

2011 SENATE APPROPRIATIONS

SB 2007

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2007
January 7, 2011
12641

☐ Conference Committee

Committee Clerk Signature

Rose Spring

Explanation or reason for introduction of bill/resolution:

A bill for an Act to provide an appropriation for defraying the expenses of the Labor Commissioner.

Minutes:

See attached testimony.

Chairman Holmberg called the committee hearing to order on SB 2007 and welcomed the new commissioner of labor. Roll call was taken. Sara Chamberlin –Legislative Council; Tammy R. Dolan – OMB.

Tony Weiler, Commissioner of Labor – Testimony attached - # 1

He introduced Robin Bosch, Labor Department Financial Director and listed the department responsibilities and explained and defined their workload, public education, and budget request.

During the first eighteen months of the current biennium, the department has resolved 523 claims for unpaid wages and resolved 275 informal complaint inquiries alleging noncompliance with state labor laws.

In the current biennium, the department's total appropriation is \$1,834,334. Salaries and wages comprise \$1,532,004, with operating expenses accounting for the remaining \$302,330. The budget is a combination of \$1,421,583 in general funds and \$412,751 in federal fund authority.

Tony Weiler concluded his remarks.

Chairman Holmberg asked about the whistle blower legislation and if there has been much activity in that area.

Tony Weiler: The whistle blower complaints come in, but I don't have the exact number in front of me. I haven't seen a large amount of cases in the time I've been there but the whistle blower or retaliation is part of the numbers we track. In the last biennium probably 80-90 cases.

Senator Kilzer: Your first two pages talk about the increases in alleged complaints. How are these complaints settled? Are there a lot of them that come in without merit because people are encouraged by the media to file complaints of one kind or another? And also, is the complainant at risk of anything if he/she comes in with an unfounded complaint and they're just taking a shot in the dark?

Tony Weiler: Many of complaints that come in are employment related. Many of those happen when the relationship ends. The Department has to take in the complaint and investigate it which takes time from the employer. A large percentage of them are not meritorious. We still have duty to investigate and see if it was warranted. Whether that comes from the media, I don't know that. Some of that has to do with the contentious nature of the employment relationship when it severs. Your 2nd question. I don't know if there is fear of bringing in a complaint. That's where the retaliation comes in. You can bring a complaint if it has a basis. If you were terminated because of that, you could file a claim of retaliation.

Senator Kilzer: What are risks for complainant? How can you discourage unmeritorious complaints from being filed?

Tony Weiler: I don't know how you would do that. It's a problem, but it would take so much time from staff. If you're an employer that is discriminating or anyone else who's discriminating and someone brings that claim, you couldn't terminate them because of it because that would fall under the protection of retaliation.

Senator Wardner: On the costs of the data base, are you going to take it out of your budget? Do you have estimated costs?

Tony Weiler: It would come out of our current operating budget. We got an estimate from ITD of around \$63,000. I'm thinking they give us the high end. With all of the numbers that we run and all of the data that we compile, we get requests about that frequently, and a lot of those numbers have to be run by hand. The data base would be cost effective for the money long term for the department. It is important to track those numbers, make sure they are accurate, and have those numbers readily accessible. This will really streamline the data we collect.

Senator Wardner: I think you're doing the right thing. I applaud you for digging it out of your budget because most people would put it in as a onetime item in the budget. Maybe you did and didn't get it, I don't know, but it will save money in the long run.

Senator Warner: Could you elaborate on IT project and what other kind of interface do you have to have with other agencies and with the federal government which might add to the cost? I'm assuming this is not an off-the-shelf product.

Tony Weiler: The data we track is in all those areas. It may be in employment, but we want to track what is the basis of that discrimination. Was it race? Was it age? Was it sex? Was it national origin? Was it physical or mental capabilities? We track that data now. The data base we use now is Microsoft Access. It's not very user friendly for multiple users. We have seven investigators and when they are in the data base at the same time,

it causes us some problems. ITD is putting together one data base that will bring in all the data that we collect. Some of that is our wage claim data. Some is our youth employment data. We license independent contractors. All that data in discrimination area is something that ITD will develop for them and streamline. There isn't much interaction with any other state agency. ITD will host for us and the numbers will be sent to the federal government based on the reporting requirements that we have.

Senator Warner: On salary increases, is there a percentage increase but they are not guaranteed across the board salary increases, and there is no equity pool at all this year? Is that right? Are there minimum standards for expected increases for salaries and part of the 3% is for virtual equity?

Tammy R. Dolan, OMB - The compensation package that the governor put together was based on a 3% annual amount. However, agencies are to distribute that to their employees based on performance standards and other issues they have within their department – not to be across the board at all.

Senator Warner: Is there some portion of the 3% that is a guaranteed minimum – like 2% plus 1% for equity?

Tammy R. Dolan: No minimum established in there.

Chairman Holmberg: You will find that those salary issues are in three different areas. They're in SB 2015 which we will hear in a week and a half and that's the language that talks about the money going. Then within this budget, the dollars are here. And then there is other language regarding the recommended change in the retirement which essentially backs out 1% of the salary increase. That would be the end of January. Assuming you were a hard working employee, so they gave you 3% - you'd get 3% on July 1, and the next January, you'd start paying 1% into the retirement system.

Senator Warner: If you were a slacker, you could potentially lose a little bit this biennium. That's assuming somebody's going to get 4% and somebody else get 2 or 1.

Chairman Holmberg: I don't know the answer, but it's possible.

Tammy R. Dolan: I don't know how often that would happen in an agency, but it's possible.

Chairman Holmberg asked if there were any more questions or if anyone else would like to testify. He closed the hearing on SB 2007.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2007
02-10-2011
Job # 14298

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Budget for Labor Commission.

Minutes:

You may make reference to "attached testimony."

Chairman Holmberg called the committee to order on SB 2011. Roxanne Woeste, Legislative council and Lori Laschkewitsch, OMB were also present.

Chairman Holmberg stated we will take up the Labor Commission and there is nothing in there of a policy decision except the issue of salaries. The governor if you recall had a 3 and 3 in his budget and I want to say this very carefully, I am going to urge us to pass the bill as introduced by the governor setting the Senate position on employee salaries at the dollar amount of 3 and 3. That would mean in this particular budget salary and wages is \$1.6 million which includes the increases and the health insurance, etc, that would be the Senate position and this Bill would be on the floor tomorrow. If there is discussion it would be done on this Bill. There is a second aspect of this though. In SB 2015, OMB is the method of distribution of this money and that Bill says 3 and 3. All this bill has is the dollars. There is still discussion going on about the issue cost to continue and whether or not this legislature or the Senate should be on record as front loading this either through a 4.5 4% increase the first year and nothing the second year as was done in 1980 when the other party had control or a 4 and 1, which is the same dollar amount. All we're doing today is we're not, if we pass this on the floor, all we are blessing is the governor's budget dollars of 3 and 3. So I would like someone to make a motion if they would on SB 2007.

Senator Wanzek moved Do Pass. Seconded by **Senator Krebsbach**.

Senator Robinson asked if Lori Laschkewitsch could explain the retirement package, the one and one, how that is built into the governor's recommendation. We have 3 and 3 and \$36 million but there is a requirement embedded in that package for employee participation, is it one and one and the first assessment wouldn't kick in until January 1, 6 months after the beginning of the biennium, is that correct?

Lori Laschkewitsch: That is correct. Included in the budget is a 3 and 3 on July 1st of each year of the biennium and then a 1% retirement contribution by the employee begins in January of each year of the biennium.

Chairman Holmberg: You recall the reason for that is because our fiscal year is July 1st to June 30th, and the county and city folks are on a year budget so the retirement issues, which haven't been resolved yet, those issues you couldn't very well ask the cities and counties in the middle of their budgetary year to all of sudden be paying in additional. I had once asked a representative of employees would it be better if we just delayed everything until January 1st and give no raises until January 1st and they didn't like that idea.

Senator Robinson: What are the intentions in terms of which bill will we be addressing the final package for the retirement side of it? Will that be retirement bills? He was told yes.

Chairman Holmberg: There is another bill in the Senate which is the HP and the rest are in the House.

Roxanne Woeste: The Bill that incorporates the governor's recommendation regarding retirement, the increased contributions is in the Senate. That bill affects all retirement plans, not just the Highway Patrol.

Chairman Holmberg: That is the bill that the rules have been suspended and is still in GVA. We will get that bill.

Senator Robinson: Is there a House version of that bill that is moving through the House?

Chairman Holmberg: The House has the defined contributions versus defined benefit issues and those bills have been passed out of committee with DO PASS recommendations. We will worry about those when they get over here.

Senator Warner: This deals only with salaries. We have inflators in other budgets. He was told yes.

Chairman Holmberg: Yes, there is provider pay. The other comment I was going to make is there is some equity money in the governor's budget for critical needs in some agencies and that includes mineral resources, the Attorney General's Office, the Health Department, and DOT. There is a bundle of \$1.9 million. Call the roll on a DO PASS on SB 2007.

A Roll Call vote was taken. Yea 13, Nay: 0. Chairman Holmberg will carry the bill. Hearing was closed.

Date: 2.10.11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2007

Senate Sen Ap prop. Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen Wanzek Seconded By K Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner	✓	
Senator Bowman	✓		Senator O'Connell	✓	
Senator Grindberg	✓		Senator Robinson	✓	
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Holmberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2007 was placed on the
Eleventh order on the calendar.

2011 HOUSE APPROPRIATIONS

SB 2007

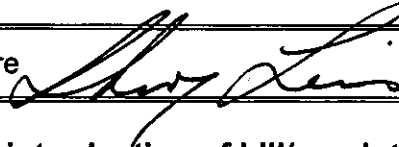
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

SB2007
March 3, 2011
Recorder Job# 14876

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an Appropriation for defraying the expenses of the labor commissioner.

Minutes:

Chairman Thoreson: Opened the hearing on SB2007 and it was noted that all members were present.

Tony Weiler, Commissioner, North Dakota Labor Commission: See attached testimony 2007.3.3.11A.

Chairman Thoreson: When you say you investigate on behalf of HUD and EEOC, how is that handled. Do they give you the cases to look at and you're responsible for them; or does somebody come to you and then you refer it up to them?

Tony Weiler: We have contracts with both HUD and EEOC, where we can dually investigate cases. Often they come to us and they may be joint filed, or they may be just under North Dakota law. We have the ability to look at investigating those under state law and under federal law. It's a cooperation or contractual agreement with those 2 agencies.

Chairman Thoreson: Whose the final authority in that situation? Does it switch back and forth depending on the case?

Tony Weiler: Our office will make a determination and in most instances that will be the final determination. There are instances where, if we determine that there's no cause, the claimant still get a right to sue letter from the EEOC and sue the case out. In those instances, then it becomes a civil action through court.

Testimony continued.

Representative Klein: Most of these complaints are where somebody left and didn't get their pay? Give me some ideas of what most of these type of cases are where they didn't get paid. Was there a misunderstanding?

Tony Weiler: When asking about our wage and hour cases, where somebody didn't get paid, a lot of the complaints we receive in that area would be overtime, someone at the termination of employment; what they're due in wages or what they're owed. It could be that they didn't maybe get minimum wage for hours worked. There's sometimes where an employment relationship will go on and the employee may not think that they're being treated correctly; but, it doesn't come to a head until separation from employment. Then they're going to file a claim with our office. A large number of our complaints deal with being paid wages, being paid overtime, etc.

Testimony continued.

Representative Kempenich: What is the average length of time from opening to closing on claims?

Tony Weiler: I don't have that in my testimony and I don't have it in my wage and hour area. I can tell you that the number of pending claims have decreased. By that, I would say that we are handling those in an efficient manner; handling those more quickly than in the past. That's one of the issues, when I came in that they told me, was that the department now has gotten a very good handle on those claims. There's no concern with aged cases.

Representative Kempenich: I think one of the reasons for the added FTE; that can help the problem.

Tony Weiler: It certainly has. There's been a concerted effort by the department, by the employees in that department to make sure that cases are handled in an efficient manner.

Representative Klein: From the time you get the original complaint or call, is it handled within 30 days?

Tony Weiler: I would say it's not handled within 30 days. It's hard to tell you that on just a blanket basis; because every claim can be different. Once we receive the complaint or any kind of claim, we allow the employer or if it's not an employment case the landlord in housing; they have an opportunity to respond. Generally, they're allowed either 20 or 30 days to do that; so that takes some time. We want to make sure we're gathering facts, and all the information necessary. A large percentage of the cases we get in we find are without merit. It depends on how much cooperation we get from both sides.

Representative Klein: On the average would you say 40% or 50% of the claims you get aren't valid and you end up throwing them out?

Tony Weiler: There's a difference with the stuff we get under wage and hour and the stuff we get under discrimination. The discrimination complaints we under the Human Rights Act, I think those might be a higher percentage of that; that we'd find there's no cause or no charge valid. On wage and hour 50% might be accurate; but it might be a little higher.

Testimony continued.

Chairman Thoreson: Do you see one type of work over the other where the wage and hour claims come from? Is there one specific type of labor or is it from a broad range of industry?

Tony Weiler: That's not something I've looked at; I think it's everywhere.

Chairman Thoreson: I'm just asking because of the increased number coming in, I was wondering if it's because of increased energy production; if that's an area where it is. If it's something that just wasn't noticed before maybe in another area.

Tony Weiler: That's something we've looked at because I've had that question. Has the increased activity in the oil field increased the number of claims we've had; and, I'd say it hasn't. I think you have 2 reasons for that; one, those people are all making really good wages and they don't have to and they don't want to.

Testimony continued.

Representative Dahl: You said it there's a requirement to close them within 100 days. You're not always getting it done within 100 days? Could you clarify that?

Tony Weiler: Under our contract with HUD, we're required to close claims within 100 days; housing discrimination cases. It doesn't always happen. It's not always practical or possible; and that can affect our federal funding. If we give HUD a good reason why we haven't closed them within that time, our contact with HUD has been reasonable with us in understanding that it's not always possible to do that. Therefore, that hasn't affected our funding; but, it can.

Representative Dahl: How many federal dollars do you receive with regard to housing discrimination?

Tony Weiler: During the last biennium, we received \$412,000.00 in federal funds; that also includes EEOC money. Under fiscal federal year 2010-2011 our contract with HUD was projected to be \$130,760.00. For federal fiscal year 2011-2012, our contract was estimated to be just over \$83,000.00 for HUD cases.

Representative Klein: Do you have a breakdown on these types of discrimination. Is it age discrimination, sex discrimination? What is the major portion of that?

Tony Weiler: We do have a breakdown and I can provide that to you. I think the biggest area of discrimination's still in employment. You can get an employment discrimination case and it can be based on age, sex, etc. I think sex is probably still the biggest area.

Representative Klein: If you have that data could you provide it to the committee?

Tony Weiler: Absolutely.

Representative Kempenich: On your federal money, you show that as income, what do you do if you go over that? Does that stay within your budget? If you collect more than what you're budgeting for, where does that go?

Tony Weiler: The federal funding is somewhat speculative and somewhat difficult to budget for; because their fiscal year is different than ours. The amount of money we get is in a set dollar amount. It depends on how many cases we handle for the EEOC. Generally, we get authority from the legislature to spend that number of dollars; and if we go over that or need to go over that, we'd probably have to get more authority. If we're under that, then it's part of our budget.

Testimony continued.

Chairman Thoreson: When you travel to events like that, does that come out of your travel budget or do they do any reimbursement on these presentations?

Tony Weiler: That's out of our budget.

Testimony continued.

Chairman Thoreson: Where are we at with our federal funds right now? I know they just signed a 2 week extension on the federal budget. Have you heard anything on where we're going?

Tony Weiler: The federal bill, I believe it's HR1, we've had some concern on whether that would affect our HUD dollars or our EEOC dollars; and it doesn't appear that it will according to our contacts.

Testimony continued.

Representative Klein: As a part of that increase, are there increased charges you're facing with ITD?

Tony Weiler: I believe our ITD costs have gone up a little bit. I don't know the specific amount. We are doing a data base project which is kind of a stand alone project; where we need to increase our data base. Right now, we have a data base that's not very user friendly for multiple users.

Representative Klein: So this will be a new program that you're going to have to expand your capability? It will be an addition to your system?

Tony Weiler: It will be an improvement. Right now we have a data base called ACCESS; it's not very user friendly for multiple users. We're creating a new database that's going to be better for multiple users, easily searchable, and we'll have better stats. It's replacing what we have with something better and new.

Representative Klein: And ITD is doing that for you?

Tony Weiler: Yes.

Representative Kempenich: Where are you at in our computer replacement cycle?

Tony Weiler: We replaced them all last biennium and I don't think we intend to do it at the end of this biennium. We may be looking at that in the next biennium.

Representative Kempenich: You're going up a little on your IT equipment under \$5,000.00; that's why I was wondering if you were replacing some or not.

Tony Weiler: That's not our intent at this point.

Testimony continued.

Representative Dahl: When you talk about allowing your employees flexible schedules to work the hours they believe are most productive, can you detail that?

Tony Weiler: I came from the private sector and the hours weren't quite as flexible. We did have some flexibility; but, now what I found in the department. What in the department is that their flexible schedules really vary such that there's still coverage.

Representative Dahl: The point is that they can set their own hours within the normal working day schedule somewhat.

Tony Weiler: That's correct. What I've done is make sure that there's a balance, make sure we have coverage and enough staff there. During the work day they can adjust it so that it works for them.

Representative Dahl: When you talk about investigators being assigned cases in each area, do you mean so they'll have a certain number of wage and hour cases, housing discrimination cases? Is that the most efficient use? Could it be more efficient to have them be experts in one area and take all of those cases?

Tony Weiler: That's a very good question. Our attempts to cross train go from wage and hour are a little bit different and not as complex as when you get into discrimination or housing discrimination. A lot of our people start out with wage and hour and then move into EEOC; the last thing they get trained on is housing. It's the most complex; it's different forms, especially when complying with the federal government. Cross training in all of those areas has been determined to be the most efficient way for the department to handle cases.

Representative Kroeber: How's your turnover rate been and what's the background of your staff that you hire?

Tony Weiler: The turnover rate has not been high; people that have been there for over 10 years; it doesn't seem to be a high rate of turnover. Their backgrounds vary. One of our most experienced housing investigator came from an agency where she dealt with housing; some of the others have backgrounds doing investigations through WSI or job service, one

investigator whose a former police officer. We have a broad range of investigators and a lot of it's on the job training. You have to be really good at customer service because we have people who are often very upset.

Representative Klein: Do you have a full time attorney assigned from the Attorney General's office that works with you or is he just on call?

Tony Weiler: We have through the Attorney General, state and local division, we have an attorney whose called our general counsel. I don't have an attorney on staff. I have someone who I can contact, who I can ask questions of. If we have one of our cases that gets into litigation, then we go to the Attorney General's litigation department and bring in one of the litigation attorneys.

Representative Klein: I see the senate made no changes to your budget. Were there any items of discussion that you brought up or that you wanted added or changed? Were there any particular areas that were discussed that were changes?

Tony Weiler: No. The budget we put forth, we supported and didn't ask for anything different than the Governor's recommended package. In the senate, there were no issues or concerns.

Representative Kempenich: What's your spend down; what do you have left?

Tony Weiler: I don't have that right now.

Chairman Thoreson: Did the senate do any follow up with a subcommittee or anything when they did your budget or did you just have your hearing?

Tony Weiler: I just had my hearing.

Representative Kempenich: I kind of like the idea of the cross training. A lot of state agencies in the summer time go to 4 10's. Does your agency do that?

Tony Weiler: It looks like we have about \$159,000.00 remaining in operating. Right now I have 2 people that do 4 10's as part of their work week. It really works for those 2 employees. Our flex schedules don't vary based on the season. They appreciate those schedules and the flexibility.

Representative Glassheim: You talked about a large number of cases that are found to have no merit or no cause. Could you give an example of one in housing and one in wage and hour where they've claimed something and why you've found no cause?

Tony Weiler: Wage and hour could be someone who filed a claim with us and said they weren't paid all their overtime and I'm entitled to this amount. What we would determine is after looking at that that perhaps they were an exempt employee, weren't entitled to overtime, or perhaps they did get paid their overtime and just didn't know it. There may be an argument that they didn't get paid all their vacation time and we would take a look at that; see what they've earned, see whether they then paid it and determine then whether

the claimant's correct or not. For housing we look at if they're discriminating in housing and a lot of those would be disability cases.

Representative Glassheim: If you find no cause, what is their next step if they believe you've made a mistake in your determination? Do they have any recourse?

Tony Weiler: They still have the rights to file suits civilly if they so determine that we have been wrong.

Chairman Thoreson: Closed the hearing.

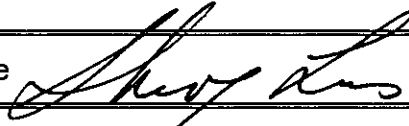
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB2007
March 14, 2011
Record Job# 15383

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an Appropriation for defraying the expenses of the labor commissioner.

Minutes:

Representative Dahl: Opened the hearing on SB2007.

Tony Wyler, Labor Commissioner, North Dakota Department of Labor: See attachment 2007.3.14.11A.

Representative Dahl: You will send them before the end of this biennium for this training?

Tony Wyler: We're sending at least 2 before the end of this biennium.

Representative Dahl: Do you know what that will cost the department?

Tony Wyler continued with testimony.

Representative Dahl: Some of that travel money that you indicated that there will about \$45,000.00 of unused money; you're going to put that elsewhere in your operating expenses? Which place are you going to move it to?

Tony Wyler: What we're going to do then; because we have the ability to move in operating, that's what we're going to do to help us offset the cost of that new database. The database project costs us approximately, through ITD, about \$63,000.00 and we've been billed about \$5,000.00 of that so far. That will be completed by the end of this biennium.

Testimony continued.

Representative Dahl: Just so I'm clear there will be \$8,500.00 left in operating at the end of the biennium?

Tony Wyler: That's correct. That's our best guess based on what we anticipate spending between now and the end of the biennium.

Representative Glassheim: Out of the \$151,000.00 that you're over; \$50,000.00 of that is going to go away as federal money you're going to carry forward? And \$58,000.00 is going to go into this other thing?

Tony Wyler: Correct.

Representative Glassheim: Then the normal spend down should bring the \$40,000.00 or \$50,000.00 down to \$8,000.00 or \$10,000.00.

Tony Wyler: We average about \$7,500.00 a month in just general operating expenses. Through the next 4 months that will be about \$30,000.00.

Representative Glassheim: What happens with that extra money, does it get turned back?

Sara Chamberlain, North Dakota Legislative Council : Any unexpended funds will turn back to the general fund at the end of the biennium.

Representative Brandenburg: I know that you're just newly hired; you said you've been on the jobs for 6 months?

Tony Wyler: I just went through my 6 months so I'm no longer probationary.

Representative Brandenburg: Is there anything in here that you would like to share with the committee looking forward?

Tony Wyler: No. I think my office is one of the smaller agencies and I think we operate well within budget.

Representative Dahl: Going back to the green sheet. There was obviously the salary increase in line with the executive recommendation. But then you also asked for some increases in operating expenses; \$2,000.00 from the general fund and \$11,800.00 from other funds. Can you quickly review with us what that is?

Tony Wyler: The amount were requesting in addition is simply the governor's recommended compensation package; nothing beyond that. We're not asking for any more full time employees. The \$13,900.00 in operating is going to be for inflationary purposes; and that's the only various from the previous biennium budget.

Representative Dahl: Do you know what the inflationary number was; probably around 3% I'm guessing? What are those other funds that are described there?

Tony Wyler: The \$13,964.00 is about an average of about \$582.00 per month that's attributable to general operating costs, inflationary increases projected to total between 4% to 5% during the 2011-2013 biennium. The other funds is how we break it down and look at it because we do have federal dollars as well. It's just how it was broken down on your green sheet.

Representative Dahl: So that entire \$11,000.00 is all federal money?

Tad Torgerson, North Dakota Office of Management and Budget: The increase of the \$13,964.00; as it shows on the green sheet about \$2,100.00 is general fund. But that EEOC money about \$4,700.00 and that's federal dollars; then the fair housing is a little over \$7,000.00 and that makes up the total. So most of it is federal dollars of that amount.

Representative Dahl: Closed the subcommittee hearing.

2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

SB2007
March 25, 2011
Recorder Job# 16007

☐ Conference Committee

Committee Clerk Signature	
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Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an Appropriation for defraying the expenses of the labor commissioner.

Minutes:

Chairman Thoreson: Opened the discussion on SB2007.

Representative Kempenich: Made a motion for a "Do Pass".

Representative Dahl: Seconded the motion.

A roll call vote was made for a "Do Pass". 7 Yea's 0 Nay's 0 Absent

Chairman Thoreson: Closed the discussion.

2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

SB 2007
3/29/11
16100

☐ Conference Committee

Committee Clerk Signature

Meredith Traeholt

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

Minutes:

You may make reference to "attached testimony."

Chairman Delzer: We'll discuss SB 2007.

Representative Dahl: This is a very simple budget. The salaries and wages reflect the executive recommendation. There's a small increase in their operating expenses of about \$13,000; roughly \$11,000 of that is from federal increases, so their general fund increase for the operating expenses is only about \$2,000, which is just inflationary. There are no amendments.

Chairman Delzer: Questions by the committee?

Representative Dahl: I move Do Pass.

Vice Chairman Kempenich: Second.

Chairman Delzer: We have a motion and a second. Questions? Discussion? It looks like this won't go to conference. We'll call the roll for a Do Pass on SB 2007. Motion carries 20-0-1. Representative Dahl will be the carrier.

Date: 3-25-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2007

House Appropriations Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Representative Kempenich Seconded By Representative Dahl

Representatives	Yes	No	Representatives	Yes	No
Chairman Thoreson	✓		Representative Glassheim	✓	
Vice Chairman Klein	✓		Representative Kroeber	✓	
Representative Brandenburg	✓				
Representative Dahl	✓				
Representative Kempenich	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Representative Dahl

If the vote is on an amendment, briefly indicate intent:

Date: 3/29
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2007

House Appropriations Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Dahl Seconded By Rep. Kempenich

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Representative Nelson	X	
Vice Chairman Kempenich	X		Representative Wieland	X	
Representative Pollert	X				
Representative Skarphol	X				
Representative Thoreson	X		Representative Glassheim	X	
Representative Bellew	X		Representative Kaldor	X	
Representative Brandenburg	X		Representative Kroeber	X	
Representative Dahl	X		Representative Metcalf	X	
Representative Dosch	X		Representative Williams	X	
Representative Hawken	X				
Representative Klein	X				
Representative Kreidt	X				
Representative Martinson	X				
Representative Monson					

Total (Yes) 20 No 0

Absent 1

Floor Assignment Rep. Dahl

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Rep. Delzer, Chairman) recommends DO PASS
(20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2007 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2007

Jack Dalrymple
Governor

Tony J. Weiler
Commissioner



State Capitol - 13th Floor
600 E. Boulevard Ave. - Dept. 406
Bismarck, ND 58505-0340

www.nd.gov/labor
www.nd.gov/humanrights

Testimony on SB 2007
Prepared for the
Senate Appropriations Committee

January 7, 2011

Good morning Chairman Holmberg and members of the Appropriations Committee, my name is Tony Weiler, and I am the Commissioner of Labor.

Department Responsibilities

The Department of Labor has two primary areas of responsibility. The first is establishing and enforcing laws and rules relating to the wages and working conditions of employees in North Dakota, as well as education regarding these laws and rules. Second, the department administers and enforces human rights laws under the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Under these anti-discrimination laws, the department receives and investigates complaints alleging discrimination in employment, housing, public services, public accommodations, and credit transactions. As required by law, the department emphasizes conciliation to resolve complaints, provides administrative hearings on complaints where there is probable cause to believe a discriminatory practice has occurred, and fosters prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws.

In addition to receiving and investigating complaints directly from individuals who believe they have been victims of unlawful discrimination under state anti-discrimination laws, the department's Human Rights Division also investigates cases for the United States Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). The department obtains significant relief, both monetary and affirmative, for claimants and aggrieved persons who file complaints with the department.

Workload

During the first eighteen months of the current biennium, the department's Wage and Hour Division resolved 523 claims for unpaid wages and collected \$307,119 for workers. In addition, the department resolved 275 informal complaint inquiries alleging noncompliance with state labor laws and collected \$65,165 as a result. We also reviewed 1,514 Employment and Age Certificates for 14 and 15

year old workers, and received an average of 683 telephone, email, and "walk-in" inquiries from citizens around the state each month.

By comparison, during the first eighteen months of the 2007-09 biennium, the department resolved 533 claims for unpaid wages and collected \$346,283 for workers. The department also resolved 285 informal complaint inquiries alleging noncompliance with state labor laws, reviewed 1,905 Employment and Age Certificates, and received an average of 711 inquiries from citizens each month.

The number of wage claims the department receives continues at an increased level. In the 2005-07 biennium, the department opened 595 wage claims. In the 2007-09 biennium, 690 wage claims were opened, and in the first 18 months of this biennium, the department has already opened 515 have been opened. Using that number to come up with an average, we are on pace to open approximately the same number of wage claims by the end of this biennium as we did last biennium.

It is important to note that even though the number of wage claims has increased during the current and last biennia, my staff has worked hard to resolve those claims in a timely manner. For example, even though the department has received more claims, the number pending has remained fairly constant. On June 30, 2007, there were 62 pending wage claims, and on June 30, 2008, there were 84 pending wage claims. On June 30, 2009, there were 60, while this past June, the department had 54 pending wage claims.

Now, turning to human rights and discrimination claims, the department resolved 339 employment discrimination complaints, 65 housing discrimination complaints, and 37 complaints alleging discrimination in public accommodations and public services during the first eighteen months of the current biennium.

The significant number of employment discrimination complaints that were resolved in the first eighteen months of the biennium is the result of an additional Compliance Investigator approved during the 2009 session, and a concerted effort to reduce the number of pending claims and make sure there are no issues with dated claims.

By comparison, during the first eighteen months of the 2007-09 biennium, the department resolved 213 employment discrimination complaints, 87 housing discrimination complaints, and 52 complaints alleging discrimination in public accommodations and public services. Clearly, the Human Rights Division has seen an increase in activity.

The number of days to closure for discrimination cases has also varied from last biennium. In light of requirements to close housing discrimination complaints within 100 calendar days, the department continues to focus on timely closure of housing cases. While it is not always possible to close every case within that timeframe, the average number of days to closure in housing cases has decreased from 135 days during the 2005-07 biennium, to 106 days during the

2007-09 biennium, and to 75 days during the current biennium. The department has also improved in the time it takes to close public service and public accommodation cases (from 167 days to 138 days), and employment discrimination cases (from 149 days to 107 days).

Public Education

In addition to the department's enforcement duties, the Commissioner of Labor is also required to "improve working conditions and living conditions of employees and advance their opportunities for profitable employment".... "foster, promote, and develop welfare of both wage earners and industries in N.D.".... and "promote friendly and cooperative relations between employers and employees." To do this, the department continues to broaden awareness of wage and hour issues and human rights protections through public education and outreach, working with groups representing human rights, business, labor, professional, and non-profit organizations. The department continues to provide speakers and trainers for conferences, workshops, schools, employers, labor organizations, businesses, landlord and tenant organizations, government agencies, and other community groups. The department provided more than 20 presentations during the first eighteen months of his biennium. I would like to increase this number and am actively looking at additional ways to provide information to citizens affected by the laws we enforce.

In addition to public education presentations, the department aired a public service announcement starting in October 2009 and running through this biennium, with an increase in airings to occur this coming April to coincide with National Fair Housing Month. It was the department's second PSA promoting fair housing and equal opportunity in North Dakota. Both PSAs may be viewed on the department's website. The department also worked with ITD to revamp its website. The new website was launched in October 2010. I believe it is more user-friendly, has some enhanced features that make navigation better, and is overall better for anyone who needs information relating to the department and its services. The site also meets up-to-date standards for website accessibility by persons with visual impairments and related disabilities.

Budget Request

This committee asked that my testimony focus on the department's 2009-2011 appropriation, estimated 2009-11 spending and the status of one-time funding items, 2011-13 budget needs, 2011-13 one-time funding needs, and major variances. I will address these below.

The Governor's Executive Recommendation contained in SB 2007 proposes a total appropriation of \$1,964,636. This amount includes \$1,540,125 of proposed general funds and \$424,511 of anticipated federal funds for which legislative spending authority is sought.

The department's salary budget in the Executive Recommendation is \$1,648,342. This is an increase of \$116,338, which contains the Governor's recommended compensation package.

The department's operating budget in the Executive Recommendation is \$316,294. This is \$13,964 (or an average of \$582/month) greater than the current biennium and is attributable to operating cost/inflationary increases projected to total between 4-5% in the 2011-13 biennium. The budget contains no one-time funding needs.

In the current biennium, the department's total appropriation is \$1,834,334. Salaries and wages comprise \$1,532,004, with operating expenses accounting for the remaining \$302,330. The budget is a combination of \$1,421,583 in general funds and \$412,751 in federal fund authority.

With respect to 2009-11 spending, the department expects to utilize nearly all of the funding appropriated for salaries and benefits. In operating, the department is significantly under budget with respect to professional fees and services. Costs in this area include those related to hearings conducted by the Office of Administrative Hearings, professionals such as architects (needed in housing discrimination cases involving accessibility and design/construction issues) and foreign language interpreters, and any necessary Special Assistant Attorney's General (required when there is a conflict of interest with the AG's Office representing the department). These expenses are very unpredictable by nature, as there is no way to foresee litigation involving the department. An upgrade to the department's databases that ITD is beginning work on must also be considered as it will reduce the amount of unexpended funds in the department's operating line. As in the biennium to come, the department has no one-time funding items in the current biennium.

The Department of Labor's federal funding, which supplements the legislatively approved state general funding, is received through work-sharing/cooperative agreements with the EEOC and HUD. Projections for federal funds show that the department is expected to receive less federal revenue than in the 2009-11 biennium, even though the number appears to be more. This is because the department chose to adjust when the money is received so we would not have such a large reduction in the next biennium. Federal revenue is always speculative, and we have clear indications that the department's contracts with the federal government will be reduced based on fewer cases, especially with respect to HUD and housing cases.

There is also the possibility of losing federal funding if the department does not close its dual-filed housing cases within 100 calendar days. In most instances, the department is closing housing cases within this time frame, but sometimes delays beyond 100 days are inevitable. Again, this could affect our federal funding.

Despite the effects of such fluctuations, overall the department anticipates no major variances between the current biennium and the 2011-13 biennium.

You may ask what the department is doing to hold down costs. The agency's long-term plan for improving the efficiency and effectiveness of achieving its statutory duties are already underway. We will continue cross-training efforts, so that each investigator will be assigned cases in each area. We also allow staff to work flexible schedules which allows them not only to work hours they believe are their most productive, but increases employee satisfaction in working at the department.

I believe the staff at the department are hard working, diligent state employees. In my short time with the department, I have found a great amount of pride in handling cases in an efficient manner. This budget will allow us to continue to provide high quality services for citizens of North Dakota.

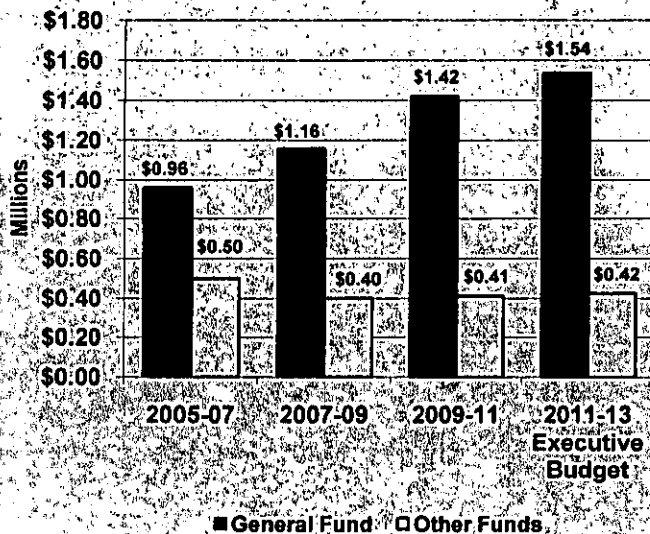
I'd be happy to answer any questions.

Department 406 - Labor Commissioner
Senate Bill No. 2007

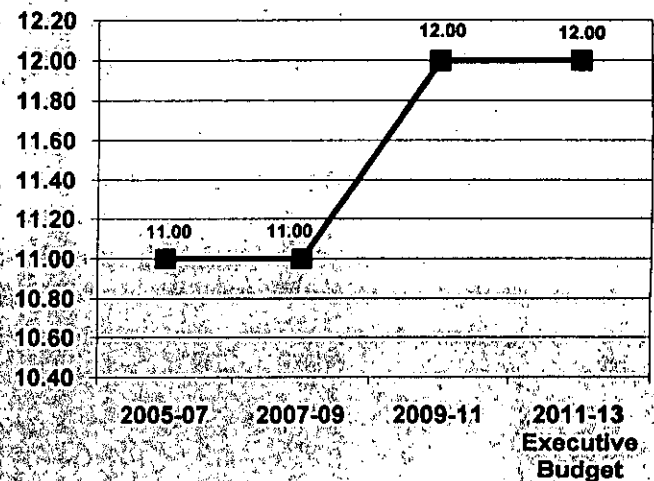
	FTE Positions	General Fund	Other Funds	Total
2011-13 Executive Budget	12.00	\$1,540,125	\$424,511	\$1,964,636
2009-11 Legislative Appropriations	12.00	1,421,583	412,751	1,834,334 ¹
Increase (Decrease)	0.00	\$118,542	\$11,760	\$130,302

¹The 2009-11 legislative appropriation amounts include \$20,000 from the general fund for the agency's share of the \$16 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for executive branch employees.

Agency Funding



FTE Positions



Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2011-13 Executive Budget	\$1,540,125	\$0	\$1,540,125
2009-11 Legislative Appropriations	1,421,583	0	1,421,583
Increase (Decrease)	\$118,542	\$0	\$118,542

First House Action

Attached is a summary of first house changes

Executive Budget Highlights
(With First House Changes in Bold)

	General Fund	Other Funds	Total
1. Increases funding for price or inflationary adjustments in operating expenses	\$2,138	\$11,826	\$13,964

Continuing Appropriations

There are no continuing appropriations for this agency.

Significant Audit Findings

None

Major Related Legislation

No major legislation has been introduced affecting this agency.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Funding Summary

	Executive Budget	Senate Changes	Senate Version
Labor Commissioner			
Salaries and wages	\$1,648,342		\$1,648,342
Operating expenses	316,294		316,294
Total all funds	\$1,964,636	\$0	\$1,964,636
Less estimated income	424,511	0	424,511
General fund	\$1,540,125	\$0	\$1,540,125
FTE	12.00	0.00	12.00
Bill Total			
Total all funds	\$1,964,636	\$0	\$1,964,636
Less estimated income	424,511	0	424,511
General fund	\$1,540,125	\$0	\$1,540,125
FTE	12.00	0.00	12.00

Senate Bill No. 2007 - Labor Commissioner - Senate Action

The Senate did not change the executive recommendation for the Labor Commissioner.

2007.3.3. 11A

Jack Dalrymple
Governor

Tony J. Weiler
Commissioner



State Capitol - 13th Floor
600 E. Boulevard Ave. - Dept. 406
Bismarck, ND 58505-0340

www.nd.gov/labor
www.nd.gov/humanrights

**Testimony on SB 2007
Prepared for the
House Appropriations Committee (Government Operations Division)**

March 3, 2011

Good morning Chairman Thoreson and members of the Appropriations Committee, my name is Tony Weiler, and I am the Commissioner of Labor.

Department Responsibilities

The Department of Labor has two primary areas of responsibility. The first is establishing and enforcing rules relating to the wages and working conditions of employees in North Dakota. Second, the department administers and enforces human rights laws under the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Under these anti-discrimination laws, the department receives and investigates complaints alleging discrimination in employment, housing, public services, and credit transactions. As required by law, the department emphasizes conciliation to resolve complaints, provides administrative hearings on complaints where there is probable cause to believe a discriminatory practice has occurred, and fosters prevention of discrimination through education about the rights and responsibilities provided under North Dakota human rights laws.

In addition to receiving and investigating complaints directly from individuals who believe they have been victims of unlawful discrimination under state anti-discrimination laws, the department's Human Rights Division also investigates cases for the United States Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). The department obtains significant relief for claimants and aggrieved persons who files complaints with the department, both monetary and affirmative.

Workload

I'd next like to tell you about the department's workload. During the first eighteen months of the current biennium, the department's Wage and Hour Division resolved 523 claims for unpaid wages and collected \$307,119 for workers. In addition, the department resolved 275 informal complaint inquiries alleging noncompliance with state labor laws and collected \$65,164.76 as a result, reviewed 1,514 Employment and Age Certificates (work permits) for 14 and 15

year old workers, and received an average of 683 telephone, email, and "walk-in" inquiries from citizens around the state each month.

By comparison, during the first eighteen months of the 2007-09 biennium, the department's Wage and Hour Division resolved 533 claims for unpaid wages and collected \$346,283 for workers. The department also resolved 285 informal complaint inquiries alleging noncompliance with state labor laws, reviewed 1,905 Employment and Age Certificates (work permits) for 14 and 15 year old workers, and received an average of 711 telephone, email, and "walk-in" inquiries from citizens around the state each month.

The number of wage claims the department receives continues at an increased level. In the 2005-07 biennium, the department opened 595 wage claims. In the 2007-09 biennium, 690 wage claims were opened, and in the first 18 months of this biennium, the department has already opened 515. Using that number to come up with an average, we are on pace to open approximately the same number of wage claims by the end of this biennium as we did in the last.

It is important to note that even though the number of wage claims has increased in the current and last biennia, my staff has worked hard to resolve those claims in a timely manner. For example, even though the department has received more claims, the number pending has remained fairly constant. On June 30, 2007, there were 62 pending wage claims, and on June 30, 2008, there were 84 pending wage claims. On June 30, 2009 there were 60, this past June, the department had 54 open wage claims.

Now, turning to human rights and discrimination claims, the department resolved 339 employment discrimination complaints, 65 housing discrimination complaints, and 37 complaints alleging discrimination in public accommodations and public services during the first eighteen months of the current biennium.

The significant number of employment discrimination complaints that were resolved in the first eighteen months of the biennium was the result of an additional Compliance Investigator approved during the 2009 session, and a concerted effort to reduce the number of pending claims and make sure there are not issues with dated claims.

By comparison, during the first eighteen months of the 2007-09 biennium, the department resolved 213 employment discrimination complaints, 87 housing discrimination complaints, and 52 complaints alleging discrimination in public accommodations and public services. Clearly, the Human Rights Division has also seen an increase in activity.

The number of days to closure in discrimination cases has also varied from the last biennium. In light of the requirement to close housing discrimination complaints within 100 calendar days, the department continues to focus on timely closure of housing cases. While it is not always possible to close every case within that timeframe, the average number of days to closure in housing cases

has decreased from 135 days during the 2005-07 biennium, 106 days during the 2007-09 biennium, to 75 days during the current biennium. The department has also improved in the time it takes to close public service and public accommodation cases (from 167 days to 138 days), and employment discrimination cases (from 149 days to 107).

Public Education

In addition to the department's enforcement duties, the Commissioner of Labor is also required to "improve working conditions and living conditions of employees and advance their opportunities for profitable employment".... "foster, promote, and develop welfare of both wage earners and industries in N.D." and "promote friendly and cooperative relations between employers and employees." To do this, the department continues to broaden awareness of wage and hour issues and human rights protections through public education and outreach, working with groups representing human rights, business, labor, professional, and non-profit organizations. The department continues to provide speakers and trainers for conferences, workshops, schools, employers, labor organizations, businesses, landlord and tenant organizations, government agencies, and other community groups. The department provided more than 20 presentations during the first eighteen months of this biennium. I would like to increase this number and am actively looking at ways to provide information to both employers and employees in North Dakota.

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Budget Request

My testimony will focus on the department's 2009-2011 appropriation, estimated 2009-11 spending and the status of one-time expenditures, 2011-13 budget needs, 2011-13 one time expenditures, and any variances. I will address these below.

In the current biennium, the department's total appropriation is \$1,834,334. Salaries and wages comprise \$1,532,004, with operating expenses accounting for the remaining \$302,330. The budget is a combination of \$1,421,583 in general funds and \$412,751 in federal fund authority.

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The department's federal funding, which supplements the legislatively approved state general funding, is received through work-sharing/cooperative agreements with the EEOC and HUD. Projections for federal funds show that the department is expected to receive less federal revenue than in the 2009-11 biennium, even though the number appears to be more. This is because the department chose to adjust when the money is received so we would not have such a large reduction in the next biennium. Federal revenue is always speculative, and we have clear indications that the department's contracts with the federal government will be reduced based on fewer cases, especially with respect to HUD and housing cases.


There is also the possibility of losing federal funding if the department does not close its dual-filed housing cases within 100 days. In most instances, the department is closing housing cases within this time frame, but sometimes delays beyond 100 days are inevitable. Again, this could affect our federal funding.

The Governor's Executive Recommendation contained in SB 2007 proposed a total appropriation of \$1,964,636, compared to the appropriation for the current biennium of \$1,834,334. Of the total budget, \$1,648,342 is for salary and wages, an increase of \$116,338. This amount represents the suggested increase in the recommended compensation package.

The department's operating budget in the Executive Recommendation is \$316,294. This is \$13,964 (or an average of \$582/month) greater than the current biennium and is attributable to operating cost/inflationary increases projected to total between 4-5% in the 2011-13 biennium. The budget contains no one-time funding needs.

Despite the effects of such fluctuations, overall the department does not anticipate major variances between the current biennium and the next.

You may ask what the department is doing to hold down costs. The agency's long-term plan for improving the efficiency and effectiveness of achieving its statutory duties are already underway. We will continue cross-training efforts, so



that each investigator will be assigned cases in each area. We also allow staff to work flexible schedules which allows them not only to work hours they believe are their most productive, but increases employee satisfaction in working at the department.

I believe the staff at the department are hard working, diligent state employees. In my short time with the department, I have found a great amount of pride in handling cases in an efficient manner. This budget will allow us to continue to provide high quality services for citizens of North Dakota.

I'd be happy to answer any questions.

2009.3.14.1/A

North Dakota Department of Labor 2009-11 Biennium Spend-Down Report
 prepared for the House Appropriations Government Operations Committee
 March 14, 2011

	2009-11 Biennium Expenditures through Feb 2011	2009-11 Biennium Total Budget	2009-11 Budget Remaining
Salaries and Benefits			
Salaries - Permanent	\$882,801.71	\$1,103,317.00	\$220,515.29
Overtime	\$2,730.00	\$10,000.00	\$7,270.00
Fringe Benefits	\$337,266.81	\$418,687.00	\$81,420.19
Total Salaries and Benefits	\$1,222,798.52	\$1,532,004.00	\$309,205.48
Operating Expenses			
Travel	\$22,836.84	\$72,200.00	\$49,363.16
Supplies - IT Software	\$151.06	\$500.00	\$348.94
Supply/Material - Professional	\$9,783.39	\$13,200.00	\$3,416.61
Miscellaneous Supplies	\$978.66	\$3,815.00	\$2,836.34
Office Supplies	\$9,546.11	\$8,000.00	(\$1,546.11)
Postage	\$11,216.93	\$21,000.00	\$9,783.07
Printing	\$2,676.33	\$7,370.00	\$4,693.67
IT Equipment under \$5,000	\$1,477.50	\$9,000.00	\$7,522.50
Office Equip & Furniture under \$5,000	\$1,938.00	\$2,500.00	\$562.00
Insurance	\$1,537.09	\$1,700.00	\$162.91
Rentals/Leases - Bldg/Land	\$6,083.50	\$7,426.00	\$1,342.50
Repairs	\$1,392.50	\$3,500.00	\$2,107.50
IT - Data Processing	\$20,793.41	\$32,192.00	\$11,398.59
IT - Communications	\$20,456.67	\$28,927.00	\$8,470.33
IT Contractual Services and Re	\$9,286.15	\$2,000.00	(\$7,286.15)
Professional Development	\$6,117.30	\$8,000.00	\$1,882.70
Operating Fees and Services	\$9,699.39	\$15,000.00	\$5,300.61
Professional Fees and Services	\$14,805.57	\$66,000.00	\$51,194.43
Total Operating Expenses	\$150,776.40	\$302,330.00	\$151,553.60
Total Expenditures	\$1,373,574.92	\$1,834,334.00	\$460,759.08
Funding Source of Expenditures			
General Fund Expenditures	\$1,068,738.65	\$1,421,583.00	\$352,844.35
Federal Fund Expenditures	\$304,836.27	\$412,751.00	\$107,914.73
Total Expenditures by Source	\$1,373,574.92	\$1,834,334.00	\$460,759.08

Notes:

*Through February 2011, the DOL's remaining operating appropriation is \$151,553.

*Operating expenses anticipated to be incurred by June 30, 2011 include:

\$58,500 for software development to update the DOL's databases to a single, stable application for multiple users;
 \$4,000 for travel to continue DOL Investigator training at HUD's National Fair Housing Training Academy;
 Approx. \$30,000 for monthly operating expenses (\$7,500/mo average in first 20 months of biennium).

*In addition, approx. \$50,000 of the federal revenue that comprises the DOL's current federal spending authority will be received in the 2011-13 biennium, rather than the current biennium.

Jack Dalrymple
Governor

Tony J. Weiler
Commissioner



State Capitol - 13th Floor
600 E. Boulevard Ave. - Dept. 406
Bismarck, ND 58505-0340

www.nd.gov/labor
www.nd.gov/humanrights

March 7, 2011

House Appropriations Committee --
Government Operations Division

Dear Committee Members,

Attached you will find information on the number and type of claims handled by the North Dakota Department of Labor (DOL). This was information the committee asked me about during my budget testimony last week. I have provided the number of closures in each area administered and enforced by the DOL, the basis for the charge/complaint, as well as the average days for closure. These numbers are from the beginning of this biennium through the end of February 2011. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony J. Weiler".

Tony J. Weiler
Commissioner of Labor

Enclosure

Average Days to Closing **109**

Charge of Retaliation
July 1, 2009 - February 28, 2011
62 Cases Closed

Resolution	Total
Administrative Closure	59
Settled	2
Withdrawn	1
Total	62
Average days to Closing	50

Housing Discrimination Cases
July 1, 2009 - February 28 , 2011
71 Total Closed

Resolution	Total
No Probable Cause	20
Settled	40
Dismissed	6
Probable Cause (Charge)	2
Withdrawn without Resolution	3
Total	71

Basis for Charge of Discrimination*	Total
Race	8
Color	3
National Origin	1
Sex	2
Marital status	0
Religion	0
Disability	46
Age	4
Familial Status	15
Receipt of Public Assistance	9
Retaliation	8

*Complaints may have more than one basis

Average Days to Closing	73
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Public Service/Public Accommodation/Credit Transactions

July 1, 2009 - June 28, 2011

38 Total Closings

Public Service	23
Public Accommodation	15
Credit Transactions	0
Total	38

Resolution	Total
Settled	4
No Probable Cause	29
Withdrawn	2
Dismissed	3
Probable Cause	0
Total	38

Basis of Charge of Discrimination*	Total
Race	17
Color	10
National Origin	2
Sex	1
Marital Status	1
Religion	4
Age	0
Receipt of Public Assistance	2
Disability	14
Retaliation	5

*Complaints may have more than one basis

Average Days to Closing	136
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Wage Claims
July 1, 2009 - February 28, 2011
568 Total Closed

Resolution	Total
Settled After Determination	139
Settled without Determination	186
No Merit	80
Referred to Attorney General's Office	79
Small Claim's Court	22
Dismissed	32
Withdrawn	26
Referred to US Department of Labor	3
Referred to Other State	1
Total	568

Basis for Wage Claim*	Total
Minimum Wage	29
Overtime	82
Wages	449
Unauthorized Deductions	100
Vacation	111
Commission	1
Bonus	5

*Claims may have more than one basis

Average Days to Closing	67
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