

**Minutes**  
**Personnel Policy Board**  
**October 3, 2014**  
**9:30 a.m.**

Members Present: Ted Smith, Chair; Susan Hoffer; Hon. James Hovey; Petra Mandigo Hulm; Ross Munns; and Rod Olson

Members Absent: Hon. Gail Hagerty, Vice Chair  
Hon. Lisa Fair McEvers

Others Present: Sally Holewa, Ex Officio  
Amy Klein, Staff  
Donna Wunderlich, Court Administrator Unit 3  
Renee Barnaby, Minutes

Chair Smith called the meeting to order at 9:35 a.m.

**Minutes**

**It was moved by Ross Munns, seconded by Judge Hovey, to approve the June 27, August 8, and August 29, 2014 meeting minutes. The motion carried.**

**Training Requirements Policy**

The proposed Training Requirements policy was sent out for comment. Three comments were received. Two comments were opposed to the dismissal language and one comment was opposed to the policy altogether.

Petra Hulm said taking into account the employees' comments, subsection C could be amended to read, "Employees not participating in the required training may be subject to corrective action."

Susan Hoffer stated if we use the word "may," we could get inconsistent enforcement across the state. Mr. Olson agreed and said if someone refuses to take the training, it is helpful to have a policy to fall back on.

**It was moved by Judge Hovey, seconded by Rod Olson, to forward the policy to the Supreme Court as written. The motion carried with one person voting no.**

**Sick Leave Policy**

Chair Smith explained that draft language was added to D.3.a. as follows, "For purposes of this policy only a child includes adult children."

Petra Hulm suggested a comma be added to the proposed language for clarification.

**It was moved by Susan Hoffer, seconded by Rod Olson, to amend section D.3.a as follows:  
The definition of a child includes adult children for purposes of this policy only.**

Susan Hoffer said she has a staff member who has a young adult child who is suffering some major medical issues. The staff member cannot use her sick leave because of the current definition of a child and has to use annual leave to try and care for her.

Judge Hovey asked if the policy should include adult grandchildren as well. Ross Munns agreed and stated if we are going to include adult children, we should also include adult grandchildren.

Sally Holewa said except for staffing purposes, it really does not matter how a person uses their leave. She said with regard to family sick leave and funeral leave, it would almost be easier if the policy simply stated an eligible family member with no further definition. That way employees could use their leave as it fits their own situation. Ms. Hoffer suggested using a vague definition would get inconsistent application across the state.

In response to a question asking if the leave is discretionary, Amy Klein responded our absenteeism policy is very clear that an employee must have preapproval. If the leave is not approved, it is considered an unexcused absence.

Mr. Munns questioned the placement of the proposed language. He said section D.3.b. grants an additional 10% so in some cases it could be more than 80 hours. Ms. Hulm stated more than 80 hours of leave could pose a hardship on an office and suggested the new proposed language be moved to the end of the section.

Ms. Klein said the additional 10% referred to in second D.3.b. is the statutory language. However, the Executive Branch only uses parent, spouse, and child (under 18) as eligible members.

[Rod Olson left meeting]

Judge Hovey withdrew his suggestion and called the question.

**The motion carried.**

**It was moved by Petra Hulm, seconded by Ross Munns, to move the new language to section D.3.d. The motion carried.**

### **Step Increase Request**

Chair Smith said the step increase request would allow for a one-step increase to be given to a designated lead reporter or recorder for additional duties. Chair Smith noted that Amy Klein is recommending the Board not proceed with the request.

Donna Wunderlich explained reporters and recorders are non-exempt employees whose job duties do not include scheduling other staff, yet one lead person is routinely expected to coordinate coverage of court proceedings and annual/sick leave of other reporters and recorders. This often includes time after hours and on weekends if someone is ill or must be absent on short notice. Ms. Wunderlich submitted a request to the Board requesting a one-step increase be given to the reporter or recorder who has been designated as the lead. She said in visiting with the other administrators, she found that in Grand Forks and Fargo, they are having administrative staff perform those functions, but if this were approved, they said that they would assign the duties to a reporter or recorder.

Ms. Holewa mentioned one distinction is the lead person is not just scheduling cases for a judge as anticipated in their case, but they actually have some authority over other court reporters and recorders in the same classification to tell them when they can take leave or to temporarily assign them to a different judge.

In response to a question asking if the additional duties are within the 40-hour work week and if comp time is allowed, Ms. Wunderlich said the additional duties are typically outside of the 40 hours and comp time is allowed.

Susan Hoffer said resources are stretched statewide and it may cause a lot of dissension. She said it may be best to create a separate job classification.

Ross Munns said while scheduling is part of the current job classification, what the person is asked to do is often times on short notice such as the morning of or maybe late the night before so that is why there are comp time issues. It can be difficult to flex it out the same week. Thus, creating a new job classification may not address the comp time issues.

It was the consensus of the Board to take no action at this time.

### **Distracted Driving**

Amy Klein recalled at the April meeting, the Board discussed the possibility of developing a distracted driving policy and decided to wait six months to see how other agencies responded. Ms. Klein said she contacted six agencies and two prohibit cell phones except for emergencies and the others either do not prohibit or do not have a policy addressing it.

Petra Hulm said she may be in favor of discouraging it, but would not be in favor of banning it. She questioned how it is any different from having a passenger in the car who is talking to you, which can also be a distraction. Ms. Klein said the difference with texting is that it can be proven.

In response to a question asking if adopting the policy would push employees to use their personal cars rather than state cars, Ms. Holewa responded that only elected officials are allowed to make the choice to use their car. There is actually a statute on that and our policy follows the

statute.

It was the consensus of the Board to take no action at this time.

### **Compensation Study**

Sally Holewa explained the court did not adopt the Board's recommendation to adjust the compensation for the entry level positions. However, the court would like a recommendation from the Board on whether a compensation study, classification study or a combination is needed.

Ms. Holewa said a classification study reviews the minimum qualifications required for each position to determine the appropriate ranking of the positions in the organization. These are typically performed in response to high turnover as a result of new employees not having the skills to perform the job; as a need to eliminate or develop new classifications; or if major changes to the skills, knowledge or experience required for entry into the positions. Ms. Holewa then explained a compensation study is typically used to determine current market rates. Generally, a compensation study is done in response to difficulties in recruiting and retaining employees or to address salary inequities. She noted if both a classification and compensation study are done, it is important to do the classification study first.

In response to a question asking how soon the Board needs to make a decision, Ms. Holewa responded the final product would need to be in hand by June 30, 2015.

In response to a question asking if it compromises the system to change one or two classifications, Ms. Holewa responded that the changes should be made because of the five factors that we have for classification. Simply adjusting a classification to the job in a different pay grade is misuse of how it should be done.

In response to a question asking how to address a classification when the lower pay grades are insufficient or at poverty level, Ms. Holewa responded from an employer standpoint, the pay is based on what the job is worth to the organization as defined by the compensation system, not based on how it affects the person that takes the job. The court uses a step system. People start low because we bring them in and train them. That is why they get an increase at six months and then every two years because we are paying them more as they gain more experience.

In response to a question asking if we do both the classification and the compensation, is there a way to use some of the funds from this biennium, Ms. Holewa responded it depends on how the contract is structured. Generally, a contract will not be extended over the biennium because you cannot guarantee money that the legislature has not yet appropriated. The only time this can be done is if you are receiving a significant discount.

After lengthy discussion, Chair Smith did an informal poll of the members asking who was in favor of doing a compensation study only or both a classification and compensation study. Two

members voted for the compensation study only and two members voted for both. It was suggested that a special meeting be scheduled to continue the discussion.

**Terms**

The following members' terms are up on December 31, 2014: Susan Hoffer, Rod Olson and Ted Smith. All are eligible to be elected or appointed.

**Other**

Chair Smith said Ross Munns received an email from some employees indicating they had concerns with the rental policy recently passed in that it did not include housing assistance for home owners. The concerns were noted and no action was taken by the Board.

The next regularly scheduled meeting is December 19, 2014.

Meeting adjourned.