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### INTER-AGENCY EMPLOYEE MOBILITY

Description and Scope - Mobility is the voluntary and limited assignment of an employee to alternative duties in another state agency. This Administrative Procedure applies to classified employees of executive branch state agencies only. Mobility agreements with other governmental jurisdictions and the private sector are covered by Minn. Stat. § 15.51-15.59.

Objectives - To provide state employees the opportunity to develop new skills and broaden career perspectives while providing state agencies with special professional, technical, clerical or managerial expertise.

#### Definitions - Key Terms

Sending Agency is the employee's home agency.

Receiving Agency is the state agency which accepts the services of an employee.

#### Responsibility -

##### A. Appointing Authority (Receiving Agency):

- If the assignment is to a new or changed position, submit a work description or a position description for review and approval by DOER's Classification Division.
- Prepare a written mobility agreement covering duration, conditions under which the agreement can be terminated by the parties, percentage of the employee's salary and benefits to be paid by each agency and other provisions as necessary for a complete understanding. The agreement is to be signed by the appointing authorities or their designee of sending and receiving agencies and the employee prior to the assignment.
- Submit the signed mobility agreement to DOER Transactions Unit prior to the beginning of the assignment.
- Notify DOER of extensions and/or terminations of the mobility agreement.
- Provide the receiving agency any necessary data to evaluate the employee for performance appraisal.
- Evaluate the employee's performance, in conjunction with the sending agency; conduct performance appraisals and notify sending agency to process salary increases as appropriate.

##### B. Appointing Authority (Sending Agency).

- Review the proposed assignment for possible conflicts of interest.
- Process salary increases as appropriate after receiving evaluation of employee's performance from receiving agency.

C. Department of Employee Relations:

- Review mobility agreements and personnel transactions to determine compliance with collective bargaining agreements and plans and Administrative Procedures.
- Publish mobility opportunities in the promotional examination announcements as requested by receiving agencies.
- Determine classification of newly established or changed positions.

Provisions -

A. Eligibility/Qualifications:

1. An employee who goes on a mobility assignment need not test for the classification of the mobility assignment but must meet any licensure or certification requirement for the position to which assigned.
2. Classification of the mobility assignment can be to the same, lower, higher or transferrable class from the employee's present classification. Assignment to a different classification must be treated as a work out of class assignment (see Administrative Procedure 17.1).

B. Duration:

An assignment which is not covered by Administrative Procedure 17.1, may be on a full or part-time basis of normally no more than one year in duration, but may be extended not to exceed 24 months with prior approval of the Commissioner and the consent of the parties.

C. Compensation:

1. Payment during a mobility assignment must be consistent with requirements of collective bargaining agreements and compensation plans and laws.
2. The employee on mobility assignment shall only be eligible for salary increases due in his/her permanent class in the sending agency consistent with collective bargaining agreements and plans.

D. Seniority, Benefits, Status:

1. During a mobility assignment, an employee retains his or her permanent class and status in the sending agency and remains in the bargaining unit or compensation plan to which the class is assigned and continues to accrue benefits accordingly.
2. Classified employees earn no classification seniority in the assignment class during the mobility assignment. He or she continues to earn classification seniority in the permanent class.

3. Eligibility for overtime is based upon the duties performed in the assignment class, in accord with the Federal Fair Labor Standards Act and/or collective bargaining agreements and plans.
4. An employee on a mobility assignment may receive credit in examinations for relevant work experience gained from the assignment, but is not eligible to compete for agency promotional examinations in the receiving agency.
5. An employee returning from a mobility assignment shall be entitled to return as provided in the reinstatement from leave provision of the appropriate collective bargaining agreement and/or compensation plan.
6. If, during the mobility assignment, the sending or receiving agency is facing a layoff situation that could affect the employee or position involved, the mobility assignment must be terminated prior to any layoff action.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. 43A.21 - Training programs.
- B. M.S. 43A.18 - Total compensation; collective bargaining agreement; plans.
- C. M.S. 43A.37 - Payrolls.
- D. Administrative Procedure 21C (Career Development).
- E. Administrative Procedure 17.1 (Work Out of Class).
- F. Administrative Procedure 21.3 (Management Development).
- G. Administrative Procedure 7 (Maintenance of the Classification Plan).
- H. Transaction Processing Instructions.

## HARASSMENT PROHIBITED

Description and Scope - In order to provide and maintain a productive work environment consistent with merit principles, free of discriminatory practices, and in accord with M.S. § 43A.01, Subd. 2, (Precedence of Merit Principles and Nondiscrimination) it is necessary to remove and eliminate all forms of harassment. Harassment is a form of discrimination and in general is the display of behavior by one employee toward another employee which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Of particular concern is sexual harassment which is unwelcome sexual advances by an employee toward another employee, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

An employee's submission to such conduct is made either explicitly and/or implicitly a term or condition of an individual's employment.

An employee's submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual.

Objective - To provide a work environment free of verbal or physical harassment based on race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, veteran status or any belief or attribute unrelated to job performance.

### Responsibility -

#### A. Appointing Authorities:

- Ensure that each employee who makes or recommends employment and other personnel decisions is fully aware of and complies with this policy.
- Notify all employees and orient each new employee to this policy.
- Establish a complaint procedure for timely and thorough investigation of all complaints of harassment.
- Inform each employee of the procedures for filing and investigating complaints of harassment.

#### B. Department of Employee Relations:

- Inform agencies of the statewide policy prohibiting harassment.
- Upon request, provide training to agencies on the content and implementation of the statewide policy prohibiting harassment.

C. Employees:

- Utilize the established affirmative action complaint procedure when subjected to harassment.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 363.03, Subd. 1 - Unfair Discriminatory Employment Practices, Department of Human Rights.
- B. Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972, 42 U.S.C. 2000e et seq., prohibiting discrimination on the basis of race, color, religion, sex, or national origin.
- C. Equal Employment Opportunity Commission Sex Discrimination Guidelines dated March, 1980, 29 CFR Part 1604.
- D. Continental Can Company, Inc. vs. State of Minnesota, 297 N.W. 2d 241 (Minn. 1980), establishing the potential liability of the employer for acts of harassment by one employee towards another.

## ESTABLISHMENT OF ADMINISTRATIVE PROCEDURES

Description and Scope - The Commissioner of Employee Relations is required to develop Administrative Procedures designed to make operational specific provisions of the Minnesota Personnel Act. The procedures define and/or describe employee relations program activities and elements. In addition, they delineate responsibilities of state agencies, appointing authorities, the Commissioner and staff of the Department of Employee Relations (DOER) and state employees, and establish procedures for effectively implementing these programs and activities. Administrative Procedures do not include provisions and/or procedures that directly affect the rights or processes available to the general public. These procedures do not modify, waive or abridge any rights or processes which are provided in collective bargaining agreements.

The following Administrative Procedures apply to all Executive Branch employees of the civil service unless specifically stated otherwise in the Administrative Procedure. The DOER may delegate authority to agencies in accord with the provisions of Administrative Procedure 36.

Objective - To establish a set of procedures consistent with statutory requirements which clearly define provisions of the Minnesota Personnel Act as they relate to current state employees and to state agencies.

Definitions - Key Terms - Unless specifically defined, the definitions in Administrative Procedures are those contained in M.S. Ch. 43A and Personnel Rules.

"Collective Bargaining Agreements" means agreements between the state and exclusive representatives of employees as directed under M.S. § 179.61-179.76.

"Minnesota Personnel Act" means Minnesota Statutes, 1981 Supplement, Ch. 43A, which establishes the state personnel system.

"Personnel Rules" means rules promulgated pursuant to M.S. Ch. 15 to implement the provisions of M.S. Ch. 43A which directly affect the rights of or processes available to the general public. Personnel Rules are designated 2 MCAR §§ 2.300 thru 2.417.

### Provisions -

- A. Administrative Procedures are numbered to correspond to the section (and where appropriate, the section subdivision) of the Minnesota Personnel Act upon which they are based. When more than one Administrative Procedure pertains to a single statutory section or section subdivision, they are differentiated by letters assigned in alphabetical order.

**B. Posting**

1. The Commissioner shall post Administrative Procedures for general review and comment for 15 days prior to implementation.
2. DOER will post on the bulletin board in the office of DOER.
3. Notice of posting shall be made in the promotional examination announcement to inform employees of the opportunity to review and comment.
4. DOER shall furnish copies of Administrative Procedures to agency personnel officers for posting, to exclusive representatives of collective bargaining units, and upon request to state employees.
5. The Commissioner shall consider any comments received from persons, agencies or organizations during the posting period and may amend proposed administrative procedures accordingly.
6. The Commissioner may implement, without posting, style or form revisions which do not materially change a procedure's substance or effect. These include changes to:
  - a. correct spelling, grammar or typography.
  - b. correct references to statute, rules or procedures.
  - c. correct or implement processing instructions.
7. Proposed changes that materially change the substance or effect of a procedure will be posted for comment in the same manner as described above.

**C. Appeals**

1. Specific appeal procedures may be contained in M.S. Ch. 43A, Personnel Rules, collective bargaining agreements or plans established pursuant to M.S. § 43A.18.
2. In the absence of specific appeal processes, agencies or employees may request review and investigation by the Commissioner under the provisions of M.S. § 43A.04, Subd. 1C.



## SPECIAL EXPENSES

Description and Scope - Special expenses are expenses incurred in connection with assigned official duties of a State employee which are not reimbursable through the regular expense regulations. Because special expense provisions are usually found in collective bargaining agreements and plans established under Minn. Stat. § 43A.18 and are not usually defined, it is necessary to identify those specific expenses which are special expenses. This procedure applies to all employees in the executive branch and to all persons serving on statutory and non-statutory boards, councils, task forces, and commissions, excluding consultants on contract for the State.

Objective - To provide appointing authorities and employees with a clearly defined list of reimbursable special expenses and provide guidelines for establishment of procedures for reviewing special expense requests.

### Responsibilities -

#### A. Appointing Authorities:

- Develop written procedures for the review and approval/disapproval of special expense requests within the agency. These procedures may include formal delegation of approval authority by the appointing authority.
- Submit procedures for review and/or approval to the Departments of Employee Relations and Finance.
- Approve/disapprove special expense requests. Except in emergency situations, approval is required before any special expense is incurred and before commitments involving special expenses are made.
- File copies of any delegations of authority with the Departments of Finance and Employee Relations and the Secretary of State.
- Develop reimbursement provisions pertaining to international travel for their agency if necessary.

#### B. Department of Employee Relations:

- Approve/disapprove agency procedures.
- Authorize approval of special expenses not identified in this procedure.

#### C. Department of Finance:

- Review agency procedures.
- Audit and release warrants to pay approved special expense claims.

### Provisions -

#### A. Special expenses include:

1. Full cost of a meal when it is a part of the structured agenda of a conference, workshop, seminar, or meeting which the appointing authority has authorized the employee to attend (this does not include routine staff meetings).

2. Registration and tuition fees for conferences, seminars, workshops, or education courses.
3. Refreshments provided for meetings of predominantly non-state participants.
4. Lodging if the employee is not in travel status:
  - a. when weather conditions or other unforeseen occurrences prevent the employee from returning home; or
  - b. if the appointing authority authorizes overnight participation in an approved event. Authorization should be based on the benefit of such participation to the state.
5. Expense reimbursement for lodging, travel and meals for one attendant for a handicapped employee who requires daily assistance in performing various personal tasks or who has special mobility needs;
6. Expenses as follows for employees assigned to work at the State Fair:
  - a. fees for admission to the fairgrounds;
  - b. one meal during each shift of fewer than ten hours or two meals during each shift of ten hours or more, subject to the meal amounts for in-state travel in collective bargaining agreement or plan;
  - c. taxi fare for handicapped employees who are unable to drive or use other means of public transportation between their normal work station and the fairgrounds or between the employee's residence and the fairgrounds, whichever distance is less.
7. Expense reimbursement for international travel authorized by the appointing authority and approved by the Commissioner of DOER. If an approved plan or specific provisions are not approved in advance, reimbursement limits for international travel will be the same as out of state travel provisions contained in the appropriate collective bargaining agreement or plan.
8. Other expenses authorized by the appointing authority and approved by the commissioner of DOER.

**B. Procedures/Forms.**

Approved special expense requests must be forwarded to the Department of Finance together with the employee expense reports at the time the expense reports are paid (unless other arrangements have been approved by the Department of Finance). The approved requests must be made on the standard Department of Finance, Request for Approval to Incur Special Expenses form FI-00023 or Agency Request to Incur Special Expenses form.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

M.S. § 15.059, Subds. 3 and 6

Collective Bargaining Agreements - provisions on expense reimbursement

### TIME OFF IN EMERGENCIES

Description and Scope - M.S. § 43A.05, Subd. 4 permits the Commissioner of DOER to excuse employees from duty and to authorize appointing authorities in the executive branch to pay employees for time off work during natural or man-made emergency situations. This Administrative Procedure specifies that the commissioner has the authority to declare an emergency situation, close agencies, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. Appointing Authorities retain the right to close or not close their facilities at any time. If an appointing authority closes a facility and an emergency is not declared by the commissioner, the pay provisions of this procedure will not take effect. In this case, employees will be required to use annual leave, an adjusted work schedule, compensatory time, or leave without pay to cover the absence from work.

Objective - To provide appointing authorities and employees with a clearly defined procedure to follow during emergency situations thus increasing and improving the capabilities of state government to function during natural or man-made emergencies.

#### Definitions - Key Terms -

"Full pay" means regularly scheduled straight time pay for the scheduled work day. It does not include shift or equipment differential or overtime.

"Time-off in Emergency Plan" is a comprehensive emergency procedure developed and implemented by each appointing authority.

#### Responsibilities -

##### A. Appointing Authorities:

- o Determine if facilities should remain open or be closed when an emergency leave has not been declared.
- o Develop and maintain a Time-off in Emergency Plan which specifies:
  1. Essential staffing requirements to be maintained during emergency situations.
  2. The name and phone number of the individual(s) who can make closure decisions.
  3. Steps/procedures to follow in making closure decisions.
  4. The name and phone number of the agency contact and back-up person responsible for implementing the plan.

5. Internal operating procedures to be followed during a natural or man-made emergency.

- o Submit a copy of the Time-off in Emergency Plan to DOER.
- o Request exemption from invocation of emergency leave for essential work units or employees.

B. Department of Employee Relations:

- o Declare the emergency and its geographic scope.
- o Approve the excuse of employees, with full pay, from work duties.
- o Immediately notify appointing authorities in the applicable geographic location of the declaration of the emergency.
- o Authorize appointing authorities in the emergency area to pay employees for time off work.
- o Approve recommendations of Appointing Authorities as to which state agencies and/or facilities are to be exempted from the invocation of emergency leave.
- o Exempt certain individuals and operations from emergency leave on the basis of essentiality of services rendered or other staffing or work-related considerations (case-by-case basis) on request of appointing authority.
- o Declare an end to the emergency.

Provisions -

A. Procedures to follow for having situation declared an emergency:

1. Appointing Authority initiated:
  - a) Request declaration of emergency from Commissioner of DOER.
  - b) Commissioner of DOER consults with Commissioner of Public Safety.
  - c) Commissioner of DOER declares emergency or determines that emergency doesn't exist.
  - d) Commissioner of DOER communicates decision to all affected Appointing Authorities.
  - e) Commissioner of DOER authorizes emergency pay.
2. Commissioner initiated:
  - a) Commissioner of DOER consults with Commissioner of Public Safety.
  - b) Commissioner of DOER declares emergency or determines that emergency doesn't exist.
  - c) Commissioner of DOER communicates decision to all affected Appointing Authorities.
  - d) Commissioner of DOER authorizes emergency pay.

- B. Employees who report to work and are then sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.
- C. Employees who are required by their appointing authorities to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.
- D. Employees on approved sick or pre-arranged vacation leave shall not have such leave time restored to their balances.
- E. Employees on any approved leave without pay shall not be paid for any emergency leave time.
- F. Employees who call in, on the day of an emergency, for vacation time, compensatory time or leave without pay will be credited with emergency leave from the point of the declaration of the emergency to the end of the scheduled shift, if the appointing authority ceases operations during their regular shift.
- G. Agencies using the positive time reporting system should instruct employees to record this time under "Other Authorized Leave Hours Taken" with an X designating the type of leave taken. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate.
- H. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the Commissioner of DOER authorizes a longer period.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

Collective Bargaining Agreements

*Barbara L. Henderson*

### BARGAINING UNIT CHANGES

Description and Scope - This Administrative Procedure sets forth the responsibilities of and the procedures to be followed by Appointing Authorities and the Department of Employee Relations, specifically the Labor Relations Bureau and the Classification Division, when processing bargaining unit changes required by job classification, allocation and assignments; changes in the duties of a position; movement of an employee to a different position and/or changes in the hours of work of an employee.

This Administrative Procedure applies to all classified and unclassified positions except those in Unit 9, State University Instructional; Unit 10, Community College Instructional; and Unit 11, State University Administrative.

Objective - To ensure that job classifications/positions and employees are properly placed in or excluded from bargaining units pursuant to Minnesota Public Employee Labor Relations Act and determinations of the Bureau of Mediation Services and the Public Employment Relations Board.

#### Responsibilities -

##### A. Appointing Authorities:

- o Review bargaining unit status of agency employees.
- o Submit request for bargaining unit change to DOER.
- o Notify appropriate exclusive representatives of changes in bargaining unit status of employees.
- o Notify DOER Personnel/Payroll Unit of changes in bargaining unit status of positions and employees.

##### B. Department of Employee Relations:

- o Apply State Law and Bureau of Mediation Services rules, policies and determinations on bargaining unit status.
- o Approve proposals for changes in bargaining unit assignments.
- o Represent the State in dealings on bargaining unit change with exclusive representatives.
- o File appropriate petitions with, and represent the State before, the Bureau of Mediation Services.
- o Maintain accurate bargaining unit status computer coding in personnel/payroll system.

- o Notify appointing authorities when a bargaining unit change is made by DOER or BMS.

## Provisions

### A. Job Classification Assignments

1. Initial assignment of a newly created job class or unclassified position to a bargaining unit. All existing state job classes and unclassified positions have been assigned to a bargaining unit. When new classes or unclassified positions are created, they must be assigned to the appropriate unit.

#### Specific Procedure:

Labor Relations Bureau:	Assign new job class or unclassified position to appropriate bargaining unit. Represent employer at Bureau of Mediation Services hearing regarding assignment. Notify affected agency of assignment.
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2. Reassignment of an existing job class or group of unclassified positions with a single class code from one bargaining unit to another. Reassignment of an existing job class or group of unclassified positions with a single class code to another bargaining unit can only occur if specific statutory criteria are met; namely, if the class or group of unclassified positions with a single class code has been "significantly modified in occupational content" since the initial assignment (M.S. §179.71, Subd. 5(j)).

#### Specific Procedure:

Appointing Authority:	Submit request for bargaining unit reassignment to Labor Relations Bureau.
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Labor Relations Bureau:	Assess merits of request. Petition Bureau of Mediation Services for a hearing on reassignment as appropriate. Represent employer at Bureau of Mediation Services hearing. Notify agency of Bureau of Mediation Services decision.
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Appointing Authority:	If Bureau of Mediation Services determines reassignment is appropriate, and if agency has incumbents in the classification, notify former and new exclusive representative of reassignment on bargaining unit transaction form, or if no form is specified, by other appropriate means of written communication.
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### B. Changes in Duties of a Position

1. Movement of a position from a non-supervisory bargaining unit to a supervisory unit, and from a supervisory unit to a non-supervisory unit. Since supervisory positions cannot be in the same class as

non-supervisory positions, all requests for changes in supervisory designation of positions necessitate a class change and must be directed to the Classification Division of DOER. Job reclassifications can occur by one of two methods, "change in allocation" or "reallocation." All such "change in allocation" or "reallocation" requests must include documentation of the supervisory nature of the position, including a position description, a supervisory questionnaire and an organizational chart.

Specific Procedures:

a. Change in Allocation or Allocation of a New Position (can occur with a filled or vacant position)

Appointing Authority: Submit request to DOER Classification Division for initial allocation of a position, or for a change in the allocation of an existing position whether filled or vacant.

Classification Division: If determined that the position should be allocated to a class in the supervisory bargaining unit, forward request to Labor Relations Bureau for a review of position's supervisory authorities.

Labor Relations Bureau: If determined that the position is supervisory pursuant to PELRA supervisory definition, inform Classification Division of such determination. Notify the Bureau of Mediation Services that the position has been temporarily placed in the supervisory unit pending final action of the Bureau.

Classification Division: Inform agency of the appropriate class of the position. Notify Payrolls of appropriate bargaining unit code of position.

Appointing Authority: If employee appointed to the position was previously in a non-supervisory bargaining unit, notify the exclusive representative of that unit of the unit change on a bargaining unit transaction form specified by the collective bargaining agreement or, if no form is specified, by other appropriate means of written communication.

Notify the exclusive representative of the supervisory bargaining unit of the unit change as specified in the supervisory collective bargaining agreement.

The same steps must be followed when a position is moved from supervisory to non-supervisory status.

b. Reallocation (can only occur with a filled position)



Appointing Authority: Request reallocation of a position through DOER Classification Division.

Classification Division: If determined that position should be reallocated to a class in the supervisory bargaining unit, forward request to Labor Relations Bureau for a review of the position's supervisory authorities.

Labor Relations Bureau: If determined that position is supervisory pursuant to PELRA supervisory definition, file a petition with the Bureau of Mediation Services to assign the position to the appropriate supervisory bargaining unit. Pending a hearing before the Bureau of Mediation Services, Labor Relations Bureau will meet with the appropriate exclusive representatives in an effort to reach an agreement on the appropriate bargaining unit status of the position. Represent employer at the hearing.

NOTE: The reallocation of a position cannot be implemented prior to determination by Bureau of Mediation Services that the position is supervisory.

Upon determination by the Bureau of Mediation Services that the position is supervisory, notify Classification Division to proceed with reallocation.

Classification Division: Notify agency of reallocation.  
Notify Payrolls of appropriate bargaining unit code of position.

Appointing Authority: Notify former and new exclusive representatives on bargaining unit transaction form if specified by collective bargaining agreement, or if not specified, by other appropriate means of written communication.

Same steps must be followed when a position is moved from supervisory to non-supervisory status.

2. Movement of a position from a bargaining unit to managerial status.

Specific Procedure:

Appointing Authority: Submit request to DOER Classification Division to declare position managerial.

Classification Division: Determine which positions are to be declared managerial.  
Notify agency of determinations.  
Notify Payrolls of appropriate bargaining unit code of position.

Appointing Authority: Notify former exclusive representative that position and incumbent (if one exists) are being moved from

bargaining unit to management plan. Notification must be made on bargaining unit transaction form if specified by the collective bargaining agreement or, if form is not specified, by other appropriate means of written communication.

3. Movement of positions to and from confidential status.

Specific Procedure:

Appointing Authority: Send request for creation or deletion of confidential position directly to Labor Relations Bureau for review.

Labor Relations Bureau: If determine a non-confidential position is confidential, file a petition with Bureau of Mediation Services for hearing on confidential status of position. Pending the hearing, meet with the appropriate exclusive representative in an effort to secure agreement on the confidential designation of the position. Represent employer at hearing.

If determine a confidential position is non-confidential, notify agency and make necessary coding change in Personnel/Payroll computer system.

Appointing Authority: If incumbent of position is currently in a bargaining unit, notify affected exclusive representative that employee has moved to confidential status on bargaining unit transaction form, if specified in collective bargaining agreement, or if no form is specified, by other appropriate means of written communication.

C. Movement of an Employee to a Different Position

1. Movement of an employee from a position covered by a bargaining unit to a position already declared supervisory or confidential.

Specific Procedure:

Appointing Authority: Notify former and new exclusive representative of employee's movement on bargaining unit transaction form if specified in collective bargaining agreement or, if no form is specified, by other appropriate means of written communication.

Submit EAF to Payrolls indicating bargaining unit change. Note in "Comments" section of EAF the name of the previous incumbent in the supervisory and/or confidential position and the fact that the position is supervisory and/or confidential.

2. Movement of an employee from a position covered by one non-supervisory bargaining unit to a position covered by another non-supervisory unit. This covers an employee moving (by promotion, transfer, demotion, etc.) from a position assigned to one non-supervisory bargaining unit to a different position assigned to another non-supervisory bargaining unit, or an employee's position being reclassified to a class assigned to a different non-supervisory unit.

Specific Procedure:

Appointing Authority: Notify the former and new exclusive representatives of the movement or reclassification on bargaining unit transaction forms specified by the collective bargaining agreement, or if no form is specified, by other appropriate means.

If a position reclassification, submit EAF and PAF to DOER with correct bargaining unit code.

D. Changes in Hours of Work of the Employee

This covers positions occupied by employees who do not work enough time to be included in a bargaining unit (i.e., the employee works less than 14 hours per week and/or less than 100 days per year).

Specific Procedure:

Appointing Authority: If employee was previously in a bargaining unit, notify affected exclusive representative of change in status on bargaining unit transaction form if specified in collective bargaining agreement or, if no form is specified, by other appropriate means of written communication. Submit EAF and PAF to Payrolls with "218" designated as bargaining unit code.

If employee excluded from bargaining unit based on work time begins to work enough time to be included in the unit, notify affected exclusive representative on bargaining unit transaction form if specified in collective bargaining agreement or, if no form is specified, by other appropriate means of written communication. Submit EAF and PAF to Payrolls with correct bargaining unit code.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Minnesota Statutes Chapter 179.61-.76
- B. Minnesota Statutes Chapter 43A.01-.08
- C. Bureau of Mediation Services Policy Statement - April 23, 1982
- D. Collective Bargaining Agreements
- E. Administrative Procedure 7 - Maintenance of the Classification Plan
- F. Administrative Procedure 8 - Designation of Unclassified Positions and Establishment of Salary Rates and Ranges for Such Positions

## SUPPLEMENTAL LABOR AGREEMENTS AND MEMORANDA OF UNDERSTANDING

Description and Scope - Supplemental Agreements and Memoranda of Understanding are written agreements negotiated by the State Labor Negotiator and the exclusive representative of a collective bargaining unit for the purpose of clarifying or modifying particular provisions of a collective bargaining agreement.

Objective - To ensure that supplemental agreements and memoranda of understanding modifying or clarifying the provisions of collective bargaining agreements are consistent with the needs of state management.

### Responsibilities -

#### A. Appointing Authorities:

- o Refer agency and/or exclusive representative requests for supplemental agreements or memoranda of understanding to DOER Labor Relations Bureau.
- o Assist the State Labor Negotiator in negotiating supplemental agreements and/or memoranda of understanding.
- o Implement all applicable provisions of supplemental agreements or memoranda of understanding in a manner consistent with the meaning and intent of the agreement.

#### B. Department of Employee Relations:

- o Review all requests for supplemental agreements and/or memoranda of understanding, determine whether or not to negotiate with the exclusive representative on the matter, and advise affected appointing authorities of the disposition of any requests.
- o Represent the State of Minnesota and its appointing authorities in the negotiation of supplemental agreements and/or memoranda of understanding or delegate this responsibility on a case by case basis to appointing authorities.
- o Execute supplemental agreements and/or memoranda of understanding on behalf of the State of Minnesota and advise affected agencies of the provisions of supplemental agreements and/or memoranda of understanding.

### Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. §179.74 - State and its employees; negotiations; appropriate units.
- B. Preamble Article, collective bargaining agreements.

### LABOR AGREEMENT GRIEVANCE HANDLING

Description and Scope - Grievance handling is a formal process for resolving disagreements over the interpretation and/or application of a labor agreement. Grievance procedures are a formal plan, specified in a collective bargaining agreement, which provides for the resolution or adjustment of grievances through discussions at progressively higher levels of authority in management and the employee organization, usually culminating in arbitration if necessary.

Objective - To ensure that grievances are administered and resolved in a uniform and consistent manner in accord with provisions of applicable collective bargaining agreements and the needs and interests of state management.

#### Definitions - Key Terms -

"Grievance" means a dispute or disagreement concerning the interpretation or application of any term or terms of a labor agreement.

#### Responsibilities -

##### A. Appointing Authorities:

- o Implement all provisions of collective bargaining agreements in a manner consistent with the meaning and intent of the agreements.
- o Respond to grievances at steps prior to arbitration within applicable time limits according to terms of applicable collective bargaining agreements.
- o Provide copies of grievances and related information to DOER Labor Relations Bureau.
- o Obtain prior advice and approval from the appropriate agency or division before proposing resolution of a dispute by an action beyond the authority of an appointing authority or when the issues have broad implications.

##### B. Department of Employee Relations:

- o Interpret the meaning and intent of the provisions of collective bargaining agreements.
- o Communicate contract interpretations, grievance settlements, arbitration awards and related policy determinations to agencies.
- o Provide technical advice and counsel to agencies in administration of the grievance process.

- o Upon appeal to arbitration, consult with the affected appointing authority and determine whether the grievance is to be arbitrated or settled prior to arbitration. Settlement discussions with exclusive representatives will be coordinated through the Labor Relations Bureau.
- o Represent the State of Minnesota in arbitration proceedings or, on a case-by-case basis, delegate this responsibility to an appointing authority.
- o Provide agencies with status reports on grievances pending arbitration.

#### Other Relevant Laws, Personnel Rules, Contracts, and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.04, Subd. 4(b) - Authority to adopt procedures for administering collective bargaining agreements.
- B. M.S. § 43A.06, Subd. 6 - Authority for Commissioner to oversee grievances and represent the state in arbitration.
- C. M.S. § 43A.06, Subd. 7 - Grievance settlement.
- D. M.S. § 43A.33 - Civil service grievance procedure.
- E. M.S. § 179.70 - Contracts, Grievances, Arbitrations.
- F. Collective bargaining agreements.

## UNFAIR LABOR PRACTICES - INVESTIGATION AND SETTLEMENT

Description and Scope - The State, its appointing authorities, employee organizations, their agents or representatives and public employees are prohibited from engaging in certain practices. Either party's alleged engagement in any of these unfair practices, as specified in M.S. § 179.68, provide the aggrieved party the right to seek injunctive relief and damages in district court.

Objective - To ensure compliance with the Public Employment Labor Relations Act and the State of Minnesota's labor relations policies by developing and maintaining a coordinated approach to the investigation and settlement of alleged unfair labor practices.

### Responsibilities -

#### A. Appointing Authorities:

- o Supply all necessary alleged unfair labor practice information and requisite documentation to the Labor Relations Bureau on request.

#### B. Department of Employee Relations:

- o Direct investigations in cooperation with the Attorney General's Office regarding alleged unfair labor practices filed against the employer and/or the appointing authorities.
- o Consult with affected appointing authority and decide whether or not to settle alleged unfair labor practices.
- o Develop and implement a training program designed to assist agencies in identifying unfair labor practices and in resolving perceived problems.
- o Advise and counsel appointing authorities and/or designees in the resolution of alleged unfair labor practices.

### Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

M.S. § 179.63 Definitions  
M.S. § 179.68 Unfair Practices



*Barbara L. Sundquist*

## MAINTENANCE OF THE CLASSIFICATION PLAN

Description and Scope - The Classification Plan is an official listing of classes established by DOER which are currently in the classified service. The Commissioner of DOER may establish, abolish, merge or change the title of classes and shall assign individual positions in the classified service to classes based upon the duties, responsibilities and qualifications required.

Objective - To ensure that positions are classified in an objective manner so that other personnel and administrative functions are based upon accurate information about the positions.

### Definitions - Key Terms -

"Class merger" means the combining of two or more classes into a single class under the title of one of the classes or under a new title.

"Class title change" means a change in the official title of a class to more clearly identify a position or group of positions allocated to that class where the purpose, major functions and required qualifications remain essentially unchanged.

### Responsibilities -

#### A. Appointing Authorities:

- o Design individual positions.
- o Report changes in organizational structure or job duties which might affect the classification of positions to the DOER Classification Division.
- o Recommend changes in classification to DOER when significant changes in duties and responsibilities have occurred.
- o Maintain an individual position description for each employee that reflects the nature, purpose, duties and responsibilities of his/her position. Preparing position descriptions is prescribed in Administrative Procedure 20.
- o Notify appropriate supervisor and incumbent of classification decisions.

#### B. Department of Employee Relations:

- o At the request of agencies, employees, or on its own initiative review positions to determine the proper classifications.
- o Provide written notice of the final determination to the requesting party.

- o Advise agencies on classification matters.
- o Establish, modify, abolish or merge classes to meet changing needs.
- o Provide classification and job evaluation training to agencies.
- o Maintain official roster of classes.

C. Employees:

- o Inform their immediate supervisor, manager and/or personnel director when they think their duties or positions have significantly changed.

Provisions -

- A. Requests from appointing authorities to DOER for initial allocation or reclassification of positions shall include:
1. A completed position description signed by the appropriate party/parties.
  2. A current organization chart or description of the unit identifying the positions above and below the position to be studied.
  3. For existing positions, a cover memo which states the changes in the position.
  4. For non-managerial positions which provide supervision or lead work direction to employees, a completed "Supervisory Status Questionnaire."
- B. Employees may submit requests to have their positions evaluated directly to DOER. An employee may include the documentation listed in A 1 thru 4 above if the employee has such information available. If not, DOER will request the documentation from the agency. Eligibility for back pay upon reallocation does not begin until a properly documented request is received in DOER.
- C. The date of the request and subsequent date for eligibility for back pay is the date the properly documented request is received in DOER, or in the case of delegated authority, the date received in the personnel office of that agency.
- D. When classes are merged, incumbents are automatically placed into the new class with no probationary period, and incumbents maintain or continue classification seniority.
- E. When a class title is changed, the incumbents maintain classification seniority.

Appeals -

An appointing authority who is affected by a position allocation or reclassification or an employee who is affected by a position reclassification may appeal the decision to the commissioner. An appeal by the appointing authority must be submitted in writing within 30 calendar days of the date of receipt of the notice of allocation. An employee may appeal within 30 calendar days from the date the employee is notified of the decision by the appointing authority. To warrant reconsideration, an appeal must include material and exhibits relevant to the allocation of the position.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 8 - Designation of unclassified positions and establishment of salary rates and ranges for such positions.
- B. Administrative Procedure 20 - Job clarification/performance appraisal.
- C. Collective bargaining agreements.

*Barbara J. Sundquist*

DESIGNATION OF UNCLASSIFIED POSITIONS  
AND ESTABLISHMENT OF SALARY RATES AND RANGES FOR SUCH POSITIONS

Description and Scope - Appointing authorities in agencies listed in M.S. 43A.08, Subd. 1A, may designate positions as unclassified if in the judgment of the Commissioner of DOER these positions meet the criteria set forth in this subdivision. The Commissioner of DOER is responsible for establishing appropriate salary rates and ranges for proposed new unclassified positions by comparing the proposed duties and responsibilities with those of classes in the classified civil service. If no comparison is appropriate, a new unclassified title may be established and the position assigned to a salary range. The Commissioner may also review the appropriateness of the present comparison, salary range assignment and the designation of the position in the unclassified service. The position may then be recompared, title changed, reassigned to a different salary range or rate or placed in the classified service. This Administrative Procedure applies only to positions for which compensation is established under the provisions of M.S. 43A.18, Subd. 1, 2, and 3.

OBJECTIVE - To ensure that positions designated to the unclassified service meet the statutory criteria for declassification, that positions in the unclassified service are compared in an objective manner with positions in the classified service and that salary rate and range assignments reflect equitable relationships with the classified service and other unclassified positions.

RESPONSIBILITIES -

A. Appointing Authorities:

- o Designate positions as unclassified in accordance with statutory guidelines subject to approval of the Commissioner of DOER.
- o Report changes in organization structure, job duties or other relevant considerations which might affect the salary range assignment of the position, the comparison of the unclassified position or the placement of the position in the unclassified service to the DOER Classification Division.
- o Recommend changes in comparison, salary range assignment or placement in the classified service to DOER when significant changes in duties and responsibilities have occurred.
- o Maintain individual position descriptions for each employee that reflects the nature, purpose, duties and responsibilities of his/her position. Preparing position descriptions is prescribed in Administrative Procedure 20.
- o Notify appropriate supervisor and incumbent of classification decisions.

B. Department of Employee Relations:

- o Approve designation of positions to the unclassified service made by appointing authorities if consistent with statutory criteria.
- o At the request of agencies, employees or on its own initiative, review positions to determine the proper comparison, unique title, salary range assignment or appropriateness of placement in the unclassified service.
- o Provide written notice of the final determination to the requesting party.
- o Advise agencies on class comparisons or job evaluation processes.
- o Establish, modify, abolish or merge unclassified titles to meet changing needs.
- o Maintain an official roster of unique unclassified positions.

C. Employees:

- o Inform their immediate supervisor, manager and/or personnel director of their classification comparison concerns.

Provisions -

A. Requests from appointing authorities to DOER for designation of the unclassified service, initial comparison or recomparison of unclassified positions shall include:

1. A completed position description signed by the appropriate party/parties.
2. A current organization chart or description of the unit identifying the positions above and below the position to be studied.
3. For new positions, a justification for placement in the unclassified service in terms of the statutory criteria.
4. For existing positions, a cover memo which states the changes in the position and justifies the unclassified designation in terms of the statutory criteria.
5. For non-managerial positions which provide supervision or leadwork direction to employees, a completed "Supervisory Status Questionnaire."

B. Employees may submit requests to have their positions re-evaluated directly to DOER. An employee may include the documentation listed in A 1 thru 5 above if the employee has such information available. If not, DOER will request the documentation from the agency.

Other Relevant Laws, Personnel Rules, Contracts, and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 7 - Maintenance of the Classification Plan.
- B. Administrative Procedure 20 - Job clarification/performance appraisal.
- C. Collective bargaining agreements.
- D. Enabling legislation establishing unclassified positions for respective State agencies.

*Barbara L. Lundquist*

## RECRUITMENT

Description and Scope - Recruitment activities are shared responsibilities of DOER and all state agencies. M.S. § 43A.09 directs the Commissioner of DOER, with cooperation from all appointing authorities of state agencies, to conduct an active recruitment program to maintain and replenish the state's work force.

Objective - To ensure that recruitment programs are publicly conducted, attract sufficient numbers of qualified applicants, enhance the image and esteem of state employment and emphasize the recruitment of protected group members to assist state agencies in meeting affirmative action goals to achieve a balanced work force.

### Responsibilities -

#### A. Appointing Authorities:

- o Plan for agency staffing needs.
- o Identify and communicate recruitment needs to DOER.
- o Develop affirmative action goals in accord with 2 MCAR § 2.396 and recruitment strategies to meet those goals.
- o Cooperate with DOER in implementing recruiting activities.
- o Inform the DOER Recruitment and Examination Division of advertising activities.
- o Conduct effective recruiting utilizing the assistance of the offices of the Department of Economic Security and other resources.
- o Ensure that contracts with fee employment agencies conform with M.S. § 16.098 and that fees for recruiting services are paid by state agencies, not prospective applicants.

#### B. Department of Employee Relations:

- o Manage the State's overall recruitment program.
- o Publish and distribute periodic listings of examination announcements in accord with 2 MCAR § 2.317.
- o Assist state agencies with recruitment activities, especially to meet affirmative action goals.
- o Assist state agencies in preparing advertising for state job opportunities.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. §16.098 - Contract management and review, Department of Administration.
- B. 2 MCAR § 2.316-2.319 - Recruitment.
- C. 2 MCAR § 2.391-2.397 - Statewide Affirmative Action Program.



*Barbara I. Lundquist*

## EMPLOYEE NOTICE OF COMPETITIVE EXAMINATION ANNOUNCEMENTS

Description and Scope - Announcements of open competitive examinations in the civil service are made through public notice. Announcements of competitive promotional examinations are made through notice to state agencies. Both of these types of examinations are open to all employees who reasonably meet the published requirements.

Objective - To provide adequate notice to employees of competitive examination announcements so they may submit timely applications to compete in examinations.

### Responsibilities -

#### A. Appointing Authorities:

- o Notify employees at the time of appointment and periodically thereafter of:
  1. the location of postings or other procedures through which examination announcements are provided;
  2. the schedule for announcement postings; and
  3. the employee's responsibility to be aware of postings and to report the lack of scheduled postings.
- o Post announcements or notify employees through other procedures of all examination announcements provided by DOER.

#### B. Department of Employee Relations:

- o Post competitive open and competitive promotional examination announcements on the official public bulletin board in the Department of Employee Relations.
- o Provide announcements of competitive promotional and competitive open examinations to each appointing authority who has employees eligible to compete in such examinations.

#### C. Employees:

- o Check postings and report the lack of scheduled postings to the appointing authority.

### Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.10 - Examinations; Eligibility to compete.
- B. 2 MCAR § 2.317 - Public notice of examinations.
- C. 2 MCAR § 2.318 - Contents of announcements of examinations.

### COMPETITIVE PROMOTIONAL EXAMINATIONS

Description and Scope - Competition in Competitive Promotional Examinations is limited to employees of the civil service, Minnesota State Retirement System, Public Employees Retirement Association and Teachers Retirement Association. Internal promotion and upward mobility of state employees are encouraged through this examination process. The Commissioner of DOER may restrict competition to employees of one or more agencies or approved organizational units, or may extend competition to all eligible employees.

Objective - To conduct examinations in a competitive manner when filling positions from among current state employees.

#### Definitions - Key Terms -

"Eligible employee" means a person who holds or is on leave or layoff from a position (other than an internship or emergency appointment) in the civil service of the state and the agency or organizational unit for which a competitive promotional examination is announced. Eligibility ceases when a person is no longer employed in the civil service (or the agency or organizational unit if competing in a limited competitive promotional examination).

"Limited competitive promotional examination" means an examination open only to eligible employees of one or more agencies or organizational units.

"Organizational unit" means a subdivision of an agency for hiring purposes. Organizational units may be established on the basis of geographic area, function, class of employment, funding or collective bargaining agreements.

"Statewide competitive promotional examination" means a competitive promotional examination open to all eligible employees of the civil service.

#### Responsibilities -

##### A. Appointing Authorities:

- Provide information to DOER to assist in determining the extent of competition for examinations.
- Determine need for organizational units for hiring purposes and propose the basis for establishing these units.
- Provide information and assistance to DOER Recruitment and Examination Division to analyze the duties and requirements of positions so that job-related examinations can be developed.
- Prepare promotional ratings when required as part of a competitive promotional examination.

- Administer promotional ratings so that candidates are not rated by a supervisor who is also a candidate for the examination.
- Furnish the employee a signed copy of the final promotional rating and note, on the form, the date the signed copy was provided, before submitting it to DOER.
- Submit completed promotional ratings to DOER within 30 days of the date of request.

B. Department of Employee Relations:

- Develop examinations and examination process; approve agency development where appropriate.
- Determine the extent of competition for an examination.
- Establish organizational units after considering proposals from appointing authorities.
- Announce competitive promotional examinations. Announcements shall include all information required for competitive open examinations as stated in Personnel Rule 3900.3300 and any limitations of employee eligibility by agency or organizational unit.
- Accept applications and admit candidates to competitive promotional examinations in the same manner as established for competitive open examinations as stated in Personnel Rules 3900.4100-4300.
- Administer, score and notify candidates of examination ratings for competitive promotional examinations in the same manner as established for competitive open examinations as stated in Personnel Rules 3900.4400-4700.

Provisions -

A. Determination of Extent of Competition:

The DOER will consider the following provisions in determining whether or not competition in a competitive promotional examination will be extended to all eligible employees or limited to eligible employees of one or more agencies or organizational units:

1. Requests from appointing authorities which address agency needs and/or organizational considerations.
2. Collective bargaining agreement provisions, information on the availability of qualified employee applicants and any related factors which may limit the opportunity of employees outside an agency or organizational unit to receive realistic consideration for appointment.
3. Opportunities to meet affirmative action goals by limiting or expanding competition.
4. Possibilities of staff reduction and/or layoff which necessitate limiting or expanding competition.

5. Opportunities to optimize career mobility for state employees, considering the State of Minnesota as a single employer.
6. Opportunities for broad competition for professional and managerial positions.

A competitive promotional examination conducted on a statewide basis may also be used to develop limited competitive promotional eligible lists for agencies or organizational units as appropriate.

B. Establishment of Organizational Units:

1. The appointing authority proposes subdivision of the agency for hiring purposes by submitting a written plan to DOER. The proposal must state the organizational units requested and the reasons for their establishment.
2. DOER considers the proposal and notifies the appointing authority of the determination.
3. DOER may cancel established organizational units upon notice to the appointing authority at any time such action is determined to be in the best interest of the state service.
4. The appointing authority posts a copy of the notice or otherwise informs affected employees of the establishment or cancellation of any organizational units.

C. Appeal of Examination Ratings:

An employee may appeal the rating she/he receives on a competitive promotional examination, except the promotional rating, in the same manner as provided in Personnel Rule 3900.4700 for appeals of competitive open examination ratings. For a promotional rating given as part of an examination process conducted in accord with M.S. 43A.13, Subd. 6 and this Administrative Procedure, an employee may appeal to the appointing authority within 15 days of receipt of his/her copy of the final promotional rating. The appointing authority shall provide an appeal process for employees to challenge promotional ratings given them in an examination process. Such appeal process shall provide for reconsideration by the appointing authority within 30 days of receipt of the appeal. If the rating is revised, both the employee and DOER shall be furnished a copy of the revised rating. Decisions of the appointing authority on such appeals are final and may not be appealed to the Commissioner of Employee Relations under the provisions of Personnel Rule 3900.4700.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. 43A.11 - Veteran's preference.
- B. Personnel Rules 3900.3100-3400 - Recruitment.
- C. Personnel Rules 3900.4100-4700 - Competitive Open Examinations.
- D. Collective bargaining agreements - Provisions on promotional ratings.

## ESTABLISHMENT AND MAINTENANCE OF COMPETITIVE PROMOTIONAL ELIGIBLE LISTS

Description and Scope - Competitive promotional eligible lists are established and maintained to provide appointing authorities with a listing of candidates qualified for employment in a specific class under the provisions of M.S. Ch. 43A.

Objective - To provide procedures for establishment and maintenance of competitive promotional eligible lists parallel to statutory provisions and Personnel Rules relating to establishment and maintenance of competitive open eligible lists.

### Responsibilities -

#### Department of Employee Relations:

- o Establish eligible lists upon completion of the scoring of examinations. An appointing authority's failure to return requested promotional ratings by a specified date will not delay this process unless the resulting eligible list is to be used only by the delaying agency.
- o Remove eligibles from competitive promotional eligible lists in accord with 2 MCAR § 2.344, when terminated from the civil service or when appointed to an agency or organizational unit other than that for which a limited competitive promotional eligible list was established.
- o Review and act upon requests from appointing authorities and current or former employees to restore names to existing competitive promotional eligible lists in accord with 2 MCAR § 2.346. These requests and the recommendation of the new appointing authority will be considered under the following conditions:
  - 1. A former employee, whose name was removed from competitive promotional eligible lists because of separation from civil service, returns to civil service.
  - 2. An employee, whose name was removed from a limited competitive promotional eligible list for a former agency or organizational unit, is appointed to a new agency or organizational unit and a limited competitive promotional eligible list for the same class exists for the new agency or organizational unit.
  - 3. Names of eligibles restored to eligible lists in this manner shall remain on the list only for the original duration of that list.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure.  
Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.11, Subd. 7 - Ranking of veterans.
- B. 2 MCAR § 2.341-2.347 - Establishment and maintenance of eligible lists.

*Barbara L. Hendricks*

## CERTIFICATION OF ELIGIBLES

Description and Scope - Certification is the process of referring names from an eligible list to an appointing authority to fill vacant positions in the classified service. The certification report lists the eligibles available for a specific class with specific employment conditions at a specific time. Appointments for most positions in the classified service must be made from certification reports.

Objective - To provide direction and assistance to agencies in requesting and using the certification process.

### Definitions -

"Complete certification" means the number of names certified in accord with M.S. § 43A.13, Subds. 2, 4, 5, 6, and 7. If fewer than the number specified in statute are available, the remaining available names may be deemed a complete certification if DOER determines they are sufficient to provide reasonable expectations of a suitable appointment.

"Outstanding certification" means a certification from which no appointment has been reported to DOER.

"Pre-referral availability check" means a service provided by DOER to determine interest from eligibles prior to certifying names to the appointing authority.

### Responsibilities -

#### A. Appointing Authorities:

- o Develop and maintain internal systems for position control.
- o Review vacant positions to determine if properly allocated.
- o Define the duties and any unique knowledges, skills and abilities required for vacant positions which are to be filled.
- o Document, using objective job-related criteria, all requests for special qualifications or for certification from lists other than that established for the class.
- o Submit Position Action Forms with Requests to Employ to DOER whenever a vacancy or a new position is to be filled from an eligible list. Indicate eligible lists preferred and complete request for pre-referral availability check if interested.

**B. Department of Employee Relations:**

- o Review and approve agency requests for certification of specific eligible lists and/or only those eligibles with special qualifications.
- o Provide appropriate certifications, recertify, cancel certifications or refuse to certify as appropriate.
- o Provide pre-referral availability check of eligibles upon request of an appointing authority.

**Provisions -****A. Requisitioning:**

Detailed processing instructions for completing Position Action Forms to Request to Employ are included in the Personnel Payroll Operations Manual.

**B. Original Certification:**

DOER certifies based on the appointing authority's request and provisions of personnel rules, collective bargaining agreements or plans established pursuant to M.S. § 43A.18. Extra names may be referred in score order for the appointing authority to consider in case certified eligibles are not available.

At the discretion of DOER, the original certification may be augmented by the addition of names from other eligible lists in order to provide a complete certification.

An outstanding certification may be used to make a cross-appointment to other vacancies if the class, employment condition, geographic location and agency or organizational unit are identical and the request to employ is received in DOER prior to the effective date of the cross-appointment.

**C. Subsequent Certification:**

The appointing authority may request additional names for the certification if, after contacting eligibles, the certification is incomplete. Additional names can be added by:

- a) requesting a re-certification which is a new report of the eligible list with eligibles in order of standing when the new certification is issued, or,
- b) requesting a supplemental certification which consists of the available eligibles in order of standing on the original certification plus the addition of new eligibles in order of standing. Supplemental certification must be requested within 30 days of the original certification.



D. Revised Certification:

DOER may revise outstanding certification reports under the following conditions:

- a) Names are added to the eligible list and to an incomplete certification to make a complete certification.
- b) Names are added to the eligible list as the result of an examination appeal or error correction.
- c) Names of eligibles who have changed availabilities are added to the certification after the date of original certification. These names will be added only at the request of the appointing authority.

E. Cancellation of Certification:

- a) DOER may cancel an outstanding certification at an appointing authority's request 10 or more days after the date of certification.
- b) DOER shall cancel an outstanding certification if an appointment is not made within 90 days of date of certification and the agency has not requested and received approval for an extension. One extension for up to 90 days may be granted.

No appointment made from a cancelled certification will be honored except if the Commissioner determines services were provided in good faith by the employee as provided in M.S. § 43A.37, Subd. 1, Clause 2.

F. Refusal to Certify:

The DOER may withhold certification from an appointing authority who fails to comply with provisions of statute, Personnel Rules or Administrative Procedures. DOER shall notify in writing any appointing authority of the reason for refusal to certify and the corrective action which must be taken in order to receive the certification.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.37, Subd. 1, clause 2 - Payrolls; Certification.
- B. 2 MCAR § 2.351-2.354 - Certification of eligibles.
- C. Personnel/Payroll Operations Manual, Position processing section.

PROPOSED  
DEPARTMENT OF EMPLOYEE RELATIONS  
ADMINISTRATIVE PROCEDURE 13.1

STATUTORY  
REFERENCE 43A.13 Subd. 1  
COMMISSIONER'S SIGNATURE Uma Rodriguez

PAGE NO 1 OF 3  
EFF. DATE 1-1-86  
REV. DATE -

## ALTERNATIVE PLACEMENT AND REFERRAL OF EMPLOYEES WITH ACTIVE WORKERS' COMPENSATION CLAIMS

Description and Scope - This Administrative Procedure applies only to classified employees and sets forth the responsibilities of agencies for identifying placement options for employees injured on the job and establishes a priority referral and appointment process for those employees who are unable, due to the permanent nature of their injury, to return to their former classification.

Objective - To provide procedures for the return to work of employees with active workers' compensation claims and for filling vacancies when there are eligibles with active claims who are unable to return to their former classification and who qualify for appointment by transfer or demotion.

### Definitions -

"Active Workers' Compensation Claim" means that a claim has been made for workers' compensation benefits and the employee is either receiving compensation and/or rehabilitation services or the claim has not been resolved.

"Qualified Rehabilitation Consultant (QRC)" means a person who is professionally trained and experienced and who is approved by the Commissioner of Labor and Industry to develop and monitor an appropriate plan for evaluation and provision of physical and vocational rehabilitation services for an employee entitled to rehabilitation benefits under M.S. §176.102.

### Responsibilities -

#### A. Agency In Which Injury Occurred:

If an employee is unable to return to the former job because of the permanent nature of a work related injury:

- Explore possibilities for restructuring or modifying the job based on the changed capabilities of the employee.

If the above does not result in an alternative placement:

1. Review other jobs in the same class within the agency to identify alternatives within that same class.

2. Work with the employee and QRC to identify other classes and positions both inside and outside the agency for which the employee's physical capabilities may be appropriate and determine whether the movement of the employee to classes identified would be a transfer/demotion.
3. Refer the employee to DOER for qualification assessment, if appropriate.

B. Department of Employee Relations:

- Verify that movement of the employee to classes identified would be a transfer or demotion and determine if employee meets qualifications for new class or arrange advisory testing.
- Refer names of qualified employee(s) with active workers' compensation claims to fill vacancies by transfer/demotion and include information regarding the employee's limitations, forms for making formal written job offers, along with the employee's application.

C. Appointing Authorities:

- Make job offer to employees selected through this process in writing on forms provided at the time of referral.
- May, with appropriate prior written notice to the employee, in accordance with collective bargaining agreements or plans require that the employee so selected serve a probationary period.
- Inform employee and prior appointing authority of type of appointment, salary treatment, and rights to return to former class/position and agency.
- Notify DOER's Workers' Compensation Placement Specialist when job offers and/or interviews are either accepted or refused.

Provisions -

A. Original Referral.

- If an employee(s) with an active workers' compensation claim is available and has qualified for transfer or demotion to the class, employment conditions and location of a vacancy, DOER shall refer in the following order, if provisions (bidding and layoff) of collective bargaining agreements or plans established pursuant to M.S. §43A.18 have been met:
  1. Upon request of the appointing authority, DOER will refer eligibles from the agency's limited promotional list but will also refer the names of employees with active workers' compensation claims.

2. In any other situation, DOER will refer only the names of the qualified workers' compensation employees. Appointing authorities will first consider qualified employees with active workers' compensation claims from their own agency.

B. Subsequent Certification.

The appointing authority may request to fill the vacancy by some other procedures if, after contacting all workers' compensation referrals, the appointing authority can demonstrate to the satisfaction of the Commissioner of Employee Relations that none of the workers' compensation referrals are available, able or qualified to perform the duties of the vacancy.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 15.6 - Transfers/Demotions.
- B. Administrative Procedure 14 - Appointments.
- C. M.S. §43A.13.
- D. Collective bargaining agreement and plans established pursuant to M.S. §43A.18.
- E. Transactions Processing Instructions 34.

## APPOINTMENTS

Description and Scope - Appointments to the classified service shall be based upon merit and ability to perform the duties of the position, the needs of the employing agency, and the negotiated provisions of collective bargaining agreements concerning seniority and filling of vacancies. Only persons eligible pursuant to M.S. § 43A.13 (Certification), M.S. § 43A.15 (Non-Competitive and Qualifying Appointments) or other statute may be appointed to classified positions.

Objective - To ensure that agencies make all appointments to positions in accordance with statutes, rules, administrative procedures, collective bargaining agreements and plans established pursuant to M.S. § 43A. 18 and that such appointments are promptly reported so that employees may receive prompt and appropriate payment for services rendered.

### Responsibilities -

#### A. Appointing Authorities:

- o Verify information contained in the application and other supporting documents provided in support of a candidate's qualifications which materially affect the decision to hire.
- o Verify possession of appropriate and/or necessary license/certificate. Notify employee of his/her responsibility to retain license/certificate and periodically verify maintenance of license/certificate.
- o Check collective bargaining agreements for possible seniority on appointment provisions.
- o Inform employees of their type of appointment, salary, terms, conditions, benefits and obligations relating to their appointments.
- o Follow appointment procedures established in the Personnel Payroll Operations Manual.
- o Report all appointments to DOER no later than the payroll deadline of the payroll period following the action.

#### B. Department of Employee Relations:

- o Verify legality of all appointments.
- o Review and approve requests for non-competitive and qualifying appointments.
- o Verify that prior approval was received when required.

- o Process all valid appointments received by the payroll deadline.

NOTE: The responsibilities of appointing authorities and DOER as outlined above also apply to unclassified civil service appointments.

Provisions -

- A. Requests for non-competitive promotions will be denied when the incumbent of the reallocated position:
  - 1. does not possess required license/certificate, or,
  - 2. fails to meet formally established requirements for progression between two classes in a series.
- B. Requests for appointments of unclassified incumbents to newly classified positions will be approved only after the employee passes an appropriate qualifying exam and has satisfactorily performed the duties of the position for at least one year.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.13 - Certification of eligibles.
- B. M.S. § 43A.15 - Non-competitive and qualifying appointments.
- C. 2 MCAR § 2.351-2.354 - Certification of eligibles.
- D. 2 MCAR § 2.355 - Appointments.
- E. 2 MCAR § 2.361-2.370 - Other means of filling positions in the Civil Service.
- F. Administrative Procedure 13A - Certification of eligibles.
- G. Administrative Procedure 15.10 - Routine Service Appointments.
- H. Personnel/Payroll Operations Manual, employee processing section.
- I. Transaction Processing Instructions.

## TRANSFERS/DEMOTIONS

Description and Scope - This procedure applies to transfers and demotions within the classified service. The compensation provisions also apply to movements between the unclassified and classified services or within the unclassified service. All transfers and demotions within the classified service will be processed as such regardless of how the transactions are initiated. Employees may not transfer or demote to or from trainee, intern, or unclassified positions, or to the labor service, or from non-tenured laborer positions.

Objective - To enhance employee mobility, ensure equitable treatment of employees within and between departments and to provide appointing authorities with guidelines for appropriate and consistent salary administration.

### Responsibilities -

#### A. Appointing Authorities:

- Make selection decisions based upon merit, ability to perform the duties of the position, the needs of the agency and provisions of laws, rules, administrative procedures and collective bargaining agreements or plans.
- Apply the compensation provisions of this policy to determine if a transaction is a transfer, demotion, or promotion.
- Check collective bargaining agreements or plans for provisions regarding transfer/demotion and the appropriate salary treatment.
- Contact a DOER Recruitment and Examination Division Aide to arrange qualification assessment and obtain advance approval of proposed transfers/demotions from DOER.
- Inform employee and prior appointing authority of type of appointment, salary treatment, duration of probation, and the employee's rights to return to the former class/position.

#### B. Department of Employee Relations:

- Determine the type of transaction and the appropriate salary treatment.
- Determine if an employee meets the qualifications for the new class or arrange advisory testing for transfer/demotion.
- Review and make determinations on requests for exceptions to the general requirements (provision A.3) and communicate these decisions to appointing authorities.

Provisions -

A. Compensation

1. General Requirements

- "Transfer" is the lateral movement of an employee between positions:
  - in the same class in different agencies or organizational units; OR
  - in different classes which are assigned to the same salary range; OR
  - in different classes assigned to salary ranges which differ by less than two steps at the minimum and maximum; OR
  - in different classes assigned to salary ranges which differ by less than two steps at the maximum but differ by more than two steps at the minimum if less than a two-step increase is required to pay the employee at the minimum of the new range.
- "Promotion" is the movement of an employee to a class assigned to a salary range which is two or more steps higher at the maximum or which requires an increase of two or more steps to pay the employee at the minimum of the new range.
- "Demotion" is the movement of an employee to a class assigned to a salary range which is two or more steps lower at the maximum.

When movement is between salary grids, calculate step differences by using the grid with the smallest percent difference between steps (see Attachment A).

2. Exceptions to General Requirements

The Commissioner may approve exceptions to the general requirements based upon the classes' relative job content and complexity and the effect on the State's classification and compensation plan. Exceptions may include:

- Determining the transaction to be a promotion when the move is:
  - Advancement in a class series where the class title is the same but the level indicator is higher, OR
  - to a class requiring significantly greater skill, effort, and responsibility.
- Determining the transaction to be a transfer when the move is between classes in different class series and a reasonable career interchange exists.



### 3. Salary Treatment

- Upon transfer, salary is unchanged unless an adjustment is required to pay the employee at the minimum of the new range.
- Upon transfer/demotion, eligibility for salary adjustments shall be as provided in the collective bargaining agreement or plan covering the position to which the employee is transferring/demoting (see Attachment B).
- When an employee moves to a position covered by a step progression/anniversary increase system and the move is between salary grids, the employee remains off-step until the next progression/anniversary increase. The employee then receives one full step plus the amount necessary to place the employee on-step, not to exceed the maximum of the range.

### B. Qualification Requirements for Transfer/Demotion

An employee must meet the qualifications required for the new class through evidence of prior testing and/or qualifications assessment on an advisory basis.

In the following situations, employees are assumed qualified and the appointing authority may process transfers or demotions without DOER advance individual approval, once the appointing authority verifies possession of any mandatory qualifications for the new class:

- same class transfer,
- referral from an eligible list or from transfer/demotion pool by DOER.
- return to any class in which employee had permanent or probationary status, if the employee separated in good standing,
- transfer/demotion to a Routine Service class,
- transfer/demotion as a result of a reallocation,
- demotion to a lower class within the same class series.

### Other Relevant Laws, Personnel Rules, Contracts, and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. MS 43A.15, Subd. 6 - Appointments thru transfer or demotion.
- B. MS 43A.16 - Probationary periods.
- C. MS 43A.17, Subds. 5 and 6 - Salary on demotion and Salary on transfer.
- D. 2 MCAR 2.355 - Appointments.
- E. Administrative Procedures 14 and 15.10 - Appointments and Routine Service Appointments.
- F. Collective Bargaining Agreements and Plans established pursuant to MS 43A.18.
- G. Transaction processing instructions #22, #23 and #27.
- H. Personnel/Payroll Manual.

Applies for Biennium 7/1/83 thru 6/30/85

<u>Pay Grid</u>	<u>Series/ Ranges</u>	<u>Description</u>	<u>Average Step Difference</u>
1A-1B-1C	P/1-3, 10-13, 20-23	Unit 201, Law Enforcement	Use steps on other grid.*
2A	B/77-95	Unit 202, Craft, Maintenance and Labor	2.74%
2B	B/99	Unit 202, Apprentices	2.12%
2C	C/40-41	Unit 202, Building Maintenance Coord. & Storage Garage Supv.	Use steps on other grid.
3A	L/10	Unit 203, Labor Service	Use steps on other grid.
3B	B/1-9	Unit 203, General Maintenance Workers 2-5 and Materials Transfer Driver	2.45%
3C-4-6	L/42-77	Units 203, 204 and 206, Service, Health Care Non-Prof., Clericals and Office	2.58%
5	G/51-56	Unit 205, Registered Nurses	Use steps on other grid.*
7	C/42-77	Unit 207, Technical	2.67%
8	C/1-3	Unit 208, Correctional Counselors	2.85%
12	E/1-13	Unit 212, Engineers	3.61%
13	G/75-86	Unit 213, Health Treatment Profs.	Use steps on other grid.*
14A	A/1-30	Unit 214, Professionals	3.57%
15	T & V/1-8	Unit 215, Special Teachers	Compare maximum of lane 2A/2V and other range maximum using steps on other grid. Teacher's rate must be such that less than a two-step increase is required to reach new range minimum.*
16	J/1-29	Unit 216, Supervisors	Use steps on other grid unless between series J and series G or P in which case use the steps on the supervisory (J) grid.
20	M/7-26	Unit 220, Managers	Series M range number plus 8 = series J "I" ranges, (e.g., 7M is the same as 15I). Follow the explanation above for series J.

\*Consult Classification &amp; Compensation for specifics.

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APPROVED EXCEPTIONS TO TRANSFER POLICY

Date: 09/12/86

<u>FROM</u> <u>CLASS TITLE</u>	<u>SERIES/</u> <u>COMP</u>	<u>HAY</u> <u>POINTS</u>	<u>TO</u> <u>CLASS TITLE</u>	<u>SERIES/</u> <u>COMP</u>	<u>HAY</u> <u>POINTS</u>	<u>TYPE OF</u> <u>TRANSACTION</u>	<u>RATIONALE</u>
Accounting Officer	A/4I	238	Accounting Technician	C/64I	203	Demotion	Lower job content.
Accounting Technician	C/64I	203	Accounting Officer	A/4I	238	Promotion	Higher job content.
Baker	L/61H	147	Cook	L/60H	129	Demotion	Lower job content.
Cook	L/60H	129	Baker	L/61H	147	Promotion	Higher job content.
Corr. Agent, Senior	A/7J	275	Corr. Security Caseworker	A/8J	275	Promotion	Traditionally considered higher.
Corr. Counselor 4	J/16I	307	Corrections Counselor Supv.	J/15I	263	Demotion	Lower class in series.
Corr. Counselor Supv.	J/15I	263	Corrections Counselor 4	J/16I	307	Promotion	Higher class in series.
Corr. Industries Coord.	B/92B	263-303	Corr. Industries Prod. Coord.	B/93B	294-315	Promotion	Traditionally considered higher.
Corr. Industries Coord.	B/92B	263-303	Corr. Industries Supv.	J/18B	294-313	Promotion	Traditionally considered higher.
Corr. Industries Prod. Coord.	B/93B	294-315	Corr. Industries Coord.	B/92B	263-303	Demotion	Traditionally considered lower.
Corr. Industries Supv.	J/18B	294-313	Corr. Industries Coord.	B/92B	263-303	Demotion	Traditionally considered lower.
Corr. Security Caseworker	A/8J	275	Corr. Agent Senior	A/7J	275	Demotion	Traditionally considered lower.
Corr. Security Caseworker, Career	A/11J	332	Corr. Supervisor	J/17H	353	Promotion	Traditionally considered higher.
Corr. Supervisor	J/17H	353	Corr. Security Casewkr., Career	A/11J	332	Demotion	Traditionally considered higher.
Dietitian 1	A/10I	275	Dietitian Specialist	A/11I	282	Promotion	Traditionally considered higher.
Dietitian Specialist	A/11I	282	Dietitian 1	A/10I	275	Demotion	Traditionally considered lower.
DVS Exam and Insp. Spec.	C/61I	197	DVS Examining Specialist	C/60I	173	Demotion	Lower class in series.
DVS Examining Specialist	C/60I	173	DVS Exam and Insp. Spec.	C/61I	197	Promotion	Higher class in series.
Engineer Administrative	E/12I	588	Engineer Administrative Mgmt.	M/18M	702	Transfer	Career inter-change.
Engineer Administrative Mgmt.	M/18M	702	Engineer Administrative	E/12I	588	Transfer	Career inter-change.
Financial Report. Anal. Supv.	J/17I	393	Legislative Auditor, Senior	A/11J	332	Demotion	Lower job content.
General Maint. Worker 3	L/5B	111	General Maint. Worker 4	L/6B	134	Promotion	Higher class in series.
General Maint. Worker 4	L/6B	134	General Maint. Worker 3	L/5B	111	Demotion	Lower class in series.
Grain Inspection Area Supv.	J/14I	261	Grain Inspection Prog. Supv.	J/15I	344	Promotion	Higher class in series.
Grain Inspection Area Supv.	J/14I	261	Grain Inspection Terminal Supv.	J/14H	247	Demotion	Lower class in series.
Grain Inspection Program Supv.	J/15I	344	Grain Inspection Area Supv.	J/14I	261	Demotion	Lower class in series.
Grain Inspection Terminal Supv.	J/14H	247	Grain Inspection Area Supv.	J/14I	261	Promotion	Higher class in series.

<u>FROM</u> <u>CLASS TITLE</u>	<u>SERIES/</u> <u>COMP</u>	<u>HAY</u> <u>POINTS</u>	<u>TO</u> <u>CLASS TITLE</u>	<u>SERIES/</u> <u>COMP</u>	<u>HAY</u> <u>POINTS</u>	<u>TYPE OF</u> <u>TRANSACTION</u>	<u>RATIONALE</u>
Grain Inspector 1	C/64I	173	Grain Inspector 2	C/65I	173	Promotion	Higher class in series.
Grain Inspector 2	C/65I	173	Grain Inspector 1	C/64I	173	Demotion	Lower class in series.
Health Facility Eval. Supv. 1	J/15I	393	Nursing Evaluator 2	G/53J	332	Demotion	Lower job content.
Health Program Supv.	J/15I	353	Registered Nurse, Senior	G/53J	275	Demotion	Lower job content.
Heavy Equipment Field Mech.	B/92B	249	Heavy Equipment Mechanic	B/91B	237	Demotion	Traditionally considered lower.
Heavy Equipment Mechanic	B/91B	237	Heavy Equipment Field Mech.	B/92B	249	Promotion	Traditionally considered higher.
Hydrologist 1	A/9E	275	Pollution Control Spec., Int.	A/7I	275	Transfer	Career inter-change, 0 net step diff.
Hydrologist 1	A/9E	275	Soil Scientist 1	A/7I	275	Transfer	Career inter-change, 0 net step diff.
Lab. Attendant 1	L/54H	82	Lab. Attendant 2	L/55H	111	Promotion	Higher class in series.
Lab. Attendant 2	L/55H	111	Lab. Attendant 1	L/54H	82	Demotion	Lower class in series.
Legislative Auditor, Senior	A/11J	332	Financial Report. Anal. Supv.	J/17I	393	Promotion	Higher job content.
Medical Lab. Tech. 1	C/61I	169	Medical Lab. Tech. 2	C/62I	176	Promotion	Higher class in series.
Medical Lab. Tech. 2	C/62I	176	Medical Lab. Tech. 1	C/61I	169	Demotion	Lower class in series.
Nursing Evaluator 2	G/53J	332	Health Facility Eval. Supv. 1	J/15I	393	Promotion	Higher job content.
Pollution Control Spec., Int.	A/7I	275	Hydrologist 1	A/9E	275	Transfer	Career inter-change, 0 net step diff.
Registered Nurse, Senior	G/53J	275	Health Program Supv.	J/15I	353	Promotion	Higher job content.
Soil Scientist 1	A/7I	275	Hydrologist 1	A/9E	275	Transfer	Career inter-change, 0 net step diff.
Teletype Operator	L/59H	122	Teletype Operator, Senior	L/59H	122	Promotion	Higher class in series.
Teletype Operator, Senior	L/59H	122	Teletype Operator	L/59H	122	Demotion	Lower class in series.
Unemployment Tax Examiner 3	J/15J	---	Unemployment Tax Examiner 4	J/17I	406	Promotion	Higher class in series.
Unemployment Tax Examiner 4	J/17I	406	Unemployment Tax Examiner 3	J/15J	---	Demotion	Lower class in series.
Workers' Comp. Mediation Supv.	J/21I	496	Workers' Comp. Mediator	A/16I	393	Demotion	Lower class in series.
Workers' Comp. Mediator	A/16I	393	Workers' Comp. Mediation Supv.	J/21I	496	Promotion	Higher class in series.

Notes:

Movement between series M (Managerial Plan) and series J (Supervisory) classes can be determined on the basis of compensation codes. Each managerial class is transferable with supervisory classes assigned to 9 step ranges where the difference between range designations is 7, 8 or 9 (e.g., an 11M class is transferable with series J classes with compensation codes of 18I, 19I and 20I).

## ROUTINE SERVICE APPOINTMENTS

Description and Scope - The selection process for positions of a routine service nature is based on minimum qualifications and candidate availability. Candidates are not rank ordered. Routine Service positions involve unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level. These positions must be filled in conjunction with local Job Service Offices of the Department of Jobs & Training, except as provided in this procedure.

Objective - To provide agencies with a procedure for filling vacancies in Routine Service classes which maximizes local recruitment and placement efficiency efforts while maintaining provisions of public notice and competition for such placements.

### Responsibility -

#### A. Appointing Authorities:

- Comply with provisions of the "Cooperative Placement Program Instructions" (adopted jointly by DOER and the Job Service Division of the Department of Jobs & Training) for recruitment and filling of Routine Service positions.
- Contact DOER before listing vacancies to determine if a layoff list exists which may take precedence over direct Job Service referrals.
- Consider any interested agency employee or employee facing layoff in another agency for appointment to vacancies in accord with collective bargaining agreements or the Commissioner's Plan.
- List Routine Service vacancies by placing a job order directly with the area Job Service office (outside the metropolitan area) or with Job Bank (metro area), outlining job duties, referral considerations and any need for protected group referrals to meet affirmative action goals.
- Refer all non-employee applicants for Routine Service positions to the Job Service office for registration. All such candidates must have a current application duly authorized by a representative of the Job Service office.
- Appoint only an agency employee, other state employee or one of the candidates referred by a Job Service Office.
- Notify the appropriate Job Service office when an applicant has been selected or when a job order is cancelled because a position has been filled by transfer or demotion or the decision has been made not to fill the position.

B. Department of Employee Relations:

- Determine Routine Service classes.
- Develop, provide to appointing authorities and Job Service offices and periodically update in conjunction with Job Service staff, the "Cooperative Placement Program Instructions" for filling Routine Service positions.
- Refer layoff lists to Routine Service vacancies in accord with collective bargaining agreements and plans established pursuant to M.S. § 43A.18.

C. Job Service Offices of the Department of Jobs & Training:

- Accept job orders and refer qualified candidates in accord with instructions of the "Cooperative Placement Program Instructions".
- Assist state agencies in meeting affirmative action goals for Routine Service positions by referring available protected group members whenever an agency indicates a disparity between its work force and the identified labor force.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Cooperative Placement Program Instructions - Joint publication of Department of Employee Relations and Jobs & Training.

## WORK OUT OF CLASS

Description and Scope - Appointing authorities may assign permanent or probationary classified employees to work out of class in temporarily unoccupied classified positions which are allocated to a different classification. Payment for these assignments must be made in accordance with the applicable provisions of appropriate collective bargaining agreements or plans established pursuant to M.S. §43A.18.

Objective - To provide appointing authorities with procedures for appropriate, consistent and effective application of work out of class provisions of collective bargaining agreements and plans.

### Definitions -

"Job-Filling Process" means the actions taken by an appointing authority, to permanently fill a vacant position.

"Permanent Class" means the classification of the duties assigned to the employee before assigned to work out of class. Throughout the work out of class assignment, the employee retains the classification of the duties regularly assigned, i.e., remains in the permanent class, but may be paid at a rate appropriate to the class of temporarily assigned duties. The employee assigned to work out of class is not appointed to another class.

"Specified Number of Days" means the minimum number of days the assignment must last before the employee must be compensated at the higher rate. The specified number of days is included in collective bargaining agreements or plans.

"Work Out of Class Differential" means the increase in rate of pay required/permitted by collective bargaining agreements or plans to compensate an employee assigned to work out of class performing duties of a higher classification.

### Responsibilities -

#### A. Appointing Authorities:

- o Determine if a work out of class assignment is necessary and appropriate.
- o Ensure that the position is properly allocated. If the duties of the position are changed or the person is not assuming all of the duties, the allocation of the position must be changed by DOER Classification before the work assignment is made.
- o Establish internal agency procedures for effective administration of work out of class.

- o Ensure that all temporarily unoccupied positions covered by a junior/senior plan are filled at the junior level unless the assigned employee's permanent class is at or above the senior level.
- o Verify and document that employees possess all license or certification required for positions to which they are assigned to work out of class.
- o Begin work out of class payment, in accord with requirements of collective bargaining agreements and plans. Submit required personnel transaction forms and documentation to DOER in a timely manner.
- o Submit requests for extensions of work out of class assignments to DOER prior to the original end date of the assignment and in conformity with Provisions B. "Duration" below.
- o Notify the DOER Classification Division of work out of class assignments to equal or lower classes which exceed six months.

B. Department of Employee Relations:

- o Review work out of class assignments and extensions to determine appropriateness of action in accord with collective bargaining agreements and plans and with this administrative procedure. Items to be reviewed will include:
  - (a) reason for vacancy;
  - (b) appropriateness of work out of class action;
  - (c) documentation that the employee possesses required licensure or certification, if applicable;
  - (d) appropriate and consistent administration of provisions for non-compensated work out of class during position-filling;
  - (e) 90 day limit for position-filling when eligible list exists and one year maximum work out of class duration; and
  - (f) correct rate of pay.
- o Take remedial action as indicated in Administrative Procedure 37 to correct inappropriate work out of class assignments and payments.

Provisions -

A. Eligibility/Qualifications:

1. Work out of class is to be used only for permanent or probationary classified employees assigned all the duties of another classified position. Procedures for effecting temporary assignments of other employees or to other types of temporarily unoccupied positions are outlined in Transaction Processing Instructions.
2. Employees assigned to work in classes which require licensure or certification must possess the required licensure or certification.



3. The classification of employees in positions designated as "assistant supervisors" is based in part on ongoing responsibility to assume all supervisory duties in the absence of the regular supervisor. Periodic assumption of all supervisory duties is, therefore, a requirement of the employee's permanent class and not a basis for work out of class.

B. Duration:

1. No work out of class assignment (including extensions) shall exceed one year, in accord with the limit on temporary appointments authorized under M.S. §43A.15(3) and the requirement for filling unlimited positions in the classified service under 2 MCAR 2.085.
2. No work out of class assignment for position-filling purposes shall exceed 90 days when an appropriate eligible list exists.

C. Compensation for Work out of Class:

1. All work out of class payments must be consistent with requirements of collective bargaining agreements and plans regarding when and at what rate a work out of class differential shall be paid.
2. Vacation - No payment shall be made for work out of class due to employee vacation leave regardless of duration.
3. Sick leave - Only assignments for less than the specified number of days shall be considered "a short period of sick leave" for which no payment can be made. Whenever the assignment exceeds the specified number of days, a work out of class differential shall be paid.
4. Employees in work out of class assignments shall be granted all salary increases, including progression, COLA and general adjustments, due in their permanent class.
5. To maintain any work out of class differential required/permitted by collective bargaining agreements or plans, the work out of class rate shall be recomputed whenever a general adjustment or cost of living adjustment is applied to either the permanent class or the class to which the employee is assigned and whenever the employee receives an individual salary increase within the permanent class.
6. An employee returning from work out of class assignment to the permanent class shall be compensated at the rate of pay the employee would have been receiving had no work out of class assignment occurred.

D. Work Out of Class While Position-Filling:

If collective bargaining agreements or plans allow a work out of class assignment to exist for the purpose of position-filling for four weeks without additional payment, then:

1. Employees are eligible for work out of class pay only if the assignment lasts for more than the specified number of days after the four week period.
2. The position-filling process must start before or at the same time as the work out of class assignment. If the process begins after the assignment, the four week unpaid period will not apply.
3. If an occupied position is changed in allocation, the position is considered vacant and the incumbent may be paid for work out of class assignment during the position-filling process. Day 1 of the four unpaid weeks for position-filling must be the date of the allocation determination by the DOER Classification Division.

E. Seniority, Benefits, Overtime Eligibility, Anniversary Date, Probationary Period

1. Employees earn no classification seniority in the new class during a work out of class assignment. They continue to earn classification seniority in their permanent class.
2. Benefits accrue as provided for the employee's permanent class.
3. Overtime eligibility is based upon the duties performed in accord with the Minnesota Fair Labor Standards Act.
4. If an employee is subsequently appointed to the class in which the work out of class assignment occurred, the employee's anniversary date, class seniority and eligibility for progression increases begin on the date of probationary appointment and are unaffected by the work out of class assignment.
5. Time worked during a work out of class assignment is not credited toward completion of the probationary period in the new class.

F. Bargaining Unit Membership

During a work out of class assignment, the employee remains in his/her permanent class and, therefore, in the bargaining unit to which that class is assigned.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.18 - Total Compensation; Collective Bargaining Agreements; Plans.
- B. M.S. § 43A.37, Subd. 1, Clause 2 - Payrolls; Certification.
- C. 2 MCAR § 2.355 - Appointments.
- D. Collective Bargaining Agreements and Plans Established Pursuant to M.S. § 43A.18.
- E. Transaction Processing Instructions.

### AFFIRMATIVE ACTION REPORTING REQUIREMENTS

Description and Scope - The State's Affirmative Action Program is designed to identify and correct imbalances in the work force. DOER must monitor the efforts and progress of the Affirmative Action Programs in each executive branch agency in state government in order to ensure compliance with the State's commitment to affirmative action.

Objective - To provide procedures for the documentation and reporting of efforts and progress toward achieving and maintaining a representative work force.

#### Responsibilities -

##### A. Appointing Authorities:

- o Submit a quarterly report to DOER within 30 days of notice on the agency's effort to meet affirmative action goals and the progress resulting from those efforts for agencies with more than 25 employees.
- o Submit a semi-annual report to DOER within 30 days of notice on the agency's efforts to meet affirmative action goals and the progress resulting from those efforts for agencies with fewer than 25 employees.
- o Submit to DOER concurrently with the agency's biennial budget request a report on the results of the agency's affirmative action plan.
- o Maintain data on the personnel/payroll system which supports routine reporting.

##### B. Department of Employee Relations:

- o Submit biennially to the Governor and the Legislature the agencies' reports indicating the results of the their affirmative action plan.
- o Provide data from the personnel/payroll system to agencies regarding the equal opportunity status of their work forces.

#### Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for total understanding of the subject.

##### A. 2 MCAR 2.397 - Reporting Requirements

### AFFIRMATIVE ACTION PLAN REVIEW

Description and Scope - An affirmative action plan is a set of management policies and procedures designed to identify the barriers contributing to imbalance in the agency's or agency subdivision's work force and to foster the correction of any imbalances which are found to exist. All executive branch agencies of State government are required to submit annually an affirmative action plan to DOER for review, comment and approval.

Objective - To provide procedures for the review, comment and approval of agency affirmative action plans.

#### Responsibilities -

##### A. Appointing Authorities:

- o Submit an affirmative action plan annually to DOER within 30 days after the end of the fiscal year.
- o Modify the affirmative action plan as necessary and resubmit within 30 days of notification by DOER of non-approval.

##### B. Department of Employee Relations:

- o Review and approve an agency affirmative action plan which meets the requirements of 2 MCAR 2.394 within 30 days after receiving the plan.
- o Review and request modification of an agency affirmative action plan which does not meet the requirements of 2 MCAR 2.394 within 30 days after receiving the plan.
- o Indicate the basis on which an agency affirmative action plan was not approved when requesting modification of the plan.
- o Review and approve or request further modification of the agency affirmative action plan within 10 days after resubmission of the plan.

#### Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for total understanding of the subject.

- A. 2 MCAR 2.393 - Responsibility and Accountability of an Agency Head.
- B. 2 MCAR 2.394 - Requirements for Agency Affirmative Action Plans.

*Barbara J. Sundquist*

### JOB CLARIFICATION/PERFORMANCE APPRAISAL

Description and Scope - Employee Performance Appraisal is a system that ensures a continuous process of reviewing, analyzing and evaluating employee performance. The system is based upon individual position descriptions, established performance indicators, formal performance review and individual development planning.

Objectives - To establish a clear understanding between supervisor and employee of the employee's job duties, responsibilities, accountabilities and authorities. To establish a formal evaluation process to determine how well the employee meets the standards of performance for those job duties and to provide opportunity and direction to improve work performance. To provide managers with information on which to base, in whole or in part, various personnel decisions, such as salary increases, promotions and discipline.

#### Definitions - Key Terms -

"Individual Development Plan" means a three-step process that includes: identification of the employee's specific needs for growth and improvement, assignment of priorities to identified needs and proposed solutions to development needs.

"Performance Indicators" mean the statements or conditions that measure the quality or quantity of work to be performed, the time frame in which the work is to be completed and/or the resources to be used to complete the job.

"Performance Review" means a periodic assessment of an employee's performance and discussion of that assessment with the employee. A formal performance rating is assigned during the review. Informal reviews are also conducted with the employee; these reviews are held more frequently and are less structured than the formal "performance review."

"Position Description" means a formal definition of the duties, responsibilities, working relationships and performance expectations of a position in state service. Position Descriptions are to be written in the format indicated by the instructions accompanying the Position Description Form.

#### Responsibilities -

##### A. Appointing Authorities:

- o Ensure that managers and supervisors conduct a minimum of one performance review for each employee annually.
- o Ensure that each employee has a position description.
- o Ensure that each employee has an opportunity to prepare an individual development plan if needed or wanted by the individual.

B. Department of Employee Relations:

- o Develop and maintain a statewide employee performance appraisal system.

Provisions -

A. Position Description:

1. Each employee must have an accurate up-to-date position description. This must be provided no later than six months after appointment or promotion.
2. The position description for employees who work less than 100 days per calendar year may be written on a Position Description Form or may consist of a memo to the employee outlining specific duties, responsibilities and tasks that the employee is expected to perform.
3. Where practical, employees who work more than 100 days per calendar year shall have the opportunity to review and provide input into the content of the position description before it is finalized.
4. The position description shall be reviewed at least annually and rewritten at least every three years.

B. Formal Performance Review:

1. Each employee who works more than 100 days per calendar year shall have a formal performance review (coaching/counseling) session at least annually.
2. Employees shall have the opportunity to review and comment on their performance ratings before they become official.
3. Employees who have not attained permanent status in their positions should be formally evaluated and counseled on their job performance every three months. Employees who are serving a probationary period of less than six months should be formally evaluated at the mid-point of the probationary period.
  - a. Where practical, probationary employees shall be formally reviewed at least twice during the probationary period.
  - b. The review date should provide sufficient time for the employee to alter or improve unacceptable performance before the end of the probationary period.
  - c. Nothing in this Procedure shall be construed as preventing an appointing authority from terminating a probationary employee at any time.
4. Additional formal reviews should be conducted when any significant change in performance occurs.

5. Performance ratings may be appealed to the appointing authority within 30 days of the official date of rating. The decision of the appointing authority is final and shall become the official evaluation of that employee for the specified evaluation period.
6. Three signatures added after the performance review is completed (or changed) are required to make the performance review official:
  - a. The signature of the person being rated is required in order to document that the person received the evaluation and is aware of its contents.
  - b. The signature of the rater is required in order to communicate to the person being rated who actually performed the evaluation.
  - c. The signature of the next level of management is required in order to establish that the rater is speaking for the organization, or at least, that the organization is aware of and accepts the evaluation as written.

C. Individual Development Plans:

1. Each employee who works more than 100 days per calendar year shall have an individual development plan on file if needed to improve present performance, prepare for promotional opportunities, required to undertake new responsibilities or to undertake career development goals, or if wanted by the employee.
2. The individual development plan shall be reviewed and updated at the time of the annual performance review and shall be monitored during the appraisal period.

D. Informal Performance Reviews:

Informal reviews or coaching sessions should be conducted more frequently than once a year at the discretion of the appointing authority.

E. Documentation and Recordkeeping:

1. Formal performance review information shall be maintained in the employee's personnel file for a minimum of three years.
2. Employee performance appraisal reports are available for inspection by the following:
  - a. The employee or employee's designated representative with written approval from the employee.
  - b. The appointing authority and individuals within the agency whose work assignments reasonably require access to this information.
  - c. The Commissioner of Employee Relations and employees of DOER whose work assignments reasonably require access to this information.

Other Relevant Laws, Personnel Rules, Contracts, and Administrative Procedures

The following items have an impact on material contained in this procedure.  
Review of these items is essential for a total understanding of the subject.

- A. "Employee Performance Appraisal - A Handbook for Supervisors"  
3rd Edition - DOER publication.



*Brice H. Johnson*

## EMPLOYEE TRAINING AND DEVELOPMENT

Description and Scope - The State of Minnesota believes that training and development are integral components of work performance, and are inherently tied to agency mission, goals, strategic planning, workforce planning and finally the provision of services to the public. The State of Minnesota, as employer, values the dignity and the potential of its employees and believes that developing employee potential, through coaching, education and training, mobility opportunities, and on-the-job training is critical to organizational effectiveness. It is the responsibility of the agency management, the supervisor and the employee, working in partnership, to determine the work goals and training needs for each. The purposes for training and development are:

- to provide agencies with a productive and skillful work force capable of meeting the current and future responsibilities of state government;
- to promote constructive work-place relationships in a healthy and diverse workforce; and
- to assist employees in achieving career and individual development goals.

### Responsibility -

#### A. Agency

State agencies have the responsibility to create and maintain a climate which encourages training and development as an ongoing part of the performance management process which supports the accomplishment of the agency's mission, including but not limited to:

- developing a plan and budget for training based upon needs analysis, promoting access to training for all employees,
- ensuring that training and development plans are prepared, updated, and discussed by management, supervisor and employee, as part of the employee performance communication process, at three organizational levels: 1) agency, 2) work unit, and 3) individual employee development, and
- ensuring that the individual employee development plan is developed jointly by the individual employee and the supervisor, is based upon needs analysis, and is consistent with the mission and needs of the agency.

#### B. Manager and Supervisor

Managers and supervisors have the primary responsibility for initiating communication about work unit training and individual development including but not limited to:

- working in partnership with individual employees to assess training needs and coordinate agency, work unit and individual employee development plans,
- ensuring implementation of employee development plans,
- incorporating training and development into the performance management process, and
- seeking to improve management/supervisory skills in employee development.

C. Employee

State employees have responsibility for initiating discussion to identify and assess their own specific training needs including but not limited to:

- working in partnership with supervisors and managers to meet the agency, work unit, and their own training and development needs, and
- actively searching for training opportunities within state service and elsewhere.

D. Department of Employee Relations

The Department of Employee Relations has responsibility for providing leadership and facilitating partnerships in human resource development for state employees, including but not limited to:

- advocating for and providing continuous education about training and development issues throughout the executive branch, in partnership with agencies and collective bargaining units,
- assisting agencies in formulating links between agency goals, performance management and employee development and providing training for supervisors and managers on developing employees,
- continuously assessing state-wide training and development needs, and finding ways to meet those needs by providing opportunities for training on topics with state-wide impact, and
- developing ways to share resources (trainers, materials, technology, facilities) and information on training plans, policies and procedures between and among public agencies to increase access, reduce costs and enhance quality.

### Certification Training for Supervisors and Managers

Classified managers must complete 80 hours of training within one year after their initial appointment. The Management Development Core Program (36 hours), sponsored by DOER and other agencies, is a required portion of the 80 mandatory hours. Core equivalencies attended within two years of appointment may be requested from DOER. The remaining 44 hours of mandatory training must be management-related and may be provided by DOER, the agency, or through outside course work. Participation in training within the two years prior to an employee's appointment may also be considered. It is the responsibility of the agency Human Resources office, or designated human resource staff, to verify completion of the 80 hours prior to certification.

Supervisors are required to complete 48 hours through the Supervisory Core Program sponsored by DOER within the probationary period specified in their labor contract. Completion of the 48 hours through the Supervisory Core Program fulfills the training requirement necessary for permanent status. Approval for equivalencies for training attended within the two years prior to appointment may be requested from the Department of Employee Relations. It is the responsibility of the agency Human Resources office, or designated human resource staff, to verify completion of the 48 hours prior to certification.

### Payment and Reimbursement

Tuition and expense payment in advance or reimbursement upon satisfactory completion will be made at the discretion of agency management and will be provided based upon agency needs, and in a manner consistent with the agency, work unit, and individual employee development plans.

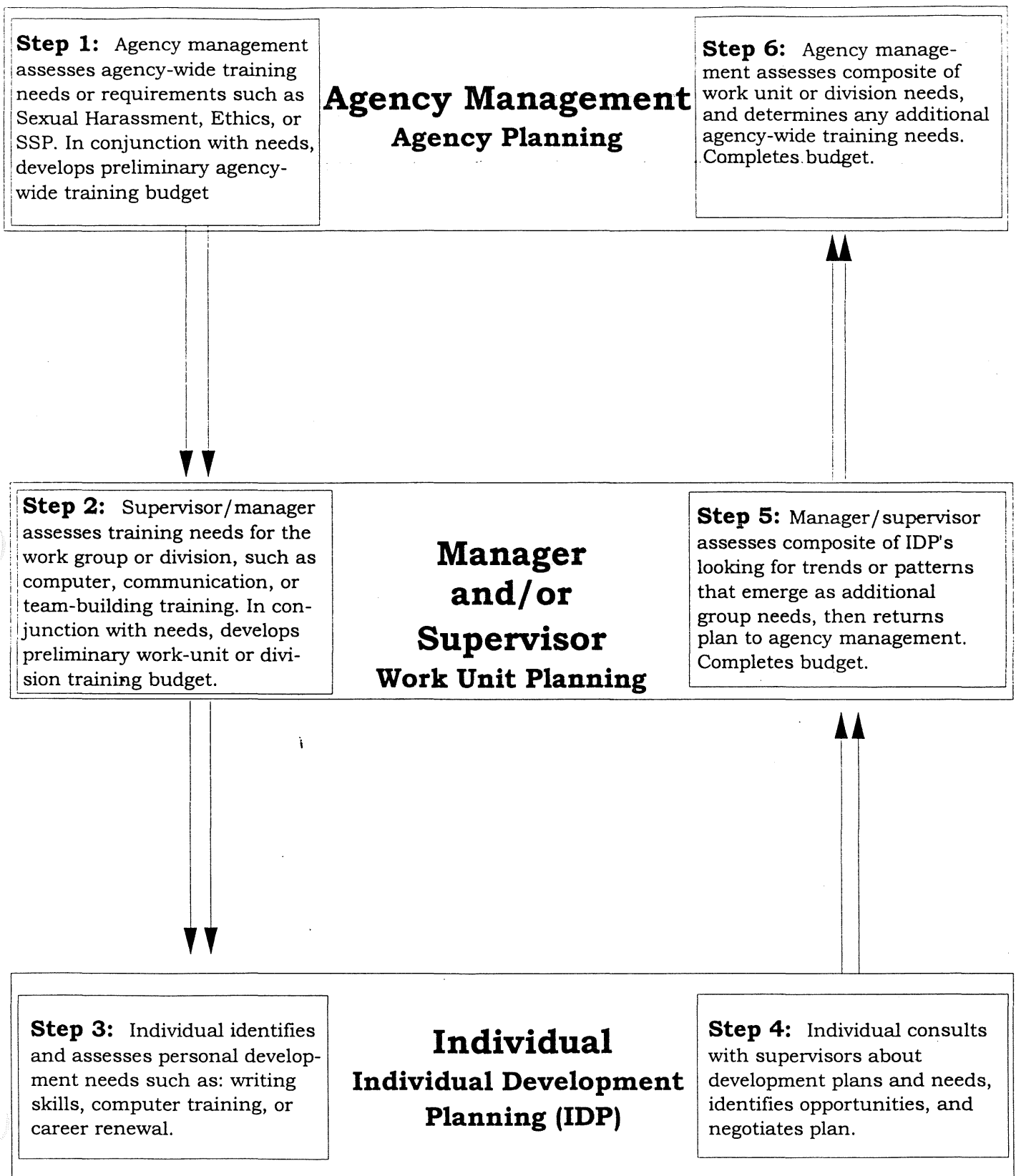
#### Required training

For training that is required by the agency, manager, or supervisor, the agency is responsible for payment of 100% of related necessary and legitimate expenses (such as tuition, books, travel expenses, travel time, and attendance time).

#### All other training

Agencies may grant employees release time and/or pay tuition or instructional fees based on the perceived value of training to the agency or to the state. The scale for expense payment will range from a maximum of 100% to a minimum of 0%. One hundred percent is appropriate for training that is of major value to the agency.

# Agency Training and Development Planning Cycle



TRAINING AND DEVELOPMENT  
(General)

Description and Scope - Training and development is an on-going management program to assist employees in attaining and maintaining a quality of job performance that meets the needs of the State and, where practical, the career objectives of the individual employee. Specific application of the training and development process is not an employee right. As a management program, training and development is used at the discretion of the appointing authority.

Objective - To improve individual, group and agency efficiency and effectiveness within State service by administering, conducting and coordinating training and career development activities for classified and unclassified employees for the benefit of State agencies.

Definitions - Key Terms -

"Training" means a specific means or method of employee development that consists of formal, systematic and structured activities that meet specific, predetermined learning objectives designed to directly improve and/or increase the knowledge, skills or abilities of employees. Formal training usually refers to group instruction or structured independent study.

Responsibilities -

A. Appointing Authorities:

- o Coach employees regarding individual needs for development on the job and for career growth.
- o Develop an annual training plan that identifies training needs and includes an action plan for improvement for each employee who works more than 100 days per calendar year that may include a variety of planned, purposeful activities such as project assignments, task force assignments, internal job assistance, classroom instruction, independent study and mobility assignments.
- o Ensure that training policies established by DOER are followed.
- o Develop a plan and budget for the use of training funds consistent with state affirmative action goals. This includes Laws of 1981, Chapter 356, Section 21, which is designed to provide special career training for employees in the lower pay schedules.
- o Create and maintain a climate which encourages growth and development among employees.
- o Report agency designed, conducted and/or sponsored training activities to DOER.

**B. Department of Employee Relations:**

- o Develop and coordinate consistent state training policy to govern assigned and non-assigned training.
- o Develop guidelines and policies pertaining to job-related training, career development, internships, work-training and management development (including, but not limited to, mandatory requirements for managers and supervisors).
- o Collect, store and disseminate accurate, timely data on training activities designed, developed and/or sponsored by state agencies by maintaining a computerized training record system and generating periodic reports to state agencies.
- o Provide training opportunities to line agencies and State employees.
- o Review and approve prior to implementation all management development activities.

**C. Employees:**

- o Assume responsibility for personal career development and individual growth.
- o Assess individual development needs.
- o Actively search for training opportunities within state service and elsewhere to meet those needs.
- o Request advance permission from their supervisors or managers to participate in job-related or career development training.
- o Assist in developing plans for work coverage while attending training.
- o Participate actively in all training workshops or programs attended.
- o When possible implement new skills or knowledge relevant to the current position.

**Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures**

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 21B - Job-related training.
- B. Administrative Procedure 21C - Career development.
- C. Administrative Procedure 21D - Work training.
- D. Administrative Procedure 21.3 - Management development.

*Barbara L. Sundquist*

### JOB-RELATED TRAINING

Description and Scope - Job-related training is clearly and directly related to the knowledge, skills and ability needed to attain, maintain or improve competence in performing current job responsibilities. Though the employee's own developmental needs may be met through job-related training, the primary emphasis is on meeting organizational needs.

Objective - To improve or maintain quality job performance that meets organizational needs and standards.

#### Definitions - Key Terms -

"Assigned training" means training that is organizationally required.

"Non-assigned training" means training that is organizationally approved or permitted but not required.

#### Provisions -

##### A. General:

1. Job-related training may be assigned or non-assigned Standards for reimbursement and release time differ depending upon whether the training is assigned by a supervisor or manager or is employee volunteered.
2. Employees may receive job-related training to perform responsibilities not currently required by the organization if that training relates to responsibilities within the level and scope of the current position.
3. Continuing education or training needed to maintain licensure or certification is not necessarily job-related. It may be considered job-related only if the specific training is clearly needed by an employee to perform in the current job. Development activities that primarily meet promotional requirements or that could lead to an advancement in salary shall not be considered "job-related."

##### B. Assigned Training:

1. Tuition and Expenses. Each appointing authority is responsible for all necessary and legitimate expenses incurred as a result of employee participation in job-assigned training and development activities.
2. Release Time. Assigned training is considered a normal work assignment. Appointing authorities shall grant time off with pay to employees attending this training which may include time for travel to and from assigned training programs.

**C. Non-assigned Training:**

1. Approval for Participation. Approval for non-assigned training is at the discretion of the appointing authority. In making the decision, the appointing authority should consider whether:
  - a. staffing needs can be met in the employee's absence;
  - b. funds are available; and,
  - c. the training activity meets an organizational need.
2. Employees are eligible for release time, tuition reimbursement or a pro rata combination of both for non-assigned training activity.
  - a. Reimbursement. Employees may be reimbursed for 75 percent of tuition or registration cost. Any exception to the 75 percent reimbursement figure, on an individual, group, or agency basis, must be approved by DOER. Reimbursement may only be made upon successful completion of the training activity.
  - b. Release Time. Appointing authorities may grant release time for employees to attend non-assigned training in lieu of reimbursement. Appointing authorities may also grant release time for travel to and from training programs.

**Other Relevant Laws, Personnel Rules, Contracts, and Administrative Procedures**

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 21A - Training and development (general).
- B. Administrative Procedure 21C - Career development.
- C. Administrative Procedure 21D - Work-training.



## CAREER DEVELOPMENT

Description and Scope - Career development is training that facilitates upward mobility in state service by preparing employees to perform higher level or more complex responsibilities than those of the positions they currently hold. Training activities that meet promotional requirements or lead to an advancement in salary fall into this category. Though the state may receive some benefit from career development training, its primary benefit will be to the employee.

Career development is a permissive subject of collective bargaining. Appointing authorities and employees covered by a collective bargaining agreement should refer to it for a delineation of standards pertaining to career development for specific groups of employees. Standards cited in a labor agreement supersede the standards cited above and any provisions developed by DOER.

Objective - To provide the opportunity for employees to work toward and achieve their career objectives.

### Definitions - Key Terms -

"C" schedule means, for the purpose of this administrative procedure, service, health care non-professional, clerical and office, technical and correctional guard employees, and other classes that were in the "C" salary schedule prior to July 1, 1981.

### Responsibility -

#### A. Appointing Authorities:

- o Assist employees (within available resources) in meeting their career objectives.
- o Provide career development assistance in accord with the Laws of 1981, Chapter 356, Section 21 (Department of Employee Relations Appropriation -- "C" Schedule Training Rider).

Each state department shall have a plan approved by DOER to use 50 percent of its training money, or the same percentage of its training money that its Schedule "C" civil service employees are of its total number of departmental employees, whichever is less, for special career training programs for Schedule "C" civil service employees. The money shall be used only for this purpose.

(By definition, all training selected to meet the requirement of the "C" Schedule Rider falls in the "career development" category.)

**B. Employee:**

- o Request career development training based on a personal assessment of individual developmental needs.
- o Specify a career objective when applying for a career development program.

**Provisions -****A. Approval for Participation:**

Before approving career development training, agencies should consider whether:

1. staffing needs can be met in the employee's absence; and,
2. funds are available.

**B. Employees are eligible for release time, tuition reimbursement or a pro rata combination of both for each career development activity.**

1. Reimbursement. Employees may be reimbursed for 75 percent of tuition or registration costs. Any exception to this 75 percent reimbursement figure on an individual, group or agency basis, must be approved by DOER. Reimbursement or payment of fees may only be made upon successful completion of the training activity.
2. Release Time. Appointing authorities may grant release time for employees to attend career development training in lieu of reimbursement. Appointing authorities also may grant release time for travel to and from training programs.

**Other Relevant Laws, Personnel Rules, Contracts, and Administrative Procedures**

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 21A - Training and development (general).
- B. Administrative Procedure 21B - Job-related training.
- C. Administrative Procedure 21D - Work training.
- D. Administrative Procedure 21.3 - Management development.
- E. Collective Bargaining Agreements.

## WORK-TRAINING

Description and Scope - Work-training is formal on-the-job training designed to prepare a person for a specific job. The individual is hired and works on a full time basis. All training and development activities for work-training purposes are considered assigned training.

Objective - To establish procedures to increase the supply of qualified candidates for state jobs particularly in cases where the general labor pool lacks sufficient, qualified, protected group members to meet affirmative action goals. To improve mobility and job satisfaction for current state employees.

### Responsibilities -

#### A. Appointing Authorities:

- o Develop proposed work-training programs.
- o Appoint trainees.

#### B. Department of Employee Relations:

- o Assist agencies in identifying the need for work-training programs and in developing appropriate programs.
- o Review and approve proposed work-training plans and trainee appointments.

### Provisions -

#### A. Above-complement positions:

Work-training positions used to meet agency affirmative action goals may exceed the maximum number of positions authorized by the Legislature for an agency. (M.S. § 16A.123)

#### B. Status of trainees:

Trainee appointments are for a limited term, and unless they are preceded or followed by another type of appointment in accord with M.S. § 43A.13 or 43A.15, trainees acquire no permanent status in the classified service through work-training appointments.

#### C. Employees accepting trainee appointments:

Permanent, classified employees appointed to a work-training position in a different agency must be granted an unpaid educational leave of absence from the former agency for the length of the training period or a maximum of six months, whichever is less.

Classified employees with permanent status appointed to a work-training position in the same agency may, at the discretion of the appointing authority, be granted an unpaid educational leave of absence or may be assigned to trainee duties. If assigned trainee duties, the employee remains in his/her class.

Employees granted a leave of absence may return before the expiration of the leave (consistent with the applicable collective bargaining agreement), but forfeits all rights to return after expiration of the leave. Prior to receiving an educational leave, the employee must sign a statement indicating acceptance of the forfeiture of rights to return to the agency.

D. Individual program contents:

Work-training programs may incorporate a mixture of on-the-job experience, individualized coaching by supervisors, formal and academic training.

Each program is uniquely designed to provide sufficient job skills to the trainee, based on his/her current skills, knowledge and ability, to enter the class for which he/she is training.

E. Training plan requirements:

Work-training plans must include:

1. Statement of purpose: brief explanation of the job and the reasons for (or need for) the training program.
2. Methods of recruitment and selection: provision for public notice of intent to accept applications for training and for publication of information about the program to attract applicants and provision for qualification and selection procedures for appointment.
3. Methods of development and evaluation: methods used to increase the skill, knowledge and ability of the trainee to meet appropriate position requirements and methods used to evaluate trainee progress and criteria used to decide to terminate unsuccessful trainees.
4. Conditions of employment: rate of pay and progression, vacation and sick leave, and seniority. These must be established in accord with any relevant provisions of collective bargaining agreements or plans adopted pursuant to M.S. §43A.18.
5. Length of trainee appointments.

Other Relevant Laws, Personnel Rules, Contracts, and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 21A - Training and development (general).
- B. Administrative Procedure 21B - Job-related training.

*Barbara L. McIntyre*

## INTERNSHIPS

Description and Scope - Internship is a work experience (paid or unpaid) that is directly related to a specific academic program. To qualify, the work experience must result in academic credit or fulfill an academic requirement of an accredited educational institution. An intern is not an employee.

Objectives - To establish procedures to provide work opportunities and practical learning experiences to students to enhance their academic preparation and expose them to state government employment. To provide agencies the opportunity to assess students work performance in a practical and realistic setting.

### Responsibilities -

#### A. Appointing Authorities:

- o Identify internship positions and job duties.
- o Recruit and select interns.
- o Coordinate agency intern activities with accredited schools, colleges and universities.
- o Establish appropriate pay (within established structure) for interns.
- o Verify that selected interns are fulfilling an academic requirement.

#### B. Department of Employee Relations:

- o Provide public notice of the Internship Program and of the procedures that institutions and their students must follow.
- o Review and approve the appointment and pay rate of interns.
- o Make public notice of internship openings upon request of State agencies.
- o Develop and publicize an hourly minimum and maximum rate of pay for paid internships.
- o Review and revise intern application and agreement form.

### Provisions -

#### A. Duration:

Internships generally last a minimum of four weeks and a maximum of one year and may be part or full-time assignments.

#### B. Appointment Procedures:

Internship appointments must be made in accord with processing instructions in the State Payroll Manual.

**C. Benefits:**

Interns do not receive holiday, sick or vacation pay or any insurance benefits. If assigned to travel status during the internship, they may be reimbursed for expenses in the same manner and amounts as provided in the Commissioner's Plan established pursuant to M.S. § 43A.18. Internship agreements may include room and/or board as reasonable on premises of appointing authority.

**Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures**

None

## MANAGEMENT DEVELOPMENT

Description and Scope - Management development is a variety of strategies, training activities and assignments used to establish and maintain a competent, well-trained management team. Management Development may include:

- o Training activities (mandatory and non-mandatory),
- o Structured special work assignments,
- o Supervisory coaching,
- o Mobility assignments (interchanges, task force assignments and job rotations).

This activity is designed to provide: 1) consistency in the way management carries out state policies and procedures, and 2) competence in the way each individual manager and supervisor performs job responsibilities.

Objective - To increase and improve the capabilities of state government to manage its human and fiscal resources in order to provide more effective and efficient service to state citizens.

### Definitions - Key Terms -

"Management" means the group responsible for planning, directing, and controlling an organization. Members of this group are specifically held accountable for the productivity of those they manage or supervise. Levels of management commonly included in the management team are: top-level managers, middle managers, entry managers or second-line supervisors, and first-line supervisors. Inclusion varies based on organization, style and competence of personnel within that organization.

"Management Development Training" means seminars, workshops or other learning activities that deal with concepts, techniques, skills, functions, and principles involved in effective, efficient, consistent management practices. Management development training includes but is not limited to mandatory training for new managers and supervisors.

"Mandatory Training" means workshops, seminars and courses designed to qualify new managers and/or supervisors for permanent status in their positions.

### Responsibilities -

#### A. Appointing Authorities:

- o Request approval of DOER for all management development activities.
- o Prepare an annual individual development plan for each manager focusing on his/her specific training and development needs. This

plan, developed as a part of the employee performance appraisal process, should provide for participation in two formal development activities that concern managerial functions, techniques, principles, or skills.

- o Notify all newly-appointed managers and supervisors of the mandatory requirements for training.

B. Department of Employee Relations:

- o Review and approve, prior to implementation, all management development activities designed to meet the above objectives.
- o Review and approve training to meet mandatory requirements.

Provisions -

A. Approval of Management Development Activity:

- o Send a brochure or description of the course and a memo listing the names of participants to DOER Training and Development Division if less than 5 individuals from an agency are to participate in a public course or program conducted by a non-state organization or agency. This form of advance-notice constitutes approval.
- o Submit a detailed course description to DOER Training and Development if 5 or more individuals from an agency are to participate in a public course or program during the year or if the agency is sponsoring or conducting an internal program for any number of participants. The description shall include information about the purpose of the course, target group, course content, method of instruction, sponsoring organization, program cost, and travel and living expenses of participants. Prior approval in writing is necessary for these courses.

B. Mandatory Training for New Managers:

Managers newly appointed to classes in the Managerial/CES Plan must participate in 80 hours of formal training and development activities in order to attain permanent status in their classification.

1. Training should be based upon a formal needs analysis or assessment process.
2. Participation in training prior to appointment or promotion may be used to meet this requirement.
3. At least 50 percent of the requirement shall be met by training and development activities focusing on managerial functions, techniques, principles, or skills. The remainder may be in technical areas relevant to the manager's specific job.
4. Evidence of successful completion of all coursework must be submitted to DOER Training and Development Division.



New managers will not gain permanent status until training requirements are met. They are usually required to complete the mandatory training requirement during their probationary period. Training time may be extended for up to one year if approved by DOER. Failure to complete the minimum training and development requirements will result in demotion or termination dependent on the individual's status prior to appointment to the current position.

### C. Mandatory Training for New Supervisors:

New supervisors shall participate in approximately 24 hours of training in each of 2 content areas (total 48 hours):

1. The role of the supervisor in state government. This area of training focuses on the rights, responsibilities, and authorities of the supervisor as they relate to the laws, rules and regulations, policies, procedures, and systems of state government.
2. The human relations side of supervision. This area of training deals with principles and techniques of effective leadership, motivation, and communications as they relate to getting work done through and with people.

The DOER offers two courses which fulfill these minimum training requirements: "Supervisor's Role in State Government" and "Supervision: Managing the Human Resource." Coursework taken elsewhere to meet these requirements must have prior approval from DOER. Coursework completed before appointment or promotion may be used to fulfill the requirement. Requests for approval of such courses should be submitted to DOER Training and Development Division.

New supervisors will not gain permanent status until the training requirements are met. They are required to complete the mandatory training requirement during the probationary period following appointment to a supervisory position. Training time may be extended if approved by DOER. Failure to complete the minimum training and development requirements will result in disciplinary action which may include demotion or termination.

### Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Administrative Procedure 21A - Training and development (general).
- B. Administrative Procedure 21B - Job-related training.
- C. Administrative Procedure 21C - Career development.

*Barbara J. Sempert*

## POLITICAL ACTIVITIES OF STATE EMPLOYEES

Description and Coverage - M.S. § 43A.32 imposes specific limitations on political activities of state employees. The Federal Hatch Act imposes specific limitations on state employees who work on a job which is financed in whole or in part with federal funds, except for employees of an educational or research institution, establishment, agency or system which is supported in whole or in part by the state. The Federal Hatch Act is more restrictive than M.S. § 43A.32.

Objective - To provide information to appointing authorities and employees regarding legal participation in political activities.

### Definitions - Key Terms -

"Partisan Election" means an election where the candidates are nominated or elected as representing a political party.

"Non-Partisan Election" means an election where none of the candidates are nominated or elected as representing a political party.

### Responsibilities -

#### A. Appointing Authorities:

- o Grant a leave of absence to an employee for political activity upon request.
- o Review the potential for a conflict of interest when an employee who does not request a leave of absence becomes a candidate for public office.
- o Inform DOER of potential conflicts of interest.

#### B. Department of Employee Relations:

- o Determine if there is a conflict of interest requiring a leave of absence.
- o Give opinion on need for leave of absence.

#### C. Employee:

- o Ask DOER for opinion on need for leave of absence.
- o Request leave of absence.

### Provisions -

#### A. Prohibited Political Activity:

An employee is prohibited from:

1. directly or indirectly, soliciting or receiving funds for political purposes during hours of employment; or
2. using his/her official authority or influence to compel a classified employee to:
  - a. apply for membership in or become a member of any political organization, or
  - b. pay or promise to pay any assessment, subscription or contribution to any political organization, or
  - c. take part in any political activity; or
3. using his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office if he/she is subject to the provisions of the Hatch Act.

B. Permitted Political Activity:

An employee may:

1. express opinions on political subjects and candidates, e.g., wear badges or buttons, or display stickers or posters on his/her car or house.
2. take an active part in political management and political campaigns, but not on regular paid state time or premises (e.g., do volunteer work for a partisan candidate, campaign committee or political party; attend political meetings or rallies; originate, circulate and/or sign petitions for candidates in a partisan election). Employees engaging in these activities do so as private citizens and are not to use their official job titles or the fact that they are employed by a given state agency when working for or endorsing candidates. Regular paid state time does not include vacation leave or compensatory time off.
3. be a candidate for a political party office even where such office is voted on in a partisan election, e.g., committee member or convention delegate.
4. be a candidate for public office in a nonpartisan election provided that no conflict of interest exists.
5. make financial contributions to a political party or organization and solicit and collect voluntary political contributions so long as he/she does not coerce, command or advise another state employee to make such contributions and as long as such solicitations are not made during state hours of employment.

C. Leave of Absence:

1. A classified state employee must take a leave of absence upon:

- a. assuming an elected federal or state public office, including elected state legislative office;
  - b. assuming any elected public office other than those listed in number 1 above if, in the opinion of DOER, holding of such office conflicts with his/her regular state employment;
  - c. becoming a candidate, or during the course of such candidacy, for any nonpartisan public office if, in the opinion of DOER, such candidacy conflicts with his/her regular state employment;
  - d. becoming a candidate, or during the course of such candidacy, for any elected partisan public office if, in the opinion of DOER, such candidacy conflicts with his/her regular state employment. (NOTE: The Hatch Act varies from M.S. § 43A.32 in this regard. In the past, all classified and unclassified state employees covered by the Hatch Act had to immediately terminate their employment through resignation upon filing for an elected partisan public office. The taking of a leave of absence to run for partisan public office which included primary and run-off elections to nominate candidates of partisan political parties is prohibited by the Hatch Act. However, in a decision reached in United States District Court, Johnson v. Cushing, 483 F Supp 608 (D. Minn. 1980) the court ruled that since classified state employees have a right to a leave of absence under Minnesota law, they need not resign upon filing for partisan public office as required by the Hatch Act. Thus, employees in positions subject to the Hatch Act are currently entitled to a leave of absence and do not have to resign. Agencies are now bound by the court order. This places Minnesota agencies in a position inconsistent with the Hatch Act as administered in other jurisdictions.)
2. All classified employees covered under M.S. § 43A.32, who request a leave of absence upon becoming a candidate or during the course of such candidacy for elected public office must be given a leave of absence.
  3. Unclassified employees are not eligible for leaves of absence. Political activities of unclassified state employees who become candidates must not conflict with their regular state employment. Agency heads should be aware of any potential conflict of interest and deal with it accordingly. This may mean requesting a resignation from or termination of an unclassified employee.
  4. Requests for Leave of Absence/Opinion:  
  
Requests for leave of absence will be handled on a case by case basis. Any state employee who is considering assuming or running for an elected public office must first request the opinion of DOER to determine if the holding of or candidacy for that office conflicts with his/her regular state employment.
    - a. Requests for opinion and/or interpretation must be in writing and delivered with a completed Political Activities Form by certified mail.

- b. DOER shall issue the opinion within seven calendar days from receipt of request.
- c. DOER opinion is final.

**D. Violations:**

State employees who violate any provision of MS § 43A.32 may be subject to disciplinary action. A classified state employee who is convicted of intentionally violating any provisions of MS § 43A.32 will be terminated.

**Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures**

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 210A.09, Subd. 2 - Employers must grant time off to attend public meetings to persons elected to public office.
- B. 5 USC §§ 1501-1508, Hatch Act.

*Barbara J. [Signature]*

### DELEGATION OF AUTHORITY

Description and Scope - The Commissioner of Employee Relations may transfer DOER authority in whole or in part to appointing authorities or other employees within an agency to act in place of DOER under personnel law, rules or plans of compensation. This delegation of authority may be limited to specific kinds of decisions, particular classes, compensation levels or otherwise as determined by the Commissioner. Possible areas for delegation include:

- o Classification, including the initial allocation and reclassification of positions.
- o Compensation, including review of eligibility for increases and rates on initial hire.
- o Examination, including the development and administration of tests.
- o Certification, including the establishment of lists and referral of candidates.
- o Labor relations, including grievance handling.
- o Performance appraisal.
- o Training, including career development, job training and management development.

Delegated authority shall be periodically monitored and modified if necessary. All decisions rendered by an agency or delegatee are subject to appropriate or applicable appeal and grievance processes.

Objective - To provide authority at the local level in the administration of personnel management activities to state agencies when such authority improves services, maintains quality and is cost effective.

#### Responsibilities -

##### A. Appointing Authorities:

- o Exercise authority in conformity with DOER guidelines and instructions.

##### B. Department of Employee Relations:

- o Provide instructions regarding the exercise of specific authority.

Provisions -

- A. The Commissioner, in consultation with an appointing authority, identifies an area where delegation is appropriate and delegates authority to the appointing authority or to individual employees within that agency.
- B. The Commissioner may rescind a delegation of authority for any of the following reasons:
1. Changes in agency workload which increase the level of difficulty in continuing delegated performance.
  2. Reductions in the need for delegated authority.
  3. Changes in agency staffing or conduct of the program which deplete the agency of necessary expertise.
  4. DOER monitoring of the function identifies deviations from policy or procedure.
  5. Technological changes make centralization of the function the most feasible alternative for efficient performance.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

None

*Paula J. Sordani*

## PAYROLL CERTIFICATION

**Description and Scope** - DOER must confirm in writing that all persons named in payroll audit reports have been appointed as required by law, rules or administrative procedures and that the individual salary is within the appropriate salary plan. Appointing authorities must confirm or certify that all employees named in the payroll time roster are performing service as required by law. Payroll transactions, appointments and compensation must adhere to applicable statutes, collective bargaining agreements and plans adopted pursuant to M.S. § 43A.18.

**Objective** - To ensure that employees are legally and appropriately compensated for work performed.

### Responsibilities:

#### A. Appointing Authorities:

- o Ensure that employees are appointed and compensated appropriately.
- o Develop internal procedures, forms and systems for reporting and making changes in terms and conditions of employment and position or employee status.
- o Ensure that funds have been properly allocated and encumbered for payroll purposes.
- o Complete, verify and submit required personnel transaction forms and supporting documentation to DOER by established deadlines. Requests for extension of appointments with definite end dates must be submitted and approved prior to the end of appointment (i.e., for emergency, temporary, limited unclassified or work out of class assignments).
- o Certify the accuracy of all personnel actions and payroll time rosters.
- o Maintain records of authorized signatures with DOER, Finance and the Secretary of State (per M.S. § 15.06. Subd. 6).

#### B. Department of Employee Relations:

- o Develop and maintain procedures, forms, systems and reports for recording and effecting position, employee, appointment and payroll transactions.
- o Identify personnel transactions which require:
  1. approval before becoming effective,



2. reporting when made,

3. reporting in advance of the end of the payroll period.

- o Maintain and update position and employee information submitted by agencies as required by the statewide financial system.
- o Review the content and propriety of every requested position action and employee processing transaction.
- o Investigate inappropriate transactions and take remedial action including:
  - 1. correcting the transaction,
  - 2. refusing to certify the transaction, and
  - 3. notifying the agency head, appointing authority, Department of Finance, or Office of the Legislative Auditor.
- o Certify legal payroll audit reports to the Department of Finance.

C. Employees:

- o Notify the appointing authority of any errors in compensation.
- o Report any changes in personal information which is recorded in the employee data base.

Provisions -

The Personnel Payroll Operations Manual contains detailed instructions for processing all position, employee and payroll transactions.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 15.06, Subd. 6. - General powers of commissioners.
- B. M.S. § 43A.39 - Compliance with law, prohibited acts and penalties.
- C. Administrative Procedure 14 - Appointments.
- D. Personnel/Payroll Operations Manual.