

MINUTES

STATE PERSONNEL COMMISSION MEETING 4300 REEDY CREEK ROAD RALEIGH, NORTH CAROLINA

August 21, 2008

The State Personnel Commission (SPC) met on August 21, 2008. Madam Chair Robin Adams Anderson called the meeting to order. Members present were Madam Chair Robin Adams Anderson, Commissioner Dean Shatley, Commissioner Axel Lluch, Commissioner Janie Harrell, Commissioner Wayne Peedin, Commissioner Brenda Smith, Commissioner Caroline Lee and Commissioner Susan Bailey.

Next on the agenda was the oral argument component of the docket. The following cases were scheduled and heard for oral argument:

1. **Charles Jones v. Bryan Beatty, Secretary of the North Carolina Department of Crime Control and Public Safety and the North Carolina Department of Crime Control and Public Safety (North Carolina State Highway Patrol)**

Attorney for the Petitioner

John P. O'Hale

Attorney for the Respondent

Ashby T. Ray

Tamara S. Zmuda

2. **Dennis F. Hrynkow v. North Carolina Department of Insurance**

Attorney for the Petitioner

Michael C. Byrne

Attorney for the Respondent

Daniel S. Johnson

3. **Jacqueline B. Maynard and Sharon P. House v. University of North Carolina at Chapel Hill**

Attorney for the Petitioner

Elizabeth M. Haddix

Attorney for the Respondent

Katherine A. Murphy

4. **Marsha A. Early v. Durham County Department of Social Services**

Attorney for the Petitioner

Patrice Walker

Ms. Patrice Walker, Petitioner's attorney, requested a continuance in this matter due to the fact that the matter was to be considered in the North Carolina Court of Appeals on August 25, 2008. The Commission voted on the matter and granted the continuance.

Next on the agenda was the business session. Chair Anderson asked if anyone signed up for the Public Hearing. No one signed up for the Public Hearing.

The first item on the business agenda was the approval of the minutes for the June 19, 2008 State Personnel Commission Meeting. There being no corrections to the minutes, the minutes were approved as circulated. **[See Attachments]**

State Personnel Director's Report

The next item on the agenda was the State Personnel Director's Report.

Ms. Lynn Floyd, Human Resources Partner, presented to the Commission, for consideration and approval, state government classification and pay actions. Ms. Floyd explained why the proposed classifications were being made. Ms. Floyd also explained that the Office of State Personnel (OSP) staff had reviewed the proposals and agreed with the recommendations. Ms. Floyd asked that the Commission approve the actions with an effective date of October 1, 2008. **[See Attachment]**

Chair Anderson asked if there were any questions. There were no questions. Chair Anderson asked for a motion and second to approve the state government classification and pay actions presented to the Commission by Ms. Floyd. Commissioner Shatley made a motion to approve the actions. Commissioner Bailey seconded the motion. The motion was made and carried.

Ms. Pam Bowling, Human Resources Partner, presented to the Commission, for consideration and approval, revisions to the Career Banding Salary Administration Policy. Ms. Bowling explained the three proposed amendments to the policy and the justification for those proposed amendments. Ms. Bowling recommended that the Commission approve the revisions with an effective date of October 1, 2008. **[See Attachment]**

Chair Anderson asked if there were any questions. There were no questions. Chair Anderson asked for a motion and a second to approve the revisions to the Career Banding Salary Administration Policy as presented by Ms. Bowling. Commissioner Harrell made a motion to approve the revised Career Banding Salary Administration Policy. Commissioner Smith seconded the motion. The motion was made and carried.

Ms. Peggy Oliver, Human Resources Policy Administrator, presented to the Commission, for consideration and approval, proposed adoptions and amendments to various rules in Title 25 of the North Carolina Administrative Code to begin the rulemaking process. Ms. Oliver explained the reasons for the proposed actions for the following rules: 25 NCAC 1D.2701 Severance Salary Continuation (Amendment) and 1D.0116 Sign-On Bonus (Adoption). **[See Attachment]**

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Chair Anderson asked that the two proposed rules be voted on separately. Chair Anderson asked if there were any questions. There were no questions. Chair Anderson asked for a motion and second to approve Rule 25 NCAC 1D.2701 Severance Salary Continuation to begin the rulemaking process. Commissioner Shatley made a motion to approve the rule to begin the rulemaking process. Commissioner Smith seconded the motion. The motion was made and carried.

Next, Chair Anderson asked for a motion and second to approve Rule 25 NCAC 1D.0116 Sign-On Bonus to begin the rulemaking process. The Commission had some questions regarding the rule. Ms. Oliver responded to the questions. Commissioner Bailey made a motion to approve the rule to begin the rulemaking process. Commissioner Lluch seconded the motion. The motion was made and carried.

Ms. Oliver also presented to the Commission, for consideration and approval, the Sign-On Bonus Policy. **[See Attachment]** Chair Anderson asked for a motion to approve the Sign-On Bonus Policy. Commissioner Bailey made a motion to approve the Policy. Commissioner Lluch seconded the motion. The motion was made and carried.

Ms. Nellie Riley, Human Resources Managing Partner, presented to the Commission, for consideration and approval the 2007 Equal Employment Opportunity (EEO) Status Report. Ms. Riley gave a brief summary of the Report. Ms. Riley gave the statistics for state agencies and universities. Ms. Riley asked if there were any questions. The Commission had no questions. Ms. Riley recommended that the Commission approve the Report to be forwarded to the North Carolina General Assembly. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the 2007 Equal Employment Opportunity (EEO) Status Report. Commissioner Bailey made a motion to approve the Report. Commissioner Smith seconded the motion. The motion was made and carried.

Next Mr. Drake Maynard, Human Resources Managing Partner, presented to the Commission, for consideration and approval, a continuous recruitment request from Alamance County Department of Social Services for the classifications of Income Maintenance Caseworker II and Social Worker Investigative, Assessment and Treatment. Mr. Maynard explained that the reason for the request was that Alamance County Department of Social Services has had problems attracting and retaining people in these two classifications. Mr. Maynard explained that the request meant that the County would continuously recruit for these two classifications and as vacancies occurred they would use those applications for selection. Mr. Maynard recommended the Commission's approval of the request. **[See Attachment]**

Chair Anderson asked if there were any questions. There were no questions. Chair Anderson asked for a motion and second to approve the continuous recruitment request from Alamance County Department of Social Services for the above-mentioned classifications. Commissioner Lee made the motion to approve the request. Commissioner Bailey seconded the motion. The motion was made and carried.

Next, Mr. Maynard presented to the Commission for consideration and approval employee grievance procedures for the following universities and agencies.

**Appalachian State University
North Carolina Arboretum
North Carolina School of Science and Mathematics
North Carolina State University
University of North Carolina – General Administration
University of North Carolina at Chapel Hill
University of North Carolina at Greensboro
Winston Salem State University
North Carolina Department of Environmental and Natural Resources
North Carolina Department of Health and Human Services
North Carolina Department of Insurance
North Carolina Department of Transportation
Information Technology Services
North Carolina Office of State Personnel
North Carolina Department of State Treasurer
North Carolina Employment Security Commission
North Carolina Office of State Budget and Management**

Mr. Maynard explained that due to the request of the Commission, the staff at the Office of State Personnel is reviewing all grievance procedures and policies whether changes have been made or not. Mr. Maynard explained that it has been very helpful and productive because it has uncovered some things that needed to be changed and several agencies and universities are now using the mediation grievance process. Mr. Maynard recommended that the Commission approve the above employee grievance procedures as being in compliance with the Commission's policies and guidelines. Also, there will be notification to all agencies and universities to include the new address and telephone numbers for the Office of Administrative Hearings. **[See Attachment]**

Chair Anderson asked for a motion and second to approve the employee grievance procedures and policies as presented with the exception of the Employment Security Commission. Commissioner Harrell made a motion to approve the employee grievance procedures and policies with the exception of the Employment Security Commission. Commissioner Bailey seconded the motion. The motion was made and carried.

Next, Chair Anderson asked for a motion and second to approve the employee grievance procedures of the Employment Security Commission. Commissioner Bailey recused herself from the vote. Commissioner Harrell made a motion to approve the employee grievance procedures. Commissioner Peedin seconded the motion. The motion was made and carried.

Executive Session

1. **Cassandra F. Barner v. Halifax County Department of Social Services**
2. **Jacqueline Burkes v. North Carolina Department of Correction, Hoke 4320, Mr. Peter Buchholtz**
3. **Michael Curtis Dippel v. North Carolina Department of Crime Control and Public Safety, North Carolina Highway Patrol**
4. **Stacey M. Gasque v. North Carolina Department of Correction**
5. **Sandra Presnell v. Broughton Hospital**
6. **Charlene J. Shaw v. North Carolina Department of Correction, Hoke 4320, Mr. Peter Buchholtz**
7. **Michael Shelton Woody v. North Carolina Department of Environmental Health and Natural Resources**