

CHARTER OF THE PERSONNEL POLICY BOARD

Section 1. Purpose.

(a) Under N.D. Const. art. VI, § 3 and N.D.C.C. § 27-02-05.1 the supreme court has the authority and responsibility to establish personnel policies, procedures, qualifications, duties and compensation for court personnel.

(b) It is the intent of the North Dakota judicial system to formalize a process whereby the creation and amendment of personnel policies is carried out with full involvement of the judges and personnel of the North Dakota judicial system.

Section 2. Membership and Elections.

(a) The personnel policy board will consist of eight voting members:

- (1) one judge elected by the district court judges;
- (2) one judge elected by the administrative council;
- (3) one justice/judge appointed by the chief justice;
- (4) one supreme court department or division head appointed by the chief justice;
- (5) two district court employees elected by the district court employees, but not trial court administrators;
- (6) one supreme court employee elected by the supreme court employees;
- (7) one court administrator appointed by the chief justice.

(b) The board will elect a chair and a vice-chair from among its membership. The vice-chair will serve in the absence of the chair. The chair and vice-chair may vote on all matters before the board.

(c) Members will serve a three-year term with terms staggered so that no more than three members are up for appointment or election annually.

(d) Employees must be given a minimum of 15 working days to submit candidacy to the human resource director.

(e) The voting period must be a minimum of 15 working days.

Section 3. Duties.

(a) The personnel policy board will make decisions on:

(1) Classification and pay grade reconsideration; and

(2) Grievance appeals.

(b) The board will meet periodically to review and make recommendations relating to:

(1) Personnel policies;

(2) Personnel matters affecting employees;

(3) Providing recommendations to the chief justice on appropriate matters;

(4) Annually submitting a recommended salary administration plan to the chief justice; and

(5) Other duties and responsibilities as assigned by the chief justice.

Section 4. Conflict of Interest

(a) A member of the board must be disqualified from voting in appeal proceedings before the board in which the member's impartiality could reasonably be questioned including, when:

(1) The board member may have a personal or economic interest in the outcome of the proceeding;

(2) The board member is likely to be a material witness in the proceeding;
or

(3) The board member has a personal bias or prejudice concerning a party or personal knowledge of evidentiary facts concerning the proceedings.

(b) If the chair disqualifies in a proceeding before the board, the vice-chair will conduct the proceeding. If both the chair and the vice-chair disqualify themselves, a member will be elected by the remaining board members to conduct the proceedings.

Section 5. Establishment or Amendment of a Personnel Policy.

(a) Initiated by the Personnel Policy Board.

(1) The board may recommend to the supreme court a new policy or an amendment to an existing policy. Before forwarding the recommendation, the board will elicit comment by notifying the judges and personnel of the judicial system by sending copies of the recommendation to each judicial district on the district court level and each department head on the supreme court level at least 15 days prior to forwarding the recommendation. However, notification to elicit comment is not required for amendments to comply with changes in law, to

63 increase wages or benefits offered by the state, to change dollar amounts, or to
64 clarify a policy without affecting the substance of the policy.

65 (2) Following the comment period, the board may submit its
66 recommendation to the supreme court.

67 (3) If it is determined by the board that circumstances require expedited
68 action, the notification time-frames may be suspended and recommendations made
69 immediately to the supreme court along with the justification of the expedited
70 recommendation.

71 (4) When submitting a proposal to the supreme court, the chair of the board
72 may request a personal appearance to present the proposals.

73 (5) The supreme court will act on the board's recommendation.

74 (b) Initiated by supreme court.

75 The supreme court may initiate or amend personnel policies:

76 (1) by referring the proposed policy to the personnel policy board for
77 action; or

78 (2) if expedited action is required, by immediately adopting a policy on an
79 interim basis and notifying the board of its action pending comment and
80 recommendation.

81 (c) Initiated by Personnel or Committees.

82 Committees of the supreme court, committees of the judicial conference, or
83 individuals may initiate personnel policies by forwarding the proposed policy or

84 amendments to the board. The board will place the proposal on its agenda and consider it.

85 The board will notify the initiating party of any final action taken on the proposal.

86 Section 6. Effect of Policies.

87 All actions relating to classified judicial system employees including, but not
88 limited to, hiring, promoting, compensating, disciplining, dismissing, accumulating fringe
89 benefits, and taking leave, will be carried out in accordance with policies adopted by the
90 supreme court.

91 Section 7. Employee Grievances.

92 (a) Procedures. Employee grievances and appeals will be handled in accordance
93 with policies adopted by the supreme court. For grievances appealed to the personnel
94 policy board, the board must promptly investigate the grievance or complete a review of
95 the record and issue a written decision to the employee. The decision of the board is final.

96 (b) Confidentiality. Information concerning an employee grievance appeal to the
97 personnel policy board is confidential and is not accessible to the public.

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