

MINUTES

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

October 11, 2007

The State Personnel Commission (SPC) met on October 11, 2007 at 9:00 a.m. Madam Chair Robin Adams Anderson called the meeting to order. Members present were Madam Chair Robin Adams Anderson, Commissioner George I. Allison, Commissioner Geraldine Pearce, Commissioner Dean Shatley, Commissioner Susan Bailey, Commissioner Janie Harrell and Commissioner Caroline Lee.

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

1. **Ronald Jacobs v. N.C. Department of Crime Control and Public Safety,
North Carolina Highway Patrol**
Attorney for the Petitioner J. Michael McGuinness
Attorney for the Respondent Ashby T. Ray
2. **Brenda Gooch v. North Carolina Department of Transportation**
Attorney for the Petitioner Reagan Weaver
Attorney for the Respondent Ebony Pittman
3. **Marsha Early v. Durham County Department of Social Services**
Appearing for Petitioner Patrice Walker
Attorney for the Respondent Lowell L. Siler
4. **Eleanor J. Parker v. North Carolina Department of Health and Human Services,
Dorothea Dix**
Attorney for the Petitioner Michael C. Byrne
Attorney for the Respondent Kathryn J. Thomas
5. **Jerry Rivas v. North Carolina Department of Transportation**
Attorney for the Petitioner Alan McSurely
Attorney for the Respondent Tina A. Krasner

7. **Russell Lee v. Sampson County, Sampson County Department of Social Services**
Attorney for the Petitioner James H. Locus, Jr.
Attorney for the Respondent Thomas R. West

8. **Carlye Hendershot v. North Carolina Department of Health and Human Services, Division of Facility Services**
Attorney for the Petitioner Linda E. Vespereny
Attorney for the Respondent Elizabeth Guzman

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.

Approval of the Minutes for the August 20, 2007 and September 24, 2007 State Personnel Commission Teleconference Meetings

The first item on the business agenda was the approval of the minutes for the August 20, 2007 and September 24, 2007 State Personnel Commission Teleconference Meetings. Commissioner Pearce made a motion to approve the minutes. Commissioner Bailey seconded the motion. There being no corrections to the minutes, the minutes were approved as circulated.

State Personnel Director's Report

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

Next, 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.

Chair Anderson asked for a motion and second to approve the state government classifications and pay actions presented to the Commission by Ms. Floyd. Commissioner Pearce made a motion to approve the actions. Commissioner Allison 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 actions to Rule 25 NCAC 1C.0304 Confidential Information in Personnel Files, to begin the rulemaking process. Ms. Oliver explained why the proposed changes were recommended.

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Chair Anderson asked for a motion and second to approve the proposed rule to begin the rulemaking process presented to the Commission by Ms. Oliver. Commissioner Allison made a motion to approve the proposed rule. Commissioner Shatley seconded the motion. The motion was made and carried.

Ms. Oliver also presented to the Commission for consideration and approval, a Hearing Officer's report on the following rules: 25 NCAC 1N.0401 Purpose; .0402 Reporting Communicable Diseases; .0403 Actions During a Pandemic; .0404 Mandatory Employees; .0405 Compensation of Mandatory Employees; .0406 Leave; .0407 Verification; .0408 Review of Policy Provisions; .0409 Emergency Lay-Off; .0410 Waiver of Policies and .0702 Other Contagious Diseases. Ms. Oliver explained that a hearing had been held and the period in which to receive comments had expired. Ms. Oliver recommended the approval of the Report.

Chair Anderson asked for a motion and second to approve the Hearing Officer's Report on the above-mentioned rules presented to the Commission by Ms. Oliver. Commissioner Bailey made a motion to approve the actions. Commissioner Harrell 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, Local Government Salary Plans. Mr. Maynard recommended that the Commission approve the plans.

Chair Anderson asked for a motion and second to approve all of the Local Government Salary Plans presented by Mr. Maynard. Commissioner Bailey made a motion to approve. Commissioner Pearce seconded the motion. The motion was made and carried.

Mr. Maynard also presented to the Commission for consideration and approval Rule 25 NCAC 11.2108 Compensation of Area Mental Health Directors, to begin the rulemaking process. Mr. Maynard gave an explanation for the proposed adoption of the Rule.

Chair Anderson asked for a motion and second to approve the Rule presented by Mr. Maynard. Commissioner Shatley made a motion to approve. Commissioner Allison seconded the motion. The motion was made and carried.

Next, Mr. Maynard presented to the Commission for consideration and approval the Substantial Equivalency Discipline/Grievance Policies for Rowan County. Mr. Maynard explained that the policies had been reviewed by the Office of State Personnel staff and recommended the approval of the policies.

Chair Anderson asked for a motion and second to approve the policies presented to the Commission by Mr. Maynard. Commissioner Allison made a motion to approve the policies. Commissioner Bailey seconded the motion. The motion was made and carried.

Next, Mr. Maynard presented to the Commission for consideration and approval a continuous recruitment request for Buncombe County. Mr. Maynard presented to the Commission the justification for the continuous recruitment request and recommended the approval of the request.

Chair Anderson asked for a motion and second to approve the continuous recruitment request for Buncombe County presented to the Commission by Mr. Maynard. Commissioner Harrell made a motion to approve the request. Commissioner Shatley seconded the motion. The motion was made and carried.

Next, Mr. Maynard presented to the Commission for consideration and approval the employee grievance procedures for the North Carolina Department of Public Instruction. Mr. Maynard gave an overview of the policy changes to the Commission and recommended the approval of the procedures.

Chair Anderson asked for a motion and second to approve the employee grievance procedures for the North Carolina Department of Public Instruction presented to the Commission by Mr. Maynard. Commissioner Allison made a motion to approve the procedures. Commissioner Pearce seconded the motion. The motion was made and carried.

Executive Session

1. **Keith Dial v. N.C. Department of Juvenile Justice and Delinquency Prevention**
2. **Harvest Little v. North Carolina Department of Health and Human Services, Vocational Rehabilitation Services**
3. **Paul Michael Dale v. North Carolina Department of Correction**
4. **Gloria Davis v. Employment Security Commission of North Carolina**
5. **Terry Moses v. North Carolina Department of Transportation**
6. **Willie G. Shaw v. North Carolina Division of Forest Services**
7. **Robert Scott Killian v. North Carolina Department of Correction**