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CIVIL SERVICE RULES

STATE OF MINNESOTA

AMENDED AS APPROVED BY THE CIVIL SERVICE BOARD

JANUARY 11, 1949

1-27-49

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... examined and approved
to be and legal: this 22nd day of
January 1949
J. A. A. BURNQUIST
Attorney Gen.
Leet Carl Ben Berg
Secretary of Attorney Gen.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 27 1949

4:00 P.M.

W. H. H. H.
Secretary of State

RULE 1

PURPOSE, ADOPTION AND AMENDMENT OF RULES

1.1 Purpose of the Rules

It is the purpose of these rules to give effect to the provisions of the state civil service act. (Refer to Minnesota Statutes, Chapter 43.) The rules shall be applied in accordance with the purposes of the act, which are hereby interpreted and declared to be as follows:

- a. To promote economy and effective service in the offices and employments of the state.
- b. To provide a modern and comprehensive system of personnel administration wherein:
 - (1) Positions essentially alike in duties and responsibilities shall be treated alike in all personnel processes, and positions not so alike shall be treated with due recognition of the nature and extent of the differences between them.
 - (2) Fair and equal opportunity shall be accorded to all qualified citizens of the state to enter state employment on the sole basis of merit and fitness as ascertained through practical competitive examinations.
 - (3) The state service, as far as practicable, shall be made attractive as a career, and each employee of the state shall be encouraged to render his best services in willing compliance with the provisions of the act.

1.2 Adoption and Amendment of the Rules

These rules, prepared and recommended by the director and approved by the board after public hearing, shall be known as the "Civil Service Rules".

Amendments shall be prepared, recommended, approved and made effective as provided by law. (Refer to Minnesota Statutes, Chapters 15 and 43.)

The director shall transmit copies of amendments to appointing authorities and shall make copies of the rules and amendments available to the public.

Personnel actions taken prior to the effective date of new, abolished or amended rules shall be governed by the rules in effect on the effective date of the action.

1.3 Editing of the Rules

Prior to issuing or reissuing copies of the civil service rules the director shall edit the rules and may make the following, and only the following, changes. Such changes shall not be deemed to be amendments to the rules and each shall be reported to the board before release of the copies. Any change disapproved by the board shall be excluded from the issue or reissue of the rules.

- a. Changes to correct spelling or typographical errors.
- b. Changes to correct grammatical construction but such changes shall not alter the interpretation, intent or purpose of the rule.
- c. Changes to correct exact quotations of statutes, which are clearly identified as such by enclosure in quotation marks and by citation of statutory reference, where enactment of statutory amendments makes such action necessary to make the quotation true and accurate.
- d. Changes to correct statutory references enclosed in parentheses and preceded by the words "Refer to" where desirable from an informational or ready reference viewpoint.
- e. Changes to renumber rules or rule references as necessary due to adoption of new rules or abolition of existing rules by the board after proper notice and hearing.

RULE 2

ORGANIZATION FOR PERSONNEL ADMINISTRATION

2.1 Organization of the Board

The board, at the first regular meeting in February of each year, shall elect one member to act as chairman for a term of one year, or until a successor is duly elected. In case the office of chairman is vacated before the expiration of the term of office, a successor shall be elected in like manner to fill the unexpired term at the next regular meeting of the board.

Two members shall constitute a quorum for the transaction of business at any meeting, and the concurrence of two members shall be necessary to make any action effective.

The director shall serve as secretary of the board without additional compensation. He shall keep a calendar of all business to be transacted at each meeting, issue notices of regular and special meetings, present to the board all matters arising in the course of administration which require consideration by the board, keep the records and files of the board and minutes of its proceedings, gather information and attend to correspondence on behalf of the board, and shall do such other things as the board may direct or the circumstances indicate as necessary and proper in order to facilitate and give effect to the actions of the board within the scope of its power and duties.

2.2 Meetings of the Board

The board shall meet regularly twice each month and may hold additional meetings as may be necessary. Any scheduled meeting of the board may be cancelled by consent of two board members. All meetings shall be held in the main office of the department in St. Paul, unless the board shall, prior to the date of meeting, specify another meeting place within the State of Minnesota. Meetings may be called by the chairman, by any two board members, or by the director. Notices of each meeting shall be given in writing to each member by the chairman or by the director, provided that this requirement may be waived by any member and shall be deemed to have been waived by any member attending any meeting where the requirement has not been met. Notice of meeting shall be posted in the main office of the department and shall specify the day, hour and place of meeting. All meetings of the board shall be open to the public.

2.3 Minutes of Board Proceedings

The minutes of the proceedings of the board shall be prepared and maintained by the secretary on behalf of, and subject to the approval of, the board. Any person shall be authorized by the director to examine the minutes at such times and under such conditions as he may prescribe.

2.4 Duties and Powers of Board

The powers and duties of the civil service board shall be those prescribed by the civil service act and such others as are specifically prescribed by law or these rules. (Refer to Minnesota Statutes, Chapter 43.)

2.5 Appointment and Employment of the Director

The director shall be selected and appointed by the board on the basis of competitive examination and in accordance with the provisions of Minnesota Statutes Section 43.04.

The salary of the director shall be determined by the board within the limits prescribed by law.

2.6 Powers and Duties of the Director

The powers and duties of the director shall be those prescribed by the civil service act and such others as are specifically prescribed by law or the provisions of these rules. (Refer to Minnesota Statutes, Chapter 43.)

In addition to the functions expressly vested in the director and the duties expressly imposed upon him by the provisions of the civil service act and rules, the director shall do the following:

he shall direct and control the offices, examination rooms, records and properties, and expenditures of appropriations of the department.

he shall establish such report forms or procedures as he deems necessary or desirable to execute the provisions of the civil service act or these rules. He shall promptly notify appointing authorities of such action and the forms or procedures so established shall thereafter be used by the appointing authority.

he shall do any other and further things of the same kinds as specified in the act and these rules or of different kinds, as he may deem necessary and proper to carry into effect the provisions of the act and rules or to accomplish their purposes. Any power vested in the director and any duty imposed upon him by the act or these rules, may be exercised or discharged by the director in person or by him through the agency of any employee or employees of the department whom he may designate.

RULE 3

THE STATE SERVICE AND ITS DIVISIONS

3.1 Unclassified Service

- a. The unclassified service shall include all positions as determined by the board in accordance with provisions of the civil service act or other specific statutes. (Refer to Minnesota Statutes, Section 43.09, Subdivision 2.)

Appointments to, terminations from or interruptions in employment in positions designated in the unclassified service shall be effected by written notice to the director upon such form as he may prescribe.

The director may, upon request, assist and advise appointing authorities concerning salary rates appropriate for positions in the unclassified service.

3.2 Classified Service

The classified service shall include the labor service and consist of all positions now existing or hereafter created and not included in the unclassified service.

3.3 Labor Service

The class or classes of positions involving unskilled labor designated by the board shall comprise the labor service. The following provisions shall apply exclusively to the labor service and shall supersede any provision of the rules applicable to employees of the classified service which are deemed by the director to be inconsistent therewith.

The director may at any time review the duties performed by any labor service employee. The appointing authority and the employee shall supply any information requested by the director in connection with the review. If the director thereafter determines that the duties performed are not properly those of a position in the labor service, he shall take such action as he deems necessary to comply with the act and these rules.

a. Labor Service Eligible Lists

- (1) The eligible list for employment in the labor service for each agency or organization unit shall be maintained in the Civil Service Department and a duplicate list for the agency or organization unit shall be maintained by the appointing authority.
- (2) Subject to the provisions of (3) below, such eligible list shall include:

The name of each regular employee in the labor service who is laid off from his employment in the labor service, for reasons not reflecting discredit upon the employee or the quality of service which he performed.

The name of each applicant certified to the director by the appointing authority, as eligible for appointment in the labor service.

The name of each applicant certified by the director as eligible for consideration for appointment to a position in the labor service in the designated agency or organization unit.

- (3) Application to the director or certification by the appointing authority for eligibility for employment in the labor service shall be made upon such forms and in such manner as the director may prescribe. As a part of the application or certification process the director may utilize such tests or require such other evidence as he deems necessary in the interest of the state to determine the applicant's ability properly to perform duties in the labor service.
- (4) Rejection of Applications and Cancellation of Labor Service Eligibility

The name of any labor service eligible not reemployed within one year of the date of layoff from the labor service or not appointed within one year of certification as eligible for employment in the labor service may be removed automatically from the labor service eligible list. Such person may again attain eligibility for employment in the labor service only as provided in (3) above.

The director may at any time upon written statement to the applicant or eligible and the affected appointing authority, reject such application, cancel eligibility for employment in the labor service, or refuse to certify such person as eligible for such employment for any of the reasons prescribed by Minnesota Statutes, Section 43.14. In the case of such action, a written appeal may be taken to the board whose decision in the matter shall be final.

- b. The appearance of a name on the labor service eligible list for the agency or organization unit shall constitute the director's certification that the eligible may be appointed to any position in the labor service in that agency or organization unit.
- c. Report of appointment, termination or interruption of employment in the labor service shall be effected as follows:
 - (1) In the case of regular employees appointed from a current labor service eligible list, by payroll notation showing date of employment or manner and dates of interruption or termination of service; except that in event an employment termination or

interruption of more than thirty days is for reasons reflecting discredit on the employee, a written notice setting forth the specific reasons for the action shall be furnished the employee and filed with the director prior to the effective date of the action.

- (2) In the case of other emergency or temporary appointment for periods not to exceed five months in any one calendar year, by similar payroll notation. In such cases the payroll shall clearly show that the appointment has not been made under (1) above and the employee oath required by the provisions of Minnesota Statutes, Section 43.16 must be filed with the director before payment to the employee can be approved.

d. Salary Rates and Changes in Salary Rates in the Labor Service

Within the limitation of availability of funds as determined by the commissioner of administration, discretion as to the rate of pay within the established range for the affected class shall be vested in the appointing authority. Where payment is made on an hourly, daily or weekly basis in employments in the labor service, the hourly, daily or weekly rate shall be determined as provided in rule 5.3.

e. Promotions from Labor Service

Employees in the labor service who have worked twelve of the eighteen months immediately preceding the date of a promotional examination, who otherwise meet the requirements specified in the examination announcement, shall be eligible to compete in the promotional examination.

3.4 Non-State Employment

Specialized personal services rendered by an individual to the state under contract as an independent contractor and as a part of, or incidental to, the individual's regular profession or occupation and not as a state employee shall be designated as non-state employment and shall not be subject to the provisions of these rules. The appointing authority shall report each such employment to the director in such form and such detail as the director may require. If, after such investigation as he deems necessary, the director determines that the proposed employment is of such a nature as to constitute state employment, he shall so notify the appointing authority and the state auditor and that notice shall constitute advice that such employment is not in conformance with the provisions of the civil service act.

RULE 4

THE CLASSIFICATION PLAN

4.1 Preparation and Adoption of the Classification Plan

The schedule of classes adopted by the board on April 10, 1940 together with subsequent amendments and revisions constitute the "classification plan" for all positions in the classified service.

4.2 Amendment of the Classification Plan

The classification plan shall be so developed and maintained that all positions substantially similar with respect to the kind, difficulty and responsibility of work are included in the same class, that the same means of recruitment may be used for filling all positions within a class and that the same schedule of pay may be applied with equity to all positions in a class.

Whenever any change in organization, creation of a new position or change in duties or responsibilities of an individual position makes the revision of the classification plan necessary, the director shall recommend the necessary revisions to the board. The board shall hold a public hearing on the proposed changes and they shall become effective after adoption by the board. Any meeting of the board scheduled in accordance with rule 2.2 shall constitute a public hearing for the purpose of amendment to the classification plan. Notice of the classes of positions involved in the proposed revision shall be posted on the bulletin board of the department at least seven calendar days before the meeting of the board at which the changes are to be considered.

Whenever, in the opinion of the director, there is urgent necessity for establishing a new class in the classification plan in order to permit the announcement and holding of an examination or the filling of a position without delay, he may anticipate formal action by the board by adding such new class tentatively to the classification plan. He may then proceed to announce and hold an examination for the class or authorize appointment. Such action shall be subject to the board's ratification by the necessary amendment to the schedule of classes at its next meeting.

4.3 Allocation of Positions

When a new position is to be established or a vacant position is to be filled the appointing authority shall notify the director in writing and he shall allocate the position to its appropriate class.

"When a position for which there is no existing classification is established, the appointing authority shall notify the director who shall allocate such new position to its appropriate class, provided, that in the allocation of a new position, or the reallocation of an existing position, the director shall follow the recommendation of the appointing

authority unless or until such recommendation is found by the director to be inconsistent with established classifications." Minnesota Statutes, Section 43.12 (2)

The allocation of an occupied position shall not be changed except in accordance with the provisions of rule 4.4.

4.4 Reallocation of Positions

The director, by analysis, investigation and such other steps as he deems necessary, shall keep the allocation of positions current. Whenever the director determines that a position is improperly allocated he shall reallocate that position to the proper class and shall give written notice of the reallocation to the incumbent employee and his appointing authority.

4.5 Effect of Reallocation of Positions

A reallocated position shall be considered the same as a vacant position and shall continue only if the appointing authority fills the position in accordance with the provisions governing appointment, promotion, demotion or transfer within 60 calendar days following the date of the notice of reallocation of the position.

An employee whose position is reallocated shall continue his status in the former class but shall be ineligible to continue in the position in the new class unless he is appointed to that position in accordance with an appropriate provision of rule 8 governing appointment. If ineligibility of a permanent or probationary incumbent of a reallocated position arises from the existence of a promotional eligible list established from an examination which the incumbent did not take, he may be permitted to take the examination in accordance with the provisions of rule 6.2 b. In any case where the incumbent of a position which is reallocated is ineligible to continue in the position in the new class and is not transferred, promoted, or demoted, the layoff provisions of the act and rules shall apply.

4.6 Reallocation Appeal

Any permanent or probationary employee whose position is reviewed by the director may appeal to the board to review the director's action only if the position is reallocated. Such appeal shall be made in writing within 30 calendar days of the date of notice of reallocation and shall set forth in detail the duties of the position and the basis for the appeal.

4.7 Class Specifications

The director shall provide, and may amend as provided in rule 4.2, written specifications for each class in the classification plan. Each of the class specifications shall include the class title, a description of the duties and responsibility of the work and a statement of the qualifications a person should possess to enable him to enter upon the duties of a position of the class with reasonable prospects of success.

The specifications of the classes of positions in the classification plan and their various parts are hereby declared to have the following force and effect:

- a. The definitions are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes, as determined by their duties and responsibilities, and shall not be construed as declaring to any extent, or in any way, what the duties or responsibilities of any position shall be, or as limiting or in any way modifying the power of any appointing authority to assign, direct, and control the work of employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.
- b. In determining the class to which any position should be allocated, the definition of each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements and relationship to other classes, as together affording a picture of the kind of employment that the class is intended to embrace.
- c. Qualifications commonly required of all incumbents of positions of different classes, such as acceptable physical condition, freedom from disabling defects, United States citizenship, residence within the State of Minnesota for two years except as otherwise provided in the act, suitable age, honesty, sobriety, and industry, shall be deemed to be implied as qualification requirements for entrance to each class, even though they may not be specifically mentioned in the specifications.
- d. The specifications for any class as interpreted herein, shall constitute the basis and source of authority for the tests to be included in examinations for the class and for the evaluation of the qualifications of applicants.

4.8 Use of Class Titles

The title of a class shall be the official title of every position allocated to the class for all purposes having to do with the position, and shall be used on all payrolls, budget estimates, and official records and reports relating to the position, but any abbreviations or code symbol approved by the director may be used in lieu of the title to designate the class of a position in any such connection, and any other title desired by the appointing authority may be used to designate any position for purposes of internal administration and in any other connection not involving the personnel processes covered by the act or these rules.

RULE 5

THE COMPENSATION PLAN

5.1 The Compensation Plan

The salary plan adopted pursuant to Minnesota Statutes Section 43.12, together with the provisions of this statute, and with such amendments as shall be made in accordance with the act shall constitute the official compensation plan for all positions in the classified service.

5.2 Administration of the Compensation Plan

The following provisions assume that funds are available and that expenditures have been authorized by the commissioner of administration.

a. Beginning Salary

The minimum rate of pay for a class shall normally be paid upon appointment to the class. Upon written certification by the appointing authority that original appointment at one of the salary steps above the minimum rate is justified by exceptional qualifications of the eligible or by lack of available eligibles at the minimum rate, the director shall consider the pay rates of employees in the same class and agency and may authorize such appointment provided other eligibles having similar qualifications are offered the same rate.

When a permanent employee is promoted, and has been paid at a rate equal to or exceeding the minimum of the new position for the preceding six months, the appointing authority may make the appointment at a rate within the range which grants a one step salary increase upon promotion.

If a former employee is re-employed in a class in which he was previously employed, the appointing authority may make an appointment at the same rate of pay the employee had been receiving at the termination of service.

If a provisional employee subsequently receives an appointment to a position in the same or comparable class after regular certification from an eligible list without interruption in his service to the state, he shall be eligible to continue in his regular appointment at the same rate of pay he was receiving as a provisional employee. Upon written recommendation of the appointing authority, a provisional employee who is appointed without interruption in his services to the state to a position in a class having a lower salary range may be appointed at a salary rate within the range which does not exceed one step for each six months of continuous service.

b. Salary Increases

Salary adjustments within an established range shall not be automatic but shall be dependent upon specific written recommendations by the appointing authority, which shall be based upon standards of performance as indicated by service ratings or other pertinent data.

Ordinarily, increases in salaries shall not be more than one step and shall not be made more often than once every six months, nor shall salary advancements be given to an employee until he has completed his first six months of service except that an appointing authority may propose salary increases of more than one step or more frequently than once every six months upon detailed written statements to the director specifying the employee's exceptional performance or the unusual employment conditions that make such action necessary. The director shall review each request for an increase of more than one step, giving due consideration to the salary rates paid other employees in the same class and agency, and may deny any request which in his judgment is contrary to the best interest of the service.

Every appointing authority shall at least once in every twelve months review the salaries of each employee to determine whether the rate of pay of that employee should be advanced to the next step in the range and shall advise the employee of his determination.

c. Salary Decreases

An appointing authority for just cause may reduce the salary of an employee within the salary range prescribed for the class. In the case of a permanent employee, notice of intention to effect a reduction in pay and the reasons for such action shall be given to the employee and to the director prior to the effective date of the reduction. The permanent employee so affected may request a hearing before the board as provided in rule 12.1. and 12.2.

d. Total Remuneration

Any salary paid to an employee in the classified service shall represent the total remuneration for the employee, not including reimbursements for official travel. Except as otherwise provided in these rules, no employee shall receive pay from the state in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him either in the discharge of his ordinary duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform.

Subsistence or maintenance allowances received in lieu of cash shall be considered as part of the total salary. Whenever subsistence or maintenance is allowed in lieu of cash, a schedule of such charges together with a statement of the policy and rules to be followed in making the charges shall be submitted by the appointing authority for the approval of the director and the board.

Whenever an employee works for a period less than the regularly established number of hours a day, days a week, or weeks a month, the amount paid shall be proportionate to the time actually employed. The payment of a separate salary from two or more state agencies for duties performed in each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class.

5.3 Hourly, Daily and Weekly Rates

Monthly rates of pay shall be paid except that on certification by an appointing authority that payment of monthly rates for certain classes within his jurisdiction is not feasible because of the temporary or intermittent nature of the work, the civil service director may authorize the payment of daily or hourly rates for the classes concerned. Such daily or hourly rates shall be computed from the monthly rates established in the compensation plan and in no case shall exceed the maximum of the established range for the class of positions involved except that for employment on a strictly temporary or project basis, the director may authorize a rate of pay which may exceed the maximum of the range provided, by not more than 50 per cent. In each case where payment above the maximum rate for the class is authorized because of the temporary or project nature of the work, the employee so paid shall not be entitled to vacation or sick leave. Temporary or project basis employment for the purposes of this rule ordinarily will be restricted to a planned work program which is to be completed within a specified limited period of time and which is not of a seasonal or regularly recurring nature. In adjusting monthly rates to hourly, daily, or weekly rates, the number of hours, days, or weeks in the work month as established in the schedule provided for in rule 13.1, shall be divided into the monthly rate and shall be determined by the following formulae:

$$\text{Hourly Rate} = \frac{\text{Monthly rate} \times 12}{\text{No. of hours per work week} \times 52}$$

$$\text{Daily Rate} = \frac{\text{Monthly rate}}{4 \frac{1}{3} \times \text{No. of days in the work week}}$$

$$\text{Weekly Rate} = \text{Monthly rate} \div 4 \frac{1}{3}$$

All computations of hourly, daily and weekly rates shall be made on the basis of the adjusted monthly rates established in the compensation plan.

5.4 Computation of Payments for Less than a Full Payroll Period

Payments for less than a full payroll period to employees paid on a monthly salary basis shall be determined by multiplying the salary for the payroll period by the number of calendar days for which payment is to be made and dividing the result by the number of calendar days in the particular payroll period involved with the following exception:

When computing a deduction for an employee on leave of absence without pay for a period not exceeding the number of calendar days in the work week of the agency by which he is employed the deduction shall be determined by multiplying the salary for the payroll period by the number of work days the employee was absent and dividing the result by the number of calendar days in the particular payroll period involved.

The following number of calendar days shall constitute the semi-monthly payroll periods for the months indicated:

28 day month - 14 days
 29 day month - $14\frac{1}{2}$ days
 30 day month - 15 days
 31 day month - $15\frac{1}{2}$ days

5.5 Overtime

The director may approve the payment of cash for overtime on the basis of overtime schedules submitted under the provisions of rule 13.2. Compensation for overtime work shall be at rates which the director deems advisable which shall be based on the regular rates of pay provided in the salary plan.

5.6 Transfers, Promotions, Demotions

When an employee is transferred, promoted, or demoted, his rate of pay for the new position shall be determined as follows:

- a. If his rate of pay in his previous position was less than the minimum rate established for the class of the new position, his rate of pay shall be advanced to the minimum for the class of the new position.
- b. If his rate of pay in his previous position was more than the maximum rate established for the class of the new position, his pay shall be reduced to a point within the range for the class of the new position to be determined by the appointing authority subject to the approval of the director.
- c. If his rate of pay in his previous position falls within the range of pay established for the class of the new position and does not correspond to a step in the salary plan it shall be adjusted to the next higher step.

5.7 Amendment of the Compensation Plan

All amendments to the compensation plan shall be prepared, approved and become effective in accordance with the provisions of Minnesota Statutes, Section 43.121, Subdivision 2.

Any meeting of the board scheduled in accordance with rule 2.2 shall constitute a public hearing for the purpose of amendment to the compensation plan. Notice of proposed amendments shall be posted on the bulletin board of the department at least seven calendar days before the hearing.

Whenever, in the opinion of the director, there is urgent administrative necessity for establishing a salary range for a new class in order to recruit and employ persons without delay, he may anticipate formal action by the board and the commissioner of administration by adding such new range tentatively to the compensation plan. He may then proceed to announce and hold an examination for the class or authorize an appointment. Such action shall be subject to the board's ratification of the necessary amendment at the next meeting and to subsequent action by the commissioner of administration.

5.8 Effect of Revisions of the Compensation Plan

As soon as possible but not later than one month after the effective date of any amendment to the salary plan, the rates to be paid to employees in positions of any class for which a rate is established or changed shall be adjusted as follows:

- a. The salary of any employee who is paid at less than the minimum of the range prescribed for the class to which his position has been allocated shall be increased to the minimum rate established for the class.
- b. The salary of any employee who is paid between the minimum and maximum of the range prescribed for the class to which his position has been allocated shall not be changed by reason of the new scale except that if his salary does not fall on a step within the new range it will be adjusted to the next higher step.
- c. The salary of any permanent employee which is in excess of the maximum of the range prescribed for the class to which his position has been allocated shall not be changed by reason of the new scale, but such employee shall not be eligible to receive any salary increases. The salary of any other than a permanent employee whose salary is in excess of the maximum of the range prescribed for the class to which his position has been allocated shall be reduced to a point within the prescribed salary range.

5.9 Economic Salary Adjustment

The director shall make the investigations of the cost of living and submit the notices and recommendations and take such other actions as are required by Minnesota Statute, Section 43.123.

RULE 6

EXAMINATIONS

6.1 Announcement of Examinations

a. Content of Announcements

Announcements shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; the experience and training desirable as preparation for performance of the work of the class; the time, place, and manner of making application; the necessary special qualifications established for admission to the examination; the necessity for furnishing a bond when such is required in a position; and other pertinent information consistent with the act and these rules.

The announcements of promotional examinations shall specify, in addition to the above information, the organization unit or units for which the examination is given and the lower class or classes the employees of which shall be considered eligible to compete in such examination.

b. Distribution of Announcements

Public notice of examinations shall be given at least two weeks in advance of the last date for filing of applications by means of official published notice and announcements posted on the official bulletin boards of the Civil Service Department. Announcements of all examinations shall be given such other publicity as the director deems warranted in the interest of attracting adequate numbers of qualified applicants. In the case of promotional examinations, announcements shall be supplied to each appointing authority under whom there are employees eligible to compete therein, and it shall be the duty of such appointing authority to call such notices to the attention of all employees of his department eligible therefor.

6.2 Eligibility to Compete in Examinations

a. Open Competitive Examinations

Competitive examinations for original appointment to a class of position in the state service shall be open to all applicants who are citizens of the United States, who have been residents of Minnesota for two years immediately preceding the date of examination, and who meet with reasonable standards or requirements fixed by the director with regard to experience, character, age, education, physical condition, and such other factors as may be held to relate to the ability of the candidates to perform with reasonable efficiency the duties of the position. Persons under such physical disability as not to make them ineligible by reason thereof, shall be examined in such manner as will fairly test their ability to perform the duties of the position, notwithstanding such physical disability.

No application shall be rejected because the applicant lacks educational qualifications, except where such educational qualifications are reflected in necessary registrations such as to practice law, medicine or engineering, or where such educational requirements are set as standards by federal agencies making grants-in-aid or otherwise contributing to state programs.

In the case of classes of positions requiring professional, technical or unusual qualifications, eligibility for competitive examinations may be extended by the director, with approval of the board, to non-residents who are citizens of the United States and otherwise qualified.

b. Promotional Examinations

Promotional examinations shall be open to all permanent or probationary employees who meet the requirements described in the foregoing rule, and who are serving in an appropriate class as determined by the director, in the agency or other organization unit for which the examination is being held; provided, however, that no probationary employee shall become eligible for certification from the promotional eligible list until he satisfactorily completes his probationary period in the lower class unless or until the names of fewer than three eligibles with permanent status in a lower class appear on the eligible list.

The incumbent permanent employee who is occupying a position at the time it is reallocated to a class for which a promotional list exists shall be eligible to take the same examination or equivalent thereof which was given to establish the existing list, provided that his name is not on that list; that he did not take and fail the examination given to establish the list, and that he was eligible to take that examination at the time it was given. If he attains a final rating above passing, his name shall be placed upon the original promotional list in the same manner as if he had taken the original promotional examination.

6.3 Application and Admission

a. The Form of Application

Applications shall be made on forms prescribed by the director. Such forms shall require information covering experience, training, and other pertinent information as may be requested on the examination announcement. The application form shall contain an oath or affirmation to the effect that the applicant will honestly and faithfully protect and preserve the property and money of the State of Minnesota and will abide by, uphold and defend the constitution of the United States of America and of the State of Minnesota, and except as provided in said constitutions will not take part in any movement to alter or change our form of government.

b. Admission to Examinations

Persons who submit applications on or before the last date for filing and whose applications clearly show that the applicants meet the requirements for admission to the examination as specified in the official announcement shall be admitted to compete in the examination for which they are applying. Where doubt exists as to whether an applicant meets the requirements for admission to an examination, the director may authorize conditional admission to the examination but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified to the director's satisfaction. Each applicant whose application has been accepted for any examination shall be notified by mail of the date, time and place of the examination and such notice shall be his authorization to take the examination. No person shall be permitted to take any examination without such an authorization or other satisfactory evidence of acceptance or conditional acceptance of his application by the director.

6.4 Disqualification of Applicant

Whenever the director refuses to examine an applicant or certify an eligible under the provisions of Minnesota Statutes, Section 43.14, he shall, upon request of the person so rejected, furnish him a statement of the reasons for the refusal to examine or certify. In the case of any such refusal an appeal may be taken to the board in accordance with rule 12.1 (d).

6.5 Postponement or Cancellation of Examination

In the event a sufficient number of qualified candidates has not made application for an examination, either open competitive or promotional, the director may postpone the last filing date and the date of examination, or cancel the examination, and shall, in such cases, make suitable notice thereof.

6.6 Character of Examinations

a. Competitive Examinations

All competitive examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge efficiently the duties of the office or employment sought by them. Any means or measures may be used which are reasonably well calculated to test the fitness of candidates to become employees in positions of the class for which the examination is held. Such means or measures may include any required statement or any investigation of education, experience, or record of accomplishment; any test of knowledge, skill, capacity, intelligence, or aptitude; and any inquiry into the moral character, or any other quality or attribute which, in the judgment of the director, seems desirable. No

test or question in any application or examination shall be constructed to call for or lead to disclosure of any information concerning any political, religious, fraternal, or racial affiliations, preferences, or opinions. Any disclosure thereof shall be discountenanced, and any such information which may nevertheless be revealed, shall be disregarded.

The tests in any examination for promotion shall be of like kind and character to the corresponding tests in any examination for original appointment to positions of the same class, and the same standards shall be applied to the rating thereof. In addition to other factors, promotional examinations shall take into consideration the quality and length of service.

b. Non-competitive Examinations

Examinations required under the provisions of rule 8.8 and rule 8.10 which are non-competitive in nature shall be administered under such conditions as the director may prescribe.

6.7 Conduct of Examinations

Examinations shall be held at such times and places as, in the judgment of the director, most nearly meet the convenience of applicants, practicability of administration and the needs of the service. The tests shall be conducted either by the director or by persons designated by him. No person whose application has been accepted for any examination shall be entitled to take such examination at any date, time or place other than those stated in the announcement, except as the director, for proper cause, may authorize. All reasonable precautions shall be taken to keep secret the identity of applicants.

6.8 Rating of Examinations

- a. Appropriate scientific techniques and procedures shall be used in rating the results of examinations and determining the relative rankings of the competitors. In all examinations the minimum ratings by which eligibility may be achieved shall be set by the director. The final examination grade may be based on all factors of the examination including educational requirements, experience, and other qualifying elements as shown in the competitor's application or other verified information. The final earned rating of each competitor shall be determined by averaging the earned ratings on each part of the examination in accordance with the weights established for each part prior to the date of the examination. All competitors may be required to obtain at least a minimum rating in each part of the examination in order to receive a final passing grade or to be rated on the remaining parts of the examination.
- b. The director may announce, in advance of the establishment of an eligible list, the maximum number of competitors who shall have their names placed on the list, or who shall be permitted to compete in any of the separate parts of the examination. Under such procedure those considered as having passed or as being permitted to take the remainder of the examination shall be the set number of candidates scoring highest in the examination or part thereof.

c. Rating of Competitors for Lower Class

The results of examinations of competitors who fail to qualify as eligibles for the class for which the examinations were taken, may, with the approval of the director, be rated with reference to their eligibility for a lower class for which an examination is in process, in case the competitors have signified their willingness to accept appointments to positions of such lower class. If found eligible, their names may then be entered on the eligible list for such lower class.

6.9 Veterans Preference

In all examinations veterans and widows of veterans shall be given a credit of five points in addition to the rating earned on the examination. Names of such veterans shall be placed on the eligible list in the order of their final rating including the preference credit. Disabled veterans and wives of disabled veterans who are unable to qualify because of such disability shall be given a credit of ten points in addition to the rating earned on the examination. If the final rating including the preference credit is above the minimum score required for placement on the eligible list, the name of such disabled veteran shall be placed at the head of the list. (Refer to Minnesota Statutes, Section 43.30)

6.10 Order of Names on Eligible Lists

Names of eligibles shall be placed on eligible lists in the order of their final earned rating plus preference credit. In the case of a tie between a veteran and a non-veteran the name of the veteran shall be placed ahead of that of the non-veteran. In the case of other ties in final ratings, names shall be placed on the list in the order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names alphabetically.

6.11 Notification of Results

All persons competing in any examination shall be given written notice of their rating on the examination. The examination papers and records of ratings of competitors shall be held as official records of the department. Any tests used in determining the competitor's final rating shall be open to the inspection of the competitor or his authorized representative, in regular business hours during the life of the eligible list, except the time between the announcement and holding of an examination for the same or similar class, and any necessary explanations of the methods by which the ratings were determined shall be supplied. Reports of character and other investigations made by the department, however, shall be kept confidential.

6.12 Appeals from Ratings

Any competitor may appeal to the director for reconsideration of his rating in any examination as provided in rule 12.1 (a).

6.13 Examinations for Returning Service Men

- a. Whenever a promotional examination for a class shall have been given during the absence on military leave of a permanent or probationary employee eligible to take such examination, such employee shall have the right to take a promotional examination for such class, provided application therefor is made to the director within 60 days from the date of the reinstatement of the employee. The employee shall be given the same examination as given at the original promotional examination or the equivalent thereof. If the employee attains a final rating above passing, his name shall be placed upon the original promotional list made from the original promotional examination in the same manner as if he had taken the original promotional examination. If the employee attains a final rating which is equal to or higher than that of the lowest ranking person certified to an appointing authority from the original promotional list, the name of the employee shall be certified to the appointing authority who may appoint him to a position which has been already filled by a person appointed from the original promotional list or from the original promotional list modified as above provided. An employee so displaced shall have his name placed upon the appropriate reemployment list and shall be restored to the position which he held when promoted.
- b. Whenever, during the absence in military service of a person who was a provisional employee at the time of his entrance into military service, an examination was held for the class in which he was employed, such person, if qualified, shall have the right to take an examination for the same class of position, provided application therefor is made to the director within 90 days from the date of his honorable discharge or other form of release by proper authority indicating that his military or naval service was satisfactory; and provided further that the eligible list established by an examination given during his absence is still in effect. The employee shall be given the same examination as given at the original examination or the equivalent thereof. If the employee attains a final rating above passing, his name shall be placed upon the original eligible list made from the original examination in the same manner as if he had taken the original examination.

RULE 7

ELIGIBLE LISTS

The director shall establish and maintain eligible lists necessary to carry out the purposes of the civil service act and rules.

Eligible lists shall be by class of employment and shall be state-wide in application except where these rules or action of the director specifically makes provision for establishment of lists by geographical area, agency or organization unit.

7.1 Layoff List

Layoff lists shall be established by agency or organization unit. A layoff list shall contain the names of all permanent and probationary employees laid off from the class of employment in the agency or organization unit for which the list is established. Upon written application approved by the director a permanent or probationary employee whose application for reinstatement prior to expiration of approved leave of absence has been denied by his appointing authority shall have his name placed on the appropriate layoff list for the unexpired period of the leave of absence. Names shall be placed on the layoff list in the order of seniority as determined under the provisions of rule 10.4.

7.2 Agency Promotional List

Agency promotional lists shall consist of the names of all persons employed in the agency or organization unit who have passed the agency promotional examination for the class for which the list is established. Agency promotional lists shall be established by organization unit when such subdivision has been approved in accordance with rule 10.4 (b) prior to the date of the promotional examination. Names shall be placed on an agency promotional list in the order provided by rule 6.10.

7.3 State-wide Promotional List

State-wide promotional lists shall be established by class of employment and shall consist of the names of all persons employed by the state in an eligible class, as determined by the director, who have passed a promotional examination for the class for which the state-wide promotional list is established. Names shall be placed on a state-wide promotional list in the order provided by rule 6.10.

7.4 Reemployment List

A reemployment list shall contain the names of all permanent or probationary employees laid off from the class of employment and the names of former permanent or probationary employees in the class whose written applications, made within one year of separation in good standing, are approved by the director. The director shall consider the recommendation of the last appointing authority before approving applications of former

employees and shall disapprove each application where the quality of service was unsatisfactory as evidenced by a service report submitted by the last appointing authority. Names shall be placed on a reemployment list in order of a combination of quality of service and previous seniority.

7.5 Open Competitive List

Each open competitive list shall be established by class of employment and shall consist of a list of the names of all persons who have passed the examination for the class for which the open competitive list is established. Names shall be placed on an open competitive list in the order provided in rule 6.10.

7.6 Use of Eligible Lists in the Classified Service

Except as otherwise provided in rule 8 and rule 3.3, all vacancies in the classified service shall be filled by certification and appointment from eligible lists.

7.7 Use of Eligible Lists in the Unclassified Service

The director, upon request, shall make the names of the candidates from eligible lists available to appointing authorities for the purpose of making appointments to positions in the unclassified service.

7.8 Duration of Eligible Lists

The director shall determine the period during which promotional or open competitive eligible lists shall remain in effect, but this period shall not be less than one year nor more than three years. When an eligible list exists for any class and the director deems it necessary to establish another such list for the same class, the existing list ordinarily shall be cancelled. In his discretion the director may combine a new and an existing list by placing the names of eligibles in order of final ratings as provided in rule 6.10. If the higher rating was made on the examination to establish the older list, the eligible shall continue in such rank on the combined list only for the period for which the older list was established. Thereafter his rank will be determined by his rating in the new examination. Layoff and reemployment lists shall be deemed to be in continuous existence. The eligibility of individual names placed on such a list shall expire one year after placement on the list but the director, in his discretion, may extend such eligibility for an additional period or periods, provided, however, that no such extension shall continue the name of any individual on such a list to a date beyond three years after placement on the list.

7.9 Removal of Names from Eligible Lists

In addition to the causes stated in Minnesota Statutes, Section/ 43.14, the director may remove names from eligible lists permanently or temporarily for any of the following reasons:

- a. Appointment through certification from such list to fill a permanent position.

- b. Appointment to fill a permanent position through certification from another list or from a list for another class at the same or higher salary. Any person whose name is so removed may have his name restored for the duration of such lists other than the one from which appointment was made by making written application for such action to the director.
- c. Failure to respond within five days to a written inquiry of the director or appointing authority relative to availability for appointment.
- d. Failure to respond within two days to a telegraphed inquiry from the director or appointing authority relative to availability for appointment.
- e. Declination of appointment under such conditions as the eligible previously indicated he would accept.
- f. Failure to report for duty within the time prescribed by the appointing authority.
- g. Expiration of the term of eligibility on the eligible list.
- h. Failure to maintain a record of the current address at the department. For this purpose the return of a letter by the postal authorities if properly addressed to the last address on record shall be deemed sufficient grounds for such removal of the name from the eligible list.
- i. Upon certification three times to the same or different appointing authorities if not appointed.
- j. In the case of agency promotional lists, appointment or transfer of an employee to a new agency or another duly established organization unit.
- k. In the case of promotional lists, upon termination in the state service.

7.10 Restoration of Names to Eligible Lists

An eligible whose name is removed from an eligible list as provided above may make a written request to the director for the restoration of his name to such list for the duration of the list. Such request shall set forth the reasons for the conduct resulting in removal of the name from the list and shall further specify the reasons advanced for restoration of the name to the list. The director after full consideration of the request may restore the name to the eligible list or may refuse such request. The eligible shall be notified of the director's action and may make a written appeal to the board to review the director's action.

A former employee reinstated in the state service shall have his name restored to any existing state-wide promotional list from which it was removed because of separation from the state service, provided the director approves the employee's written application for such action.

A former employee reinstated in the state service shall have his name restored to any existing agency promotional list from which it was removed because of separation from the state service, provided written application for such action is approved by the appointing authority and the director.

A probationary or permanent employee whose name has been removed from an agency promotional list because of transfer or original appointment with probationary or permanent civil service status under a new appointing authority, may have his name placed on the agency promotional list for the same class in the new agency provided written application, made by the employee during the duration of the list from which the name was removed, is approved by the new appointing authority and the director.

7.11 Statement of Availability

Whenever an eligible submits a statement restricting the conditions under which he will be available for employment his name shall be withheld from all certifications which do not meet the conditions he has specified. An eligible may file a new statement at any time during the duration of an eligible list modifying any prior statement as to conditions under which he will be available for employment, except that if such statement results in the withdrawal of his name from a certification outstanding at the time of receipt of the statement, it may be deemed a declination of appointment. For the purposes of this rule the director may accept telephone information as having the same effect as a written statement provided he confirms the telephone information by letter clearly stating the conditions under which the eligible will be certified on the basis of such information.

RULE 8

CERTIFICATION AND APPOINTMENT

8.1 Request for Employees

Vacancies in the classified service shall be filled by reemployment, promotion, original appointment, transfer or demotion as provided in these rules. Whenever an appointing authority wishes to fill a vacancy or a new position in the classified service, a requisition for an employee shall be submitted to the director on the form prescribed by him. The form shall provide for a description of the vacant position, a statement of necessary special qualifications, if any, an indication of what kind of appointment the appointing authority wishes to make and such other information as may be pertinent. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the director to determine who may be available for appointment or if necessary to establish a class or list of eligibles.

8.2 Methods of Filling Vacancies

Upon receipt of request for an employee the director shall certify the proper number of names from the appropriate eligible list or authorize some other kind of appointment as provided in these rules. No appointment except an emergency appointment shall be made without such certification or prior authorization. If the position to be filled is a permanent one, the director shall certify the one name highest on the agency layoff list. If no layoff list exists, he shall certify three names from the agency promotional list.

In the absence of either such list the director shall certify three names from the eligible list he deems appropriate taking into consideration any request made by an appointing authority as to the list to be used.

However, if an appointing authority submits specific written statements that the interests of the state would be served best by certification from some list other than the agency promotional list and that the use of such list is not practicable and the director finds that there are better qualified persons on other eligible lists, he may certify names from some eligible list other than the agency promotional list. The director shall report to the board each instance in which an appointment is made under the provisions of this paragraph.

8.3 Certification of Eligibles

a. Order of Certification

The one name highest on the layoff list shall be certified for one vacancy. In the case of all other eligible lists the three highest names shall be certified for one vacancy.

Eligibles shall be certified in strict order of standing, without regard to sex or special qualifications, except that where a limitation

to one sex or a requirement of special qualifications is specified by the appointing authority in his written request and the director is satisfied that the facts and reasons specified warrant such action, certification may be limited to the sex specified or to eligibles possessing the special qualifications.

b. Multiple Vacancies

If more than one vacancy is to be filled the name of one additional eligible for each additional vacancy shall be certified.

c. Concurrent Certifications

Groups of eligibles shall be certified to vacancies in order of receipt of requisitions for employees, with due regard for the rights of eligibles standing highest on the list; provided, however, that this section shall not require simultaneous certification of the same name on different certifications made concurrently.

d. Less than Required Number of Eligibles

Whenever there are not sufficient names on an eligible list to make a complete certification, the director may augment those names by a sufficient number of names from other appropriate lists to make a complete certification.

e. Incomplete Certification

When the number of names available for filling any vacancy is fewer than three except in case of certification from a layoff list, the appointing authority may decline certification for that vacancy and proceed to fill the vacancy in any other manner provided.

f. Certification from Related Lists

The director may in his discretion certify from eligible lists for higher classes to vacancies occurring in lower classes or from eligible lists for one class to vacancies in another class where he determines the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made.

g. Non-Appointment of a Veteran When Certified

In the event of the rejection by the appointing officer of an eligible entitled to veterans preference under Minnesota Statutes, Section 43.30, when certified for promotion or to fill a vacancy or a new position, the appointing officer shall forthwith file in writing with the director the reasons for such rejection and shall furnish to the rejected veteran a copy thereof. (Refer to Minnesota Statutes, Section 43.30.)

h. Withdrawal of Certifications

In event appointment is not reported within ten days of the date of certification the director may withdraw such certification and shall certify the names of eligibles included in such certification on the next requisition received for the appropriate class of employment.

8.4 Permanent Appointments from Eligible Lists

All vacancies in positions in the classified service having a duration in excess of three months shall be filled by appointment from certification from eligible lists except as otherwise provided in these rules. An appointment shall be effective on the date stated on the report of appointment.

8.5 Temporary Appointment

Temporary appointments shall when practicable be made from eligible lists. If after the director has made a reasonable effort to certify eligibles for temporary appointment from an existing eligible list, he has found it impracticable to make such certification because of non-availability of eligibles, he may authorize the temporary appointment of an individual designated by the appointing authority. Temporary appointments shall not exceed three months. Successive temporary appointments to the same position shall not be made nor shall any person receive more than one temporary appointment within one year. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the eligible list, nor shall the period of temporary service be counted as a part of his probationary period in case of subsequent appointment to a permanent position.

8.6 Emergency Appointment

An emergency appointment is an appointment for a period not exceeding 10 days made under conditions necessitating immediate action to provide for carrying on work that must be continued in the public interest and shall be made under the provisions of Minnesota Statutes Section 43.20 (2). The director shall not approve successive emergency appointments nor shall he approve more than three emergency appointments for one person within one calendar year.

Prior approval shall not be required in the case of emergency appointments but each such appointment shall be reported to the director the day it is made.

In any case in which the need for action for filling a vacancy shall have been known, or could have been known by the exercise of due diligence, far enough in advance to afford opportunity for appropriate action under some other provisions of the act and these rules, no emergency shall be deemed to exist and no emergency appointment shall be approved.

Whenever possible, an emergency appointment shall originally be made at the minimum rate for the class to which the position thus filled can be allocated properly. The director shall allocate the position filled by

emergency appointment to the proper class and shall notify the appointing authority of such allocation and the rate of pay applicable thereto. After such notice no payroll purporting to pay another rate shall be approved.

If a properly made emergency appointment is changed before its expiration to an approved provisional appointment, the time served in the emergency appointment shall be deemed to have been a part of the provisional appointment.

8.7 Provisional Appointment

When authorized by the director in the absence of an appropriate eligible list, a provisional appointment of a qualified person may be made to fill a vacant position. Except in the case of appointments made under the provisions of Minnesota Statutes, Section 43.11, relating to the period of installation of the civil service examining program, such an appointment shall be terminated upon expiration of three months or upon certification and appointment from an eligible list, whichever occurs first. Successive provisional appointments to the same position shall not be allowed for a total period of more than three months and no person shall serve more than three months on a provisional appointment in any calendar year, except as otherwise provided by Minnesota Statutes, Section 43.11. A provisional appointment may be made pending certification and appointment from a promotional list as well as from an open competitive list.

Where the work carried on under a provisional appointment is on other than a continuing full-time basis, the length of the appointment shall be limited to the number of hours which is equivalent to a three months' appointment on the basis of the work schedule for the organization unit and the type of employment concerned.

The appointing authority, in nominating a person for provisional appointment, shall transmit to the director a statement of qualifications of the nominee, in such form as the director shall prescribe.

No seniority shall be gained as a result of a provisional appointment except for the continuance of seniority in a lower class upon provisional promotion to a higher class pending certification and appointment from a promotional list.

8.8 Exceptional Appointment

Exceptional appointments authorized by Minnesota Statutes, Section 43.20 (3), and non-competitive promotional examinations authorized by Minnesota Statutes, Section 43.19 (2), recommended by the director and approved by the board shall be reported in the annual report of the department.

The director shall require such tests or other evidence of qualification as he deems necessary and each such appointment shall be subject to a six month probationary period.

8.9 Trainee Appointments

Appointment of students or other suitable persons to serve as internes or apprentices shall be subject to approval by the director. Such appointment may be non-competitive and shall not exceed one year in duration. The appointee shall be subject to removal at any time without specification of cause, and shall acquire no civil service status by virtue of such appointment. Each appointment under this provision of the rules shall be reported to the board. (Refer to Minnesota Statutes, Section 43.32.)

8.10 Transfers

- a. An employee may be transferred to a position in the same class in a different department, agency or organization unit with the approval of the director and the appointing authorities concerned. Transfers of an employee may be made from a position in one class to a position in another class only if it is determined by the director that the employee to be transferred possesses satisfactory qualifications and if the director is satisfied that such transfer is in the best interests of the service. The director may require written examination or other evidence for the purpose of determining qualification for transfer.
- b. No transfer imposed as a penalty or otherwise, to the prejudice of any employee and without his voluntary consent, shall be approved unless the director is satisfied that such action is necessary in the best interest of the state service.
- c. Seniority shall be transferred in all cases of transfer within the same department or in cases of transfer under rule 8.10 f but shall not be transferred in other cases of inter-departmental transfer.
- d. A transferred probationary or permanent employee may be required to serve a full six month probationary period beginning on the date of transfer at the joint request of the two appointing authorities concerned. Notice of this requirement shall be filed in writing with the director and a copy of the notice shall be given the employee prior to completion of the transfer. In the absence of such notice, transfer of a probationary employee shall not affect the running of the probationary period and transfer of a permanent employee shall be with such status and not subject to a probationary period. When a probationary period is required in the case of transfer of a permanent employee, such employee shall have a 30 calendar day trial period in his new position before he may be dismissed, except for just cause, demoted, or transferred without his consent. Upon dismissal during the probationary period for cause other than misconduct or delinquency on his part during the probationary period and after the 30 calendar day trial period he shall be restored to the position he held prior to transfer.
- e. The board may enter into arrangements with personnel agencies in other jurisdictions for the purpose of effecting transfer of employees. Such transferred employees shall be granted all the privileges of other employees in the classified service and shall be required to serve a six month probationary period.

- f. The commissioner of administration, with the approval of the governor and the director of civil service, may transfer employees from one department or agency to another subject to the provisions of Minnesota Statutes, Section 16.13.

8.11 Demotions

Demotions shall be subject to the provisions of rule 10.5.

8.12 Labor Service

Certification and appointment to positions in the labor service shall be in accordance with the provisions of rule 3.3.

8.13 Unclassified Service

Appointments in the unclassified service shall be made in accordance with rule 3.1.

RULE 9

PROBATIONARY PERIOD

9.1 Objective

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any employee whose performance does not meet the required work standards.

9.2 Duration of Probationary Period

All original and all promotional appointments shall be tentative and subject to a probationary period of six months of actual service. Any interruption of service during the probationary period shall not be counted as a part of the six months' total service.

An employee who is promoted prior to the completion of his probationary period shall complete his probationary period in the lower position by service in the higher position and the appointing authority shall certify him for permanent status in the lower position at the end of the six months period following his original appointment to that position if the employee is to be continued in the state service.

When a probationary employee is granted a leave of absence to accept a position in the unclassified service, the unfulfilled portion of the probationary period in the classified service may be completed by service in the unclassified service position, subject to a positive recommendation of the appointing authority and approval of the director provided that the work in the unclassified position is within the same general occupational field and is at least equivalent in difficulty and responsibility to the work of the position in the classified service.

Former employees appointed from eligible lists other than the lay-off list shall be subject to the probationary period beginning the date of new appointment.

Employees transferred from the jurisdiction of one appointing authority to that of another appointing authority may be subject to a probationary period as provided in rule 8.10.

Time served on emergency, provisional or temporary employment shall not be counted as part of the probationary period.

9.3 Probationary Service Ratings

At any time during the probationary period and in such manner as the director may prescribe, the appointing authority shall report in writing his judgment of the qualities of the employee's work performance to the director.

9.4 Demotions During the Probationary Period

Demotion of a probationary employee shall be subject to the provisions of rule 10.5.

The probationary period of an employee demoted during or at the end of his probationary period shall include the period of probationary service in the higher class.

9.5 Dismissal During the Probationary Period

Dismissal of a probationary employee shall be subject to the provisions of rule 10.6.

9.6 Permanent Appointment

Upon written notice submitted within a fifteen calendar day period immediately preceding the expiration of the probationary period by the appointing authority to the director that the services of the probationer have been satisfactory and that the employee is therefore given a permanent appointment to his position, such employee shall be granted permanent civil service status provided that the service record filed with the director shows that the quality of service performed by the employee was satisfactory. A copy of such notice shall be given the employee by the appointing authority. In the absence of such grant of permanent status, the employee shall receive no further pay after the expiration of his probationary period.

9.7 Successive Dismissals During Probationary Period

Dismissal of more than two persons appointed successively to a single vacancy within a period of three months shall be deemed to require such explanation of these and all succeeding dismissals within such a period as will satisfy the director of the reasonableness of further certification from an eligible list or for issuance of a provisional permit to fill the vacancy.

RULE 10

SEPARATION AND DEMOTION

10.1 Retirement

Except as otherwise provided in these rules, employees in the classified service shall be retired when they attain the age of 70 years. Any employee who attains the age of 70 years may be retained in the classified service upon written application and certification of the appointing authority that such action is in the best interest of the state and the director, in his discretion, may authorize deferral of the retirement of the employee. Any employee retained in the state service beyond the age of 70 years shall be required to submit a satisfactory report of medical examination by a physician, approved or designated by the director, which shows the employee to be physically and mentally able to perform the duties of his position. No initial deferral of retirement shall be for a period in excess of one year but deferrals may be continued on a year to year basis subject to the same conditions governing the grant of an initial deferral of retirement.

Upon prior written notice to the employee, either the appointing authority or the director may cancel a deferral of retirement at any time.

For the purpose of this rule the age of any employee shall be the age attained on his last birthday and shall be subject to verification.

10.2 Resignation

An employee may resign from the service by presenting his resignation in writing to the appointing authority. To resign in good standing an employee must give the appointing authority at least 7 calendar days' prior notice. A copy of such resignation shall be supplied by the appointing authority to the director. The director may make such investigation as he deems to be warranted for the purpose of verifying the facts as to the reasons for each resignation. Upon approval of the appointing authority an employee may withdraw his resignation at any time not later than ten days after the effective date of the resignation.

No form of resignation filed without date or with a future date, and that is not intended to be a bona fide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the director as a resignation. Each separation under such circumstances shall be deemed a dismissal and the provisions of the act and these rules relating to dismissals shall apply. Any demand or request of an appointing officer for the filing of any such form of resignation for possible future action at the option of such appointing officer shall be deemed to constitute prima facie evidence of coercion in contravention of the purposes of the act and these rules.

"Any officer or employee in the state classified service shall resign from the service upon filing as a candidate for public office."
(Minnesota Statutes, Section 43.28)

For reinstatement after resignation see rule 11.3.

10.3 Suspension

An appointing authority may suspend an employee without pay for disciplinary reasons or other cause.

If the suspension is for a period or periods exceeding 30 calendar days in any 12 month period the reasons therefor shall be furnished the employee and the director in writing prior to the effective date of the suspension and the permanent employee concerned may demand a hearing. If the period or periods of suspension in any 12 month period do not exceed a total of 30 calendar days, prompt notice of the suspension shall be given in writing to the director and every effort shall be made by the appointing authority to notify the employee but in such case the employee shall not be eligible to a hearing.

No seniority shall be acquired during the period of suspension.

10.4 Layoff

An appointing authority may lay off an employee in the classified service by reason of abolition of position, shortage of work or funds or other reasons outside the employee's control which do not reflect discredit on the services of the employee.

The duties formerly performed by laid off employees may be assigned to other permanent civil service employees who, in the opinion of the director, hold positions in appropriate classes.

a. Order of Layoff

Layoff of probationary or permanent employees shall be made in inverse order of seniority in the class of work in the agency or other organization unit involved. No probationary or permanent employee shall be laid off from any position while any provisional or temporary appointee is continued in a position of the same class in the agency or other organization unit involved.

Where it is determined that two or more persons in the class and organization unit in which layoff is to be made have equal seniority, the order of layoff in such tie cases shall be in inverse order of the date of acquisition of permanent civil service status.

Where the determination of seniority as provided above does not establish definite seniority differentials, the order of layoff shall be determined by the average of the last two service ratings, if there are two, or the last such rating, if there is only one, the employee with the lowest such average or the lowest such rating being laid off first. If no service ratings are available, the order of layoff shall be determined by the appointing authority in such a manner as to conserve to the state the services of those employees deemed most valuable.

b. Organization Units

An appointing authority may propose subdivision of his agency into organization units for purposes of employment or layoff by submitting to the director a written plan for such subdivision together with the reasons therefor. The director shall consider such proposal and the needs of the state service and may establish organization units within the agency. Such organization units may be established on the basis of geographic area, function or class of employment and may be different for different classes of employment.

The director shall notify the appointing authority of establishment of organization units and such units shall thereafter be used for employment or layoff.

The appointing authority shall post a copy of such notice or shall distribute copies to notify affected employees of the establishment of such units.

The director may cancel established organization units upon notice to the appointing authority at any time he deems such action to be in the best interest of the state service.

c. Seniority

Seniority for purposes of reemployment or layoff shall be the length of service in a specific class in a specific agency except as otherwise provided in rules 8.10 (c), 10.3, 10.5, 11.3 and 11.4 and shall be determined as follows:

Seniority of incumbent employees on June 30, 1940 shall represent the actual total time worked in the agency for which payment was made to and including said date and shall be in the class of employment to which the incumbent employee's position is allocated as of June 30, 1940. Thereafter, such seniority shall be increased each calendar day without interruption except upon termination, interruption of services in the agency for any reason except leave of absence or layoff of a permanent or probationary employee, or upon expiration of eligibility for reemployment from the layoff list.

Seniority of persons appointed or promoted after June 30, 1940 shall begin on the date of appointment in the class of position in the agency. Thereafter seniority shall be increased each calendar day without interruption except as provided above.

d. Limited Interruptions of Employment

Any interruption of employment, not in excess of fifteen calendar days, because of adverse weather conditions, shortage of materials or equipment or for other unexpected or unusual reasons, shall not be considered a layoff.

e. Layoff Notice

"In every case of layoff of a permanent officer or employee, the appointing authority shall, at least fifteen days before the date thereof, give written notice to the employee and the director of civil service and may certify to the director the reasons therefor. In any case where an appointing authority refuses to certify, or fails to certify before the effective date thereof, that the layoff was for reasons not reflecting discredit on the employee, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissal as provided in this chapter." Minnesota Statutes, Section 43.23, Subdivision 2.

In every case of layoff of a probationary employee, the appointing authority shall give written notice to the director and the employee. Such notice shall not be subject to the 15 day requirement applicable to employees who have permanent civil service status.

In the case of seasonal, project, intermittent, part-time, or other occasional employment of employees with civil service status, the appointing authority may indicate to the employee and the director at the time of appointment the approximate date of termination of employment, and such notice shall be considered to meet the requirements of Minnesota Statutes, Section 43.23, Subdivision 2.

f. Names of Laid Off Employees to be Placed on Eligible Lists

The names of permanent or probationary employees laid off or demoted in lieu of layoff shall be placed in order of seniority on the layoff list for the class and agency or other organization unit from which the layoff took place. Any such employee may have his name placed also on the reemployment list by submitting such request in writing to the director in accordance with rule 7.4.

10.5 Demotion

An appointing authority may demote an employee for inefficient performance of his duties, for disciplinary reasons, or for other just causes.

The appointing authority shall furnish a permanent employee with a written statement of the reasons for demotion and shall file a copy of the statement with the director of civil service prior to the effective date of action. The permanent employee upon written request may demand a hearing before the board in accordance with the provisions of rule 12.1 (c). (Refer to Minnesota Statutes, Section 43.24)

At any time during the probationary period that an appointing authority determines that the employee's performance does not meet work standards, he may demote the employee, except that no employee serving a probationary period following his transfer or promotion shall be demoted except for just cause or with his consent during the first thirty calendar days of the probationary period. (Refer to Minnesota Statutes, Section 43.21)

An appointing authority, with the consent of the affected employee, may demote a permanent or probationary employee in lieu of layoff. Such action shall not entitle the employee to a hearing in the demotion, but his name shall be placed on the layoff list and upon written request may be placed on the reemployment list for the class from which he was demoted. No employee so demoted shall displace a permanent or probationary employee except in order of seniority as determined under rule 10.4 (c).

Seniority of an employee in the class to which he is demoted shall be limited to service in the agency and shall consist of the combined total of his prior seniority in the class to which demotion occurs, in all higher classes, and in all other classes which the director determines to be sufficiently similar to the class to which demotion occurs.

Any permanent or probationary employee about to be laid off because of reinstatement of an employee from military leave or appointment under rule 6.13, shall be demoted to displace any employee with less seniority in any lower class in which he previously served unless he elects to be laid off. In either event the name of such employee shall be placed on an appropriate layoff list and upon his written application may be placed on an appropriate reemployment list.

10.6 Dismissal

Employees who do not have permanent status may be dismissed at any time at the discretion of the appointing authority except those serving the first 30 calendar days of a probationary period following a transfer as provided in rule 8.10 d.

No employee who has permanent civil service status shall be dismissed from his position except for just cause. The employee and the director before such action is taken shall be furnished with a statement in writing setting forth the reasons for the dismissal. Any such employee who is dismissed may demand a hearing before the civil service board in the manner prescribed by rule 12.1 and rule 12.2. (Refer to Minnesota Statutes, Section 43.24.)

"Any employee who wilfully practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment, shall, upon discovery and proof thereof, be removed and discharged. Charges alleging such deception or fraud may be initiated by the head of the department in which the employee is working at the time, or by the director of civil service, in conformity with the provisions of this section relating to notice of discharge and hearing before the civil service board." Minnesota Statutes, Section 43.24.

RULE 11

REINSTATEMENT

11.1 Reinstatement by Order of Civil Service Board

Upon reinstatement of an employee by order of the board, the employee who has replaced the employee ordered reinstated shall be removed from the position he occupies with due regard for his rights to other employment in state service.

Except as otherwise provided in the Order of the Board the status and seniority of an employee so reinstated shall be the same as if the action resulting in the Board Order had never occurred.

11.2 Reinstatement from Leave of Absence

Except as otherwise provided by law, a permanent or probationary employee granted a leave of absence must be returned to his employment at the expiration of his leave unless the position he occupied has been abolished and no person with less seniority or status is employed in the same class in the same agency or organization unit at the date of expiration of the leave. Subject to the same exception, such employee may be returned to his employment at any time prior to the expiration of his leave by the action of the appointing authority in filing written notice of such action with the director of civil service.

The name of a permanent or probationary employee who is laid off prior to the expiration of his leave because of abolition of his position as above provided shall be placed on the appropriate eligible lists as provided in rule 10.4 (f).

A permanent or probationary employee who is denied reinstatement by his appointing authority prior to the expiration of his leave shall have his name placed on the appropriate eligible list as provided in rule 10.4 (f) for laid off employees. Such action shall not affect the right of the employee to return to employment at the expiration of his leave of absence as above provided unless he shall have been appointed from either such list prior to the date of expiration of his leave of absence.

11.3 Reinstatement After Resignation or Expiration of Leave of Absence

Upon written approval of the director an appointing authority may reinstate a former probationary or permanent employee to a position in his former class within one year of the date of resignation or expiration of leave of absence. Seniority upon reinstatement shall be calculated as provided in rule 11.4 (b). No such former employee shall be reinstated directly as provided in this rule if a layoff list exists for the class and agency or organization unit but such former employee may make application to have his name placed on the reemployment list as provided by rule 7.4.

11.4 Restoration of Seniority

- a. An employee who has been employed continuously by the state and who voluntarily left employment in one agency to enter employment in another agency shall have the seniority at the time of termination of services in the first agency reinstated upon his reemployment in that agency.
- b. Seniority of a former employee who is reinstated or appointed from a re-employment list shall begin on the date of re-employment in the state service; provided that in event re-employment is in the agency from which the termination of services was effected, the seniority at the time of termination shall be restored upon the written request of the appointing authority.

RULE 12

APPEALS, INVESTIGATIONS AND HEARINGS

12.1 Appeals

a. Appeals from Examination Ratings

Any competitor may appeal to the director for reconsideration of his rating in any examination, within thirty calendar days after the date of mailing to him of notice of his ratings, by written request to the director for review of such ratings. The director shall grant such review in the event that reasons satisfactory to him are presented therefor, and may change the ratings of the competitor if, upon such review, it is determined that an error was made in the original rating. If such review shall disclose errors affecting the ratings of other competitors, then the review may be extended to the ratings of such other competitors. No change made in the ratings of any competitor shall invalidate or in any way affect any appointment already made as a result of any original rating which may have been changed pursuant to this rule.

b. Appeal from Reallocation of Positions

Any permanent employee whose position is reallocated, upon written request made within thirty calendar days of the date of notice of reallocation of the position, shall be entitled to appeal the action to the board.

Each appeal submitted under this rule shall include a statement of the basis for the appeal and any exhibits or written material setting forth all facts, additional to those constituting a part of the civil service files and records, which the employee desires to have considered by the board. Any hearing held by the board on the appeal shall be subject to the provisions of rule 12.2.

c. Appeals from Dismissal, Reduction in Pay, Demotion, or Suspension

"Any permanent employee who is removed, discharged, reduced in pay or suspended without pay for more than thirty days may appeal to the civil service board within thirty calendar days after such action is taken. Upon such appeal, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard publicly and to present evidence." Minnesota Statutes Section 43.24, Subdivision 2.

d. Other Appeals and Investigations

The director shall receive and consider any protests and any matter concerned with the administration of the act and these rules. On the basis of such protests or on his own initiative, he shall make such investigation as he deems desirable concerning all matters touching the enforcement and effect of the provisions of the act and these rules and regulations established thereunder.

The civil service board shall receive and consider any protest by an employee or appointing authority in any matter concerned with the administration of the act and these rules, and after such investigation and hearing or either of them as the board may deem desirable in any case, shall indicate to the director such remedial action as it may deem warranted.

e. Subpoena and Witness Fees

Subpoenas shall be issued and enforced and witness fees shall be paid only in accordance with the provisions of Minnesota Statutes, Section 43.07.

12.2 Hearings

All hearings held under the provisions of the civil service act and rules shall be public and shall not be subject to the technical rules of evidence. The board shall determine the time and place of hearing.

In hearings held under the provisions of Minnesota Statutes, Section 43.24, Subdivision 1, at the request of the employee against whom disciplinary action has been taken, the burden of proving the reasonableness thereof shall be upon the appointing authority initiating such disciplinary action. In all other hearings the burden of proof shall be upon the party requesting the hearing.

"If the board finds that the action complained of was taken by the appointing authority for any political, racial or religious reason, the employee shall be reinstated to his position without loss of pay. In all other cases, the findings and recommendations of the board shall be final. If such final decision is in favor of the employee, the appointing authority shall reinstate him and approve the payment of any salary or wages lost by him. When any permanent employee is dismissed and not reinstated after appeal, the board may direct that his name be placed on an appropriate re-employment list, which direction shall be enforced by the director." Minnesota Statutes, Section 43.24, Subdivision 2.

Provisional, emergency and temporary employees may be dismissed at any time and shall not be entitled to hearing upon dismissal. (Refer to Minnesota Statutes, Section 43.24, Subdivision 3.)

RULE 13

HOURS OF WORK AND LEAVES OF ABSENCE

13.1 Hours of Work

Eight hours of work shall constitute a normal work day and forty hours a minimum work week. Whenever necessary, informational and other essential services shall be rendered on Saturday morning and overtime so worked shall be compensated for by time off or cash payment. When an appointing authority determines that operating conditions make such action necessary, he may establish a work week in excess of forty hours but not in excess of 48 hours by filing an alternative schedule of hours and a statement of the reasons for such action with the director. When such action is taken by the appointing authority, the work week of all affected employees shall be as specified in the alternative schedule.

The director and the commissioner of administration shall prescribe by joint regulation the actual hours of employment for any or all employees in the state service whenever such action in their opinion is in the best interests of the state service. Appeal from such action may be made in writing to the civil service board and the action of the board thereon shall be final.

13.2 Overtime

Each appointing authority requiring or permitting work beyond the established work schedule shall prepare written regulations governing such overtime which shall include the following:

- a. Conditions under which cash payment for overtime is authorized. Rates for cash payment shall be in accord with rule 5.5.
- b. Conditions under which compensatory time off may be accrued, used or cancelled including the policies to be followed at time an employee is separated from service.
- c. Conditions under which neither compensatory time off nor overtime payment in cash will be allowed.

Such regulations governing overtime shall be effective when approved by the commissioner of administration and the director and shall remain in effect until cancelled in writing by the appointing authority, the director, or the commissioner of administration.

The appointing authority shall post or distribute copies of regulations so approved in order to inform affected employees.

No compensatory time off or cash payment for overtime work ordered by the appointing authority or voluntarily performed by the employee shall be allowed unless regulations are effective as above provided.

13.3 Holidays

The following and any other days designated by the governor or under his authority are holidays, and compensatory time off shall be allowed for work done on these days except where payment is allowed under rule 13.2.

New Year's	Labor Day
Lincoln's Birthday	Christopher Columbus Day
Washington's Birthday	Armistice Day
Good Friday	Thanksgiving Day
Decoration Day	Christmas
Independence Day	

When a holiday falls on Sunday, the following Monday shall be a non-work day.

When a holiday falls on the regularly assigned day off for an employee regularly working a six-day 48-hour week, such employee shall be compensated by another day off or by cash payment in accordance with the overtime provisions of rule 13.2.

An appointing authority, upon written notice to the director and the commissioner of administration, may designate not to exceed two half days or one full day per year for group recreational activities, and any of his employees participating in such activity shall be deemed to have been granted a leave of absence with pay for the specified period. Non-participating employees shall not be entitled to the leave with pay except that an employee required to work during the designated period to supply essential services shall be entitled to time off or cash payment for the time worked.

13.4 Absence Without Leave

Any absence of an employee from duty, that is not authorized by a specific grant of leave of absence under the provisions of these rules or taken as earned vacation leave about to expire, shall be deemed to be an absence without leave. Any such absence shall be without pay and may be made grounds for disciplinary action. In the absence of such disciplinary action any employee who absents himself for three consecutive days without leave shall be deemed to have resigned, but such absence may be covered by a subsequent grant of leave without pay in accordance with rule 13.14.

13.5 Absence Because of Illness or Injury for which Compensation is Paid by the State

Any employee so absent shall be entitled to immediate return to actual employment in order of seniority upon appropriate release from compensation.

Subject to the provisions of the rules governing use of vacation and sick leave, an employee may elect to use his accumulated vacation and sick leave, or both, during a period of absence due to compensable illness or injury provided such leave shall not be granted for any period during which compensation benefits are paid by the state.

13.6 General Regulations Governing Leaves of Absence With Pay

So far as practicable, grants of leave shall be made prior to the beginning of the periods of absence and no payment for any absence shall be made until the leave is properly approved.

Absences of less than five working days shall be charged at the rate of one day for each working day absent. Absences of five days or more shall be charged at the rate of five working days per calendar week. Deductions shall not be made from leave accumulations for holidays, non-work days or non-work part days occurring at the beginning, during, or at the end of a period of leave with pay if the employee returns to work on the first day thereafter or is granted additional leave without pay.

Accrual of vacation leave and sick leave during the period of leave of absence with pay shall occur only if the employee returns to his employment on the first working day following the expiration of such leave with pay or is granted additional leave without pay.

Appointing authorities shall maintain records of vacation and sick leave and overtime accrued and used by each of their employees. Such records shall be maintained in the form and manner prescribed by the director and shall be subject to audit by the civil service department. In case of dispute of the accuracy of the records the decision of the director shall be final.

13.7 Vacation Leave

Each employee in the classified service, except as otherwise provided in rule 5.3, shall earn vacation with pay at the rate of one working day for each full month of service during the first five years of continuous employment by the state and at the rate of one and one-fourth days for each full month of service thereafter. Service shall begin on the date of state employment and time on layoff, suspension or leave without pay, except as otherwise provided by law or these rules, shall not be counted in determining the date of completion of a full month's or five years of continuous service. Appointing authorities may determine the time and establish schedules governing the use of vacation leave. No vacation leave shall be granted during the first six months of service, but upon satisfactory completion of such period, vacation leave shall accrue to the employee for the time served. Unused vacation leave may be accumulated to a total of 24 working days provided, however, that an employee who is about to lose a day of vacation leave because of the limitation of accrual imposed by this rule, upon advance notice to the appointing authority, may within the 30 calendar days following absent himself with or without the consent of his appointing authority to prevent the loss of such day, and action so taken by the employee shall not constitute a basis for disciplinary action or loss of pay.

An employee on military leave as provided in rule 13.11 shall not be limited to 24 days accrual of vacation leave. He may immediately upon his reinstatement from military leave take all vacation leave in excess

of 24 days with or without the consent of his appointing authority. In the alternative, he may elect to be credited with the vacation leave in excess of 24 days, but such leave shall be taken at a time determined by the appointing authority within two years of the date of reinstatement.

Any employee who is separated from the state service by layoff, resignation, death or otherwise and any employee who is transferred or who accepts employment under the jurisdiction of a new appointing authority or in the unclassified service of the state shall be paid for the number of working days of unused vacation leave accumulated to his credit.

13.8 Sick Leave

Sick leave shall be earned by each employee in the classified service, except as otherwise provided in rule 5.3, at the rate of one working day for each full month of service. Service shall begin on the date of state employment and time on layoff, suspension or leave without pay, except as otherwise provided by law or these rules, shall not be counted in determining the date of completion of a full month of service. Unused sick leave may be accumulated to a total of one hundred working days. When the maximum limitation has been accumulated, employees may use one half day a month of the sick leave that would have been earned as additional vacation. The other one-half day shall lapse, but shall be recorded by the appointing authority. Any employee who has such lapsed sick leave recorded to his credit may apply to a committee composed of the governor, the commissioner of administration, and the director to have the lapsed sick leave restored in the event of an extended illness. The committee in its discretion may authorize use of all or any part of the lapsed sick leave after thorough investigation including complete medical reports of the illness requiring the continued absence of the employee.

Employees may utilize their allowances of sick leave on the basis of application therefor approved by their respective appointing authorities and reported to the director, for absences necessitated by inability to perform the duties of their positions by reason of illness or injury, by necessity for acute medical or dental care, by exposure to contagious disease under circumstances in which the health of the employees with whom associated or members of the public necessarily dealt with would be endangered by attendance on duty, or by illness or death in the immediate families of the employees for such periods as the attendance of the employees shall be necessary. Immediate family as used in this rule shall mean the spouse and the parents of the spouse and the parents, guardian, children, brothers, sisters or wards of the employee. Either the appointing authority or the director may require such medical examination or certificate as he deems necessary before approving the utilization of sick leave. Accumulations of sick leave may be computed from January 1, 1938, where departmental practice or procedure granted sick leave rights or privileges prior to April 10, 1940. No accumulations prior to April 10, 1940, shall be recognized in other instances.

All sick leave shall expire on the date of separation from the state service and no employee shall be reimbursed for sick leave outstanding at the time of termination of his state employment.

A former state employee who is reappointed within three years of his separation from the service under the provisions of the act and these rules except as a provisional or emergency appointee, may have his previously accumulated and unused balance of sick leave revived and placed to his credit upon approval of the new appointing authority.

An employee who is transferred to the jurisdiction of another appointing authority or who accepts employment under the jurisdiction of a new appointing authority without interruption of his services to the state shall be entitled to credit in his new employment for the accumulated unused sick leave earned in his former employment. Accumulated sick leave unused at the time of grant of leave of absence to an employee to accept employment in the unclassified service shall be restored at the time of reinstatement of the employee to his classified service position.

13.9 Military Leave of Absence With Pay

Employees in the classified service shall be entitled to leave of absence with pay for service in the armed forces of the United States or the State of Minnesota as now or hereafter authorized by law. During such leave, employees shall accrue sick and annual leave and seniority as though actually employed except as otherwise provided by law.

13.10 Other Leaves of Absence With Pay

Upon approval by his appointing authority, any employee holding a position in the classified service shall be granted a leave of absence with pay for:

Service upon a jury.

Appearance before a court, legislative committee, or other judicial or quasi-judicial body as a witness in action involving the federal government, State of Minnesota, or a political subdivision thereof in response to a subpoena or other direction by proper authority.

Attendance in court in connection with an employee's official duty. Such attendance shall include the time required in going to the court and returning to the employee's headquarters. (Any absence whether voluntary or in response to a legal order to appear and testify in private litigation not as an officer or employee of the state, but as an individual, shall be taken as annual leave, as leave of absence without pay, or as a deduction from authorized accumulated overtime.)

13.11 Military Leave of Absence Without Pay

Employees in the classified service shall be entitled to military leave of absence without pay for service in the armed forces of the United States or the State of Minnesota and to reinstatement at the expiration of such leave as now or hereafter authorized by law.

13.12 Leave of Absence to Accept Unclassified Service Appointment

Upon approval of the director an appointing authority may grant a leave of absence without pay to a permanent or probationary employee in the classified service to permit the employee to accept an appointive position in the unclassified service. Such leaves may be continued during the period of service in the unclassified service position and the employee shall be restored to the status and position he held at the time of the grant of leave of absence within one year of the date of termination of the unclassified service employment upon written application to the director of civil service.

13.13 Sick Leave Without Pay

Upon application of a probationary or permanent employee, a leave of absence without pay may be granted by an appointing authority for the entire period of disability because of sickness or injury. Such leave need not be limited to one year but the appointing authority or the director, from time to time, may require that the employee submit a certificate from the attending physician or from a designated physician. In event of a failure or refusal to supply such certificate or if the certificate does not clearly show sufficient disability to preclude the employee from the performance of his duties, the appointing authority with the approval of the director may cancel such sick leave and require the employee to report for duty on a specified date.

13.14 Other Leaves of Absence Without Pay

Permanent employees may be allowed to be absent from duty without pay for a period not exceeding a total of twelve months in any fourteen consecutive months on the basis of applications for leave without pay approved by their respective appointing authorities and the director under the following conditions:

Such leave shall be granted only when it will not result in undue prejudice to the interests of the state as an employer beyond any benefits to be realized. An application for leave of absence for travel or study calculated to equip the employee to render more effective service to the state may be deemed to involve such compensating benefits to be measured against the loss or prejudice to the interests of the state involved in keeping open the position or filling it temporarily until the return of the employee.

No such leave shall be granted primarily in the interests of the employee, except in the case of an employee who is shown by his record of service ratings or by other evidence, to be of more than average value to the state, whose services it is desirable to retain, even at some sacrifice. The director shall refuse to approve any proposed leave without pay which in his judgment is contrary to the best interest of the state.

13.15 Cancellation of Leaves of Absence

All leaves of absence shall be subject to the condition that the appointing authority may cancel the leave at any time upon prior written notice to the employee and the director specifying a reasonable date of termination of the leave.

The director upon prior notice to the employee and the appointing authority may cancel an approved leave of absence at any time he finds that the employee is using the leave for purposes other than those specified at the time of approval.

RULE 14

SERVICE RATINGS AND EMPLOYEE TRAINING

14.1 Service Ratings

Standards of performance established as a basis for service ratings shall have reference to the quality and quantity of work done, the manner in which the service is rendered, the faithfulness of employees to their duties and such other characteristics as will measure the value of the employee to the service. The director may investigate the accuracy of reports of ratings and may take action to secure the adjustment of the ratings to conform to the facts as ascertained. It shall be his duty to provide for uniformity of application of the standards by different rating officers. Each employee in the classified service shall be notified by the appointing authority of each service rating at the time of such rating with a view to his being afforded opportunity for correcting his obvious weaknesses. The reports and records on which the ratings of each employee are based may be inspected by the employee or his duly authorized representative, by the appointing authority of any employee, and in the discretion of the director, by any other appointing authority who is considering a transfer of the employee to his own jurisdiction. Such ratings, reports, and records shall not be open to inspection by any other persons outside the civil service department.

14.2 Employee Training

The director shall cooperate with appointing authorities, employees, and others, in fostering and aiding in programs of pre-service training for the state service and in-service training of employees, to the end that the quality of personal services rendered to the state may be raised and that employees may be aided to equip themselves for advancement in the service.

14.3 Interne and Apprenticeship Training

Appointing authorities with the approval of the director may establish interne or apprenticeship training programs. Salaries of such internes or apprentices may be set by the appointing authority with the approval of the director and the commissioner of administration. (Refer to rule 8.9)

RULE 15

GENERAL PROVISIONS

15.1 Oath of Office

"Every officer or employee of the state, and every person making application for examination under this chapter shall take and subscribe an oath or affirmation, in writing, to the effect that such person will honestly and faithfully protect and preserve the property and money of the state and will abide by, uphold and defend the Constitution of the United States of America and the Constitution of the State of Minnesota and, except as provided in these constitutions he will not take part in any movement to alter or change our form of government." Minnesota Statutes, Section 43.16.

Such oath shall be filed by the appointing authority with the director prior to payment to any such officer or employee. The filing of such oath shall in no way relieve the officer or employee of the responsibility for filing any other oath required by statute to be filed with the Secretary of State or elsewhere.

15.2 Payroll Certification

The agency certificate transmitted with a payroll abstract shall constitute notice by the appointing authority to the director that the services for which payment is proposed by the abstract had been performed by each of the named employees and that funds have been properly allocated and encumbered for this purpose.

The certificate of the director shall constitute notice to the State Auditor, State Treasurer and other fiscal and disbursing officers; that the payments proposed in such abstract for each employee for whom the director's certificate is required by Minnesota Statutes, Section 43.26, are in conformity within the provisions of that act and the civil service rules provided, however, that wherever the director's certificate carries exception to any named person or persons, such named exceptions shall constitute notice to the State Auditor, State Treasurer and other fiscal and disbursing officers that the proposed payment or payments for the persons named do not conform with the requirements of the act so long as the exception continues in effect.

Wherever the director's certification of estimate payroll or salary or compensation abstracts is required by the provisions of the act and the director refuses to certify such estimates or accounts, or where the director excepts specific items from such estimates or accounts, all affected fiscal and disbursing officers shall be deemed to be notified that payment of excepted items is not in conformity with the provisions of the act and that the penalties of Minnesota Statutes, Section 43.26, may be applicable thereto.

15.3 Reports of Personnel Changes in the Service

The director shall provide the necessary forms for reports of all personnel changes in the service. Such forms shall provide spaces for the entering of such supporting or otherwise pertinent information as the director shall deem to be needed for the records of the department. Such forms or supplementary instructions to appointing officers shall explain which of the changes call for prior approval of the director before they may become effective, which of them require report when made, and which of them need to be reported sufficiently in advance of the end of the payroll period to permit them to be given effect in the checking and approval of the next payroll.

15.4 Prohibitions Against Political Activity and Coercion and Against Influences Other Than Merit

"No discrimination shall be exercised, threatened, or promised, by any person in the civil service against, or in favor of, any applicant, eligible, or employee in the civil service because of his political or religious opinions or affiliations." Minnesota Statutes, Section 43.15.

"No officer or employee holding a position in the classified service of this state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assistance, assessment, or subscription, whether voluntary or involuntary, for any political purpose or for any political party or affiliate thereof. No officer or employee in the classified service shall be a delegate or alternate to any political convention. No officer, agent, clerk or employee of this state shall, directly or indirectly, use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.

"Any officer or employee in the state classified service shall resign from the service upon filing as a candidate for public office." Minnesota Statutes, Section 43.28.

No employee holding a position in the classified service of the state shall hold an office or official position or retain an office in any organization, society or group organized for, or actively participating in partisan political activities. The penalties attached to acts described in Minnesota Statutes, Section 43.28, shall attach to the activity described above.

15.5 Officers and Employees Shall Comply With the Law

"All officers and employees of this state shall conform to, comply with, and aid in all proper ways in carrying into effect the provisions of this chapter and the rules prescribed hereunder. Any willful violation of this chapter by officers, officials or employees of the state shall be deemed a misdemeanor, and punished accordingly. Conviction of same shall render the public office or position held by such person vacant." Minnesota Statutes, Section 43.27.

15.6 Violations and Penalties

"Any civil service board member, director or examiner, or any other person,

- "(1) who wilfully or corruptly, by himself or in cooperation with one or more persons, defeats, deceives, or obstructs any person with respect to his rights of examination or application according to this chapter, or to any rules or regulations prescribed pursuant thereto, or
- "(2) who wilfully or corruptly falsely marks, grades, estimates or reports upon the examination or proper standing of any person examined, registered, certified, employed or promoted pursuant to the provisions of these sections, or aids in so doing, or who wilfully destroys any examination questions, answers, or records thereon of any applicant for civil service within a period of one year after any examination has been completed, or
- "(3) who wilfully or corruptly makes or files any false representations concerning the person examined, registered, certified, appointed, employed or promoted, or
- "(4) who wilfully or corruptly furnishes any person with any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, being appointed, employed or promoted, or
- "(5) who personates any other person, or permits or aids in any manner any other person to personate him in connection with any examination or registration, or application or request to be examined or registered, or
- "(6) who wilfully or corruptly shall appoint to a position in the classified service or dismisses, suspends, reduces in rank or pay any officer or employee from any position in the classified service otherwise than in compliance with, and in conformity to, the provisions of this chapter and the rules and regulations of the civil service board adopted pursuant thereto, or

"(7) who wilfully or corruptly refuses or neglects otherwise to comply with, or conform to, the provisions of this chapter and the rules and regulations made pursuant thereto, or violates any of these provisions, shall be deemed guilty of a misdemeanor and punished accordingly.

"Any conviction under this section shall render the public office or position held by the person or persons so convicted vacant, and such person shall be ineligible to hold public office for a period of five years from the date of such conviction." Minnesota Statutes, Section 43.35.

15.7 Cooperation with Other Agencies and Membership in Associations

"The services and facilities of the state civil service department and its staff shall be available upon request, subject to rules prescribed therefor by the board, to political subdivisions of the state. In making such service and facilities available, it shall be understood that requirements for the enforcement and administration of the provisions of this chapter shall be given precedence and that the political subdivisions shall reimburse the state for the reasonable cost of such services and facilities.

"The board may enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees. The board may also join or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration." Minnesota Statutes, Section 43.31.

15.8 Determination of Status

Status of employees shall be determined initially by the director in accordance with the provisions of the civil service act. When status is so determined it shall not be disturbed by the director except upon written notice of such action to the employee and his appointing authority. Any employee or his appointing authority may appeal to the civil service board from any action of the director disturbing the status of the employee. Such appeal shall be filed in the civil service department in writing within thirty calendar days of the notice by the director. Determination by the board after hearing shall be final.

RULE 16

DEFINITIONS

The following words and terms wherever used in these rules shall have the meaning indicated below:

1. "Act" means the State Civil Service Act and amendments thereto.
2. "Agency" means a department, division, board, institution, or other branch of the state service, in which all positions are under the same appointing authority.
3. "Agency Promotional List" means an eligible list of permanent and probationary employees of the agency or duly established organization unit established by competitive examination from which promotions are made.
4. "Allocation" means the original assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work performed in the position.
5. "Appointing Authority" means a person or group of persons empowered by the constitution, by statute or by lawfully delegated authority to make appointments to positions in the state service.
6. "Board" means the State Civil Service Board.
7. "Class" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.
8. "Day" means calendar day except where otherwise specified in the specific rule.
9. "Demotion" means a change by an employee from a position in one class to a position in another class with less responsible duties and a lower salary range.
10. "Department" means the State Civil Service Department, including the Civil Service Board, the Director, and the employees thereof.
11. "Director" means the Director of State Civil Service.
12. "Disabled Veteran" means a veteran who is rated or certified as disabled, in accordance with the provisions of Minnesota Statutes, Section 43.30.
13. "Disabled veterans' preference" means that preference granted to disabled veterans, widows of disabled veterans, or to the wives of disabled veterans who are unable to qualify by reason of their disability who have been residents of the State of Minnesota for five years immediately preceding the time of filing for an examination or who enlisted from the State.

14. "Eligible" means any person whose name is on an eligible list.
15. "Eligible List" means a layoff list, an agency or organization unit promotional list, a statewide promotional list, a re-employment list, or an open competitive list.
16. "Layoff List" means a list of former permanent or probationary employees who have been separated from the service by layoff necessitated by lack of work or funds and without delinquency or misconduct on their part.
17. "Military Leave" means the leave of absence granted by state law to employees entering active duty in the armed forces of the State of Minnesota or the United States.
18. "Open Competitive List" means an eligible list established by open-competitive examination from which original appointments are made.
19. "Organization Unit" means a geographic, organizational or other unit of an agency which is approved by the director as a unit for the purposes of employment or layoff or both.
20. "Original Appointment" means a regular appointment from an open-competitive list.
21. "Permanent Employee" means an employee in the classified service who has been appointed to a position after successfully completing his probationary period or a veteran in the employment of the state on April 22, 1939.
22. "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full time or part time employment of one person.
23. "Probationary period" means a working test period during which a new employee is required to demonstrate his fitness for the position to which he is appointed by actual performance of the duties of the position.
24. "Promotion" means a change of an employee from a position of one class to a position of another class with more responsible duties and a higher salary range.
25. "Re-allocation" means a reassignment, or change in allocation, of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position.
26. "Re-employment List" means a list of former permanent or probationary employees separated from the service in good standing whose written application for consideration for reemployment by the state has been approved by the director.
27. "State-wide Promotional List" means an eligible list of permanent and probationary state employees established by competitive examination from which promotions may be made to state agencies other than the one in which the eligible is employed.

28. "Transfer" means a change by an employee from one position to another position of the same class or of another class in the same salary range and usually involving the performance of similar duties and requiring essentially the same basic qualifications.
29. "Veteran" means all persons defined as veterans by Minnesota Statutes, Section 43.30.
30. "Veterans' preference" means that preference granted to veterans by Minnesota Statutes, Section 43.30.