

November 10, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on November 10, 2011, 10:00 a.m. Present were Commissioners Clark, Kalk and Cramer.

Minutes

Mr. Cramer: I move the minutes of October 26, November 2, 2011, be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-674
Botsford & Qualey Land Company
Auction Clerk License
Cancellation

Mr. Cramer: I move the Commission issue an order in Case No. AU-11-674 cancelling auction clerk license number 596 issued to Botsford & Qualey Land Company, Grand Forks, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-677
Trevor J. Moravec
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Trevor J. Moravec, Lincoln, Nebraska.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-395
Montana-Dakota Utilities Co.,
a Division of MDU
Advance Determination of Prudence -
88 MW Turbine
Application

Mr. Cramer: I move the Commission issue an amended contract with La Capra Associates, Inc. for consulting services in Montana-Dakota Utilities Co.'s Advance Determination of Prudence 88 MW Simple Cycle Combustion Turbine Application, Case No. PU-11-395, and in Montana-Dakota Utilities Co.'s 88 MW Combustion Turbine Public Convenience and Necessity, Case No. PU-11-396.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-396
Montana-Dakota Utilities Co.,
a Division of MDU
88 MW Combustion Turbine
Public Convenience & Necessity

Case No. GS-11-79
Gas Pipeline Safety
Rulemaking

Mr. Cramer: Having been approved by the Attorney General, I move the Commission adopt the proposed amendments to North Dakota Administrative Code Section 69-09-03-02, and forward the rules to the Legislative Council for publication, Case No. GS-11-79, 2011 Gas Pipeline Safety Rules, Rulemaking.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-648
Montana-Dakota Utilities Co.,
a Division of MDU
Oasis Petroleum - Mountrail County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Oasis Petroleum at a location in Mountrail County, North Dakota, Case No. PU-11-648.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-656
Montana-Dakota Utilities Co.,
a Division of MDU
Patrick Schoemer - Ward County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Patrick Schoemer at a location in Ward County, North Dakota, Case No. PU-11-656.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-672
Montana-Dakota Utilities Co.,
a Division of MDU
Transmission Facility Cost Recovery
Rates

Mr. Cramer: I move the Commission suspend Montana-Dakota Utilities Co.'s proposed Transmission Cost Adjustment, Case No. PU-11-672.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-672
Montana-Dakota Utilities Co.,
a Division of MDU
Transmission Facility Cost Recovery
Rates

Mr. Cramer: I move the Commission reduce Montana-Dakota Utilities Co.'s filing fee for its proposed transmission cost adjustment from \$50,000 to \$10,000 in accordance with N.D.C.C. § 49-05-04.3(2)(d), Case No. PU-11-672.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-11-678
2012 One-Call Grant
Application

Mr. Cramer: I move the Commission acknowledge the November 8, 2011 electronic submittal of the 2012 Pipeline Safety One Call Grant Application in the amount of \$10,000 to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, D.C. for the development and conduct of a damage prevention awareness campaign.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-676
Otter Tail Power Company
Advance Determination of Prudence-
CapX2020 Group 1
Application

Mr. Clark: I move the Commission adopt the Order Adopting Settlement in Otter Tail Power Company's application for advance determination of prudence for CapX2020 Group 1 projects, Case Nos. PU-09-676, and Northern States Power Company's application for advance determination of prudence for CapX2020 Group 1 projects, Case Nos. PU-09-678.

Case No. PU-09-678
Northern States Power Company
Advance Determination of Prudence-
CapX2020 Group 1
Application

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-561
Oliver Wind III, LLC
48 MW Wind Energy Center –
Morton County
Siting Application

Mr. Clark: I move the Commission deem the application complete, conditioned on receiving final turbine locations at least one week prior to hearing, and issue a Notice of Filing and Notice of Hearing in the application of Oliver Wind III, LLC for a certificate of site compatibility to authorize construction of a proposed 48 MW wind energy conversion facility in Morton County, North Dakota, Case No. PU-11-561.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-657
Valley Grain Milling Inc.
Grain Warehouse - Wheatland, ND
License Application

Mr. Clark: I move the Commission issue an order in Case No. GE-11-657 granting the request of Valley Grain Milling Inc. of Casselton, North Dakota, to operate a 99,000-bushel grain warehouse at Wheatland, North Dakota, effective immediately.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-675
Crete Grain Co., Inc.
License No. 131 - Crete, ND
Discontinue Business

Mr. Clark: I move the Commission issue an order in Case No. GE-11-675 cancelling warehouse license number 131 issued to Crete Grain Co., Inc. at Crete, North Dakota and ordering that business at Crete is discontinued effective November 1, 2011.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-686
Lake Region State College
1.6 MW Wind Turbine –
Ramsey County
Siting Application

Mr. Clark: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and siting application to fifteen days and assess a filing fee of \$2,150 due upon filing of an application in Case No. PU-11-686, Lake Region State College's proposed 1.6 MW wind turbine project in Ramsey County, North Dakota.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-11-679
Noodles by Leonardo, Inc.
License No. 565 - Cando, ND
Suspension

Mr. Clark: I move the Commission adopt the Order Reinstating Warehouse License Number 565 of Noodles by Leonardo, Inc. at its Cando, North Dakota warehouse, effective November 8, 2011, in Case No. GE-11-679.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-153
Otter Tail Power Company
Transmission Facility Cost Recovery
Rates

WITHDRAWN

Case No. PU-11-682
Otter Tail Power Company
Transmission Facility Cost Recovery
Tariff

Case No. PU-11-659
Otter Tail Power Company / North
Central Electric
Bottineau Area
Service Area Agreement

Mr. Kalk: I move the Commission issue a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity for Hearing in the joint application of Otter Tail Power Company and North Central Electric Cooperative, Inc. for approval of an electric service area agreement and resulting issuance of a certificate of public convenience and necessity to establish service areas and designate service locations to be served by Otter Tail and North Central Electric within and around the City of Bottineau, North Dakota, Case Nos. PU-11-659 and PU-11-660.

Mr. Cramer: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-660
Otter Tail Power Company
Bottineau Area - Bottineau County
Public Convenience & Necessity

PU-11-659 and PU-11-660.

Case No. PU-11-672
Montana-Dakota Utilities Co.,
a Division of MDU
Transmission Facility Cost Recovery
Rates

WITHDRAWN

Case No. PU-11-681
Montana-Dakota Utilities Co.,
a Division of MDU
Transmission Facility Cost Recovery
Tariff

Case No. PU-11-680
Montana-Dakota Utilities Co.,
a Division of MDU
Natural Gas Pipeline - Morton County
Siting Application

Mr. Cramer: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and siting application to sixty days and assess a filing fee of \$92,000 due upon filing of an application in Case No. PU-11-680, Montana-Dakota Utilities Co.'s proposed 24-mile, 10-inch natural gas pipeline in Morton County of North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Exempt and Non-Exempt Employees
and Overtime Policy

Mr. Cramer: I move the Commission revoke Policy 3-12-91 (2), Exempt and Non-Exempt Employees and Overtime.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Compensatory Time Policy

Mr. Cramer: I move the Commission revoke Policy 3-17-08 (1), Compensatory Time.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Use of State Owned Vehicles Policy

Mr. Cramer: I move the Commission revoke Policy 1-01-93 (1), Use of State Owned Vehicles.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Employee Education Policy

Mr. Cramer: I move the Commission revoke Policy 3-05-95 (1), Employee Education.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Work Week, Employee Hours, and
Assignments Policy

Mr. Cramer: I move the Commission revoke Policy 3-11-96 (3), Work Week, Employee Hours, and Assignments.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Exempt and Non-Exempt Employees
Policy

Mr. Cramer: I move the Commission adopt Policy 6-04-11 (0), Exempt and Non-Exempt Employees. I further move that 6-04-11 (0) be incorporated into the revised policy manual conditioned on and effective when the revised policy manual is formally adopted by the Commission.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Exempt and Non-Exempt Employees
Policy
Continued

PUBLIC SERVICE COMMISSION

EXEMPT AND NON-EXEMPT EMPLOYEES

Policy 6-04-11 (0)

A. PURPOSE

This policy is intended to facilitate the administration of the Fair Labor Standards Act as it relates to exempt and non-exempt employees.

B. DEFINITIONS

“Administrative” is a job category which meets all of the following criteria:

- The employee must be compensated on a salary basis at a rate not less than \$455 per week;
- The employee’s primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers; and
- The employee’s primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

“Computer employee” is a job category which meets all of the following criteria:

- The employee must be compensated either on a salary basis at a rate not less than \$455 per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour;
- The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the

Exempt and Non-Exempt Employees
Policy
Continued

duties described below;

- The employee's primary duty must consist of:

- The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- A combination of the aforementioned duties, the performance of which requires the same level of skills.

"Employee" refers to an individual employed by the Public Service Commission, not including the Public Service Commissioners or the Secretary to the Commission.

"Executive employee" is a job category which meets all of the following criteria:

- The employee must be compensated on a salary basis at a rate not less than \$455 per week;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at

Exempt and Non-Exempt Employees
Policy
Continued

least two or more other full-time employees or their equivalent; and;

- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

"Exempt employee" is an employee who is exempted from both minimum wage, and overtime pay, pursuant to the Fair Labor Standards Act. For the purposes of this policy, exempt employees must qualify under one of the following job categories: executive, administrative, learned professional, or computer employee.

"Fair Labor Standards Act" is the federal statute codified at 29 U.S.C. §§ 201-219.

"Learned professional" is a job category which meets all of the following criteria:

- The employee must be compensated on a salary or fee basis at a rate not less than \$455 per week;
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
- The advanced knowledge must be in a field of science or learning; and
- The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

Exempt and Non-Exempt Employees
Policy
Continued

“Non-exempt employee” is an employee who is not exempted from minimum wage and overtime pay provided by the Fair Labor Standards Act.

“Salary basis” has the definition so defined under 29 C.F.R. § 341.

C. POLICY

1. This policy is promulgated, and shall be interpreted, in complete accordance with the most recent version of the Fair Labor Standards Act.
2. Each division director shall classify their respective employees as either exempt or non-exempt immediately upon the following circumstances:
 - a. New employee hire;
 - b. New job duties added to an employee's existing work related responsibilities; and/or
 - c. Modification of an employee's existing work related job responsibilities.
3. The employee exempt/non-exempt classification referred to in paragraph two above must be filed by the employee's division director, in the employee's personnel folder, and held by the director responsible for administration.

D. GUIDANCE

E. APPLICABILITY: Employees.

F. EFFECTIVE DATE:

G. NON-COMPLIANCE:

H. EXPLANATORY NOTE: 29 U.S.C. §§ 201-219; 29 C.F.R. § 341; N.D.C.C. § 49-01-02. See also PSC policies pertaining to Compensatory Time, Flex Time, and Flex Schedule.

I. REVISION DATES:

Flex Time for Exempt Employees
Policy

Mr. Cramer: I move the Commission adopt Policy 6-06-11 (0), Flex Time for Exempt Employees. I further move that 6-06-11 (0) be incorporated into the revised policy manual conditioned on and effective when the revised policy manual is formally adopted by the Commission.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

PUBLIC SERVICE COMMISSION

FLEX TIME FOR EXEMPT EMPLOYEES

Policy 6-06-11 (0)

A. PURPOSE

This policy is intended to provide division directors the means to allow eligible exempt employees to earn and use flex time.

B. DEFINITIONS

"Compensatory time" (comp time) is time off work earned at a rate of 1.5 hours for every hour of overtime by non-exempt employees.

"Eligible exempt employees" are exempt employees excluding division directors.

"Employee" refers to an individual employed by the Public Service Commission, not including the Public Service Commissioners or the Secretary to the Commission.

"Exempt and non-exempt employees" are determined by the Fair Labor Standards Act.

"Flex Time" is time off work earned on an hour for hour basis for overtime by exempt employees.

"Flexible schedule" is a work schedule that deviates from normal business hours.

"Work week" is seven consecutive days beginning with Sunday and ending with Saturday, consisting of five 8-hour days. State holidays, excluding Sundays, shall count as eight hour

Flex Time for Exempt Employees
Policy
Continued

days.

C. POLICY

1. The Commission is under no obligation to provide flex time to exempt employees.
2. Eligible employees must have approval from their division director before earning flex time.
3. Division directors are responsible for maintaining records of earned and used flex time for their eligible exempt employees.
4. All use of flex time shall be subject to the employee's respective division director's approval.

D. GUIDANCE

Prior approval for flex time earned and used may be done via email.

If necessary, division directors should ensure flex time is used and charged to the appropriate funding source.

E. APPLICABILITY

This policy applies to all classified exempt employees.

F. EFFECTIVE DATE:

G. NON-COMPLIANCE: Revocation of privilege to include disciplinary action.

H. EXPLANATORY NOTE: 29 U.S.C. §§ 201-219; 29 C.F.R. § 341; N.D.C.C. § 49-01-02, N.D.C.C. § 1-03-01. See also PSC policies pertaining to Compensatory Time, Exempt and Non-Exempt, and Flex Schedule.

I. REVISION DATES:

Employee Hours, Flexible Schedule,
On-Call Time, Work Week Policy

Mr. Cramer: I move the Commission adopt Policy 6-07-11 (0), Employee Hours, Flexible Schedule, On-Call Time, Work Week. I further move that 6-07-11 (0) be incorporated into the revised policy manual conditioned on and effective when the revised policy manual is formally adopted by the Commission.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

PUBLIC SERVICE COMMISSION

EMPLOYEE HOURS, FLEXIBLE SCHEDULE, ON- CALL TIME, WORK WEEK

POLICY [Title, Chapter, Section]

A. PURPOSE

To establish Commission office hours and guidelines for employee work schedules.

B. DEFINITIONS

"Commission" is the North Dakota Public Service Commission

"Compensatory time" (comp time) is time off work earned at a rate of 1.5 hours for every hour of overtime by non-exempt employees.

"Employee" refers to an individual employed by the Commission, not including the Public Service Commissioners or the Secretary to the Commission.

"Flexible schedule" is a work schedule that deviates from the Commission's standard business hours of 8 AM to 5 PM Monday through Friday.

"Flex time" is time off work earned on an hour for hour basis for overtime by exempt employees.

"Mid-afternoon break" is a period of work interruption, which does not exceed 15 minutes, taken during the afternoon hours of a workday.

Employee Hours, Flexible Schedule,
On-Call Time, Work Week Policy
Continued

“Mid-morning break” is a period of work interruption, which does not exceed 15 minutes, taken during the morning hours of a workday.

“On-call” refers to non-work time during which employees are required to be available to handle job-related emergencies. Employees do not receive compensation, compensatory time, or flex time if not contacted while on-call. However, if contacted for job-related purposes while on-call; exempt employees may receive flex time in 30 minute increments if subsequently approved by their division director. Non-exempt employees shall receive comp time in 30 minute increments. On-call employees must leave a contact phone number where they can be reached when on-call. An employee is never on-call if the employee is present on the Commission’s premises.

“Workday” is defined as Monday, Tuesday, Wednesday, Thursday or Friday.

“Work site” is the immediate area, or site, where the employee performs work for the Commission. The work site can be located either on, or off, the Commission’s premises dependent upon the employee’s job function.

“Work week” is seven consecutive days beginning with Sunday and ending with Saturday, consisting of five 8-hour days. State holidays, excluding Sundays, shall count as eight hour days.

C. POLICY

All employees are expected to be present at their work site during the work week, pursuant to established schedules.

1. Each division must strive to be staffed or have at least one person on-call from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m. each workday, with the exception of state holidays.
2. A division director may allow or require employees to work on a flexible schedule, as long as it does not interfere with office

Employee Hours, Flexible Schedule,
On-Call Time, Work Week Policy
Continued

efficiency or service to the public.

- a. Workdays may not begin prior to 7:00 a.m. or later than 9:00 a.m.
 - b. Workdays may not conclude earlier than 3:30 p.m. or later than 6:30 p.m.
 - c. A lunch break of at least 30 minutes is required.
 - d. State holidays count as eight hour days.
 - e. Directors are not prohibited from approving a flex schedule outside of these periods.
3. Employees may take mid-morning and mid-afternoon breaks, upon the approval of their respective division director and/or immediate supervisor. Directors must schedule work breaks to provide for continuous office coverage. Failure to take a work break does not entitle an employee to leave early or otherwise compound work break time.

D. GUIDANCE

E. APPLICABILITY: Employees.

F. EFFECTIVE DATE:

G. NON-COMPLIANCE: Loss of privilege and/or disciplinary action, including termination of employment.

H. EXPLANATORY NOTE: 29 U.S.C. §§ 201-219; 29 C.F.R. § 341; N.D.C.C. § 49-01-02, N.D.C.C. § 1-03-01, N.D.C.C. § 1-03-01. See also PSC policies pertaining to Compensatory Time [Title, Chapter, Section] and Flex Time [Title, Chapter, Section].

I. REVISION DATES:

Compensatory Time for Non-Exempt
Employees Policy

Mr. Cramer: I move the Commission adopt Policy 6-05-11 (0), Compensatory Time for Non-Exempt Employees. I further move that 6-05-11 (0) be incorporated into the revised policy manual conditioned on and effective when the revised policy manual is formally adopted by the Commission.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Compensatory Time for Non-Exempt
Employees Policy
Continued

PUBLIC SERVICE COMMISSION

**COMPENSATORY TIME FOR NON-EXEMPT
EMPLOYEES**

Policy 6-05-11

A. PURPOSE

The Commission is required to provide compensatory time to non-exempt employees who work over forty (40) hours during a work week according to the Fair Labor Standards Act.

B. DEFINITIONS

“Compensatory time” (comp time) is time off work earned at a rate of 1.5 hours for every hour of overtime by non-exempt employees.

“Exempt and non-exempt employees” are determined by the Fair Labor Standards Act.

“Flex Time” is time off work earned on an hour for hour basis for overtime by exempt employees.

“Flexible schedule” is a work schedule that deviates from normal business hours.

“Work week” is seven consecutive days beginning with Sunday and ending with Saturday, consisting of five 8-hour days. State holidays, excluding Sundays, shall count as eight hour days.

C. POLICY

1. Non-exempt employees must have prior approval from their division director before working more than 40 hours in a work week.
2. Non-exempt employees will earn 1.5 hours of comp time, in lieu of overtime pay, for every hour over 40 worked in a work week, unless the director approves monetary compensation.

Compensatory Time for Non-Exempt
Employees Policy
Continued

3. Holidays, paid leave, and comp time cannot be used in the calculation of the 40 hour work week referred to in paragraph 2 above.
4. Comp time earned will be maintained in the state's financial and human resource management system.
5. Use of comp time by an employee shall be pre-approved by the employee's division director.
6. An employee must be permitted to use compensatory time on the date requested unless doing so would unduly disrupt the operations of the Public Service Commission.
7. An employee may accrue up to 240 hours of comp time.
8. Accumulated comp time will be paid to the employee upon the employee's termination.

D. GUIDANCE

Prior approval for comp time may be done via email.

29 C.F.R. § 553.23 may be of assistance.

E. APPLICABILITY

This policy applies to all classified non-exempt employees.

F. EFFECTIVE DATE:

G. NON-COMPLIANCE:

H. EXPLANATORY NOTE: 29 U.S.C. §§ 201-219; 29 C.F.R. § 341; 29 C.F.R. § 553.23; N.D.C.C. § 49-01-02, N.D.C.C. § 1-03-01. See also PSC policies pertaining to Flex Time, and Flex Schedule.

I. REVISION DATES:

Training Policy

Mr. Cramer: I move the Commission adopt Policy 6-03-11 (0), Training. I further move that 6-03-11 (0) be incorporated into the revised policy manual conditioned on and effective when the revised policy manual is formally adopted by the Commission.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

PUBLIC SERVICE COMMISSION

TRAINING

Policy 6-03-11 (0)

A. PURPOSE

The Commission encourages employee training for the purpose of improving the efficiency and effectiveness of their work for the benefit of the people we serve.

B. DEFINITIONS

"Employee" refers to an individual employed by the Commission, not including the Public Service Commissioners or the Secretary to the Commission.

"Exempt employee" is an employee who is exempted from both minimum wage, and overtime pay, pursuant to the Fair Labor Standards Act. For the purposes of this policy, exempt employees must qualify under one of the following job categories: executive, administrative, learned professional, or computer employee.

"Flex time" is time off work earned on an hour for hour basis for overtime by exempt employees.

"Flexible schedule" is a work schedule that deviates from the Commission's standard business hours of 8 AM to 5 PM Monday through Friday, except state holidays.

"Non-exempt employee" is an employee who is not exempted from minimum wage and overtime pay provided by the Fair Labor Standards Act.

Training Policy
Continued

“Training” may include seminars, workshops, certification classes, and college courses directly benefiting an employee’s job responsibilities.

C. POLICY

1. Division directors who identify required training for employees to fulfill their job responsibilities will make arrangements for them to attend. All other training will follow the below requirements.
2. An employee who identifies a curriculum that is believed to benefit an employee’s job responsibilities may submit a memorandum of request to their division director. The request must contain:
 - a. A description of the training to be provided, including the location, timing, sponsoring entity, and cost.
 - b. A statement of how the training pertains to the employee’s present duties and responsibilities.
 - c. Benefits that should result from participating in the training.
3. The division director may grant the request if the curriculum is beneficial to the agency and funding is available.
4. The Commission will pay for approved training directly to the institution.
5. Flex time may not be accrued for attending training; however, a flexible schedule may be approved.

D. GUIDANCE

E. APPLICABILITY: Employees

F. EFFECTIVE DATE:

G. NON-COMPLIANCE: Loss of benefit under this policy.

Training Policy
Continued

H. EXPLANATORY NOTE: See also PSC policies pertaining to Compensatory Time, Flex Time, and Flex Schedule, and Exempt/Non-exempt.

I. REVISION DATES:

Tuition Reimbursement Policy

Mr. Cramer: I move the Commission adopt Policy 6-02-11 (0), Tuition Reimbursement. I further move that 6-02-11 (0) be incorporated into the revised policy manual conditioned on and effective when the revised policy manual is formally adopted by the Commission.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

PUBLIC SERVICE COMMISSION

TUITION REIMBURSEMENT

Policy 6-02-11 (0)

A. PURPOSE

The Commission encourages continued education for eligible employees to improve the efficiency and effectiveness of their work for the benefit of the people we serve.

To support this philosophy, the Commission will make every attempt to provide staff the opportunity and financial assistance necessary to continue their education, and obtain a degree, from an accredited institution.

B. DEFINITIONS

"Degree plan" is a plan to obtain an associates, bachelors, masters, professional, or terminal degree from an accredited institution that includes the sequence of courses and academic requirements that a student must complete in order to graduate.

"Eligible employee" is a permanent, classified, full-time employee who has completed probation.

Tuition Reimbursement Policy
Continued

C. POLICY

1. The Commission is under no obligation to provide tuition reimbursement.
2. A degree plan must be approved by the eligible employee's division director, upon financial review with the Accounting Manager, to ensure sufficient funds are available within the agency budget. The approved degree plan must be filed in the eligible employee's personnel folder, held by the director responsible for administration. The degree plan must include:
 - a. Name of the school(s) the eligible employee intends to attend;
 - b. A list of all course titles, descriptions, credits, and numbers required for the degree;
 - c. Estimated duration of the degree plan.
3. The affected division directors, in consultation with the Accounting Manager, may establish additional parameters for tuition reimbursement when it becomes necessary to provide an equitable distribution of limited funds, such as limiting the reimbursement to less than 80 percent tuition in order to accommodate additional eligible employees.
4. Tuition reimbursement will be provided, at a rate not to exceed 80 percent for tuition and fees, for approved degree plans that directly relate to the eligible employee's position as determined by the eligible employee's division director. Approved degree plans that do not directly relate to the eligible employee's position will be limited to a maximum reimbursement of 50 percent for tuition and fees. Assistance will be limited to a \$10,000 maximum benefit.
5. Within budgetary constraints and less any education grants received, reimbursement will be granted when the eligible employee submits, within 60 days and before the fiscal period of the current biennium closes, the following:

Tuition Reimbursement Policy
Continued

- a. Proof that the course was completed and at least a "B" grade is achieved;
 - b. A receipt reflecting the tuition associated with the course, along with a list of any grants received, and the fact that the fee was paid.
6. An eligible employee who receives tuition reimbursement pursuant to this policy and leaves employment with the Commission within twenty four months of receiving tuition reimbursement must immediately repay all tuition received on a prorated basis upon end of employment.

D. GUIDANCE

Eligible employees are encouraged to enroll in courses that do not conflict with the Commission's normal office hours, however; the eligible employee's supervisor and/or division director may approve alternative schedules to allow attendance of courses during normal office hours.

E. APPLICABILITY: Eligible employees.

F. EFFECTIVE DATE: July 1, 2011.

G. NON-COMPLIANCE: Loss of benefit under this policy.

H. EXPLANATORY NOTE: N.D.C.C. § 54-06-33;
N.D. Admin Code § 4-07-36.

I. REVISION DATES:

November 10, 2011

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Case No. PU-11-605
Enbridge Pipelines (North Dakota) LLC
Grenora Station Upgrade Project -
Williams County
Siting Application

Mr. Cramer: I move the Commission retain Mitchell D. Armstrong to provide legal services to assist the Commission in processing Case No. PU-11-605, Enbridge Pipelines (North Dakota), LLC - Grenora Station Upgrade Project, Williams County, Siting Application.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 10:51 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN