

MINUTES

STATE PERSONNEL COMMISSION MEETING STATE PERSONNEL DEVELOPMENT CENTER 101 WEST PEACE STREET RALEIGH, NORTH CAROLINA

August 20, 2009

The State Personnel Commission (SPC) met on August 20, 2009. Madam Chair Robin Adams Anderson called the meeting to order. Members present were Madam Chair Robin Adams Anderson, Commissioner George I. Allison, Commissioner Axel Lluch, Commissioner Janie Harrell, Commissioner Brenda Smith, Commissioner Caroline Lee, Commissioner Dean Shatley and Commissioner Wayne Peedin.

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

1. **John Baker Warren v. North Carolina Department of Crime Control and Public Safety, North Carolina Highway Patrol**
Attorney for the Petitioner Mr. J. Michael McGuinness
Attorney for the Respondent Ms. Tamara Zmuda

2. **Tonya M. Jones v. North Carolina Department of Health and Human Services**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorney for the Respondent Ms. Kathryn J. Thomas

3. **Richard C. Foy v. North Carolina Department of Insurance**
Attorney for the Petitioner Appearing Pro Se
Attorney for the Respondent Ms. Rebecca E. Lem

4. **Marsha Early v. Durham County Department of Social Services**
Attorney for the Petitioner Ms. Patrice Walker
Attorney for the Respondent Mr. Lowell Siler

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 June 18, 2009 State Personnel Commission meeting. There being no corrections, the minutes were approved as circulated. **[See Attachment]**

State Personnel Director's Report

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

Ms. Linda D. Coleman, Director of the Office of State Personnel, introduced the new Statewide Wellness Coordinator, Ms. Janice Horner. Ms. Coleman stated that Ms. Horner would be responsible for the health and wellness of all state employees.

Next, Ms. Nellie Riley, Human Resources Managing Partner, presented to the Commission, for consideration and approval, the Equal Employment Opportunity (EEO) Status Report for the year 2008. Ms. Riley pointed out to the Commission that the overview for the state in this Report was new. Ms. Riley stated that the gender in state government is now 50% male and 50% female. Ms. Riley stated that the statistics showed that there has been a slight decline in white males and black males in state government. There was a slight increase in black females and other minority females. Commissioner Anderson asked Ms. Riley if we track why there is a decrease. Ms. Riley stated that she did not specifically know why. Ms. Riley said that there may be a possibility that it could be traced by the BEACON system or by the new NC WORKS Program. Commissioner Bailey wanted to know how long there would be any indication of whether or not the project (Young Peoples Project) is being successful or not. Ms. Riley stated that now the project is trying to make sure that the image of state government is highlighted to younger employees. Ms. Riley explained that the group is trying to deal with the positive image of state government. Ms. Riley continued with other highlights of the EEO Status Report. Upon her completion of the Report, Ms. Riley asked for the Commission's approval of the Report to be forwarded to the General Assembly. **[See Attachment]**

Chair Anderson asked if there were any questions. Chair Anderson asked for a motion and second to approve the Equal Employment Opportunity (EEO) Status Report presented to the Commission by Ms. Riley. Commissioner Shatley made a motion to approve the actions. Commissioner Allison seconded the motion. The motion was made and carried.

Next, Mr. Dominick D'Erasmus, Human Resources Partner, presented to the Commission for consideration and approval a Hearing Officer's Report, prepared by Ms. Peggy Oliver, regarding Rule 25 NCAC 1C.1004 Reduction in Force. The Commission approved this rule to be the rulemaking process at its April 2009 Commission meeting. The proposed rule was published in the May 15, 2009 publication of the North Carolina Register. A public hearing was held on July 15, 2009. Mr. D'Erasmus gave a brief summary of the proposed changes to the rule and recommended that the Hearing Officer's Report be approved by the Commission to be filed with the Administrative Rules Review Commission. **[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 Hearing Officer's Report. Commissioner Peedin made a motion to approve the Report. Commissioner Bailey seconded the motion. The motion was made and carried.

Executive Session

1. **Alvita C. Byers v. Elizabeth Cox, The Office of Human Resources, and The North Carolina School of the Arts**
2. **Ronald Gene Ezzell, Jr. v. North Carolina Department of Transportation**
3. **Matthew Leavey v. North Carolina Department of Health and Human Services, Division of Mental Health**
4. **Denise Vee v. Cumberland County Department of Public Health**