

HRMS HR Contacts Meeting

SEPTEMBER 28, 2016 1:30 – 4PM

BRYNHILD HAUGLAND ROOM

Agenda

1:30 p.m. Welcome and introductions

1:45 p.m. Review of feedback from last HR Contacts meeting - Becky

2:00 p.m. Recent legislative activity and session planning - Becky

2:30 p.m. Update re: State budget and compensation planning - Lynn

2:45 p.m. HR Contacts Blog and Intro to JDQ System – Darin & Sherry

3:15 p.m. Open records law review – AG's Office

4:00 p.m. Adjourn

Feedback from last HR Contacts meeting

Immediately after the meeting, many attendees approached HRMS staff to express appreciation for holding the meeting and the content provided.

Later, we sent a short survey via Survey Monkey (i.e., anonymous) with nine questions to the attendees asking for their feedback and perspective.

Here's what YOU said...

Q1 Overview of FLSA and Comp Time

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total	Weighted Average
The content of the presentation was relevant and useful	61.54% 32	30.77% 16	7.69% 4	0.00% 0	0.00% 0	52	1.46
I will be able to use the knowledge and information I received and apply it at work	54.72% 29	37.74% 20	7.55% 4	0.00% 0	0.00% 0	53	1.53
I received adequate information regarding the topics covered	50.94% 27	39.62% 21	9.43% 5	0.00% 0	0.00% 0	53	1.58

Fairly basic for everyday HR but was useful & necessary because there are a lot of contacts who have HR as a side duty.

It was very helpful to get the information from Troy directly. Thank you for having him present!

Very well presented.

Very informative, well organized.

Troy always does a good job presenting and is interesting to listen to. Would like to continue seeing him present at future HR contacts meetings.

Q2 Compensation Increase Guidance

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total	Weighted Average
The content of the presentation was relevant and useful	33.96% 18	49.06% 26	13.21% 7	1.89% 1	1.89% 1	53	1.89
I will be able to use the knowledge and information I received and apply it at work	28.30% 15	49.06% 26	18.87% 10	1.89% 1	1.89% 1	53	2.00
I received adequate information regarding the topic covered	30.19% 16	47.17% 25	18.87% 10	1.89% 1	1.89% 1	53	1.98

More detailed examples of what has been done in the past would be helpful.

Guidance provided from HRMS on Legislative Intent is most helpful.

Would have liked more guidance but understand why more couldn't be provided.

Interesting information.

It would be very useful if agencies were to receive spreadsheets to help with the calculations.

Q3 Employee Separation Programs

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total	Weighted Average
The content of the presentation was relevant and useful	24.53% 13	49.06% 26	26.42% 14	0.00% 0	0.00% 0	53	2.02
I will be able to use the knowledge and information I received and apply it at work	20.75% 11	45.28% 24	32.08% 17	1.89% 1	0.00% 0	53	2.15
I received adequate information regarding the topics covered	18.87% 10	50.94% 27	28.30% 15	1.89% 1	0.00% 0	53	2.13

Glad to know there is help if placed in this position.

A handout with resources would have been helpful.

Told to contact Job Service on what they'd done but no examples of what could be done was presented. Agencies on their own.

Would have liked more about what the state does for separated veterans.

There really wasn't much information given. Just that agencies have the option to terminate employees. And if we need help, to contact HRMS for more information. That said, I understand it is a sensitive topic and the option to disclose more information may not have been there.

Q4 Recruiting Solutions Users Group

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total	Weighted Average
The content of the presentation was relevant and useful	17.31% 9	46.15% 24	32.69% 17	1.92% 1	1.92% 1	52	2.25
I will be able to use the knowledge and information I received and apply it at work	15.38% 8	44.23% 23	36.54% 19	1.92% 1	1.92% 1	52	2.31
I received adequate information regarding the topic covered	17.31% 9	44.23% 23	32.69% 17	3.85% 2	1.92% 1	52	2.29

I would greatly enjoy attending a monthly / quarterly user's group to learn what other agencies are doing and how we can make the system better for everyone!

Not much info provided....

Outstanding idea, love it.

Need more training sessions on Recruiting Solutions.

Would have like more information.

Q5 Beneficial to attend the meeting?

Answer Choices	Responses	
Yes	96.15%	50
No	3.85%	2
Total		52

Thought it was a great session.

State agencies HR Contacts should have meetings more often....HRMS should be the lead on this

Yup, I'll be back at the next one.

Appreciated content - relevant and timely

Helpful to hear how other agencies are dealing with issues and what they did to resolve.

Q6 Add'l Comments / Suggestions?

Be more transparent by providing regular communications to all agencies via email and/or a weekly/monthly newsletter of current topics relevant to the HR profession. Have a Q&A email of top questions being asked of your department and the answers being provided. I am sure other agencies HR may be interested in what is being asked on a regular basis.

I would like to see quarterly HR Contacts meetings.

More in depth hand out materials

Make it easier for agencies outside of the Bismarck area

I appreciate that HRMS is sending out this survey and is looking for ways to serve the agencies. In the last few years, HRMS has come across as more of an "enforcer" rather than a group that wants to work with others and help agencies meet their needs. This was a breath of fresh air! Thank you!

Q7 Future topics?

benefits outlook, refresher presentations on ADA, FMLA, discipline issues, etc. Even if the topics are not hot topics, so to speak, just being able to have a refresher conversation on topics HR deals with on a daily basis.

Any legislative changes made by 2017 legislature would probably be useful

Relevant topics on laws and regulation changes.

Anything HR related. Maybe take suggestions from the field before the next meeting.

PeopleSoft Upgrades

Q8 Your agency's biggest HR challenges?

Our biggest challenge is recruitment and retention. Correct classifications is helpful so we appreciate working with HRMS on that. Also, would like to see/hear what other agencies are doing in areas that are challenging for all so we can learn from each other. Again, thank you for asking how HRMS can be a resource--it's a breath of fresh air!!

Recruiting. Benefits. Salary Ranges. How do agencies keep and attract top talent? How do agencies keep positive morale with all the negativity in the media regarding the budget cuts, upcoming legislative session, etc?

budgets, upcoming legislation, and staff morale as a result of changes... continue to keep us up-to-date on what to be on the lookout for or what types of legislative bills are proposed that involve employee related items (as HRMS has done in the past.) That has always been helpful.

1/3 of our staff is 60+. We are going to have an outflux of staff and will appreciate training resources for new staff – skill building with computer skills, peoplesoft employee portal, time and labor, etc

Recruitment of qualified staff, Pay, Retirement of long term employees

Summary

- About 65% response rate to survey
- Submitted survey responses were positive and constructive
- HRMS will continue to increase efforts to partner with agencies
- Communication is KEY – both to and from HRMS!
- HRMS is here to help – we are a TEAM 😊

Legislative activity & session planning

- Special Session occurred
- Employee Benefits Programs Committee meeting
- Health Care Reform Review Committee meeting
- Government Finance Committee meeting TODAY
- Budget Section TOMORROW
- Going forward...

STATE EMPLOYEE COMPENSATION COMMISSION MEETING

SEPTEMBER 2016

Topics

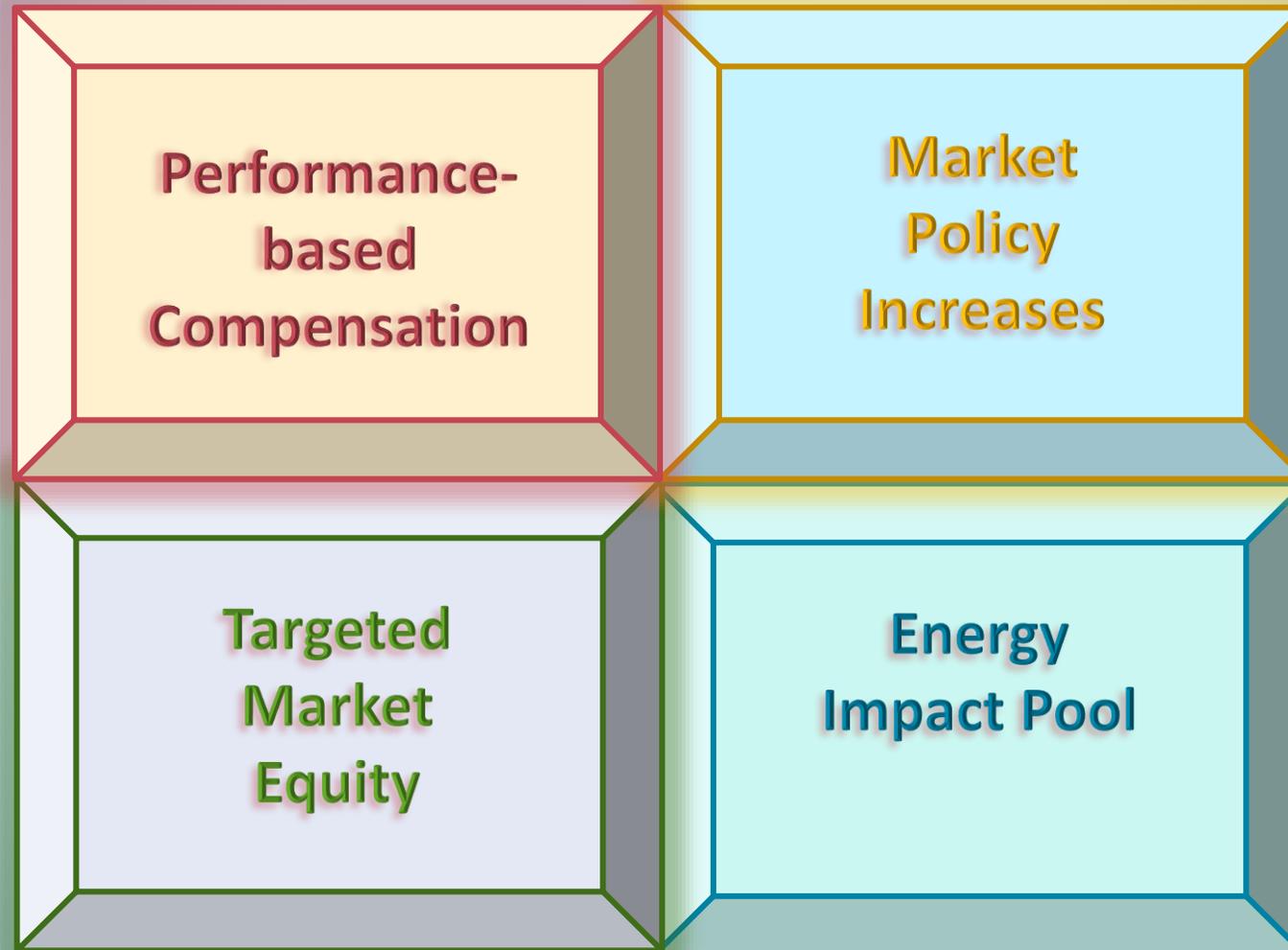
- Health
- Retirement

NORTH DAKOTA STATE EMPLOYEE COMPENSATION COMMISSION

Presented on Sept. 21, 2016

Human Resource Management Services
A Division of the Office of Management and Budget

Four Components to Compensation Plan

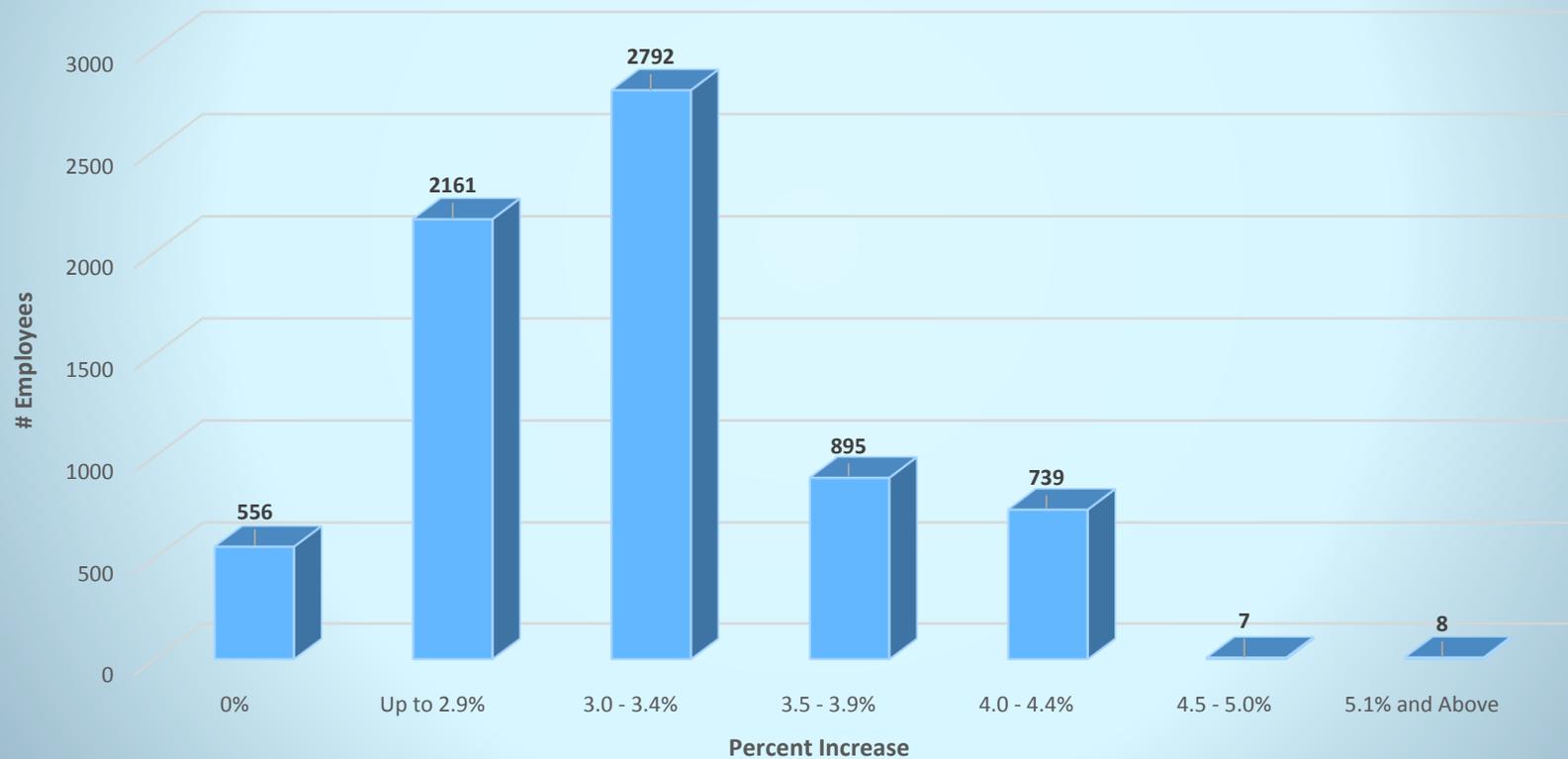


Program for 2015-2017 Proposed vs. Approved

Executive Recommendation				
<i>MPP Adjustments</i>			<i>Performance Increases</i>	
2015 & 2016	Relativity to Market Policy Position*		+ Meets Standards	+ Exceed Standards
MPP +	0%	+	3.00%	5.00%
2 nd Qtl	0-1.0%			
1 st Qtl	1-2.0%			
Legislative Appropriation				
<i>MPP Adjustments</i>			<i>Performance Increases</i>	
2015 & 2016	Relativity to Market Policy Position*		+ Meets Standards	+ Exceed Standards
MPP +	0%	+	2.00%	4.00%
2 nd Qtl	0%			
1 st Qtl	0%			
*All Increases Contingent upon Performance Meeting Standards				

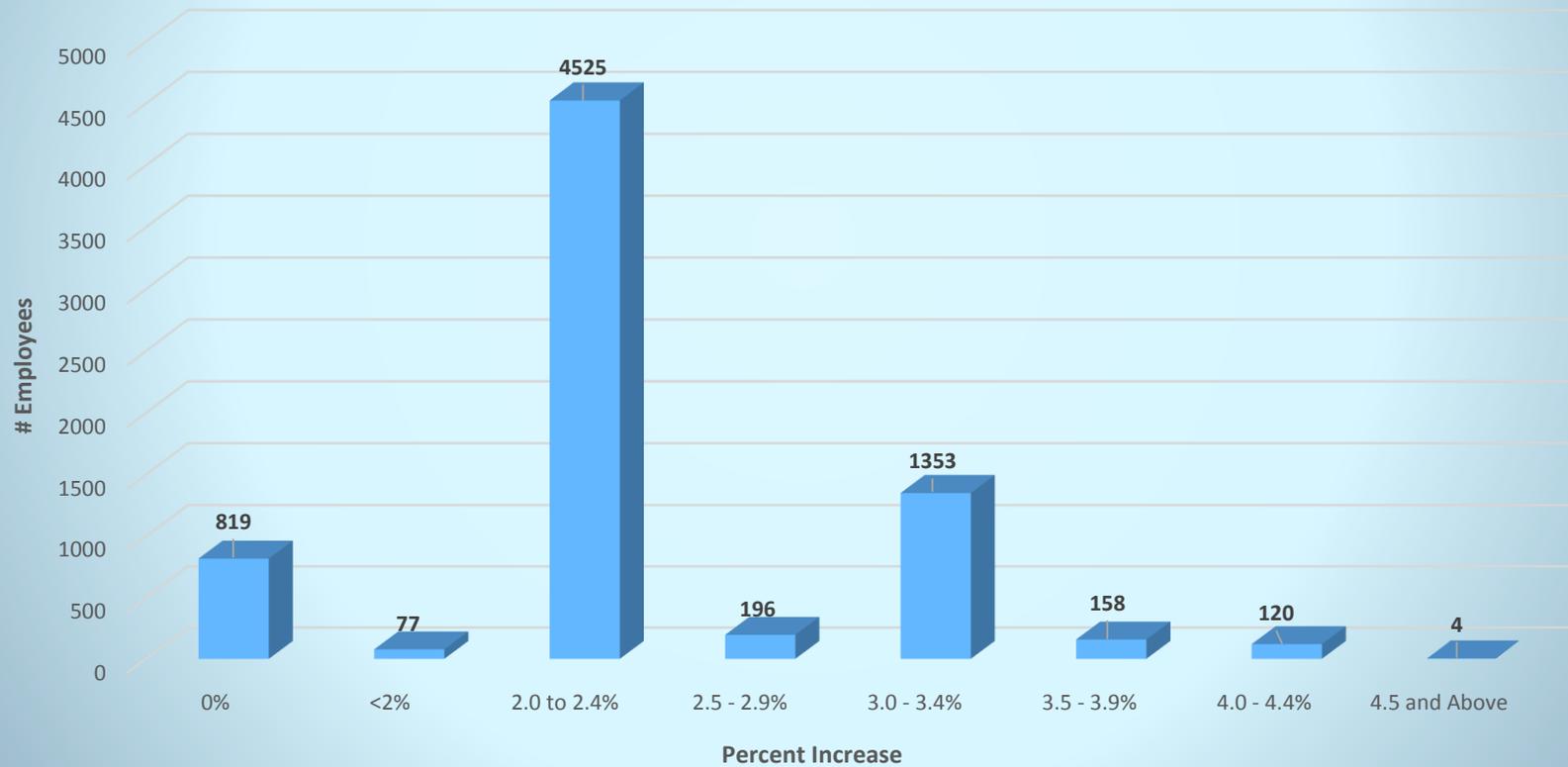
2015 Performance Increase Distribution

2015 LGP Performance Increase Distribution:
Classified Employees



2016 Performance Increase Distribution

2016 LGP Performance Increase Distribution:
Classified Employees



2015-2017 Targeted Market Equity Component

		<i>Legislative Version</i>			<i>Executive Recommendation</i>
		<i>Included in Agency Budget Bills</i>			<i>Agency Budget Bills</i>
		<i>General</i>	<i>Other</i>	<i>Total</i>	<i>Total</i>
125	AG	\$1,026,301	\$520,000	\$1,546,301	\$322,814
540	Adj Gen (Comm)	192,621	-	192,621	153,528
530	DOCR	2,126,442	-	2,126,442	2,126,442
Subtotal		\$3,345,364	\$520,000	\$3,865,364	\$2,602,784
		<i>Target Equity Pool Allocations</i>			<i>Agency Budget Bills</i>
		<i>General</i>	<i>Other</i>	<i>Total</i>	<i>Total</i>
201	DPI	\$ -	\$ -	\$ -	\$332,932
	250 St Lib	-	-	-	181,121
	252 Sch Deaf	-	-	-	285,458
	253 Vis Svcs	-	-	-	215,939
270	CTE	-	-	-	209,202
301	Health	724,558	-	724,558	1,559,659
313	Vets Home	-	468,954	468,954	429,624
321	Vets Affairs	-	-	-	55,100
325	DHS	2,768,570	271,046	3,039,616	6,207,841
360	P&A	185,549	-	185,549	399,404
406	Labor	-	-	-	139,744
504	Adj Gen	71,323	-	71,323	-
701	Hist Soc	-	-	-	620,486
Subtotal		\$3,750,000	\$740,000	\$4,490,000	\$10,636,510
Total		\$7,095,364	\$1,260,000	\$8,355,364	\$13,239,294

Energy Impact Pool Component

- Economic growth in the “oil patch” led to rising pay rates and prices, and challenges in recruiting and retaining employees
- HB1015 appropriated \$4 million general funds and \$4.5 million from special funds for the 2013-15 biennium
- 2015 Legislature authorized continuing the program for the 2015-17 biennium, but agencies were asked to plan to discontinue
- SB2015 appropriated \$2.4 million general funds and \$5.565 million from special funds for the 2015-17 biennium
- \$3.859 million transferred FY 2016
- **Requests to transfer \$47,044 for FY 2017 defeated on 6/20/2016**
- \$4.106 million (total funds) remaining at end of biennium

Compensation Planning for 2017-2019

- Agriculture and petroleum economic sectors down
- Health care, educational services and utility sectors continue to grow
- Unemployment 3rd lowest among states
(3.1%, July 2016, tied with Nebraska)
- Total employment in ND is down 1.7% and average wage down 0.3%, again due to reduced oil activity
- More than 14,000 job openings across the state, as of August 2016 (JSND)
- Need to continue to attract and retain quality employees

Compensation Planning for 2017-2019

Turnover Stats

2011	2012	2013	2014	2015
9.2%	10.4%	10.3%	11.1%	12.5%

(8 agencies more than 15%)

Retirement Eligibility

- 13.6% of classified employees eligible to retire [Sept. 2016; either normal retirement (age 65) or Rule of 85]
- 14 agencies more than 20%

2016 Market Analysis

Custom survey (larger ND employers): comprehensive total compensation survey was conducted in 2014, based on three year update cycle

- 2014 analysis: 11.5% below average pay, MPP 8% below
- WorldatWork Salary Budget Survey indicate the following for North Dakota:
 - 3.0% 2015 actual (mean)
 - 2.8% 2016 actual (mean)
 - 3.0% 2017 projected (mean)
- Actual ND Classified employee average salary growth was as follows:
 - 3.6% 2015 (based on December 2015 average)
 - 2.4% 2016 (based on August 2016 average)
- Market position relative to larger ND employers likely held steady or improved to some extent since 2014

2016 Market Analysis

- NDJS survey database (more medium to small ND employers):
 - Based on 187 benchmark comparisons to 2015 full year report, average salary 0.9% below market
 - Compares with finding of 3.35% below average pay in the 2014 analysis

2016 Market Analysis

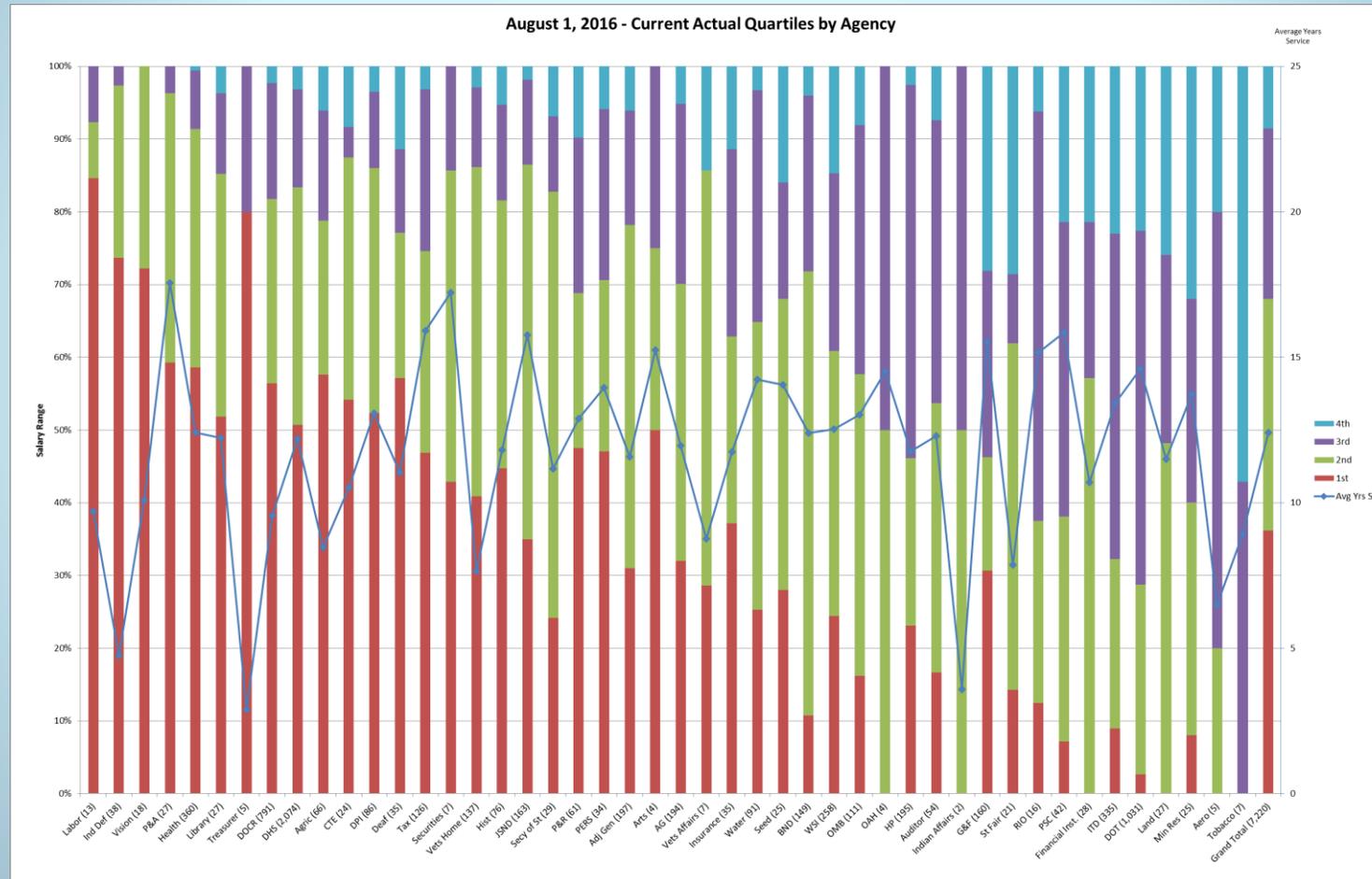
- National Compensation Association of State Governments (NCASG) Salary Survey
 - Based on 164 benchmark classifications, ten selected states, 11.3% above average pay, MPP 10.1% above
 - Compares to 2014 analysis of 6% above average pay, MPP 9.25% above

2016 Market Analysis

State of Missouri Compensation & Benefits Study Report (July 29, 2016) includes a ranking of state government pay among the 50 states, based on data from the US Census Bureau's Census of Governments. A summary for the ten selected states is as follows:

State	Average Annual Pay (AAP)	AAP Rank	Geographic Differential	Adjusted Average Annual Pay (AAAP)	AAAP Rank
Iowa	\$64,209	7	91.13%	\$70,458	1
Minnesota	\$57,107	12	100.98%	\$56,552	11
Colorado	\$55,636	13	100.43%	\$55,398	16
Wyoming	\$50,750	21	93.29%	\$54,400	17
Montana	\$48,529	26	90.29%	\$53,748	19
Kansas	\$47,227	31	90.21%	\$52,352	21
South Dakota	\$44,135	39	85.51%	\$51,614	26
Oklahoma	\$42,504	43	86.27%	\$49,268	35
Nebraska	\$43,646	40	88.86%	\$49,117	37
Missouri	\$37,476	50	94.44%	\$39,682	50
Ten State Average	\$49,122			\$53,259	
North Dakota	\$47,477	30	94.62%	\$50,176	32
ND +/- Ten State Avg	-3.35%			-5.79%	

2016 Salary Range Quartile Distributions



Compensation Planning for 2017-2019

General Conclusions:

- Overall competitive position has improved in recent years
- North Dakota market is still relatively dynamic, even given decline in commodities and oil
- Staff attraction and retention issues continue, especially for certain agencies and occupations
- Budget realities limit options

Compensation Planning for 2017-2019

Recommendations:

- Provide modest, performance based increases to maintain competitive pay
- Ten alternative scenarios presented, with cost estimates
- Move ranges consistent with appropriation, to maintain linkage to market
- Consider targeted funding for occupational groups with greatest market lag

Compensation Planning for 2017-2019

SECC Recommendations:

- Recommended performance based increases of 2% for each year of the biennium
- Possible additional 1% in the second year if revenue target met (target to be determined)

Budgets for 2017-2019

Budgets being analyzed as they come in (most are in)

- Analysis (90% budget, other considerations)
- Recommendations to Governor
- Legislature Organization Session (Dec 5-7)
- Executive Budget (December 7)
- New Governor (Dec 15th)
- New Governor has one month to present revised budget
- Legislative Session begins January 3
- 80 day limit runs to April 26th

QUESTIONS?

HRMS

Lynn Hart, Classification & Compensation Manager
Becky Sicble, Interim Director

HR Contacts Blog

HR Contacts 1st email from
the system! You should have
received it!

Reply Reply All Forward IM



Thu 9/15/2016 9:48 AM

Kemmer, Sherry L.

Blog Invitation

To Schorsch, Darin

i You replied to this message on 9/15/2016 9:50 AM.

Follow this link to view the most up to date information in the "HR Contacts Blog".

Description: See all the happenings in Human Resources for the State of North Dakota.

You can access this Blog through the following link which will require you to sign into your PeopleSoft account:

<https://www.cnd.nd.gov/psp/strp/EMPLOYEE/EMPL/c/EPPBL BLOG.EPPBL VIEW POSTS.GBL?Page=EPPBL VIEW POSTS&Action=U&EPPDF FORUM ID=0000002003>

Thank you!

Sherry Kemmer

HRMS/OMB

701.272.2362

HR Contacts Blog

It's Alive, I tell you Alive!

The screenshot shows the North Dakota Employee Hub interface. At the top, there are navigation tabs for 'Employee Hub', 'Manager Hub', 'Recruiting Hub', and 'Help?'. The 'Employee Hub' tab is selected and highlighted in yellow. A red arrow points from this tab to the 'HR Contacts Blog' widget in the bottom right corner. The main content area is divided into several sections: 'Agency News' with a 'STOP' sign icon and a 'DELTA DISCOUNT PROGRAM' icon, 'HR/Payroll News', and 'Quick Links' with icons for 'HR/Payroll' and 'NDPERS Employer Self Service'. The 'HR Contacts Blog' widget is a table with columns for 'Date', 'Recent Posts', and 'Author'. It lists several posts from September 2016, all authored by 'Schorsch, Darin R'. The table ends with 'View All Postings' and the number '36'.

Date	Recent Posts	Author
Sep 09	HR Executive September Take a look at the onlineHR Executive for Septembe ...	Schorsch, Darin R
Sep 08	Retrieval of InfoPath JDQs from Agencies We are getting re ...	Schorsch, Darin R
Sep 08	JDQ usage - when? Did you know? It is simple! When updating a JDQ ju ...	Schorsch, Darin R
Sep 08	JDQ System Roles Who in your agenc ...	Schorsch, Darin R
Sep 08	Sneak Peek - JDQ System Check out the JDQ system announcementthere! ...	Schorsch, Darin R
Sep 09	Do you need an Org Chart? Did you know that with MicroSoft Visio you can eas ...	Schorsch, Darin R
Sep 01	Welcome! Welcome to the HR Contacts Blog!The purpose of thi ...	Schorsch, Darin R

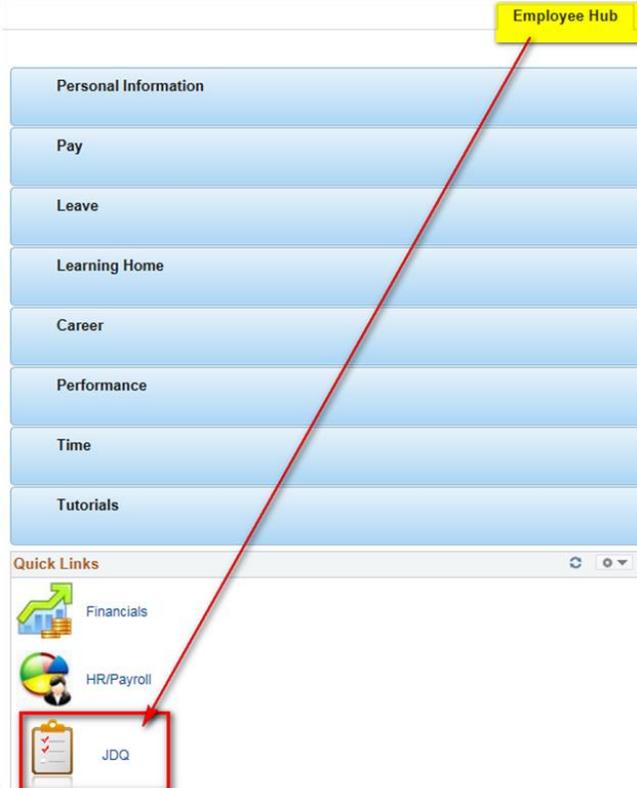
View All Postings 36

Hello JDQ!

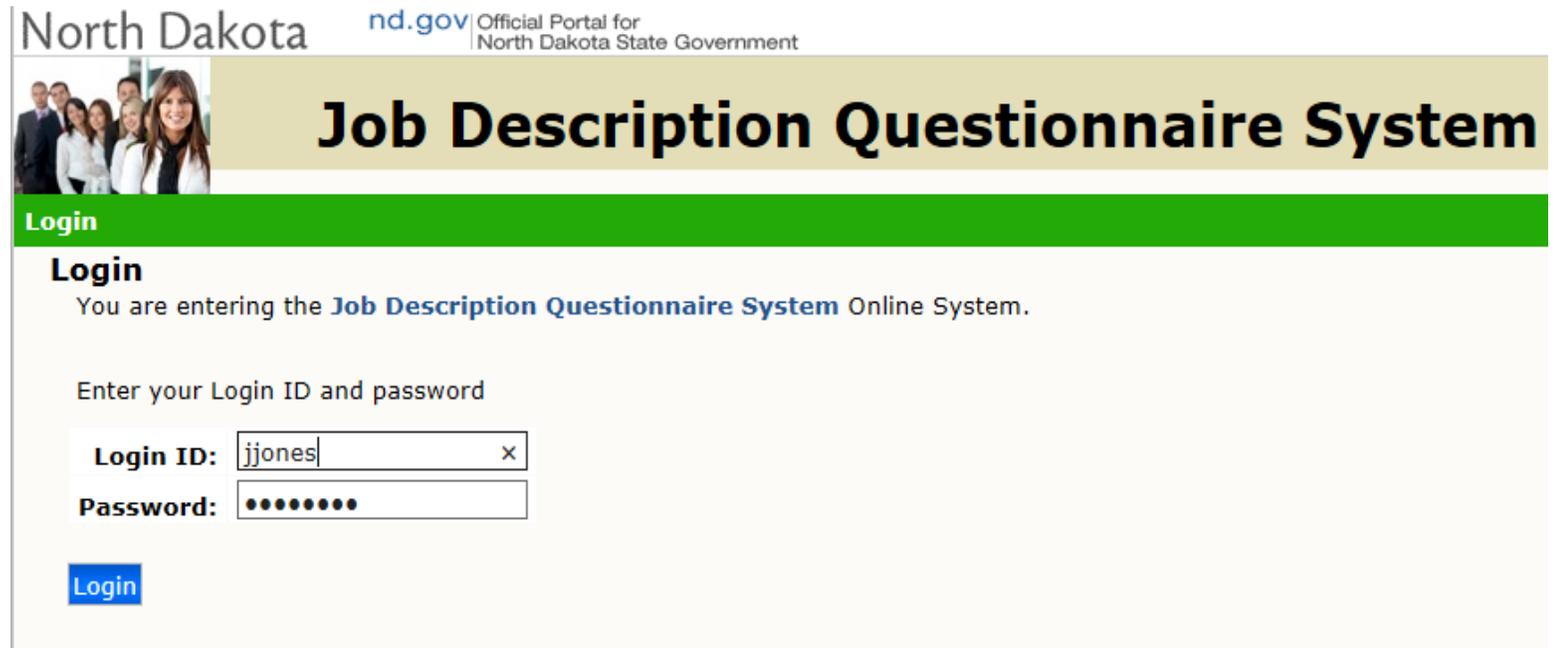
Where do I access the JDQ?

JDQ's – Employees, Managers,

HR Administrators can create them



The screenshot shows the 'Employee Hub' interface. At the top, there is a yellow box labeled 'Employee Hub'. Below it is a vertical list of menu items: Personal Information, Pay, Leave, Learning Home, Career, Performance, Time, and Tutorials. At the bottom, there is a 'Quick Links' section with three items: 'Financials' (with a bar chart icon), 'HR/Payroll' (with a globe icon), and 'JDQ' (with a clipboard icon). A red box highlights the 'JDQ' link, and a red arrow points from this box to the 'Employee Hub' label at the top.



The screenshot shows the login page for the 'Job Description Questionnaire System' on the North Dakota state government portal. The header includes 'North Dakota nd.gov Official Portal for North Dakota State Government'. The main title is 'Job Description Questionnaire System'. Below the title is a green bar with the word 'Login'. The page content includes the heading 'Login' and the text 'You are entering the Job Description Questionnaire System Online System.' Below this, there is a prompt 'Enter your Login ID and password' followed by two input fields: 'Login ID:' with the text 'jjones' and a clear button, and 'Password:' with a masked field of dots. A blue 'Login' button is positioned below the password field.

Key Benefits of the JDQ System

1. No more licensing for Microsoft InfoPath, saving agencies money!
2. One stop shop! All forms (JDQ, Reclassification and Delegated Reclassification) will be in one area for each agency to access their own documents.
3. Prepopulated employee data in the form based on login.
4. Approval work flow included.
5. Major Activities (Duties and Responsibilities) will be auto generated to PeopleSoft for ePerformance evaluations and Summary of Work in Recruiting Solutions for job postings.
6. Old InfoPath JDQ forms will populate new generated forms. Users will be able to update their JDQ from the previous approved document and edit Major Activities or other editable sections easily without having to rewrite the whole form.
7. Reports for agencies detailing form statuses, counts, and frequency of updates to JDQ per position will be available.

JDQ Sneak Peek

Part A of the JDQ has
Employee data in it already!

SFN2572: Draft Job Description Questionnaire (JDQ)

Name: Darin Schorsch Employee ID: Position: 00000079 Department/Division: 110113/OMB - Human Resources

(JDQ) Job Description Questionnaire

Cancel Finish Later Save Submit Form Spell Check

ND HUMAN RESOURCE MANAGEMENT SERVICES
sfn 2572 (09/11)
Date Received by Agency HR

INSTRUCTIONS:

- The Job Description Questionnaire (JDQ) is to be completed for a new position or an existing position in which responsibilities have changed.
- Part A is to be completed by the employee if an existing position or by the immediate supervisor if a new or vacant position.
- Part B is to be completed by the immediate supervisor and/or manager.
- An organization chart must accompany each submitted JDQ. The chart must show this position, any positions supervised, and all positions that report to up to and including, the agency head.
- If you are having technical issues with the system please contact HRMS. If you have questions on how to fill out the form or the process please contact your agency's HR representative.

PART A (Employee fills out this section)

Identification

1. Position Number	00000079 Help
2. Type of Position (Full Time Equivalent Percentage)	Full Time
FLSA Exemption Status as determined by agency for work assigned	Exempt: Administrative
3. Class Code	BUSINESS ANALYST II; CL0882; Grade N
4. Business Unit Number and Name	11000; Office of Mgmt & Budget
5. Department Number and Name	110113; OMB - Human Resources
6. Employee Name	Darin Schorsch
7. Telephone Number	
8. Supervisor/Manager Name	Rebecca Sicile; HUMAN RESOURCE OFFICER II
9. JDQ Prepared by	<input type="checkbox"/> Employee <input type="checkbox"/> Supervisor/Manager

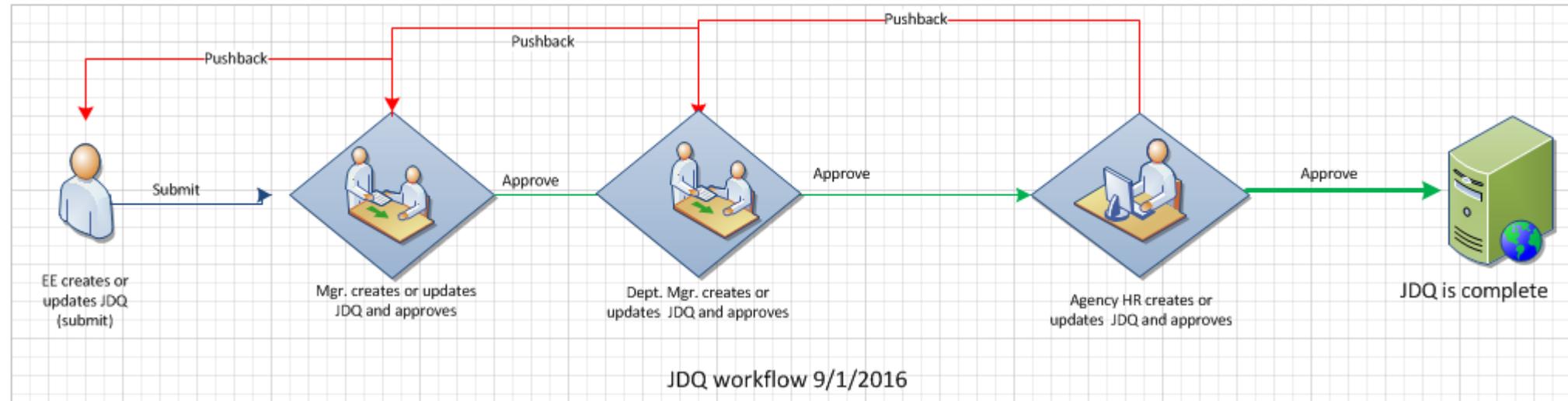
Organization Context

10. Work Unit Purpose: What is the primary purpose and function of the work unit referred to in #6 above?	Human Resources Management Services 1. Provides human resource guidance, assistance, training, mediation and recruitment classification and compensation plan.
11. Position Purpose: Write one or two BRIEF sentences to provide a concise statement of the position's primary purpose. Think of the answers to these questions to help you form a statement. Why does this position exist? the primary purpose and function of the work unit?	
* a) Position Purpose	

Save bar at top and bottom of form.

Lots of prepopulated data based on users log in.

JDQ Workflow



Who does what in the New JDQ System?

- **Employee** (initiates JDQ process)
 - Creates JDQ, enters information
- **Supervisor** (initiates JDQ and Reclassification process)
 - Can create JDQ or Reclassification, enters information
 - Approves JDQ or Reclassification
- **Department Manager**
 - Second Level approval of JDQ and Reclassification
- **Agency HR**
 - Can create JDQ, Reclassification or Delegated Reclassification, enters information
- **Agency HR Admin**
 - Approves JDQ, Reclassification or Delegated Reclassification

JDQ Next Steps

- **Agency Leads** - User Acceptance Testing (October 19 thru October 26)
- **Training** - Agency HR Admin October 27-November 2. Managers & Employee's – UPK's through ELM or the Tutorial link on the PeopleSoft Employee Hub
- **LIVE** – Wednesday November 16, 2016
- Contact Sherry Kemmer skemmer@nd.gov with any questions 328-3363

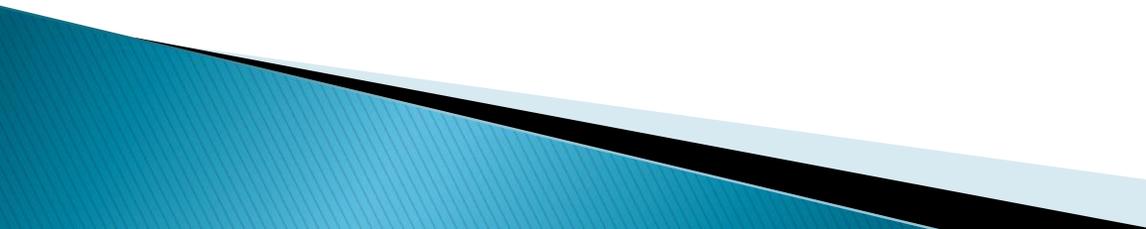
Open Record and Meetings Law

North Dakota Attorney General's Office

Open records

- ❖ All records
- ❖ Possession of public entity
- ❖ Regarding public business
 - ❖ OPEN

N.D.C.C. § 44-04-17.1(16) (definition of “record”)



Definition of “RECORD”

- ▶ Includes recorded information of any kind, regardless of the physical form or characteristic by which the information is stored, recorded, or reproduced.

N.D.C.C. 44-04-17.1(16)



Definition of “PUBLIC BUSINESS”

- ▶ “all matters that relate or may foreseeably relate in any way to ...the performance of the public entity’s governmental functions, including any matter over which the public entity has supervision, control, jurisdiction, or advisory power; or...the public entity’s use of public funds.”

N.D.C.C. § 44-04-17.1(12)

Unless specifically provided by law...

- ❖ There has to be a law that specifically says the record is protected.
- ❖ The law will say the record is “not subject to Article XI of the ND Constitution,” “not an open record,” “exempt,” or “confidential.”

Generally Open:

- ❖ Records on Personal Devices
 - ❖ Home computers
 - ❖ Personal cell phone
- ❖ Personnel file
 - ❖ Applications and resume
(although certain “personal info” exempt)
 - ❖ Job performance reviews
 - ❖ Evaluations
 - ❖ Salary information
 - ❖ Grievances and investigations

Exempt vs. Confidential

- ▶ Exempt records may be released.
- ▶ Discretion is with the public entity.
- ▶ May be called a “closed” record.
- ▶ Not against the law to release an exempt record.
- ▶ Confidential records cannot be released.
- ▶ No discretion.
- ▶ Can only release pursuant to law.
- ▶ Class C felony to knowingly release. §12.1-13-01

N.D.C.C. §§ 44-04-17.1(2) (“closed record”); (5) (“exempt record”)

N.D.C.C. § 44-04-17.1(3) (“confidential record”)

Exempt in Personnel File

- ▶ N.D.C.C. 44-04-18.1 – “personal information” including:
 - Home address
 - Home phone number or personal cell number
 - Photograph
 - Medical information (v. medical records, which are confidential)
 - Driver ID number
 - Employee identification number
 - Payroll deduction information
 - Including credit, debit, or electronic fund transfer card number; bank account number
 - Dependent and emergency contact:
 - name, address, phone number and DOB

NOTE: definition of “employee” in N.D.C.C. 44-04-18.1

- ▶ “public employee” includes:
 - Individual who is employed with public entity;
 - Individual who has applied for employment;
 - Individual who has been employed with a public entity.

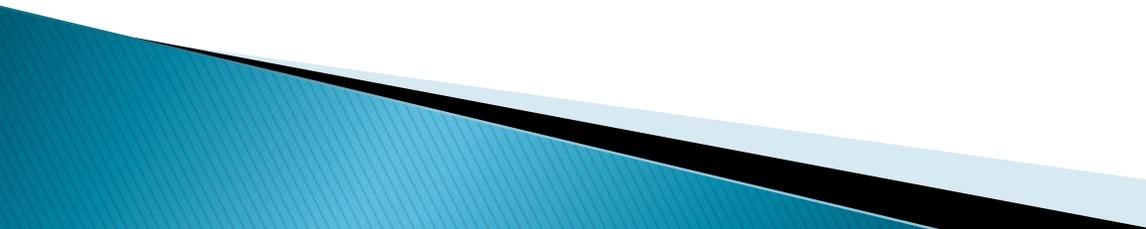
Confidential in Personnel File

- ▶ N.D.C.C. 44-04-18.1: records of medical treatment or use of employee assistance program (should not become part of personnel file)
 - See also N.D.C.C. chap. 23-01.3
- ▶ Group Insurance plan information and PERS – these provisions may apply:
 - N.D.C.C. 54-52.1-11 (group insurance)
 - N.D.C.C. 54-52.1-12 (group insurance)
 - N.D.C.C. 54-52.3-05 (pre-tax benefits)
 - N.D.C.C. 54-52-26 (PERS)
 - N.D.C.C. 65-04-15 (WSI)

Confidential in Personnel File

- ▶ N.D.C.C. 44-04-27: computer passwords and security information used to protect electronic info or prevent access to computer networks
- ▶ N.D.C.C. 44-04-28: social security numbers
- ▶ N.D.C.C. 12-60-16.6: criminal history record checks performed by BCI
- ▶ N.D.C.C. 57-38-57: Income tax returns information

The basic rules:

- ❖ Every person has the right to inspect or make a request for public records
 - ❖ The request DOES NOT have to be in writing.
 - ❖ The requester DOES NOT have to give their name or reason for the request.
 - ❖ You must provide records – not opinions or explanations.
 - ❖ Do not have to create new records
 - ❖ You only have to provide one copy of the record, once.
- 

The basics continued...

- ❖ You only have to provide records you have in your possession
 - ❖ Requests should reasonably identify the record, you can ask for clarification, but cannot intimidate
- ❖ Give a legal reason for any denial of records.
- ❖ Review and redact for confidential information.
(N.D.C.C. § 44-04-18.10)
- ❖ Communicate with requester – give estimate of time, costs, etc.
- ❖ Provide records within a reasonable time.

Reasonable Time

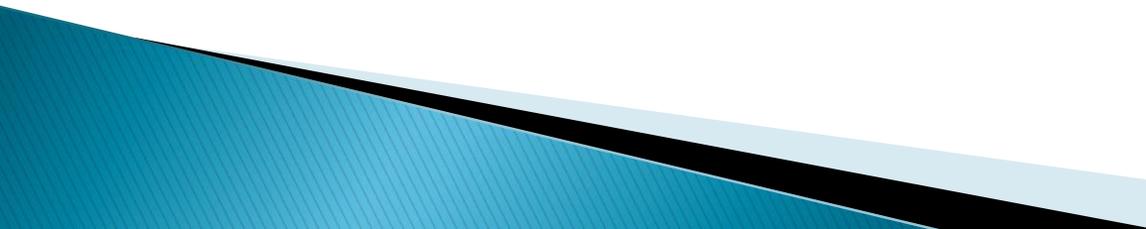
- ▶ Several factors used to determine appropriate length of any delay
 - Such as:
 - Need to consult with attorney if have reasonable doubt on whether the record is open
 - Excising confidential information
 - Bulk of request and volume of documents reviewed
 - Office staff and availability, workload, balancing of other responsibilities

Basics of charging:

- ▶ 25 ¢ per copy for 8x11 or 8x14 page.
- ▶ Locating records, even electronic records – first hour free, thereafter \$25/hour.
- ▶ Redacting confidential information – first hour free, thereafter \$25/hour.
Electronic records.
- ▶ Actual cost of postage, maps, color photos.
- ▶ Can ask for money up front.
- ▶ NEW LEGISLATION:
 - May withhold records for subsequent requests until you receive payment for any outstanding balance
 - 5 or more requests from same requestor w/in 7 days, may treat as one request when computing time to locate/excise records
- ▶ Access is free!!!

N.D.C.C. § 44-04-18

Electronic records

- ❖ Must provide reasonable access to electronically maintained records.
 - ❖ Can't impair ability to access records by contracting with a third party.
 - ❖ No charge for electronic copy unless it takes IT longer than one hour to produce.
 - ❖ If longer than 1 hour – charge actual cost of IT resources.
- 

Basics of Open Meetings

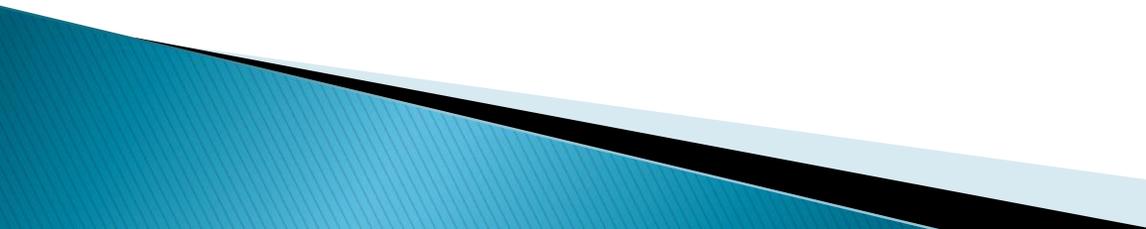
- ▶ Quorum of
- ▶ Governing body
- ▶ Of a public entity
- ▶ Discussing public business
 - ▶ Is a meeting

N.D.C.C. § 44-04-17.1(9) definition of “meeting”

What the notice should say:

- ❖ Time, date, and location of the meeting;
 - ❖ Topics to be discussed;
 - ❖ Notice of any executive session.
-
- ❖ The public should be able to read the notice and understand what the governing body is planning to discuss. Don't be vague.

N.D.C.C. § 44-04-20



Where to put the notice:

- ❖ At the main office;
- ❖ Appropriate central location: city auditor, county auditor, secretary of state OR put on public entity's website;
- ❖ Location of the meeting;
- ❖ Give to anyone who has requested it.

❖ *Myth: publishing of notice*

Two kinds of meetings:

❖ Regular

- ❖ Agenda should contain all topics known at the time of drafting the notice
- ❖ May discuss items not on the agenda at the meeting

❖ Special

- ❖ Can only discuss the items on the notice
- ❖ Provide notice to the official newspaper

Minutes of Meetings

- ▶ Must contain:
 - Names of members attending
 - Date and time meeting was called to order and adjourned
 - List of topics discussed
 - Description of each motion made and whether seconded
 - Results of every vote taken
 - Vote of each member on every recorded roll call vote (required for all nonprocedural votes)

N.D.C.C. § 44-04-21(2)

More information

- ❖ www.ag.nd.gov
- ❖ Manuals
- ❖ Opinions
- ❖ Fact Sheets

Thank you for attending the HR Contacts Meeting today!

We will send the meeting notes and slides to the HR Contacts group email when complete.

We will send another survey after this meeting seeking your feedback and perspective. Please respond to the survey.