

**STATE HUMAN RESOURCES COMMISSION MEETING
PURSUANT TO N.C.G.S. § 126-2(h)
VIA WEBEX**

MEETING MINUTES – June 13, 2023

Members Present:

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

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, Legal Division, Office of State Human Resources; Denise Mazza, State Human Resources Commission Administrator, Office of State Human Resources; Nancy Astrike, Andrea Bennett, Amy Bowman, Andrea Clinkscales, Ronnie Condrey, Scarlette Gardener, Joe Gilroy, Chryste Hofer, Linda Forsberg, Joel Jordan, Randy Mizelle, DeShun Perry, and Susan Reeves, Office of State Human Resources; Kieta Cannon, HR Director, NC Auditor's Office; Cashaunda Holman and Bancroft Neufville, NC Department of Agriculture and Consumer Services; Dr. Donnell Adams, HR Director, NC Department of Administration; Russ Eubanks, HR Director; NC Office of the Courts; Angeline Hariston, HR Director, NC Office of Administrative Hearings; Renathe Cotton, HR Director, Crystal Williams and Stacey Thompson, NC Department of Labor; Glenda Ellerbee, HR Director, Office of State Controller; Kristen Bierline, HR Director, NC Department of Justice; Janet Devane, HR Director, NC Department of Public Instruction; Charlene Shabazz, NC Department of Public Safety; Harlan Frye, HR Director, NC Department of Revenue; Darryl Bass, H.R. Director, and Chris Chiron, University System; Sanford Chancellor, HR Director, State Board of Elections; Sylvia Crumpler, HR Director, Department of Adult Correction; Kathleen Tardif, HR Director, NC Department of Natural Resources; Jerry Daniels, HR Director, NC Department of Insurance; Karen Gerald, HR Director, NC Department of Health and Human Services; Jones Schmett, HR Director, and Angel Gray, NC SBI; Patricia Garcia, HR Director, Office of State Budget & Management; Joey Harrison, HR Director, NC Department of Information Technology; Libby Faulkner, HR Director, NC HFA; Magnolia Lugo, HR Director, NC Community Colleges; Amanda Olive, HR Director, NC Department of Transportation; Tammy Penny, HR Director, NC Department of Cultural Resources; Debra Thomas, HR Director, and Josephine Stith, NC Office of the Treasurer; and Hollie Thornton, HR Director, NC Wildlife; and Allen Roger, Laura Destralo

Opening

The Commission convened its open meeting pursuant to N.C.G.S. § 126-2(h) at 9:35 a.m. via Webex Teleconference.

The State Human Resources Commission (SHRC) last convened on April 20, 2023.

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 June 13, 2023 meeting.

Business Session Public Comment

Public Comment

There were no public comments.

Total Rewards: Salary/Administration: Paid Parental Leave Rule

General Counsel Blake Thomas presented the proposed temporary rules to address Session Law 2023-14 (2023 Senate Bill 20) creating the first law on Paid Parental Leave in North Carolina. the law provides up to 8 weeks of paid leave for full time permanent employee use who have given birth and up to four weeks of paid leave for new parents through any other kind of qualifying event, like adoption, natural birth fathers, or new foster parents. This law, at subsection E, directs the adoption of rules and policies to facilitate Paid Parental Leave in North Carolina.

To address that and assist in a consistent application of the new law with the Paid Parental leave that has been provided since 2019 under Executive Order 95, temporary rules 25 NCAC 01E .1901-.1908 were created. The Temporary Rulemaking process is the fastest rulemaking available under the Administrative Procedure Act process. The process requires the proposed temporary rules be published for public comment for 15 business days after the Governor approves them and are submitted to the Codifier of Rules for publication on the OAH website for a public comment process. After that, these temporary rules are brought back to the SHRC with any recommended changes based on the public comments or other stakeholder input. They will likely become effective in late August or early September. Following that, the permanent rulemaking process will be pursued.

Thomas then began to review each rule beginning with .1901 Definitions and noting the definition of agency includes any state agency, commission, and departments. The legislative branch, the judicial branch of public school employees and Community College employees will adopt their own rules or policies on these issues under .1902. Rule .1903 sets the baseline of whom is eligible for the Leave.

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Commissioner Allard brought to Thomas' attention that on the summary sheet it incorrectly indicated that temporary employees were eligible for Leave under .1903, and that it should be corrected to say probationary to match the proposed temporary rule.

Thomas continued to review the individual rules at .1906 noting that this program would also apply to all exempt and non exempt employees in the executive branch as a non optional mandatory program for Council of State. Rule .1907 sets out the procedure for requesting the Leave and matches with the process used under the Executive Order. Lastly, rule .1908 provides practical procedures for its application for situations such as multiple birth and how often it can be applied.

Commissioner Vaught asked if these individuals would still be eligible for FMLA under the new law.

Thomas asked Commissioner Vaught to defer his question for Director Andrea Clinkscales' presentation on revisions to the Paid Parental Leave Policy that would follow these temporary rules consideration and he agreed.

There being no further discussion or questions, the Chair called for a motion to recommend approval to proceed with the temporary rulemaking process for proposed rules 25 NCAC .1901-.1908 Paid Parental Leave.

Motion: Commissioner Allard so moved.

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval to proceed with the temporary rulemaking process for proposed rules 25 NCAC .1901-.1908 Paid Parental Leave.

Motion carried.

Total Rewards: Salary/Administration: Paid Parental Leave Policy

General Counsel Blake Thomas presented the proposed revisions to the Paid Parental Leave Policy by reviewing each change. Thomas noted that to match with the effective date of the new law 126-8.6, these proposed revisions would be in effect beginning July 1, 2023.

At review of revisions at Section 11 of the Policy, Thomas noted this was relevant to Vaught's question regarding the use of FMLA and asked Total Rewards/Salary Administration Division Director Andrea Clinkscales to present.

Director Clinkscales provided that since the birth of the executive order and the Paid Parental Leave Pilot Program, has run concurrently with family medical leave and is used as one of the

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criteria for eligibility – in order for an employee to be eligible for paid parental leave, they had to be in employ the preceding 12 months with state government and then met the required pay status of 1040 hours.

Commissioner Vaught confirmed that the employee would not have to have exhausted his or her FML but would have to be eligible for FML

Director Clinkscales agreed.

There being no further discussion or questions, the Chair called for a motion to recommend approval to amend the Paid Parental Leave Policy as presented.

Motion: Commissioner Webb so moved.

Second: Commissioner Page seconded the motion.

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

Motion carried.

Adjournment

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

Motion: Commissioner Strach so moved.

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to adjourn the June 13, 2023 SHRC Special Meeting.

Motion carried.

The Commission adjourned at 10:07 a.m.

Executive Session

The State Human Resources Commission did not have an executive session at its June 13, 2023 meeting.

Minutes submitted by:

Denise H. Mazza,

State Human Resources Commission Administrator