NDUS HRC Minutes  
Conference Call  
March 7th: 1:00 – 5:00 p.m. and March 8th: 8:15 a.m. - noon  
Call-in information: 701.328.7950 passcode: 1412030#

Attended

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<td>Guests</td>
<td>Karol Riedman</td>
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Call to Order

The meeting was called to order at 1:00 p.m. by HRC Chair Sandi Lillehaugen

Roll Call--

Approval of Agenda

Motion to approve agenda: Grinde motioned to approve, Wachtfogel seconded.  
No objections.  
Agenda Approved.

Approval of Minutes

NDSCS name change from Angie to Ann.  
Johnson asked about using ND HRMS classification system for market and why it wasn’t included in the December minutes. No one remembered, so there was a suggestion that we add it to this agenda.  
ACTION

Motion: Beggs Motion to approve minutes with recommended corrections  
Second: Hanson  
Outcome: Motion carried
Old Business
Add to old business: Discussion: using ND HRMS classification system as an option for market survey data. There were no concerns with using this as a resource.
Lindgren made a motion to use ND HRMS classification system as an option for setting salary market rates/comparisons. Wachtfogel second, discussion,
BSC utilizes HRMS pay ranges and market data to assist in setting their market and supports this motion. The information is located on the HRMS website.
No opposed.
Motion carried.

Proposed Faculty Sick Leave Policy—Karol Riedman – general discussion
The faculty sick leave taskforce provided a draft policy in January 2017. That policy went through various councils and there were objections to the fiscal responsibility attached to that policy. In response to that, there was a revised policy set forth distinguishing 12-month faculty. Since that time, there has been an additional suggestion that 12 month faculty be defined as NDSU Ag Research (only).

Lengthy discussion regarding intent of the ND state statute regarding dependent leave for state employees. Assistant Attorney General Nick Vaughn provided background and details of various discussions with councils and ND HRMS regarding the intent of the statute. A recommendation was made to remove dependent sick leave from the faculty sick leave policy. Each campus would implement procedures to manage short-term leave largely due to the fiscal responsibility attached and the different financial circumstances across campuses.
Discussion regarding the broadness of the policy and leaving too many details up to each campus regarding short term and long-term sick leave procedures. I.e. would this promote inconsistencies. Question; where is this at in the process regarding the task force? Riedman indicated that the taskforce work is completed. They will not be asked to weigh in further on the revised drafts. CCF and various NDUS councils are currently looking at the revised drafts and offering input.

Question: Historically, each council would vote or recommend their support for new policies or changes to current policies. What are councils doing regarding their support or non-support on this policy? Riedman said that this policy will move forward with input from councils and the draft may go to the SBHE Budget and Finance Committee as early as this month.

Chair Lillehaugen commented that the HRC will not take a stance on the current draft policy since we just received it today and campuses have not had time to review it.

Policy 603.3, Job applicant Background Check, Joy Johnson, UND
Suggest consistent language for criminal background procedures and policy in regards to the definition of a background check. The Attorney General’s office (Nick at NDUS and Heather at UND) provided the following opinion from 2013:

In general, records such as arrest records, investigative reports, incident reports, and records of court proceedings are not confidential. A review of these types of records is commonly referred to as conducting a “background check.” However there is a distinction between a “background check” and a “criminal history record check.” A “criminal history record check,” is a specific kind of “background check” because it is conducted only by the Bureau of Criminal Investigation, consists of searching confidential law enforcement databases, and results in a compilation of criminal history records, commonly known as a “rap sheet.” A “criminal history
record check” is confidential and a public entity may only receive this specialized records check with statutory authorization.

NDUS procedures only address the Criminal History Records Check which, according to the opinion, is a BCI check. Because campuses use an approved vendor to process the background check not all are conducted by BCI.

NDUS policy uses the appropriate language but the procedures use the CHRC or “Criminal History Record Check.”

Johnson recommended changing language in the background check procedures specific to definitions of CHRC and CHC to be consistent with the SBHE policy.

Adding a second definition for Criminal History Record Check and providing more detail for a background check or Criminal History Check. Recommendation was made to say background check, rather than Criminal History Check since that wording is so close to the more stringent check.

Johnson will send out proposed changes to the HRC and a vote will be taken.

Discussion regarding volunteers and background checks. Campuses perform background checks on volunteers working with minors once every 24 months. The intent for all other volunteers is to do a background check on them going forward.

Lillehaugen clarified the ND Database for sex offenders and that there will be no specifics shared, just risk level.

**Background Checks through Sterling**--Discuss both options and when to use $28 or $35

$35 includes locater select, which is an additional check, which checks arrest records for surrounding counties, not just the county of residence. The HRC agreed that the $28 option should be removed. Lillehaugen will call Sterling to have that option removed so that all campuses will be consistent in using the same background check.

All campuses are using Sterling as their background check vendor.

**New Business**

**Compliance, Karol Riedman**

Mandatory training timing, process and completion tracking

Consider changing the timing on mandatory training timelines and deadlines.

Proposal: Fraud and Code of Conduct is open from July 1st through March 31st, then go dark.

VCSU likes having the hard deadline of Dec 31st and Jan – March as catch up.

UND would like to have some flexibility within the timeframe, but everyone adheres to the same timeline.

Looking at a system-wide application that will assign, monitor and track compliance for training.

Fraud hotline response form was emailed out in January

Riedman will see if the 3rd party vendor can email the form along with the hotline report.
Addition of Job Families, Marc Wachtfogel, MiSU

At a 9-12/13 2007 HRC meeting, there was a discussion about the 2000 Broadband category for faculty - see “HEADCOUNT” section of minutes from that meeting: https://www.ndus.edu/uploads/resources/1853/HRC-MINUTES-9-12-07.PDF.

Several action steps were discussed and documented in the minutes as well as carried out on the website. Please note the action step listed for Minot State University which read:

“Families 2421 and 2422 will be written, and used, by (Action) MISU.”

I don’t believe this action step was every carried out and thus, we request it be added to the website as well as People Soft and Frontline as faculty title options.

A unit at MSU (North Dakota Center for Disabilities) uses these 2 job families on a regular basis and has been since the date of that meeting in 2007.

Descriptors for these two job families are listed below:

- 2421, Research Associate: appointment for campus-based employees (usually with a Master’s degree) who are specialists in educational and human service programs.
- 2422, Research Assistant: appointment for campus-based employees (usually with a Bachelor’s degree) who are specialists in educational and human service programs.

NDSU provided history that a decision was made in past years to not use the above job families. NDSU provided an optional job family—3325.

Sick Leave Policy 7.1, Sandi Lillehaugen - discussion

Lillehaugen wanted to clarify with the group regarding sick leave and maternity leave. If the employee has enough hours in their leave balance they can use more than 6 weeks of leave with required medical documentation. An additional interpretation was offered by legal which includes the intent that the first 6-weeks is for the care of the child and any additional time may be necessary for medical condition of the mother.

Position Elimination Code, Joy Johnson—discussion

Recommendation to create a task force to define definitions for action reason codes to improve consistency. Stinar indicated that there is a document out on the CTS/HRMS website in the training resources. There will be an appointee from CTS to serve on this committee. Trisha Johnson Joy Johnson, and CTS Rep.

TLAB Discussion for the following processes:

Donated Leave
Donated leave was not discussed specifically regarding TLAB.

Workers Compensation
Discussion ---CTS will provide an alternative option of entering workers compensation.

Pre-approval of comp time
Employees should still be requesting pre-approval of OT, regardless of the TLAB system.

Discuss the current cap on negative leave of 40 hours for annual and 40 hours of sick
There have been discussions regarding the TLAB system and to let the process run to -40 and then the system will automatically do leave without pay. Employees are not comfortable with the 40-
hour cap—would we consider changing the policy to 20 hours. There may be circumstances where the supervisor will not approve the 40 hours negative leave.

Unpaid Leave – Job data as paid leave with $0 comp rate, still need adjust leave balance. If put in as unpaid leave, it won’t take insurance benefits. CTS is working on fixing this issue.

CTS will double check on this.

There is no option to over-ride the 40 hours negative leave.

Once the larger schools go live there will be no additional tech support added.

**Multifactor Authentication (Duo) – Tuesday 3:30pm – John Underwood, CTS**

NDUS was under a sustained, targeted phishing attack during the first few weeks of February. A decision was made to implement additional security controls to adequately reduce the threats these attacks presented to our HRM system. We understood the impact to users and have always viewed these additional controls as temporary. We understand these restrictions are creating a growing impact to your campus HR departments. Our intent is to fast track the implementation of multi-factor authentication (Duo) on our HRM system in order to remove the security controls put in place in February. John Underwood, IT Services Manager for CTS, will provide more information regarding the DUO implementation and user enrollment.

**Budgets and Employee Morale – discussion and sharing**

NDSU offered a session from EAP—Stress Management, also looking at Change Management topic. BSC did something similar through EAP---Coping with Staff Reductions---leadership course and staff. Also archived the sessions online.

UND is offering sessions through EAP and others: Topics include; Managing change, motivating employees, leadership focused navigating through change.

VCSU has a forum on their website where employees can anonymously leave suggestions for budget reductions.

BSC surveyed employees and also asked departments to fill out as a team to offer up ideas on efficiencies, services we could do without. They implemented a number of the recommendations.

**Day 2**

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Discussion on the draft background check procedure sent via email.
Wachtfogel asked for clarification regarding FBI checks in section 4b. It was clarified that FBI checks are authorized on NDUS positions but not mandatory for those specific positions not listed.

**Motion:** Grinde—approve the changes in the background check procedure as sent via email
**Second:** Hanson

**Discussion** no opposed

**Motion carried**
Grinde will submit to the Chancellor for approval

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**Furlough Process, Colette Erickson, NDSU**—discussion and sharing
BSC sent guidelines and send the form to HRC list serv. This process came from their employees via survey and was implemented. Both staff and faculty participate. Savings so far is just under $40,000. There is additional workload placed on the payroll department.
Reach out to BSC for any additional questions regarding the process.
FMLA and furlough---If an employee that is on FMLA requests a furlough please contact legal.

DSU asked about shortened contracts and if anyone is doing that. BSC and UND have done this. Proposed reductions in contracts are usually voluntary. If you reduce a contract involuntarily it is considered a RIF and you go through the process.

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**Future HRC meetings, Colette Erickson, NDSU**—A discussion on how we are going to meet going forward with the budget cuts and how often we will meet face to face.
Sandi asked for the group’s opinion on future meetings. Grinde suggested video conference.
Lindgren and Wachtfogel suggested an IVN connection and that it worked well for the NDUS Faculty Sick Leave Taskforce. NDSU suggested keeping the June meeting in person and meet face to face annually, and then meet remotely throughout the year.
Wachtfogel added that there are discussions that would warrant a face-to-face meeting, some topics might include organizational change, technology innovations (data analytics), reporting efficiencies, HR role in assisting with change. Stinar provided with historical data specific to reporting. All campuses own their data and that is how the query reports were set up. Since the inception of PeopleSoft, there has been a shift in this mindset. With shared services, this may need to be looked at. CTS is looking at queries that could be applied to a system approach, but all campuses would need to agree. LRSC noted that each campus may do things a bit differently in the system, therefore this may affect global data that is pulled.

Plan to meet in person in June, all other meetings over video.

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**Medical Marijuana on campus, Colette Erickson, NDSU**
Has anyone encountered any requests from employees thus far and how will we handle it in the future?
UND’s Chief of Police is modifying their drug and alcohol policy to include a section on medical marijuana. The policy will say that it is illegal to use on their campus because it is not legal in federal law.
Legal---The bill that is currently in the legislature would prohibit on college campuses. There has been no discussion at the system office to develop a system-wide policy at this time.
CUPA HR salary survey, Colette Erickson, NDSU
-Which positions have the exempt status of 'Teaching exemption'? We are requesting an addition to E, A, P of the FLSA exemption 'academic administrator' for those positions that meet that exempt status definition.

Johnson at UND noted that this issue is in limbo due to the delay in the FLSA law change. May make more sense to table this until the issue is resolved under the current administration. The group agreed.

NDUS HR Policy 6 Annual Leave, Jen Larson, VCSU
--Discuss the process campuses have for allowing employees to accrue or not accrue leave while they are out for FMLA, worker's compensation incidents, etc.

This was covered yesterday during out conversation about TLAB.

Administrative Salary Study, Jane Grinde, NDUS
Provided feedback from Legislative Higher Ed. Committee.

Provided feedback from legislative senate appropriations committee.

Discussed creation of a task force to review the NDUS broadband classifications and clarify the type of employees in each band, specifically job titles.

Grinde provided background of administrative cost study and recommendations that came out of that study regarding functional title. A sub-committee will research and suggest recommendations.

Committee---Jane Grinde, Noah Fischer, Jen Larson, Marc Wachtfogel, Joy Johnson and Sandi Lillehaugen.

Add Gender Identity to discrimination policies SBHE 603.2, NDUS HR 1 & 3, Joy Johnson, UND
There are discrepancies among policies within SBHE and NDUS HR regarding definitions under equal employment opportunity. The policies include:

603.2, --UND would like to include gender identify within this policy.

NDUS 3 Qualifications for employment --the definition is different from EEO.

Section 1 of NDUS HR policy manual---EOE---sex is not listed, but gender is.

Need to make one definition and be consistent throughout.

LRSC was involved with an issue where a regional group challenged LRSC definition used in their EEO policy. They recently resolved the issue. Sandi L will send out definition and HRC will look at definition changes during the next meeting.

Lake Region State College is an equal opportunity institution that does not discriminate on the basis of race, religion, age, color, sex, disability, sexual orientation, gender identity, genetics, national origin, veteran's status, marital status, political belief or affiliation, and economic or perceived social status in its admissions, student aid, employment practices, education programs or other related activities.

Legal opinion---Federal law interprets sex to include LGBT and gender identity. State law has not made a determination at this point.

Wachtfogel suggested that we put together a taskforce to look at corporate HR opportunities and research innovations in HR.

Hanson suggested that we look at this as information sharing group, perhaps through a conference call. Jen Larson, Rita Lindgren, Pat Hanson, Crystal Beggs and Marc Wachtfogel will serve on this information-sharing group and bring back ideas to the HR group.

BSC said there is a lot of information ‘out there’ regarding budget crisis guidelines for colleges and universities.
NDUS HR pay policy’s intent in 5.1.3 - Other Salary Adjustments—Joy Johnson, UND
BSC, MiSU and UND served on a committee a while back to update this policy. If you look at 5.1.3 second to the last sentence is the interpretation that they must have a change in job band or family to receive an increase.
Documented by a position description and/or changes in band or job family.
Grinde will update.

Coaching Contracts:
Lillehaugen asked if she could add this to the agenda. Do you have suggestions on coaching contracts that include working during the off-season? If they do not teach and are recruiting the suggestion would be to pay them minimum wage outside of the coaching contract.
How would you record the hours for ACA requirements? Coaches needs to estimate their hours.
Make sure you do the ACA offer.
Another option would be to give two contracts. Coaches are exempt from minimum wage and salary test under the teacher exemption.
The coach should estimate the hours needed to do recruitment in order to figure out meeting minimum wage.
Lengthy discussion

Johnson asked about aged data percentage and if there was a preference of when it should be calculated. Johnson calculated using the NOV 2016 data and will send that out.

Brief discussion on annual increases.

Allstate Benefits – Sandi Lillehaugen
LRSC shared information received from a local Allstate representative. They have similar services that AFLAC offers.
Lillehaugen will contact NDPERs to question campus decision-making authority regarding supplemental insurance vendors.

Flex vendor discussion: Stinar provided history surrounding flexible spending vendor. Campuses could not land on a single vendor, some campuses are using ADP, some are AFLAC, and some are Discovery Benefits. We no longer do self-administrated plans. If any campus is considering changing a vendor, we should talk about that as a group prior to the change. The process for changing vendors needs to happen early in the year. Lillehaugen and Hanson will work with companies to see about a better price for all campuses.
Would we get a better price if the NDUS goes to ADP?
ADP---5 campuses
DIB---4 campuses
AFLAC--4 campuses

Question on NDPERs pre-tax for supplemental insurance plans. Employees may fill out a form to pre-tax (one-time) and if they want to change it they need to request it. AFLAC requires employees to pre-tax each year.

Legislative Updates – Jane Grinde
Grinde provided an update based on the legislative information sent to the HRC earlier in the week. No questions.
Wachtfrogel asked about employee evaluation forms and if each campus uses a consistent form across campus. The consensus was that a consistent form is used for staff and faculty use a different form. Additional question was about timing of reviews and if the deadline needs to be standardized across campus. Refer to NDUS Policy 17, reviews need to occur on an annual basis. Anyone use metrics within the evaluation—KPI’s. –this would be up to the campus.

MaSU is looking for creative ways to offer incentives such as additional time off and wondered if there were any laws against this. The consensus was that campuses do have authority to grant additional time off with pay. One suggestion was to use administrative leave in job data to document paid leave.

Meeting ended at 10:10 a.m.

**Future Meetings:**
June 6th & 7th – Face to face meeting in Bismarck
Add to next agenda: FMLA policy and maternity leave extension beyond 6 weeks.
Flexible spending vendor discussion on standardization.

September 12th & 13th

As documented by Jane Grinde, HRC Secretary

Draft Minutes sent to HRC on 4/5/2017
Approved by HRC on June 6, 2017
Posted to website on June 23, 2017