

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

**MEETING MINUTES – August 6, 2020**

**Members Present:**

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

**Other Attendees**

Other attendees present were: Barbara Gibson, Director, Glenda Farrell, Chief Deputy, and Twanette LytleAlston, 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, Joel Jordan, Jill Lucas, Joe Marro, Kristin Siemek, and Anita Ward, of the Office of State Human Resources; Davita Morant of the North Carolina Department of Public Safety; and Chris Chiron of the University System.

**Opening**

The Commission convened its open meeting at 9:04a.m. via Webex Teleconference due to the COVID-19 State of Emergency.

The State Human Resources Commission (SHRC) last convened on August 6, 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 conflicts of interest or potential conflicts of interest reported.

There were no additions or corrections to the agenda for the August 6, 2020 meeting.

**CONSENT AGENDA ITEMS**

Approval of the minutes for the June 4, 2020 State Human Resources Commission Meeting.

Motion: Commissioner Beamon made a motion to recommend approval of the June 4, 2020 meeting minutes.

Second: Commissioner Benjamin seconded the motion.

Motion carried.

**Twanetta LytleAlston – Exceptions Granted under 25 NCAC 01A .0104 Variences**

Deputy Director Twanetta LytleAlston presented an overview of new exceptions granted by Director Gibson under 25 NCAC 01A .0104 due to the COVID-19 State of Emergency since the August 6, 2020 State Human Resources Meeting. The two new exceptions were changes to the Redeployment Policy to address the exceptionally high number of new unemployment claims due to the economic crisis of business closures. OSHR via Temporary Solutions assisted in recruiting and screening temporary hires for DES and coordinated the redeployment of 131 current permanent employees. The second exception was implemented on August 1<sup>st</sup> -the State of Emergency Leave Provision 6 - consistent with the FFCRA Leave benefits. Under Provision 6, Director Gibson granted State employees up to 80 hours of Community Service Leave for COVID-19 related activities. The leave expires on December 31, 2020. For comparison purposes, all exceptions approved by Director Gibson since March 16th were provided to the Commission at the meeting.

**Business Session Public Comment**

**Public Comment**

There were no public comments.

**State Human Resources Director’s Report**

Director Gibson welcomed all attending and began by hoping all were safe and well, and had experienced minimal impact from Hurricane Isaias as it barreled through our State earlier in the week. She then gave a special thanks to her staff, the Legal Division, and all of HR for their continuing efforts regarding the Commission process.

Director Gibson reported that the number of State employees affected by COVID had been increasing - agencies reporting more lab-confirmed cases in the past month. A series of provisions to the Communicable Disease Emergency Policy had been issued to meet all of these evolving challenges - like enabling eligible employees to access leave and providing continued support for teleworking to the greatest extent possible, consistent with Phase 2 of the Governor’s Executive Order. OSHR continues to collaborate with Health and Human Services, learning the complexity of the Corona virus and the intentional actions that are necessary to safeguard workplace health and safety. To address workplace safety, more hand sanitizer stations, required use of face covering in all state agencies by employees and visitors, and marked waiting spots for social distancing had been implemented and, in collaboration with OSHR’s Safety Office and Facility Management, physical barriers had been installed and other measures will continue to be taken to ensure social distance. State Safety and Health Manager Eddie Johnson, who joined OSHR in April, had conducted more than 70 onsite and virtual consultations to guide worksite improvements. Another key component of COVID-19 is the development of Safe Return to Worksites training for employees in non-Custodial and non-Healthcare settings. OSHR, collaborating closely with DHHS, produced training to focus on safe and healthy practices in the pandemic workplace. The training is designed to support both mandatory employees who have been on the job throughout the pandemic, as well as those expected to return to their worksites as conditions improve and it is safe to do so. Currently in the final

stages of review, training should be finalized and made available soon to all state agency employees.

Director Gibson elaborated on the Redeployment exception, noting that Special Consultant Ronnie Condrey had worked with state agencies to identify employees with needed skill sets who could serve 60-day redeployments to help DES and that at least 180 agency employees were expected to be redeployed— including five OSHR employees to whom she gave a special thanks. OSHR actively consulted with DES to make its job posting notices more accessible to applicants and to more effectively market these opportunities to job seekers – notably, recent college graduates and others who are eager for short-term assignments as they wait to be called back to their usual jobs.

Non-COVID matters for OSHR’s attention included launching Employment First in time for the 30th Anniversary of the Americans with Disabilities Act in July, meeting one of Governor Cooper’s Executive Order’s goals. The Voluntary Self-Reporting of Disability tool in the Employee Self Service portal of the Integrated HR/Payroll System was created to help measure recruiting and retaining state employees. More than 1,220 State employees have accessed the system and updated their information – with 467, or 38% percent, reporting a disability. Another way the 30<sup>th</sup> Anniversary of American’s with Disabilities Act was honored was representing North Carolina State Government at a national virtual career fair for individuals with disabilities. More than 30 recruiters from 17 agencies and the UNC System signed up to participate. Participants were advised about North Carolina’s proactive Employment First status, ways to create job alerts, and connect with university and agency recruiters who specialize in their job field. There were 166 attendees that talked with representatives about recruited opportunities in North Carolina. The virtual outreach created an opportunity to prepare for the upcoming first-ever North Carolina State Government Virtual Career Fair which will be held on Sept. 29. Originally planned as an in-person event by our Recruitment Team at Raleigh’s McKimmon Center, it was transitioned to a pandemic-appropriate online format. This transition will make it possible for even more candidates interested in a public service career to participate.

Other events included delivering remarks about ways North Carolina is working to make workplaces more welcoming and inclusive of people with disabilities at the July 23 virtual ADA 30th Anniversary conference presented by DHHS. A video clip can be found on the OSHR Employment First website. Additionally, the Diversity and Workforce Services Division presented a special webinar opportunity to mark the ADA 30th Anniversary. Jennifer Laszlo Mizrahi, executive director of the national nonprofit RespectAbility, addressed the movement to fight stigmas and advance opportunities for individuals with disabilities. The hourlong presentation can be access on the OSHR’s new Webinars on Demand link.

In closing, Director Gibson thanked Commissioner Meredith Benjamin, who has resigned her position due to a recent workplace reorganization making her eligible to continue to serve as appointed, for continuing to serve, as allowed by statute, until her replacement is appointed. She noted that Commissioner Benjamin was a dedicated member of the Commission - always prepared, thoughtful in questions and travelling across the state to Raleigh for these meetings.

**Kristin Siemek - Recruitment and Rewards: State Employees Memorial Program Policy**

Recruitment Manager Kristin Siemek presented revisions to the State Employees Memorial Program Policy. Last reviewed in 2012, historically, this policy outlined a policy that recognized employees who had died in the line of duty. It was largely managed by the OSHR coordinator in collaboration with the agency who had the death of the employee at work. Under that program, the agency would notify the OSHR Coordinator and Safety and Worker's Comp Division of the deceased employee's staff who then in turn would coordinate getting a State flag that had been flown over the Capitol and a letter of condolence from the Governor and the OSHR Director to send to the family. The proposal before the Commission today broadens the policy to enable the agencies to recognize any State career employee who dies while in active status. The agencies would manage the program and they would make the determination if the employee's death was due to work related causes or a condition or experience unrelated to their employment. The agency would then coordinate obtaining a flag and the appropriate letters to be sent to the family. The OSHR program coordinator would be there to assist in the process and provide any guidance. The revised policy still enables the agency to request a letter from the Governor and the OSHR Director along with a flag that has been flown over the Capitol if the death was work related, but it now provides a program to recognize career status employees who have died from causes not work related and enables them to order a flag, if they would like, and letters from the agency's heads to be sent to the family.

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

Motion: Commissioner Beamon so moved.

Second: Commission Falls seconded the motion.

A roll call vote was held and all members of the Commission agreed to recommend the approval of these revisions to the State Employee Memorial Program Policy.

Motion carried.

**Nancy Astrike - Diversity and Workforce Services: Mentoring Program Policy**

Diversity and Workforce Services Division Head Nancy Astrike presented proposed revisions to the Mentoring Program Policy - a policy that the State of North Carolina offers to State employees through a State agency guide or mentoring program. The two primary updates proposed extend the anti-discrimination provisions in the policy to comply with Executive Order 24 and shift some items around for more readability including updating definitions and adding different types of mentoring programs that were more contemporaneous such as a group mentoring option, a distance mentoring option, and situational mentoring option intended for a specific purpose, career goal or skill acquisition.

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

Motion: Commissioner Falls so moved.

Second: Commission Benjamin seconded the motion.

A roll call vote was held and all members of the Commission agreed to recommend the approval of these revisions to the Mentoring Program Policy.

Motion carried.

**Nancy Astrike - Diversity and Workforce Services: Employers Grievance Policy - Agency**

Diversity and Workforce Services Division Head Nancy Astrike presented the revisions to the Employers Grievance Policy – Agency to the Commission. The first revisions align the policy with current federal law regarding the definition of unlawful discrimination and harassment pursuant to the significant United States Supreme Court decision in June 2020 that clarified that Title VII protected class of sex included sexual orientation and gender identity and expression. In addition, minor changes to a titling convention, simply changing the word director to the word coordinator, was proposed.

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

Motion: Commissioner Beamon so moved.

Second: Commission Eller seconded the motion.

A roll call vote was held and all members of the Commission agreed to recommend the approval of these revisions to the Employers Grievance Policy - Agency.

Motion carried.

**Nancy Astrike - Diversity and Workforce Services: Employers Grievance Policy - University**

Diversity and Workforce Services Division Head Nancy Astrike presented revisions to the Employers Grievance Policy – University specific to the University System. Consistent with the agency policy, the university policy also adopted and clarified the broader definition of discrimination, aligning it with current federal law. Additionally, the University System revised the policy to allow for an additional framework for complaint resolution of Title IX investigations that occur on university campuses as expanded in recent revised rules for U.S.

Department of Education. These include clarifying that the Human Resources Office can manage the informal discussion process which is an internal procedural clarification to help the Human Resources offices at the universities manage these cases and also provide for a separate dispute resolution process for issues that are not eligible to appeal to the Office of Administrative Hearings. An example of that may be a performance rating dispute. Those smaller changes are more on board with clarification.

Commissioner Beamon questioned what types of process or types of issues would not be eligible for appeal to OAH that the university system would then implement their discretion to provide a separate dispute resolution process?

Astrike explained that Title IX sexual harassment complaints that would be handled consistent with federal regulations about what Title IX sexual harassment means. Complaints processed for issues that would not necessarily be appealable to the Office of Administrative Hearings in accordance with a North Carolina general statutes, the most frequent example is a complaint about an overall performance rating, would allow that concern to be heard internal.

Commissioner Beamon: Stated that he just wanted to make sure it would be applied consistently.

Astrike assured Commissioner Beamon it would.

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

Motion: Commissioner Jones so moved.

Second: Commission Beamon seconded the motion.

A roll call vote was held and all members of the Commission agreed to recommend the approval of these revisions to the Employers Grievance Policy - University.

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 Employment Offers Policy, Civil Leave Policy, Educational Leave Policy, OMAL Policy, Sick Leave Policy and Transfer Leave Policy. Ryan explained these policies were reviewed by subject matter experts and executive leadership and only need small clerical changes to grammar or formatting had been made.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the revisions to the 2020 NC OSHR Policies Review Project for the Employment Offers Policy, Civil Leave Policy, Educational Leave Policy, OMAL Policy, Sick Leave Policy and Transfer Leave Policy.

Motion: Commissioner Falls so moved.

Second: Commission Jones seconded the motion.

A roll call vote was held and all members of the Commission agreed to recommend the approval of these revisions to the 2020 NC OSHR Policies Review Project.

Motion carried.

**Joe Marro - Classification and Compensation: 5 New Classification Specs**

State Compensation and Classification Manager Joe Marro presented 5 new class specs to be assigned to a new HRIS branch in the Information Technology Family. According to the new system implementation back in 2018, 29 positions in the State Controller's Office were placed in 6 separate job classifications in 2 different job families – IT and Program Management. The model did not adequately support at least recruiting and retention efforts according to OSC. It also did not support career pathing for employees to move up or between 2 job sections. OSHR reviewed these positions in the post implementation study process in 2019-2020, looking at market data commonly awarded in labor markets of both public and private sectors in which there was a need for this talent and recommended these new specs be placed in the IT job family only to address these various issues.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of the 5 new Class Specs - State HRIS Analyst I, State HRIS Analyst II, State HRIS Analyst III, State HRIS Supervisor, and State HRIS Manager.

Motion: Commissioner Beamon so moved.

Second: Commission Benjamin seconded the motion.

A roll call vote was held and all members of the Commission agreed to recommend the approval of the 5 New Classification Specs.

Motion carried.

**Christine Ryan – Total Rewards/Salary Administration – Community Service Leave Rules 25 NCAC 01E .1601 - .1605 and .1607**

Assistant General Counsel Christine Ryan presented the revisions to the Community Service Leave Rules - 25 NCAC 01E .1601 - .1605 and .1607- requesting approval to submit these rules

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to the Rules Review Commission as permanent rules. These were the same revision as when the rulemaking process started. No public comment was received at the public hearing on June 17, 2020 or to the publication in the North Carolina Register (comment period ended 7/31). The revisions made were to change the name of the Rule (to Volunteer Service and Child Involvement Leave) to expand the use of the community service portion to support employees who wish to volunteer beyond the borders of North Carolina (especially during times of disaster relief) and to make it clear that child involvement is a part of the rules.

Chair: There being no further discussion or questions, the Chair called for a motion to recommend approval of submitting the revised Community Service Leave Rules to the Rules Review Commission as the permanent rules.

Motion: Commissioner Falls so moved.

Second: Commission Beamon seconded the motion.

A roll call vote was held and all members of the Commission agreed to recommend submitting the revised Community Service Leave Rules to the Rules Review Commission as permanent rules.

Motion carried.

### **Adjournment**

Before calling for a motion to adjourn, the Chair shared her appreciation to all the Commissioners and staff participating at this meeting and asked for any other comments?

Commissioner Benjamin: Sincerely thanked the Chair and Director Gibson for the kind remarks regarding her service on the Commission during the Director's Report.

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

Motion: Commissioner Falls so moved.

Second: Commission Beamon seconded the motion.

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

Motion carried. The Commission adjourned at 9:59 a.m.

**Executive Session**

The State Human Resources Commission did not have an executive session at its August 6, 2020 meeting.

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