

STATE PERSONNEL BOARD MEETING
MINUTES
July 12, 2011

Robert Joseph, chairperson, called the State Personnel Board meeting to order at approximately 9:15 a.m. Board members present: Robert Joseph, Chair, Hal Roach, Jr., Vice Chair and Norman Bennett, Member.

Deputy Executive Secretary Lee Rudd presented to the Board for approval the Minutes of the April 12, 2011 Board Meeting. Mr. Joseph announced that he cited an error in the April minutes. Mr. Bennett made a Motion to approve the Minutes with a correction that the word "unanimous" be stricken and replaced with the word "majority" in the recording of the Diane Jordan v. Department of Human Services Board vote. Mr. Roach seconded the Motion, which was carried for approval by the Board.

Deputy Executive Secretary Rudd presented to the Board the Commissioner's Report for information purposes only. This report documents changes and updates made to the statewide job database effective from April 1, 2011 through June 30, 2011.

Chair Joseph recognized Ms. Jennifer Kennington, Division Director, Benefits Administration to present 1) the recommendation of Marion Fedrick to replace the current Chair of SCCP Advisory Committee, 2) the 2010-2011 Campaign Results, and 3) a proposed Resolution to change SCCP Administration vendor.

Mr. Bennett made a Motion to approve the recommendation of Marion Fedrick as chair of the SCCP Advisory Committee. Mr. Roach seconded the Motion. The Motion was carried by the Board.

Mr. Roach made a Motion to accept the results of the 2010-2011 SCCP campaign. Mr. Bennett seconded the Motion. The Motion was carried by the Board.

Mr. Bennett made a Motion to accept the proposed Resolution to change the SCCP Administration vendor. Mr. Roach seconded the Motion. The Motion was carried by the Board.

Chair Joseph recognized Ms. Angie Ballard of the Total Rewards Division to present the 2011-2012 Charity Applications and Renewals for Board approval.

Mr. Roach made a Motion to recommend the 2011-2012 Charity Applications and Renewal for inclusion in the 2011-2012 State Charitable Contributions Program. Mr. Bennett seconded the Motion. The Motion was carried by the Board.

Oral Arguments:

Christy C. Bowens (Appellant) v. Georgia Department of Revenue (Appellee) # OSAH-SPB-DIS-1023147-60-Gatto. Ms. Bowens (scheduled to appear "pro se") was not present at the State Personnel Board meeting. Mr. Bryan Webb represented the Appellee, Department of Revenue. Mr. Joseph stated that the Board would deliberate based on the briefs submitted in this appeal matter.

Georgia Department of Corrections (Appellee) v. Michael Nervo (Appellant): # OSAH-SPB-DEM-1032815-67-Teate. Mr. John Wales represented Appellant Michael Nervo. Mr. Rob Jones represented the Appellee, Department of Corrections (DOC).

After arguments were made by both parties, the Chair read the Open Meetings Act (O.C.G.A. 50-14-1 et seq.) which provides that meetings, when discussing or deliberating upon the appointment, employment, hiring,

disciplinary action or dismissal, or performance of a public officer or employee, are not required to be held in open meetings. Also, meetings may be closed in order to consult and meet with legal counsel pertaining to pending or State Personnel Board meeting potential litigation in which the agency or any officer or employee may be directly involved. Mr. Bennett moved to close the meeting. Mr. Roach seconded the Motion, which received unanimous approval by the Board.

Appeals:

Christy C. Bowens (Appellant) v. Georgia Department of Revenue (Appellee): # OSAH-SPB-DIS-1023147-60-Gatto

Georgia Department of Corrections (Appellee) v. Michael Nervo (Appellant): # OSAH-SPB-DEM-1032815-67-Teate

Upon reconvening, Mr. Joseph called for a Motion in the case of *Christy C. Bowens (Appellant) v. Georgia Department of Revenue (Appellee)*. Mr. Bennett made a Motion that the Board adopt the Findings of Fact and Conclusions of Law contained in the Initial Decision as the Findings of fact and conclusions of law of the State Personnel Board, and that the Initial Decision of the Administrative Law Judge be Affirmed. Mr. Hal Roach, Jr. seconded the Motion. The Board's vote was unanimous.

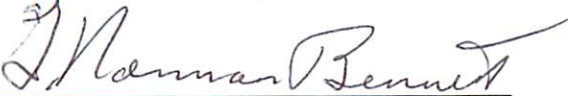
Mr. Joseph called for a Motion in the case of the *Georgia Department of Corrections (Appellant) v. Michael Nervo (Appellee)*. Mr. Roach made a Motion that the Fact and Conclusions of Law are hereby adopted as the findings of fact and conclusions of law of the Board, with the exception of conclusions of law Nos. 2, 3, 5, and 7. The Board finds that the Department substantiated Charge I, specifically, that the employee's conduct created a conflict of interest and the appearance of a conflict of interest. Additionally, the Board agrees with the ALJ that the Department has substantiated Charge II. It is the Board's Decision, effective this date, that the Initial Decision of the Administrative Law Judge is modified to reinstate the sanction of demotion. Mr. Bennett seconded the Motion. The Board's vote was unanimous.

Chairman Joseph asked the Board if there was any other business to discuss. There being no other business, Mr. Joseph made the Motion for adjournment. Mr. Bennett seconded the Motion. The Board's vote was unanimous and the Board meeting was adjourned.

READ AND APPROVED ON October 11, 2011.


Robert R. Joseph, Chair


Hal Roach, Jr., Vice Chair


G. Norman Bennett, Member

ATTEST:


Joseph B. Doyle, Executive Secretary
State Personnel Board