NDUS Human Resource Council (HRC) Minutes
May 20-21, 2015
North Dakota State University – Harry D. McGovern Alumni center, Reimers Room
1241 N University Drive, Fargo ND
Start time 1 pm – May 20
Start Time 8 am – May 21

Attended

BSC  Rita Lindgren, Angie Friez
DCB  Laura Pfeifer
DSU
LRSC  Sandi Lillehaugen, Beck Lang
MaSU  Noah Fischer, Karen Amundson
MiSU  Wes Matthews, Jessica Smestad
NDSCS  Ann McGray
NDSU  Colette Erickson, Brittnee Nikle, Jill Spacek, Tricia Johnson
NDUS  Laura Glatt, Cynthia Wagner Goulet, Murray Sagsveen
NDUS-CTS  Terri Thorsen, Jane Grinde
UND  Pat Hanson, Joy Johnson
VCSU  Jennifer Larson
WSC  Michelle Remus, Jamie Rehak

Unable to Attend – Carla Sivesind (NDUS Staff Senate Rep), Gail Ebeltoft (DSU), Donna Smith (UND)

Call to Order

Roll Call

Approval of Minutes – Lillehaugen moved and Hanson seconded to approve the March 3-4, 2015 minutes. Motion carried.

New Business

SBHE Policy 918 Alcoholic Beverages (Sagsveen)
Sagsveen said changes to the new SBHE policy regarding alcohol on campuses—amendments to the policy because of requests from campuses. The change would permit alcoholic beverages on campus with Presidential approval. The policy continues to prohibit the use of appropriated funds for purchase of alcoholic beverages except for authorized training or educational purposes. He said the provision which currently states: “employees of the Board or its institutions shall not come to work or be at work, during normal work hours or other times when required to be at work, while under the influence of alcoholic beverages or as a result of the unlawful use of a controlled substance.” Was removed from 918 as it is better located in an HR policy. Discussed NDUS HR Policy 25 and agreed the language that already existed was sufficient and additional language regarding alcohol use was not necessary.

NDUS Legal – Transition to Attorney General
Sagsveen reported on the transition of the legal staff from the NDUS to the AG’s Office. He said there are currently 8 FT attorneys working in the NDUS and two support staff. The legislature added 6 FT attorney positions to the Attorney General’s Office. Current NDUS staff would have to competitively apply for the positons in the AG’s Office, thus the NDUS has issued termination notices to all legal staff effective July 31, 2015; however, their special AG appointment will terminate on June 30.  Sagsveen will
be working with AG office in coordinating the transfer of active cases. Sagsveen will be on staff until July 31.

If there are ongoing issues, HR members are to let Murray know so the transition of active cases can move as smooth as possible. Murray indicated they are asking the AGs office to take those cases now, so there is overlap with the transition to ensure things are covered.

A question was raised as to whether NDUS institutions each be charged for legal counsel? Sagsveen said the AG’s appropriation bill provides for a certain amount of assessment. It has not yet been determined whether additional amounts will be assessed. He said the AG’s Office was also provided $700,000 to hire external legal counsel when needed. Glatt indicated the $700,000 is not enough based on past NDUS history.

Sagsveen will send additional information to the HRC next week.

**Old Business**

1. **Criminal History Background checks Policy (602.3) Update (Glatt)**
   Glatt gave an update. Academic Affairs Council raised questions about the need to duplicate a CRHC, if already completed recently by another entity (e.g. another NDUS institution, public school system, etc.) and the length of break in service which triggers a new background check. She said the policy was updated to change from 90 days to 9 months the break in service in recognition of the fact that some faculty only teach one semester per year. Regarding accepting CRHC from other entities she indicated no change was made since it would be administratively difficult to obtain and track proper documentation from others. Further, she said the SBHE faculty representative suggested the distinction between GTA and GRA’s is no longer clear and thus they should be treated the same for purposes of a CRHC. Glatt said no changes had been made to address this perspective. The revised SBHE policy will have the 2nd and final reading on June 24 with the effective date of the policy July 1, 2015. Glatt reported that the system wide RFP for a CRHC vendor is nearly complete for release. Hanson expressed concern that the background check needs to be electronic. Glatt indicated the technology requirement piece would be addressed in the RFP, and required for demonstration purposes.

2. **Employee Tuition Waiver/Tuition Assistance Update (Glatt)**
   Glatt reported that revised SBHE Policy 820 has been approved by the SBHE, effective June 1, 2015. If the employee chooses to take a course the policy limits regarding waiver/payment applies, but if the institution is requiring the employee to take a course the cost sharing can be separately set. PR people putting together a communication piece that the campuses can use to communicate change to our faculty and staff.

   New policy and procedure will be posted (new mandatory NDUS application form is required to be used by the all the institutions). Trying to find a place to put the form so they can hyperlink it in the policy/procedure. There could be some variance with the approval process for each institution, so campuses can modify the application form to reflect their unique approval process. No other modifications of the application form are permitted. This form doesn’t cover spouse/dependent waiver application. That policy will need to be examined next. Grinde stated if an employee is also a dependent, the employee tuition waiver/assistance will apply.

3. **NDUS HR Policy 5, Pay Policy Update (Matthews)**
   Still on the attorney’s agenda, hopefully will be done by June 30, 2015.
4. **Nepotism (SBHE Policy 603.3 and NDUS HR Policy 13) Update (Matthews)**
   Bringing HR policy 13 in align (should have the same definition of immediate family) with Board policy. The approved recommended changes have been forwarded to the NDUS general counsel for consultation and forwarding to the SBHE for final approval.

5. **NDUS HR Policy 2, Appointments (UND/NDSU) (Matthews)**
   Moving forward with recommended revisions to definitions and updates regarding the Affordable Care Act (ACA). The approved recommended changes have been forwarded to the NDUS general counsel for consultation and forwarding to the SBHE for final approval.

6. **NDUS HR Policy 8, Workers Compensation (Kolb/Ebeltoft) (Draft changes attached)**
   Matthews reported they updated some of the current language/vocabulary and some additional language to clarify some items. Section 8.8.1 is an addition to clarify. It was moved by Colette and seconded by Rita Lindgren to approve the revisions. Motion carried.

**New Business**

**New Legislation - Summary**

**HB 1062** – Changes to NDPERS defined benefit retirement plan – additional 1% contribution for the 4th year, did not pass. Instead–new employees hired after 1/1/16 will no longer fall under the rule of 85, it will now be the rule of 90. Average of the final 5 years of salary, not the final three years as with the rule of 85.

**HB 1131** – Veteran’s Preference – effective August 1, 2015 – now includes administration and faculty positions.

**NOTE for HRC members** – If there is a fiscal note for a Bill passed it is effective July 1 and if there is not a fiscal not, it is effective August 1.

Discussion regarding the review current searches and to see where we need to be with the start date of August 1 or later. Glatt is checking with Goulet for clarification of when we need to begin the Veteran’s Preference change.

Discuss when the NDUS Veterans Preference Procedures will be updated–Glatt indicated they haven’t had time, but they will identify those and get them revised/changed.

Goulet will get clarity for at what point do we need to be concerned about Vet Pref change prior to August 1. Goulet sent this question to her colleagues. If we err, we should on the side of the spirit of the law. That would mean date of hire would control when we implement the Vet Pref change. Goulet indicated they are in the process of further review and addressing.

**HB1387/HB 1244** – Sick leave for adoption – HB 1387 grant SL and AL when there is an adoption, not just when there is actual childbirth. An employee can use up to 160 hours (4 weeks) of SL & AL for the birth or adoption of a child and they can use 480 hours of leave under this section in any twelve-month period. The 160 and the 480 hours run concurrent. These are effective August 1, 2015. HB 1244 – during the first six months, can take up to six weeks of SL. The group had questions for clarification. How do these work together?

The dependent leave changes to 480 hours for serious health condition. The 80 hours for dependent leave would remain the same for non-serious health condition. ND statute does say for the serious
health condition of a dependent. Goulet will check on this. We need to keep our policies in line with the state system.

Goulet—the group discussed the HRC has questions that may need to be transferred on to the AGs office and discussion with the state HRMS (Ken Purdy). Goulet will follow-up.

**SB1403** – Sick leave for domestic violence – includes spouse, parent child or **sibling**. These changes will need to be add to NDUS HR Policy 7. Sick Leave. Also discussed item f.— “In the discretion of the employee’s supervisor, the sick leave hours may be limited to forty hours per calendar year.” Questions—how do we document this? And, noted that this bill adds siblings.

**HB1337** - Open records – minor changes – the entity may withhold the records if there is an earlier unpaid open record request fee, if receive another request within 7 days of the first request the employer can treat the request as one. Information contained in the master personnel file of a law enforcement officer may not be disclosed to an inmate.

**HB1428** - Need for policy on harassment – each state agency, etc. shall adopt and enforce a policy on employee harassment, including sexual harassment. Etc., etc. Agreed we are compliant.

**HB 1257** – Pay equality between men and women – you can have a differential as long as you can justify/support the difference. Reminder this is important and we need to be conscious of this.

**HB 1463** – Accommodations for pregnancy – the bill added pregnancy to the employer’s discriminatory practices – no new requirements for us.

**HCR 3003** – Study of health insurance premium contribution – a mandatory study/review if state employees should be paying part of their health insurance premium.

Other legislative issues – 20 to 30 hours change regarding employee benefits and the impact this may have on the ACA. Glatt said they haven’t completed a review of all legislation yet, but she will look for that.

**Salary Administration Open Discussion**
General discussion regarding salary administration. The state received 3% for salary increases (in the range of 2% to 4%) plus some equity dollars.

**1000 Job Family (Larson)**
Some directors are in the 1000 band and some are in the 3000 band at VCSU. Does a director have to supervise a professional staff level position to be a director?

On smaller campuses, you may have director positions that don’t supervise but may oversee a major function of the institution. Each campus is different and it is the campuses decision.

As positions open, you can review the function of the position at that time and determine if the JF should be changed.

**ACA/1095 Completion plan (Hanson)**
Does anyone have any instructions or good knowledge about handling the 1095 going forward? Teri--the IRS has meetings every two weeks and they have not finalized the 1095. PeopleSoft says they will not have it until November. CTS sits in on the IRS webinars so they hear it first hand from the IRS. Process is still unfolding, will keep the HRC informed.
ACA Reimbursement Process (Erikson)
Discussion on where ACA is at in relation to OMB financial support and the reimbursement process? OMB did get funded to continue covering ACA. OMB got $5 M for the next biennium. Campuses will have to make application to OMB for funding reimbursement, as they have this biennium.

Tracking FMLA (Johnson)
In PeopleSoft, you can only track it if it is unpaid. What are campuses doing to track FMLA? Some are tracking using an Excel spreadsheet. Could we get an earnings code that could be used on the leave reports and would go to an FMLA use of SL or AL in PeopleSoft? Maybe PeopleSoft can be set up to show FMLA as paid or unpaid? Joy will ask the ConnectND Users Group if this could be developed.

Thorsen thinks FMLA accounting may be a function of Labor/Time/Management. This would be a year out. Thorsen checked and found out it is not an accounting function of LTM.

How do departments know when to put an employee on FMLA? NDSU has them turn in the FMLA request form before they begin FMLA, but typically don’t receive the medical documentation until later. You have to give the employee 15 days from the date of receiving the request to turn in the medical documentation.

AppliTrack use for Staff and Faculty positions (Larson)
VCSU uses it for staff positions. She proposed using it for faculty positions. Larson is getting questions because of the vitae for faculty positions. General discussion. NDSU uses PeopleAdmin for staff and faculty. UND uses AppliTrack for all their position openings.

Larson will contact Lillehaugen later to get examples of how they are using it.

Delta Airlines
Just about ready with the link with Delta—Thorsen—discussed when we should communicate this to employees. The group agreed on July 1.

Election of new chair and secretary (Matthews)
Secretary – Grinde volunteered (2 year term).
Chair – Lillehaugen nominated Fischer for Chair. Matthews nominated and Lillehaugen seconded nomination of Erickson for Chair.
Matthews discussed the role of the Chair.
Lillehaugen volunteered to serve as Chair (2 year term).

Future Meeting Schedule – Sandy will review
Late September ??
Look at the Cabinet and Board and Admin Affairs schedule (Kristi has the dates)
Tuesday & Wednesday, Or
Wednesday & Thursday