Attendees:

NDSU: Jill Spacek, Colette Erickson, Tricia Johnson, Brittnee Steckler
WSC: Michelle Remus, Jame Rehak
UND: Joy Johnson, Pat Hanson
LRSC: Joann Kitchens, Sandi Lillehaugen, Becky Lang
NDUS: Laura Glatt, Kirsten Franzen
NDUS SITS: Jane Grinde, Jane Grinde
BSC: Rita Lindgren, Carla Sivesind
DSU: Gail Ebeltoft
MaSU: Noah Fischer, Karen Amundson
DCB: Kara Bowen
NDSCS: Ann Heideman
MiSU: Wes Matthews
VCSU: Jennifer Larson

Approval of Minutes – The minutes from the May 2013 meeting were approved.

Old Business

1. Update on ADP as Flexible Spending services provider (Wes).

Wes reported that some of the campuses visited with ADP and Aflac. The Aflac representative stated that there is no penalty if any campus wants to stop using Aflac. Minot State University, System Office, University of North Dakota, Valley City State University, and possibly Williston State College will be going with ADP. Campuses will not be able to use PERS on-line to enroll in ADP. They must use their own site for enrollment. Face-to-face presentations from ADP are possible.

Campuses remaining with Aflac are: Mayville State University, Dickinson State University, and Lake Region State College. Campuses remaining with Discovery Benefits are: North Dakota State University and NDUS System Information Technology Services. Remaining self-administered are: Bismarck State College and ND State College of Science. Enrollments into PS will be manual for those campuses with ADP, Aflac or self-administered (there is an interface for Discovery Benefits). Karin will check with the State to see if there’s an interface for ADP.

2. Update on AppliTrak job application (Pat).

Pat reported that campuses are at various points of implementation. As of September 6th, there are six campuses signed up for Applitrack: ND State School of Science and Valley City State University are live; the University of North Dakota, Minot State University, Bismarck State College and Lake Region State College are not live yet. Ann H. reported that the system is very easy. Pat said that implementation has been time-consuming and would have devoted more resources to it had she known. But she stated that AppliTrack personnel have been very responsive and good to work with. Jennifer said one applicant had trouble printing out the application. The system is very low cost however training is expensive. Very
few customers take part in formal training because the system is very intuitive. AppliTrack has the flexibility to be campus-specific.

3. Update on Background Check vendor (Pat).

Pat distributed a report with a comparison of Castlebranch and Sterling InfoSystems. Sterling can provide a faster turn-around time because they have a software link to the court system and they are a 24-hour system. An Evite message is sent to the applicant with a link and then the applicant submits their information on-line. Many times employers can get a response back overnight. If a longer response time is needed, it could mean that a criminal record was found. Colette asked if Evite is typically used instead of paper and Pat said yes. Sterling bills on a monthly basis. Background checks are monitored on-line by HR staff because there is not a notification when a background check is complete. There is a seven year retention period for auditing purposes. The ability to download data to an excel spreadsheet is available. Joanne asked if other campuses find much with a background check that prevents hiring someone. A few responded that the background check did reveal information that prevented the hiring of an applicant.

The topic is to remain on the agenda for future updates.

4. Update on Defense of Marriage Act (DOMA) (Colette).

Section 3 of DOMA was ruled unconstitutional by the Supreme Court on June 26, 2013. Brittnee asked if there should be system-wide standard response since same sex marriage is not recognized in North Dakota. She reported that she has been asked the question. Kirsten said she contacted Sparb Collins at PERS and the response was that employees and campuses were to contact PERS with questions. Colette said that PERS is not responding to requests.

New Business

1. CompData presentation (Colette/Joy).

CompData is a national salary survey company being considered by some campuses for inclusion into their market data process. Pete from CompData gave the presentation. The website is: compdatasurveys.com.

New functionality for 2013, CompData created an industry-specific survey for Colleges and Universities. They had 430 participants in the first year which was considered a very good start. Many more participants committed to report for 2014. The system offers things that CUPA does not, such as: delivered and custom reports; categories of Higher Ed staff, faculty and cross-industry (non-higher ed specific titles.) In the Staff and Faculty suites, users have the ability to look at data regionally and nationally. The cross-industry data is regional only (reason being there’s normally no interest is what an accountant is making in California). The system can be purchased system-wide @ $200 per license. Each user is a separate license. It would be approximately $5500 for a system-wide implementation versus $1400 for each institution. In the future, this survey will likely replace the CUPA survey as currently it is comparable to CUPA. Jame asked of the current participants (430), what was the spread regionally? Pete said the Northeast and Northwest had the highest participation.
Wes said that for the past 20 years NDUS campuses have been using salary surveys to set compensation rates. Several surveys are used for faculty and staff. CompData is a new option. Joy said that CUPA is expanding. Colette said CUPA charges separately for faculty, staff, exempt, and non-exempt categories.


This topic concerns cost of living indexes and to discuss various campus approaches in the salary administration process. Ann stated that she is finding some of the data used to set compensation rates has been difficult to defend when an employee questions their market rate. She asked what others use for a cost of living index. Joy Johnson stated she distributes it to all the campuses. She said it follows the U.S. Bureau of Labor Statistics. Historically campuses take the date from November and age it. It is based on the national inflation rate however in recent years it has been found not to be very applicable for campuses in the western part of North Dakota.

Discussion continued about stipends for faculty such as a department chair. There is a wide range among the campuses for the use and the amount of stipends. NDSU stated that their structure for the stipend is too complex and difficult to administer. Stipends can also vary by department size.

Ann asked about market ranges. NDSU and UND do not use a range; they use a weighted average market rate. Factors to include: performance and years of experience. BSC stated that the median needs to be a guide, it is not set in stone. Kirsten said members of the Board are very interested in this subject and are conducting a compensation study. Wes said there is a State Board of Compensation report, which is typically only for staff, for the NDUS. Typically if one employee is further away from market salary than another, the one with the lower salary will get a higher increase. However with a percentage set for an increase, an inequity might always exist.

3. NDUS HR policy 4.1, Probationary Period. (Wes)

The first sentence of NDUS HR Policy 4.1 currently states: “New employees are in a probationary status until a satisfactory evaluation is completed prior to the end of the initial six months of employment.” Wes said that in his opinion either the policy needs to be restated or everyone’s interpretation needs to change. Many remarked that they like the current policy because it allows for flexibility. Colette said that in the OMB HR Policy manual it is more clearly stated that the initial probation period is six months. Wes asked if anyone was interested in changing the typical six month probation period. Noah responded yes because they would support letting someone go earlier if things aren’t working out. Ann also responded yes because she can site many cases of satisfactory work performance that supports an earlier (than six months) probationary increase. She thought it could also be a way to help keep a high performer from leaving. Wes suggested editing the policy to a “minimum of three months, maximum of six months” however this was not acceptable because it was against state policy and leave sharing is contingent on the probationary period.

Kirsten recommended rewriting the policy because the current one is not clear. Wes asked if there was a motion to edit the first sentence of the policy to include six month probation period. The motion was made by Joanne and seconded by Gail. There was no further discussion and the motion passed. Kirsten volunteered to draft a policy and present it later.
Current NDUS HR Policy:

4.1 New employees are in a probationary status until a satisfactory evaluation is completed prior to the end of the initial six months of employment. During such period, the employee may be terminated with one week's notice with no right to appeal. One week's pay may be given in lieu of notice. Employees who elect to resign during the probationary period are requested to give one week's notice. Employees not in probationary status who are promoted or transferred to another staff employee position at the same institution or agency are not subject to a probationary period for the new position.

4.1.1 The original probationary period may be extended for a specific period of time not to exceed six months upon recommendation by the supervisor to the appropriate campus official. The reasons for the extension shall be in writing, signed by the supervisor, and a copy given to the employee and the appropriate campus official.

Kristen’s draft:

4.1 Subject to the terms of this policy, the first six months of employment or reinstatement for any individual hired into a broadbanded position will be a probationary period. During such period, the employee may be terminated with one week's notice with no right to appeal. One week's pay may be given in lieu of notice. Employees who elect to resign during the probationary period are requested to give one week's notice. Employees not in probationary status who are promoted or transferred to another staff employee position at the same institution or who are transferring between System Office positions are not subject to a probationary period for the new position.

4.1.1 The duration of the initial probationary period must be six months. The probationary period may be extended at the employer’s discretion; however, the probationary period may not exceed one year. The reasons for the extension shall be in writing with a copy given to the employee.

The topic will be added to the agenda for December’s meeting.

4. NDUS HR policy 5.1.2, Probationary Adjustments. (Wes)

“Probationary Adjustments - Upon successful completion of the initial probation period, an employee may be eligible for a salary adjustment up to five percent. The amount of the adjustment may vary depending on such factors as performance, internal equity, and budget appropriations. An employee evaluation form must be completed before the probationary adjustment is approved.”

Wes stated that the policy has been interpreted that any July 1 increase is not allowed and that is how the web-based budgeting system has been setup. Laura stated that the language comes from the legislature. When the legislature appropriates money, the legislative intent is to limit any increases due to status of probation. Wes said that he supports a market increase because a market rate could change between January and July and a market increase may not be identified until after employees have been hired during that period. Kirsten suggested to respect the legislative intent with the legislated portion of the budget but consider supporting a July 1 market increase using a different source of funding for the increase. Laura said that we need to do more research before pursuing it any further.

5. NDUS HR policy 20, Leave. (Colette)
Colette asked if edits are needed for NDUS HR policy 20 due to the recent amendments to policies 6, 7, and 12 for annual leave, sick leave and overtime.

Policy 20 includes funeral leave, jury duty, military leave, institutional closures, conference or convention leave, leave sharing and Honor Guard leave. Kirsten asked if policy 12.3 doesn’t already take care of it and having it in policy 20 seems to be unnecessary duplication. Her broader question was why is there a separate HR policy manual. Wes stated it was because of the separation between faculty and staff and it was created when the NDUS separated from state HRMS. Joy suggested changing the title from “Leave” to “Other Paid Leave”.

Wes asked for a motion to edit policy 20 so that it has integrity with policy 12. Colette made the motion and it was seconded by Pat. The motion passed. Wes asked Colette and Tricia to work on the language and present it at the December meeting.

6. Overtime/Annual Leave. (Wes)

Due to the July 1st changes in NDUS HR Policies 6 & 7, discussion occurred during the June meeting of the HR users group about the application of the policies. Some question whether the calculation and payout of overtime and annual leave is a policy or a process. One issue is the 240 hour cap on accrued annual leave. If annual leave taken is reduced due to hours worked in the same week, some employees could get into a situation where they would lose annual leave at the end of the year. Should policy 6.3.1 be edited so the campus president can authorize payout of annual leave based on work necessity? Gail said they have employees begging to work overtime so they can afford to pay rent and the new policies have created a bigger strain on their campus. Tricia asked if annual leave is reduced due to overtime worked the same week, isn’t there a concern if the employee isn’t at work and it’s not documented? Colette’s main concern is getting the work done.

The discussion was tabled for campuses to go back and discuss it with their Vice President’s and possibly ask Laura to speak about it at Administrative Affairs.

7. Tracking Overtime and Compensatory Time (Noah)

Noah had questions about tracking and paying compensatory time. Most campuses have a date or time period when comp time has to be used or paid out.

8. Interview Procedures (Noah)

Noah had questions about screening and interview processes. HR serves as an advisor to departments but if process/procedure is not followed it goes to the Vice President or it becomes an audit concern.

9. Use of sign-on bonuses when hiring (Gail)

Gail asked Kirsten if they can offer sign-on bonuses. Kirsten said it’s okay as long as the institution doesn’t get anything out of it. Kirsten said that if something can be offered in order to entice someone to work for you, she thinks it is fine but is reviewing Century Code. It would be a good idea to offer it after six months of work. There needs to be stipulations. Rita said that BSC offers sign-on bonuses for $500 and it’s a one-time payment after six months of employment. They talked to Laura and she said it was okay.
10. Staff Development Funds (Gail)

The budget for staff development is in addition to the tuition waiver. She is wondering if anyone else has policy or procedure for use of staff development funds? Wes said yes and can provide more information to Gail. Pat said they also have a process that she can share with the group.

11. Electing a new HRC Secretary (Wes)

Wes asked for nominations or volunteers to serve as secretary of HRC for a one year term. Rita Lindgren volunteered for the position.

12. Drug and Alcohol Testing Policy (Joann)

Lake Region is working on a drug testing policy and asked if there was interest in a system-wide policy. Rita said they have a draft based on DOT’s policy. At this point it is for safety-sensitive positions only but it probably needs to be for all positions to be fair. Kirsten cautioned that any issues have to be treated as a performance issue not as a drug or alcohol problem. She acknowledged that there are times when only dealing with the performance issue isn’t practical (if an employee is drunk at work) but to use discretion. It’s situational and a faculty member would be treated differently than an employee who operates machinery. Colette asked if the employer is allowed to send someone to EAP. Kirsten says there is a Fitness for Duty policy and procedure. Managers have to be diligent about documenting everything. Joann said they would share their draft policy but it is not final yet.

13. Immigration Issues (Jennifer)

Jennifer asked questions regarding F-1 visa employees on occupational practical training (OPT) as temporary employees and immigration processes for new employees (obtaining H-1B visas and permanent resident status). She expressed concern because it costs more to do one after the other. Wes said they follow the guidance from their campus specialists on international affairs. Sometimes there is risk by applying for one and hope it’s issued in time but if they find that’s not happening it becomes necessary to pay extra to expedite a different work authorization. There is always a risk of the employee leaving after they get their green card. Kirsten cautioned that immigration law is complex and state appropriated funds cannot be used for immigration authorizations.

F-1 visas are for student employees to be authorized to work for 20 hours or less. After they graduate they can go on F-1/OPT to be employed for one year or 18 months in their field of study. They also need to be issued an EAD card.

14. NDUS HR Policy 2 (Colette)

Colette asked if employees could be offered benefits if they held F1 OPT visas. Both Wes and Pat said yes. There are exceptions for those who are originally hired as temporary.

Future Meetings:

- December 3 and 4: Lake Region State College
- March 11 and 12: University of North Dakota
- June 11 and 12: Bismarck State College