

MINUTES

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

June 16, 2011

The State Personnel Commission (SPC) met on June 16, 2011. Chairman Alvin G. Ragland called the meeting to order. Members present were Chairman Alvin G. Ragland, Commissioner Susan Bailey, Commissioner Wayne Peedin, Commissioner Virgie DeVane-Hayes, Commissioner Morris Lee Rascoe, Commissioner Thomas Stern and Commissioner Lisa Grafstein. Pursuant to North Carolina General Statutes §138A, the North Carolina Ethics Act, Chairman Ragland asked all Commissioners if there were any conflicts of interest with respect to any matters coming before the Commission. Commissioner Lisa Grafstein recused herself from the deliberations and voting in the contested case of **Stewart Coates v. North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, 10 OSP 1249.**

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

- Stewart Coates v. North Carolina Department of Crime Control and Public Safety, Division of Emergency Management**
Attorneys for the Petitioner Mr. Larry B. Leake
Ms. Jamie Stokes
Attorneys for the Respondent Mr. Hal F. Askins
Ms. Cheryl A. Perry
- Juliana W. Smith v. Alamance-Caswell Area Mental Health, Developmental Disabilities and Substance Abuse Authority**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorneys for the Respondent Ms. Elizabeth Martineau
Mr. Mike Taylor
- Phyllis Whitaker v. North Carolina State Board of Elections**
Petitioner Appearing Pro Se Ms. Phyllis Whitaker
Attorney for the Respondent Ms. Susan K. Nichols

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

The first item on the business session agenda was the approval of the minutes of the April 21, 2011 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.

State Personnel Director Linda D. Coleman gave a brief report on the following matters: (1) the schedule of the General Assembly; (2) status of Senate Bill 781 (exempting the State Personnel Commission from the Bill in regards to final decision making authority); and (3) the latest numbers relating to the reduction-in-force. Director Coleman explained that the numbers might not be as large as first anticipated because most managers were aware of the impending reduction-in-force and therefore kept many positions vacant. Director Coleman gave the total numbers for 2011 from January 1 through June 15, 2011 as follows: 507 employees notified of reduction-in-force; 448 employees with reduction-in-force priority; 59 employees without reduction-in-force priority, and 76,258 visits to the Office of State Personnel website. Director Coleman talked about the reduction-in-force team located at the Office of State Personnel. The reduction-in-force team worked on the policy, guidelines, and the resources that would be available to the reduction-in-force staff and employees. Director Coleman shared with the Commission the book called North Carolina State Government Reduction-in-Force which was a production by the reduction-in-force team at the Office of State Personnel. Director Coleman also gave a brief presentation on the State Employees Career Transition Center, the staffing of the center, and the services that would be provided by various partners.

Chairman Ragland asked if there were any questions or comments regarding Director Coleman's report. Chairman Ragland commended the team for the excellent job done and expressed his hope that the individuals impacted would use the center as a resource. There being no further questions or comments, the Commission proceeded with the next item on the agenda.

Ms. Pam Bowling, Human Resources Managing Partner, presented to the Commission, for consideration and approval, two (2) state classification and pay actions. Ms. Bowling stated that the first item was to establish a new classification of the Correctional Food Service Director for use within the North Carolina Department of Correction to be effective August 1, 2011. The classification reflects the responsibility for directing the statewide food service program in use throughout the Department of Correction. Ms. Bowling stated that the second item was a recommendation requesting to abolish several classifications relating to the recreation therapy area. Ms. Bowling

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explained that there was a study performed by the Office of State Personnel due to new licensure requirements by the General Assembly. The Commission previously approved the new classifications and the Office of State Personnel worked with the agency in order to get the employees into the new positions. Ms. Bowling asked for the abolishment of the old classifications that were no longer needed. Ms. Bowling explained that there was a third (3) item which did not require a vote from the Commission. However, this was to inform the Commission that some education and experience requirements have been made. The first set of changes that were made for this project were brought to the Commission at the April 21, 2011 Commission meeting. **[See Attachment]**

Chairman Ragland asked if the Commission had any questions. Chairman Ragland asked Ms. Bowling how the food services operations were being handled currently. Ms. Bowling explained that over time the department had various organizational changes. There was a similar classification years ago and now the agency felt the need to bring it under one umbrella again. Chairman Ragland asked if there was a central point that this service could have been promoted from. Ms. Bowling stated that due to various restrictions of the Department of Correction versus other state agencies, this is as far as they could centralize it. Ms. Bowling also stated that due to the consolidation of the Department of Correction, Department of Crime Control and Public Safety and the Department of Juvenile Justice and Delinquency Prevention, there might be some consolidation in the future of the food services areas. However, at this point we are not sure about the time period for this merger.

Chairman Ragland asked for a motion to approve the state classification and pay actions presented to the Commission by Ms. Bowling. Commissioner Grafstein made a motion to approve the actions. Commissioner Bailey seconded the motion. The Commission voted. The motion was made and carried.

Next, Mr. Gerry Fisher, Human Resources Managing Partner presented to the Commission for consideration and approval, proposed policy amendments for the following policies: (1) Types of Appointments and (2) Probationary/Trainee/Permanent Appointment and Career Status. Mr. Fisher explained that the Types of Appointment Policy and the length of probationary period provision of the Probationary Appointment Policy currently provide conflicting information about the impact of a leave of absence on the probationary period. These conflicting policies may result in inconsistent administration of the probationary period. Mr. Fisher explained that the proposed changes would clarify in both policies that periods of extended leave with and without pay do not count towards the probationary period. Extended leave is defined by policy as being on leave for more than one-half the workdays and holidays in the month or pay period. **[See Attachment]**

Chairman Ragland asked if the Commission had any questions or comments. There being no questions or comments, Chairman Ragland asked for a motion to approve the proposed policy changes presented to the Commission by Mr. Fisher. Commissioner Bailey made a

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motion to approve the policy changes. Commissioner Hayes seconded the motion. The Commission voted. The motion was made and carried.

Next, Ms. Ruth Barlow, Human Resources Managing Partner, presented to the Commission for consideration and approval, the State Employees Workplace Requirements Program for Safety and Health Policy. Ms. Barlow explained that the last revision was made to this policy in 2006. Recommended changes and updates to the policy were made with the assistance of the Statewide Safety and Health Steering Committee, the State Safety Consultant, Counsel for the Office of State Personnel, and Ms. Barlow. Ms. Barlow gave a summary of the proposed changes to the Commission. **[See Attachment]**

Chairman Ragland asked if the Commission had any questions or comments. There being no questions or comments, Chairman Ragland asked for a motion to approve the proposed policy changes presented to the Commission by Ms. Barlow. Commissioner Bailey made a motion to approve the policy changes. Commissioner Hayes seconded the motion. The Commission voted. The motion was made and carried.

Next, Ms. Barlow presented to the Commission for consideration and approval the North Carolina State Employees Workplace Requirements Program for Safety and Health Report for Fiscal Year 2009-2010. This report summarizes the safety and health program activities of State departments and universities in compliance with Article 63 of Chapter 143 of the North Carolina General Statutes, ratified in July of 1992. The report provides the following: (1) Safety and Health Program Assessment Summary for departments and universities; (2) Fatalities; (3) Department of Labor Inspections and fines for State facilities; (4) Workers Compensation Data Summary; and (5) Statistical Data. Ms. Barlow gave some report highlights. Ms. Barlow stated that she would be glad to provide answers to any questions from the Commission. **[See Attachment]**

Chairman Ragland asked if the trends showed that things were better or worse in some of the same areas since the last reporting period. Ms. Barlow stated that the overall expenditures had increased 1.5%. Ms. Barlow explained that this was more of a flat trend due to the financial situation being able to finalize and crunch cases. Ms. Barlow stated that there was minimal activity in that regard. Chairman Ragland asked if Ms. Barlow saw any trends where education might help improve the situation as well. Ms. Barlow said that there had been a reinforcement of the sharing of information with the core areas within the program to improve muscle, skeleton, strains, sprains, and common injury processes that occur year after year.

Chairman Ragland asked if there were any further questions or comments. Director Coleman informed the Commission that Ms. Barlow had just been granted the award for having the greatest impact in the area on individual health and organizations in terms of prevention. Director Coleman stated that the Office of State Personnel had done several things in order to promote health and wellness among State employees, including the Farmer on the Mall and the

Miles for Wellness Program. There being no questions, Chairman Ragland asked for a motion to approve the North Carolina State Employees Workplace Requirements Program for Safety and Health Report for Fiscal Year 2009-2010. Commissioner Hayes made a motion to approve the Report. Commissioner Grafstein seconded the motion. The Commission voted. The motion was made and carried.

The Commission adjourned and went into Executive Session to consider the oral argument cases and cases in which the parties waived oral argument.

Executive Session

1. **Carolyn Sue Jenkins v. North Carolina Agricultural and Technical State University**
2. **Daymond C. Lindell v. North Carolina Agricultural and Technical State University**