

MINUTES

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

October 15, 2009

The State Personnel Commission (SPC) met on October 15, 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 Susan Bailey, 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. **Jacqueline H. Davis v. North Carolina Department of Correction** **Tab 1**
 Attorney for the Petitioner Mr. David G. Schiller
 Attorney for the Respondent Mr. Oliver G. Wheeler, IV

2. **C. W. McAdams v. North Carolina Division of Motor Vehicles** **Tab 2**
 Attorney for the Petitioner Mr. Alan McSurely
 Attorney for the Respondent Mr. Neil Dalton

3. **W. Frank Etheridge v. North Carolina Department of Administration/
State Capitol Police** **Tab 3**
 Attorney for the Petitioner Mr. Jay J. Ritz
 Attorney for the Respondent Ms. Ann Stone

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 August 20, 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 Dr. Cassandra Atkinson, who has rejoined the Office of State Personnel from North Carolina Central University. Dr. Atkinson is the Director of the reinstated division, Standards and Accountability.

Next, Ms. Lynn Floyd, Human Resources Partner, presented to the Commission, for consideration and approval, state classification and pay actions. Ms. Floyd proposed that two new classifications be established within the Department of Corrections to recognize new roles resulting from restructuring of operations for more effective management. The new classes are Deputy Director of Community Corrections and Deputy Director of Prisons. Two new classifications were proposed to be established to complete the substance abuse classification study. Ms. Floyd explained that these classes, Substance Abuse Counselor Advance and Substance Abuse Program Administrator are specific to the Department of Correction and recognize the unique duties and responsibilities of providing substance abuse services within the correctional environment. **[See Attachment]**

Ms. Floyd explained that at the June 2009 State Personnel Commission, the Commission approved range revisions for the Agricultural Commodity Grader series and the Juvenile Court Counselor and Trainee classes. The effective date for the revisions was August 1, 2009. The General Assembly subsequently passed the Appropriations Act effective July 1, 2009. A component of that legislation, prohibit salary increases as a result of labor market review, including range revisions. To comply with the Appropriations Act, Ms. Floyd recommended that the Commission delay implementation of the Agricultural Commodity Grader series and Juvenile Court Counselor Trainee range revisions until the prohibition is lifted by the General Assembly. The affected classes would revert back to the salary grade prior to the June 2009 range revision actions. Ms. Floyd recommended that the Commission allow immediate implementation of the actions once the statutory language permits. The Office of State Personnel will report implementation at the next available State Personnel Commission meeting. The staff of the Office of State Personnel has reviewed the actions and request the approval of the action to establish the four new classifications with an effective date of December 1, 2009. Ms. Floyd also requested that the implementation be held for the range revisions impacting Agricultural Commodity Grader series and Juvenile Court Counselor and Trainee classes be effective August 1, 2009. **[See Attachment]**

Chair Anderson asked if there were any questions. Chair Anderson asked for a motion and second to approve the state classification and pay actions as articulated by Ms. Floyd and to be effective December of 2009. Commissioner Shatley made a motion to approve the actions. Commissioner Peedin seconded the motion. The motion was made and carried.

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Next, Ms. Floyd presented to the Commission for consideration and approval, a Revised Merit Based Recruitment and Selection Plan from the Office of the State Auditor. The plan was updated to reflect receipt updates in internal processes and procedures. Staff at the Office of State Personnel reviewed the proposed plan and recommended that the Commission grant approval effective November, 1, 2009. Ms. Floyd asked if there were any questions. **[See Attachment]**

Chair Anderson asked when the new guidelines were done for the merit based recruitment. Ms. Floyd explained that guidelines were in place since 1997. Ms. Floyd stated that upon any changes to policy or statutory change, then revisions would be made accordingly. Ms. Floyd explained that the Auditor's Office had changed their interviewing process. Chair Anderson asked if the Auditor's Office Plan was consistent with other agencies. Ms. Floyd stated that all of the agencies and universities' plans are consistent in that they come through the Office of State Personnel and the plans are approved by the Commission. Ms. Floyd explained that changes may occur due to different organizational structure. Chair Anderson asked if the new language that applies to veterans' preference has been incorporated in the plans. Commissioner Peedin asked if the Office of State Personnel could go ahead and review the plans to make sure that the veterans' preference language is incorporated in all plans. Ms. Floyd said that it could be done. State Personnel Director, Linda Coleman added that the role of the Division of Accountability and Standards would be to audit programs in human resources to make sure that the programs come up to at least the minimum standards as required by statute. Chair Anderson also wanted to know the timeframe in which the plans come before the Commission. Ms. Floyd explained that there is not a stipulation in policy, rules or statute of any specific timeframe that the plans must be submitted for the Commission to approve. Commissioner Peedin stated that on behalf on North Carolina Veterans' Commission who are very interested in the veterans' preference, it would be most helpful if the Commission could receive a spread sheet on what agencies are and are not on board with the veterans' language. Commissioner Shatley stated that it would be helpful to have a summary of the changes that have been made when the Commission receives the plans for consideration and approval.

Chair Anderson asked for a motion and second to approve the Merit Based Recruitment and Selection Plan for the Office of State Auditor. Commissioner Shatley made a motion to approve the Plan. Commissioner Peedin seconded the motion. The motion was made and carried.

Next, Mr. Keita Cannon, Human Resources Partner, presented to the Commission for consideration and approval Local Government Salary Plans for 2009-2010. Mr. Cannon stated that the local government program team reviewed the plans and were recommending the plans for approval. **[See Attachment]**

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Chair Anderson asked for a motion and second to approve the local government salary plans presented by Mr. Cannon. Commissioner Bailey made a motion to approve the plans. Commissioner Allison seconded the motion. The motion was made and carried.

Next, Ms. Shari Howard, Human Resources Partner, presented to the Commission for consideration and approval to implement, effective November 1, 2009, the proposed Other Management Leave Policy. Ms. Howard explained that this policy combines all of the miscellaneous leave provisions that are currently authorized in various other policies throughout the manual. It also clarifies which miscellaneous leaves are discretionary and which ones are not discretionary. Ms. Howard also asked for the approval of the Commission to begin the rulemaking process for the Other Management Approved Leave and to repeal the Small Pox Vaccination rule since the provisions are being included in the Other Management Approved Leave rules. **[See Attachment]**

Chair Anderson asked for a motion and second to approve Rule 25 NCAC 1E.1701 Smallpox Vaccination (Repeal) to begin the rulemaking process. Commissioner Allison made a motion to approve the above mentioned rule. Commissioner Lluch seconded the motion. The motion was made and carried.

Chair Anderson asked for a motion and second to approve the proposed Rules 25 NCAC 1E.1801 Other Management Approved Leave; .1802 Non-Discretionary Types of Other Management Approved Leave; and .1803 Discretionary Types of Other Management Approved Leave to begin the rulemaking process. Commissioner Allison made a motion to approve the rules to begin the rulemaking process. Commissioner Harrell seconded the motion. The motion was made and carried.

Chair Anderson asked for a motion and second to approve the Other Management Approved Leave Policy, effective November 1, 2009. Commissioner Peedin made a motion to approve the above mentioned policy. Commissioner Bailey seconded the motion. The motion was made and carried.

Next Ms. Bobbi Brown, Human Resources Partner, presented to the Commission for consideration and approval the Equal Employment Opportunity Institute (EEOI) Semi-Annual Report (January-June 2009). Ms. Brown gave a brief summary of the Report for the EEOI covering the period of January through June of 2009. Ms. Brown stated that during this reporting period the Office of State Personnel and participating agencies hosted 42 level one EEOI and one level two and trained 804 participants. Ms. Brown stated that 1,290 training slots were opened for enrollment. This reflected a utilization rate of 64% which is an increase of 1% over the last reporting period. The Office of State Personnel certified 10 of the 13 candidates completing adjunct trainer certification training during the last reporting period. Six of the individuals were from North Carolina State University. Two were also certified from the Office of State Personnel, one from North Carolina A & T State University and one from the

Employment Security Commission. There are three remaining that need to complete the certification process. Ms. Brown recommended that the Commission approve the Report. [See Attachment]

Chair Anderson asked for a motion and second to approve the EEOI Semi-Annual Report (January-June 2009). Commissioner Bailey made a motion to approve the Report. Commissioner Allison seconded the motion. The motion was made and carried.

Executive Session

1. **Annie L. Gadson v. North Carolina A&T State University**
2. **Sharon Annette Mercer v. North Carolina Division of Motor Vehicles**
3. **Denise Vee v. Cumberland County Department of Public Health**
4. **Timothy Woo v. Union County Department of Social Services**