

**STATE HUMAN RESOURCES COMMISSION MEETING
LEARNING & DEVELOPMENT CENTER
101 WEST PEACE STREET
RALEIGH, NORTH CAROLINA**

MEETING MINUTES – JUNE 19, 2014

Members Present

Members present were Chair Susan B. Manning, Commissioner Phillip Strach, Commissioner Martin Falls, Commissioner Mel Asbury, Commissioner John Eller (via phone), and Commissioner Virgie DeVane-Hayes.

Opening

The State Human Resources Commission (SHRC) met on June 19, 2014. Pursuant to North Carolina General Statutes §138A and the North Carolina Ethics Act, Chair Manning 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. Next, Chair Manning called the meeting to order.

Business Session

Oral Argument

The following cases were scheduled and heard for oral argument:

1. Waldo N. Fenner v. DHHS (John Umstead Hospital) - 07 OSP 0010

Attorney for Petitioner

Floyd B. McKissick, Jr., Esq.

Attorney for Respondent

Adam M. Shestak, Assistant Attorney General

2. Larry C. Maness v. DPS (Corrections) – 11 OSP 14632

Attorney for Petitioner

J. Heydt Philbeck, Esq.

Attorney for Respondent

Yvonne B. Ricci, Assistant Attorney General

Approval of Minutes

Chair Manning asked for a motion to approve the minutes of the April 17, 2014 commission meeting as submitted.

Motion: Commissioner Asbury made a motion to approve the minutes.

Seconded: Commissioner Falls seconded the motion.

The motion carried.

State Human Resources Director Report

Director Neal Alexander thanked the State Human Resources Commission for their dedication and service to the citizens of North Carolina. Director Alexander presented a plaque and letter of appreciation to Commissioner Asbury and Commissioner DeVane-Hayes. Their terms will end on June 30, 2014 and Director Alexander expressed his thanks to the commissioners for serving their terms and their service to the State of North Carolina. Commissioner Eller was also recognized for the completion of serving out a term that was previously held by another commissioner. Director Alexander introduced the Office of State Human Resources law intern, Isabella Shaw who is working with Valerie Bateman, General Counsel. Director Alexander gave an update on the current legislative session and reviewed the technical corrections for H.B. 834. Director Alexander also explained that in the current house budget, there has been a proposal to discontinue the use of the NeoGov applicant tracking system. OSHR has discussed their concerns and feedback with senate and house members regarding that proposal. Also, a review of Temporary Solutions was proposed in the house budget. In addition, Director Alexander stated that \$75,000 has been proposed to be eliminated from the learning management system budget. The house budget proposes to extend the RTR (Reduction through Reorganization) program for the next fiscal year and the 35 mile rule for exempt classified employee transfers has been proposed to be repealed. Director Alexander reported that Governor McCrory has instructed OSHR to propose additional streamlining of the grievance process with the Office of Administrative Hearings. Next, Director Alexander gave a brief update of the NC GEAR program.

Approval of Special Call Meeting for Periodic Review of Existing Rules

Director Alexander requested to have a special meeting via phone with the commissioners on July 9, 2015 at 1:00pm to discuss and approve the periodic review of existing rules as required in House Bill 834. Chair Manning asked for a motion to approve the special call meeting.

Motion: Commissioner DeVane-Hayes made a motion to approve the special meeting request.

Seconded: Commissioner Asbury seconded the motion.

The motion carried.

Approval of Change in Meeting Dates for State Human Resources Commission

Director Alexander requested to have the August 2014 and October 2014 meeting dates changed to August 28 and October 9 due to a scheduling conflict with the Rules Review Commission.

Chair Manning asked for a motion to approve the new meeting dates.

Motion: Commissioner Falls made a motion to approve the new meeting dates.

Seconded: Commissioner DeVane-Hayes seconded the motion.

The motion carried.

Comprehensive Compensation System Policy

Shari Howard, OSHR Rules and Policy Coordinator, requested the repeal of the Comprehensive Compensation System Policy since the compensation system program was repealed by legislation in 2012. The program has not been funded by the legislature since 2000. The policy needs to be repealed prior to implementation of a new compensation system. The rules associated with this policy were repealed in February 2014. The effective date of this request is August 1, 2014.

Motion: Commissioner Strach made a motion to approve the policy repeal.

Seconded: Commissioner DeVane-Hayes seconded the motion.

The motion carried.

Federal Hatch Political Activities Act

Shari Howard, OSHR Rules and Policy Coordinator, requested that the state policy on political activities follow the federal level policy. As a result of the federal law change, most State and local government employees can now run for partisan political office. The Federal Act no longer prohibits State and local government employees from running for partisan political office unless the employee's salary is paid for completely by federal loans or grants. This policy change is needed to comply with the federal law. The effective date of this request is July 1, 2014.

Motion: Commissioner Falls made a motion to approve the policy revisions.

Seconded: Commissioner Asbury seconded the motion.

The motion carried.

Recruitment and Posting of Vacancies

Shari Howard, OSHR Rules and Policy Coordinator, requested the approval of the policy revisions to the recruitment and posting of vacancies policy and the associated rules change. The policy sets forth requirements for recruiting positions covered under Chapter 126 to assure consistency across agencies and adherence to fair and valid selection criteria. The section entitled "Recruitment and Selection Plan" is being retitled "Recruitment and Selection" and the requirement for individual agency specific Merit Based Recruitment & Selection Plans ("MBRSP") are being removed. In addition, advisory notes that read as best practices are being removed from the policy.

Motion: Commissioner DeVane-Hayes made a motion to approve the policy revisions and associated rules change.

Seconded: Commissioner Strach seconded the motion.

The motion carried.

Public Comment

No one signed up for public comment.

Adjournment

Chair Manning asked if there were any other business items to be heard during the business session. There being no additional items on the agenda, Chair Manning asked for a motion to adjourn to executive session as permitted by N.C. G.S. § 143-318.11(a)(1) "[t]o prevent the disclosure of information that is privileged or confidential pursuant to the law of this State" (Chapter 126) and, if necessary, under 143-318.11(a)(3) [t]o consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged . . ." and under 143-318.11(a)(6) "[t]o consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or

prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.”

Motion: Commissioner Strach made a motion to adjourn.

Seconded: Commissioner Falls seconded the motion.

The motion was made and carried.

Executive Session

The State Human Resources Commission voted and rendered decisions in the following cases:

1. **Waldo N. Fenner v. DHHS (John Umstead Hospital) - 07 OSP 0010**
2. **Larry C. Maness v. DPS (Corrections) – 11 OSP 14632**

Minutes submitted by:

LaShanda Langley, State Human Resources Commission Administrator