

## **CHAPTER 4-07-28 MERIT SYSTEM EMPLOYMENT STATUS**

### **Section**

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### **4-07-28-01. Scope of chapter.**

This chapter applies to all applicants who apply for positions in agencies covered by the North Dakota merit system and to all agencies, departments, institutions, boards, commissions, and political subdivisions required to comply with standards for a merit system of personnel administration.

**History:** Effective September 1, 1992; amended effective July 1, 1995.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12

### **4-07-28-02. Definitions.**

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapter 54-44.3 except:

1. "Emergency status" means a category of employment that applies to an individual employed as a result of unusual or unexpected conditions without regard to the normal open, competitive selection process and the duration of the employment does not exceed ninety working days.
2. "Internal applicant" means an employee who has regular, probationary, temporary merit system employment status within an agency; a previous employee who is eligible for reinstatement to an agency; or an individual who has completed a documented internship with the agency within the past two years.
3. "Merit system exempt status" means a category of employment that applies to an individual employed in a nonclassified position without regard to the normal open, competitive selection process such as with seasonal or time-limited programs and for appointed officials.
4. "Probationary status" means a category of employment that applies to an individual employed in a classified position, who was selected for a position on an open, competitive basis and who has not yet completed the initial probationary period.
5. "Regular status" means a category of employment that applies to an individual employed in a classified position, who was selected for a position on an open, competitive basis and who has successfully completed a six-month or longer probationary period.
6. "Temporary status" means a category of employment that applies to an individual who was selected for a position on an open, competitive basis and is employed in a position that is specified as time-limited in duration.

**History:** Effective September 1, 1992; amended effective July 1, 1995; November 1, 1996; July 1, 2008.

**General Authority:** NDCC 54-44.3

**Law Implemented:** NDCC 54-44.3

#### **4-07-28-03. Merit system employment status - Exceptions.**

Each employee of a merit system agency shall be assigned employment status to one of the categories defined in section 4-07-28-02.

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

**General Authority:** NDCC 54-44.3

**Law Implemented:** NDCC 54-44.3

#### **4-07-28-04. Extension of merit system coverage.**

If merit system coverage is extended to a program or agency, examination requirements, if applicable, are waived and each employee must be granted merit system employment status as follows:

1. An employee who meets the minimum qualifications for the class and who has successfully completed a probationary period must be granted regular status.
2. An employee who meets the minimum qualifications for the class but who has not completed a probationary period must be granted probationary status. The employee may obtain regular status upon successful completion of the probationary period.
3. An employee who does not meet the minimum qualifications for the class must be considered as in a merit system exempt status until the employee meets the minimum qualifications. The employee may obtain regular status when the employee meets the minimum qualifications.

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

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12