AGENDA
Human Resources Council
North Dakota University System

In attendance:
BSC - Linda Fossum, Rita Lindgren
DCB – Anne Bergeron, Kara Bowen
DSU – Gail Ebeltoft, Chris Heringer
LRSC – Becky Lang, Joann Kitchens
MaSU – Steve Bensen
MiSU – Wes Matthews
NDSCS – Ann McGar
NDSU – Colette Erickson, Tricia Johnson, Jill Spacek, Brittnee Steckler
NDUS – Cynthia Wagner Goulet, Laura Glatt, Karin Stinar, Teri Thorsen
UND - Pat Hanson, Joy Johnson, Diane Nelson
VCSU - Derek Hughes
WSC - Michelle Remus

1. **Follow-up: New veterans’ preference legislation – Sept. 2011 meeting minutes:**

   **Action Items:**
   - NDUS procedure 601.0 on veterans’ preference will need to be updated.
   - Cyndi said she would continue working with the Assistant Attorney General in order to make a recommendation.

   **Discussion:** Cynthia reported that the prescribed number can be a formula and does not need to be a specific number. Also, the prescribed number does not need to be included in the position posting, but should be identified and documented in internal files at the start of the recruitment process. The following questions were asked:

   1. Can we state that we will interview 1 or more candidates with veteran’s preference? Answer: No, this would not be within the spirit of the law.
   2. At what point do we decide what the prescribed number will be? When the position is opened for an internal search or when it is opened for an external search? Answer: When the position is opened for an external search.
   3. Can more candidates claiming veteran’s preference than the identified number be later interviewed? Answer: Yes.
   4. Can language such as “no less than” and the prescribed number be used? Answer: No, once the prescribed number is determined it would be easier to enlarge the pool than to make it smaller.
   5. Can a table be used such as if the pool is 1 to 10 candidates, 10 percent will be the prescribed number. If the pool is 11 to 20 candidates, 20 percent will be the prescribed number, etc? There was not a yes or no answer to this question but no one opposed it.
   6. If the prescribed number is determined to be 4 and no veterans apply, do at least 4 candidates need to be interviewed? Answer: No. The law is only applicable in the instance of veteran applications.
   7. Can a different formula be used for each opening? Answer: Yes, it can vary.

   It was decided that each campus can decide their own method for determining the prescribed number they will use, as it may vary by type of position. Campuses agreed to share their method(s) at the next meeting.

   **Action Item:** Procedure 601.0 needs to be updated
2. **Discussion: Laura Glatt & Derek Hughes - Annual Leave – HR policy 6 – Proposed Policy Change 6.4 & 6.9**

**NDUS Policy 6.9**

- “Accrued annual leave for employees previously employed with other North Dakota institutions or agencies may be transferred to institutions under the State Board of Higher Education according to agreements between the employee and institution. If re-employment occurs **within one three calendar years**, the re-employing institution shall credit the employee with prior years of service from any state agency in computing the annual leave accrual rate.”

**Notes:**

- “Thanks Laura, Did you know that our admin rules changed to allow employees who leave and are rehired within **3 years** to be credited with previous years of service for annual leave accrual rate. We made the change from one year to three years effective July 1, 2008. Thanks for your input.”
  - Laurie Sterioli Hammeren, Director ND Human Resource Management Services

**Discussion:** Was there legislation that prompted the change? Laura did not know. Is HR policy 7.7 on transferring sick leave also affected? Since the employing campus is not required to accept the sick leave balance, the group felt policy 7.7 was not affected. Diane and Colette asked if there was a compelling reason to consider changing the policy and if it’s Higher Ed’s goal to be the same as the state? Laura said that it would be good to be aligned with the state as much as possible unless there was a compelling reason to be different. Colette said that she would be more apt to give credit for annual leave to someone with direct higher ed experience rather than indirect (state) experience. She also stated that campuses have the flexibility now to negotiate a higher rate of annual leave. Diane mentioned that there is a greater fiscal liability for any increase in the credit.

The group reached a consensus that no change is needed at this time.

**NDUS Policy 6.4**

- Presidents, executive deans, provosts, vice presidents, positions excluded from the broadbanding system, and other positions approved by the president or chancellor at the time of hire are entitled to **ACCRUE** a minimum of twelve working days and a maximum of twenty-four working days of annual leave each year to be taken at the convenience of the administration. Accrual rates for these employees are determined by the institution president or chancellor.

**Discussion:** Derek stated that the word “accrue” is currently missing from NDUS policy 6.4. Joann Kitchens made a motion to add the word to the policy. The motion was seconded by Colette Erickson. The motion passed.

3. **Discussion: Laura Glatt – SBHE Policy 305.1 College and University Presidents’ Authority and Responsibilities**

Review policy 305.1, specifically 305.1.3.d:

- “Approve all personnel actions, except the award or change in tenure status, involving all faculty members and other institution employees.”

**Discussion:** Laura told the group that this topic came up during the discussion about the upcoming manager self service/workflow project for ConnectND. The need to review the policy was made more prevalent because of electronic workflow and questions by a President about whether they needed to approve all changes. Laura asked if the policy should be updated to reflect the fact that many of the presidents already delegate the authority to approve personnel actions.

Rita Lindgren made a motion for HRC to recommend adding the following sentence to SBHE policy 305.1.3: “**The president may delegate this authority.**” The motion was seconded by Wes Matthews. The motion passed.
4. **Discussion: Laura Glatt – Faculty Sick Leave (Update)**

“Cynthia provided a policy draft to the Chancellor this morning, for his consideration, based on previous directives. He will be reviewing it to determine whether it is consistent with his intent, and deciding how to proceed. Nothing specific to share until it has his review and direction.”

-Laura Glatt – 01/09/2012

**Discussion:** Derek asked if there was any update from the 1/9/12 correspondence. Cyndi said a tentative meeting with the Chancellor is scheduled for Wednesday, January 18th.

**Action Item:** The topic was tabled and will be included on the agenda at the next meeting.

5. **Discussion: Cynthia Wagner Goulet & Tricia Johnson– Overtime & Call-Back Pay– NDUS Policy 12.3**

“The reason for this recommendation is that NDUS opens itself up to paying overtime when not required to and possible abuse by employees. In essence, an employee would not be able to earn overtime if annual leave, sick leave, official closings, and holidays are used/given during a work week.”

-Cory Wigdahl, ND State Auditor’s Office, College and University Audit Section

**Current NDUS Human Resource Policy 12.3:**

“In establishing a forty-hour work week, annual leave, sick leave, official closings and holidays shall be counted as hours worked.”

**Reference:**

**NDCC 34-06-04.1**

“The state or a political subdivision of the state may provide for compensatory time and for a work period for compensatory time and overtime calculation for its employees if the state or political subdivision complies with the requirements of the Fair Labor Standards Act of 1938, as amended, [Pub. L. 75-718; 52 Stat. 1060; 29 U.S.C. 201 et seq.] and any rules and interpretations adopted by the United States department of labor.”

**DOL Fact Sheet - The Fair Labor Standards Act (FLSA) of 1938**

“...it does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, as such.”

**Current NDUS Human Resource Policy 12.6:**

“An employee not at work or on duty and called back for emergency service shall receive compensation in accordance with the institutional agreement in effect or at the rate of time-and-one-half. Guaranteed minimum pay for call-back to a work site when required is two hours at time-and-one-half and guaranteed minimum pay for call-back when return to the work site is not required, for example, when services are provided from home by telephone, is fifteen minutes at time-and-one-half.”

How are other campuses administering HR Policy 12.6? How often is it used, how is it tracked/paid in HRMS? Do they count call back as hours worked toward a 40.0 hour work week or keep the hours as a separate entity?

-Tricia Johnson, NDSU

**Discussion:** Some campuses include vacation/sick, holiday and official closure hours in the calculation of overtime while other campuses do not. Some supported the auditor’s recommendation to discontinue this practice while other campuses have major concerns about the potential recourse a change like this could bring. From a change management perspective, it was the group’s consensus there was not enough time to
successfully manage a change of this magnitude. Therefore, the group wanted to table the discussion so they could go back and discuss it with campus presidents and supervisors; however; Laura reminded the group that responses to the audit were due in the System Office on January 23rd. She said there are at least three response options: 1.) agree and proceed with the policy change; 2.) disagree and providing compelling argument; 3.) indicated a review will be completed by a certain date.

Derek set up a conference call for HRC members for Wednesday, February 8 at 9:00am to discuss HRC’s recommendation to the audit. Wes Matthews volunteered to contact the state’s HR department to get more information. Derek Hughes and Joanne Kitchens volunteered to contact the state auditor’s office to ask for clarification of the auditor’s recommendation.

Final Response to Auditors:

**Partially agree. The NDUS will amend the policy to re-enforce the requirement that supervisory approval is required prior to working overtime, while taking into account other leave. The NDUS is in compliance with the minimum FLSA requirements, and has structured its current policy to meet employee recruitment and retention and operational needs. A review of this management decision and practice, along with recommendations for change, if any, will be completed by June 30, 2012.**

6. **Discussion: Derek Hughes & Joann Kitchens – Leave time – Need for reform?**

**Joann’s Issue**

“I would like to visit with everyone re: possible changes down the road to vacation/sick schedule as more employees work at home. For LRSC, this is especially becoming an item for faculty sick leave. We have some benefitted faculty who are strictly online faculty. They don’t really need sick leave (unless they would be seriously ill for a period of time).”

-Joann Kitchens – Lake Region State College

**Discussion:** Joann said that she didn’t expect any decisions or changes to be made. She just wanted to open it up as a topic of discussion. She said that equity issues can result from telecommuting/working remotely.

**Derek’s Issue**

A new employee started in November and is already pregnant - due in May. Here’s what she can’t do:

- She does not qualify for FMLA
- She does not qualify for the AFLAC Short-Term Disability
  - Have to be enrolled for 10 months in order to receive payouts
- She has very little time to accrue sick/annual leave
- She does not qualify for donated leave because it is normal pregnancy

What do I do so I can keep this employee who can’t afford 6-8 weeks of unpaid time?

A few options I’ve thought of, though I’m not a fan:

- If the supervisor and VP approve she could get an advance on her leave and go in the negative.
- If we can accommodate the work she could work from home over her leave to keep some pay.

1. Have we ever discussed a salary continuation plan for staff?
   - Most of our employees on leave have been new or newer and unable to fund their leave. Also, they are left with little time for their new family after the leave due to zeroed-out balances.
   - My concern (albeit liberal) is that we are allowing our younger workforce to slip through the cracks, and they are primarily the only ones actively seeking employment right now. As the boomer workforce retires I think this could pose a retention issue for us in the future.
Discussion: Wes said that the policy must be followed. Granting sick leave in advance could be considered if the department agreed to it. The employee should be asked to sign an agreement acknowledging the liability and it must be paid back if the employee does not return to work. At this time, the HRC is not in consensus there is a need for change to the policy.

7. Discussion: Collette Erickson – Job Family for Librarians
“I would like to have a discussion on the job family for Librarians.”
- Colette Erickson

Discussion: NDSU has received a request to change librarian positions to non-tenured faculty rank. The support for this change is that this is common in other parts of the country and NDSU has the support from Academic Affairs. She asked if a 2000 job band for librarians could be created. The group agreed that NDSU could create a new job family and job code.

8. Discussion: Derek Hughes – Compensation Report Changes
“Please see the attached memo from SBHE President Grant Shaft, regarding the decision that has been made to not prepare a formal compensation report. As President Shaft indicates, our office will update regional and national salary comparisons, and this will be shared with you when complete. This will not require the work of the committee that you previously agreed to work on, but I want to thank you for agreeing to participate.”
- Cathy McDonald

Discussion: HRC members who have been involved in the report development in the past also questioned the usefulness of the report, noting that legislators and others paid little attention to it. They agreed that it is important to maintain the hard data in the tables.

9. HR Policy 22.7 for FLMA needs to be updated to 80 hours of dependent sick leave. Diane Nelson made a motion to update the policy. Steve Benson seconded the motion. The motion carried.


11. Diane reminded the group that the NDUS staff senate has its own listserv and anyone can sign up for it by contacting cindy.rerick@lrsc.edu.

The meeting adjourned at 5:00pm.