

Fifty-ninth
Legislative Assembly
of North Dakota

Introduced by

Representative Wieland

1 A BILL for an Act to create and enact two new sections to chapter 54-44.3 of the North Dakota
2 Century Code, relating to authorizing political subdivisions to request an exemption from
3 coverage under the state merit system; and to amend and reenact section 54-44.3-12.1 of the
4 North Dakota Century Code, relating to revisions to the compensation plan established by North
5 Dakota human resources management services.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 54-44.3-12.1 of the North Dakota Century Code
8 is amended and reenacted as follows:

9 **54-44.3-12.1. Revisions to compensation plan.** Revisions to the compensation plan
10 may only be made on July first, following the close of a regular legislative session, except that
11 new classifications may be added to the compensation plan during a biennium when deemed
12 necessary by the director. Revisions to the compensation plan ~~do not~~ for county employees
13 covered by the plan may become effective for county employees covered by the plan until July
14 first following the close of a regular legislative session, based on official county commission
15 action or on January first of the first full calendar year following the revision. Revisions to the
16 compensation plan may only be made to the extent the legislative assembly appropriates funds
17 to implement such plans.

18 **SECTION 2.** Two new sections to chapter 54-44.3 of the North Dakota Century Code
19 are created and enacted as follows:

20 **Political subdivision may request to be exempted from state merit system.** A
21 political subdivision subject to the merit system under this chapter may file a request with the
22 division and the director of the department of human services to be exempted from the merit
23 system. The request must describe a plan and policy that assures the political subdivision has
24 developed a merit system plan that meets federal standards for personnel administration. The

1 division and the director of the department of human services shall authorize the political
2 subdivision plan within sixty days of receiving a request under this section if the plan and
3 policies meet federal requirements. If the division and the director of the department of human
4 services determine that the proposed plan and policies fail to meet the federal requirements,
5 the division and the director shall deny the request and notify the requestor of the specific
6 reasons for the denial.

7 **Political subdivision merit system compliance.** The division and the department of
8 human services shall develop oversight and audit procedures for political subdivision merit
9 systems to assure compliance with federal merit system principles. If the division and the
10 department of human services determine that a political subdivision has failed to maintain
11 compliance with federal merit system principles, the division and the department shall notify the
12 political subdivision of the noncompliance and order the political subdivision to take corrective
13 action. If a political subdivision does not take the necessary corrective action to comply with
14 federal merit system principles, the division and the department of human services shall revoke
15 the political subdivision's exemption from the state merit system and return the political
16 subdivision to the state merit system. Any penalty assessed by a federal authority for a
17 noncompliant political subdivision merit system is the responsibility of the political subdivision.