

Employment Law Update

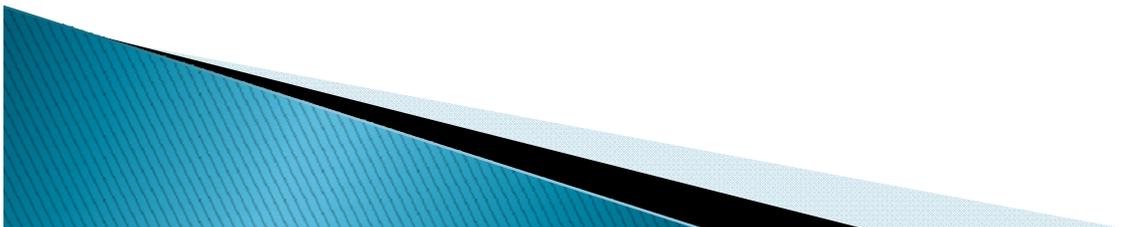


2011 Legislative Changes



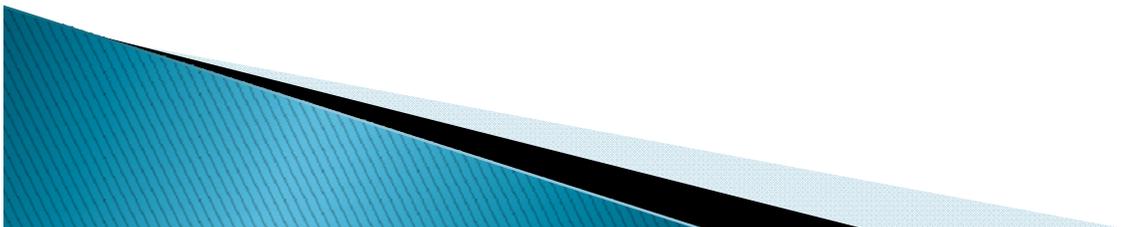
Veterans' Preference

- ▶ Takeaways:
 - Consider effect of veterans' preference when *initiating* hiring process
 - Obtain help from HRMS or other resources early in the process



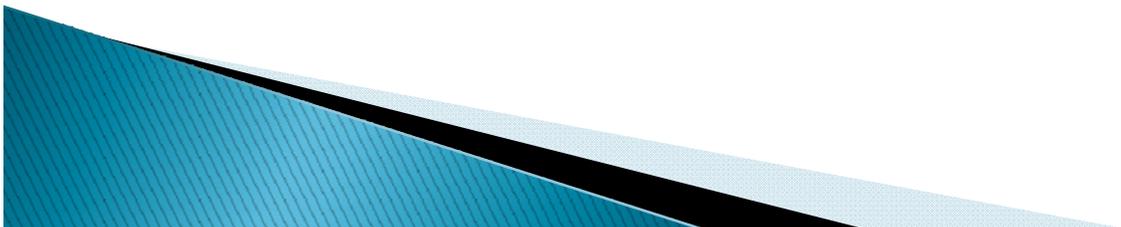
Veterans' Preference (con't)

- ▶ Chief differences:
 - If you use a competitive personnel system, veterans get preference is in the *process*
 - Vets and disabled vets get extra points in the ranking system
 - Once interviews take place, it is a level playing field



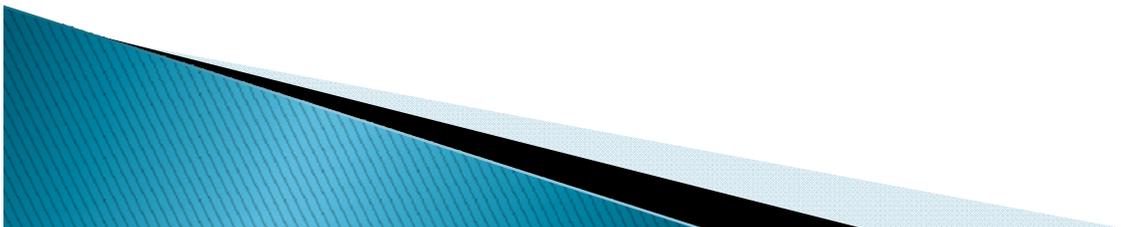
Veterans' Preference (con't)

- ▶ Chief differences (con't):
 - State agency \Rightarrow state agency = no preference
 - Clarified when veterans' spouses get preference
 - Death of veteran
 - 100% service connected disability
 - Extra scheduler rating = 100% disabled
 - If position is exempt from veterans' preference, it must be stated in advertisement



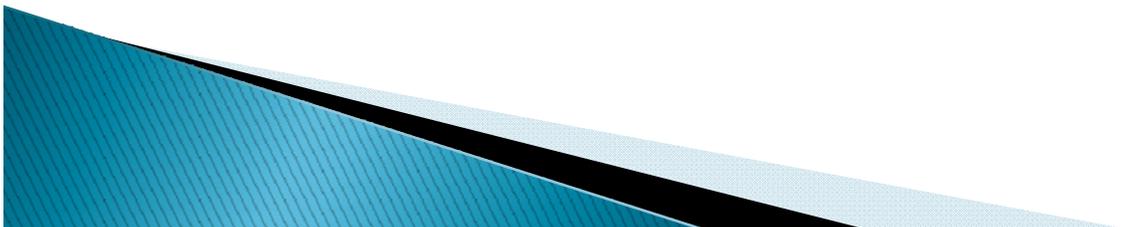
Veterans' Preference (con't)

- ▶ Important effects:
 - Using a competitive personnel system is important
 - Ask for help early, because some things can only be done in advance
 - Every agency should reassess hiring practices NOW to verify compliance with new rules.
 - See NDCC ch. 37-19.1 and NDAC § 4-07-05-08



Miscellaneous Changes

- ▶ Classified employees who are internally “promoted” may not be required to serve a probationary period. NDAC § 4-07-06-02
- ▶ Family sick leave = 80 hours + 10% accrued. NDCC § 54-52.4-03; NDAC § 4-07-13-07.
- ▶ Honor guard leave. NDCC § 54-06-36.



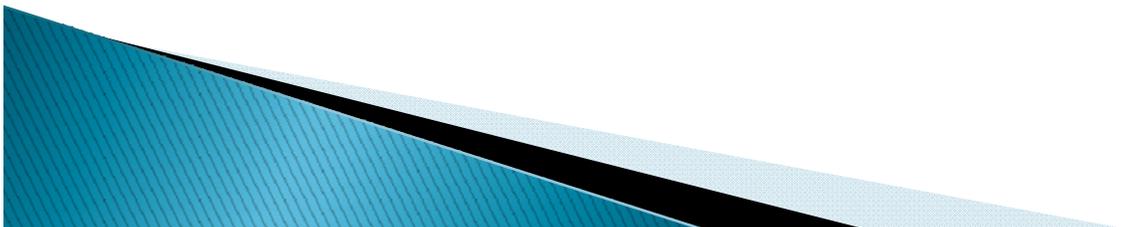
Common Questions



Speaking of leave...

Donated Leave:

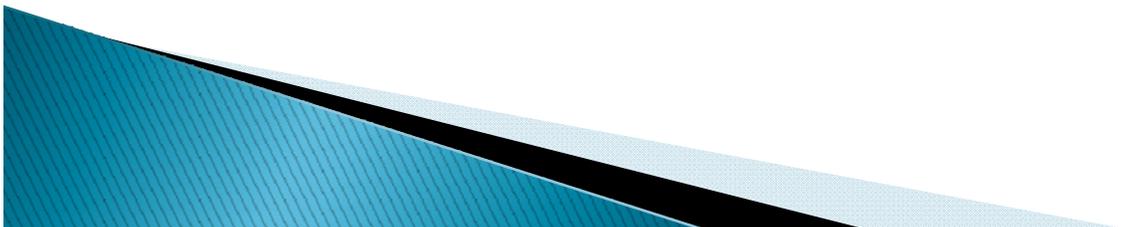
- Agency head (or designee) determines whether employee meets criteria.
- Pregnant employees are not eligible for donated leave UNLESS they have complications or a secondary condition that is severe or extraordinary.
- NDCC §§ 54-06-14.1 and 54-06-14.2.



Performance Management

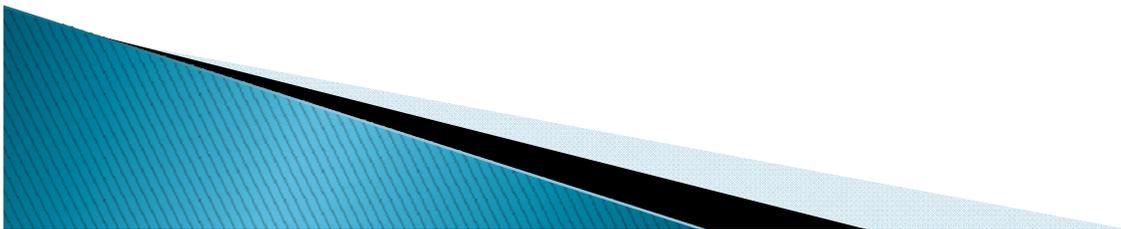
Progressive discipline is essential.

- Employees deserve to know how they're performing
- Evaluations are a good opportunity
- Handle performance issues swiftly



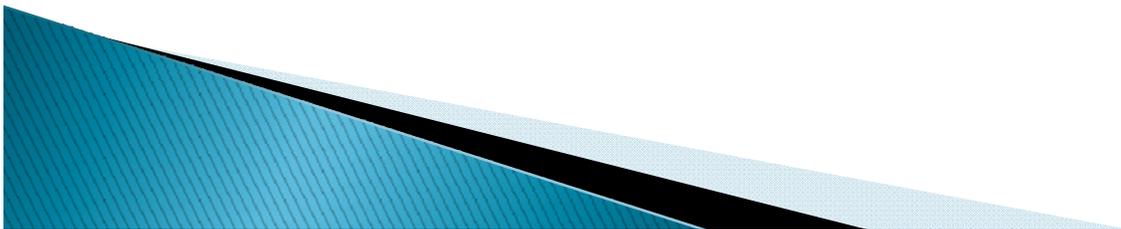
To Discipline or Not...

- ▶ Performance problems going unchecked creates liability
 - Morale issues
 - Contagion
 - Further decline in performance
 - More difficulty when acting later



Workplace investigations

- ▶ Good idea to work with HRMS
- ▶ HRMS likely offering training soon
- ▶ Determine if an investigation is necessary



Thank You!



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