

**SENATE BILL NO. 2311
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2311

Introduced by

Senators Nething, Dever, Wanzek

Representatives Delmore, Headland, Martinson

1 A BILL for an Act to provide statements of legislative intent regarding state employee
2 compensation adjustments; to create and enact a new section to chapter 54-27 of the North
3 Dakota Century Code, relating to vacant state employee positions; and to provide authorization
4 for additional full-time equivalent positions.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. LEGISLATIVE INTENT - STATE EMPLOYEE COMPENSATION**

7 **ADJUSTMENTS - GUIDELINES.** It is the intent of the sixty-first legislative assembly that
8 2009-11 compensation adjustments for permanent state employees are to be based on
9 documented performance and equity. General increases based on legislative appropriations
10 are to be given beginning with the month of July 2009, to be paid August 2009, and beginning
11 with the month of July 2010, to be paid in August 2010. Each agency appropriation is
12 increased by five percent for the first year of the 2009-11 biennium and by five percent for the
13 second year of the 2009-11 biennium.

14 Employees whose documented performance levels do not meet standards are not
15 eligible for any salary increase. Each employee whose documented performance meets all
16 standards is to receive a minimum monthly increase of \$100 on July 1, 2009, and \$100 on
17 July 1, 2010.

18 Probationary employees are not entitled to the general increase. However,
19 probationary employees may be given all or a portion of the increases effective in July, paid in
20 August, or upon completion of probation, at the discretion of the appointing authority.

21 During the biennium, no salary increase other than a \$100 minimum increase or a
22 temporary increase may be given to an employee whose salary exceeds or would exceed the
23 salary range maximum.

1 **SECTION 2.** A new section to chapter 54-27 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Vacant state employee positions salary savings - Emergency commission and**
4 **budget section review and approval.** The head of each executive branch agency,
5 department, and institution shall report each month to the office of management and budget the
6 number of vacant full-time equivalent employee positions and related salary and fringe benefit
7 savings. The office of management and budget shall report at each budget section meeting on
8 the cumulative savings resulting from the vacant positions. Agencies, departments, and
9 institutions reporting vacant positions under this section may not spend the related savings
10 without prior approval of the emergency commission and the budget section.

11 **SECTION 3. ADDITIONAL FULL-TIME EQUIVALENT POSITION AUTHORIZATION -**
12 **BUDGET SECTION APPROVAL.** The office of management and budget, subject to
13 emergency commission and budget section approval, may authorize up to a total of forty-four
14 additional full-time equivalent positions for executive branch agencies in addition to those
15 authorized by the legislative assembly for the biennium beginning July 1, 2009, and ending
16 June 30, 2011. Only positions that are determined to be critical to the mission of the agency
17 may be authorized under this section.