

Responses to Request for Feedback on UNC Legislative Initiatives and Personnel Flexibility

In reviewing *“Resolution 0803: A Resolution Concerning the Proposal to Amend the State Personnel Act by Adding ‘Article 16’ ”*, it is clear the resolution was written in response to the proposed amendment. It therefore appears the XC can entertain the notion of establishing a separate but equivalent personnel system at UNC system schools.

However, in the second part of the resolution it states:

“BE IT FURTHER RESOLVED that at this time the Employee Forum supports remaining completely within the State Personnel System and working to make the kinds of changes from within the System that will make it a more efficient and effective organization for *all* civil service employees statewide”

Our fellow delegates saw a need to preserve the State Personnel System in 2008. The only changes permitted by this resolution are modifications to the current system, not the creation of a new system, regardless of any perceived or demonstrated advantages. The resolution was reviewed by committee, discussed at open meetings and voted on by a majority of delegates.

We, therefore, owe it to the staff at UNC-CH to review this resolution with all delegates before entertaining, discussing or considering any proposed changes that involve dissolving the oversight by the State Personnel Commission. I recommend we address delegates at a general meeting to receive approval to consider a proposed new personnel management system, unless the Rules of Order provide for alternatives.

Until this is reconciled, I cannot support or consider the legislative action item on Personnel Flexibility.



Some additional thoughts after reviewing proposal:

- 1) The proposal is not clear about cost savings. This needs to be adequately defined. Also, changing to a new system has an associated cost – this needs to be adequately defined (and contrasted with “cost savings”)
- 2) “Extremely confusing” needs to be defined. Might as well have said, “this mess is lame.”

- 3) "Appropriate job protections" means there are INAPPROPRIATE JOB PROTECTIONS – what are these inappropriate job protections?
- 4) the "same institution-wide authority that is already provided to the UNC Health Care System, community colleges, school districts..." is hardly a model that speaks well of employer-employee relationships.

I don't see how this proposal differs at all from Article 16 and its "substantially equivalence."

If there is a real benefit to this, I'm not seeing it. The writers of the proposal failed to make it clear, which makes the whole process seem disingenuous. That's too bad, because that kind of communication is what gets folks spreading rumors and freaking out. I think Gina Carter's idea to collect info about what folks don't want to lose is great – but as that list is put together it is crucial that a substantive list of benefits gained by the University, by staff, etc., is made. Saying things like "expensive and confusing" and "appropriate" and "inefficient" etc. aren't very helpful to an intelligent discussion.

.....

I notice that the email below assures us that employees in the proposed new system would retain their property rights in their jobs.

I also notice that the documents attached to that email do not make that same claim. They reference the preservation of "rights" in general terms, and they list a few of those rights as "for instances." But they do not ever mention SPA employees' property rights as a category of rights that would be preserved.

A few years ago the Forum fought against this same measure, which was then known as "Article 16." I believe it was early in 2008 that this happened. If you search the InTouch archives for that time period, you will find a number of articles and op ed pieces written on this topic. In the end, the Forum passed a resolution opposing Article 16. I see no reason to change that decision, based on the information in the documents that were attached to this email message.

A property right in your job means that you are legally considered to have a property interest in your job in much the same sense that you have a property interest in your car or your house. It helps prevent you from being fired for just any reason.

If you own your house, you cannot be evicted because some landlord decides not to renew your lease or decides to evict you, which can happen if you are a renter. It's not that you can't lose your house, but you would lose it for "just cause" -- because you failed to make your mortgage payments.

It's the same thing with having a property right interest in your job. You can't be evicted from your job (fired) because some manager decides to do so. As Laurie Charest (the former head of UNC-CH HR) wrote in an HR study about our system, without a property right interest in your job, you can be fired for

"a good reason, a bad reason, or no reason at all."

In the current system, you *can* lose your job, even if you have a property right interest in it. But only for just cause -- for instance, because you didn't show up for work, engaged in serious workplace misconduct, etc. Or you can be dismissed because of provable budgetary reasons, as we all know too well, nowadays. But you cannot lose your job on someone's whim. You cannot lose your job "just because."

People who are EPA Non-faculty employees do not have a property right interest in their jobs. They can be fired at the drop of a hat, "for no reason at all," simply because someone decides their position is not necessary. Or because someone decides they don't like them. I've seen it happen to people I know.

The information that was attached to the email below does not specify loudly and clearly, in writing, that in any new system, employees would retain property right interests in their jobs. If it did state this, it would also need to state what would constitute "just cause" in this proposed new system.

In fact, I think that what the proposed new system would do is make employees even less secure in their jobs than they already are--and with the budget situation we are facing, I think we are dealing with enough employment uncertainty as it is.

Without a written, public, full and complete assurance that current SPA employees would retain a property right interest in their jobs *and* a complete exposition of exactly what that would mean when the rubber hits the road, I continue to oppose the proposed withdrawal of SPA employees from the State Personnel Act.

I urge Forum members to contact SEANC District 25 members for further information on why this proposal is a bad idea. They have elaborated a number of additional reasons why it just makes no sense....

\*\*\*

I was very alarmed when I saw this come in my email box. Please take time to read Brenda's email below and if you don't know anything about this issue, please, please educate yourself. When I was on the Forum, we worked very diligently to research and ultimately oppose any legislation that would weaken a SPA employee's property rights to their job. I urge you to take a similar stance with additional resolutions if necessary.....or renew the old one. I know there are fewer of you, tasks are harder, you are working harder at YOUR job.....but this is extremely important. This was put on the back burner a few years ago because, I believe, of all the outcry from this Forum and others. It seems as if it is now being re-introduced.....trying to come under the radar maybe??

.....  
Someone just wrote to me and asked why it is necessary to remove SPA employees from the State Personnel Act, just so we can have one, integrated personnel system. Why not move currently unprotected EPA Non-faculty employees so that they become protected under the State Personnel Act?

There was an article in the InTouch back when we fought this the last time that addresses the history of how we came to have the category of EPA-NF jobs, in the first place. Look it up! It's an interesting history.

.....  
When you say property rights do you mean the protection given under the SPA?

As it is right now SPA employees are protected from wrongful termination/with out just cause termination and other provisions of the act which as I understand it the EPA does not have. If it is just intended to transfer the management of the S.P.A. employees to the BOG and that body would still **have to follow the SPA to the letter** N.C.G.S. 126. Then I see no problem but as we all know that is rarely the case with such moves.

**(“Employees who are currently classified as SPA would retain appropriate job protections.”)** The word appropriate begs the question: what protections would be selected if not all of them, who would pick and chose the protections that would still be enforced. In reading further I see that several provisions of the SPA have been selected Article 5 & 7 and others however, I see contradiction in a lot of the wording provided so far and it concerns me. (Without the loss of any due process or property rights employees now enjoy) (All UNC employees will remain subject to several elements of the State Personnel Act) the word **any** means **all** in this sentence, the word **several** means a **choice few** in this sentence. So which is it?

I am defined as a career employee and as such I am fearful of any changes that allow for interoperation of laws or the removal of certain laws to benefit a large entity such as UNC.

My wife works for the UNC health care system and I can tell you that it is not all that great when it comes to protections for their employees as it once did when they were under the SPA. **(This proposal would simply extend to the University the same institution-wide authority that is already provided to the UNC Health Care System, the State’s 58 community colleges, local school districts, and Wake and Mecklenburg Counties.)** “The general idea is to place all university employees under the UNC System Board of Governors authority. Under this proposed authority there would no longer be two governing systems (Office of State Personnel and the Board of Governors) and the UNC System would have the flexibility to govern their own staff.

Thank you for the opportunity to voice my concerns

.....  
Just say no.  
.....

Dear all – It is this kind of black and white thinking that discourages conversation and (maybe) is part of the reason there are fewer and fewer people willing to serve on the forum. Just a thought from a newcomer. Let the comments fly!

.....

No. Anyone who knows me for more than 5 seconds knows I am not a “black and white” discussion person. Read XXX’s comments closely. There is way more here than meets the eye. Have a full debate. My comment was just a short hand way of saying what I had concluded from over 20 years of similar, numerous attempts by the state, general administration and the state to change how public employees are treated.

A couple of things to consider:

Why has this come up now? Can you say Wisconsin!!! You think this is going to mean that public employees are going to be treated better? This effort in NC at this time is a similar attempt to strip public employees of protections.

The employees of the UNC Hospital have been out from under the SPA for over 10 years, go survey (truly representative) them to see how they like it.

Have a full debate in the Forum. Bring someone in who is pro from the administration and bring someone in who is against it. Get former UNC staff Steve Hutton and Kay Hovious back to talk about it. Get someone from SEANC. Also, get someone from UNC and from GA.

.....

Thanks for clarifying. It does not sound black and white to me. I agree with you about full discussions. It would be good if we (EF) could put for the position that we would like sufficient time (6 months?) to vet all the options, pro and con on this issue and that we would like nothing to be changed until at least 7/1/2012 – not at the start of the next fiscal year. But really, when it comes down to it, what effect will the EF really have on this process pro or con? If GA, Tom Ross and the Chancellors all want this to pass then it will pass. What do SPA employees do then? Strike? Quit? Nothing? Protest is probably the most likely option, but it is still not going to change the outcome (if that’s what top admin and legislators really want) Again, just thoughts from a newcomer.

.....

Just a curious question to the past delegates. When your time of service is over on other boards that you have been a part of, have you been allowed to retain the same "benefits" that you had while you were a full member?

The reality is that no job is 'ours', if you don't believe me, ask all the folks who've been laid off recently while (as the past Forum members are saying) we are being protected under the SPA because "we have property rights." Unless the job you do is a business that is owned by you personally, it's not your job,

it's a job you are being allowed to do. For years we as state employees have said that the jobs we do belong to us, but they don't, my knowledge is, that not one of us owns UNC. Yes, in previous years, we've been successful in blocking this from happening and maybe we will be again (if that's what the majority wants) but it seems to me that this same thing keeps re-surfacing that it's eventually going to happen.

.....  
This Article 16 issue was one that I was really concerned about for many reasons, but one thing that came back again and again was this: There was NEVER anyone who could tell us what they would replace the current system with. It was always "similar to the current SPA system" or "comparable to the current system" but just not governed by the state HR office. And, believe me, I asked.....and asked as did many others. We had folks come in from GA, from UNC HR.....NO ONE could outline any specific plans. They just wanted us to blindly agree that it was ok to separate ourselves from the SPA and the protections it affords.

If you go buy an insurance policy.....don't you want to know what it covers, how it will perform if you need its protection??

Let me be clear.....I am not in favor of unionizing state employees. That separates me from many of the folks who were on the forum at the same time I was. But, we were united in opposing Article 16.

It is interesting that the original email asking that you look at these "initiatives" does not name this plainly as Article 16. Could it be because of the furor that surrounded it previously?

If it walks like a duck and quacks like a duck.....it ain't a crow, and no matter what whitewash you put on it, a crow won't look like a duck.

.....  
We can use responses from our delegates to guide our future decisions. To perhaps, help form a new resolution that reflects a desire to consider alternative improvements to the personnel system. But as it stands now, the Forum has resolved to retain oversight by the SPC. That is our official position and that is the information reflecting the will of the Forum that should be shared with the Staff Assembly, the chancellor and the system president.

If the Staff Assembly is seeking input from the Employee Forum at UNC-CH on whether or not to consider removing staff from SPC oversight, as I understand the legislative action item is proposing and the request from the university president, the opinion of the Forum is to stay within the State Personnel system. Internally, we can ask for delegate opinions. The problem is when that information is reported

to another group or person as representing suggestions from the Forum. It is similar to requiring our Staff Assembly reps to stand by the will of the Forum when there is an approved position or resolution addressing an issue

.....

After reading this document, I feel very nervous about the first proposal as it is written now. The other proposals seem reasonable to me. However, regarding initiative #1, OHR needs to be much more transparent in their intentions with this proposal and provide a lot more detail in regards to how a new policy would look. How are employees supposed to just believe that we will be “protected” with such general terms – without sufficient detail regarding a new policy that is separate from OSP. Other thoughts/questions:

- What does HR propose as the new system for SPA employees if we are separated from OSP?
- Will SPA employees be called something different – are we all going to become EPA employees?
- Will SPA employees be treated more like EPA since there are currently EPA employee policies in place that are administered by the UNC system?
- Will EPA employee policies change? EPA employees have much less protection than SPA, but will that be addressed if this proposal is passed?
- The issue of property for employees’ jobs needs to be addressed specifically – with definitions and details and not generalizations.
- The risks are not really stated – in the section about risk, it is just more defense of the proposal, rather than truly stating the risks. I think OHR needs to think more about the risks to SPA employees – but they would need to know what the “new” SPA policy would be before being able to state the risks.
- Will there be any recourse (due process) at the state level for decisions that are disputed at the UNC GA level?
- Will career banding continue as is? Will it change to something different? If so, what?
- What about the new grievance policy – will it stay the same, or change?

There are a host of topics/questions that need to be addressed before anyone can feel good about this change. Efficiency is important, and I sympathize with OHR having to deal with multiple personnel policies, but this is a MAJOR change that needs to be discussed and defined, and not simply passed under the guise of efficiency.

.....

For the sake of discussion, can any of you lay out the best and worst case scenarios for each possibility –

1. “place all university employees under the UNC System Board of Governors authority” and
2. maintaining the system we now have? I’m seriously asking because I’ve tried to imagine what they might be and, without a crystal ball, I wonder which will benefit us all the most. For instance the best case for 1. would be that under GA, it would be easier for us to get merit raises, when we “deserve” them (based on the savings GA suggests by having one system) and worst would be that that we can be dismissed without cause, for instance. And show some believable proofs for why we believe each possibility. How do we know what effect(s) each possibility will have, long-term on our state and all citizens (not just state employees)?

If this vetting has already been done, please share those ideas/possibilities again.

I'm an eternal optimist, but I also don't want to be led down the path ignorantly...

.....  
I haven't formed an opinion yet. I will support the majority opinion after thorough discussion. But as an outsider I can see that most UNC systems (HR/Financial especially) are confusing and cumbersome and need some type of improvement. What type exactly I do not know, but definitely some type.  
.....

Thanks for finding time to do some research. The "AT THIS TIME" clause does need to be addressed. Unfortunately, the resolution does not provide an expiration date and we are left with an ambiguity. How long does a resolution remain active and is that time reduced when "AT THIS TIME" is specified? Is it only good for that year, through the next fiscal year, only while then active delegates remain elected, 5 years...? I am not aware of any bylaw or Rules of Order that specifies an expiration date for resolutions.

Other than stating the obvious, that at that time the Forum approved the resolution, "AT THIS TIME" can acknowledge that new information provided in the future may warrant a re-examination of the issue. However, that does not mean we can ignore the resolution when compelling information is obtained. It does mean that in 2008 the Forum took a stand but recognized the need to address this issue may arise in the future.

On this campus, we can and should discuss this resolution and the legislative action item on Personnel Flexibility. Until the Forum's delegates decide to change the 0803 resolution, the official position of the Forum is to support working within the State Personnel System.

.....  
As a former Forum member, I feel compelled to note my complete agreement with the emails from XXX and XXX. I too was actively involved in learning about SPA employees' property rights during my time on the Forum, and then based on what I learned, opposing any efforts to take away those rights. For more than 50 years NC public workers have been denied collective bargaining rights. SPA employees' property rights are one of the few protections that these employees have (and as noted, EPA employees have no such rights). I urge each of you to be informed and active re this critical issue.  
.....

The proposal to move all employees under the umbrella of the GA and for the most part out HR department does a good job. However, all UNC campuses have an anomaly being police officers. Currently our retirement is very different from all other state employees. Most of the HR professionals do not work with it that much thus not being that informed. The most accurate information for retiring

LEO's is the office of state personnel. We will need to insure that HR understands the retirement system for which each campus has a very small population that falls within this system. In some years no campus LEOS's will be retiring. Just want to insure that this is mentioned.

I further looked over the proposals and the one that will most affect our department is concerning purchasing of vehicles. In the proposal it gives an example of a vehicle and its lease cost. We currently have a 1999 Crown Victoria that we pay roughly \$480 dollars a month and we still pay that amount 12 years later. I just wanted to mention these two items.

.....  
I don't know of anyone who can lay out the best and worst cases in detail, at this point in time. When we covered this issue three years ago -- the last time there was an attempt to take SPA employees out from one of the key protections afforded by the State Personnel Act -- we all did a lot of research and spent a lot of time trying to read the relevant documents, analyze what was going on, and communicate our findings to our fellow delegates and employees throughout the University.

I will attach some of the relevant documents, so that current Forum members can see what was being proposed three years ago and the questions that were being raised three years ago. (These documents will come in three separate emails, so that the listserv doesn't bounce them back to me because of the size.) You will find my name on a number of these documents, but please be assured that I was operating as the Communications person for the Forum. This was a collective effort.

You all will have to analyze the situation today for yourselves, building on this background knowledge I am trying to share with you, and you will have to reach your own conclusions about the merits of this latest attempt to separate us.

I know doing all of this work will be difficult for you, because there are now formal restrictions in place on how much work time delegates are permitted to spend on Forum business. Back in my day, it was up to each individual employee and their supervisor to determine what was an acceptable amount of time.

But this is a biggie, folks. What you decide today and how you choose to act may have huge ramifications for thousands and thousands of your (for now) State employee co-workers. If you have to take personal time to do your homework and get up to speed on this issue, I hope you can and will do so.

.....  
February 2008 InTouch

***Editorial Opinion***

***The 2008 HR Task Force Report: Crazy Like a Fox?***

**by Brenda Denzler**

## **Chair, Employee Forum Communications Committee**

Well, the whirlwind work of President Erskine Bowles' HR Task Force is done, and the final Report has been submitted. There are all kinds of recommendations made in it that I could talk about here—but I don't want to do that. Employees need to read all of it for themselves. See what your reactions are....because when I read it, I thought of my dogs.

You see, I have three large, wonderful dogs that I love dearly. I would do almost anything for them. But, bless their hearts, sometimes they just aren't very smart! They will run out into the woods, make a yummy snack out of the rotting carcass of some unfortunate wild animal, and bring nice, juicy bones back to the yard to chew on. Several hours later—usually after they're back inside the house—the rancid meat and the bone fragments that they've swallowed begin to upset their stomachs...with the predictable result.

You'd think that the upset stomach would tend to discourage them from indulging at the Wild Carcass Buffet again, wouldn't you? But no! In a day or two, they're right back at it again. They seem to be unable to link cause and effect.

There is a section in the HR Task Force Report that reminds me of this. It briefly describes the history of the University's relationship with the State Personnel System, explaining that the existence of two major categories of staff employees—SPA and EPA Non-faculty—has helped to create an administrative nightmare for the University.

To ease that nightmare, studies have recommended that the University have an independent personnel system that would enable it to manage all its employees under one administrative roof. Since the quest to achieve this has been met with stiff resistance, the Task Force Reports, the University should instead seek to get legislative permission for a semi-autonomous, "substantially equivalent" personnel system.

The rallying cry for this initiative is "personnel flexibility." The University, the story goes, needs greater flexibility to manage its own staff so that it can more effectively compete in the employment marketplace and capture the services of the best and the brightest.

The effect of this narrative is to induce the reader to walk away shaking their head sadly at the bureaucratic mess that being a part of the State Personnel System has caused UNC and hoping that the Task Force is successful in convincing the Legislature to give them the freedoms they need.

What is left out of the narrative is the back-story—the connecting thread that sheds more light on the “flexibility” request. When you understand the back-story, you’ll understand why the whole thing makes me think of my dogs.

### Once Upon a Time.... (1)

The State Personnel System was created in 1965. When the University joined the State system in 1971, staff employees at the University became State employees subject to the State Personnel Act—or SPA employees. As such, the State assumed control over their employment, including, among other things, setting their pay scales and giving them a “property interest” in their jobs. This means that they cannot be fired “at will,” but only for a just cause. It means that staff employees can work to build a real career for themselves at the University.

At about the same time, a new category of employee was created to accommodate the special needs of the University system: EPA. These were primarily faculty, with their own professional career needs and job protections (such as tenure). These differences caused them to be deemed "exempt" from the direct control of the State System. Instead, their positions were to be managed by the University that employed them.

There was also a “smattering” of very, very high-level administrative positions that were designated as EPA. Because their terms of employment were slightly different than faculty, they were designated as “EPA Non-faculty” (EPA-NF). One of those terms of employment was that, unlike faculty, they did not have and could never expect the professional job protection of tenure. They were totally “at will” employees and could be let go at any time, at the University’s discretion.

Things rolled along in this way for more than 25 years, with the State controlling the employment affairs of SPA staff employees and the University controlling the affairs of EPA faculty and the tiny, tiny handful of EPA-NF professional employees.

But by 1997 things didn't seem to be working so well any more. University administrators claimed that they were having trouble attracting "highly trained and experienced professionals at the middle management level" because of the limitations of the SPA job classification. They needed more personnel flexibility, they said, in order to attract the best and the brightest staff.

What was needed, the University said, was an expanded role for EPA-NF employees combined with greater control over the day-to-day management of SPA positions. And the State System said, "Sure, why not?"

Like their predecessors, the new middle-management EPA-NF employees were "at will" employees, which gave the University a lot of flexibility in growing or shrinking its workforce according to its fluctuating needs—and all without the stifling requirement that it make any kind of long-term career commitments to these folks like they were forced to do with faculty and SPA staff.

I think this marks the point at which the changing culture of the University became clearly evident: The University was becoming less and less a community of scholars and career civil servants dedicated to the education of the young people of the State of North Carolina, and more and more a business engaged in research/education and competing with the likes of IBM and SAS for local, national and international resources, including the best personnel money could buy.

So by the late 1990s, the University had begun to directly manage two groups of employees in its own more or less private human resources domain: EPA and EPA-NF. Technically, there were provisions for State-level "oversight" and reporting requirements that the University was supposed to adhere to. But according to people I've spoken to at the Office of State Personnel, those provisions have been enforced pretty loosely and infrequently over the years.

The loose enforcement was not because there were really very few new EPA-NF jobs created under the new arrangement. Quite the contrary. As the recent article in the *InTouch* newsletter showed, the numbers of EPA-NF employees (at Carolina) began to increase noticeably in 1998, and by 2000 it was increasing dramatically compared to the increase in SPA employees.

Management of this burgeoning contingent of EPA-NF staff employees, combined with the greater control the University had been granted to manage its own SPA positions, created a dual staff personnel

system within the University that soon led to the paperwork and administrative nightmare that exists today.

The challenge of dual management was made even more difficult because the University's policies and practices governing the management of EPA positions were never adjusted to allow for the differences between EPA faculty and EPA-NF professionals. The resulting situation was, to use the University's own words, inefficient and bad for morale.

Five years later, in 2002, the University commissioned a study that found that (surprise!) the growing dual personnel system was inefficient. The University, said the consultants, needed *still more* personnel flexibility. This would best be accomplished, the consultants advised, by getting SPA employees removed from the State System and then merging the two distinct personnel management systems into one system that the University alone would control. In other words, this would best be accomplished if all University staff employees were at-will employees.

Note what was never considered:

- They did not re-think the creation of this management monster whose birth the University had engineered by asking for an expanded EPA-NF classification.
- Nor did they focus much of their attention on alternative ways to handle the EPA-NF segment of the workforce that had caused the dual personnel system problem in the first place.
- Instead, they asked for more management control over the SPA segment of their workforce.
- And when they sought to merge the two personnel systems into one, it was not to merge the vital functions of EPA-NF folks back into the State system, which would have eliminated the dual personnel problems *and* given job protections to those staff. Instead, they sought to remove the SPA personnel from the State system, eliminate their job protections, and fold them into the struggling University-based personnel system.

In 2006, the PACE Report on how UNC could become more efficient basically echoed the recommendations of the consultants four years earlier, calling for increased "personnel flexibility" via the removal of SPA employees from the State system and their incorporation into the University-based system—despite the fact that, according to the PACE Report, this system was, itself, no closer to achieving management efficiency than it had ever been.

After considerable outcry from those employees who would be affected, President Bowles decided against trying to remove SPA employees wholesale from the State system. Instead, he convened a task force to make an alternative recommendation.

Thus in 2008 we have the HR Task Force recommendation that a semi-autonomous, “substantially equivalent” University personnel department be created that would do two things: It would of course continue to manage EPA-NF positions, and it would take on *still greater* control over *more* of the key aspects of SPA positions.

Such a configuration, the Report says, will give the University much-needed flexibility to attract SPA-level staff employees who are the best and the brightest. Apparently those of us they have been able to attract so far with measly State-managed SPA jobs are something less than that.

#### Causes and Effects

One cannot help noting that this “best and brightest” argument is the same one that was used in 1997 to justify the dramatic expansion of the EPA-NF job classification that has caused the University so many headaches. Those headaches have now become the pretext for efforts to get as much institutional control over SPA jobs as possible. All under the banner of “flexibility.”

“Flexibility” was the goal in 1971 when the EPA-NF job classification was created.

The need for flexibility was cited again in 1997, as the University began to project into the public sphere a new, corporate image of itself (UNC, Inc.) that was rather different from its historic image. In response, it received more SPA management control and the EPA-NF classification was radically expanded.

Unsatisfied, the need for still more flexibility was championed yet again in 2002 and in 2006 and yet again in 2008—this time in the service of seeking still more control over SPA employees (if not all in one fell swoop, then piecemeal).

It seems like no matter how much personnel “flexibility” the University gets, it’s never enough. Even though the dual personnel needs that this flexibility has created have led to unsettling, inefficient, morale-damaging conditions (their own evaluation, not mine!), it’s still not enough.

I have come to believe that it won’t ever be enough until they’ve rolled back what was done in 1971, when the University joined the State System and made a long-term career commitment to their staff employees.

The creation of the EPA-NF classification in ‘71 turns out to have been a tiny little wedge—an administrative act that the University later realized it could use to its advantage when in the ‘90s it decided to model itself after large, successful corporations. A tool that would enable it to create a more “flexible” workforce to whom it would be beholden only as far into the future as next month’s paycheck. The record shows that it is a tool they have used with gusto in the last decade.

Although other measures, like career banding, have been promoted as a way to try to make the SPA workforce more flexible in its pay structures, ultimately those measures have been viewed as only partial and stopgap. SPA employees, after all, cannot be acquired and dismissed with a wave of the hand—a fact that is incompatible with having a truly flexible workforce in the business climate of today, where the University now seeks to make its mark.

We can only hope that whatever comes next will not be a re-enactment of what happened in 1997, when both greater control of SPA positions and an expansion of the EPA-NF classification were granted in order to solve one problem—and wound up creating two more big ones.

### Is This Crazy, or What?!

So...that’s the back-story. That’s the saga of how we came to have such a messed up (according to the University) HR system. That’s the saga of how the University, like my dogs, keeps going back to the same thing that caused an upset situation in the first place and wanting more of it, rather than thinking, “Oh, that didn’t work out very well. Maybe we ought not to do that any more.”

Oh...there’s just one more thing you need to know:

In addition to asking for still greater control over SPA positions, one of the things the 2008 HR Task Force Report *also* says is that some EPA-NF positions are not well classified and SPA classifications don't fit, either. So what does the Report suggest?

You guessed it! Creating *yet another* kind of job classification—a third kind of EPA position (faculty, non-faculty middle management, and this third thing).

These top-level administrators...you gotta love 'em, bless their hearts. But sometimes I wonder if maybe they're not very smart?

Either that, or they're crazy like a fox.

-----

(1) The sources of information for this back-story are the 2002 Watson Wyatt report, the 2002 Report of the Chancellor's Committee on Personnel Flexibility, the 2006 PACE Report, and the 2008 President's HR Task Force Report.

---

**Discussion of Proposed Article 16 at UNC-Chapel Hill Employee Forum Meeting, March 5, 2008**

UNC System Vice President for Human Resources Ann Lemmon and State Employees' Association of North Carolina (SEANC) Director for Legislative Affairs Ardis Watkins discussed the merits of moving the University System into a substantially equivalent personnel system within the State Personnel Act. Lemmon said that this process had begun when the UNC System asked the various UNC System staff assemblies what they wanted out the human resources system, particularly whether or not to seek a separate personnel system. Based on the feedback obtained, President Bowles elected not to pursue a separate personnel system for the University.

Instead, the UNC System commissioned a task force to study obtaining more flexibility within the current State personnel system. Five representatives from this task force came from the UNC System Staff Assembly, one of them Chuck Brink from UNC-Chapel Hill. The task force developed a report that went to the Board of Governors. One recommendation advocated creation of an Article 16 within the State Personnel Act (SPA) that would allow the University flexibility to address its personnel concerns in a manner substantially equivalent to the current State Personnel system. The Legislature had previously

granted city and county governments “substantially equivalent” authority over its personnel in a previous year.

Lemmon said that a number of issues required change, some requiring more flexibility than that granted under the State Personnel Act, some within the capacity of that act. She noted that some may ask why the University System had not carried out the reforms possible under the SPA. She said that the University System was not asking for a separate personnel system but rather was requesting the flexibility to develop specific programs within the SPA.

Lemmon said that Chuck Brink had raised the question as to why proposed Article 16 was not subject to SPA Article 1. She said that general counsel had said that this article’s authority was not necessary and did not provide any status not gained through the other articles. However yesterday with the Office of State Personnel, it was agreed to include Article 1 within Article 16. She said that the legislation was a work in progress that would now go to committee.

Ardis Watkins said she was glad to return to Chapel Hill. She praised the Employee Forum as a center for engaged, passionate and education consideration of University policies and procedures. Watkins said that SEANC had strong opinions about Article 16. She said that there had been previous attempts to remove employees from the authority of the State Personnel Act. The Department of Transportation (DOT) made latest of these attempts, placing the authority in a license plate bill with twelve hours remaining in the last session. This one act would have taken 5,000 people out from the protections of the State Personnel Act.

Watkins asked what kind of guarantees will the General Assembly make on funding for changes under proposed Article 16? She said that more things could be done but they required a financial commitment. She said that other ideas like career banding could be effective if funded correctly, but money has rarely been available for these projects. She asked what would occur with Article 16 given the practical realities of the situation.

Mike McQuown asked what exactly “substantially equivalent” meant. Chair Ernie Patterson said that the task force discussion had addressed compensation and classification programs. He asked whether not having funds would stop the University System from moving forward in these areas. Lemmon said that campuses had seen reduced turnover in law enforcement and information technology due to career banding. She said that the University system has a need for flexibility that others do not want. She recalled the case when the Office of State Personnel had pull together a bonus package for SPA employees in special circumstances, such as serving beyond the call of duty.

Lemmon said that the Legislature would not allow the University control of lapsed salary information. The University had proposed using that money to fund bonuses. Since State agencies do not currently had control of their lapsed salary money, the program died, as the Legislature would not allow the University to proceed with a program that the other agencies could not implement. If the University had the proposed flexibility, it could move forward with the lapsed salary program. She said that these were the kinds of programs that the task force had in mind, ones that it believes affect the ability of the University to attract and retain its employees.

Brenda Denzler observed that Lemmon had moved from the “substantially equivalent” question to compensation and classification control which is already available through the career banding process. Then, Denzler said, she moved into talking about the bonus issue. Denzler asked how the different issues meshed together. Lemmon said that that the University is looking to obtain flexibility in specific areas, one of those being classification and compensation. The task force identified the need for greater flexibility in this and other areas. The “substantially equivalent” legislation would allow the University to propose specific programs like the bonus program. If implemented, the approval process would go from the University, to the Board of Governors, then to the Office of State Personnel (OSP), allowing the Office to say whether the program establishes goals of the State Personnel Act. If OSP

believed the proposal meets these goals, then it would recommend the proposal to the State Personnel Commission.

Denzler asked how a citizen could register their disapproval with proposed policy changes under the proposed Article 16. She said that currently she can petition legislators directly in opposition to particular proposals. Lemmon said that this was the reason that President Erskine Bowles had created the UNC System Staff Assembly. Every campus has its staff group, a request that the UNC-Chapel Hill and other staff groups had made for many years. She said that moving forward with the flexibility idea, Bowles had appointed five Staff Assembly representatives to the human resources task force, the most of any represented group. She asked how much feedback any one person has in the development of policy before, say a Congressman. Lemmon said that if the University develops, its employees will gain a greater voice than that given a DOT employee. The University will develop programs specific to its existence and will expect as part of this development feedback from its employees. Denzler said that the employees have had no clout in decision-making other than to ask politely for changes.

Watkins said that the State Personnel Commission is political but internally political. Its members are accountable to those who provided their seats, not so much to the public at large. She said that if the University is going to determine "substantially equivalent" measures, it should sit down with lawyers and study committees to research these subjects and receive input from all folks, to make sure the proposals are written that way in the first place.

Jane Majors commented that this was her problem from the very beginning. She said that when one buys an insurance plan, one can research the prices and coverage available from different sources. With this proposal, nothing is given to define "substantially equivalent." There are no details, she said. Lemmon said that was the reason why the task force had put together a list of programs and types of programs that the legislation would address. The number one priority would be classification and compensation. She said that market rates for positions are now being set outside the market. The task force has responded with the types of programs it would like to see developed in response. She said that the task force and the University System had not developed all of the details yet because many were all too busy to develop these plans when the enabling legislation may not come through. If approved, Lemmon said, the proposals could then be put together.

Denzler thought that the legislation sounded like a blank check. Lemmon said that the University System wants the ability to develop programs. She noted that many local and county governments have chosen not to ask for substantially equivalent programs, while others, namely the fastest growing counties in the state, have gone through the process for equivalent legislation. Lemmon said that this seems to be a working model and one does not hear from their employees that they have been disenfranchised.

Marshall Dietz noted that county and local governments have taxing authorities. He asked what composed the University's authority. Lemmon said that the University was tied to the General Assembly. Dietz said that proposals from the Employee Forum had never received support from the Chancellor and had not risen to the level of legislation. He said that high level administrators and tenured faculty would receive the benefits of this proposal but the rest of the state would receive very little recognition. He said that the University had exhibited no effort forward to help its staff employees and asked why it was so interested to provide these benefits now.

Lemmon said that she had been with the University System for only three years. She noted that President Bowles had staked out as his top priority faculty salaries. The University has seen success there. At the last UNC System Staff Assembly meeting, Bowles said that help for the faculty would come first, then the staff would follow. She said that the task force report had established a compensation philosophy that would establish a benchmark for the University, regardless of whether it obtained legislation.

UNC System Staff Assembly delegate and task force member Chuck Brink read Article 3 of Chapter 126 defining “substantially equivalent” as rules approximating the federal merit system with regard to recruitment, selection, classification, administration, training, equal opportunity, and records management, among other areas. Brink said that the task force had requested authorization to carry out these proposals. He said that if the authority is granted, that would be when work begins. He said that staff would be involved at every step and this Forum and others will participate at some level.

McQuown asked if the UNC System Staff Assembly Executive Committee can make or override decisions by the larger body. Brink said that resolutions can be presented to the body but not as a fait accompli from the Staff Assembly Executive Committee.

Associate Vice Chancellor for Human Resources Brenda Malone thanked Ann and her colleagues. She noted the interesting balancing act between campuses and General Administration, given that some campuses are more vocal than others. She recalled the saying that “life is change, growth is optional.” She said that the Article 16 legislation presented the opportunity for the University to grow as an institution. She said that career banding is an enhancement. She further said that higher education is a little different and should have the opportunity to be treated differently than other local, regional and state organizations. She urged listeners to compare the University to other higher education institutions.

Malone said that the current personnel system does not have the capacity to recognize the services provided above and beyond the call of duty. She bemoaned the bells and whistles that administrators must jump through to improve the University. She said that constituent groups would have just as much voice as before to vote on raises, classification systems and other issues. She said that the legislation provides the University a growth opportunity that may not occur again.

Lucy Lewis thought that the legislation represented a blank check. She said that without adding the other employees into the new system, they would not receive a fair share. She did not want to remove University employees from solidarity with other employees in the state. She said that through giving authority to the UNC System Staff Assembly, the University had enabled other System institutions’ employee groups that are not doing their homework to outvote UNC-Chapel Hill. She thought that there was not accountability for the sweeping scope of changes approved by the task force.

Lemmon said that UNC-Chapel Hill will never lose its individual voice. She said that the State Personnel Commission would have final authority over any proposed changes. She said that University employees could band with other employees on common issues, although she was uncertain whether University employees could now lobby for raises larger than those granted other state employees. Lemmon said that she had heard from human resources personnel at other state agencies who hoped that the University could blaze a path and accomplish things that are currently not possible, such as changing the leave schedule for new hires.

Watkins said that the proposed change in leave schedule has created incredibly divisive and punitive effects on people who’ve shown regard for the State system. She asserted that the Legislature will find money for areas that poll well, such as teacher salaries. She said that the University will speak for University EPA employees and faculty, and that the Legislature will look at SPA jobs differently and possibly with less significance. She said that the ideal solution would be to partner teacher and non-teacher employees in one lobbying effort. She thought dividing these groups was dangerous and composed class warfare.

Watkins said that the last two years of raises have been closer to what state employees should receive. She said that dividing the University from other state employees would reduce the overall push for higher salaries. Instead, the Legislature should fund the comprehensive compensation plan that was already law.

Lemmon said that when she started her job with the University she found a file cabinet full of reports on other attempts to change things under the SPA system, stretching back fifteen years. The

University had seen very little change come from these attempts. She thought that this might be a reason that the DOT had made its backdoor attempt. She did not condone the DOT's actions. She said that President Bowles had been very transparent in contrast. She said that going along with the Department of Transportation or Department of Corrections might not be in the best interests of the University. Lemmon said that UNC-Chapel Hill employees are still part of the University system. She noted that UNC-Chapel Hill prides itself on its uniqueness. She offered that if UNC-Chapel Hill is unique within the University System, so too is the University System unique within the overall State system.

Dietz recalled that President Bowles did not mention staff in his six or seven goals for the University in his remarks in Memorial Hall on University Day. He lamented that employees are not treated as part of the University and cannot publish their own newsletter. He did not understand how these changes would make a difference. Lemmon pointed out that the Faculty Senate had been in existence for over 30 years. She said that the Staff Assembly had been in place only one and a half years. She noted the risk that Bowles had taken with the creation of the Staff Assembly, which now provides staff employees with a voice and a seat at the table that they did not have before. Influence such as that the faculty enjoy would not happen overnight. She cited the fact that the Staff Assembly had the dominant voice on the human resources task force.

Patterson proposed that the University seek repeal of General Statute 95-98 banning collective bargaining to improve the governance role of staff at the University. He thought that many people would feel better if University employees had the right to organize and be heard. He said that this discussion has not addressed real issues hurting staff, such as health insurance and the retirement system. He wanted to see the University System address these concerns within a larger package. Lemmon said that the University had raised these issues with the State and had been slapped down. Lemmon noted that Dick Mann always prefaced any benefits talk by noting that the University must address this issue. She noted that every state employee is dealing with these same concerns.

Watkins noted SEANC's legislative agenda, which includes collective bargaining. Denzler commented that Bowles had taken a huge step forward in forming the Staff Assembly. She also recognized the performance of the Staff Assembly as a very young organization. She particularly noted reports of delegates refusing to endorse a resolution requesting a raise so as not to unduly stress Bowles. Lemmon said that she had heard this point before but said that the resolution was defeated more for the way it was introduced rather than for its content. Brink recalled that a delegate had said that they felt the language of the resolution was offensive and would offend Bowles. Lemmon said that the resolution was introduced on the floor of the Assembly without giving the opportunity to address specific language which led to its defeat.

Denzler thanked Lemmon for passing along the GPAC II report which had been available as of February 20. She noted that the GPAC II report proposes very specific changes to Article 126 along with strikethrough versions of legislation. She thought it wise for the University and the Forum to study the GPAC II report rather than leaping out of the State system. Lemmon agreed, citing the need to implement bonuses, retention agreements and other improvements. She noted that the University should be banded by July 1.

Alan Moran asked what was the rush for the enabling legislation for Article 16. Lemmon said that the legislation creating the University task force dictated the timeframe and was the reason the task force had to move quickly.

UNC System Staff Assembly delegate David Brannigan noted that Lemmon had cited flexibility at least nine different times in her remarks. She asked why the University System did not simply call the reforms personnel flexibility. Lemmon said that the legislation determines the reforms as "substantially equivalent." Brannigan recalled the bonuses paid to executives with UNC Health Care Services. He thought that everything that had been discussed was predicated upon division. The pilot health care plan for the University would have divided the University from others. The provisions for bonus pay

represent sugar cubes to mules and were also divisive. He recalled one Staff Assembly delegate saying that if the pay resolution was approved, it would be suicide for that body. He noted another delegate had said that they could not support the resolution because they had promised not to embarrass their chancellor or President Bowles.

Brannigan said that the Staff Assembly was not educated about how it was supposed to function. He said that representative bodies should thrash out proposals and arrive at democratically decided positions. He was disappointed that President Bowles would not be in Boone for the upcoming Staff Assembly meeting. Brannigan was offended by the implication that UNC-Chapel Hill was always different and unique. He said that employees here sought to be University System and state employees. He thought that the flippant reference to Chapel Hill's uniqueness was a tool to divide the work of that institution from the rest of the Staff Assembly.

Brannigan thought that for the last three years the University System should have addressed supervisor evaluation questions as well as the status of EPA non-faculty employees. He said that most EPA non-faculty employees, like most HCS employees, dare not say anything about their status because they are afraid to raise their profile too high. Lemmon said that the Staff Assembly had thrashed out its views via a heated conversation mixing in many different perspectives. She said that one of the reasons the University considered a pilot health care program within the health care system was because of the University's different population. From an actuarial perspective, the University has a younger and better education population than the rest of the state, making it more desirable to insure. Thus, the University collected information on its health care options and different pricing structures. By studying these questions, the University was in front of statewide discussions that led to improvements within the State Health plan. She said that sometimes the University has to be in front on some issues.

Lemmon said that in his three years here, Bowles had tried to be transparent and open. He had tried to work with the campus assemblies. Lemmon said that General Administration considers the supervisory training issue as a huge one that must be tackled. Brannigan offered a quid pro quo. He urged Bowles to use his influence as a lobbyist to repeal General Statute 95-98 banning collective bargaining for state employees. He said that currently state employees lack even basic human rights protections to bargain collectively. He said that employees could not simply rely on the good offices of its volunteers like Brink and himself to protect the interests of its employees. He noted that the Staff Assembly had met only twice and that the situation required something to level the playing field. Lemmon said that she would carry the idea forward.

Watkins noted that local governments have not heard their employees complain about their "substantially equivalent" status because these employees have had nowhere to go to have that voice recognized. Now, bosses can take retribution upon these employees for speaking out. She said that repealing 95-98 would solve these concerns about uniqueness and was one of the reasons why SEANC was lobbying for its repeal. Watkins noted the sociological, moral and economic importance of a strong University system. She disagreed that the University was better kept apart for any reason from other state employees. Lemmon said that she was merely stating that the University as a whole represents a better insurance risk, which she said was an actuarial fact.

Watkins said that nothing should divide employees who have different qualifications from one another. McQuown asked what Watkins felt were the shortcomings of the Article 16 proposal. Watkins said that the University could use its lobbying presence to advocate for the comprehensive pay plan as a priority. Lemmon noted that the Board of Governors do pull together a consolidated priority list for its lobbyists. Brannigan said no one had asked him what his legislative priorities are. Lemmon said that each campus provides input through its Board of Trustees. She said that Brannigan has a voice which goes into consideration with all other voices in developing the Board of Governors' legislative priorities.

Watkins said that tying leave schedules to experience as well as to time would not necessarily represent a bad thing. She did think it would create equity problems and result in morale issues. She

thought that the effect would water down employees' voices. She also noted the distress that ECU Family Medical practice employees had suffered since they were removed from the SPA some time ago. She said that once SPA status is given away it cannot be easily retrieved.

Tom Harris of SEANC noted that currently, under Article 1 of Chapter 126, the State Personnel Commission has great authority and flexibility to adopt certain things such as adopting a certain classification system. The process to approve these changes goes under the Administrative Procedures act of North Carolina, published in the North Carolina register. The process involves a comment period then a public hearing before the State Personnel Commission to adopt the rule, then to the Administrative Rules commission to insure that the legislation does not exceed the authority of the organization.

Harris said that the organization can file objections that will hold up the rule until the General Assembly can consider it. This was done when the rule regard temporary employees working an unlimited number of years was considered. Harris said that it was not clear whether the same procedure would apply when a rule goes to the State Personnel Commission under the present new policy or rule.

Patterson noted that fixed term faculty and graduate students receive much less support than tenured faculty. Lemmon said that the University must start somewhere. She said that North Carolina's University System is the envy of the country for its diversity and relative legislative support. The bond referendum was seen as a phenomenon of support. She said that everyone should take pride in the strength of the University System.

.....  
By this line of reasoning, Chris, if my body wants to die of inflammatory breast cancer, what effect will something I do really have on that? So why should I bother to do anything? To fight for any other outcome?  
.....

***InTouch October-November 2008***

***Staff by Any Other Name***

***SPA and EPANF***

***Employees—What's the Diff?***

UNCChapel Hill. It isn't really about us—we staff employees. It's about the faculty and the students who come here to teach, do research, and learn.

Yet it couldn't happen without us.

Staff employees constitute 21% (or 8,238) of the three part

Carolina community composed of faculty (8% or 3,295), staff and students (71% or 28,136). But we constitute a whopping 71% of all employees on campus, with faculty being the other 29%.

Here's another way to think of what we do: For every full or parttime faculty member working in a classroom or a lab, there are 2.5 staff members performing the daily functions that keep the University running, and the work of each one of those staff members indirectly (and sometimes directly) supports the educational activities of 3.4 students.

But not all staff employees are created equal. Beyond the differences in our job titles and our work duties, we fall into two broad categories: 79% of us are SPA employees (subject to the State Personnel Act), while 21% of us are EPANF

(nonfaculty staff who are exempt from the State Personnel Act). 1

What does that really mean?

***Distinguishing between non faculty classifications:***

The jobs of State Personnel Act (SPA) employees are governed by N.C.G.S. 126, the State of

North Carolina's personnel act that sets up the State Personnel Commission and authorizes it to make and manage the State's employment policies through its administrative arm, the Office of State Personnel (OSP).

SPA positions require a minimum set of skills and level of experience, but they do not consistently require an advanced education. Compensation for these positions is set jointly by the North Carolina legislators and OSP. As of this year, SPA jobs at Carolina are divided into career bands that have an assigned pay range reflecting the nature of the work and market conditions, both of which are determined by OSP.

EPA Non Faculty positions, on the other hand, are not governed by the State Personnel Act and OSP. Instead, they are governed by the decisions of the UNC General Administration, which sets the scope and the compensation level of EPANF employment in accordance with the needs of the university system and market conditions. Most EPANF positions require at least a post-baccalaureate degree. When the EPANF job category was originally created, it was to provide the University with a small group of employees whose primary duties were high-level administration. Since the 1990s, the EPANF designation has been expanded to include more midlevel administrative jobs and certain kinds of instructional duties, as well as more research support oriented duties.

As you might expect, the levels of compensation and kinds of benefits that are available to SPA and EPANF employees differ significantly, but other features of their work life are very much the same.

#### **Benefits highlights between SPA and EPANF:**

##### ***Vacation hours:***

SPA employees accrue a gradual number of vacation hours based upon total years of State service whereas EPANF employees are given a fixed number of vacation hours each year.

For example, a State employee with less than 2 years of service accrues 94 hours or 11.75 vacation days per year, assuming fulltime employment status, but this amount increases with additional years of State service. With 15 years of total State service, SPA employees accrue 182 hours or 22.75 days per year, and with 20 years they earn 206 hours or 25.75 days per year.

In contrast, most EPANF employees start out with 24 days of vacation leave or 192 hours per year. This is a fixed amount that will not change no matter how long an individual works for the University—unless General Administration decides to increase the number of leave days for all EPANF employees alike.

##### ***Employees' use of holiday time:***

Generally, SPA and EPANF employees follow the same university holiday guidelines. For the 2008 calendar year, the university sanctioned 11 holidays. The university holiday schedule may be found at UNC's Office of Human Resource website,

<http://hr.unc.edu/Data/SPA/records/schedules/holidayschedule>

##### ***Retirement Plans:***

With the exception of EPANF

Senior Academic and Administrative Officers, all SPA and EPANF employees are required to participate in the Teachers' and State Employees' Retirement Systems (TSERS). Senior Academic and Administrative Officers are eligible to choose an alternative to the TSERS called the Optional Retirement Program (ORP), which essentially is a retirement annuity contract approved by the University. This optional program is similar to the TSERS program because there is a period of five years before the employee is vested in the program.

##### ***Supplemental Benefits: health plan and voluntary retirement***

EPANF and SPA employees enjoy similar supplemental benefits, which include the State Health Plan (PPO), a healthcare flexible spending account and the voluntary supplemental retirement plan known as the 403(b), 457 or the 401K program. Both the health plan and the voluntary retirement

plans operate in a similar fashion for all non faculty employees of the university. Details of supplemental benefits will be outlined in a later article.

1

<http://oira.unc.edu/factsandfigures/generalinformationabouttheuniversity/currentstatistics.html>

2 Some EPANF positions, such as Tier I senior academic and administrative officers (SAAOs), earn as much as 26 vacation days per year during the first year of service.

<http://forum.unc.edu/documents/hrreport0908.pdf>

.....

Thanks for your response to my comments, XXX. And allow me to say up front that I also enjoy reading comments and receiving input on issues from former EF delegates and all employees. My initial point was directed to XXX about whether the EF should even entertain the idea of responding to the Tom Ross proposal by March 31<sup>st</sup> without involving an audience broader than the current EF Exec Committee. I assume proper procedure would require the forum to have 2 readings to make a resolution even if that resolution were to say, "We unanimously and wholeheartedly support resolution 08-XX." Seemingly that might take us into the May general meeting, which is well past the stated March 30<sup>th</sup> deadline for "input." My follow up comments were directed to Mike Hawkins and I still believe them to be true. I am not suggesting that we not do anything, but really what can we do effectively via listserv before March 30<sup>th</sup>? I work not only my full-time UNC job but also an additional 20-25 hour/week job and personally don't have much more time to put into ANY activity. As someone who has only been at Carolina and in North Carolina, I tend to take everyone at face value and give everyone the benefit of the doubt. If "management" is asking for our opinion than let's give them our opinion. But we can't do that if we are talking apples vs. oranges. Maybe the whole "management" intent is to divide and confuse the "workers" on this and every issue so that our inaction is taken as a sign of approval, but I don't believe (or want to believe) that is the case. If indeed we need to come up with point by point specific reactions to the proposal I don't know how that can be accomplished via this mechanism. Who is going to compile the responses? Who is going to organize the responses? Jackie? Is that her job? Matt? If there is really a danger of something becoming irreversible law before the current legislative session ends than we (the EF) need some serious full-time professional help to respond effectively within the next 13 days. I just don't see that happening. If we want to pass a resolution (or reaffirm the 2008 resolution) that we are opposed to removing employees from the SPA protections we don't have the time to do that properly without breaking the 2 readings rule (or is it a guideline). Can we pass a resolution proposing that any attempts to remove UNC employees currently under the protections of the SPA must consult with either the Staff Assembly and/or the UNC EF to allow for timely debate and proper process? I am not saying we should not do "anything" but if we need to do it by March 30<sup>th</sup> we need some clear guidance as to what we need to do and how to do it.

.....

Ah, so The Powers That Be have arranged it so that the Forum effectively \*cannot\* do anything, because they (TPTB) are demanding too quick an action.

Very clever.

It was clear in reading Jackie's original email about this legislation that reactions from the Forum were only desired so that a FAQ could be prepared...so that they could be told how it's going to be and at

least \*some\* of their questions answered in that FAQ.

But it does not appear that The Powers That Be really give a red rat's patootie about what the Forum -- or any of the University's SPA employees -- want in this matter. "Input" is being solicited because it's the polite thing to do. Not because they intend to actually listen to us.

Ah, so.

But there is still something the Forum can do.

The Forum can choose to let stand the previous resolution in opposition to the removal of SPA employees from the State Personnel Act. It can do this actively, by voting to reaffirm it and writing a letter to Chancellor Thorp and President Ross stating this. Or it can do this passively, by doing nothing to counteract it.

Or it can choose to vote in favor of removing us.

If you all plan to make an informed and well-considered decision about this, it's going to take doing your homework. And it's going to require a considerable input of your personal time to do that homework.

It would be easiest to just say, "Yeah, sure. Whatever. You're gonna do what you're gonna do, so just do it and let me know when you're done."



Ultimately, legislators will make the decision. However, many of them, even right now, have never heard about this legislative initiative. They will listen to General Administration's lobbyists. They will listen to SEANC's lobbyists. They will listen to the Employee Forum, should the Forum choose to speak. And they will make up their minds. The Governor will have her say, too. The people making decisions can and are influenced by what their constituents say.

Having a property interest in one's job is a coin with two sides. Yes, it affords employees greater protections from the whims of mismanagement. But it also protects the public. And it has been given to state employees by prior legislatures on behalf of the public for precisely that reason.

It has been given to us so that we will speak up if and when there are injustices in the workplace, because the public has determined that it is in their interest for us to have a just workplace.

If your supervisor is misappropriating funds or property, the public wants you to feel secure enough to report that.

If management decides to RIF the people they consider disloyal rather than those who have the least experience and expertise, the public wants you to be secure enough to speak up about that, because they value experience and expertise in the public sector over subjective views of loyalty.

If there is an unsafe condition in the workplace, the public wants you to speak up about that, because the public knows that our having a safe workplace is in their interest, too.

I could go on with dozens of real life examples that aren't covered under other federal or state legislation.

It was the choice of the legislature when they enacted the State Personnel Act to provide this additional security to a large number of employees. They weren't willing to rely only on top management to create a just workplace. They wanted to create a chain of job security all the way down so that the notion of protecting their interests would be a part of almost everyone's job.

They also wanted to create enough security that employees would consider making a career of government service, because the public knows they are better served by experience and expertise rather than constant turnover that increases inexperience.

Having a property interest in your job helps protect you. But it protects you in a bargain with the public that you will be vigilant in protecting and serving their interests.

.....

I would like for everyone to consider that this is the first time, the system President has forwarded this type of request, without it coming from a the HR Directors, HR Task Force or similar committee. Why is this suddenly on the radar? Where is the impetus coming from? Has there been conversations about the possibilities and it now appears that the climate might be right for something like this to take place? Whatever the movement might be, we need to be prepared for the worst and expect the best. While we are stating our opposition to this proposal, we need to be planning for how this "new and better" HR Flexibility should be structured. For that we, the Staff Assembly, have a seat at the table at this time, even though it seems that we are in a reactionary position.

I want you all here at UNC-CH to know that this this same feeling is rippling across the state and I hope that all of us can work together to preserve our employee rights no matter how this proposal turns out. We cannot get mired down in just opposing something that isn't part of a present bill before the legislature. We should present our position and be prepared to participate in the process, IF this becomes a reality. In the meantime, we all should be contacting our representatives and voicing our opposition this proposal being presented without staff input from the beginning.

.....

In document 1, in the review of Oemployment rights & access that would not be changed<sup>1</sup> it is noted OAll UNC employees will remain subject to several elements of the State Personnel Act<sup>1</sup>

I would like to be advised on which elements of the State Personnel Act we will no longer be subject to.

.....

You do not mention in your document that employees would no longer receive longevity. Currently when employees move from SPA to EPA they forfeit their longevity.

Also why do you make this statement ? – this comes directly from the management document and is not the result of any independent analysis.

‘This flexibility would provide both efficiency and effectiveness without the loss of any due process or property rights employees now enjoy.’

.....

I sent comments to the email provided in the initial announcement.

It occurs to me that could be a bit-bucket – a place to drain off frustrations without having to respond to them – it is stated that they would not respond but would “consider” the comments.

It seems imminently reasonable for your office to gain access to those comments. Otherwise, again, comments are going in with no response required. The emails **THEY** solicited are going to this address

[hr-personnel-flexibility@unc.edu](mailto:hr-personnel-flexibility@unc.edu).

If you are not able to gain access to them, I'd say that is a cause for concern.

My personal submission to that admitted bit-bucket was:

There is some explanation provided in this document

[http://hr.unc.edu/ccm/groups/public/@hr/documents/content/ccm3\\_026063.pdf](http://hr.unc.edu/ccm/groups/public/@hr/documents/content/ccm3_026063.pdf), however it is only ½ of the story. What from the employees perspective will be DIFFERENT for them? Changing the terms of my employment under which I was hired with a 2 page memo with the justification that it is too complicated for HR to do what they have been doing for years and years is too perfunctory. You do not explain what the employee can expect to be different about their terms of employment.

If 49% of the employees are SPA, then I presume 51% are EPA. Why require a change for the majority? This does not seem to be an honest accounting for the reasons for the change.

.....

This plan is a bad idea. It will not improve efficiency and will undermine what little protection university employees have under the State Personnel Act.

I strongly encourage the Employee Forum to oppose this measure.

.....

Please read this and read on what this points to you

All Forum members should do some reading about what the Forum has done on this same issue in the past. You should get all of those in your department to read the following as well. . Go to the UNC Forum web page ([forum.unc.edu](http://forum.unc.edu)) and look at the "Archive" section. There are a number of documents there going back 10 years on the Forums actions. Look for things like "Management Flexibility," "Minority Report," and "...a Better Workplace."

The Forum has several resolutions in the past that oppose such actions as this. The most recent is: <http://forum.unc.edu/documents/res0803rev.pdf>

- .....
1. Under "Rationale", it is stated, "Employees who are currently classified as SPA would retain appropriate job protections." What is deemed "appropriate"?
  2. What exactly are the rights that SPA employees will lose?
  3. EPA employees at UNC do not pay for parking, does this mean that SPA employees would also enjoy this benefit?
  4. EPA employees can negotiate their salary. Would SPA employees be able to do this as well (instead of using the standard calculation)?
  5. UNC SPA employees did not receive raises over the last several years but some UNC EPA employees did. Would some SPA employees now qualify for raises?

6. SPA employees are considered protected from being fired without due process. EPA employees are considered "at-will" and easier to terminate. Would SPA termination policies change? If so, how?

.....

All That I was trying to say in my email was while you are planning your response to this initiative, you also should be thinging about what if GA gets the authority it is seeking. As presented, I am against anything that undermines or eliminates the job protections that we have now. I feel that those protections need to be spelled out in the proposal as well as anything that might follow.

The Staff Assembly is waiting to hear back from GA about the answers to a huge list of FAQ's prior to our meeting in April. I hope that we get that feedback before the meeting because I think that it might gives us some insight into what GA is thinking. No decision has been made, no position has been stated and the original email was intended to get everyone thinking about the possibilities of this current situation.

We can oppose this until we are blue in the face, but we had better be thinking about and planning for what might happen if GA is granted the authority that was requested and be ready to participate in the process. There is nothing in this "initiative" that has anything to do with the Article 16 proposal. They want control of the HR system, period! Article 16 would have been added to the State Personnel Act if it had been approved. If they get the authority they have requested, it will be a stand alone HR system for university employees, similar to the UNC Health Care and the Community Colleges.

We cannot afford to give into fear and paranoia, we need to be making sure that the right information is being sent out to the staff. The most important part of N.C.G.S. Chapter 126 (State Personnel Act) is the language in Article 8 and we need to have that language intact in whatever might be proposed by GA. Please everyone, be calm and rational and don't panic because that just clouds your reasoning.

.....

The Article 16 proposal wanted control of the HR system, period. Just as Chuck is describing the current legislative initiative. The Article 16 proposal would have deprived us of our property rights in our jobs.

.....

The fox is asking to guard the henhouse. Conventional wisdom says that this is seldom a good arrangement. Even if staff employees from around the state are asked to help the fox figure out how to guard the henhouse. In the end, it's still the fox doing the guarding.

.....

Clarification on the position of the Staff Assembly is provided below by the, Chair Kelley Eaves- Boykin.

My own opinion on this is that it is similar but not exactly the same as positions that have been presented to us in the past and the spirit of this is much the same in that it would place us under the authority of GA rather than the state personnel commission or the office of state personnel. There are similar reservations being voiced at the staff assembly that echo those expressed here on the forum list serve.

There is also divergent opinion within our own and other institutions with some being less hostile to an HR system that is more nimble and less encumbered by having to report to OSP. This is a good thing in that it is recognition that the status quo is not something that should be tolerated and we should strive to improve the working conditions of all who work for the state.

At the end of the day as XXX has pointed out this will be a legislative decision and not one that will be made locally. What we can do is, voice our concerns in our official capacity as representatives of staff and work diligently to ensure whatever is done contains as many or all of the safeguards we currently enjoy if not more and do as we see fit as private individuals.

Personally I do not relish the idea of the fox guarding the hen house and but if someone is asking me to put forward some suggestions as to what that fox is allowed to do then I'm glad for the opportunity.

**From:** [staffassembly-bounces@lists.northcarolina.edu](mailto:staffassembly-bounces@lists.northcarolina.edu) [mailto:[staffassembly-bounces@lists.northcarolina.edu](mailto:staffassembly-bounces@lists.northcarolina.edu)] **On Behalf Of** Eaves-Boykin, Kelley

**Sent:** Monday, March 21, 2011 11:25 AM

**To:** [staffassembly@lists.northcarolina.edu](mailto:staffassembly@lists.northcarolina.edu)

**Subject:** Re: [Staffassembly] Legislative Initiatives

Good morning Staff Assembly Delegates,

I hope this email finds each of you well this Monday. Several of you have contacted me regarding the email below from Chuck Brink, Chair-elect, with questions and some confusion as to the Staff Assembly's stance or position on this matter. Please understand that the UNC Staff Assembly has not taken a stance or position on this matter. We will be discussing this information at our April meeting and at that time as a whole we will make the decision as to our direction on this matter. What the Staff Assembly has agreed to do is to gather information from our campuses on questions and concerns about the document and to send them to me by March 31, so that we can send them to Ann and William to be part of the FAQ document. We understand that there are strong feelings on both sides of this information, but as leaders we need to be able to vet our information through the proper channels and present the most updated and accurate information to our staffs. Thank you in advance for your time and consideration and please feel free to contact me with questions and concerns. Kelley

-----  
**Kelley N. Eaves - Boykin | Technology Training**  
**Chairman, The University of North Carolina Staff Assembly**

.....  
When I was diagnosed with IBC, I joined a listserv for IBC patients. One of the things we have talked about from time to time on the listserv is what was happening in our lives during the couple of years immediately preceding our diagnosis--particularly whether we were going through anything that was extraordinarily stressful. Prolonged stress causes chemical changes in the body that may make it less able to fight off things like viruses/bacteria or to correct malfunctions like cancerous changes in cells that it normally would be able to deal with. The chemical changes in the body that come with prolonged stress create an internal environment that enables cancerous cells to grow and multiply more easily.

In my case, there were two exceptionally stressful situations on the Forum and one in my workplace (pretty much amounting to a hostile corporate take-over) that occurred during that time period. A triple whammy. One of the Forum situations was the fight not to lose our property rights in our jobs by being taken out from under the State Personnel Act. At this point in time, I can't afford to go through that again, even vicariously. After this post has been sent, I am going to write to Matt and ask him to remove my name from all Forum email lists.

Before I go, I want to leave everyone with one last bit of institutional memory. This is something that I have not related in public, though I have told the story to some individuals. I have not shared the story before now because, frankly, it just wasn't relevant any more after Article 16 was laid to rest last time and, also, because I wanted to protect someone from any possible retaliation. I hope it is safe, now, with the passage of some time.

When the Forum was fighting our removal from the State Personnel Act the last time, a couple of us went to some administrators in the hospital system to talk to them about their "substantially equivalent," independent HR system that was imposed there in 1998 (if memory serves). It was about 10 years later, by then, and we thought that it would be good to see for ourselves just what kind of system the hospital had, how it was working as a mature system, etc. I was working on an article for the InTouch newsletter, and I secretly hoped that I would be impressed with what I heard and saw, because I was not really wanting to have to fight President Bowles and his Article 16. Whether we fought or not, I thought, it would be good to know more about how it had worked out when hospital employees lost their property rights.

We had a really good visit with one person in particular. The individual we spoke to was very nice and very knowledgeable. They worked a lot with the HR system at the hospital and had been able to see how it really worked in day-to-day practice. This person tried very hard to seem positive and upbeat about it, to "sell" the system to us. To tell us that coming out from under the State Personnel Act had worked well for hospital employees at all levels. There were issues we raised that this person couldn't address--like property rights. Because they didn't truly exist any more. But there were other issues that we discussed and got a good feel for.

I was somewhat encouraged, but I thought I kept detecting an undercurrent of "yes, but..." in what we were being told. In such situations, you always wonder what this person would say outside of work

hours, outside of the hospital, in a safe setting where they would not have to fear any fallout from being frank. When we finished our consultation, I asked if I could contact this person again to clarify issues, as I thought about what they had said and prepared my article. They said yes.

As it turned out, I never needed to talk to them again on this issue because President Bowles decided not to move forward with his effort to get Article 16 passed by the Legislature.

One day, a week or so later, I contacted the person at the hospital to thank them for giving so generously of their time. I explained that I was sure they had heard that Article 16 was no longer on the table for University employees, and I said that I wouldn't be needing to talk to them any more about this. The person's response surprised me.

They could have said, "Well, if it ever comes up again, it's really a pretty sweet deal, here. I wouldn't be so reluctant to embrace it, if I were you. There are a lot of advantages, from an employee point of view." But that is not what they said.

What they said was, "Well, this is probably for the best." They refused to elaborate. But I was left with the feeling that my intuition that there had been a "yes, but..." lurking in our earlier conversation was dead on target.

Thanks for allowing me to share this one last bit of what I remember about the Forum's earlier encounter with the idea of University employees being removed from the State Personnel Act and separated from their property rights. I wish you all the best of luck as you try to determine what your response should be this time around.

.....

I have yet to hear a single voice supporting the proposal as written. I have heard plenty of folks say they would like clarification or that it is inevitable, but not a single employee rejoicing about the proposal being a splendid thing for staff. This latest proposal to vanquish the SPA classification is vague and full of holes, unfortunately, so who knows what it means until there is more substance. As we've discussed, basic problems with the proposal include:

- It doesn't clarify why it is necessary
- It doesn't define what is meant by "expensive"
- It doesn't provide any sort of estimate regarding cost savings vs. costs to implement.
- It doesn't define what is meant by "extremely confusing"
- It doesn't define what is meant by "respond to UNC needs more efficiently and effectively"
- It contradicts itself when it says the "University has a proven track record in managing its EPA system" (vs. earlier "extremely confusing")
- It doesn't define what is meant by "appropriate" job protections
- It compares a new system to UNC Health Care, community colleges, local school districts, etc. – systems that are viewed by some as less-than-fair to concerns of most staff
- And though it mentions Articles 7 of the SPA as an employee protection that would be retained (obviously), it completely leaves out Article 8 (right to grievances):  
<http://www.ncga.state.nc.us/gascripts/statutes/StatutesTOC.pl?Chapter=0126>

We should also consider *which* fox we want guarding the proverbial henhouse. Do we want the protections to continue to be in place by the state (and voters/representatives/lobbyists/politicians) or do we want to consider the possibility that staff could play an actual working role in the creation of a new UNC.BOG-run system. Both obviously have tremendous negatives and positives. It is very important, as almost everyone has pointed out, that each employee think about what rights are essential to protect. At the Forum's executive committee, Gina Carter from HR noted she had already begun to collect information from staff about what rights employees didn't want to lose.

I just hope SPA folks know what their rights are...

... and if SPA merges with EPA, what rights by EPA could be gained...

I'm not sure I completely agree with Marc that Resolution 0803 fully addresses this latest proposal to eliminate the SPA classification, as 0803 seems to me to have too much emphasis on what was being proposed at that time related to Article 16. I think 0803 addresses what this latest proposal is proposing in spirit, but I think it would be best to have, as Marc suggests, a general delegate meeting (our meeting in April should suffice) to better define the current will of the Forum in the context of complete removal from the SPA/SPC. I'm 90% sure the current will of this current Forum matches exactly that which is expressed in 0803 (which is to NOT reclassify SPA and instead deal with individual inefficiencies and other problems within the current SPC-controlled system).

However, since we, for some unfortunate reason, have only until the end of the month to provide a unified response to the Staff Assembly (for GA), I feel our Staff Assembly representatives should stand by the spirit of 0803 as the Forum's unified message *against* the proposal as our Vice Chair suggests and continue to send feedback and opinions to Jackie Overton (the Forum chair), our own HR representatives (i.e. Gina Carter and/or Brenda Denzler) and our Staff Assembly delegates (Alan Moran, Chuck Brink and ?). At the April general forum meeting the Employee Forum can discuss dealing with future developments of the proposal, which, as Alan and Chuck have pointed out, might possibly just maybe could contain something positive for staff. ---I'll believe it when I see it.

If that is *unreasonable* to Employee Forum delegates (standing by spirit of 0803), I think our position should be to ask for more information so we may collectively make a better informed decision as we continue to share our opinions to our representatives.



Here's 1 question I have:

Would longevity payments change? If so, how?

.....

### UNC Proposes To Strip Employees of Rights Would Take State Back to the Dark Ages By Tom Harris

Reliable sources have reported to SEANC that the UNC General Administration is propositioning members of the legislature to exempt nearly 22,000 of their employees from State Personnel Act (SPA). If enacted by the legislature, UNC employees would return to the dark ages of government employment.

This proposal would return UNC to the dark days of yesteryear when government jobs were filled and employment was retained based on the "spoils system" under which jobs are used to support the personal and political purposes of those in higher office. Civil service laws, such as the Federal Civil Services Act, first enacted in 1872, and North Carolina's SPA, were enacted to put an end to the spoils system and guarantee that government jobs providing basic services to citizens would be filled and retained by employees who are competent and dedicated to public service, not to political or personal favor.

For the sake of good government and quality services to North Carolina citizens, this proposal should be defeated.

#### UNC's Questionable Rationale

The UNC administration's primary stated rationale for its proposal is to eliminate the "burden" and "inefficiency" that it claims is unique to UNC for having to manage two personnel systems - one for SPA-covered employees and another for SPA-exempt (EPA) employees. Thus, it contends that the elimination of SPA designation for its 22,000 covered employees will leave it with just one personnel system to efficiently administer.

In fact, using UNC-Chapel Hill as an example, UNC campuses have not just one personnel system for EPA employees, but three:

1. EPA faculty
2. EPA non-faculty research staff, instructional staff and tier II senior academic and administrative officers
3. EPA non-faculty tier I senior academic and administrative officers

Thus, UNC will continue to have multiple personnel systems to administer with or without passage of its proposal. Moreover, this is not unique to the UNC campuses. All state agencies have EPA employees for which they administer a different set of policies from those applying to SPA-covered employees. This means that UNC has no unique rationale to eliminate SPA coverage for nearly half of its employees.

#### More Bad Effects for SPA Employees

The UNC administration's proposal has many more bad effects in store for SPA-covered employees, in addition to losing the benefits of merit-based selection for jobs and promotions and the just cause standard for disciplinary actions. One of the biggest would be the loss of the pay raises given to the

state's other SPA employees. Typically, the UNC system receives a lump sum and no guidelines for giving raises to its EPA employees. If history is any indication, this could mean that favored positions, such as faculty and administrators, would get a disproportionate share of the raises and others are left with raises even lower than SPA employees get. Other SPA-provided benefits and protections that would be lost include: reduction-in-force (RIF) rights, severance pay terms, veterans and other hiring and promotional priorities, protection from hiring and discharge decisions based on political affiliation, the right to appeal grievances to the N.C. Office of Administrative Hearings and State Personnel Commission and protection from retaliation for communicating with a state legislator at his or her request.

#### Stop a Bad Precedent

UNC SPA-covered employees comprise almost 25 percent of all employees covered by the SPA. If coverage can be eliminated for that many employees, how long will it be before someone has the idea just to eliminate the same protections and benefits for the other 75 percent?

This provides just one more reason why now is the time to stop this proposal in its tracks.

[tharris@seanc.org](mailto:tharris@seanc.org)

---

#### **Attacking Employee Rights, or *"There You Go Again!"***

When I heard about General Administration's (GA) plan to remove SPA employees' rights, I was reminded of Ronald Reagan's famous retort when he debated Jimmy Carter: "There you go again!"

In 1998, the General Assembly created UNC Healthcare from UNC Hospitals and in the process eliminated the rights of employees with less than two years of service.

In 2001-02, UNC-Chapel Hill conducted a study of personnel flexibility. District 25's members on that task force issued a minority report in opposition to proposed elimination of employee rights under Chapter 126 of the State Personnel Act. One member had to file a grievance in order to get the minority report distributed with the majority report.

In March 2007, the Employee Forum approved a resolution in opposition to yet another effort to remove SPA protections—this time as a consequence of President Bowles' Advisory Committee on Efficiency and Effectiveness (PACE). That HR subcommittee consisted of four associate vice-chancellors for HR, two vice-chancellors for finance, one director of HR, and a bank president. No staff.

Yet again in April 2008, the Employee Forum issued a resolution in opposition to GA's proposed Article 16 to create a "substantially equivalent" university HR system, and Oh!, in the process eliminate employees' SPA protections.

This time GA had their legislative legwork well underway before they ever informed the leadership of the university-wide Staff Assembly. So take this as a warning. If you want to preserve your rights under the SPA, read page two and be prepared to respond to D25's next **CALL TO ACTION!**

**by Jonathan Stephenson, District 25 Chair**

**[stepheja@email.unc.edu](mailto:stepheja@email.unc.edu)**

\*\*\*\*\*

## **Protect Your SPA Rights**

### **Eleven Reasons Why a Separate**

#### **UNC HR System is a Bad Idea**

1. SPA protections are not just for employees. The new system will make employees more vulnerable to retaliation. Public employees will be much less likely to sound the alarm to situations that adversely affect the public's welfare and safety.

2. At the same time that General Administration (GA) seeks to save money by eliminating duplicate academic programs, they're asking the legislature to create a massive HR operation that will duplicate

OSP. GA only has a handful of HR employees, and they are not capable of performing the functions of OSP. Either OSP employees will have to be split off to work within the university system, or there will have to be a substantial number of new hires. Both OSP and UNC HR could end up totally incapable of providing adequate services.

3. SPA protections were initiated in the mid-1960's as part of Civil Rights legislation. GA would have you believe that subsequent legislation provides equal protection. This is not true. Chapter 126 is the only statute that requires a grievance procedure. Most university employees cannot afford to hire an attorney whenever their employer violates federal or state law. They rely on the grievance procedure to try to address the more serious problems. And despite OSP studies which show race and gender discrimination, little has been done to address these concerns.

4. Even with SPA protections UNC-Chapel Hill has shown that it cannot operate fairly. It has tolerated sexual harassment in housekeeping, fostered a culture of harsh discipline in facilities services, failed to provide adequate safety training and equipment, laid off SPA women at higher rates than others, shown extreme favoritism in some IT layoffs, hired temps and work study students to do the same work as laid-off employees, and tolerated some employees working off the clock, a violation of FLSA. The UNC System also has a demonstrated track record of not being able to follow policy. In two recent cases, Judge Webster of the Office of Administrative Hearings ruled that reduction-in-force policies had not been followed. Clearly more OSP oversight is needed, not less.

5. SPA employees with two or more years of service will have to be grandfathered. This does not achieve elimination of a dual system as touted by GA. It actually creates three tiers instead of two. If GA truly wants to simplify, they should make all EPA non-faculty employees SPA.

6. The UNC System has not provided a compensation plan as part of their proposal. We cannot look to UNC Healthcare for a model because it is primarily receipt-funded. If, for example, other state employees get a 2% COLA, there will be no guarantee that all university employees will get the same. If some get more, others will inevitably get less. It has been proposed that merit pay should reward better employees, even if that means that good employees would be denied a COLA. Compensation funds might be used for recruitment, hiring, and attendance bonuses, as has been done at UNC Healthcare, thereby reducing funds for COLAs. One big pot of money will be used to pay faculty and staff in whatever proportions the administration sees fit.

7. An un-released OSP report indicates that career-banding benefited those already in the higher pay grades and not others. It is probable that part of GA's push for a separate HR system is to maintain career-banding just as OSP seeks to abandon it. This is yet another example of favoritism toward those already at the top.

8. GA says it is too difficult to fire bad employees. All employees have a probationary period. Sometimes lazy managers don't fire bad employees when they have the chance. Or the managers are just too lazy to follow policies on disciplinary procedures. Bad employees are fired under the current system all the time.

9. The UNC System should stop blaming employees for their own management failures. On numerous occasions, the Employee Forum has pressed for better management training. This was one of Chancellor Thorp's earliest stated goals.

10. The legislature's recent government performance report (GPAC II) provides specific, concrete proposals for updating and improving the system – proposals that everyone can know and evaluate in advance. Another advantage: The improvements would affect all state employees – not just university employees.

11. GA is asking for broad powers to create a personnel system that is only vaguely defined. They are asking for the blind trust of both staff employees and legislators—promising that they'll do good things if they are given these broad powers, but not telling us in advance exactly what those good things are. They should be presenting us with a fully conceptualized and planned personnel system, so that we can see what we're agreeing to, instead of asking us to buy a pig in a poke!

.....

I have three specific areas of concern or interest in this proposal that I would like to be addressed and then shared with existing UNC campus SPA employees:

1. Will existing SPA employees with 20 or more years of service accrue 25 ¾ hours of vacation leave or will this be reduced to 24 hours of vacation leave per year?
2. Will existing SPA employees with 10 or more years of service receive longevity pay or will longevity pay be eliminated?
3. Will existing SPA employees be able to choose between the TSERS retirement plan or the ORP retirement plan for continued contributions?

.....

My main concern is during budget cuts and layoffs. Currently SPA employees involved in a RIF are entitled to a severance package, I think, determined by a combination of age and years of service. EPA, as at will employees, are not entitled to such and can be let go anytime.

Also, since there is a good chance that this action would not involve pay increases, the loss of longevity pay for current SPA workers, would in fact be a significant pay cut.

There are also unfair vacation policies. If this were to take effect...newer employees would be entitled to far more vacation than those who had been in the system for a while already and those with 20+ years of service, would in fact lose 1 ¾ days each year.

.....

Not in favor of proposal -- need many, many more details. What happens to longevity pay? To vacation accrual rates? Retirement? Etc. I think this is a bad idea. The task force chaired by Bowles had no staff representation whatsoever. If you want to simplify, convert all EPA non-faculty to SPA.

.....

I am not sure what to think, good or bad, but this is what I see.

#### Loss of Longevity Pay

Leave – Do we all get 24 days? That would be an improvement for anybody with less than 25 years?

Salary protection (COLA gone), banding gone. Jobs are appointed. So you can perform the same job for different pay. An appointment ends, it does not need to be renewed.

The questions I have:

Does this impact existing or new employees?

HR stuff is really vague, but asks you to contact them if you have questions.

HR stuff does not tell you what WOULD change for an SPA. What would change for SPA?

What is the reason to make the change. HR work load does not seem very valid. Are they going to layoff HR workers with the reduced workload?

Thank you.

.....

I am strongly opposed to the proposal to remove SPA employees from the State Personnel Act and I hope that you will represent my opinion by voting against this proposal as well.

After reviewing the differences between SPA and EPA employees, I feel that the protections provided by the State Personnel Act are vital to maintaining a fair and equitable work place; whereby employees have the right to grieve unemployment decisions and are guaranteed benefits (i.e. longevity pay, increasing scale for vacation days, sick days applied to early retirement, across the board cost of living pay increases, etc.) based on tenure status with the state. Additionally, I believe that by making SPA employees, essentially, "at-will" EPA employees, management will have the unfair opportunity to make questionable termination decisions without due process and that this "potential" to do so diminishes state employee rights.

Without offering any concrete evidence of benefits to SPA employees (not simply to make OHR's administrative job "easier"), this proposal seems to ask SPA employees to give up guaranteed rights while trusting that others will have their best interests in mind when it comes to employment benefits and decisions. Having seen the gradual erosion of our paltry state employee benefits by legislators over the years and the continued onslaught of unfavorable bills/legislation against state employees , I am adamantly against any measures that to continue to reduce our benefits while trying to save tax dollars on the backs of state employees.

Please join me in rejecting this proposal and advocating for MORE state employee benefits, not less.

.....

Good Morning,

I am writing this morning to express my concern over the HR update described at the following link.

[http://hr.unc.edu/news-events/CCM3\\_026090](http://hr.unc.edu/news-events/CCM3_026090)

This appears to be the same thing that the forum opposed in 2008 referenced below.

<http://forum.unc.edu/documents/res0803rev.pdf>

Is the forum planning on opposing it again? I hope so, as this appears to be the same thing rehashed. Hasn't this been attempted several times in the last 10 years. Please let me who else I should contact with concerns on this and what the forum's stand is.

Thank you for your time.

.....

While reform is part of any business operation, I have several concerns with how this is being handled. The information presented by HR and GA seems to be quite measured and guarded to what the actual impact to SPA employees will be once the change is implemented. While they present what won't change, the don't articulate will change as a result of this plan. As is pointed out in the SEANC newsletter, there are assumptions made that can't hold up to scrutiny. Key in this is the grandfathering of SPA employees with over two years of service – this essentially creates 3 tiers of bureaucracy – far more difficult to manage and no immediate benefit or relief that they claim. The presentation from HR is extremely vague, and notwithstanding their invitation for questions, certainly could have been presented in a manner to illicit a proper dialogue between Staff and Management. Additionally, by ignoring GPAC II and the lessons learned in that exercise, it seems counterproductive to implement a new system without full consideration of those proposals.

.....

I would just like to add my 2 cents to the concerns raised by this issue. After reading and reflecting on the matter I would caution whatever proposal GA forwards to the Legislature to retain the property rights and grievance protections currently held by SPA employees. I am currently of the mindset that in order to simplify HR administration at the Universities level, I would rather see EPA-Non Faculty employees rolled into the SPA/OSP system rather than create an new system that might night have the University Level infrastructure to support it. I am all for simplifying and eliminating redundancies, but

until further well-thought out details are revealed concerning a new personnel management system that will be my position.

