

MANUAL OF PERSONNEL
PROCEDURES

State of Minnesota.
Department of Civil Service
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INTRODUCTION

This manual of personnel procedures has been prepared for the use of operating departments. It should provide the answers to most of the personnel transactions questions that arise from day to day. Consideration of some questions has been purposely omitted since they occur infrequently and can be better resolved through discussion between the operating departments and the Civil Service Department.

The following pages discuss the use, the preparation, and the routing of personnel forms. In discussing the preparation of transaction reports, the manual requires the operating department to submit only that information which is essential to the Civil Service Department.

The operating department may find it helpful in its internal procedures to prepare additional copies of the reports or to add other information not essential for Civil Service records.

Department heads are limited by the availability of funds in the employment of personnel. Operating departments are responsible for making proper financial arrangements with the Department of Administration. The Department of Civil Service and the Department of Administration have coordinated their internal procedures in order that all personnel actions for which funds have been provided can be effected without delay. It is assumed in the following statements that proper clearance has been made with the Department of Administration with regard to staffing, organization and the availability of funds.

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HOW TO FILL A VACANCY AND MAKE AN APPOINTMENT

The determination that a new position is to be created or that a vacancy is to be filled rests with the appointing authority. He is responsible for deciding when the position is to be filled, the period of time for which it will remain in existence, and for assigning the duties.

1. REPORTING A VACANCY

Outlined below are steps to follow in filling a vacancy in the classified service, with the exception of transfer and demotion, which will be discussed in other sections of this manual. The following procedures are to be followed by the operating department and by the Civil Service Department:

In reporting one or more vacancies,

- a. prepare a "Personnel Requisition" form (CS-2) in triplicate, indicating the number of vacancies to be filled and submit all three copies to the Civil Service Department. A description of the duties is not required on replacement if they remain exactly the same. If there is a change in duties, this should be noted in detail in the proper places on the personnel requisition form. Duties of new positions should be described in detail in the space provided on the form or on a supplementary sheet.
- b. If you believe that the position requires an individual with special qualifications, you should specify on the requisition the nature of the qualifications and why they are necessary to the position.
- c. It is very important that you indicate on the personnel requisition the kind of appointment that you wish to make. This determination should be made in such a way as not to hamper future operations. Most positions in the state service are full time positions of an unlimited continuing nature. A temporary position, on the other hand, is one which is of short duration (not exceeding six months), covering a specific job that is not of a recurring nature.

Defined below are the kinds of appointments which may be made. They fall into two main categories--unlimited and temporary.

- (1) Unlimited--full-time. This kind of appointment is to a regular full-time position of a continuing nature.

- (2) Unlimited--part-time. This kind of appointment is to a position of unlimited duration which is not of a full-time nature. An example of this kind of appointment is a position which requires a person to work 3 days per week on a continuing year-round basis.
- (3) Unlimited--seasonal. This kind of appointment is to a position which recurs each year for a period of time that is peculiar to a certain kind of employment. For example, a job in road construction may extend from March to October, or a job in the state parks from May to September.
- (4) Unlimited--intermittent. This kind of appointment is to a position of unlimited duration, the work of which is sporadic in nature. In this case the employee works whenever he is needed as the work load dictates.

All temporary appointments are limited by law to a period of six months and no person employed on a temporary basis may be given a second temporary appointment for a year from the date of his separation.

- (5) Temporary--full-time. This kind of appointment is to a regular full-time position limited to six months.
- (6) Temporary--part-time. This kind of appointment is to a position of short duration that does not exceed six months and is not on a full-time basis. For example, the employee works 3 days a week for four months.
- (7) Temporary--intermittent. This kind of appointment is to a position that does not exceed six months in duration and in which the work is sporadic in nature. The employee works on an occasional basis as the work load dictates.

The Civil Service Department will allocate the position to its proper class. If the allocation differs from that proposed by the department head or if a question arises on the proposed classification, you will be notified immediately.

The Civil Service Department will then determine the proper eligible list to be used.

The law provides that one name, that of the person with the greatest seniority, will be certified from the layoff list for each vacancy.

In the absence of a layoff list, names are certified from the agency's promotional list. If you believe that the best interests of the state

will be served by certification from another list, follow the procedure prescribed in the Rules.

In the absence of both layoff and agency promotional lists, another list may be used, taking the preference of the department head into consideration:

- state-wide promotional list
- reemployment list
- open competitive list

The certification of names from lists is made on the reverse side of the original copy of the requisition.

The Civil Service Department will return the original and one carbon copy to you. If no eligible list exists or if fewer than three names are on the list, the Director may authorize provisional appointment by issuing two copies of a "Provisional Appointment" form (CS-3).

2. APPOINTMENT FROM AN ELIGIBLE LIST

To appoint an individual from an eligible list,

- a. report your appointment by noting the date of the appointment of the person selected in the proper column on the reverse side of the requisition and return the original copy to the Civil Service Department. If the requisition must be returned for certification of additional names because of non-availability of persons previously certified, give reasons for such non-availability by noting them in the proper place on the requisition and returning both copies to the Civil Service Department.
- b. If you reject a veteran whose name was certified, even though you appoint another veteran, you are required by law to submit a letter to the Civil Service Department outlining the reason or reasons for not appointing him. A copy of your letter must be sent to each veteran who was available and not appointed. If you offer the position to a veteran who refuses the position, it is not necessary to send him a letter.

When an employee is appointed from a higher list to a position in another department, this action does not constitute a break in service. Following appointment in the higher class, the employee is required to serve a new probationary period and has the right to return to a position in his former class in the department from which he was promoted.

The new department will report the appointment on a personnel requisition in the normal manner. The department which the employee is leaving should report to the Civil Service Department by letter the employee's last day on the payroll, the amount of annual leave he has to his credit, and the number of days of sick leave that should be established to the employee's credit on the records of the new department. A copy of this letter should be sent to the employee's new appointing authority.

3. PROVISIONAL APPOINTMENT

To make a provisional appointment:

If a provisional appointment has been authorized, note the appointment of the individual on the "Provisional Appointment" form. Return one copy of the appointment form and the original copy of the form on which names have been certified.

The law requires that you do not appoint anyone who has been employed in the state service on a provisional basis within the preceding 12 month period. Each provisional appointment is limited by law to six months, although under very unusual circumstances, extension may be authorized by the Civil Service Board.

An employee with status may also be provisionally promoted across departmental lines. To report the separation and the promotion, the same procedures outlined under 2. above for promotions across departmental lines will be followed.

The Civil Service Department will notify the operating department if the appointment is not approved.

4. APPOINTMENT ABOVE THE MINIMUM SALARY

Ordinarily appointments should be made at the minimum salary. Prior approval of any appointment above the minimum must be received from the Civil Service Department before the person can be employed.

To request an appointment above the minimum,

- a. submit a letter to the Civil Service Department before making your appointment. Consideration can be given appointments above the minimum only on the basis of exceptional qualifications of the individual or on the basis of emergency employment conditions, except that former employees may be reemployed at the same rate of pay they received at the termination of their service.
- b. If you request appointment above the minimum on the basis of emergency employment conditions, specify the higher salary on the requisition. If your request is based on exceptional qualifications of the individual, the requisition should show the minimum salary. Your request should be submitted only after names of eligibles have been certified or provisional appointment authorized. If you propose a salary above the minimum for a former employee, show the minimum salary on the requisition, but specify the higher salary when you appoint him.

5. EMERGENCY APPOINTMENT

Emergency appointments of not more than ten working days may be made when conditions necessitate immediate action to carry on work vital to the public interest. No more than three emergency appointments for any one person can be made in one calendar year, nor can these appointments be successive.

To make an emergency appointment,

- a. check for previous emergency appointments of the prospective appointee.
- b. Prepare and submit one copy of the "Emergency, Unclassified or Trainee Appointment" form (CS-5). Emergency appointments will not be approved unless the conditions necessitating the emergency appointment are explained on the form.

The Civil Service Department will approve the appointment if it is determined that an emergency exists,

if the same person has had not more than three emergency appointments in the preceding twelve month period, and

if the appointment does not immediately follow a previous emergency appointment of the same individual.

You will be notified only if the appointment is not approved.

6. TRAINEE APPOINTMENT

Before trainees can be employed, a training program must be established. Operating departments must first submit written information explaining the program's purpose and duration, the proposed salary, the class for which persons are to be trained, and the work schedule to be followed before appointments of trainees under the program can be made. Following written approval of a training program by the Civil Service Department, appointments of trainees made in accordance with an approved plan may be made.

To report a trainee appointment, after the program has been approved,

- a. fill out two copies of the "Emergency, Unclassified or Trainee Appointment" form (CS-5) for each trainee, and
- b. send one copy to the Civil Service Department and retain one copy for your files.

The Civil Service Department will check the form for compliance with the training program and will notify you only if your appointment does not meet the conditions of the approved program.

The Director reports each trainee appointment to the Civil Service Board.

7. UNCLASSIFIED APPOINTMENT

Positions in the unclassified service are not subject to the provisions of the Civil Service Law. The law requires, however, that appointments and separations be reported for payroll purposes.

Many unclassified positions are covered by a provision of an appropriations act which states that the salaries of employees in these positions shall be adjusted to the salaries of comparable classes in the classified service as determined by the Director. Information about the duties of the position may be requested, therefore, to determine the proper salary range assignment. The incumbent of the position may receive any salary set by his department head between the minimum and the maximum of the assigned range.

To report an appointment in the unclassified service,

prepare and submit one copy of the "Emergency, Unclassified or Trainee Appointment" form (CS-5). Note the clause number of Section 43.09 under which this position is considered in the unclassified service.

The Civil Service Department will determine whether the position is properly in the unclassified service,

check the salary assignment, and

notify the department only if the position is not properly in the unclassified service or if the salary must be changed.

8. REINSTATEMENT

A vacancy may be filled by the direct reinstatement of a former permanent or probationary employee within one year from the date of the employee's resignation. "Former employee" for this purpose means a former employee of the agency requesting the reinstatement. Reinstatement cannot be made if an agency layoff list exists for the class involved. A voluntary demotion is considered a resignation from a higher class.

To reinstate an employee,

- a. prepare and submit a letter to the Civil Service Department with the following information:
 - (1) The name and class of the former employee,
 - (2) the date of his resignation,
 - (3) the effective date of the reinstatement,
 - (4) the salary at which you propose to reinstate the former employee, and
 - (5) the name and class of the former incumbent of the position. If the reinstated employee is to fill a new position, a description of the duties and responsibilities of the position is to be included in the letter.
 - (6) If you have previously submitted a personnel requisition intending to fill the position from an eligible list, your reinstatement should state this and request cancellation of the requisition.

Previous seniority and sick leave may be restored as provided in the Rules. This is not automatic. The department head must state whether he intends the employee to receive these benefits upon reinstatement.

- b. Do not submit a requisition when you anticipate filling the position by reinstatement. The reinstatement letter alone is sufficient to complete this action.

The Civil Service Department will review the proposed class and salary, check for existence of a layoff list, and approve or disapprove the proposal.

The Civil Service Department will notify the operating department only if the action cannot be approved as proposed. If you wish to be notified of our approval of the reinstatement, submit two copies of the letter and the duplicate will be returned.

CHANGES IN EMPLOYEE STATUS

After an employee has been appointed, actions will occur affecting his civil service status which must be reported to the Civil Service Department. Listed below are the procedures to be followed by the operating department in reporting these actions and those followed by the Civil Service Department.

1. CERTIFICATION AFTER PROBATION

Any employee who has been appointed from an eligible list, with the exception of the layoff list, must serve a six month probationary period. The probationary period is considered an integral part of the examination process during which the work of the employee should be observed closely. He may be demoted or dismissed at any time during the probationary period without right to appeal if he does not meet the required work standards.

The appointing authority is required to certify him as a permanent employee or separate him from the payroll before expiration of his probationary period. If an employee is not certified as satisfactory after probation, the law provides that the state cannot pay for services rendered by the employee beyond the probationary period. (See pages 24 and 27 regarding demotion or dismissal of individuals serving a probationary period following transfer.)

The Civil Service Department cannot approve a probationary period of less than nor more than six months. The law is specific in establishing a six months' probationary period for all classes of employment.

The Civil Service Department will notify the appointing authority approximately one month in advance of the date of the expiration of the employee's probationary period. Three copies of the "Classification Questionnaire," to be prepared by the employee, will be enclosed with this notice.

The Civil Service Department will make every effort as a service to operating departments to give notification prior to the expiration of employees' probationary periods. The primary responsibility for noting the expiration of the six months' period and for subsequent action, however, remains with the appointing authority.

If you intend to certify the employee,

- a. give the classification questionnaire forms to the employee for his completion.

- b. Submit one completed copy of the "Classification Questionnaire" to the Civil Service Department 15 days prior to the end of the probationary period. (For instructions concerning its preparation, see page 31.)
- c. Complete in duplicate and submit at the completion of the probationary period a "Change of Employee Status" form (CS-4) indicating that the employee is certified. (For procedures concerning the dismissal or demotion of an employee during probationary period, see pages 24 and 27.)

The Civil Service Department will return the duplicate copy of the CS-4 to you indicating approval or disapproval.

2. MERIT INCREASE

At least once every twelve months the department head must review the salary of each employee to determine whether the employee merits a salary increase. The appointing authority is required to advise the employee of his determination.

a. NORMAL SALARY INCREASE

To propose a normal salary increase,

- (1) prepare and submit in duplicate a "Change of Employee Status" form (CS-4) indicating a salary increase. The effective date of action for a salary increase is the first day the employee will work at the increased rate of pay. Normally an employee may not receive a salary increase of more than one step nor more often than once every six months.
- (2) You may use the same procedure for reporting salary adjustments for unclassified employees. If you prefer, you may notify us by letter. In the case of unclassified employees, salary adjustments are not subject to Civil Service Department approval, so long as they are within the appropriate salary range (see page 8.) The Civil Service Department notes the change for payroll purposes only.
- (3) Submit both copies of the "Change of Employee Status" form to the Civil Service Department.

The Civil Service Department will return a copy of the form to the operating department indicating approval or disapproval.

b. EXCEPTIONAL MERIT INCREASE

If the appointing authority deems it advisable, due to unusual employment conditions or the exceptional performance of the employee, to grant an increase of more than one step or more often than every six months, he may request an exceptional increase by specifying the reasons in a letter.

To propose an exceptional merit increase,

- (1) send your letter explaining the increase with a CS-4 showing the proposal.

The Civil Service Department will return an approved copy of your form if the action has the concurrence of this department and funds are available.

(If funds are not available, you will be notified by the Budget Division of the Department of Administration.)

The Civil Service Department will return a copy of your form marked "disapproved" if the proposed action is not approved.

3. SALARY DECREASE

An employee's salary may be decreased for disciplinary reasons. By law, the department head is required to give a permanent employee a written statement of the reasons for reduction in pay. The employee must be permitted five days' time to reply in writing, or upon his request, to appear personally to reply to the head of the department. A copy of the department head's statement and the employee's reply, if any, must be filed with the Director of Civil Service prior to the date the decrease becomes effective.

A permanent employee whose salary is reduced for cause has a right to a hearing before the Civil Service Board.

To report a salary decrease,

- a. submit a "Change of Employee Status" form (CS-4) in duplicate. The effective date of the action is the first day the employee works at a decreased rate. If the affected employee has permanent status, the provisions of law regarding proper notice must be followed.
- b. Submit two copies to the Civil Service Department before the effective date of the action.

The Civil Service Department will return one copy to you indicating approval or disapproval, and

notify you if the employee appeals to the Civil Service Board.

In rare instances an employee's salary may be reduced at his request or at his volition. If an employee agrees to a salary reduction within his salary range, he has no right to appeal.

4. LEAVE OF ABSENCE WITH PAY

Department heads may grant leave of absence with pay for:

- a. illness of an employee,
- b. vacation,
- c. jury duty, or
- d. military service.

It is not necessary to report a leave of absence with pay to the Civil Service Department for the kinds of leave listed above so long as the employee is compensated by the state for earned vacation or sick leave time. For further detail, refer to the Rules as their provisions are specific.

- e. Employees may be granted leave of absence with pay for educational purposes by certain departments operating with federal funds. These leaves should be reported by submitting a "Change of Employee Status" form (CS-4) showing the amount of the federal stipend.
- f. Leave of absence with pay may be granted to employees who are receiving Workmen's Compensation payments if the employee makes an arrangement with his department head to use accumulated sick leave or vacation while receiving Workmen's Compensation. In no case may the total payment to the employee using sick leave time and Workmen's Compensation payments exceed his regular salary. All Workmen's Compensation leaves with or without use of sick leave must be reported by submitting a "Change of Employee Status" form.

5. LEAVE OF ABSENCE WITHOUT PAY

Leave of absence without pay may be granted by a department head for the following reasons:

To permanent or probationary employees for:

military service (See page 17 for procedure),

employment in the unclassified service, or

illness of the employee.

To permanent employees only:

Permanent employees may be granted leave of absence for a period not exceeding a total of 12 months in any consecutive 14 months for study or travel, or for other reasons.

The primary consideration in a leave of absence of this kind is whether the leave requested is in the interest of the state. No leave should be granted unless the state will receive some compensating benefits as a result.

An employee who has shown by his record of service to be of more than average value to the state, whose services it is desirable to retain even at some sacrifice, may be granted leave of absence.

To propose leave of absence without pay for employment in the unclassified service, illness of the employee, or for study and travel,

- a. prepare and submit in duplicate a "Change of Employee Status" form (CS-4). Show all supporting information on the form or in an attached letter. For example:
 - (1) If the reason for leave is to accept an unclassified position, specify the position and the department.
 - (2) If the leave is for illness of three months or less, state type and severity of illness on the form. If a proposed leave for illness exceeds three months or is "indefinite," a physician's statement relative to the employee's condition and the prognosis of the illness should be attached to the original copy of the form.

- (3) If the leave is for study or travel, include in the form how the state would benefit from the action, or the reasons why you consider the employee exceptional.

The Civil Service Department will review the form and return a copy indicating approval or disapproval.

To propose an extension of leave of absence without pay,

submit a CS-4 and include an explanation of the circumstances specifying the date to which you propose to extend the leave within the limits of the Rules. In cases of illness, include a physician's statement.

6. RETURN FROM LEAVE OF ABSENCE

If the employee's leave of absence was approved for a specific period and the employee returns to work at the end of the period, a report of return is not necessary.

If an employee is granted a leave for an indefinite period, however, or if he returns before the expiration of his approved leave, you should report his return.

To report return from leave of absence, where necessary,

prepare and submit a "Change of Employee Status" form (CS-4) in duplicate indicating "return from leave of absence." The effective date is the employee's first day of active service upon return. Make certain that you indicate the position to which he is returning.

The Civil Service Department will return to you a copy of the CS-4 indicating approval or disapproval.

7. MILITARY LEAVE OF ABSENCE WITH PAY

Employees on inactive duty with organizations such as the National Guard or the organized military reserves who are called into active duty for a temporary annual training period, or into active duty of an indefinite nature, receive fifteen calendar days' military leave with pay. If the leave is only for a fifteen calendar day period, the action may be shown by payroll notation.

If the leave is for an indefinite period, combining a leave with pay with a leave without pay, follow the procedures shown below. The employee is to be paid for fifteen calendar days' military leave beginning with his first day of active duty. The form reporting leave of absence should specify military leave with pay from _____ to _____. Any period to be covered by vacation leave should also be specified. Leave without pay begins on the day the employee's name is removed from the payroll.

8. MILITARY LEAVE OF ABSENCE WITHOUT PAY

All state employees who enter active military service have a right to military leave. The effective date is the day following the employee's last day of active state service. During his military service, an employee accrues all the benefits of regular employment, except that the time spent in military service cannot be credited toward completion of a probationary period. A military leave terminates by law upon expiration of an appointment which itself is limited by legal provisions.

To report a military leave of absence,

- a. prepare two copies of a "Change of Employee Status" form (CS-4) and send the original to the Civil Service Department.
- b. State on the form that you have seen a copy of the employee's military orders.
- c. Keep the duplicate for your files.

The Civil Service Department will note the leave and retain the original copy of the form.

Military leave is mandatory under the law if an employee is ordered to active military service. Neither his department head nor the Civil Service Department has any discretion in the matter if the provisions of the military leave law are met.

A member of the National Guard or any reserve component of the armed forces who is ordered to active duty for a period exceeding fifteen calendar days is to be given military leave with pay for the fifteen calendar days following his last day of state service, followed by military leave without pay for the remainder of his military active duty period.

9. REINSTATEMENT FROM MILITARY LEAVE OF ABSENCE

To report this action,

- a. prepare and submit a letter stating the following conditions are fulfilled:
 - (1) Employee has submitted to you a copy of his honorable discharge or other form of release indicating that his service in the armed forces was satisfactory.
 - (2) Employee has made a written request to you for reinstatement within 90 days after the effective date of his separation from the armed forces. If the employee is hospitalized immediately following his separation as a result of military service, he must apply for reinstatement within 90 days of his discharge from hospitalization, but in no case may the period exceed one year and 90 days after termination of military service.
 - (3) Employee is physically and mentally able to perform the duties of his position.
 - (4) That the employee's position has not been abolished nor has his term of employment expired if it was temporary or provisional.
 - (5) Indicate the position to which he will be reinstated, the effective date of action, salary adjustments that would have been granted had he not been on leave, and the salary rate at which you plan to reinstate him.
- b. Since the employee is entitled to accrual of sick leave and vacation leave for each month during his military leave, your records should be noted accordingly. Only in this instance is vacation not limited to a maximum of 24 days. An employee may be reinstated from military leave with more than 24 days of vacation time to his credit, but all vacation time in excess of 24 days must be used within two years of reinstatement.

The Civil Service Department will notify you if the action is disapproved. If you desire notice of our approval, submit two copies of the letter and the Civil Service Department will return the approved duplicate.

10. DEDUCTIONS FROM SALARY FOR ABSENCES OF LESS THAN A PAYROLL PERIOD

You may report permanent, probationary or provisional employees' absences of fifteen days or less for which no payment will be made by a payroll notation stating "Absent from _____ (first day employee is off payroll) thru _____ (last day employee is off payroll)". Do not submit a "Change of Employee Status" form unless the period of absence will exceed a payroll period.

11. TEMPORARY ABSENCE OF A PROVISIONAL EMPLOYEE

Provisional employees, except those eligible for military leave, cannot be granted leave of absence. As provisional employees by law have no right to their positions, they can be given no right to return to them after an absence.

If it is necessary for a provisional employee to be absent from duty for more than a payroll period and the absence is not compensated by vacation or sick leave, the operating department must report by letter to the Civil Service Department the period during which the employee will receive no pay. This temporary separation from the payroll cannot be construed to give the employee any civil service status and he has no legal right to the position when he is ready to return to work. His total period of employment cannot be extended by virtue of his temporary absence.

12. NAME AND ADDRESS CHANGE

It is necessary that name and address changes be reported so that the Civil Service Department records will conform with the names included on payrolls. Address changes are not required by the Civil Service Department, but as a service to departments and employees, all reports submitted are made a part of the employee's record.

To report name and address changes, the operating department should submit one copy of the "Change of Employee Status" form (CS-4).

The Civil Service Department will note the change on its records and retain the copy for its files.

13. INTERRUPTED SERVICE OF SEASONAL AND INTERMITTENT EMPLOYEES

Employees working on a seasonal or intermittent basis have periods of work inactivity. In most cases such positions recur year after year with the same employees filling them. Their appointments should be reported as if they were employed on an unlimited basis. It is not necessary to reappoint them at the beginning of each season or to submit forms to separate them from the payroll at the end of a season. In effect, during the periods of inactivity, the employees are laid off. To facilitate payroll processing, however, you may advise us of their return to work and of their last working day for each period by payroll notation only. Payment for accumulated vacation and overtime at the end of each season may also be reported by payroll notation.

Appoint employees in seasonal and intermittent positions only once. Only when they are not expected to return for the next season and are finally terminated from the state service must you submit a form for separation reporting one of the actions described in the section "Separation of Employees."

14. TRANSFER

There are three kinds of transfers:

between positions in different classes, with equal salary ranges, in the same department or organization unit;

between positions in the same class in different departments or organization units; and

between positions in different classes, with equal salary ranges, in different departments or organization units.

A change from one position to another position in the same class and in the same department or organization unit is a change in work assignment and not a transfer.

You may report a work assignment by submitting a letter advising the Civil Service Department of the change. If the positions in question are allocated properly, there is no approval needed. It is entirely the department head's responsibility to make work assignments.

To propose a transfer between different classes in the same department or organization unit,

- a. prepare and submit in duplicate a "Change of Employee Status" form (CS-4) indicating the transfer. The effective date of action is the first day the employee is to perform the duties of the new position. The employee's signature should be on the form to show that the transfer meets with his agreement.
- b. Submit both copies to the Civil Service Department.

The Civil Service Department will check the proper class of the position, decide whether the employee possesses satisfactory qualifications to perform the duties of the new class, or whether he will be required to demonstrate his ability by taking an examination, and return a copy to you indicating approval or disapproval.

To propose a transfer from one to another department or organization unit, the head of the department from which the employee is transferring will

- a. prepare a "Change of Employee Status" form in triplicate when all details of transfer have been agreed upon by both appointing authorities and the employee. The original department should

fill in all blanks pertaining to the employee's situation before transfer. There are conditions of transfer that should be discussed and agreed upon before appointing authorities and the employee sign a transfer form indicating agreement on the following points:

- (1) Probationary period - A permanent or probationary employee may be required to serve a full six months' probationary period upon transfer at the joint request of the two appointing authorities. Notice of this requirement should be shown on the transfer form and a copy furnished to the employee and the Civil Service Department before the effective date of the action.

If the employee is dismissed from the new department during this probationary period, he will be restored to a position in his former class in the department from which he was transferred.

- (2) Salary - An employee may be transferred at the same salary or at any lower salary within the range that may be agreed upon.
- (3) Payment of vacation time - The employee is entitled to payment in cash for accumulated vacation time by the department he is leaving. The employee may request that all or part of his vacation be established to his credit on the records of the new department. The new department, however, may or may not accept vacation liability. If it does, this should be shown on the transfer form.

The new department shall accept all accrued sick leave to the employee's credit.

- b. Secure the employee's signature if all conditions of transfer have been agreed to by the employee.
- c. Send the form to the head of the department to which the employee is transferring.

The new appointing authority should complete the form by filling in blanks relating to the employee's status after transfer and send it to the Civil Service Department.

The Civil Service Department will check the proper class of the position, decide whether an examination is necessary if the employee is transferring to a different class, and return a copy of the transfer form to both department heads indicating approval or disapproval.

15. DEMOTION

Demotions are of three types; two of these are voluntary and reflect no discredit upon the employee. The third kind of demotion is a disciplinary action.

a. Demotions mutually agreed upon by the employee and his appointing authority

- (1) Demotion in lieu of layoff - A permanent or probationary employee who is to be laid off may be demoted voluntarily in lieu of layoff. The department head decides whether the employee is to be laid off or offered a position in a lower class. In event of this type of demotion of a permanent employee, the law requires that the employee and the Civil Service Department be notified at least 15 days prior to the effective date of the action that layoff is necessary. This layoff notice can include an offer of demotion. If the original letter advises the employee only of the abolition of his position, it can be changed later by submission of a report of demotion if the appointing authority and the employee mutually agree to demotion in lieu of layoff.
- (2) Demotion at the request of the employee - Employees may request demotions of their appointing authorities for reasons of health, preferred location of work or for other personal reasons. This type of demotion is in effect a resignation from a higher class. The employee's reasons for the request should be given. The employee loses all status he may have had in the higher class. If demotion is approved, the employee may, within one year of the effective date, request the Director of Civil Service to place his name on the reemployment list for the higher class.

To report a voluntary demotion,

prepare and submit two copies of the "Change of Employee Status" form (CS-4). Refer to the Rules for the effect of demotion on the employee's compensation. The employee must sign the form indicating his approval. The effective date of action is the day the employee assumes the duties of the new position.

The Civil Service Department will check the class of position to which the demotion is made; place the name of the employee on the layoff list and on the state-wide reemployment list for his former class if the demotion is made in lieu of layoff; and return a copy to the operating department indicating approval or disapproval.

b. Demotions for cause in which the appointing authority, for disciplinary reasons or other causes, elects to demote the employee.

- (1) A permanent employee may be demoted involuntarily only for just cause and an employee so demoted has a right to a hearing before the Civil Service Board. According to law, the employee shall, before a demotion for cause becomes effective, be furnished with a written statement from his department head giving the reasons for the action. The employee must be permitted five days in which to reply in writing, or upon his request, to appear personally and reply to his department head. Copies of both the department head's statement and the employee's reply, if any, shall be filed with the Director of Civil Service before the demotion becomes effective.
- (2) A probationary employee may be demoted at any time during the probationary period if the department head determines the employee's services have not met the required work standards. In this type of demotion, no statement of reasons is necessary and the employee has no right to a hearing.

To report a demotion for cause,

- a. prepare a "Change of Employee Status" form (CS-4) in duplicate indicating demotion. The provisions of law regarding proper notice must be complied with. Refer to the Rules for the effect of a demotion on the compensation of a permanent or probationary employee. The effective date of action is the day the employee assumes the duties of the new position.
- b. Submit two copies of the form to the Civil Service Department.

The Civil Service Department will check the class of position to which demotion is made; return a copy of the form to the operating department indicating approval or disapproval; and notify the department if the employee appeals the action.

16. SUSPENSION

A permanent employee may not be suspended for a period or periods exceeding 30 days in any twelve-month period, except for just cause. Suspensions of less than 30 days give the employee no right to appeal. If he is suspended for more than 30 days, he has a right to a hearing before the Civil Service Board and notice similar to that required by law for demotions for cause and dismissals must be given to the employee and to the Civil Service Department.

A suspension of any employee for a period of less than 30 days within a twelve-month period should be reported to the Civil Service Department and to the employee promptly, but the employee has no right to written notice or to appeal. A permanent employee suspended for 30 days or less may within 30 days of suspension make a written request for the reasons. His department head must then furnish a written statement to the employee and file a copy with the Civil Service Director.

To report the suspension of an employee,

- a. complete the "Change of Employee Status" form (CS-4) in duplicate indicating suspension. The effective date of action is the day after the employee's last day of active service.
- b. Submit the two copies of the form to the Civil Service Department. An additional copy may be prepared to give to the employee as notice.
- c. If the suspension exceeds 30 days, follow the legal provisions regarding proper notice. Reasons are desirable for a suspension of 30 days or less but are not necessary unless requested by the employee.

The Civil Service Department will return a copy to the operating department indicating approval or disapproval; and, notify the operating department if the employee appeals the action in the case of a suspension of a permanent employee for more than 30 days.

SEPARATION OF EMPLOYEES

In this section the various actions by which state employees are separated from state service are listed together with procedures for reporting these actions.

1. VOLUNTARY RESIGNATION

To report an employee's resignation,

- a. prepare a "Change of Employee Status" form (CS-4) in duplicate indicating resignation. The effective date of action is the employee's last working day.

Upon resignation, the employee is entitled to a lump sum payment for the vacation leave he has accumulated to a maximum of 24 days. If an employee's regular days off are other than Saturday or Sunday, specify his days off on the form. Indicate also the number of vacation days and overtime hours for which he will be paid on separation.

The employee's signature is necessary on a resignation form or an explanation must be given why his signature does not appear on the form to show that the resignation is voluntary. It is desirable that the reason for resignation be shown on the form whenever possible.

- b. Submit two copies of the form to the Civil Service Department.

The Civil Service Department will return a copy to you indicating approval or disapproval.

2. AUTOMATIC RESIGNATION

An automatic resignation is not a resignation in good standing. A department head may take this action when an employee is absent for three consecutive work days without leave. The steps followed by the operating department and by the Civil Service Department are the same as those described above for voluntary resignation with one exception. In case of automatic resignation, the employee is not required to sign the form.

The operating department will indicate "Automatic Resignation" as the reason and indicate the length of time the employee was absent without

leave. The effective date of action is the last day the employee worked. The appointing authority should not prepare a form for automatic resignation, however, until the employee has been absent without leave for three working days.

3. DISMISSAL

A permanent employee may be dismissed only for just cause and the employee is entitled to a hearing before the Civil Service Board.

If a permanent employee is dismissed, the department head is required by law to furnish the employee a written statement setting forth the reasons for the dismissal. The employee must be permitted five days' time to reply in writing, or upon his request, to appear personally and reply to the head of the department. The department head's statement of the reasons and the employee's reply, if any, must be filed with the Director of Civil Service before the action becomes effective.

A probationary employee may be dismissed at any time during the probationary period that the appointing authority determines the employee's services do not meet the required work standards. A statement of reasons is desirable but not required and the employee has no right to a hearing.

To report the dismissal of an employee,

- a. prepare the "Change of Employee Status" form (CS-4) in duplicate indicating dismissal. The employee is entitled to a lump sum payment for annual leave he has accumulated. The effective date of the action is the employee's last working day.
- b. Submit two copies to the Civil Service Department indicating on the form the date of notice to the employee. Proper notice from his department head must be given a permanent employee as required by law.

The Civil Service Department will return a copy to the operating department indicating approval or disapproval; and notify the operating department if the employee appeals to the Civil Service Board.

4. LAYOFF

If an employee is to be demoted in lieu of layoff, refer to the section of this manual on demotions (see page 23).

In the event of the layoff of a permanent employee, the appointing authority is required to give the Civil Service Department and the employee written notice at least fifteen days prior to the effective date of the layoff. A probationary employee who is to be laid off must be given prior notice of layoff, but not necessarily fifteen days in advance. A copy of the "Change of Employee Status" form may be used as notice.

To report the layoff of an employee,

- a. check the seniority of all your employees in the class from which layoff is necessary. After the termination of all provisional employees, the permanent or probationary employee with the least seniority in the class will be laid off first.

Layoffs must be made in inverse order of seniority. If an employee waives his right to a position, his statement to that effect must be filed with the Civil Service Department.

- b. Prepare a "Change of Employee Status" form in duplicate indicating layoff. Upon layoff, the employee is entitled to the lump sum payment for all the annual leave he has accumulated. The effective date of action is the employee's last working day.
- c. Submit two copies of the form to the Civil Service Department. A third copy of the form may be used as notice to the employee.

The Civil Service Department will place the employee's name on the layoff list in order of seniority if layoff is approved; and return a copy to the operating department indicating approval or disapproval.

5. TERMINATION OF PROVISIONAL APPOINTMENT

Employees appointed on a provisional basis must be terminated within six months after the date of appointment. In unusual instances the term may be extended by the Civil Service Board. If replacement from an eligible list is available, the provisional appointment must be terminated.

Terminations of provisional promotions of permanent or probationary employees will be accomplished in the same manner as for other provisional employment. The day following the effective date of termination of provisional promotion, the employee will be restored to the class in which he has status. His former salary rate or a rate within the range for the lower class that does not exceed the rate he might have reached through merit increases if he had not been promoted, will be approved if proposed by the appointing authority.

To report the termination of a provisional appointment,

prepare and submit a "Change of Employee Status" form (CS-4) in duplicate indicating the termination of a provisional appointment. Upon termination, a provisional employee who has had six months or more of satisfactory service in the state service is entitled to a lump sum payment for the days of annual leave he has accumulated.

The Civil Service Department will return a copy to you indicating approval or disapproval.

To report the termination of a provisional promotion,

prepare and submit a "Change of Employee Status" form in duplicate indicating termination of provisional promotion. The effective date of termination of provisional promotion is the last day the employee will work in the higher class. Indicate the salary to be paid in the lower class and identify the specific position which the employee will fill.

The Civil Service Department will return a copy to you indicating approval or disapproval.

6. DEATH AND RETIREMENT

The steps followed in reporting the separation of an employee because of death or retirement are the same as those described above for termination of provisional appointment, except that if an employee retires before he reaches the age of 70, he must sign the form indicating that the action is voluntary.

Deferral of retirement of employees who have reached the age of 70 is discussed on page 36.

RELATED PROCEDURES

1. OVERTIME PLANS

Department heads who require or permit work beyond the established eight hour normal work day and the 40 hour normal work week are required to prepare written regulations governing overtime. Overtime compensation will be approved only for overtime worked in accordance with approved overtime plans.

To install an overtime plan,

prepare and submit a letter in quadruplicate furnishing information concerning conditions under which cash payment for overtime is proposed and rates to be paid. It is also necessary to state the conditions under which compensatory time may be accrued, used and canceled while the employee is working and at the time of separation. In addition, the plan must include conditions under which neither compensatory time off nor overtime payment in cash will be allowed.

The Civil Service Department will review the proposed plan and notify the operating department if the plan is incomplete or does not meet the requirements of the Rules,

OR submit the plan indicating the Civil Service Department's approval to the Department of Administration, and

after the Department of Administration indicates approval or disapproval to the Civil Service Department, notify the operating department of the final action.

If the plan is approved, the operating department should post copies of the regulations for the information of the affected employees.

The above procedure also will be followed at any time the appointing authority proposes amendments to his approved overtime plan.

2. CLASSIFICATION REVIEW

The duties and responsibilities of an employee's position are reviewed by the Civil Service Department prior to the employee's completion of his probationary period in that position. Positions also may be reviewed at other times upon request of the department head or the employee, or upon the initiative of the Civil Service Department.

To have a position reviewed,

- a. have the employee complete in triplicate the required items of the "Classification Questionnaire." A "Guide Sheet" of instructions on completing the classification questionnaire form is available from the Civil Service Department.
- b. The employee's supervisor should complete the second section of the form.
- c. The department head should review the foregoing statements, comment on them, and sign the form. Submit one copy to the Civil Service Department. The remaining two copies may be retained by the employee and the operating department.

The Civil Service Department will determine the proper allocation of the position. If, after analyzing the statements in the questionnaire, the Civil Service Department requires more information, a study will be made in which discussions will be held with supervisors and the employee in question.

In the case of the questionnaires submitted prior to completion of the probationary period, the Civil Service Department will notify the operating department and the employee only if reallocation of the position is necessary.

In the case of requested reviews, the Civil Service Department will notify the operating department and the employee of the results of the review.

3. MAINTENANCE AND SUBSISTENCE PLANS

In operating departments where maintenance or subsistence is allowed, the value of the maintenance is a part of the total salary. The department head is required to establish a plan for maintenance or subsistence charges.

To establish a maintenance or subsistence plan,

submit in writing at least one month prior to the date of its proposed establishment, an itemized statement of the types of maintenance or subsistence provided, a schedule of charges, and a statement of the policy and rules to be followed in making the charges.

The Civil Service Department will review the schedule for consistency; submit the schedule to the Civil Service Board for its consideration; and notify the operating department of approval or disapproval.

4. VACATION

Vacation is a right the employee earns as one of the terms of his employment. He may use it with the approval of his department head. He will be paid for the unused portion of his vacation upon separation. Vacation can be credited to an employee only after he has completed six months of satisfactory state service.

Employees earn one working day of vacation for each completed month of service during the first five years of employment, and one and one-fourth days for each month after five years of continuous service. The maximum accumulation of vacation is 24 days.

Employees who have the 100 day maximum accumulation of sick leave prescribed by the Rules receive extra vacation benefits. (See Sick Leave on page 33.) Special provisions regarding vacation earned on military leave are also outlined in the Rules.

5. SICK LEAVE

Sick leave is a privilege, not a right. It may be used by employees upon application approved by department heads. Unused sick leave cannot be paid for upon separation. It may be restored to the credit of a former permanent or probationary employee who is reappointed within three years of his separation upon the recommendation of the appointing authority.

Employees earn one day of sick leave for each month of completed service to a maximum of 100 days. As employees continue to earn sick leave after the 100 day maximum is reached, one half of each day is recorded in a lapsed sick leave "bank," and one half day is added to vacation.

An employee who has lapsed sick leave recorded to his credit may apply to a committee composed of the Governor, the Commissioner of Administration and the Director of Civil Service to have the sick leave restored in case of extended illness. The request for use of lapsed sick leave should include the employee's request to the appointing authority, a statement from a physician reporting the employee's condition, and the appointing authority's recommendations in the case.

The Civil Service Department will prepare the necessary forms and forward the material to the members of the committee for consideration.

6. PLACEMENT OF NAMES ON REEMPLOYMENT LISTS

A former permanent or probationary employee who has resigned may have his name placed on a reemployment list any time within a year after his resignation if he was separated from service in "good standing." (To resign in good standing, an employee should give his appointing authority at least seven calendar days' prior notice.)

An employee who is demoted upon his own request from a position in which he has permanent or probationary status may request that his name be placed on the reemployment list within a year from the effective date of action.

The names of laid off employees are placed on the appropriate reemployment list by the Civil Service Department at the same time they are placed on the layoff list, without further action on the part of the employee or his department head.

To place his name on a reemployment list, the former employee must submit a request in writing to the Civil Service Department stating when and where he will be available for work. (An employee who has requested voluntary demotion should follow the same procedure.)

The Civil Service Department will send a form letter requesting information concerning the quality of the employee's services to the department head for whom he worked.

Complete and return the form letter indicating whether the employee's services were satisfactory.

If the individual's services were satisfactory, his name will be placed on the reemployment list in the order of a combination of quality of service and previous seniority. Once his name has been placed on the list, the procedures for appointing him are the same as those described for appointment from other lists. (See page 4.)

7. HOURLY, DAILY AND WEEKLY PAY RATES

Ordinarily state employees are paid on a monthly basis. If a department head, however, determines that it is advisable to pay on a daily, hourly, or weekly basis for temporary, intermittent, or project work, and the Director approves, the formulae provided in the Rules should be used for computing these payments. See the Rules for conditions under which salary rates above the maximum may be approved for project employment.

8. PAYMENT ON SEPARATION

Provision in the law is made for payment of accumulated vacation at the time employees are separated from state service or transferred from the jurisdiction of one appointing authority to another. A lump sum payment is to be made on the payroll for the period during which the separation becomes effective.

The Rules provide that credit for accumulated vacation leave shall be granted only upon satisfactory completion of six months of service with the state. No employee in the classified service may be paid upon separation for more than 24 vacation days.

The State Auditor's rules should be used in computing vacation payments on separation. Extending the number of earned vacation days forward on the calendar, beginning with the day following the effective date of separation is the yardstick to use in making computations. One day should be deducted from vacation leave for each working day until the accumulated leave is exhausted.

Overtime payments on separation should be paid in accordance with an approved plan. Overtime accumulations are paid for on separation at an hourly rate multiplied by the actual number of overtime hours accumulated and for which payment has been authorized.

9. DEFERRAL OF RETIREMENT

The Civil Service Department will notify the operating department approximately one month before an employee reaches age 70 or before a period of deferral of retirement is to expire. This notice is sent as a service to operating departments; however, the responsibility for action remains with the appointing authority.

First the department should determine whether the employee will retire voluntarily (see note below regarding veterans) or whether a request will be made for deferral of retirement.

To request deferral of retirement,

- a. submit a letter stating that the best interests of the state will be served by deferring the employee's retirement.
- b. Attach to the letter a copy of a statement by a physician who examined the employee showing the employee is physically and mentally able to perform the duties of his position.

The Civil Service Department will review the request and notify you only if it is disapproved.

The Attorney General has ruled that a veteran's retirement at any age must be voluntary so long as he is physically and mentally able to perform the duties of his position. In requesting deferral of retirement for a veteran age 70 or more, the department head is required to submit only a statement that the employee wishes to continue in his employment, supported by a satisfactory physician's statement regarding his examination of the veteran.

10. LABOR SERVICE APPOINTMENT

The Civil Service Act contains special provisions for the establishment of a Labor Service. The Labor Service includes unskilled labor groups, specifically placed in the Labor Service by the Civil Service Board. The provisions of the law were included to facilitate the employment of unskilled labor where the seasonal or intermittent nature of the work is a primary factor. The following procedures, therefore, apply only to those departments having positions in the Labor Service.

Labor Service Appointments:

To appoint an employee in the Labor Service,

- a. prepare and submit one copy of the "Labor Service" form (CS-6) to the Civil Service Department and one copy to the Employees Retirement Association. (So that employees need complete only one form, the Labor Service form has been designed to include all essential information required by the operating department, the Employees Retirement Association, and the Civil Service Department.)
- b. Report the date the employee starts work by payroll notation. The payroll notation should read "L. S., appt. date ____." The department head may specify any rate within the salary range for the employee's class.
- c. Report subsequent periods of employment and salary changes within the range by payroll notation only. Send an appointment form (CS-6) only the first time the employee works.

Labor Service Separations:

Employees in the Labor Service may be terminated at any time without regard to seniority. If, however, an employee is terminated or his services are interrupted for a period of more than 30 days for reasons reflecting discredit on him, the action should be reported in the same manner as dismissal or suspension of other employees; however, Labor Service employees have no right to a hearing.

The operating department should report all changes including the termination or interruption of Labor Service employment only by payroll notation. No forms are necessary once an employee has been appointed in the Labor Service unless his separation action is disciplinary.