

**STATE HUMAN RESOURCES COMMISSION MEETING
VIA WEBEX DUE TO COVID-19 STATE OF EMERGENCY**

MEETING MINUTES – June 3, 2021

Members Present:

Members present on the Webex for the meeting were: Chair Commissioner Dekhasta Becton Rozier and Commissioner Ross Beamon, Commissioner Courtney Cooper-Lewter, Commissioner Martin Falls, Commissioner Emily Jones, and Commissioner April Page.

Other Attendees

Other attendees present: Barbara Gibson, Director, Glenda Farrell, Chief Deputy, and Twanetta Lytle Alston, Deputy Director, Office of State Human Resources; Lars Nance and Blake Thomas, Legal Division, Office of State Human Resources; Denise Mazza, State Human Resources Commission Administrator, Office of State Human Resources; Kevin Adcock, Nancy Astrike, Felicia Bridges, Andrea Clinkscales, Scarlette Gardner, Terrence Ishmeal, Jill Lucas, Joe Marro, Holly Murray, Paige Pavlik, DeShun Perry, Kristin Siemek and Vanessa Voight of the Office of State Human Resources; Keita Cannon, HR Director, NC Auditor's Office; Dr. Donnell Adams, HR Director, NC Department of Administration; Bancroft Neufville, Acting HR Director, NC Department of Commerce; Shakeyia Hazell, HR Director, NC Community College System; Glenda Ellerbee, HR Director, Office of State Controller; Tammy Penny, HR Director, NC Department of Cultural Resources; Karen Gerald, HR Director, NC Department of Health and Human Services; Angeline Hariston, HR Director, NC Office of Administrative Hearings; Michael Dail, HR Director, NC Department of Transportation; Debra Thomas, HR Director, NC Office of the Treasurer; Amanda Olive, HR Director, NC Department of Transportation; and Chris Chiron, Associate VP, UNC System.

Opening

The Commission convened its open meeting at 9:04 a.m. via Webex Teleconference.

The State Human Resources Commission (SHRC) last convened on April 1, 2021.

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 3, 2021 meeting.

CONSENT AGENDA ITEMS

Approval of the minutes for the February 4, 2021 State Human Resources Commission Meeting.

Motion: Commissioner Beamon made a motion to recommend approval of the April 1, 2021 meeting minutes with a typographical correction offered by General Counsel Blake Thomas.

Second: Commissioner Page seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the April 1, 2021 minutes.

Motion carried.

Twanetta Lytle Alston – Exceptions Granted under 25 NCAC 01A .0104 Variances

Deputy Director Twanetta Lytle Alston presented an overview of new COVID and Non-COVID exceptions granted by Director Gibson under 25 NCAC 01A .0104 since the April 1, 2021 State Human Resources Meeting.

Nancy Astrike – Division Head/Diversity and Workforce Services: Updated Draft Settlement Report

Division Director Nancy Astrike presented the updated annual 2020 draft Settlement Report to which included some data that had been inadvertently omitted at the last meeting in April 2021.

Business Session Public Comment

Public Comment

There were no public comments.

State Human Resources Director’s Report

Director Barbara Gibson greeted the Commissioners and noted the importance of the agenda today and began by addressing the Teleworking Program Policy.

The development of the policy began in March 2020 with a working group comprised of representatives from Cabinet and Council of State Agencies, as well as the UNC System, to research best practices and begin drafting. It soon expanded to all Agency HR Directors and Chief Deputies, ensuring that all voices were heard, and potential impacts considered.

The goal was two-fold: to provide a consistent structure that would enable agencies to establish which job positions and which individual employees are eligible for teleworking under the Teleworking Program – a consideration that is very different from the framework of a looming public health crisis, and to provide the flexibility necessary for agencies to effectively manage

their unique operational needs. The undertaking raised the bar for HR teamwork across all agencies and universities in the name of public good.

Importantly, all new agreements under this policy will be part of a pilot program through December 31, allowing agencies and universities, their employees and OSHR – as the state’s central HR authority – to evaluate outcomes. This is a necessary step to assess the updated policy and determine how we may need to further refine the policy to capture lessons learned during the pilot period. Additionally, training has been prepared to support managers and supervisors as they work with Agency Leadership through the process of establishing how a teleworking program will be managed – and results documented – to support the specific business needs of their organization.

Other matters before the Commission today include an update to the Reasonable Accommodations Policy as the current policy is too restrictive regarding accommodations for pregnancy. So we formally acknowledged that a temporary condition is eligible for accommodation, making North Carolina’s policy consistent with the federal act.

The removal of a redundant policy and the presentation of new and revised classification specifications for your consideration. OSHR also continues to advocate for salary adjustment funding needed to address turnover due to labor market, salary compression, and internal equity issues for all agencies and to inform legislators about the importance of funding for a cloud-based Human Capital Management (HCM) system that would provide a user-friendly and agile integrated solution. Having such a state-of-the-art solution would provide so many new capabilities for core HCM processing for the entire employee life cycle – from recruitment to hire, to separation, retirement and everything in between.

Director Gibson then confirmed the retirement of OSHR General Counsel Lars Nance effective August 1 noting her reliance on his expert legal guidance since 1993. General Counsel Nance served at NC DOJ for nearly 28 years as the go-to person for interpretation of employment law. Among his many roles, he served as the attorney for this Commission – as well as legal advisor to the Retirement System and my predecessors at OSHR -- played a key role in offering counsel on almost every significant policy and program issue including the statewide pandemic response, the development of Paid Parental Leave, and modifications to grievance and EEO programs to ensure fair and equitable outcomes. Director Gibson acknowledged that his work was characterized by his vast scope of knowledge, his commitment to public policy and public service, and his willingness to listen to all sides of every conversation.

Director Gibson then announced that Blake Thomas, formerly of DOJ where he has worked with the Governor’s Office as the primary DOJ attorney on drafting Executive Orders and other emergency actions related to the COVID-19 pandemic, would be taking over the position. Thomas, a graduate of Harvard Law School, worked for eight years in the private sector before

joining state government in 2012 as Assistant General Counsel for the Office of State Treasurer, where his first role was to serve as the counsel responsible for the state's 401(k)/457(b) retirement plans. He later became the Treasurer's Deputy General Counsel and Acting General Counsel, rewriting policies for human resources, contract review processes and ethics procedures. Among his career highlights in State government, Thomas negotiated and drafted the settlement with Duke Energy on coal ash cleanup costs, which will save electric ratepayers more than \$1 billion and worked on settlements with opioid manufacturers and distributors, which will bring hundreds of millions of dollars to counties and cities statewide to help address the opioid crisis.

In closing, Director Gibson mentioned a few OSHR highlights including a new project, in collaboration with the OSBM Office of Strategic Partnerships funded through a grant from the Volker Alliance called Higher Education to NC Government Career Initiative (Ed2NC); a second to represent State government in a national virtual career fair for individuals with disabilities; a virtual Advanced Mediation Training for at least 172 mediators from agencies and universities; and Miles for Wellness: Challenge 23, which aims to engage our employees in activity to promote wellness.

Nancy Astrike – Division Director/Diversity and Workforce Services: Reasonable Accommodations Policy

Diversity and Workforce Services Division Director Nancy Astrike reported on the proposed changes to the Reasonable Accommodation Policy. Astrike explained that OSHR had received feedback that the current version of the Reasonable Accommodation policy only provides accommodations for pregnancy based on an ADA qualifying condition. The recommended changes clarify that accommodations will be consistent with the ADA as well as the PDA requiring that if a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat her in the same way as it treats any other temporarily disabled employee.

Chair: There being no further discussion or questions, the Acting Chair called for a motion to recommend approval of the Reasonable Accommodations Policy as presented.

Motion: Commissioner Falls so moved.

Second: Commission Page seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend the approval of the Reasonable Accommodations Policy as submitted.

Motion carried.

Andrea Clinkscales – Division Director/Total Rewards/Salary Administration: Teleworking Program Policy

Total Rewards/Salary Administration Division Director Andrea Clinkscales explained to the Commission that teleworking has increased greatly in response to the COVID-19 pandemic. As such, OSHR, along with subject matter experts in OSHR through extensive collaboration with a working group comprised of Agency HR Directors, were bringing this update the Teleworking Program Policy to ensure state agencies are able to carry out government operations efficiently in a post-pandemic era. The Teleworking Program Policy is written to support agencies in setting up flexible, hybrid teleworking opportunities to ensure continued operations and as an incentive for recruiting and retaining high performing employees. The Teleworking Program Policy was updated to include several revisions to provide clarity and improve readability coupled with additions (more guidance on workers' compensation, safety, performance management, etc.) to provide agencies with the framework needed to create sound Agency Teleworking Programs. In addition, it is supplemented by a variety of tools such as remote work suitability checklists, telework flowcharts, structured online training, and alternate workplace safety and teleworking agreement forms that can be used by agencies in administering their teleworking programs. The policy includes a required Pilot Program through December 31, 2021.

Chair: There being no further discussion or questions, the Acting Chair called for a motion to recommend approval of the Teleworking Program Policy as presented.

Motion: Commissioner Beamon so moved.

Second: Commission Jones seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend the approval of the proposed Teleworking Program Policy as submitted.

Motion carried.

Joseph Gilroy – Temporary Solutions Manager/Business Operations: 25 NCAC 01C .0405 (Temporary Appointment) and .0407 (Temporary Part-Time Appointment)

Temporary Solutions Manger Joe Gilroy presented the proposed rulemaking changes to 25 NCAC 01C .0405 which defines temporary part-time employment and explains the maximum length of assignment, exclusions to this limit, and the ineligibility of part-time temporaries for certain benefits. The rule is redundant of 25 NCAC 01C .0407. It mirrors 25 NCAC 01C .0405 verbatim with the exception of speaking specifically about "part-time" temporary employment. Part-time temporary employees are defined as and subject to the same terms and exclusions as the temporaries discussed in .0405.

25 NCAC 01C .0405 (Temporary Appointment) was originally brought to the Commission in June 2020 to be updated to include inmates, interns, and externs as exceptions to the mandatory break-in-service requirement for temporary employment. These three categories of temporary employees are already exempted in the Temporary Employment Policy and in practice. The

updated Rule also more clearly defines each of the excepted categories. It also clarifies that the Rule applies to all temporaries employed by the state.

In February 2021, the SHRC recommended, and the Governor's Office approved, the submission of 25 NCAC 01C .0405 as amended to the Rules Review Commission as a permanent rule. During this process, the RRC brought to our attention that .0407 was redundant. In order to comply with time requirements under the RRC and to align the review for the deletion of .0407, .0405 was brought back to the Commission for permission to republish.

Chair: There being no further discussion or questions, the Acting Chair called for a motion to recommend approval to begin the rulemaking process for 25 NCAC 01C .0405 and the deletion of 25 NCAC 01C .0407.

Motion: Commissioner Page so moved.

Second: Commission Falls seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend the approval to begin the rulemaking process for 25 NCAC 01C .0405 and the deletion of 25 NCAC 01C .0407 as submitted.

Motion carried.

Joe Marro – Manager/ Total Rewards: Classification and Compensation: 1 New and 3 Revised Classification Specs

Total Rewards: Classification and Compensation Manager Joe Marro presented the 1 new and 3 revised classifications to the Commission. The one new spec was for the Laboratory Manager and the 3 revised were Laboratory Specialist, Laboratory Improvement Consultant, and Laboratory Improvement Coordinator.

Chair: There being no further or questions, the Acting Chair called for a motion to recommend approval of the 1 New and 3 Revised Classification Specifications for the New Class and Compensation System.

Motion: Commissioner Falls so moved.

Second: Commission Jones seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend the approval of the 1 New and 3 Revised Classification Specifications for the New Class and Compensation System.

Motion carried.

Adjournment

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

Minutes of the June 3, 2021 State Human Resources Commission Meeting

Motion: Commissioner Page so moved.

Second: Commissioner Jones seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to adjournment.

Motion carried. The Commission adjourned at 9:55 a.m.

Executive Session

The State Human Resources Commission did not have an executive session at its June 3, 2021 meeting.

Minutes submitted by:

Denise H. Mazza,
State Human Resources Commission Administrator