

**STATE PERSONNEL BOARD MEETING**  
**MINUTES**  
**MAY 13, 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; Taylor Hanson Haley, Member; and Jim Rogers, Member. Absent from the meeting was Paul Babaz, Member.

Also present were: Candy Sarvis, Deputy Commissioner DOAS-HRA; Rebecca Sullivan, General Counsel, DOAS; Laura McDonald, Asst. Attorney General, Georgia Law Department; Kara Berlin, DOAS Legal Officer, Laynea Allen, DOAS-HRA, SCCP Program Coordinator, and Katy Townsend, Director, DOAS-HRA Policy & Compliance.

The meeting of the State Personnel Board was called to order by Chairman Robert Joseph.

**Approval of Minutes:** Commissioner Johnson announced that the Minutes of the April 8, 2014 State Personnel Board meeting 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 Ms. Johnson, seconded by Mr. Rogers and unanimously approved.

**Presentation and Board Vote to Adopt the Applicant and Participating Charities for the 2014-2015 State Charitable Contributions Program (SCCP):**

Mr. Joseph introduced Ms. Laynea Allen, coordinator of the SCCP to present recommendations for Board action regarding the applicants for participation in the 2014-15 State and University System Employees' Charitable Contributions Program. The powerpoint presentation was distributed for the Board's review prior to the meeting.

Ms. Allen outlined the campaign results and overview of the criteria and charity applications as follows:

- We are launching the SCCP campaign earlier this year.
- As reflected in slide 3 of the presentation, we went down approximately 4 percent over last year's total (slight reduction). However overall, this year's campaign results were very good.
- The number of individual donors that participated in the 2014 SCCP increased by 3 percent. This increase was due to an intense marketing campaign throughout the state which included the University System, agencies and attached authorities.
- Our current SCCP administrator is Earth Share, Inc. based out of Maryland. This vendor manages the campaign's financial aspect and online giving website.
- Slide 4 outlines the general definition of the process for reviewing charity applications. It is defined by the Official Code of Georgia Annotated 45-20-51 and the Administrative Procedures established by the State Personnel Board in year 2007.
- The SCCP Advisory Committee is made up of individuals from state agencies recommended by their respective Commissioner.
- The five-member Advisory Committee consists of Brian Nabors, DNR; Courtney Ware, DJJ; Robin Smith, DHS; Tim King, TCSOG; and Laynea Allen, DOAS-HRA, SCCP Program Manager.
- The following is a listing of the criteria for organizational participation in the program:
  - a. Must be a non-profit and designated with the IRS;
  - b. A nonreligious organization; unless the services function on a nonsectarian basis with separate budget;
  - c. Submit proof that you are a non-religion organization;
  - d. Registered with the Secretary of State as a charitable organization eligible to receive funds;

- e. Must show observance of a nondiscrimination policy that applies to services, staff and membership in their governing board;
- f. Does not spend a substantial portion of effort to influence elections or determine public policy;
- g. Submit an annual independent audit if the revenue is greater than \$500,000, or an independent review if less than \$500,000 to make certain that the organization is financially vetted through the committee;
- h. Must reflect revenues and expenses for Georgia;
- i. Spend 25 percent or less of its total expenses for fundraising and management;
- j. The substantial services can either be based in Georgia or an internationally federal organization, if services are considered substantial enough; and a member of the federation that is part of the local organization. A private-independent organization must have a substantial footprint criteria with the state;
- k. All contributions are voluntary. A payment method is provided by which employees can give through payroll deduction (multiple or one-time) and/or via other fundraising activities;

Slide 6 and supplemental attachments give detailed information on all charities that applied this year. 24 new applicant charities applied for the first time; 20 recommended for approval; 4 recommended for rejection due to lack of a financial audit review within the last 2 years. 98 charities applied for renewal; 63 independent, non-federated charities; 35 charitable federations; all recommended for approval. In total, 118 charities are being recommended for 2014/15 Campaign and met the threshold for applying to the State Charitable Contributions Campaign.

The SCCP campaign was published on the DOAS website with additional communication via word-of-mouth and various agency contacts throughout the year. The SCCP award ceremony sparked major statewide interest. Ms. Allen expressed that she enjoys working with a network of over one hundred wonderful volunteers across the state.

Ms. Taylor made a Motion to approve the one hundred eighteen (118) charities that are recommended for the 2014-15 campaign as reflected on attachment 'A' which was provided to the Board. The Motion was seconded by Mr. Rogers and unanimously approved.

**Employee Appeal:**

**Dr. Rajesh Patel (Appellant) v. Georgia Department of Behavioral Health and Developmental Disabilities (Appellee):**

Appellant / pro se;

Appellee / represented by Attorney Edward M. Brashier, II

(Department declined oral argument; rested on its brief.)

Mr. Joseph recited the hearing procedure to Dr. Patel, sanctioning 10 minutes for Appellant's argument followed by questions from the Board. Dr. Patel presented an additional exhibit for the Board's review.

**Discussion/Deliberation:**

After the Board heard Dr. Patel's (Appellant) argument on the appeal matter, Mr. Joseph solicited questions from the Board. 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 matter. The Motion was Moved by Mr. Rogers, seconded by Ms. Johnson and carried unanimously.

**Reconvene Meeting and Voting on Employee Appeal:**

Mr. Joseph reconvened the meeting and called for a Motion in the **Rajesh Patel v. Georgia Department of Behavioral Health and Developmental Disabilities**. Ms. Johnson Moved that *“This matter has been remanded to the State Personnel Board for a Decision as to whether the Appellant’s status at the time of termination was classified or unclassified. The record has been provided to the Board. Based upon the specific limited facts of this case, it is the Decision of the Board, effective this date that the Appellant was “Classified” at the time of his termination. Therefore, this matter is remanded to the Administrative Law Judge for a hearing on the merits of the termination.”* The Motion was seconded by Ms. Haley and unanimously adopted.

For clarification purposes, Ms. Johnson recapped the Board’s Decision and reminded Dr. Patel of his right to retain counsel during the OSAH hearing.

**Presentation and Board Vote on the Pay Increase Implementation Policies for FY 2015:**

Mr. Joseph introduced Ms. Candy Sarvis to present the Pay Increase Implementation Policy for FY 2015 for the Board’s consideration. A copy of the policy was distributed for the Board’s review in advance of the meeting.

- Previously, Appropriations to agencies were done in a uniformed manner. Currently, Appropriations are based on the budgets of individual agencies and percentage of their personnel cost.
- The objectives are:
  - a) Rewarding high performers; legislative directive in the Appropriations Bill;
  - b) Ultimate goal to raise the base salaries; and
  - c) To ensure flexibility within each individual agency on how they utilize the funds. Additional language defines the Board’s role from a policy perspective to ensure fair and equitable distribution.
- Provisions 1-12 define the following:
  - #1 The goal of flexibility: non-uniformed application;
  - #2) Eligibility: only individuals employed prior to July 1, 2014; tracks with our fiscal year;
  - #3) Administration of Pay Increases which includes SAO’s implementation of a Time and Labor system, revising the pay structure and job classification, and other legislative changes. The Performance Management period is accelerated for that purpose;
  - #4 Agencies shall define “high-performance in accordance with the State’s Performance Management Program and achievement in 2014 performance year;
  - #5 The state’s agency heads have discretion to determine the level of competency evaluation scores eligible for performance-based pay increases and the amount or percentage increase for each performance category;
  - #6 Program designed to award high performance; in no instance should an employee rated “unsatisfactory performer” be granted a performance-based pay increase;
  - #7 Recaps the employee of their procedural right (in accordance to the SPB Rule 14) to review the evaluation and the agency’s process for the review;
  - #8 Administrative change to correct duplicate number ‘8 in the original copies to the Board. The 1<sup>st</sup> #8 provision is designed to give discretion to the agencies to determine whether employees who have been subordinate to their current supervisor for fewer than five (5) months, as of June 2014, will be considered for a performance-based pay increase. The 2<sup>nd</sup> #8 provision was removed which pertained to the agency-to-agency transfer because it imposes that agency to review the employee without much performance knowledge and cause them to work that into the funding;
  - #9 Non-Discriminatory provision pertaining to protective leave, i.e. Family and Medical or Military Leave;

- #10 Non-Discriminatory provision pertaining to Uniformed Services:
- #11 Clarified language pertaining to teachers on different pay plans and boards that direct them; and
- #12 To ensure that agencies who implement recruiting & retention route are done fairly and equitable.

Ms. Haley Moved to adopt the SPB Policies to implement pay increases for FY 2015 as outlined in the presentation handout, seconded by Mr. Rogers and the Motion carried unanimously.

**Commissioner's Report:**

No current update to report. Commissioner Johnson recognized Candy Sarvis and team for their good work. Also, he expressed appreciation to the HR community for their ongoing support and participation as we thrust the HR function to the next level.

**Other Business:**

Ms. Haley announced that she will be taking a leave from the Board meetings during the summer months and will return in the fall.

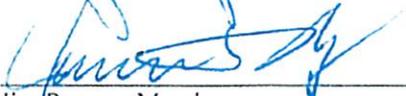
With no further business, Mr. Joseph made a Motion for adjournment. The Motion to officially adjourn the SPB meeting was Moved by Ms. Johnson, seconded by Mr. Rogers and carried unanimously.

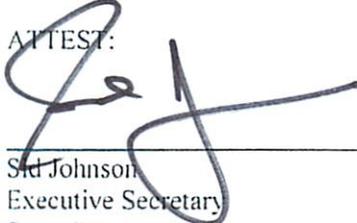
READ AND APPROVED ON 10th of June, 2014 by:

  
\_\_\_\_\_  
Robert R. Joseph, Chair

  
\_\_\_\_\_  
Jewelle Johnson, Vice Chair

  
\_\_\_\_\_  
Taylor Hanson Haley, Member

  
\_\_\_\_\_  
Jim Rogers, Member

ATTEST:  
  
\_\_\_\_\_  
Sid Johnson  
Executive Secretary  
State Personnel Board