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P L E A S E P O S T

PUBLIC NOTICE

Minnesota Civil Service Department

Proposed Revision of the Civil Service Rules

Under the provisions of Minnesota Statutes 1957, Section 15.0412, Subdivision 4, notice is hereby given of a public hearing before the Civil Service Board on proposed changes to Civil Service Rules 1.3, 2.5, 5.8, 8.2, 8.3, 8.5, 8.7, 8.9, 10.3, 10.5 and 10.6.

The hearing will be held at 11:00 a.m., Wednesday, August 5, 1959 in the offices of the Civil Service Department, 122 State Office Building, St. Paul 1, Minnesota.

The purpose of the revision to rule 1.3 is to allow editing of the rules where required to bring the rules into conformity with changes in the Civil Service Law. The remaining revisions are proposed to bring the rules up to date with past changes in the Civil Service Law, prior to publication of a revised edition of the Civil Service Rules.

The present rules are printed in their entirety on the attached proposal. Proposed deletions have been crossed out and proposed new material is underlined.

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

AUG 7 - 1959

James L. Larsson
Secretary of State

CIVIL SERVICE BOARD

By

John W. Jackson
John W. Jackson, Secretary

July 3, 1959

P L E A S E P O S T

APPROVED AS TO FORM AND LEGALITY

August 7 1959
MILES LORD, ATTORNEY GENERAL

By *Henry H. Jenkins*
Sp ASSISTANT ATTORNEY GENERAL

8-7-59

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 purposes 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.
- f. Changes to bring the rules into conformity with changes in the Civil Service Law. This provision shall not be construed to include changes which implement or interpret the law.

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 43.041.

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

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.~~

"a. An employee whose class is reassigned to a salary range which is not more than two ranges higher than his former range, shall receive an adjusted salary bearing the same relation to the minimum and the maximum salaries of his new range as his former salary immediately preceding the reassignment bore to the minimum and maximum of his former range.

"b. An employee whose class is reassigned to a salary range which is three or more ranges higher than his former range, shall receive either an adjusted salary which is two steps above his former salary or the minimum of his new range, whichever is greater."
Minnesota Statutes, Section 43.12, Sub. 2 (6).

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 from the agency layoff list. If no such 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 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~~ first three names on such list shall be certified together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating.

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.

i. Certification of Married Couples

Upon the written request of an appointing authority the director may certify only the names of married couples from the eligible lists for the classes of the positions to be filled. If the director approves the request, he will combine the scores of married couples on the appropriate eligible lists and certify the three couples ranking highest on the basis of their combined scores.

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.~~ No person shall receive more than one temporary appointment within one year. No temporary appointment shall exceed six months except to fill a vacancy created by an approved leave of absence not to exceed one year or where the civil service board grants an extension of temporary appointment to the maximum of one year in the best interests of the state. 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.

8.7 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~~ six 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.~~ No person shall receive more than one provisional appointment nor serve more than six months in any 12-month period as a provisional appointee, except, where in individual cases reviewed by the civil service board, that board grants an exception for the good of the service.

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~~ six 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.

8.9 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~~ two years in duration except for psychiatric residencies where the period shall not exceed five years. The appointee shall be subject to removal at anytime 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.)

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 therefore shall be furnished the employee and the director in writing prior to the effective date of the suspension a~~

permanent employee shall, before the action is taken, be furnished with a statement in writing, setting forth the reasons for the suspension. He shall be permitted five days time to reply thereto, in writing, or upon request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the director 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 the employee, but in such case the employee shall not be eligible to for a hearing. Upon the employee's written request, within 30 days after being notified of such disciplinary action, he shall be furnished with a statement in writing specifically setting forth the reasons for the disciplinary action, and a copy of such statement shall be filed with the Director of Civil Service.

No seniority shall be acquired during the period of suspension.

If it is proved to the appointing authority's satisfaction that the employee was unjustifiably suspended, any rights that he would have had if the suspension had not occurred will be returned to him, and any loss of pay resulting from the suspension will be adjusted as provided in rule 13.7.

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.~~

A permanent employee shall, before the action is taken, be furnished with a statement in writing, setting forth the reasons for the demotion. He shall be permitted five days time to reply thereto, in writing, or upon request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the director prior to the effective date of the demotion. 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.~~ A permanent employee shall, before the action is taken, be furnished with a statement in writing, setting forth the reasons for the dismissal. He shall be permitted five days time to reply thereto, in writing, or upon request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the director prior to the effective date of 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 practices, 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.~~