



Office of State Human Resources

**ROY COOPER**  
Governor

**BARBARA GIBSON**  
Director, State Human Resources

## MEMORANDUM

**To:** Barbara Gibson, State Human Resources Director  
Office of State Human Resources

**From:** William McKinney, General Counsel  
Office of the Governor

**Date:** June 16, 2021

**Re:** Actions of the State Human Resources Commission  
Under the Authority of N.C.G.S. § 126-4

I have received your letter dated June 3, 2021 and the attached materials.

The State Human Resources Commission met on June 3, 2021 via Webex due to the State of Emergency declared for the COVID-19 Pandemic. The Commission was provided the following information, and considered and approved the following personnel actions pursuant to N.C.G.S. § 126-4. Members of the Commission participating in this decision were: Chair Dekhasta Rozier, and Commissioners Ross Beamon, Courtney Cooper-Lewter, Martin Falls, Emily Jones, and April Page.

For informational purposes, Deputy Director Twanetta Lytle Alston presented the exceptions Director Gibson had granted during the State of Emergency under 25 NCAC 01A .0104 since the April 1, 2021 SHRC meeting.

Additionally, for informational purposes, Division Director Nancy Astrike presented the updated 2020 Draft Settlement Report.

Minutes for April 1, 2021  
(Commission Action: Recommend Approval of Minutes for April 1, 2021)

2. **Diversity and Workforce Services: Reasonable Accommodations Policy**  
OSHR received feedback that the current version of the Reasonable Accommodation policy only provides accommodations for pregnancy based on an ADA qualifying condition.  
Relevant Statutes: G.S. 126-4; 126-5(c)(1)-(4); 126-16; 126-36; 168A-5(b)(3)  
Relevant Rules: 25 NCAC 01L .0401  
Summary of Change Proposed: The recommendation changes clarify that accommodations will be consistent with the ADA as well as the PDA requiring that if a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat her in the same way as it treats any other temporarily disabled employee.  
(Commission Action: Motion to Recommend Approval of Reasonable Accommodation Policy as Revised)
  
3. **Total Rewards: Salary Administration: Teleworking Program Policy**  
Teleworking has increased greatly in response to the COVID-19 pandemic. OSHR is updating the Teleworking Program Policy to ensure state agencies are able to carry out government operations efficiently in a post-pandemic era. The teleworking program policy is written to support agencies in setting up flexible, hybrid teleworking opportunities as an incentive for recruiting and retaining high performing employees.  
Relevant Statutes: G.S. 126-4(5), S.L. 1999-328(Sec. 4.8)  
Relevant Rules: 25 NCAC 01C .0800  
Summary of Changes Proposed:  
The Teleworking Program Policy has been updated by subject matter experts in OSHR through extensive collaboration with a working group comprised of Agency HR Directors. The updated policy includes several revisions to provide clarity and improve readability coupled with additions (more guidance on workers compensation, safety, performance management etc.) to provide agencies with the framework needed to create sound agency teleworking programs.  
The Teleworking Program Policy is supplemented by a variety of tools such as remote work suitability checklists, telework flowcharts, structured online training, and alternate workplace safety and teleworking agreement forms that can be used by agencies in administering their teleworking programs.  
(Commission Action: Motion to Recommend Approval of Teleworking Program Policy as Revised)
  
4. **Business Operations: Temporary Solutions: 25 NCAC 01C .0405 (Temporary Appointment) and .0407 (Temporary Part-Time Appointment)**  
25 NCAC 01C .0405 defines temporary part-time employment and explains the maximum length of assignment, exclusions to this limit, and the ineligibility of part-time temporaries for certain benefits. The rule is redundant. It mirrors 25 NCAC 01C .0405 verbatim with the exception of .0407 speaking specifically about "part-time" temporary employment. Part-time temporary employees are defined as and subject to the same terms and exclusions as the temporaries discussed in .0405.

Relevant Statutes: GS 126-3(b)(8) and (9)

Summary of Change Proposed: 25 NCAC 01C .0405 (Temporary Appointment) was originally brought to the Commission in June 2020 to be updated to include inmates, interns, and externs as exceptions to the mandatory break-in-service requirement for temporary employment. These three categories of temporary employees are already exempted in the Temporary Employment Policy and in practice. The updated Rule also more clearly defines each of the excepted categories. It also clarifies that the Rule applies to all temporaries employed by the state.

In February 2021, the SHRC recommended, and the Governor's Office approved, the submission of 25 NCAC 01C .0405 as amended to the Rules Review Commission as a permanent rule.

During this process, the RRC brought to our attention that .0407 was redundant.

In order to comply with time requirements under the RRC and to align the review the deletion of .0407, .0405 is being brought back to the Commission for permission to republish.

(Commission Action: Motion to Recommend Approval of Beginning Rulemaking Process for the Deletion of 25 NCAC 01C .0407 (Temporary Part-Time Appointment) and Republishing 25 NCAC 01C .0405 (Temporary Appointment) with Previously Approved Amendments to Align the Rulemaking Process for the two Rules)

5. Classification and Compensation: Submission of Classification Specifications for the Statewide Compensation Plan: 1 New and 3 Revised submitted for June 3, 2021 meeting:

1 New Class Specs:


- Laboratory Manager

3 Revised Class Specs:

- Laboratory Specialist
- Laboratory Improvement Consultant
- Laboratory Improvement Coordinator

(Commission Action: Recommend Approval of the 1 New and 3 Revised Classification Specifications for the New Classification and Compensation System)

Pursuant to N.C.G.S. § 126-4, on behalf of the Governor, I hereby approve the above-named actions considered by the State Human Resources Commission on June 3, 2021.

  
William McKinney, General Counsel  
Office of the Governor

  
Date

cc: Denise H. Mazza, Administrator