

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2321

Introduced by

Senators Mathern, Hacker, J. Lee

Representatives Wieland, N. Johnson, Conrad

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.

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

5 **SECTION 1.** Two new sections to chapter 54-44.3 of the North Dakota Century Code
6 are created and enacted as follows:

7 **Political subdivision may request to be exempted from state merit system.** A
8 political subdivision subject to the merit system under this chapter may file a request with the
9 division and the director of the department of human services to be exempted from the merit
10 system. The request must describe a plan and policy that assures the political subdivision has
11 developed a merit system plan that meets federal standards for personnel administration. The
12 division and the director of the department of human services shall authorize the political
13 subdivision plan within sixty days of receiving a request under this section if the plan and
14 policies meet federal requirements. If the division and the director of the department of human
15 services determine that the proposed plan and policies fail to meet the federal requirements,
16 the division and the director shall deny the request and notify the requester of the specific
17 reasons for the denial.

18 **Political subdivision merit system compliance.** The division and the department of
19 human services shall develop oversight and audit procedures for political subdivision merit
20 systems to assure compliance with federal merit system principles. If the division and the
21 department of human services determine that a political subdivision has failed to maintain
22 compliance with federal merit system principles, the division and the department shall notify the
23 political subdivision of the noncompliance and order the political subdivision to take corrective
24 action. If a political subdivision does not take the necessary corrective action to comply with

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- 1 federal merit system principles, the division and the department of human services shall revoke
- 2 the political subdivision's exemption from the state merit system and return the political
- 3 subdivision to the state merit system. The political subdivision is responsible for any penalty
- 4 assessed by a federal authority for a noncompliant political subdivision merit system.