

**Summary of Tentative Agreement Between NDE & NAPE/AFSCME
For the 2015-2017 NDE-NAPE/AFSCME Bargaining Agreement
January 2, 2015**

Article 1 - Preamble

- Adds “genetic information” to the non-discrimination list (§1.9; p.1^o).

Article 2 - Management Rights

- No changes proposed.

Article 3 - NAPE/AFSCME

- Adds “corrective action” to be consistent with Article 18 (§3.8; p.6)

Article 4: Personnel File Information

- Deletes “or former employee” from §4.2 as this section pertains only to current employees and conflicts with §4.8, which addresses the personnel records of former employees (§4.2; p. 8)
- Clarifies that charges for copies of personnel file information applies only to material previously provided to the employee (§4.4; p. 8)

Article 5: Performance Appraisals

- Revises language to better reflect the electronic performance appraisal process (§§5.2 & 5.5; pp. 10-11)
- Removes requirement for a 90-day appraisal for employees with a twelve-month probationary period (§5.2B; p. 10)

Article 6: Probationary Periods

- Moves some language from §6.1 (p. 12) to new §6.7 (p.14)
- Clarifies that secondary probation periods may not be extended (§6.2C; p.13)
- Adds “genetic information” to discrimination prohibition (§6.3; p.13)
- Revises policies regarding employees who move to another position during their original probationary period (§§6.6 & 6.6A; p.13)
 - Employees will be required to serve a new probationary period for the new position and will not receive credit for probationary service completed in the previous position (§6.6; p.13)
 - Employees who move to positions of the same paygrade under the same Leadership Council Member will be credited with all probationary service in the previous position (§6.6; p.13)
 - VR Service Specialists who are promoted to VR Rehabilitation Specialists during original probation will not have to begin a new original probationary period but will be required to completed the original period (§6.6A; p.13)
- Moves language regarding secondary probation periods (§§11.6 & 11.6A; p. 23) to Article 6 (§§6.7 & 6.7A; p.14)

^oPage citations correlate with legislative format version dated 1/2/15

- Allows for potential changes in Vocational Rehabilitation classifications due to changes in federal law; clarifies grievance rights regarding secondary probation (§6.7; p.14)
- Allows for performance appraisals to be optional during secondary probation (§6.7A; p.14)

Article 7: Scheduled Work Week and Hours

No changes proposed.

Article 8: Overtime

- Clarifies that requests for an extension of the 60-calendar-day time period in which compensatory time is to be taken must be in writing; timelines are updated (§8.2B; p.17)
- Clarifies overtime policies for Disability Determination Section (DDS) employees (§8.2D; p.17)

Article 9: Travel

- No changes proposed.

Article 10: Classification Plan

- No changes proposed.

Article 11: Vacancies, Promotions and Demotions

- Replaces the word “promotion” with “reclassification” (Article title, §§11.2 & 11.2C; p. 22)
- Moves language regarding secondary probation periods (§§11.6 & 11.6A; p. 23 to §§6.7 & 6.7A; p. 14)

Article 12: Employee Education Opportunities

- Clarifies how employee performance is considered in conjunction with requests for release time or tuition reimbursement for postsecondary coursework (§§12.1 & 12.2; p. 25)
- Clarifies policies regarding online coursework (§12.4; p. 26)
- Revises language regarding conference or meeting participation (§12.5; p. 26)
- Adds language about grievances regarding management decisions about educational opportunity requests (§12.6; p. 26)

Article 13: Salary

- Updates language regarding pay structure adjustment (§13.4; p. 27)
- Updates annual increase amounts and dates (§13.5 & 13.5A; p. 27)
 - 2.25% effective July 1, 2015
 - 2.40% effective July 1, 2016
- Scrivener’s revision (§13.5C; p. 27)
- Increases paygrade minimums and maximums for selected Information Technology (IT) classifications (§13.5E, p. 27)
- Corrects citation (§13.9; p. 28)

Article 14: Insurance and Benefits

No changes proposed.

Article 15: Leave and Holidays

- Revises leave of absence language to be consistent with Ch. 9, §012.02 of the Personnel Rules (§15.1; p. 32)
- Revises language regarding sick leave accrual while on unpaid status to align with similar section on vacation leave accrual (§15.2E; p. 34)
- Adds language to require a repayment schedule if an employee terminates and uses more sick leave than is available, and an adjustment cannot be made in the final pay check (§15.2G2; p. 34)
- Scrivener's revision (§15.16G; p. 42)
- Revises holiday schedule to allow for months in which November has five Fridays (§15.20; p. 44)

Article 16: Layoff, Recall, and Resignation

- No changes proposed.

Article 17: Grievance Procedure

- Adds another non-grievable matter: Placement on suspension without pay, or other action of the Commissioner, following a decisions recommending an employee's dismissal to the Board (§17.3H; p. 49)

Article 18: Corrective and Disciplinary Actions

- Names the Deputy Commissioner as the designated representative (§§18.2A & 18.2B; pp.55-56)
- Allows for email communication of suspension with pay (§18.3B; p.56) and a dismissal recommendation with prior agreement of the employee (§18.10B3; p.59)
- Allows for extension of administrative probation period beyond one year due to absence (§18.9A3; p.59)

Article 19: Definitions

- Adds definition for Deputy Commissioner and allows for a Chief of Staff and the Commissioner to act as necessary (§19.16; p. 63)

Appendices

- Appendices A & B (pp. 66-69) – Updates reflecting staffing changes, etc.
- Appendix C (pp. 70-71) – Deletes obsolete classification
- Appendix D (pp. 72-77) – The 2015-16 and 2016-17 pay structures were increased by 2.25% and 2.40% respectively. Paygrade minimums and maximums for selected Information Technology (IT) classifications were increased by 19% for 2015-16.