competency level.

Last, and certainly not least, the revisions that update the roles and responsibilities of the universities that is distinct from the agency's current classification compensation system and clarify the roles between the UNC system and the OSHR. Bass closed again expressing the UNC System's appreciation for the partnership with OSHR in developing these revisions to this policy and offered that he or Chiron were available to answer any questions.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the Career Banding Salary Administration Policy as revised.

Motion: Commissioner Beamon made a motion to recommend approval of the Career Banding Policy as revised.

Second: Commissioner Tanner seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the Career Banding Salary Administration Policy as revised.

Begin the Permanent Rulemaking Process for 25 NCAC 01E .1901-.1910, Paid Parental Leave and Fiscal Note

General Counsel Blake Thomas presented the draft permanent rules 25 NCAC 01E .1901-.1910, noting that they were the same as what most recently submitted at the January 18, 2024 meeting and almost exactly the same as the current temporary rules and the supporting draft fiscal note. He explained that the fiscal note is a routine document that's required by the Administrative Procedure Act for any rules that involve the expenditure of money. This analyzes benefits and costs of the rules, compared to the regulatory baseline, considers multiple alternatives for the items that are within the Commission's discretion and must be approved by OSBM. OSBM has not yet approved the draft before the Commission as it needs a few technical changes. If there are revisions to the fiscal note, it will be provided immediately to the commissioners and posted for the public on the OSHR website. Public comments on the fiscal note and proposed permanent rules will be presented to you for a final approval vote.

The benefits of paid parental leave break down in two categories: benefits to employers and increased productivity of employees. There's a study which showed that mothers who receive paid parental leave have increased work hours, which results in increased productivity recorded

and this effect lasts as long as three years after the paid parental leave was taken. Additionally, paid parental leave is a significant recruitment and retention tool for state agencies and benefits the children supported by statistically data showing a fairly large decrease in mortality rates for infants, including a 5.2% decrease in the neonatal mortality rate for children whose parents receive paid parental leave. Paid parental leave is also associated according to literature with increased breastfeeding, and more mature early cognitive functioning. While it is difficult to quantify some of these benefits, particularly the benefits for recruitment and retention. OSBM view these benefits as likely equal to or larger than the salary costs. In practice, this greatly overestimates the real cost because employees are paid their salary whether or not they take paid parental leave. Last year paid parental leave was less than 1% of agency's Lapsed Salary. Paid parental leave program doesn't result in a net increase in general fund appropriations.

As for specific cost, there are two areas where the proposed rules result in an increase of salary cost over that regulatory baseline. The first is having paid parental leave not be cut off when a newborn child dies and then there's a cost from having paid parental leave for miscarriage or stillbirth. On miscarriage or stillbirth, the law requires the Commission to adopt rules that provide some leave, but they don't say what that leave has to be. The proposed rule allows four weeks of paid parental leave for the birth parent and only the birth parent in the case of miscarriage or stillbirth. Another alternative would be making the paid leave in that circumstance two weeks, again only for the birth parent, that has half that cost. Another alternative would be to make the paid leave the same in the case of miscarriage or stillbirth as it is for a newborn child who survives childbirth. In that scenario, the estimated cost would be \$369,054 a year across all state agencies. All of these scenarios assume that paid parental leave for pregnancy losses after the 12th completed week of pregnancy.

Proposed alternatives to these assumptions of the proposed rule where paid parental leave will be provided if the miscarriage occurs after the 12th completed week of pregnancy show the cost is again, the same. Alternatively, if the paid leave begins after the eighth completed week of pregnancy, the regulatory baseline would be \$338,964 a year - about \$238,000 more a year. A last alternative would be to have paid parental leave at the point that the CDC calls a stillbirth, after the 19th completed week of pregnancy, estimating the total cost over the regulatory baseline would be \$13,299 - less than the proposed rule.

The last area is the minimum service period before an employee is eligible for paid parental leave. Under the Executive Order there is a one year waiting period to become eligible for paid parental leave with no cost or savings compared to the regulatory baseline. If the minimum service period was six months, calculations show that approximately 2536 more employees would become eligible, and agency employees would use paid parental leave every year at a salary cost of \$376,871 above current levels. In comparison, the total salary cost to the state for the paid parental leave program is an increase of about \$377,000 out of a program that results in 6.2 8 million in salary costs per year. If the minimum service period were doubled to two year, it is estimated it would reduce the number of employees who use paid parental leave by about

132 people per year reducing costs by about \$753,171 over the regulatory baseline - reducing that 6.2 8 million in salary costs per year by about \$750,000.

Today, the Commission must choose to vote for what is proposed in the Rules or choose one of the alternatives and/or choose which qualifying eligibility term should be applied.

Commissioner Allard asked to confirm that the current proposed language states that a participants must serve for 12 months to be eligible, miscarriage is after the 12th week and the birth parent gets 4 weeks of leave. Nothing for the nonbirth parent. That is the baseline.

Thomas stated that was accurate.

Commissioner Tanner had some questions about the qualifying event definition and understanding the options that were left to the Commission and staff to recommend defining and the ones that were specified in the legislation. She stated that she appreciated the options, especially as it relates to looking at changing or addressing the recommendation of stillbirth or miscarriage being at the 12-week period because she felt like the earlier definition or the definition of a qualifying event was much sooner than 12 weeks. She expressed concern about the fiscal note having not yet been approved by OSBM and that changes would be made and asked if that was a norm.

Thomas that he did not know what the norm is and had not been involved in a lot of fiscal notes, but the one he had been involved in were confirmed before getting to this point. He offered that the Commission could wait and meet again before voting and that Julie Vetrolo from OSBM was on the call and could speak to this.

OSBM Economic Analyst Julie Vetrolo stated she was not expecting to make any substantive changes to the draft fiscal note before the Commission, but mostly word smithing and small adjustments. For example, to net present value calculations, to account for potential future legislative increases, to account for possible costs and minor increases over the next five years.

Commissioner Tanner asked if the Commission can assume that with the additional proposed options that have a different cost amount would still fall under Lapsed Salary or be covered by Lapsed Salary, as salaries change with the agency and should the Commission consider some of the other options.

Thomas answered that he did not think there's any combination of alternatives that would result in Lapsed Salary becoming insufficient at a statewide level. The most expensive combination analyzed in the draft fiscal note - the combination of increasing the amount of paid parental leave for miscarriage or stillbirth and having it start earlier was between \$1 and 2 million in addition to the existing program which is about \$6.2 million in expenditures per year.

According to the last OSBM report on Lapsed Salary across all state agencies, that was about \$1billion and did not think the Commission was looking at something that would endanger the

abilities for state agencies to pay for this. He added that if the Commission did not feel comfortable as the draft fiscal note was still pending approval of OSBM, the Commission could definitely meet again, but that the deadline is getting the rules published in the next issue of the North Carolina Register to make sure that our temporary rules don't lapse under the requirement of the Administrative Procedure Act.

Chair Rozier thanked Thomas and asked the commissioners if they would want extra time or if there was a motion with one of these options, noting the standard option was before the Commission to approve as presented if there aren't any further concerns and no one felt a need to wait and vote on these rules.

Commissioner Tanner confirmed she had some concerns and would like to see additional information and was interested in pursuing earlier coverage or miscarriages and stillbirths.

Commissioner Allard asked when this needed to get into the North Carolina Register.

Thomas asked Commission Administrator Denise Mazza when the deadline was, then noted the deadline to file was February 23, 2024.

Commissioner Allard states she was fine moving ahead as presented with the four weeks for the birth parent, 12 weeks for defining miscarriage, and then a year for eligibility.

There being no further discussion or questions, the Chair called for a motion to recommend approval of submitting the notice of text to begin the permanent rulemaking process as presented.

Motion: Commissioner Allard made a motion to issue a notice of text for temporary rules 25 NCAC 01E .1901-.1910 as presented and to approve the substance of the fiscal note as presented.

Second: Commissioner Vaught seconded the motion.

Commissioner Tanner commented that the Commission had an opportunity to add coverage to employees that have had a birth and the qualifying event is pretty much in the discussions when she had been in the legislature and heard some of these, but qualifying event takes the start before in their discussions or their intent before 12 weeks and the Commission has an opportunity using Lapsed salaries to offer leave for employees before that period and Tanner stated she comes from the school of thought of something is going to be changed substantive versus technical and we're not sure we cannot be guaranteed what the changes will be from OSBM and how those will look in the signing off on a document before it's complete, she was not comfortable with that. She stated she respected the commissioners that have made the motion to move forward but wanted to voice her concerns as well.

A roll call vote was held and the attending members of the Commission voted as follows:

Allard – Aye
Beamon – Nay
Boyette – Aye
Tanner – Nay
Vaught – Aye
Webb – Aye

Motion carried.

Thomas stated that recognizing the divided vote, that number one, the proposed rules we'll get out for public notice and comment, and a copy of any changes to the fiscal will be provided to the Commission. He also stated that there would be an opportunity with public comment and any changes to the fiscal note that are made as a result of those public comments for the Commission to take this up again in a couple of months.

Total Rewards/Wellness & Work-Life Balance: Lactation Support Policy

Department of Health and Human Services and the Division of Child and Family Wellbeing, State WIC Breastfeeding Coordinator Dr. Chiara Phillips presented the recent revisions to Lactation Support Policy to the Commission. These changes underscored their dedication to the health and wellness of employees and their families and are in line with the most recent federal legislation designed to support nursing employees in the workplace. The primary goal of this policy is to aid in the development of work life balance initiatives focusing on the wellbeing of North Carolina State government employees.

Research underscores the value of lactation support highlighting the benefits such as reduced medical expenses, decrease absenteeism, enhanced retention and improved workplace morale. The policy serves as a guideline for the minimum support level for nursing employees, which agencies with agencies encouraged to adopt further supportive measures. The recent revisions ensure the policies consistency with the providing urgent maternal protections for nurses seen mothers to act, the PUMP Act, which came into effect on December 29, 2022.

The key updates include language modification, replacing mother with employee and breast milk with milk, the addition of a statement to the policy linking to the reasonable accommodation policy and the Pregnant Workers Fairness Act, the inclusion of a statement that OSHR will investigate concerns raised by employees to OSHR and provide guidance regarding the application of federal law and this policy to agencies, the clarification of the Fair Labor Standards Act provision mandating time and private space for milk expression and prohibiting retaliation against employees for compliance related complaints. A pivotal update under the private space for milk expression, section 4.1, requires agencies to provide a private space for milk expression and ensuring this space is shielded from view and free from public and staff intrusion. The availability of the space upon employee need with a temporary space being

acceptable if it meets privacy requirements, consideration of space proximity to the employee's work area and access to running water, accommodations for teleworking and employees to ensure privacy during milk expression, including when using video conferencing. Another significant update pertaining to time for milk expression, section 4.2 stipulates the right of the nursing employee to reasonable break time for milk expression, variability and frequency and duration of breaks with no fixed schedule and position, incorporating time requirements the policy specifies that time spent expressing milk is considered work time unless the employee is completely relieved from duty. For completely relieved employees, short breaks of 20 minutes or less are counted as work time; whereas longer breaks are counted as paid or unpaid leave, or the workday is adjusted accordingly.

With these updates, North Carolina's Lactation Support Policy for their workforce not only complies with the PUMP Act, but also reinforces our dedication to creating a supportive, inclusive and healthy workplace. By acknowledging and addressing the needs of our nursing employees, we foster a positive work environment conducive to both personal and professional growth.

There being no further discussion or questions, the Chair called for a motion to recommend approval of the Lactation Support Policy as revised.

Motion: Commissioner Webb made the motion to recommend approval of the Lactation Support Policy as revised.

Director Gibson commented clarifying that the process of investigation or raising of complaints through any employer relations process, but officially through an EEO process, and it would fall into the same. It would not be a special investigation process for this, it would fall into that same process.

Thomas added that OSHR will provide guidance for the employee on these matters.

Commissioner Beamon asked why the change in the terms with “mother” being taken out and “breast” milk replaced with just “milk” and “mother's” replaced with “employees” and breast milk has been replaced with just milk noting no one else is going to be expressing milk other than a mother from their breast?

Phillips responded that it was taken out just because not every parent identifies as a mother and just to use more gender inclusive language to represent the full spectrum of employees. Also, when working with individuals who do not identify as mother they often refer to feeding as chest feeding as opposed to breastfeeding, so they use more gender inclusive language around milk.

Thomas added that this language ultimately matches the way in which the federal guidance documents talk about this as well, so it matches.

Second: Commissioner Tanner seconded the motion.

A roll call vote was held and the attending members of the Commission voted as follows:

Allard – had to leave the meeting during this agenda item, but stated before she left the meeting that she would vote Aye as long as there were no changes.

Beamon – Nay

Boyette – Nay

Tanner – Aye

Vaught – Aye

Webb – Aye

Motion carried.

Talent Acquisition: Veteran's & National Guard Preference

Talent Acquisition Manager Kristin Siemek presented the revision to the Veteran's & National Guard Preference Policy. This policy outlines how the preferences should be granted to veterans and National Guard members when they apply for employment with the State. Section 6 discusses two ways that veterans and National Guard members can obtain credit while they're applying for different jobs. Number one discusses giving credit for numerically scored examinations, and we have added some clarifying footnote that states if an agency uses numerically scored tests or exams during the selection process to rank applicants to determine who is referred or interviewed 10 points shall be added to the final score of the numerically scored test or exam for eligible veterans and National Guard members. The 10 preference points are applied only to the part of the scoring that is from the numerically scored examinations. So, for example, if there's a three-part process where 25% of an applicant's scores are based on a numerically scored examination, another 25% of the score was based on a review of say some sample work performed in an in exercise, and then 50% of the applicant score was based on a structure interview, the 10 preference points apply only to the portion of the applicants score that's based on a numerically scored examination, not to the final ranking of the candidates. The agency would then use the total scores to rank the candidates to determine who would be referred to the hiring manager or interviewed depending on where they use that ranking.

The second way that a veteran or National Guard member can obtain credit is for getting experience for non-related military experience has not changed. Section 6.1 was added to explain that the exam credit or service credit that the veteran or National Guard member does get shall be applied through the interview process. After determining the appropriate amount of preference points and military service credit to be awarded to the veteran or National Guard member, when assessing the applicants, the veteran or National Guard members shall be assessed relative to other applicants, but always using their score ranking or total experience that includes the military service credit. The reduction in force statement was pulled out and put that into Section 6.3 as a separate section.

The title of Section 7 was edited from applying the preference to applying the preference during the final selection for eligible veterans or National Guard members from outside the state government structure, and language was added that clarified the final selection priority only applies to applicants outside the state government structure, and that it does not apply to current state employees who are seeking a promotion transfer or reassignment. Employees who are seeking a promotion transfer or reassignment received no further preference after application of the either the score credit or the experience credit that was outlined in Section 6 of the policy.

Commission Administrator Mazza informed the Chair and Commission that there was a Chat from Commissioner Allard that she had to leave to go to a council meeting and what she has written was that for the next three items, which would have been the item before this one which would be Items D., E. and F. that her vote was “Yay.” and she would have to clarify with Allard that is “Aye.”

There being no further discussion or questions, the Chair called for a motion to recommend approval of the Veteran’s and National Guard Preference Policy as revised.

Commissioner Beamon stated he would make a motion but asked Commission Administrator Denise Mazza what the final vote tally was for the revised Lactation Support Policy.

Mazza stated that on confirmation of Commissioner Allard’s vote via the Chat, it would have been two Nays and four Ayes.

General Counsel Blake Thomas stated that under Robert's Rules in these circumstances, he did not think Allard’s vote would count. So, while he appreciated her providing that guidance as to how she would have voted, since she wasn't in the meeting at the time it would be a 3 to 2 vote.

Motion: Commissioner Beamon made a motion to recommend approval of the Veteran’s and National Guard Preference Policy as revised.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all currently attending members of the Commission recommended approval of the Veteran’s and National Guard Policy as revised.

Total Rewards/Classification and Compensation: 3 New and 18 Revised Classification Specifications

Classification and Compensation Manager Felicia Bridges presented 3 new and revisions to 18 existing class specifications for the Statewide Compensation Plan either as a result of our strategic goal to continuously evaluate current specs in an effort to modernize and update existing specs or on behalf of requests submitted by agencies.

On behalf of the Department of Health and Human Services, OSHR recommended the creation of two new classifications and the revision of one existing classification related to the work of the office of the chief medical examiner within the forensic toxicology function to differentiate between the existing chief toxicologist which is a single incumbent role and requires certification by the American Board of Forensic Toxicology and the deputy role that serves as the operational director for the laboratory. OSHR Classification and Compensation recommended the creation of a new classification Deputy Chief toxicologist, which will manage moderately complex cases and ensure operational goals are met. Additionally, the creation of a new forensic toxicologist role is requested to comply with state legislation, specifically the Death by Distribution Bill and the Child Fatality Bill. These bills have increased demands on current staff, with each toxicologist handling on average 2500 to 3700 cases per year due to the opioid epidemic, the COVID 19 pandemic and population increases. OSHR also recommended the revision of the agency specific chief toxicologist job classification also in the Agricultural and Environmental and Scientific job family. The recommended changes to this class include revisions to the class concept to clarify the role based on the scope and duties of this job. The minimum education and experience requirements are being revised to include the certification required for this single incumbent role.

On behalf of the Department of Public Safety, OSHR recommended revisions to nine agency specific classifications in the Corrections job family. The recommended changes to the classes and the Juvenile and Programs job branches include revisions to the class concepts to improve clarity, revisions to the knowledge, skills and abilities our proposed to remove outdated terminology and improved consistency and clarity to facilitate recruitment. Lastly, changes to the minimum education and experience requirements were made to remove barriers to entry by broadening the acceptable degrees and adding certification requirements to one classification that is statutorily required, specifically the juvenile court counselor chief.

On behalf of the Office of the State Auditor, OSHR Classification and Compensation OSHR recommended revisions to four agency specific classifications in the Audit branch of the Finance and Business Management job family. The requested changes to include an equivalency to the CPA certification requirement of eight years of auditing under the government auditing standards Yellowbook. The proposed change will aid in recruitment and retention efforts as part of our strategic goal to improve the classifications, a thorough review of the class specifications resulted in recommended changes to the class concepts and knowledge, skills and abilities to improve consistency and clarity.

At the request of the Department of Revenue, OSHR Classification and Compensation concluded an in-depth study of the Financial Investigator Series, which currently includes the financial investigator, financial investigation supervisor and financial investigations manager. As a result of the exhaustive and collaborative study and on behalf of the Department of Revenue, Secretary of State, Department of Justice, OSHR Classification and Compensation recommended the creation of a new classification, Financial Investigator II and revisions to the three existing classifications. The creation of the Financial Investigator II recognizes the

increased variety and scope of work and the higher level of experience requirements for certain financial investigative work and provides a career path for current financial investigators. Revisions to the three existing classifications include revising and updating language and class concepts and knowledge, skills and abilities additionally, and revising the education and experience requirements due to the creation of the new classification.

Finally, on behalf of the Department of Health and Human Services, OSHR Classification and Compensation requested to remove the equivalency statement that was added inadvertently to the Human Services Provider Program Coordinator II classification and the Human Services job family. During the Executive Order 278 study, the equivalency statement was added however, federal Medicare rules require persons filling this role to have a bachelor's degree. Experience cannot be used as a substitute or Medicare funding will be withdrawn.

OSHR Classification and Compensation requested this 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 3 new and 18 Revised Classification Specification.

Motion: Commissioner Vaught made a motion to recommend approval of 3 new and 18 Revised Classification Specification.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all currently attending members of the Commission recommended approval of 3 new and 18 revised classification specification.

Adjournment

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

Motion: Commissioner Tanner so moved.

Second: Commissioner Webb seconded the motion.

A roll call vote was held and all currently attending members of the Commission agreed to adjourn the February 15, 2024 SHRC Meeting.

Motion carried.

The Commission adjourned at 10:21 a.m.

Executive Session

The State Human Resources Commission did not have an executive session at its February 15, 2024 meeting.

Minutes submitted by:
Denise H. Mazza,
State Human Resources Commission Administrator