

STATE HUMAN RESOURCES COMMISSION MEETING
Thursday, October 17, 2024 – BUSINESS SESSION – 9:00 A.M. – 11:00 P.M.
VIA WEBEX

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AGENDA

I. CALL TO ORDER AND ETHICS STATEMENT

II. APPROVAL/ADJUSTMENTS TO AGENDA FOR OCTOBER 17, 2024.

III. CONSENT AGENDA

1. Approval of Minutes for July 11, 2024 and August 15, 2024 SHRC Meetings
(Commission Action: Motion to Recommend Approval of Minutes
for the July 11, 2024 and August 15, 2024 SHRC Meetings)

2. State Human Resources Director’s Report

Barbara Gibson

3. Summary of Hurricane Helene Response and
Hurricane-Related Exceptions Granted under
25 NCAC 01A .0104, Along With All Other Exceptions
Granted under 25 NCAC 01A .0104

Twanetta LytleAlston

Exceptions granted since August 15, 2024 SHRC Meeting

IV. BUSINESS SESSION

A. Public Comments

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B. Legal Division: Proposed Meeting Dates for 2025

Denise Mazza

(Third Thursday of designated month, except December)

February 20

April 17

July 17

October 16

December 11

(Commission Action: Motion to Recommend Approval of Proposed Dates for the 2025 SHRC Meetings as presented)

**C. Total Rewards/Salary Administration
Sign-On and Retention Bonus Policy**

**Andrea Clinkscales/
Lorence Crossett**

The Sign-On and Retention Bonus Policy, approved at the April 14, 2022 State Human Resources Commission and effective June 1, 2022, replaces the Sign-On Bonus Policy. It allows a sign-on bonus, either for a specific job classification or a specific position, as part of a program established to attract qualified candidates in critical positions that have labor market shortages, and only when it is common practice to offer a sign-on bonus to a candidate for a position to be competitive in the market.

Relevant Statutes: [N.C.G.S. § 126-4\(2\), \(4\), \(5\) and \(10\)](#)

Relevant Rules: [25 NCAC 01D .0116](#)

Summary of Changes Proposed: Add language to clarify if an employee is initially ineligible for a retention bonus due to a disciplinary action, and that disciplinary action becomes inactive while the agency's retention bonus program is still active, then that employee is eligible to receive that retention bonus, provided they meet all other eligibility requirements. Also, add language specifying the record keeping system for information generated by the actions in the policy. Clarify policy by matching the language throughout concerning eligibility.

(Commission Action: Motion to Recommend Approval of Sign-On and Retention Bonus Policy as revised)

**D. Total Rewards/Salary Administration
Clarification about Record Keeping System for Specific Policies
Leave without Pay Policy**

Andrea Clinkscales

Relevant Statutes: [N.C.G.S. § 126-4\(5\)](#)

Relevant Rule: [25 NCAC 01E .1100](#)

Position Management Policy

Relevant Statutes: [N.C.G.S. § 126-4\(2\) and \(10\)](#)

Relevant Rules: [25 NCAC 01F .0100](#)

Supplemental Salary Policy

Relevant Statutes: [N.C.G.S. § 126-4\(2\) and \(10\)](#)

Relevant Rules: [25 NCAC 01D .0115](#)

Summary of Changes Proposed: Update each policy to clarify the record keeping system for information generated by the actions in the policy.

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(Commission Action: Motion to Recommend Approval of the Proposed Changes to the Leave Without Pay Policy, Position Management Policy, and Supplemental Salary Policy as Revised)

**E. Total Rewards/Time and Leave Administration: Andrea Clinkscales/
Family Illness Leave Policy Stephanie McFadden**

Family Illness Leave is provided for an employee to care for the employee's child, parent, or spouse when that child, parent, or spouse has a serious health condition.

Relevant Statutes: [N.C.G.S. § 126-4\(5\)](#); [2002-126, s. 28.3B](#)

Relevant Rules: [25 NCAC 01E .1412](#)

Summary of Changes Proposed: Removing the reference that denial of leave is a grievable issue, since that issue is not listed in the statute ([N.C.G.S. § 126-34.02\(b\)](#)) stating the issues that may be heard as contested cases after completion of agency grievance procedure.

(Commission Action Requested: Motion to Recommend Approval of Family Illness Policy as revised)

**F. Total Rewards/Time and Leave Administration: Andrea Clinkscales/
Paid Parental Leave Policy Stephanie McFadden**

The policy that became effective on July 1, 2023, reflected the new statute on paid parental leave. The statute is N.C.G.S. § 126-8.6, added by N.C. Session Law 2023-14 (Senate Bill 20). The new statute became law on May 16, 2023 and became effective July 1, 2023. The State Human Resources Commission approved a permanent rule, and the permanent rule was adopted by the Rules Review Commission. The permanent rule became effective August 1, 2024. The permanent rule was largely the same as the temporary rule, with the primary difference being the addition of 25 NCAC 01E .1909, Leave Administration for Adoptions or Foster Care Placements and 25 NCAC 01E .1910, Miscarriage or Stillbirth.

Relevant Statutes: [N.C.G.S. § 126-5\(c19\)](#); [§ 126-8.6](#); [Section 7.83\(a\) of the 2023 Appropriations Act \(N.C. Session Law 2023-134\)](#)

Relevant Rules: n/a

Summary of Changes Proposed: The policy was updated to reflect the final rules, including the final rules on leave for adoption and foster care placements, 25 NCAC 01E .1909, and miscarriage and stillbirth, 25 NCAC 01E .1910.

(Commission Action: Motion to Recommend Approval of Paid Parental Policy as revised)

**G. Total Rewards/Time and Leave Administration: Andrea Clinkscales/
Other Management Approved Leave Policy Stephanie McFadden**

In addition to the types of leave described in separate policies, management may approve paid time off for employees to participate in specified state-related activities or because of natural or other emergencies. This policy summarizes the only acceptable reasons for approving other paid time off.

Relevant Statutes: N.C.G.S. [§ 126-4\(5\)](#); [§ 166A-32](#); [§ 127A-116](#)

Relevant Rules: [25 NCAC 01E .1607](#) Special Leave Provisions

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Summary of Changes Proposed: Group together into a new section the existing policy language on leave for “employees participating in volunteer emergency and rescue services” and for employees “to be disaster service volunteer of the American Red Cross.” Make clear that the first type of leave may be used for service coordinated by a local government entity or an established nonprofit, and that the first type of leave is not limited for service with the American Red Cross. Make clear that both these types of leave draw from the same pool of leave (not to exceed 15 workdays in any 12-month period) and require approval at the discretion of the agency head. Add these leave programs’ statutes to the “sources of authority” section of the policy.

(Commission Action: Motion to Recommend Approval of Other Management Approved Leave Policy as revised)

H. Talent Acquisition: Recruitment and Posting of Vacancies Policy **Kristin Siemek**

State government meets its workforce needs through systematic recruitment, selection, and career support programs that identify, attract, and select from the most qualified applicants for State employment, and encourage diverse representation at all occupational levels of the workforce. No selection decision is made that will constitute unlawful discrimination in violation of State and Federal law. This policy applies to those employees and positions that are subject to Articles 1, 2, 5, 6, 7, 8, 13 and 14 of G.S. 126. This does not include employees of the legislative and judicial branches, the public school and community college systems or other employees that are exempt from these Articles of the Human Resources Act.

Relevant Statutes: [N.C.G.S. § 96-29](#); [126-5\(b\)](#); [126-7.1](#); [126-14.2](#), [14.3](#), [14.4](#), [15](#)

Relevant Rules: [25 NCAC 01H .0600](#)

Summary of Changes Proposed: [House Bill 223 \(Session Law 2024-23\)](#) revised N.C.G.S. § 126-14.3. Language is added to add “as a special exception through the Office of State Human Resources” to Section 4, Vacancy Announcement, consistent with changes to N.C.G.S. § 126-14.3(3).

(Commission Action: Motion to Recommend Approval of the Recruitment and Posting of Vacancies Policy as revised)

I. Talent Acquisition: Selection of Applicants Policy **Kristin Siemek**

All agencies select from the pool of the most qualified persons to fill vacant positions. Using fair and valid selection criteria, the agency shall review the credentials of each applicant and determine who possesses the minimum qualifications. From those applicants who meet the minimum qualifications, a pool of the most qualified candidates shall be identified. The pool of the most qualified candidates shall be those individuals determined to be substantially more qualified than other applicants. The individual selected for the position must be chosen from the pool of the most qualified applicants. Selection procedures and methods shall be validly related to the duties and responsibilities of the vacancy to be filled.

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Relevant Statutes: [N.C.G.S. § 126-4\(3\), \(6\)](#); [126-14.2](#), [126-14.3](#); [126-14.4](#); [126-15](#); [126-15.1](#); [126-30](#)

Relevant Rules: [25 NCAC 01H .0634-.0640](#)

Summary of Changes Proposed:

- Added “Application forms for State employment shall include a statement informing applicants of the consequences of such fraudulent disclosure or lack of disclosure. This statement shall also appear on any screen that allows an applicant to attach materials to, or supplement, a State application.” to Section 4, Applicant Information. This language was added to N.C.G.S. § 126-30(a) by [House Bill 223 \(Session Law 2024-23\)](#).
- Added “or any document attached to or supplementing an application” to Section 4, Applicant Information, consistent with language added to N.C.G.S. § 126-30(a) by HB 223.
- Edited section 6.3, Employment of Aliens, for consistency with Form I-9 and Employment Eligibility Verification Policy (and federal forms) by replacing the term alien with noncitizen by replacing the old policy name, Immigration/Employment of Foreign Nationals Policy, with the updated policy name, Form I-9 and Employment Eligibility Verification Policy.

(Commission Action: Motion to Recommend Approval of the Selection of Applicants Policy as revised)

**J. Talent Acquisition: Continuous Posting for NC Kristin Siemek
Department of Adult Corrections/Correctional Food Services
Officers I, II and III**

Section 126-14.3 of the General Statutes states that the Commission shall require “that a closing date shall be posted for each job opening, unless an exception for critical classifications has been approved by the State Human Resources Commission.

Relevant Statutes: [N.C.G.S. § 126-14.3\(3\)](#)

Relevant Rules: n/a

Summary of Changes Proposed: OSHR is requesting on behalf of DAC that the classifications listed above be deemed critical and be allowed to have continuous posting, without a closing date being posted for each job opening.

(Commission Action: Motion to Recommend Approval of the Request for Continuous Posting for Correctional Food Service Officer I, II and III as presented)

**K. Total Rewards/Classification and Compensation: Felicia Bridges
Creation of One New and Eight Revised Class Specifications for the Statewide
Compensation Plan.**

Creation of one class specification and revision of eight existing class specifications for the Statewide Compensation Plan.

Relevant Statutes: [N.C.G.S. § 126-4\(1\)](#)

Relevant Rules: n/a

Summary of Changes Proposed: OSHR Classification and Compensation recommends the creation of a new entry level job within the IT Procurement

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series. Additionally, changes to the four classifications within this series will properly align the class concept, knowledge, skills, abilities, and minimum education and experience more appropriately as the work performed is not technical IT work.

Revisions being made to other classifications are the 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.

- Information Technology Job Family
 - IT Contracts & Strategic Sourcing Director (Revision)
 - IT Contracts & Strategic Sourcing Manager (Revision)
 - IT Contracts Specialist (Revision)
 - IT Contracts & Strategic Specialist I (Revision)
 - IT Contracts & Strategic Specialist II (New)
- Law Enforcement Job Family
 - Superintendent of State Parks (Revision)
- Operations & Trade Job Family
 - Ferry Division Director (Revision)
- Safety & Inspections Job Family
 - Veterinary Program Specialist I (Revision)
 - Veterinary Program Specialist II (Revision)
 - Veterinary Program Specialist III (Revision)

(Commission Action: Motion to Recommend Approval of Creation of One New and Eight Revised Class Specifications for the Statewide Compensation Plan as Presented)

**L. EEO, Accessibility and Workforce Services: Dominick D’Erasmio
Temporary Rule 25 NCAC 01I .2103 Salary Rate**

On June 19, 2024, [House Bill 223 \(Session Law 2024-23\)](#) (section 7) was passed and requires the State Human Resources Commission to adopt temporary rules, followed by permanent rules, concerning the hiring and compensation of trainees for local government positions that are subject to the State Human Resources Act. The Commission shall submit the rules and notice of public hearing to the Codifier of Rules no later than 60 days from the effective date of this act the rule making process for changes to the NC Administrative Code, Section 25 NCAC 01I .2103.

Relevant Statutes: [N.C.G.S. § 126-4\(2\), \(3\) and \(6\); NC Sess. Law 2024-23 \(House Bill 223\), Section 7](#)

Relevant Rules: [25 NCAC 01I .2002, .2003, 2004, 2005](#)

Summary of Changes Proposed: This subchapter of the N.C. Administrative Code, 25 NCAC 01I, provides procedural human resources information for local government agencies subject to portions of the State Human Resources Act (County Departments of Social Services, County Departments of Public Health and LME/MCO’s). Section 25 NCAC 01I .2103, entitled “Salary Rates,” must be updated to meet the requirements of H223. The revised temporary rule was submitted to the State HR Commission at a special meeting held under N.C.G.S. § 126-2(h) on August 15, 2024, then approved

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unanimously by the commissioners on the same date and by the Governor's Office on August 20, 2024. The proposed temporary rule was received and posted on the OAH website on August 21, 2024. A public hearing was held on September 6, 2024, and public comments were accepted from September 4, 2024 to September 25, 2024. No comments were received in either forum on the proposed temporary rule. Now, under the Rules Review Commission process, OSHR recommends that the proposed temporary rule be submitted to the Rules Review Commission for entry as a temporary rule in the North Carolina Register.

(Commission Action: Motion to Recommend Approval of Submitting the Proposed Temporary Rule 25 NCAC 01I .2103 Salary Rate to the Rules Review Commission for Approval)

M. EEO, Accessibility and Workforce Services:

Nancy Astrike

Disciplinary Action Policy

When just cause exists, any career state employee, regardless of occupation, position or profession may be warned, demoted, suspended or dismissed by the appointing authority. There are two reasons (just cause) for the discipline or dismissal of employees. These two reasons are:

- Unsatisfactory job performance, including grossly inefficient job performance, and Unacceptable personal conduct. Some actions by an employee may fall under both reasons.
- No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

Relevant Statutes: [G.S. 126-1.1; 126-4\(6\), \(7a\) and \(10\); 126-23; 126-30; 126-35](#)

Administrative Rule: [25 NCAC 01J .0600; 25 NCAC 01J .0316; 25 NCAC 01 .0210](#)

Summary of Changes Proposed:

- Add language that makes clear investigators may access materials as part of a good faith and authorized effort to investigate a potential disciplinary action or EEO-related complaint, even if those materials would otherwise be inappropriate to access in the workplace.
- Add language to make clear finalized actions need to be stored in the electronic system of record, the HR/Payroll System.

(Commission Action: Motion to Recommend Approval of Disciplinary Action Policy as revised)

N. EEO, Accessibility and Workforce Services: Employee

Nancy Astrike

Grievance Policy

To detail a grievance process for employees and employers to follow to allow for prompt, fair and orderly resolution of grievances arising out of employment.

Relevant Statutes: [N.C.G.S. 126-4\(9\),\(17\); 126-25; 126-34.01; 126-34.02;](#)

[126-34.2; 126-35;](#)

Relevant Rules: [25 NCAC 01C .1007; 25 NCAC 01D .0401; .25 NCAC 01D .1937; 25 NCAC 01E](#)

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[.1010\(a\)\(1\)](#); [25 NCAC 01H .0901\(c\)](#); [25 NCAC 01J .0603, .0605, .0606, .0608, .0613](#); and [25 NCAC 01J .1302 to .1320](#)

Summary of Changes Proposed: [House Bill 223 \(Session Law 2024-23\)](#) revised N.C.G.S. § 126-34.02(b)(4), which reads as rewritten: "(4) Veteran's and National Guard preference. An applicant for State employment or a State employee may allege that he or she was denied veteran's preference or National Guard preference in violation of the law." As a result, the law now specifies that National Guard preference may be heard in a contested case hearing after the agency grievance process. The policy was revised to reflect this change in statute.

(Commission Action: Motion to Recommend Approval of the Employee Grievance Policy as revised)

O. Talent Management: Certified Public Manager Program Policy **Joel Jordan**

The Certified Public Manager® (CPM) program provides in-depth, comprehensive, competency-based leadership development to middle managers in North Carolina's state government agencies/universities and local government organizations. The 300-hour CPM Program format is blended, which means that participants complete some courses online. Online courses are supported through in-class application and skill enhancement. Approximately twelve in-class days (80 hours) are required of participants during the 16-month active CPM Program. Additionally, 120 hours are required outside the classroom sessions to complete online modules, and pre/post class assignments.

Relevant Statutes: [N.C.G.S. § 126-4](#)

Relevant Rules: [25 NCAC 01K .0700](#)

Summary of Changes Proposed: Broadens the type of target organizations that may nominate participants. Clarifies nominating organizations' responsibilities.

(Commission Action: Motion to Recommend Approval of Certified Public Manager Policy as revised)

P. Legal Division/Code change for 25 NCAC 01O .0113(d) **Blake Thomas**
Change to Records Retention Period for Performance Reviews

Rule .0113(d) currently provides "Annual performance evaluations and supporting documentation shall be retained for three years, and maintained according to Article 7 of G.S. 126." OSHR recommends changing this line to provide that the reports "shall be retained for the length of the employee's employment with the State and an additional three (3) years."

Relevant Statutes: [N.C. Gen. Stat. § 126-35\(a\)](#) and [§ 126-34.02\(d\)](#)

Relevant Rules: [25 NCAC 01O .0113\(d\)](#), [25 NCAC 01J .0604\(a\)](#)

Summary of Changes Proposed: The proposed change would align the retention period with OSHR practice in maintaining annual performance evaluations. It would also align the retention period with the Court of Appeals' holding in [Locklear v. NC Department of Public Safety](#), No. NCCOA 22-890 (N.C. App., June 23, 2023) (unpublished). The court suggested that the agency should have considered the "performance reviews for the previous ten years of Petitioner's

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work history with the [employer].” Page 14 of opinion. The Court of Appeals remarked that neither it or the North Carolina Supreme Court “have stipulated that a consideration of a partial history is sufficient to meet this factor for a proper finding of just cause.” Page 15 of opinion.

(Commission Action: Motion to Recommend Approval to Begin the Rulemaking Process for the Presented Revision to 25 NCAC 01O .0113)

V. Adjournment

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