

CHAPTER 4-07-04 COMPENSATION PLAN

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4-07-04-01. Scope of chapter.

This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12

4-07-04-02. Definitions.

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapter 54-44.3 and section 4-07-02-01, except "compensation plan" means the listing of all the pay grades used in the classified service and the pay ranges assigned to each grade.

History: Effective September 1, 1992; amended effective July 1, 2004; July 1, 2014.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-04-03. Class evaluation process.

The director, human resource management services, shall develop, implement, and maintain a class evaluation process to evaluate and assign an appropriate pay grade to all classes in the classification plan.

History: Effective September 1, 1992; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-04-03.1. Correcting class evaluation interpretation inconsistencies.

Repealed effective July 1, 2014.

4-07-04-04. A written request to review a pay grade.

A written request to review a pay grade may be submitted to human resource management services by the appointing authority only if one of the following reasons apply:

1. The appointing authority is experiencing recruiting problems due to the assigned pay grade.
2. The appointing authority is experiencing retention problems due to the assigned pay grade.
3. The appointing authority can provide employment market data that shows an extreme variance between market pay and the classified salary range.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004; July 1, 2014.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-04-05. Additional information required.

An appointing authority requesting a pay grade review shall furnish additional information to human resource management services at the time the request is made. The additional information must include:

1. A statement of the problem.
2. Up-to-date job description questionnaires.
3. Any available statistical data that relates to the problem encountered, i.e., turnover rate, recruiting costs, training costs, etc.
4. Details of efforts to resolve the problem through alternative methods.
5. Any available analysis of the current use of the salary range assigned to the existing pay grade.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004; July 1, 2014.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-04-06. Information and forms required.

Repealed effective July 1, 2004.

4-07-04-07. An employee may request a review.

An employee may request that an appointing authority submit the pay grade assigned to the employee's class to human resource management services for review if the employee demonstrates that one of the reasons in section 4-07-04-04 applies to the employee's classification. An appointing authority shall consider an employee's request to submit the pay grade assigned to the employee's class to human resource management services for review. The appointing authority shall, within sixty calendar days, determine if any of the reasons in section 4-07-04-04 apply and if the information required in section 4-07-04-05 is available. If any of the reasons apply and if the information is available, the appointing authority shall submit the request to human resource management services for review. If none of the reasons apply, the appointing authority shall notify the employee the request will not be submitted to human resource management services.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004; July 1, 2014.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-04-08. An appointing authority shall consider an employee's request.

Repealed effective July 1, 2014.

4-07-04-09. Pay grade review process, pay grade exceptions, and notifications.

Upon receipt of a pay grade review request, human resource management services will initiate review of the pay grade or classification as appropriate. Human resource management services may assign a pay grade that is higher than that determined by the application of the class evaluation system. This may be done when the pay grade assigned to a class has not resolved significant problems in the recruiting or retention of qualified individuals for a class. When a pay grade exception is assigned to a class, the grade must be identified as such and the appointing authority and all employees in the class must be notified. If the review is not completed within sixty calendar days, human resource management services will notify the appointing authority of the reasons for an extension and the anticipated schedule for completion of the review. If either the employee or appointing authority disagree with the decision, an appeal may be made as provided in chapter 59.5-03-02.1.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004; July 1, 2014; April 1, 2020; October 1, 2023.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-04-09.1. Effective date of pay grade assignment.

The effective date of a pay grade assignment is the date specified by the appointing authority. However, the date may not be earlier than the month in which the change is approved pursuant to section 4-07-04-09. An earlier effective date may be applied with written approval from the director of human resource management services.

History: Effective November 1, 1996; amended effective April 1, 2020.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-04-09.2. Request for reconsideration of pay grade assignment.

Repealed effective July 1, 2014.

4-07-04-10. Pay grade appeal to the director.

Superseded by section 4-07-04-09.2 effective November 1, 1996.

4-07-04-11. Pay grade exception.

Repealed effective July 1, 2014.

4-07-04-12. Periodic review.

Classes assigned a pay grade exception are subject to periodic review by human resource management services. Such classes shall be reviewed no less than once every five years to verify the

appropriateness of the assigned pay grade. The director, human resource management services, shall notify the respective appointing authorities and all employees in the class that a review is being conducted. The appointing authority and employees may submit information for the review.

History: Effective May 1, 1994; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)