



HUMAN RESOURCE MANAGEMENT SERVICES
STATE OF NORTH DAKOTA

Laurie Sterioti Hammeren, SPHR
Director

January 29, 2014

Mr. John Walstad, Code Revisor
ND Legislative Council
State Capitol, 2nd Floor
600 East Boulevard Ave., Dept. 160
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Adopt, Amend, and Repeal Administrative Rules for ND Human Resource Management Services and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink that reads "Laurie Sterioti Hammeren".

Laurie Sterioti Hammeren, SPHR
Director

Enclosures

NOTICE OF INTENT TO
ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES

TAKE NOTICE that ND Human Resource management Services (HRMS), in cooperation with the State Personnel Board, will hold a public hearing to address proposed new sections, amendments, and repeals to N.D. Administrative Code Article 4-07 at 9:00 a.m. on February 25, 2014, in the Peace Garden Room of the State Capitol. Written and oral comments will be accepted at the hearing.

The proposed rules and amendments are not expected to have an impact on the regulated community in excess of \$50,000, and neither the Governor nor any member of the Legislative Assembly requested a regulatory analysis.

The proposed rules will reflect changes to N.D.C.C. ch. 54-06-33 as a result of HB1309. ND Human Resource Management Services will also be adopting, amending, and repealing rules of the Division relating to the following chapters of N.D. Admin. Code Article 4-07:

- N.D. Admin. Code § 4-07-02-01 Definitions (6) Job Evaluation Committee
HB 1031 in the 2011 legislative session adopted a Compensation Philosophy Statement (NDCC 54-44.3-01.2) and directed implementation of recommendations from the legislative employee compensation study. The study provided improvements to the process of classifying and evaluating jobs in the classified service. Establishing a Job Evaluation Committee (JEC) expanded the involvement of agencies in the evaluation of jobs and contributed to a greater breadth of knowledge available as jobs are reviewed. The JEC has been established and is involved regularly in the evaluation and allocation of job classes and job grades. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-03-02 Definitions
Definitions have been consolidated into § 4-07-02-01 and, by reference, carried through the rest of § 4-07. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-03-03 Official class title
This rule replaces 'common' title with 'working' to clarify the terminology that may be used when conducting everyday business involving job class titles. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-03-04 Interpretation of class descriptions
This rule change removed reference to 'and conditions' because class descriptions do not include information relating to working conditions. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-03-05 Classification or reclassification request
This rule removes references to timeframes in reviews of classifications. Emphasis is given to changes in positions and job classes for classification or reclassification requests rather than applying arbitrary timeframes for review. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.

- N.D. Admin. Code § 4-07-03-06 Information and forms required
This rule clarifies that requests must be made on specific forms (automated) with required information and supplemental documents attached. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-03-07 An employee may request a review
This rule consolidates sections 4-07-03-07 and 4-07-03-08 into 4-07-03-07 covering all the requirements relating to an employee request for classification review. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-03-08 An appointing authority shall consider an employee's request
This rule was repealed because we consolidated the requirement for an agency to respond to an employee request into section 4-07-03-07. This rule is being repealed effective July 1, 2014.
- N.D. Admin. Code § 4-07-03-09.2 Correcting class evaluation interpretation inconsistencies
This rule provides that human resource management services may correct an inconsistent classification evaluation during the classification process. This item was moved from section 4-07-04-03.1 in the compensation chapter because it may occur anytime during the classification or compensation evaluation process. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014. The General Authority and Law Implemented sections were added to include the N.D. Century Code citations.
- N.D. Admin. Code § 4-07-03-10 Classification process and notifications
HB 1031 from the 2011 legislative session has led to streamlining of the classification process. This section defines when a request is approved, defines a timeframe goal for completing classification reviews, incorporates the job evaluation committee into the process, and references the ultimate avenue for formal appeal of a classification decision to the state personnel board. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-03-11 Request for reconsideration of classification decision
This section was originally provided as an opportunity for a more in depth review when an initial classification/reclassification request was denied by human resource management services. This step ensured that complete information was considered before the next step of formal appeal to the state personnel board. With the implementation of HB 1031, streamlining the classification process and the establishment of the job evaluation committee, there is already assurance of thorough and complete information at the JEC review stage making the opportunity for secondary review by the JEC redundant and unnecessary. Therefore, this section is being repealed effective July 1, 2014.
- N.D. Admin. Code § 4-07-04-02 Definitions
The definition for 'Class' is currently in section 4-07-02-01, which contains all definitions applicable to NDAC ch. 4-07-02. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-04-03.1 Correcting class evaluation interpretation inconsistencies
This section was moved to section 4-07-03-09.2 because it may occur anytime during the classification or compensation evaluation process.

- N.D. Admin. Code § 4-07-04-04 A written request to review a pay grade

This rule removes the reference to changed duties and responsibilities because that aspect fits into the previous chapter 4-07-03-05. This section applies more directly to issues affecting the pay grade assigned to the job class. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-04-05 Additional information required

Based on HB 1031 from the 2011 legislative session, the base job document was changed from 'position information questionnaire' to 'job description questionnaire'. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-04-07 An employee may request a review

This rule consolidates sections 4-07-04-07 and 4-07-04-08 into 4-07-04-07 covering all the requirements relating to an employee request for review of a pay grade. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-04-08 An Appointing authority shall consider an employee's request

This rule consolidated into section 4-07-04-07 the requirement for an agency to respond to an employee's request. Therefore, this section is being repealed effective July 1, 2014.
- N.D. Admin. Code § 4-07-04-09 Pay grade review process, pay grade exceptions, and notification

HB 1031 from the 2011 legislative session has led to streamlining of the compensation process. This section defines how a request is processed, defines a timeframe goal for completing reviews, incorporates the job evaluation committee into the process, provides that a pay grade exception may be assigned when extreme market variations affect recruitment and retention, and references the ultimate avenue for formal appeal of a classification decision to the state personnel board. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-04-09.2 Request for reconsideration of pay grade

This section was originally provided as an opportunity for a more in depth review when an initial pay grade request was denied by human resource management services. This step ensured that complete information was considered before the next step of formal appeal to the state personnel board. With the implementation of HB 1031 streamlining the compensation process and the establishment of the job evaluation committee, there is already assurance of thorough and complete information at the JEC review stage making the opportunity for secondary review by the JEC redundant and unnecessary. Therefore this section is being repealed effective July 1, 2014.
- N.D. Admin. Code § 4-07-04-11 Pay grade exception

Provisions for assigning a pay grade exception for market conditions affecting recruitment and retention have been incorporated into section 4-07-04-09. Therefore, this section is being repealed effective July 1, 2014.
- N.D. Admin. Code § 4-07-05-05.1 Internal recruiting

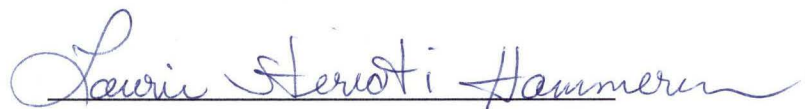
This rule change is intended to further clarify the agency requirement to notify employees of job openings. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.

- N.D. Admin. Code § 4-07-06-02 Probationary period
This rule change is intended to correct confusion about the status of employees who are demoted or transfer within an agency. The language makes it clear that employees do not serve another probationary period upon demotion or transfer within an agency. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-07-03 The standard workweek
This rule change corrects the time period of the suggested standard work week if one has not been established by an agency. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.
- N.D. Admin. Code § 4-07-19-07 Agency reconsideration of prior discipline
This rule change clarifies that an appointing authority, who has delegated discipline to another employee, retains ultimate authority to remediate discipline when necessary to assure consistent application of agency management practice and to reduce legal liability exposure. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014 and to reference the NDCC citations.
- N.D. Admin. Code § 4-07-36-02 Payment of training and tuition
HB 1309 modified NDCC chapter 54-06-33 to clarify employees who receive employer paid tuition, and leave employment with the state must repay tuition received under this section on a prorated basis. The History section was amended to reflect the effective date of the administrative rule change July 1, 2014.

The proposed rules may be reviewed at the office of ND Human Resource Management Services, 600 East Boulevard Avenue, Dept. 113, Bismarck ND 58505-0120, or on the HRMS website at www.nd.gov/hrms. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, emailing hrms@nd.gov, or calling (701) 328-3293. Written or oral comments on the proposed rules sent to the above address or telephone number and received by March 7, 2014, will be fully considered by HRMS.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact ND Human Resource Management Services at the above telephone number or address at least seven days before the public hearing.

Dated this 29th day of January 2014.



Laurie Sterioti Hammeren, SPHR
Director of Human Resource Management Services