

**Minutes**  
**Personnel Policy Board**  
**April 8, 2016**  
**9:30 a.m.**

Members Present: Ted Smith, Chair; Jim Grimley; Hon. Jim Hill; Hon. James Hovey; Petra Mandigo Hulm; Hon. Lisa Fair McEvers; and Carolyn Probst

Members Absent: Susan Hoffer

Others Present: Sally Holewa, ex officio  
Amy Klein, Staff  
Larry Zubke, Guest  
Don Wolf, Guest  
Renee Barnaby, Minutes

Chair Smith called the meeting to order at 9:30 a.m. and welcomed a new member, Jim Grimley.

**Minutes**

**It was moved by Petra Hulm, seconded by Carolyn Probst, to approve the August 28, 2015 minutes subject a typographical correction on page 3. The motion carried.**

**It was moved by Judge Hovey, seconded by Justice McEvers, to approve the November 6, 2015 minutes subject to typographical corrections on pages 5 and 6. The motion carried.**

**It was moved by Justice McEvers, seconded on Petra Hulm, to approve the December 10, 2015 minutes. The motion carried. Judge Hovey abstained from voting as he was not in attendance at the December meeting.**

**Annual Leave Carryover Request**

Chair Smith said a request was received to extend the deadline to use annual leave beyond the April 30 cutoff date. He said the employee making the request is in a managerial position and had two people resign unexpectedly from the office.

In response to a question asking what the fiscal impact would be, Don Wolf responded that considering the tight budget situation, he would be opposed to a payout. He said the 240 rule was set up to prevent people from building up an unlimited number of hours and then requesting a payout when leaving or retiring. It is a method for keeping costs in control and a way to prevent the budget from getting out of control by having large payouts.

Justice McEvers inquired if there would be a fiscal impact if hours were allowed to be carried over and used before any raises were given or before the next pay period. She said for example, some agencies do not allow employees to take leave during the legislative session and allow

them to use the leave before the next pay raise. Mr. Wolf said PeopleSoft automatically resets the number of hours back to 240 after April 30. If an employee was allowed extra time to use the leave, it would have to be kept manually, which he and the state court administrator are opposed to. He said it sets a precedence that is going to make it more difficult to monitor on an accounting basis and there is no easy way to allow for it.

Petra Hulm suggested if the Board does approve the request and a policy is developed that the person approving the request should be the state court administrator or chief justice.

Jim Grimley stated he believes employees should use their leave in a timely manner but questioned if the employee was given other options due to the unexpected resignations. Sally Holewa confirmed other options were given to the employee. She then stressed the importance of people using their annual leave to receive a break from the office. She noted in the past, some districts were cancelling court in March and April because employees waited until the last minute to use their leave, which is not acceptable. She said all employees are aware of the “use it or lose it” rule.

**It was moved by Judge Hovey, seconded by Judge Hill, to recommend the Chief Justice deny the request for an exception. The motion carried. The employee’s request and the Board’s recommendation will forwarded to the Chief Justice.**

#### **Security Awareness Training Policy**

Sally Holewa noted that the court system is the only state entity that does not require employees or vendors to go through some type of security awareness training. As a result, the Court Technology Committee is requesting a policy be drafted mandating security awareness training for new hires as well as annual security awareness review training for all employees. The draft policy mirrors the policy used by the executive branch.

Larry Zubke said the training is meant to enhance the protection of the state IT infrastructure by ensuring all employees, consultants, and vendors using the state network are informed of the latest security practices utilized by the state. Employees would sign up for the training through PeopleSoft and watch it on their computer. The new hire training is approximately one hour in length, and the yearly follow-up training is 35 minutes long. There is no cost for the training.

In response to a question from Chair Smith asking if there was a way to monitor who has participated in the training, Ms. Klein suggested it be monitored through ELM. She also suggested running the review training in conjunction with the annual risk management training in the fall.

Petra Hulm noted in the first paragraph under section A, Sexual Harassment and Discrimination, it states that all regular and temporary employees must participate. She recalls this language was added because some elected officials objected to the training. She questioned whether that language should be mirrored in section B., Security Awareness.

Justice McEvers stated an alternative would be to remove that sentence out of section A.1. and make it a separate paragraph above section A so that it applies to both sexual harassment and security awareness.

Chair Smith suggested removing the reference to consultants and vendors as they are not subject to our personnel policies. They could be covered under a separate IT policy or in the contract.

Ms. Hulm noted that under the executive branch policy, employees who do not participate in the required training are reported to the Office of the State Auditor. However, under the court system's proposed policy, employees will be subject to corrective action up to and including dismissal. Ms. Holewa stated it is standard language used in our policies.

Mr. Smith said when the policy was originally created for the sexual harassment and discrimination training, there was a lot of resistance from the districts because of the time requirements. Ms. Probst stated from a district perspective, often times it is easier to schedule and track the training as a group, rather than individually. She said employees also learn from the discussion generated by the group.

**It was moved by Justice McEvers, seconded by Jim Grimley, to move the second sentence in section A.1. to a new paragraph before section A; to delete the reference to consultants and vendors; and to adopt the policy as modified.**

Ms. Hulm suggested that the new lead-in paragraph referring to "those policies" be changed to "this policy" so it is clear that we are only talking about this policy. Ms. Holewa stated she believes the reference to "those policies" refers back to the separate policies under harassment and discrimination.

**The motion carried and will be sent out for comment.**

### **Technology Supplement I Positions**

Amy Klein said the compensation study recommended eliminating Supplement I and adjusting the salary grade for all positions covered by the supplement. It was determined that adjusting the salary grades actually created a pay cut for long-term employees. Ms. Klein explained the most recent proposal does not eliminate Supplement I but instead increases the hiring step of technology positions to step 4. This eliminates the six years of service credit after one year of service and gives five years of service credit on hire. The employee would be at step 5 six months earlier than the current supplement.

Petra Hulm stated while she is not opposed to the proposal, she is concerned about the budget situation and suggested delaying the changes until the end of biennium. Judge Hovey indicated he had the same concerns.

Larry Zubke said he struggles to hire people at step 1 and noted that ITD has flexibility to hire employees up to step 5. He said it would be beneficial to the court system to attract four year college graduates out of college. He would not be opposed to delaying the implementation of the proposal until the end of the biennium.

Carolyn Probst indicated the budget situation may not improve next biennium but stressed the importance of having good quality employees in the IT Department.

**It was moved by Jim Grimley, seconded by Carolyn Probst, to approve the proposed changes to the Supplement I. A roll call vote was taken with four members voting in favor of the motion and two members against. The motion carried and will be sent to the Supreme Court for consideration.**

#### **Funeral and Burial Leave Policy**

The proposed change to the Funeral and Burial Leave policy was sent out to employees for comment. Two comments were received supporting the change. The proposed change increases the funeral and burial leave from 24 to 40 hours. The policy will be forwarded to the Supreme Court for consideration.

#### **Family Sick Leave Policy**

The proposed changes to the Family Sick Leave policy were sent out to employees for comment. No comments were received. The proposed changes allow an employee who qualifies under the Family and Medical Leave Act to use 640 hours of an employee's accrued sick leave for a family member. The policy will be forwarded to the Supreme Court for consideration.

#### **Sick Leave Policy**

At the November 2015 meeting, the Board reviewed legislative changes allowing the use of sick leave for domestic violence. Amy Klein explained the proposed draft reflects a policy similar to that used by OMB.

Petra Hulm suggested domestic partner be included in the definition of immediate family member. She then noted the subparagraphs under section 5 refer to situations when an employee may use sick leave. Since subparagraphs f. and g. do not refer to situations, she suggested those paragraphs stand alone as separate paragraphs under section 5.

**It was moved by Petra Hulm, seconded by Justice McEvers, to approve the changes to the policy and send it out for comment with the following changes: subparagraphs 5.f. and 5.g. be made into main paragraphs under section 5. and domestic partner be added to the list of approved family members. The motion carried.**

#### **Family and Medical Leave Act Policy**

Sally Holewa said when an employee requests leave under the Family and Medical Leave Act policy, the court system requires a certification from the medical provider to determine how long

an employee will need to be absent or whether the employee has any restrictions. Some providers are now charging a fee to complete the certification form. Employees have expressed frustration in having to pay these fees to comply with the FMLA policy. Ms. Holewa indicated she supported the proposed changes because the employer is requiring the certification and suggested a reimbursement cap of \$20 to \$25.

In response to a question asking how many reimbursement requests are received, Ms. Klein responded over the last two years, the court system has averaged 64 FMLAs per year. She said typically, there is only one certification required per FMLA request.

Ms. Hulm questioned if the executive branch provides reimbursement for the certification fee. Ms. Klein said each agency is unique and some do not even provide FMLA until an employee's leave is exhausted. She said the Board discussed that option several years ago and determined that without the certification, the leave would be harder to administer. Ms. Holewa added that FMLA is designed to protect the employee and also makes it easier for the employer to manage the leave because they have access to the medical certification.

**It was moved by Jim Grimley, seconded by Judge Hovey, to approve the changes as proposed with the following amendment to the second sentence of D.2.d.: “A reimbursement cap of \$25 will ~~may~~ apply.” The motion carried and will be sent out to employees for comment.**

Carolyn Probst said she had some additional thoughts with regard to the items discussed above. She said she supports Larry Zubke's request with regard to hiring his staff because the state hinges on electronics and technology, and it is important that he have the tools he needs to hire his staff. However, she is concerned about the additional leave given for funeral and burial leave, family sick leave, and family medical leave when we already have a tight budget.

Petra Hulm stated that only the funeral leave policy increases costs. Justice McEvers added said she supports the changes to the funeral leave policy because it was one of the recommendations that was made by the outside consultant. The court system is competitive with the salaries and most types of leave with the exception of bereavement leave. She said since the court system may not be able to receive the raises as in the past, it would be nice to have a benefit that is competitive with the private industry.

#### **Election of Chair and Vice Chair**

**It was moved by Judge Hovey, seconded by Justice McEvers to nominate Ted Smith as chair. It was further moved by Justice McEvers, seconded by Judge Hovey, to nominate Petra Hulm as vice chair. The motions carried.**

The next meeting is scheduled for July 1.

The meeting adjourned.