

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

MEETING MINUTES – February 4, 2021

Members Present:

Members present on the Webex for the meeting were: Commissioner-Chair Dekhasta Becton Rozier, Commissioner Ross Beamon, Commissioner Meredith Benjamin, Commissioner Doug Boyette, Commissioner John Eller, Commissioner Martin Falls, Commissioner Emily Jones, Commissioner April Page, and Commissioner Phillip Strach.

Other Attendees

Other attendees present were: Barbara Gibson, Director, Glenda Farrell, Chief Deputy, and Twanetta Lytle Alston, Deputy Director, Office of State Human Resources; Lars Nance and Christine Ryan, Legal Division, Office of State Human Resources; Denise Mazza, State Human Resources Commission Administrator, Office of State Human Resources; Nancy Astrike, Carol Battle, Andrea Clinkscales, Lorence Crossett, Scarlette Gardner, Elizabeth John, Jill Lucas, Joe Marro, Paige Pavlik, and Kristin Siemek of the Office of State Human Resources; and Yolanda Davis and Amy Summerlin, Dept of NC Department of Agriculture & Consumer Services; and Greg Hauser, Matthew Kemnitz, and Lyvette Willis of the NC Department of Public Safety.

Opening

The Commission convened its open meeting at 9:02 a.m. via Webex Teleconference due to the COVID-19 State of Emergency.

The State Human Resources Commission (SHRC) last convened on December 3, 2020.

Pursuant to North Carolina General Statute Chapter 138A and the North Carolina Ethics Act, Chair Dekhasta Becton 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.

There were no additions or corrections to the agenda for the February 4, 2021 meeting.

CONSENT AGENDA ITEMS

Approval of the minutes for the December 3, 2020 State Human Resources Commission Meeting.

Motion: Commissioner Eller made a motion to recommend approval of the December 3, 2020 meeting minutes.

Second: Commissioner Beamon seconded the motion.

A roll call vote was held and all attending members of the Commission recommended approval of the December 3, 2020 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 December 3, 2020 State Human Resources Meeting. They included that FFCRA mandatory paid leave expired on December 31, 2020 and the OSHR Emergency Work and Leave Provision #7 that went into effect on January 1, allows up to 80 hours of paid CDE leave if the employee is quarantined by public health officials and ends when an employee become ill or is placed in isolation by public health officials. Employees will continue to have sick, vacation, compensatory, and bonus leave available for COVID-19 related absences and agencies may approve advance leave within their limits. Also, agencies still have the option to develop a COVID-19 Leave Bank which can be used if an employee has been in close contact with someone who has tested positive for COVID-19 in the last fourteen (14) days or if an employee has to isolate or quarantine as directed by a health department or health care provider if an employee has COVID-19 symptoms and is seeking a medical diagnosis or is diagnosed with COVID-19, if an employee is caring for a dependent that is subject to quarantine or isolation order or if an employee needs child care or elder care due to COVID-19 related matters. Alston explained that Community Service Leave was expanded making available up to 80 hours to work with non-profits organizations on COVID-19 volunteer activities. Leave not to exceed 36 hours for the calendar year can also be used when school mandates virtual classes for employees to tutor or mentor in a virtual or in-person setting to support students academically who require temporary or on-going support to succeed. In addition, agencies can also request variances to these provisions according to their business needs and their budget restrictions.

There were 23 Non-COVID exceptions that OSHR approved in 2020. They included 8 requests to expand COVID related leave availability for specific agencies, 3 requests to expand COVID related leave availability for a specific employees, 2 requests to expand or revise the COVID Leave Bank, 6 requests for payout of comp time for non-COVID issues, 3 requests for payout for COVID-19 related issues and 1 request for a temporary salary increase for a division for COVID-19 related issues. Going forward, OSHR will be bringing the Non-COVID-19 exceptions at each meeting.

Business Session Public Comment

Public Comment

There were no public comments.

State Human Resources Director's Report

Director Barbara Gibson greeted the Commissioners remarking that OSHR concluded 2020 and started the new year as always by documenting its progress on key programs and mission-critical goals and responses to emerging topics - focusing considerable resources in support of EO116: Declaration of a State of Emergency to Coordinate Response and Corrective Actions to Prevent the Spread of COVID-19. Back in March 2020, OSHR promptly notified agencies that employees not required for onsite work specific to pandemic functions should be sent home immediately to work remotely, following DHHS Public Health Guidance. This has stabilized at about 59% of state employees working onsite, led by prisons, law enforcement, and DHHS facilities. Daily meetings initially instituted for agency HR Directors have gradually decreased to the current schedule of an All-Agency HR Director call every other Tuesday, including Public Health guidance from DHHS, and separate weekly calls for Cabinet and Non-Cabinet HR Directors to discuss policy and process changes, the impact of federal rules, and basically to help agencies implement sound public health practices. There were many other activities related to this Executive Order and its subsequent revisions, including variances to the Communicable Disease Emergency Policy, flexible pay options, furlough programs, worksite resources, stepped up messaging of EAP, and numerous data reports ran to inform policy decisions and address the various agency needs.

OSHR actively supported several non-COVID Executive Orders as well, including EO95, providing Paid Parental Leave to eligible state employees, effective September 1, 2019, with all but two state agencies participating. EO92, Employment First, was effective March 28, 2019 and in 2020, the Voluntary Self-Identification of Disabilities form in the ESS portal was launched with thousands of employees stating they have a disability (previously, about 700 state employees self-identified, most at time of hire). OSHR also presented a live online forum with former United States Senator Tom Harkins and state employees with live experiences for Disability Employment Awareness Month and the 30th anniversary of the ADA; created Employment First page on the OSHR website; 32 recruiters from 17 agencies/UNC represented our State at a national virtual job fair that was geared specifically toward individuals with disabilities; and OSHR created and hosted its first-ever State Government Career Expo, with emphasis on reaching individuals with disabilities.

EO158, Furthering Fair Chance Policies in State Government Employment, effective November 1, 2020, created a comprehensive response including the required removal of Criminal Conviction Questions from the State Employment Application, training for HR staff and managers, and collecting metrics for measurements of those hired for annual reporting.

Director Gibson explained about the state's social justice response through which OSHR acted quickly to review and rollout training available for a limited time basis to thousands of employees on Unconscious Bias and OSHR's seamless transition to a new Third Party Administrator program. These vendor service contracts provide greater transparency regarding exact services and enhanced customer service; improved cost control, and vendor accountability. Additionally, OSHR collaborated with the DOJ-Worker Compensation section to train agency staff for best possible claim outcomes to take care of injured employees and control costs. Director Gibson stated that as this was the first change in 10 years, she proud how her group handled it.

Employees who report to their worksites continue to complete an online screening tool. Between Nov. 1 and Dec. 31, the OSHR Tool had been used nearly 129,000 times by employees in multiple agencies reporting to worksites across North Carolina. To ensure that the employees participate in screenings intended to keep our workplaces safe, OSHR provided a Model Guidance for Agencies to manage situations in which employees inadvertently fail or willfully refuse to adhere to safety processes associated with working or presence at the worksite during the COVID-19 pandemic. This guidance takes into consideration workplace anti-discrimination laws and the ability of employees to request related accommodations. It provides a structure for instances of noncompliance to be addressed positively and proactively but includes disciplinary action when warranted.

OSHR also focused on ensuring that state employees and their families have information on state and federal guidance about eligibility and accessibility of vaccines through the Your Shot, Your Spot initiative. DHHS had provided 95% of the first shipment of vaccine to North Carolinians, making it No. 6 in the nation for states getting shots into the arms of their residents. While the flow of vaccine continues to grow, the State was not yet receiving the amount of vaccine needed to serve currently eligible groups. OSHR planned to continue to collaborate with DHHS to share information and urge state employees to be proactive in getting vaccinated as soon as they are eligible.

Other topics addressed by OSHR included the quick response to the security threat at state capitols nationwide related to the Presidential Inauguration. Governor Cooper directed Public Safety Secretary Erik Hooks to respond to potential protests and disruptions – few of which actually occurred, thankfully. In an abundance of caution, however, OSHR communicated to state employees assigned to worksites in the downtown State Government Complex to not visit the downtown area on Jan. 19 and 20 – unless their onsite work was specifically necessary to the security threat or the pandemic. State employees heeded the advice. They had the information they needed to stay safe, and the work of state government continued.

Director Gibson gave an overview of the agenda items for the February 4, 2021 meeting. Addressing first the new Applicant Reference Check Policy which will direct state agencies to contact current or past employers of candidates for positions within state government agencies, enabling agencies to confirm relevant facts and verify acceptable job performance. Other items included revisiting rules and policies regarding required break in-service for temporary employees and eligibility for holiday pay. Both updates that align with current practices, with

tweaks that make language consistent with related rules. Also, proposed updates to the Adverse Weather and Emergency Closing policies to clarify several terms were being recommended to distinguish terms in the Integrated HR-Payroll System and align with the Communicable Disease Emergency Policy. These policy revisions were all part of a project by the Legal Division, in collaboration with Subject Matter Experts in all OSHR Divisions, to review all OSHR policies, some of which had not been looked at in more than 40 years. She recognized Assistant Agency Legal Counsel Christine Ryan for spearheading this project, and everyone on the team for contributing to moving it forward.

Before concluding her remarks, Director Gibson mentioned that, now in its 39th year, the North Carolina Certified Public Manager Program had opened its application period the first week of February offering middle managers from state agency, university and local government entities, with approval of their organization's leadership, to apply through March 31.

Kristin Siemek – Deputy Director/Recruitment: Applicant Reference Check Policy

Recruiting & Staffing State Recruiting Manager Kristin Siemek presented the new Applicant Reference Check Policy to the Commission. Manager Siemek explained that during the review of OSHR policies, it was realized that there was a need for an Applicant Reference Check Policy. Currently, the only mention of reference checks is in the OSHR Employment Offers Policy and it just states that a hiring manager should do references. This new Policy was created to provide a consistent approach for employment verifications, reference checks and criminal background checks among state agencies for external candidates as well as internal candidates who are transferring to new departments are agencies. It requires that employment verifications and reference checks must be completed on all candidates prior to extending a job offer. Candidates new to state government, are required to provide two references from the most recent supervisors and, if for some reason a candidate does not have two references because for example they are finishing school and they have limited work experience, references can be obtained from a teacher or a volunteer organization. Candidates with State experience, either because they are a current state employee or returning to state government, are required to provide two reference checks and the hiring manager must obtain a copy of the candidate's latest performance appraisal. If upon reviewing that performance appraisal it shows that the employee is or was a disciplinary action or is or was not meeting expectations, approval to extend the job offer must be obtained from the hiring agency head or designee. The Policy also requires that the hiring manager or HR confirm the reason the applicant is leaving their role at that state agency is consistent with what is in the system. Further, the Policy reiterates that if the criminal record check is being done, it must be done after the initial interview unless the position is one in which a criminal conviction precludes the person from employment in that particular job and in that case, it can be done prior to the interview. A template for the employment verification and reference checks was included with the policy for guidance to the agencies to ensure that their internal processes follow this new Policy.

Commissioner Beamon asked if an authorization from the potential candidate would be signed giving the authority to do the background check prior to coming on board. Manager Siemek responded that when a candidate completes a state application, it includes such a statement.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the new Applicant Reference Check Policy as presented.

Motion: Commissioner Beamon 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 proposed Applicant Reference Check Policy as submitted.

Motion carried.

Christine Ryan - Legal, Commission, & Policy:25 NCAC 01C .0405 Temporary Appointment Rule

Assistant General Counsel Christine Ryan presented the 25 NCAC 01C .0405 Temporary Appointment Rule on behalf of Joseph Gilroy, Manager, Temporary Solutions Division, in his absence. A proposed final rule, that the Commission previously approved, OSHR was requesting approval to recommend the rule for permanent submission. AGC Ryan noted that a public hearing had been held and no comments were received. Ryan reminded the Commission that when presented previously, this rule and the associated policy had been submitted at the same time to ensure alignment in particular as it relates to the 11-month limit on service for a temporary, as well as certain classes of temporary employees that are treated slightly differently – retirees, interns, inmates who are doing work release.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of submitting 25 NCAC 01C .0405 Temporary Appointment Rule to the Rules Review Commission as a permanent rule.

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 submitting 25 NCAC 01C .0405 Temporary Appointment Rule to the Rules Review Commission as a permanent rule.

Motion carried.

Andrea Clinkscales – Total Rewards-Salary Administration: 25 NCAC 01E .0908 Eligibility Rule (Holidays)

Total Rewards Division Head Andrea Clinkscales presented the 25 NCAC 01E .0908 Eligibility Rule (Holidays) to the Commission. Also previously presented and approved for amendment at the June 4, 2020 SHRC meeting, Clinkscales noted that no comments were received at the public hearing or to the publication in the North Carolina Register for this rule. The proposed amendments were to clarify that the policy applies to some part-time employees – those who work half-time or more and does not apply to part-time employees who work less than half-time - and recommending removing the trainee appointment type verbiage. OSHR requested the Commission recommend this rule be submitted to the Rules Review Commission as a permanent rule.

Commissioner Beamon asked what is half-time and what is eligible for one who is half-time as opposed to one who is not eligible for half-time or more. Division Head Clinkscales explained that twenty hours in a work week is defined as half-time and that individuals who work less than twenty hours a week would not be eligible for holiday pay consistent with practice.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of submitting 25 NCAC 01E .0908 Eligibility Rule (Holidays) to the Rules Review Commission as a permanent rule.

Motion: Commissioner Beamon so moved.

Second: Commission Eller seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend the approval of submitting 25 NCAC 01E .0908 Eligibility Rule (Holidays) to the Rules Review Commission as a permanent rule.

Motion carried.

Christine Ryan - Legal, Commission, & Policy: 2020 NC OSHR Policies Review Project

Assistant General Counsel Christine Ryan presented the non-substantive policies reviewed pursuant to the 2020 NC OSHR Policies Review Project. They included the Temporary Employee Policy, Adverse Weather Policy, Emergency Closing Policy, Holidays Policy and Interchange of Governmental Employees Policy. AGC Ryan explained these policies were reviewed by subject matter experts, executive leadership, and the Legal Division and only nonsubstantive changes such as clerical, grammatical or formatting had been made to these policies.

The Temporary Employee Policy was reviewed for alignment with the associated rule and existing text was moved within the policy for better readability.

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Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Temporary Employee Policy.

Motion: Commissioner Strach 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 of these revisions to the Temporary Employee Policy.

Motion carried.

The Adverse Weather Policy was reviewed and aligned with language used by the Beacon payroll system which changed the word mandatory to emergency to eliminate any confusion regarding the applicable event.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Adverse Weather Policy.

Motion: Commissioner Eller so moved.

Second: Commission Benjamin seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend the approval of the revisions to the Adverse Weather Policy.

Motion carried.

The Emergency Closing Policy was updated the same as the Adverse Weather Policy – conforming the language with the Beacon payroll system changing the word mandatory to emergency.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Emergency Closing Policy.

Motion: Commissioner Beamon 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 revisions to the Emergency Closing Policy.

Motion carried.

The Holidays Policy was to update to add the word Policy to the title and the word State to properly identify the Human Resources Act and Commission.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Holidays Policy.

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 revisions to the Holidays Policy.

Motion carried.

The Interchange of Governmental Employees, last reviewed in 1979, was reviewed and a few formatting and clarifying edits were made. This is a policy that is used when state employees are tasked to either assist on some other governmental project either part-time or full time. For example, the federal government needed their expertise for a period of time. It is designed to address that situation when state employees are shared with non-other state agencies. It is not applicable to when state agencies share employees like during a pandemic. The policy language was also updated to change the wording from “state agreement” to “memorandum of agreement.”

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the Holidays Policy.

Motion: Commissioner Falls so moved.

Second: Commission Beamon seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend the approval of the revisions to the Interchange of Governmental Employees Policy.

Motion carried.

Joe Marro– Total Rewards: Classification and Compensation: 2 Revised Classification Specs

Joe Marro, State Classification and Compensation Manager, presented 2 revised classification specs that were requested by the North Carolina Department of Public Safety. The two revised specs – Emergency Management Officer and Emergency Management Specialist – needed to be updated due to the implementation of a new computerized dispatch system. The Specialist policy was previously entitled Emergency Management Planner, but employees in this class are now serving in multiple roles which required revisions to the minimum education and

experience requirements to accurately reflect the variety of roles being performed. There were no revisions to the assigned paygrades for these positions.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the 2 Revised Classification Specifications for the New Class and Compensation System.

Motion: Commissioner Falls so moved.

Second: Commissioners Benjamin seconded the motion.

A roll call vote was held and all attending members of the Commission agreed to recommend approval of the 2 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.

Motion: Commissioner Jones so moved.

Second: Commission Strach 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 9:54 a.m.

Executive Session

The State Human Resources Commission did not have an executive session at its February 4, 2021 meeting.

Minutes submitted by:

Denise H. Mazza,
State Human Resources Commission Administrator