

## State Human Resources Commission

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### Purpose

The State Human Resources Commission was established in July, 1965, the purpose being to found "for the Government of the State a system of personnel administration under the Governor, based on accepted principles of personnel administration and applying the best methods as evolved in government and industry."

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### Duties of State Human Resources Commission

The State Human Resources Commission (Commission), with the approval of the Governor, establishes policies and practices governing the areas outlined in G.S. 126-4.

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### Membership

The nine (9) members of the Commission are appointed for six-year terms by the Governor and the General Assembly. The two (2) members appointed by the General Assembly shall be attorneys licensed to practice law in North Carolina. Of the seven (7) members appointed by the Governor, two (2) members shall represent the employees of the State, including one of whom is a veteran of the armed forces (one with supervisory duties and one in a non-supervisory position); two (2) shall be selected from a suggested list prepared by the N. C. Association of County Commissioners (one a nonsupervisory local employee and one a supervisory local employee); two (2) shall be individuals from

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private business or industry with a working knowledge of, or practical experience in, human resource management actively involved the management of a private business concern; and one (1) members of the public at large. Neither the State nor local government employee shall be a human resources professional.

Current members:

<http://www.osp.state.nc.us/rtablecomm/List%20of%20Commissioners.pdf>

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### Mail to Commission

Mail addressed to the Commission may be sent to the Administrator, State Human Resources Commission, 1331 Mail Service Center, Raleigh, N. C. 27699-1331.

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### Agent for Commission

Mr. Lars Nance, Attorney Supervisor, is the registered agent for service of legal process on the Commission.

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### Notice of Meetings

In accordance with N. C. G. S. Chapter 150B (the Administrative Procedures Act), the State Human Resources Director or an appropriate designee shall be responsible for the timely issuance of any applicable notices to those parties who, pursuant to the Act, must be given legal notice of Commission meetings, hearings, decisions and official actions.

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### When Meetings are Held

The North Carolina State Human Resources Commission meets at bimonthly. The dates are set in advance of the coming calendar year. A copy of the Commission's scheduled meetings may be obtained by contacting the Administrator, State Human Resources Commission, 1331 Mail Service Center, Raleigh, N. C. 27699-1331. Any person or organization wishing to be given advance notice of any Commission meeting may request such notification by writing to: Administrator, State Human Resources Commission, 1331 Mail Service Center, Raleigh, N. C. 27699-1331. The request must include the name, address and telephone number of a contact person.

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### Where Meetings are Held

Meeting of the Commission are held at 101 West Peace Street, Raleigh, N. C., unless specified otherwise. Unless specified otherwise, a meeting of the Commission consists of public hearings, reading of minutes, business session, oral presentations by contested case parties and an executive session.

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### Meetings are Public

Meetings of the Commission, except for the executive session, are open to the public. The executive session of the Commission meeting is closed to the public. Only staff of the OSP may take part in the business session portion of the meeting; other persons may participate if specifically invited to do so by the Chair.

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### Public Hearing

Persons wishing to speak at the public hearing portion of the Commission meeting should sign up in advance by notifying the State Human Resources Commission Administrator, either in writing or by telephone at (919) 870-4800. Persons may also sign up on the day of the meeting. Presentations to the Commission shall be limited to no more than 3 minutes per speaker, unless extended by a vote of the commission.

Any person wishing to present written material to the Commission should prepare twenty (25) copies to be distributed by the Commission Administrator: two copies to each Commissioner, two copies to Commission counsel, one copy to the OSP Director, and four copies to Commission staff.

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### Decisions of the Commission

All decisions of the Personnel Commission, except those relating to employee grievances, are rendered in open session. Decisions of the Commission involving employee grievances are reached in executive session and communicated in writing from the State Human Resources Director. Information relating to such decisions will not

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be released publicly until the OSP has received notice that each party has received a copy of the Commission's decision.

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### Motions

Motions may be made by any member of the Commission, including the Chair. For further action to be taken, the motion made must be seconded by at least one other commissioner other than the member who made the motion. A motion which is not seconded after two calls for seconds by the Chair shall die and not be acted upon. A motion which was properly seconded shall be discussed to the extent the Commission desires before any vote is taken. A vote may be taken only after all discussion has been concluded. The Chair may close discussion, at his discretion, and call for a vote. Minutes of the Commission will reflect the name of the commissioner making the motion and the name(s) of the commissioner(s) seconding the motion.

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### Voting

At the appropriate time a properly seconded motion shall be voted on by the members of the commission present. All members present, including the Chair, must either vote or abstain. All votes shall be voice votes, unless otherwise decided by the Commission, with AYE signifying agreement with the motion and NAY signifying disagreement with the motion. Any member, including the Chair, may ask that a vote be taken by raising hands, so that a definite count of the vote may be taken. Motions which receive a majority favorable vote are not adopted. Minutes of the Commission will reflect the vote taken on each motion and the outcome of the vote. The minutes will also reflect the names of each commissioner with his vote if voting is done by hand. Any commissioner abstaining from a vote will be so indicated in the minutes. A quorum of the nine-member Commission shall be six members.

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### Minutes of Meeting

Minutes and other records of all Commission meeting shall be kept under the direction of the State Human Resources Commission Administrator, such record to be

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supplemented, as necessary by electronic recording. Minutes shall be maintained in the Office of the State Human Resources Commission Administrator permanently.

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### Conflict of Interest

A commissioner who has any conflict of interest, either actual or potential as defined in Interpretive Memorandum #1, April 5, 1985 of the N. C. Board of Ethics, shall voluntarily abstain from taking any part in any action before the commission. This abstention shall include, but is not limited to, refraining from discussion in the public or business session, making of or seconding of motions and voting. A commissioner who is abstaining from an action the commission is considering should announce such abstention at the earliest possible time in the public or business session and prior to any discussion or vote on the action

All members of the Commission will provide statements of economic interest to the N. C. Board of Ethics in the time and fashion required by that Board.

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### Duties of the Chair

The Chair shall be authorized to perform at least the following duties and responsibilities at each meeting of the Commission:

- Call the meeting to order,
- Make opening remarks as deemed necessary,
- Introduce each portion of the meeting and make whatever remarks deemed necessary as part of the introduction,
- May extend or limit, on his own or upon the vote of the Commission, the time allotted for a speaker making a presentation to the Commission,
- Call for motions, seconds, discussion and votes as appropriate,
- Call for a recess or meal period as appropriate,
- Adjourn the open portion of the meeting and begin the executive portion of the meeting,
- Call for the adjournment of each meeting,
- Appoint panels of four members each, and

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- The Chair may direct the removal of individuals from Commission meetings for disruptive conduct or failure to comply with Commission rules.

The Chair shall have the authority to exercise such other responsibilities not enumerated above which are necessary to the performance of the business of the Commission.

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### Commission Sitting in Panels

If the Chair appoints panels of the Commission, the Chair shall make every effort to provide that each category of Commission membership is represented on the panel (e.g., attorneys, private business or industry, State employees (supervisory and non-supervisory), and local government employees (supervisory and non-supervisory)). A quorum of a panel of four is three commissioners. After a panel hears oral argument, if any, in a contested case, the panel shall make a recommendation to the full Commission. Upon referral, the full Commission may either:

- (1) Accept the panel's recommendation and incorporate the panel's recommendation as the Commission's final decision; or
  - (2) Reject the recommendation of the panel and make a final decision upon consideration by the full Commission.
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