

**STATE HUMAN RESOURCES COMMISSION MEETING**  
**LEARNING AND DEVELOPMENT CENTER, COMMISSION CONFERENCE ROOM**  
**101 WEST PEACE STREET - RALEIGH, NORTH CAROLINA**

**MEETING MINUTES – October 3, 2019**

**Members Present**

Members present at the Learning and Development Center for the meeting were: Commissioner Dekhasta Becton Rozier, Commissioner Ross Beamon, Commissioner Doug Boyette, Commissioner Martin Falls, Commissioner Emily Jones, Commissioner April Page and Commissioner Philip Strach, and Commissioner Meredith Benjamin and Commissioner John Eller via teleconference.

**Other Attendees**

Other attendees present were: Barbara Gibson, Director, and Glenda Farrell, 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; Scarlette Gardner, Andrea Clinkscales, Jill Lucas, Twanetta Lytle, and Kristin Siemek of the Office of State Human Resources; and Tammy Penny of the Department of Cultural and Natural Resources.

**Opening**

The Commission convened its open meeting at 9:02 a.m. in the Learning and Development Center Commission Conference Room.

The State Human Resources Commission (SHRC) last convened on August 1, 2019. 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 conflicts of interest or potential conflicts of interest noted by any Commissioner.

There were no adjustments to the agenda as proposed for the October 3, 2019 meeting.

**CONSENT AGENDA ITEMS**

Approval of the minutes for the August 1, 2019 State Human Resources Commission Meeting and the proposed dates for the State Human Resources Commission Meetings in the year 2020.

**Motion:** Commissioner Strach made a motion to recommend approval of the consent agenda items.

**Second:** Commissioner Falls seconded the motion.

**Motion carried.**

## **Business Session**

### **Public Comment**

No one signed up for public comment.

### **State Human Resources Director's Report**

Director Gibson began by welcoming everyone and thanked Commissioner Strach for serving as Acting Chair of the Commission while Chair Rozier was out on maternity leave. She then informed the Commission of internal staffing changes at OSHR: Deputy Director Tammy Penny returning to the Department of Natural and Cultural Resources as their HR Director, Chief Deputy Director Judy Estevez moving to the State Auditor's Office as their General Counsel, and the addition of Glenda Farrell to OSHR as Deputy Director.

The Director then complimented the HR directors and their teams on the great job done implementing adverse weather and emergency closing needs during Hurricane Dorian. Further clarification would be recommended during this meeting as part of OSHR's efforts to continue to improve. The Director closed by updating the Commission on the ongoing analysis of the compensation plans and labor market analysis by Mercer. She noted that participation in that process had created a better understanding of its extraordinary scope. It also provided the realization that this is just the first step in addressing the matter. The Director reminded all that the State just needed to remain positive and keep working and hope for some salary adjustment funds in the next budget to assist in meeting goals to increase recruitment and job retention.

### **Scarlette Gardner - Workplace Safety Health and Workers' Compensation: Workers' Compensation Policy**

Workplace Safety, Health and Worker's Compensation Division Director Scarlette Gardner presented revisions to the language of the Workers' Compensation Administration and Workers' Compensation Leave Policies – combining the two policies into one to make it more comprehensible for human resources staff and payroll employees. Substantively, the policies are the same. Additional language was included to align the policy with the associated Rule as guidance on how leave is handled when an employee on workers' compensation is separated.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the consolidation of the two current OSHR policies with clarifying revisions.

**Motion:** Commissioner Strach so moved.

**Second:** Commissioner Beamon seconded the motion.

**Motion carried.**

### **Christine Ryan – Legal, Commission and Legislative: 25 NCAC 01J .1306 Back Pay**

Legal, Commission and Legislative Assistant General Counsel Christine Ryan presented proposed revisions to 25 NCAC 01J .1306 Back Pay to remove the requirement that the

complainant-employee verify and notarize the gross back pay amount included on the settlement agreement in a grievance against an agency. The gross back pay amount is calculated by the State Controller's Office before the form, the PD14, goes to the complainant-employee for verification. The complainant-employee is then tasked with adding interim income/unemployment income, signing the form, and having it notarized. Due to the time involved in getting it to the complainant-employee and/or occasional mathematical miscalculations such as omitting shift and/or weekend differentials, the amount originally calculated by the State Controller's Office can change which then requires this process to begin again, slowing the resolution of the settlement. These proposed changes will cure that inefficiency.

In response to questions from Commissioners Strach and Beamon, Ryan confirmed that the State Controller's Office is the only agency calculating the back pay amount and that she was unaware of any disputes from complainant-employees regarding the amount calculated by the State Controller's Office.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of beginning the rulemaking process for 25 NCAC 01J .1306 as revised.

**Motion:** Commissioner Falls so moved.

**Second:** Commissioner Jones seconded the motion.

**Motion carried.**

#### **Christine Ryan – Legal, Commission and Legislative: 25 NCAC 01E .0311 Separation**

Legal, Commission and Legislative Assistant General Counsel Christine Ryan then presented proposed changes to 25 NCAC 01E .0311 Separation to align it with current practices regarding the payment of up to one year (12 days) of sick leave to employees separated for workers' compensation purposes.

In response to questions from Commissioners Strach and Beamon, Ryan confirmed that this practice was occurring in conflict with the rules and was unaware of how much had been paid out as a result of this practice.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of beginning the rulemaking process for 25 NCAC 01E .0311 as revised.

**Motion:** Commissioner Strach so moved.

**Second:** Commissioner Page seconded the motion.

**Motion carried.**

#### **Christine Ryan – Legal, Commission and Legislative: Separation Policy**

Legal, Commission and Legislative Assistant General Counsel Christine Ryan then presented proposed changes to the Separation Policy to align it with the proposed rule change to 25 NCAC

01E .0311 Separation to incorporate the current practice regarding the payment of up to one year (12 days) of sick leave to employees separated for workers' compensation purposes.

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

**Motion:** Commissioner Falls so moved.

**Second:** Commissioner Beamon seconded the motion.

**Motion carried.**

#### **Andrea Clinkscales - Total Rewards: Adverse Weather Policy**

Total Rewards Division Director Andrea Clinkscales presented proposed changes to the Adverse Weather Policy to provide clarification to the agencies. Many of the changes were rewording or reorganizing of sections to make the content more readable. Substantive changes to the policy included adding three new definitions, information regarding the closing of State facilities for non-mandatory employees and the public, language clarifying the difference between adverse weather events and suspended services versus closing services due to emergency conditions including examples of applicable situations to help differentiate between the two, and language regarding the application of the adverse weather policy to leased facilities including leave options for employees of those facilities. The proposed changes should help apply the Policy more consistently.

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 Strach so moved.

**Second:** Commissioner Falls seconded the motion.

**Motion carried.**

#### **Andrea Clinkscales - Total Rewards: Emergency Closing Policy**

Total Rewards Division Director Andrea Clinkscales then presented proposed changes to the Emergency Closing Policy to align it with the proposed revised Adverse Weather Policy such as identifying employees as mandatory. The only substantive change proposed was to allow mandatory employees up to eighteen (18) months, instead of twelve (12) months, to use their emergency time off which is accrued during emergency closings. Currently, the integrated payroll system does not apply this leave until after using six or seven other levels of leave. These revisions will allow these mandatory employees a greater opportunity to use this leave.

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 Falls so moved.

**Second:** Commissioners Strach and Page seconded the motion.

**Motion carried.**

**Adjournment**

Before moving for adjournment, Chair Rozier thanked all the Commissioners for their work and Commissioner Fall thanked OSHR staff for continuing to work to bring the rules in line with current operations.

There being no additional items on the agenda, Chair Rozier asked for a motion to adjourn the business session.

**Motion:** Commissioner Strach so moved.

**Second:** Commissioner Beamon seconded the motion.

**Motion carried.**

The Business Session adjourned at 9:37 a.m.

**Executive Session**

The State Human Resources Commission did not have an executive session at its October 3, 2019 meeting.

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