

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

February 21, 2013

The State Personnel Commission (SPC) met on February 21, 2013. Chair Susan C. Bailey called the meeting to order. Members present were Chair Susan C. Bailey, Commissioner Wayne Peedin, Commissioner Axel Lluch, Commissioner Virgie DeVane-Hayes, Commissioner Thomas Stern, Commissioner Lisa Grafstein and Commissioner Mark A. Hamberlin. Pursuant to North Carolina General Statutes §138A, the North Carolina Ethics Act, Chair Bailey asked all Commissioners if there were any conflicts of interest with respect to any matters coming before the Commission. Commissioner Hayes recused herself and did not participate in any of the deliberations in the matter of **Tammy Cagle v. Swain County Board of Social Services**.

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

1. **Tammy Cagle v. Swain County Board of Social Services**
Attorney for the Petitioner Mr. Michael C. Byrne
Attorney for the Respondent Mr. Matt Gray

2. **Derick Proctor v. North Carolina Department of Crime Control and Public Safety, State Capitol Police Division**
Attorney for the Petitioner Mr. Robert O. Crawford
Attorney for the Respondent Ms. Tammera S. Hill

3. **Charles W. McAdams v. North Carolina Department of Transportation**
Attorney for the Petitioner Mr. Henry Clay Turner
Attorney for the Respondent Mr. Neil Dalton

Note: Status of the Following Contested Case:

Due to a Motion for Continuance made by the Respondent's Attorney, Ms. Katherine A. Murphy, this matter has been continued. Petitioner's Attorney, Mr. David G. Schiller did not oppose the continuance. This case is now scheduled to be heard by the State Personnel Commission at its April 18, 2013 meeting.

1. **Stephen R. West v. University of North Carolina at Chapel Hill**
Attorney for the Petitioner Mr. David G. Schiller
Attorney for the Respondent Ms. Katherine A. Murphy

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Next on the agenda was the business session. Chair Bailey asked if anyone had signed up to speak during the public hearing session. No one had signed up to speak.

The first item on the business session agenda was the approval of the minutes from the December 13, 2012 State Personnel Commission meeting. There being no corrections to the minutes, the minutes were approved as circulated. **[See Attachment]**

The next item on the agenda was the State Personnel Director's Report. Mr. C. Neal Alexander, Jr., Director of the Office of State Personnel shared that the welcome that he received upon coming into state government from the state, staff and others had been great. Director Alexander explained that the Office of State Personnel staff is working on several issues and opportunities. Director Alexander stated that he was very excited about the opportunity to serve. Director Alexander gave the following summary of Governor Pat McCrory's goals and expectations: (1) to create a culture of customer service within state government; (2) to create a culture of collaboration and sharing resources across departments; (3) to function in a very high ethical manner; and (4) to improve the economy and education. The Governor's directives to Director Alexander were to create a culture of customer service within state government, develop market-based practices for personnel decisions, ensure that we attract, motivate develop and retain the talents and strengths of the state operations and help to fulfill North Carolina's potential and create a working environment for employees to be successful, support the Governor and improve the human resources services for employees and managers across the state. This task has begun by planning to meeting with the agency secretaries and the council of state leaders and the human resources representatives.

Director Alexander discussed the lawsuit filed in 2005 by several temporary employees who had several years of service with the state that wanted to obtain employee benefits just as other permanent state employees. The courts found in favor of the state that the temporary employees had been paid for services and were not entitled to any benefits. However, Judge Titus stated in his ruling that temporary employees should not work more than twelve months without a break in service or becoming a permanent state employee. The Office of State Personnel is charged with implementing a compliance program to ensure the order is complied with. The state has had a staffing group known as Temporary Solutions Program for a number of years to supply temporary help to agencies and universities, but there are no other arrangements for temporary employees that exist. The Compliance plan would put in place consistent standards for hiring of temporary employees across the state. A compliance report is to be filed with Judge Titus by March 18. Director Alexander explained that currently the Office of State Personnel is working on a temporary executive order for the Governor basically saying that all temporary employees would be hired through Temporary Solutions. It will also be recommended that the Council of State and the universities also do the same. The Office of State Personnel will set the standard. An agency or university may have a similar temporary service as long as it is approved by the State Personnel Director. The Office of State Personnel will provide an annual report to the Commission on the activity. Commissioner Grafstein asked what

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determined when the person was temporary versus when the . . . Director Alexander explained that a request would be made for a temporary employee, the agency would be given the candidates to review and then they would select the employee. The Office of State Personnel will track how long the employee is in the position. Commissioner Hamberlin asked if there was a clear distinction between temporary employees and contracted service employees. Director Alexander explained that contract employees are managed by the contractor versus the temporary employees being managed by the line manager. **[See Attachment]**

Next, Ms. Pam Bowling, Human Resources Manager, presented to the Commission, for consideration and approval, the following state classification and pay actions: In the first action, Ms. Bowling explained that the Department of Public Safety was revising the Substance Abuse Program Administrator classification title to be in line with the consolidated agency's naming convention. The education and experience requirements for this classification were also updated to address and resolve identified recruitment issues. There was no salary grade change. The Office of State Personnel has reviewed the request and recommended that the Commission grant the approval with an effective date of April 1, 2013. **[See Attachment]**

Next, Ms. Bowling stated that a classification study had been conducted due to recruitment and retention problems within the physicians and related classifications used in the Department of Health and Human Services and the Department of Public Safety. It was determined that the standards for these classifications should include one level of Physician, Dentist, Physician Extender, etc.; where currently there a multiple levels of each. The study also included the recommendation to collapse 34 physician and related classifications into 16 classifications. New classification specifications have been developed and the Office of State Personnel recommended the approval with an effective date of March 1, 2013. **[See Attachment]**

Chair Bailey asked if there were any questions. There being no questions, Chair Bailey asked for a motion to approve the above-mentioned classification actions. Commissioner Grafstein made a motion to approve the classification actions. Commissioner Hayes seconded the motion. The motion was made and carried.

The Commission adjourned and went into Executive Session to consider the oral argument cases.

Executive Session

The State Personnel Commission voted and rendered decisions in the following case:

1. **Mahatam S. Jailall v. North Carolina Department of Public Instruction**