

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2312

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2312

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/29/09

Recorder Job Number: 8093

Committee Clerk Signature

*Kate Davis*

Minutes:

**Dave Nething:** For the record my name is Dave Nething state senator from District 12 which has all but one precinct in the city of Jamestown. The bill 2312 was presented on behalf of people who talked to me about why should those who work in corrections not receive hazardous pay when it is paid to others? So I took this thought and went to legislative council asked to draft a bill to accomplish that purpose. That is SB2312; I have since learned that there may be some adjustment in place for that the problem is people who work in corrections not aware of any adjustments they may get in their pay grade. I believe that the work that they do does involve different hazard than others.

**Senator Dever:** So are you suggesting that the bill may not be necessary?

**Senator Nething:** Not sure, they don't know that. Something has to be dealt with. If you look at their pay grade there is nothing that indicates that. And that is how they feel, I am not sure if it is there or not.

**Senator Dever:** It is my understanding that corrections employees are payed in a lower point of their salary range because of budget considerations.

**Senator Horne:** Potential pay increases for employees in a hazardous work environment,

wouldn't that include a high percentage of the people that work at penitentiary? Aren't more in more hazardous environment than others?

**Senator Nething:** That is who this bill is for.

**Senator Dever:** Anyone else to speak in support of SB2312? Anyone in opposition to SB2312? Anyone in a neutral position to SB2312?

**Ken Purdy:** Classification and compensation manager with HR Management Services. I visited with Senator Nething about this bill yesterday and told him about our concerns. I will explain a little further that our process of evaluating jobs does include an analysis of hazards faced by those people. Most of the hands-on correction employees have an adjustment for those hazards. Most of the jobs include a 1 grade increase which is 10% premium over and above a comparable job without hazard. After visiting with Senator Nething yesterday, talked to DOCR HR director and it sound like we need to put together some information or arrange a briefing opportunity for some of their employees to get communication out there. But going further into the issues the salary the range really don't have limitation for correction officer, parole officer, and juvenile officer salaries there is no one within 20% of max. So in other words, if they had money available the highest one could get a 20% increase and still be within their range. So the salaries range not precluding any action that they might want to take. Right now only 64 out of 670 in the department of corrections are beyond salary range midpoint. That relates to the compression issue that Senator Nething mentioned. We have all employees pooled in bottom of range, and have been working with marketing equity fund. The language in line 11, enabling chapter of HRNS, they don't have to follow that. Which in the extreme could raise question about equal pay if we give someone cart blanche to ignore the assigned salary ranges that is the foundation of our system to ensure we have equal pay for equal work.. As I said, this appears to be a misunderstanding and an issue of communication

with the employees and an issue of base pay and actual pay issues rather than whether they are receiving hazardous duty pay.

**Senator Horne:** Are you a state employee?

**Ken Purdy:** Employee of HRMD of OMB.

**Senator Dever:** Other areas in state where hazardous work environment applies?

**Ken Purdy:** Highway patrol troopers, direct care staff at the state hospital, some other health related jobs. There is an assortment of jobs that we look at in terms of how severe a hazard do they face and how frequently does that hazard occur. We have to analyze it with big picture. Other jobs can take precautions but can't eliminate them all like at the Pen.

**Senator Nelson:** He considered notwithstanding, chapter 54 to mean that they could bypass it. The way I read it that all the rules must be followed, but beyond that you can do these things. It is how I interpret notwithstanding. It looks like we are on 2 ends of the spectrum as to interpretation.

**Ken Purdy:** I would defer to a lawyer it seems to me that I have seen language in past, doesn't limit the authority given here. But I would certainly be open to correction

**Senator Dever:** I think that my thoughts would follow more along the lines of Senator Nelson.

**Ken Purdy:** Even in that case, it really doesn't say anything then, because the director of the Department of Corrections still has brought authority to provide significant increases as long as they can find the money to do it and that becomes the bottom line.

**Senator Dever:** Anyone else to testify in any position on SB 2312? If not we will close public hearing on 2312.

## 2009 SENATE STANDING COMMITTEE MINUTES

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Hearing Date: 1/29/09

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Minutes:

Committee work on SB 2312

**Senator Dever:** I think that there was some sense of consensus that the bill is not necessary.

**Senator Oehlke:** That is the impression I got.

**Senator Nelson:** Me too. You suppose that we could get rid of that? Would you like me to raise a Do Not Pass.

**Senator Horne:** I will second the motion.

**Senator Dever:** The department of corrections has trouble keeping up. They are continually having to increase their staff because of the increasing population of prisoners on 64 of 670 employees are beyond the salary midpoint now. So they can bump their pay without having the hazardous pay considered in there. But they do consider the hazardous pay in the fact that everybody is jumped up one pay grade anyway, which he said is 10%.

**Senator Nelson:** They need to do an education program to tell their people that.

**Senator Oehlke:** Any time that a business has a lot of employees it communicates the issues of misunderstanding a lot of times people just don't know what they are getting. If you don't read the employee handbook, which most people don't, or it is just never communicated at staff meetings.

**Senator Horne:** So if the governor's plan is approved there is 13 million in equity is the hazardous pay beyond the equity?

**Senator Nelson:** No, they would just use it to move them within their pay grade.

**Senator Dever:** The agencies will be given additional money to provide them the flexibility of making market-based adjustments.

**Senator Horne:** My question was, say they had equity pay, then could they qualify for hazardous pay beyond the equity pay?

**Senator Dever:** Only if it is funded.

**Senator Horne:** If they have the money.

**Senator Nelson:** But they have already built it in because they have already moved them up a pay grade, so they are already 10% over what they would be at if they weren't in hazardous pay.

**Senator Dever:** My understanding is when we give 5% pay increase, we are moving the salary range up 5%, so they still have room within the pay range.

**Senator Nelson:** In Legislative Management, it was scary how many were below that mid line. The majority of our workers are under the median.

**Senator Dever:** That is no more pronounced that in the Department of Corrections?

**Senator Nelson:** Yes.

**Senator Oehlke:** Last session, Marcy Dickerson told us when they were up there for something, someone in the tax department left and went to Wal Mart because they got better pay.

**Senator Dever:** The motion on the floor is for a Do Not Pass on SB2312. Is there any other discussion on the motion?

Roll was taken, with 4 yeas, 0 nays, and 1 absent.

Date: \_\_\_\_\_  
Roll Call Vote #: \_\_\_\_\_

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

2312

Senate Government and Veterans Affairs Committee

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Legislative Council Amendment Number 2312

Action Taken Do Not Pass

Motion Made By Nelson Seconded By Horne

Senators	Yes	No	Senators	Yes	No
Dick Dever	✓		Dwight Cook		
Dave Oehlke	✓		Carolyn Nelson		
Robert M. Horne	✓			✓	

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2312: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO NOT PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
SB 2312 was placed on the Eleventh order on the calendar.