

BENEFITS (in alphabetical order)

*Typically considered part of total compensation.

***Annual Leave**

Annual leave is an approved absence from work with pay. Annual leave is earned by each regular employee of the state at the rate of between 8 and 16 hours a month depending on the employee's length of service. (NDCC 54-06-14 and 54-52.4, NDAC 4-07-12)

Deferred Compensation

The Deferred Compensation Plan is a voluntary supplemental retirement plan under Section 457 of the Internal Revenue Code. Employees are allowed to make pre-tax contributions into investments with eligible providers. (NDCC 54-52.2-03, NDAC 71-04)

Dental Insurance

The dental insurance plan offered through the State is voluntary, and the eligible employee must pay the premium. (NDCC 54-52.1-04.7)

Disaster or Emergency Services Leave

When an order or proclamation declaring a disaster or emergency is issued pursuant to NDCC 37-17.1, the executive officer in charge of a state agency may grant a leave of absence, not to exceed five working days, to any full-time employee who is certified by the American Red Cross as a disaster services volunteer or who is an emergency medical service provider, a member of the civil air patrol, a firefighter, police officer, emergency radio operator, or who performs other services necessary in an emergency. The leave of absence is for the employee to participate in disaster relief services or provide voluntary emergency services. The leave may not result in a loss of compensation, seniority, annual or sick leave, or accrued overtime, for which the employee is otherwise eligible. (NDCC 54-06-14.3 and 54-06-27)

***Employee Assistance Program Benefits**

The employee assistance program means an employer-sponsored, confidential service for employees under which a professional employee assistance program staff assists employees and their families in finding help for emotional, drug, alcohol, family, health, and other personal or job-related problems that may be affecting their work performance. The premium for this coverage must be paid by the State. (NDAC 54-52.1-04.9, Executive Order 1981-11)

***Family and Medical Leave Act**

This act requires employers subject to the act to provide eligible employees with up to twelve weeks of unpaid leave during a twelve-month period for certain qualifying reasons. Family and medical leave is an unpaid leave of absence available to an employee for the birth, adoption, or foster placement of a child; or for the serious health condition of a parent, child, spouse, or employee. (NDCC 54-52.4 and Public Law 103-3)

***Funeral Leave**

An approved absence from work with pay, up to twenty-four hours, provided to an employee to attend or make arrangements for a funeral, as a result of a death in the employee's family or in the family of an employee's spouse. "Family" means husband, wife, son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, foster children, daughter-in-law, and son-in-law. (NDCC 54-44.3, NDAC 4-07-14)

***Health Insurance**

Regular and probationary employees are eligible for health insurance if they work at least 20 hours a week and 20 weeks a year in a regularly funded position. The State pays the premium. Temporary employees may purchase health insurance at their own expense, or their employer may pay the premium subject to budget authority. (NDCC 54-52.1, 54-52.2, and 54-52.3)

***Holidays**

Regular and probationary employees receive 10 paid holidays. These 10 holidays include; New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. A holiday occurring on a Saturday or Sunday is observed on the preceding Friday of succeeding Monday. (NDCC 1-03)

Jury and Witness Leave

An employee selected for jury duty must be granted an approved absence from work with pay, except that an amount of pay equal to the amount the employee received from the court for jury duty service must be deducted from the employee's regular pay. However, if an employee is on authorized annual leave while performing jury duty, the employee may retain the fee paid by the court and the employee's pay may not be reduced. When an employee is called or appears as a witness, or as an expert witness, on behalf of the employer, and the employee's department reimburses the employee for mileage, meals, and lodging, then the employee may not submit an additional claim for mileage, meals, and lodging. Also, the employee must be paid the employee's regular rate of compensation for time spent as a witness. (NDCC 54-44.3-12(1d), NDAC 4-07-16)

Leave Sharing Program

Employees can donate annual leave to another state employee who is suffering from or has a relative suffering from a severe illness. Employees can donate sick leave to another state employee who is suffering from a severe illness. (NDCC 54-06-14.1 and 54-06-14.2)

Leave Without Pay

Leave without pay means the employee has been granted an approved absence from work without pay. (NDAC 4-07-15)

Life Insurance

Eligible state employees receive a basic life insurance benefit of \$1300. The State pays the premium. Supplemental coverage for employee and/or dependents may be purchased. Temporary employees may purchase life insurance at their own expense. (NDCC 54-52.1)

Long-Term Care Insurance

Long-term care insurance offered through the State is voluntary, and the eligible employee must pay the premium. (NDCC 54-52.1-04.8)

Merit System

The federal government requires certain state agencies and units of local government to operate under a Merit System of Personnel Administration because of the Federal funds they receive for the programs they administer (i.e. Food Stamps). The Merit System is guided by certain merit principles:

- 1) Recruiting, selecting, and advancing employees is done on the basis of ability, and it includes open consideration of qualified applicants.
- 2) Equitable and adequate compensation is ensured.
- 3) Employees must be trained to ensure quality performance.

- 4) Employees are retained on the basis of performance.
- 5) Fair treatment is accorded to all employees.
- 6) Employees are protected from coercion and prohibited from using their official authority improperly. (NDCC 54-44.3, NDAC 4-07-22 through 4-07-25)

Military Leave

All officers and employees of the state who are members of the National Guard, armed forces reserve, subject to call to service by the President, or those who volunteer for service when ordered by proper authority are entitled to a leave of absence without loss of pay or efficiency rating. Certain eligibility and time frames apply. (NDCC 37-01-25)

Overtime Compensation

Executive, administrative, and professional employees, as defined by the Fair Labor Standards Act, are exempt from the overtime-pay provisions of the Act. Non-exempt employees must be paid time and one-half their regular rates for all hours worked in excess of 40 in a workweek or receive comp time at the time and ½ rate. The standard work week for state employees is 40 hours. Agencies are responsible for designating the start and finish of the work week so that overtime pay may be correctly calculated for non-exempt employees. Most state offices are open and must be staffed from 8 AM to 5 PM, Monday through Friday. However, work schedules may vary significantly based on agency operations. (29 USC §207 (FLSA), NDAC 4-07-07)

Pretax Benefits Program

The FlexComp Plan was established and is administered under Section 125 of the Internal Revenue Code. It allows employees to pay certain eligible expenses with dollars contributed before payroll taxes are deducted. Eligible expenses include certain insurance premiums and medical and dependent care expenses. (NDCC 54-52.3)

***Retirement**

Regular and probationary employees are eligible if they are at least 18 years of age. The State contributes based on monthly salary: 4.12% employer contribution; 4% employee contribution, and 1% for retirees health credit program. Temporary employees may participate at their own expense. (NDCC 54-52.1, 54-52.2, and 54-52.3)

Severance Pay

Severance pay is compensation received upon termination of employment for reasons primarily beyond the control of the state employee. It does not include payments made to a terminated employee for accrued annual or sick leave, or compensatory leave. A state agency may provide financial incentives to encourage an employee to retire or resign if the resulting departure will increase agency efficiencies or reduce expenses. (NDCC 54-14-04.3)

***Sick Leave**

Sick leave is an absence from work for illness or other medical needs provided for regular and probationary employees. It accrues at a rate of 8 hours a month. Forty hours per year may be used for family member illness. (NDCC 54-06-14 & 54-52.4-03, NDAC 4-07-13)

Veterans Preference

The ND Century Code requires that certain veterans and spouses of qualifying veterans who are residents of North Dakota be granted preference in public employment. (NDCC 37-01-40 and 37-19.1)

Vision Insurance

The vision insurance plan offered through the State is voluntary, and the eligible employee must pay the premium. (NDCC 54-52.1-04.7)

Voting Time Off

The State's policy is to encourage voting by all eligible voters at all statewide special, primary, or general elections. Appointing authorities are encouraged to establish a policy to grant employees time off from work to vote when an employee's regular work schedule conflicts with the time when polls are open. (NDCC 16.1-01-02.1)

***Wages & Salaries**

Wages are payments directly calculated on the amount of time worked. Salaries are payments that are consistent from period to period despite the number of hours worked. (NDAC 4-07-02) The following definitions will provide some understanding as to how pay is determined for state employees:

- **Classification** means job or job title representing a group of tasks, duties, and responsibilities. For each position that a regular employee occupies, HRMS assigns a classification. A classification is based on knowledge and skills, complexity, accountability, and working condition hazards. (NDAC 4-07-03)
- **Pay Grade** is where individual jobs having approximately the same job worth based on knowledge and skills, complexity, accountability, and working condition hazards are grouped into pay grades. By using pay grades, management can develop a coordinated pay system without having to determine a separate pay rate for each job in their organization. All jobs within a grade have the same range of pay. (NDAC 4-07-02)

Workers' Compensation and Leave

Workers compensation is a no-fault mandatory insurance plan to provide benefits to employees for job-related injury or disease, or in the case of death, to a beneficiary. When awarded workers compensation benefits, the employee may use either accumulated leave benefits or leave without pay during the time the employee is unable to work. (NDCC 65-05-01 and 65-05-33, NDAC 4-07-17)