AGENDA
Human Resources Council
North Dakota University System (NDUS)  

Dakota College Bottineau
Alumni Conference Room (upstairs Thatcher Hall)
Wednesday & Thursday, April 18-19, 2012
12:30–5:00PM, 8:00 AM – 12:00 PM (respectively)

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

Anne Bergeron introduced Kara Bowen to the group. Kara has been hired as the Director of Financial Affairs at Dakota College at Bottineau.

Past Business
1. Follow-up: New veterans’ preference legislation – Cynthia Wagner Goulet and Derek Hughes
   Action Items:
   • 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

The prior meeting minutes concluded that each campus would share what number they decided upon for the prescribed number of applicants. Many responded that they had not made a definite decision yet. UND stated no less than two applicants while MiSU responded that they were thinking about using three applicants as the default. NDSCS stated that it depended upon the screening criteria and the number may vary for each position.

Cynthia led the discussion about the proposed amendments to NDUS procedure 601.0 on Veteran’s Preference. She mentioned that she has been working with the state’s assistant attorney general on the amendments and that she had a meeting scheduled for Friday with NDSU, UND and NDUS legal counsel. Diane asked for clarification concerning the second paragraph in the procedure that states “the veteran’s preference law does not apply to positions being filled through an internal recruitment process or to an employee of a state institution who is applying for a job at another state institution”. Cynthia said she would consult with the other attorneys about the question at their upcoming meeting.

Diane asked a question concerning the Screening Criteria section of the procedure. She thought numbers 4 and 5 were inconsistent pertaining to the 100 point scale. Cynthia agreed there was a conflict and a change was made.
Derek called for a motion to approve the amendments to procedure 601.0 with the exception of the questions to be discussed by the legal team. Steve Benson made a motion to accept the amendments. The motion was seconded by Wes Matthews. The vote was unanimous to accept the amendments.

2. Follow-up: Derek Hughes - Annual Leave – HR policy 6 – Proposed Policy Change (January 2012) and FMLA – HR Policy 22.7 – Proposed Policy Change (March 2011) NDUS Policy 6.4 and NDUS Policy 22.7

Cynthia provided the following update as of 03/28/2012:  
The HR Policy changes to number 6.4 and 22.7 were reviewed by the campus presidents today, and no objections or concerns were raised. The changes are, in Policy 6.4, to add the word “accrue,” as had been voted on and recommended by HRC at its January, 2012, meeting; to add “compensatory time” to Policy 22.7, as had been voted on and approved by HRC in March, 2011; and to change the “40 hours” to “80” hours, as had been also approved by HRC at its January, 2012, meeting, and which change had been previously made to HR Policy 7.1(c). These policy changes will next be presented to the State Board at its April meeting, and should likely be agreed to.

Cynthia said policy 6.4 has updated to include the word “accrue” and policy 22.7 has been updated to include the work “compensatory” and its reference to “40 hours” is deleted so this policy is now wholly consistent with Policy 7.1(c).

The group discussed whether or not they allow employees to leave a residual balance of leave upon return from FMLA so the employee does not come back to work starting at a zero leave balance. The consensus was no.

3. SBHE Policy 305.1 College and University President’s Authority and Responsibilities – Cynthia Wagner Goulet

Cynthia reported the state board approved adding the following new section:

4) A president may delegate duties and responsibilities as necessary or appropriate.

Tabled Business

1. Faculty Sick Leave – Cynthia Wagner Goulet

Cynthia stated that the Chancellor tabled the subject indefinitely and without issuing any mandates or directives for any changes by any of the institutions in their current policies. He also communicated this to all campus presidents.

2. Overtime – NDUS Policy 12.3 – Derek Hughes

Action Items:
+ The HRC needs to reach a consensus towards the audit request by the end of the April meeting and make formal response or “undecided” response.
Response will be forwarded to the President’s group at Cabinet meeting. An “undecided” vote will not reflect positively for the capabilities and purpose of the HRC.

Derek led the discussion by reminding everyone that in Laura’s last response she cited three options which were: 1) agree with the audit recommendation; 2) do not agree with the audit recommendation; or 3) partial agreement. Derek encouraged the committee to make a consensus agreement as the HRC needed to have voice in the topic before passing forward. Derek said he is now looking at it two ways: 1) He acknowledged it costs the campus more to include all paid leave in establishing a 40 hour work week, but the additional overtime is only 1% of the total overtime eligible salaries that are paid in a fiscal year. His campus (VCSU) finds the data supports “no change” to the current policy as employee morale would suffer if any change were to be adopted. 2) At most the changes should only be allowed to affect the time that is within the employee’s discretion (not holiday and closure).

Anne stated that Bottineau would not be affected much either way. Pat at UND suggested a compromise by including some of the paid leave in the 40 hours but not all. Gail at DSU stated on their campus any change with the policy would have a negative effect. Joy at UND was in favor of approving the audit recommendation. Michelle at WSC stated it would have no effect. Wes at MiSU stated that the current policy works on their campus. They are fine with paying more than necessary and auditors should not dictate salary decisions. Steve at MaSU said it would be the 24 hour departments that would be affected by any change. Any change would put additional burden on those employees and he was not in favor of changing the current policy. Ann at NDSCS said their campus wants to stay with their current policy. They do not include holiday or closure pay in establishing a 40 hour work week. Joann at Lake Region said they could go either way. Carla at BSC said that they include paid leave when establishing a 40 hour work week if it is approved by the supervisor. She stated they want to keep the current policy because it only impacts their dining service and facilities departments.

Derek asked Wes to draft a proposal and they would consider it during tomorrow’s meeting. After further discussion, the following edit for policy 12.3 was voted on:

*In establishing a forty-hour work week, paid leave, compensatory time, official closings, and holidays shall be counted as hours worked. However, paid leave and compensatory time may not cause overtime.*

The support for this proposal is:

- A “forty-hour work week” is a week which does not include overtime. In such cases paid leave, compensatory time, official closings, and holidays exist as benefits to maintain the standard wage for which the employee is entitled.
- While intended to maintain the standard wage, paid leave is not intended to create a paycheck over and above the standard wage.
- Compensatory time exists only as a result of overtime in a previous workweek. As it is already the result of the time-and-one-half factor for overtime, it is not logical that it would be counted again as overtime.
- Both paid leave and compensatory time are taken at the request of the employee and with the approval of the supervisor. Work performed during official closings and holidays does not involve the request of the employee; it is at the unilateral direction of the employer due to business necessity such as 24/7 operations.
As official closings and holidays would be paid to an employee not otherwise required to work, the NDUS would allow these hours to be computed with other actual hours worked. When this creates overtime, the NDUS accepts the payment of overtime as a premium for the work performed above and beyond that of other employees.

- For example, in some cases an employee may be paid a shift differential for working a swing or midnight shift. The work is the same as that of other employees on the day shift, but the differential is paid as a premium to offset the non-standard work hours. In the same way work performed during closings and holidays that adds up to overtime will be paid on that basis. This additional pay serves as a premium to offset the loss of time-off during the closing or the holiday.

**New Business**

1. NDPERS Update – Affordable Health Care Act & Legislative Updates – S Barb Collins

- Discussed Affordable Care Act’s (ACA) Shared Responsibility rules, including options for staying compliant and avoiding penalties. This involves changing NDPERS’ definition of FTE to match ACA’s definition.

- The increase in health insurance premiums for the 2013 – 2015 biennium is projected to be in the double digits, approximately 18%. This is based on a trend analysis that shows claims for NDPERS are greater than Blue Cross/Blue Shield’s overall claims level.

- Upcoming decisions to be made for health insurance include considering a 2 year or 6 year bid, plan to keep or not keep the Grandfathered status, and a proposal to phase out Pre-Medicare insurance.

- Review of PERS retirement plan and how proposed increases of 2% in each year of 2012, 2013, 2014 and 2015 are projected to help stabilize the plan.

2. Sick Leave – NDUS Policy 7 – Wes Matthews and Anne Bergeron

Anne asked about the first sentence in 7.1c: “The employee wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health or well-being.” How do you define well-being?

The group discussed examples of “well-being” but declined to define it in policy at this time.


Wes informed the group that he had submitted a ticket to the CND HR team to consider writing an interface to load annual market data into PeopleSoft’s Matrices and Job Code Table. He provided a list of data fields that would be included in a spreadsheet and then loaded into PeopleSoft to keep the market data updated on an annual basis.
Action Item for next meeting: Campuses are to review the PeopleSoft manual on creating a Matrix and a Job Code Table. Also review the data fields that could be included in an interface. Review data at the next HRC meeting.

4. Funeral Leave – NDUS Policy 20.1 – Derek Hughes
Discussion Items:
+ “...may be provided to an employee to attend or make arrangements for a funeral...”
  + Precludes planning for memorial service if funeral cannot occur until spring.
  + Precludes anyone who has a family gathering because the loved-one did not want a funeral.
+ Interpretation for in-laws? Only those listed, or are we permitting others? Do we need to update?
  + Have run into isolated incidents on my campus.

The group discussed the pros and cons of updating the policy to state “bereavement” leave instead of “funeral”. After further discussion the group decided their current interpretation and application of the policy is very liberal thus no changes are necessary at this time.

5. Exit Survey – Link in PeopleSoft HRMS Self Service – Karin Stinar

Karin cited a recent campus audit that recommended the exit interview for all departures be an electronic process, eliminating the manual process. Karin asked the campuses if there was any interest in adding a link in Employee Self Service to the on-line exit survey. Most responded positively. Karin said she would add it to HR’s list and it will be prioritized within the project list.

6. Respectful workplace policy – Colette Erickson

Colette asked for feedback regarding her first draft of the respectful workplace policy. Diane said that a statement was added to their Code of Conduct policy. There are challenges to where such a policy should reside and who/what office should handle the situations. Colette said the HR office will not handle these situations. Gayle said that they are adding language in their Code of Conduct statement. Wes and Colette agreed that it works best to hire someone from the outside to listen to these situations. UND has a 3-person board to handle them and they have all had harassment training. Teri asked what kind of behavior falls into this area. Wes said it depends and that’s the “million dollar” question. Diane said that it usually is not just one behavior but several or a series. Colette added that it sometimes involves “power struggle”. The behaviors can be covert, sneaky, and very difficult to resolve. One question to ask is if the complaint is based on any behavior that is illegal. Diane suggested using the Board’s Code of Conduct policy and then add campus-specific language.

The committee reached a consensus that respectful workplace behaviors could be addressed within the Code of Conduct, but that the system should have a unified Code of Conduct. Derek asked for volunteers for a subcommittee to create this system document. Colette volunteered as chairperson. Joy, Gail, and Kara also volunteered.

Annual Policies were also identified as being inconsistent system wide and that it would be nice to have all the disclosures housed in one electronic tracked system. The Annual Policy subcommittee includes: Joy as chairperson, Derek, Becky and Ann. For software, Jerry Rostad, System Information Technology
Services, can be consulted regarding Moodle and Blackboard. Derek volunteered to research electronic options.

7. Inside Higher Ed – Derek Hughes

Laura sent an email asking if there was any interest in discussing Inside Higher Ed. It has been discussed in the past and there was no interest in discussing it at this time.

8. Sick Leave & Dependent Leave to include In-laws – Derek Hughes

ND Century Code 54-52.4-03: “Use of other available leave for care of parent, spouse, or child.”
The group will respond by saying they cannot support any additions at this time due to the current policy in ND Century Code.

9. Staff Representation - Gail Ebeltoft and Chris Henninger

Gail asked if a member of the NDUS staff senate would be a more logical representative on the HRC. Chris said that it was somewhat difficult to understand her role and what her involvement should be. She agrees with Gail that a staff senator might be a better fit. Colette suggested we keep our current 2-year and 4-year campus reps but add another representative from staff senate.

Gail made a motion to ask a staff senate member to participate in HRC as a non-voting member. The vote passed unanimously.

10. ND Legislature Leave – Diane Nelson

A question was asked from a department about an employee who is running for elected office and what the department should do if that person is elected. The time absent from work could cause a hardship for the department. Do they use annual leave? The consensus was yes, annual leave could be used. Also, depending on how much of a time commitment it is, leave without pay could be considered.

11. Email bounce back – Teri Thorsen

Teri reported that campuses have reported to ConnectND that emails are being sent to undeliverable addresses. She stated that it isn’t clear whose responsibility it is to maintain the email address, ConnectND or campus HR offices or campus IT departments. ConnectND is looking at creating an automated process however we do not know how big of a problem it is. Teri asked if anyone discovers problems, she would like to be notified and please provide examples so that we can attempt to find a pattern or where the problem is originating from.

Other Business

1. Pat Hanson asked if other campuses create email addresses for short-term employees. UND’s IT department told her that it’s not worth the effort to create the email address but Pat is concerned about it because these people are not receiving any communications from the campus.
2. Diane Nelson announced that since Pat will be taking over her position, there needs to be another 4-year representative appointed to HRC. A representative will be assigned from NDSU. NDSCS is next to appoint a new 2-year representative.

3. Ann McGray asked about shared leave and what determines extraordinary or severe. Wes said it depends on the doctor’s opinion. Surgery normally meets the definition of “serious”. Ann then asked if past use of sick/annual leave could be used as a factor for determining approval of the shared leave request. Diane said any abuse of sick/annual leave has to be documented in order to use it.

4. Anne Bergeron was thanked for making the meeting arrangements in Bottineau.

The meeting adjourned at 11:45am.