

CHAPTER 54-51 INTERCHANGE OF GOVERNMENT EMPLOYEES

54-51-01. Declaration of policy. The state of North Dakota recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this state and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation and increasing the skills and efficiency of governmental personnel.

54-51-02. Definitions. For the purposes of this chapter the following words and phrases have the meanings ascribed to them in this chapter:

1. "Receiving agency" means any department or agency of the federal government or a state government which receives an employee of another government under this chapter.
2. "Sending agency" means any department or agency of the federal government or a state government which sends any employee thereof to another government agency under this chapter.

54-51-03. Authority to interchange employees. Any department, agency, or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, or another state, as a sending or receiving agency.

54-51-04. Duration of exchange. The period of individual assignment or detail under an interchange program may not exceed four years. Details relating to any matter covered in this chapter may be the subject of an agreement between the sending and receiving agencies. Elected officials may not be assigned from a sending agency nor detailed to a receiving agency.

54-51-05. Status of employees of this state. Employees of a sending agency participating in an exchange of personnel as authorized in section 54-51-03 may be considered during such participation to be on detail to regular work assignments of the sending agency.

54-51-06. Salary and benefits. Employees who are on detail are entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency.

54-51-07. Death or injury of employee. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising in the course of an exchange, or sustained in performance of duties in connection therewith, must be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such act, who has sustained such injury in the performance of such duty, but may not receive benefits under that act for any period for which the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

54-51-08. Travel expenses of employees of this state. A sending agency in this state may, in accordance with the travel regulations of the state, pay the travel expenses of employees assigned to a receiving agency on either a detail or leave basis, but may not pay the travel expenses of such employees incurred in connection with their work assignments at the receiving agency. During the period of assignment, the sending agency may pay a per diem allowance to the employee on assignment or detail.

54-51-09. Status of employees of other governments. The following provisions control the status of any employees within the state under this chapter:

1. When any unit of government of this state acts as a receiving agency, employees of the sending agency who are assigned under authority of this chapter may be considered to be on detail to the receiving agency.
2. Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving agency. The person is in the unclassified service of the state.
3. Employees who are detailed to the receiving agency may not by virtue of the detail be considered to be employees thereof, except as provided in subsection 4. The supervision of the duties of those employees during the period of detail may be governed by agreement between the sending agency and the receiving agency.
4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of the assignment, or sustained in the performance of duties in connection therewith, must be treated as an employee for the purpose of the receiving agency's employee compensation program, but may not receive benefits for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.
5. A receiving agency may with the agreement of the sending agency pay an employee from a sending agency a full or supplemental salary or wage not to exceed the appropriate pay for an equivalent position in the receiving or sending agency.

54-51-10. Travel expenses of employees of other governments. A receiving agency in this state may, in accordance with the travel regulations of the state, pay travel expenses of persons assigned thereto under this chapter during the period of such assignments on the same basis as if they were regular employees of the receiving agency.

54-51-11. Reports of participating agencies. Each department, agency, or instrumentality of the state which participates in the interchange of employees as provided in this chapter shall annually report the details of the travel expenses of each employee and same must be reported to the office of management and budget.