

**STATE HUMAN RESOURCES COMMISSION MEETING  
LEARNING & DEVELOPMENT CENTER  
101 WEST PEACE STREET  
RALEIGH, NORTH CAROLINA**

**MEETING MINUTES – JULY 9, 2014**

**Members Present**

Members present were Chair Susan B. Manning, Commissioner Mel Asbury, Commissioner Dan Barrett, Commissioner Virgie DeVane-Hayes, Commissioner Martin Falls, and Commissioner Gloria Highsmith.

**Opening**

The State Human Resources Commission (SHRC) met via phone on July 9, 2014. Pursuant to North Carolina General Statutes §138A and the North Carolina Ethics Act, Chair Manning asked all Commissioners if there were any conflicts of interest or potential conflicts of interest with respect to any matters coming before the Commission. There were no conflicts of interest or potential conflicts of interest noted by any Commissioner. Next, Chair Manning called the meeting to order.

**Business Session**

In compliance with G.S. 150B-21.3A, the State Human Resources Commission (SHRC) reported to the public and interested parties their initial classification determination for the periodic rules review. The purpose of this meeting is to review public comments received during the public comment period and to respond to any objections received concerning the initial rule classification determination. After considering the public comments, the SHRC made a final classification determination for each rule which will be reported to the Rules Review Commission for their review and approval.

The State Human Resources Commission received no public comments for the following rules:

**25 NCAC 01A. 0103, .0104, .0105, and .0106**

**25 NCAC 01B. 0104, .0201, .0204, .0205, .0208, .0213, .0214, .0215, .0216, .0217, .0350, .0413, .0414, .0415, .0421, .0422, .0423, .0424, .0425, .4026, .0427, .0428, .0429, .0430, .0431, .0432, .0433, .0434, .0435, .0436, .0437, .0438, and .0439**

**25 NCAC 01C. 0201, .0202, .0210, .0215, .0301, 0401, .0402, .0403, .0404, .0406, .0411, .0412, .0501, .0502, .0503, .0504, .0507, .0509, .0701, .0702, .0703, .0801, .0802, .0803, .0804, .0805, .0806, .0811, .0813, .0901, .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, and .1009**

The State Human Resources Commission did receive public comments for the following rules:  
**01C.0303, .0304, .0307, .0405, .0407, .0408, .0409, .0902, and .0903**

The State Human Resources Commission discussed and reviewed the public comments received for the above listed rules. The Commission voted on the following rules listed below that did receive public comments:

- **25 NCAC 01C .0303 PUBLIC INSPECTION**

**Motion:** Commissioner Asbury made a motion to approve the initial classification for this rule as “unnecessary”.

**Seconded:** Commissioner DeVane-Hayes seconded the motion.

The motion was made and carried.

- **25 NCAC 01C .0304 CONFIDENTIAL INFORMATION IN PERSONNEL FILES**

**Motion:** Commissioner Asbury made a motion to approve the initial classification for this rule as “unnecessary”.

**Seconded:** Commissioner Falls seconded the motion.

The motion was made and carried.

- **25 NCAC 01C .0307 SAFEGUARDING CONFIDENTIAL INFORMATION**

**Motion:** Commissioner Asbury made a motion to approve the initial classification for this rule as “unnecessary”.

**Seconded:** Commissioner DeVane-Hayes seconded the motion.

The motion was made and carried.

- **25 NCAC 01C .0405 TEMPORARY APPOINTMENT**

- **25 NCAC 01C .0407 TEMPORARY PART-TIME APPOINTMENT**

**Motion:** Commissioner Barrett made a motion to approve the classifications for both rules as “necessary”.

**Seconded:** Commissioner Highsmith seconded the motion.

The motion was made and carried.

- **25 NCAC 01C .0408 INTERMITTENT APPOINTMENT**

**Motion:** Commissioner Barrett made a motion to approve the initial classification for this rule as “unnecessary”.

**Seconded:** Commissioner Highsmith seconded the motion.

The motion was made and carried.

- **25 NCAC 01C .0409 PRE-VOCATIONAL STUDENT APPOINTMENT**

**Motion:** Commissioner DeVane-Hayes made a motion to approve the initial classification for this rule as “unnecessary”.

**Seconded:** Commissioner Highsmith seconded the motion.

The motion was made and carried.

- **25 NCAC 01C .0902 AGENCY RESPONSIBILITY**

**Motion:** Commissioner Asbury made a motion to approve the initial classification for this rule as “unnecessary”.

**Seconded:** Commissioner Falls seconded the motion.

The motion was made and carried.

- **25 NCAC 01C .0902 AGENCY RESPONSIBILITY**

- **25 NCAC 01C .0903 ELIGIBILITY REQUIREMENTS**

**Motion:** Commissioner DeVane-Hayes made a motion to approve the initial classifications for both rules as “unnecessary”.

**Seconded:** Commissioner Falls seconded the motion.

The motion was made and carried.

The Commission also voted and accepted staff recommendations for the following rules listed below that did not receive public comment:

**Subchapter A**

<b>25 NCAC 01A .0103</b>	<b>DEFINITIONS</b>
<b>25 NCAC 01A .0104</b>	<b>EXCEPTIONS AND VARIANCES</b>
<b>25 NCAC 01A .0105</b>	<b>COVERAGE OF TITLE 25</b>
<b>25 NCAC 01A .0106</b>	<b>DELEGATION OF AUTHORITY: DECENTRALIZATION</b>

**Subchapter B**

<b>25 NCAC 01B .0104</b>	<b>STATE PERSONNEL DIRECTOR</b>
<b>25 NCAC 01B .0201</b>	<b>CONTENT AND PROCEDURE</b>
<b>25 NCAC 01B .0204</b>	<b>PRESENTATIONS</b>
<b>25 NCAC 01B .0205</b>	<b>ORAL PRESENTATIONS</b>
<b>25 NCAC 01B .0208</b>	<b>HEARING PROCEDURE</b>
<b>25 NCAC 01B .0213</b>	<b>REQUESTS FOR DECLARATORY RULING</b>
<b>25 NCAC 01B .0214</b>	<b>CONTENT</b>
<b>25 NCAC 01B .0215</b>	<b>REFUSAL TO ISSUE RULING</b>

<b>25 NCAC 01B .0216</b>	<b>TIME</b>
<b>25 NCAC 01B .0217</b>	<b>PROCEDURE</b>
<b>25 NCAC 01B .0350</b>	<b>TIME FRAME FOR RAISING ALLEGATION OF DISCRIMINATION</b>
<b>25 NCAC 01B .0413</b>	<b>EXERCISE OF COMMISSION DISCRETION</b>
<b>25 NCAC 01B .0414</b>	<b>SITUATIONS IN WHICH ATTORNEY'S FEES MAY BE AWARDED</b>
<b>25 NCAC 01B .0415</b>	<b>ATTORNEY'S FEES MAY BE AWARDED AS A RESULT OF A SETTLEMENT</b>
<b>25 NCAC 01B .0421</b>	<b>BACK PAY</b>
<b>25 NCAC 01B .0422</b>	<b>FRONT PAY</b>
<b>25 NCAC 01B .0423</b>	<b>LEAVE</b>
<b>25 NCAC 01B .0424</b>	<b>HEALTH INSURANCE</b>
<b>25 NCAC 01B .0425</b>	<b>INTEREST</b>
<b>25 NCAC 01B .0426</b>	<b>CERTAIN REMEDIES NOT AVAILABLE</b>
<b>25 NCAC 01B .0427</b>	<b>VOLUNTARY PROGRAMS OR BENEFITS</b>
<b>25 NCAC 01B .0428</b>	<b>REINSTATEMENT</b>
<b>25 NCAC 01B .0429</b>	<b>RECOMMENDATION OF DISCIPLINARY ACTION</b>
<b>25 NCAC 01B .0430</b>	<b>REMOVAL OF MATERIAL FROM PERSONNEL FILE</b>
<b>25 NCAC 01B .0431</b>	<b>CAUSES FOR REINSTATEMENT</b>
<b>25 NCAC 01B .0432</b>	<b>REMEDIES FOR PROCEDURAL VIOLATIONS</b>
<b>25 NCAC 01B .0433</b>	<b>SUSPENSION WITHOUT PAY</b>
<b>25 NCAC 01B .0434</b>	<b>DISCRIMINATION</b>
<b>25 NCAC 01B .0435</b>	<b>REMEDIES: SALARY ADJUSTMENTS</b>
<b>25 NCAC 01B .0436</b>	<b>SETTLEMENTS/CONSENT AGREEMENTS IN GRIEVANCES, CONTESTED CASES</b>
<b>25 NCAC 01B .0437</b>	<b>STATE PERSONNEL COMMISSION: PROCEDURES</b>
<b>25 NCAC 01B .0438</b>	<b>ESTABLISHMENT OF REASONABLE ATTORNEY FEES BY THE COMMISSION</b>
<b>25 NCAC 01B .0439</b>	<b>CONTINUANCES</b>

**Subchapter C**

<b>25 NCAC 01C .0201</b>	<b>SCOPE AND AUTHORITY</b>
<b>25 NCAC 01C .0202</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY</b>
<b>25 NCAC 01C .0210</b>	<b>POLITICAL ACTIVITIES</b>
<b>25 NCAC 01C .0215</b>	<b>EMPLOYMENT CONTRACTS</b>
<b>25 NCAC 01C .0301</b>	<b>MAINTENANCE OF RECORDS</b>
<b>25 NCAC 01C .0401</b>	<b>APPOINTMENT DEFINED</b>
<b>25 NCAC 01C .0402</b>	<b>PERMANENT APPOINTMENT</b>
<b>25 NCAC 01C .0403</b>	<b>TRAINEE APPOINTMENTS</b>
<b>25 NCAC 01C .0404</b>	<b>PROBATIONARY APPOINTMENTS</b>
<b>25 NCAC 01C .0406</b>	<b>PERMANENT TRAINEE OR TIME-LIMITED PART-TIME</b>
<b>25 NCAC 01C .0411</b>	<b>TYPES OF APPOINTMENTS PROVIDING PROBATIONARY PERIOD CREDIT</b>
<b>25 NCAC 01C .0412</b>	<b>PERSONNEL CHANGES SUBJECT TO/NOT SUBJECT TO A PROBATIONARY PERIOD</b>
<b>25 NCAC 01C .0501</b>	<b>STANDARD WORKWEEK</b>
<b>25 NCAC 01C .0502</b>	<b>VARIABLE WORK SCHEDULE</b>
<b>25 NCAC 01C .0503</b>	<b>IMPLEMENTATION</b>
<b>25 NCAC 01C .0504</b>	<b>LIMITATIONS</b>
<b>25 NCAC 01C .0507</b>	<b>HOURS OF WORK DUE TO TIME CHANGE</b>
<b>25 NCAC 01C .0509</b>	<b>WORK OPTIONS PROGRAM</b>
<b>25 NCAC 01C .0701</b>	<b>POLICY</b>
<b>25 NCAC 01C .0702</b>	<b>AGENCY RESPONSIBILITY</b>
<b>25 NCAC 01C .0703</b>	<b>EMPLOYEE RESPONSIBILITY</b>
<b>25 NCAC 01C .0801</b>	<b>PURPOSE</b>
<b>25 NCAC 01C .0802</b>	<b>COVERED EMPLOYEES</b>
<b>25 NCAC 01C .0803</b>	<b>DEFINITIONS OF TERMS</b>
<b>25 NCAC 01C .0804</b>	<b>OFFICE OF STATE PERSONNEL RESPONSIBILITIES</b>
<b>25 NCAC 01C .0805</b>	<b>AGENCY DESIGNATES POSITION/EMPLOYER</b>
<b>25 NCAC 01C .0806</b>	<b>CONDITIONS OF EMPLOYMENT</b>
<b>25 NCAC 01C .0811</b>	<b>DESIGNATION OF TERMS OF TELEWORKING ARRANGEMENTS</b>

<b>25 NCAC 01C .0813</b>	<b>TERMINATION OF TELEWORKING ARRANGMENT</b>
<b>25 NCAC 01C .0901</b>	<b>STATE PERSONNEL RESPONSIBILITY</b>
<b>25 NCAC 01C .1001</b>	<b>DEFINED</b>
<b>25 NCAC 01C .1002</b>	<b>RESIGNATION</b>
<b>25 NCAC 01C .1003</b>	<b>RETIREMENT</b>
<b>25 NCAC 01C .1004</b>	<b>REDUCTION IN FORCE</b>
<b>25 NCAC 01C .1005</b>	<b>DISMISSAL</b>
<b>25 NCAC 01C .1006</b>	<b>VOLUNTARY RESIGNATION WITHOUT NOTICE</b>
<b>25 NCAC 01C .1007</b>	<b>UNAVAILABILITY WHEN LEAVE IS EXHAUSTED</b>
<b>25 NCAC 01C .1008</b>	<b>APPOINTMENT ENDED</b>
<b>25 NCAC 01C .1009</b>	<b>SEPARATION: PAYMENT OF VACATION LEAVE</b>

**Motion:** Commissioner DeVane-Hayes made a motion to approve the initial classifications for the rules listed above that did not receive public comments per staff recommendations.

**Seconded:** Commissioner Asbury seconded the motion.

The motion was made and carried.

### **Adjournment**

Chair Manning asked if there were any other business items to be heard during the business session. There being no additional items on the agenda, Chair Manning asked for a motion to adjourn the meeting.

**Motion:** Commissioner Falls made a motion to adjourn.

**Seconded:** Commissioner Asbury seconded the motion.

The motion was made and carried.