

STATE PERSONNEL BOARD MEETING
MINUTES
MARCH 11, 2014
JAMES FLOYD VETERANS MEMORIAL BUILDING / 512-WEST BOARDROOM
10:00 A.M.

The following Board members were in attendance: Robert Joseph, Chair; Jewelle Johnson, Vice Chair; Jim Rogers, Member; and Paul Babaz, Member. Taylor Hanson Haley was absent.

Also present were: Commissioner Sid Johnson, Board Executive Secretary; Joe Kim, DOAS General Counsel; Candy Sarvis, Deputy Commissioner DOAS-HRA; Laura McDonald, Georgia Law Department; Katy Townsend, DOAS-HRA Policy & Compliance; and Kara Berlin, DOAS Legal Officer.

The meeting of the State Personnel Board was called to order by Chairman Robert Joseph and welcomed the new Board members who introduced themselves to the meeting.

Approval of Minutes / Commissioner Johnson presented the Minutes of the December 10, 2013 State Personnel Board meeting which was circulated to the Board and no corrections or changes were requested. A Motion was made by Mr. Joseph to approve the Minutes as presented. It was Moved by Mr. Rogers, seconded by Ms. Johnson and unanimously approved.

Presentation of SPB Rule # 478-1-.14 / Performance Management – Final Version

Ms. Katy Townsend of the Department of Administrative Services (DOAS) presented the final version of the Performance Management Rule. Based on the responses received during the Open Comment Period, DOAS recommends the following:

1. Section (3)(c), (3)(e), (3)(f) / Definitions: Clarity or simplicity changes.
2. Section (4)(a)(1)(4)(a)(2),(4)(c)(3), (4)(d)(2) / Performance Management Process: Clarity or simplicity changes.
3. Section (5)(b), (5)(g) / Review of Performance Plans or Evaluations: Because the performance management rating scale has changed from time to time, DOAS proposes to add the verbiage “*or its equivalent*” in conjunction with mention of the “Unsatisfactory Performer” rating within the Rule to prevent the need for a Rule change each time a rating scale changes.
4. Section 6(a), (6)(c), (6)(d) / Recordkeeping: DOAS proposes changing this Rule section to give agencies some flexibility related to the location for maintaining performance evaluations in accordance with the State Retention Schedule without interfering with the integrity of the program.
5. Section (7) / Performance Management Program Evaluation: Clarification or simplification changes.
6. Section (8) / Coordination with Other Personnel Policies: There was concern about a provision which would include demotions. The Rule was more suggestive than definitive. DOAS proposes to reword this section with alternative language to indicate that employment actions should be consistent with recent performance evaluations. Also, it preserves the intent of the section to identify how performance evaluations may coordinate with other personnel actions; but does allow some flexibility.
7. There are five ratings: (5) Exceptional Performer; (4) Successful Performer plus; (3) Successful Performer; (2) Successful Performer minus; and (1) Unsuccessful Performer.
8. DOAS considers it essential for employees to be aware of their expectations and documented performance feedback. We recommend retaining provisions (4)(a)(3) and (6)(a) as requirements.
9. DOAS recommends maintaining topic specific sections to make it easier for readers to navigate.

Mr. Joseph entertained a motion to adopt the final version of the Performance Management Rule 478-1-.14. It was Moved by Mr. Rogers, seconded by Ms. Johnson, and unanimously adopted.

Employee Appeals:

Tamara Scott (Appellant) v. Georgia Department of Labor (Appellee)

Appellant / represented by John D. Wales, Esq.

Appellee / represented by Counsels C. Rene Williams and Timothy Mitchell.

Barbara Howard (Appellant) v. Judson H. Turner, Georgia Department of Natural Resources (Appellee)

Appellant / represented by Blake Travis, Esq.

Appellee / represented by Zachary Harris, Esq.

Mr. Joseph clarified the hearing procedure to the appeal parties sanctioning 8 minutes for Appellant's argument; 10 minute argument by the opposing party; 2 minute rebuttal; followed by questions from the Board.

Discussion/Deliberation

After the Board heard arguments on both appeal cases, Mr. Joseph recited the Open Meetings Act (O.C.G.A. 50-14-1 et seq.) and made a Motion to close the meeting to conduct deliberations on the employee appeal matters. The Motion was Moved by Ms. Johnson, seconded by Mr. Rogers and the carried unanimously.

Reconvene Meeting and Voting on Employee Appeal

Mr. Joseph reconvened the meeting and called for a Motion in the Tamara Scott v. Georgia Department of Labor appeal matter. Mr. Babaz Moved that "*The Board adopt the Findings of Fact and the Conclusions of Law of the State Personnel Board those Findings of Fact and Conclusions of Law of the Administrative Law Judge which are consistent with the Board's Decision; that the Initial Decision of the Administrative Law Judge be Affirmed.*" The Motion was seconded by Ms. Johnson and unanimously adopted.

Mr. Joseph called for a Motion in the Barbara Howard v. Judson H. Turner, Georgia Department of Natural Resources appeal matter. Ms. Johnson Moved that "*The Board adopt the Findings of Fact and the Conclusions of Law of the State Personnel Board those Findings of Fact and Conclusions of Law of the Administrative Law Judge which are consistent with the Board's Decision; that the Initial Decision of the Administrative Law Judge be Affirmed.*" The Motion was seconded by Mr. Rogers, and unanimously adopted.

Commissioner's Report / No Report.

Dr. Rajesh Patel v. Georgia Department of Behavioral Health and Developmental Disabilities Update

Ms. Kara Berlin presented the procedural history regarding Dr. Rajesh Patel's appeal matter.

Board Vote on Board Chair, Vice Chair and 2014 SPB Meeting Calendar

The next order of business was to elect the Chair, Vice Chair and 2014 meeting calendar. Mr. Joseph called for nominations for Board Chair. Ms. Johnson made a Motion that Mr. Robert Joseph remain as Board Chair for the next term. There being no further nominations, the Motion received a unanimous vote.

Mr. Joseph called for nominations for Board Vice Chair. Mr. Rogers nominated Ms. Jewelle Johnson as Board Vice Chair. There being no further nominations, the Motion received a unanimous vote.

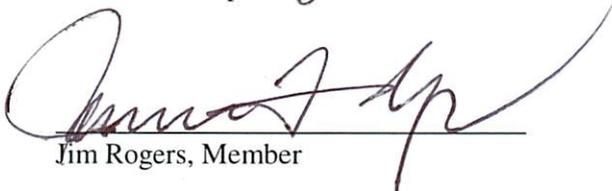
Mr. Joseph made a Motion to preserve the monthly Board meetings on the second Tuesday at 10:00 a.m. It was Moved by Mr. Rogers, seconded by Mr. Babaz and carried unanimously.

With no further business, Mr. Joseph made a Motion for adjournment. The Motion to officially adjourn the meeting was Moved by Mr. Rogers, seconded by Ms. Johnson and carried unanimously.

READ AND APPROVED ON 8th of April 2014 by:


Robert R. Joseph, Chair


Jewelle Johnson, Vice Chair


Jim Rogers, Member


Paul Babaz, Member

ATTEST:


Sid Johnson
Executive Secretary
State Personnel Board