

6-28-61

State of Minnesota  
Civil Service Department  
122 State Office Building  
St. Paul 1

9797-V

June 13, 1961

Honorable Walter F. Mondale  
Attorney General  
State Capitol  
St. Paul 1, Minnesota

Dear Mr. Mondale:

At a public hearing June 7, 1961, of which thirty days prior public notice was given on May 4, 1961, the Civil Service Board considered proposed revisions to the Civil Service Rules as shown in attached public notice.

We are submitting this letter in quadruplicate showing below revised Rules 3.3, 5.2, 13.3, 13.7 and 13.8 as approved by the Civil Service Board on June 7, 1961. Material deleted is stricken and new material is underlined.

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Civil Service Rule Changes  
Adopted by the Civil Service Board  
June 7, 1961

3.3 Labor Service

- c. Report of appointment, termination or interruption of employment in the labor service shall be affected 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. An employee with civil service laborer tenure, as defined in the law and explained below, shall be given written notice of disciplinary action and shall have rights in accordance with provisions of Minnesota Statutes, 43.24, Subdivisions 1 and 2.
  - (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)

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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.

- (3) Regular employees in the labor service who have been employed for a total of 30 months within any 36 month period shall be known as Civil Service Laborers and shall receive the same tenure rights given to other classified employees of the state not in the labor service. The departments' certification in such form as the Director may prescribe that an employee has met this condition will establish his tenure rights.

## 5.2 Administration of the Compensation Plan

### 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 oftenthan 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 salary 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 in writing of the reasons for his determination if the salary increase is denied.

Upon the recommendation of his appointing authority, any employee in the classified service shall be eligible to receive as a longevity increase one additional step above the maximum adjusted salary for his class provided: (1) that he has actually worked in the classified service for an aggregate total period of service of at least fifteen years; and (2) that he is being paid at the maximum adjusted salary for his class.

Upon the recommendation of his appointing authority any employee in the classified service who has been paid at one step above the maximum adjusted salary for his class for an aggregate total of at least

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five years shall be eligible to receive as a longevity increase a second additional step above the maximum adjusted salary established for his class.

### 13.3 Holidays

The following days 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	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas
Independence Day	

When New Year's Day, Memorial Day, Independence Day or Christmas Day falls on Sunday, the following Monday shall be a non-work day. An employee regardless of his work schedule shall receive credit for the same number of holidays as employees whose regular work week is Monday through Friday.

~~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 such payment for the time worked.~~

### 13.7 Vacation Leave

Each person employed on a monthly basis in a continuing position in the classified service shall earn vacation with pay at the rate of ~~one working day~~ four working hours for each full ~~month of service~~ payroll period during the first ~~five years~~ 130 payroll periods of continuous employment by the state and at the rate of ~~one and one-fourth days~~ five hours for each full ~~month of service~~ payroll period 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~~ payroll period or ~~five years~~ 130 payroll periods of continuous service. Vacation leave shall not be earned by employees on temporary or emergency appointments. 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~~ 192 working hours provided, however, that an employee who

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is about to lose ~~a day~~ four hours 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~~ payroll period following absent himself with or without the consent of his appointing authority to prevent the loss of such day hours, 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~~ 192 hours accrual of vacation leave. He may immediately upon his reinstatement from military leave take all vacation leave in excess of ~~24-days~~ 192 hours 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~~ 192 hours, 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~~ hours of unused vacation leave accumulated to his credit.

In the event it is proved to the appointing authority's satisfaction that an employee was unjustifiably suspended and the employee has lost pay as a result of such suspension, the appointing authority shall, without regard to the ~~24-day~~ 192 hour limitation mentioned above, add to the employee's vacation accumulation a number of vacation ~~days~~ hours equal to the number of working ~~days~~ hours lost.

### 13.8 Sick Leave

Sick leave shall be earned by each person employed on a monthly basis in a continuing position in the classified service at the rate of ~~one-working day~~ four working hours for each full ~~month-of-service~~ payroll period. Sick leave shall not be earned by employees on temporary or emergency appointments. 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~~ payroll period of service. Unused sick leave may be accumulated to a total of ~~one-hundred-working-days~~ eight hundred working hours. When the maximum limitation has been accumulated, employees may use ~~one-half-day-a-month~~ two hours a payroll period of sick leave that would have been earned as additional vacation. The other ~~one-half-day~~ two hours 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.

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An employee may utilize his allowance of sick leave on the basis of application therefor approved by his appointing authority and reported to the director, for absences necessitated by inability to perform the duties of his position by reason of illness or injury, by necessity for acute medical or dental care, by exposure to contagious disease under the circumstances in which the health of employees with whom he is associated or members of the public with whom he deals would be endangered by his attendance on duty, or by illness in his immediate family for such periods as his attendance shall be necessary. The term "immediate family" shall be limited to the spouse, minor children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee. Either the appointing authority or the director may require a medical examination or medical certificate as he deems necessary before approving the utilization of sick leave. Within the discretion of the appointing authority, use of sick leave also may be authorized in cases of death of the spouse and the parents of the spouse and the parents, guardian, children, brothers, sisters or wards of the employee.

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.

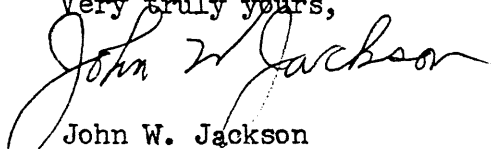
A former state employee who is reappointed within three years of his separation from the service under the provisions of the act and these rules except as a provisional, temporary or emergency appointee, may have his previously accumulated and unused balance of sick leave revived and placed to his credit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

As secretary of the Board, I certify that these rules were duly adopted in accordance with Minnesota Statutes 1957, Section 15.0412.

We will appreciate your consideration and approval of these rules as to form and legality as provided by law.

Very truly yours,

  
John W. Jackson  
Director

APPROVED AS TO FORM

LEGALITY  
AND ~~EXECUTION~~

June 28 1961  
WALTER F. MONDALE, ATTORNEY GENERAL

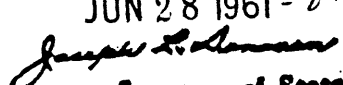
By

  
Assistant Attorney General

STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED

JUN 28 1961 - 8:30 A.M.

  
Secretary of State

P L E A S E   P O S T

TO DEPARTMENT HEADS AND EMPLOYEES:

The attached proposals to revise State Civil Service Rules 3.3, 5.2, 13.3, 13.7 and 13.8 will be considered by the Civil Service Board at a public hearing at 11:00 a.m., Wednesday, June 7, 1961 in the offices of the Civil Service Department, 122 State Office Building, St. Paul 1, Minnesota. These proposals are presented in detail before the hearing so that interested persons may have time to study them and to prepare any written material in connection with them that they may wish the Board to consider.

In presenting these proposals, the rule or part of a rule for which revision is proposed has been copied from the present Rules. The parts to be deleted are shown by striking the present wording. Proposed new material is underlined.

CIVIL SERVICE BOARD

By John W. Jackson  
John W. Jackson, Secretary

DATE: May 4, 1961

P L E A S E   P O S T

PROPOSED REVISIONS OF CIVIL SERVICE  
RULES 3.3, 5.2, 13.3, 13.7 and 13.8

3.3 Labor Service

c. Report of appointment, termination or interruption of employment in the labor service shall be affected 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. An employee with civil service laborer tenure, as defined in the law and explained below, shall be given written notice of disciplinary action and shall have rights in accordance with provisions of Minnesota Statutes, 43.24, Subdivision 1 and 2.
- (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.
- (3) Regular employees in the labor service who have been employed for a total of 30 months within any 36 month period shall be known as Civil Service Laborers and shall receive the same tenure rights given to other classified employees of the state not in the labor service. The departments' certification in such form as the Director may prescribe that an employee has met this condition will establish his tenure rights.

5.2 Administration of the Compensation Plan

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 salary 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 in writing of the reasons for his determination if the salary increase is denied.

Upon the recommendation of his appointing authority, any employee in the classified service shall be eligible to receive as a longevity increase one additional step above the maximum adjusted salary for his class provided: (1) that he has actually worked in the classified service for an aggregate total period of service of at least fifteen years; and (2) that he is being paid at the maximum adjusted salary for his class.

Upon the recommendation of his appointing authority any employee in the classified service who has been paid at one step above the maximum adjusted salary for his class for an aggregate total of at least five years shall be eligible to receive as a longevity increase a second additional step above the maximum adjusted salary established for his class.

### 13.3 Holidays

The following days are holidays, and compensatory time off shall be allowed for work done on these days except where payment is allowed under rule 13.2.

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Washington's Birthday  
Good Friday  
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When New Year's Day, Memorial Day, Independence Day or Christmas Day falls on Sunday, the following Monday shall be a non-work day. An employee regardless of his work schedule shall receive credit for the same number of holidays as employees whose regular work week is Monday through Friday.

~~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 such payment for the time worked.~~



### 13.7 Vacation Leave

Each person employed on a monthly basis in a continuing position in the classified service shall earn vacation with pay at the rate of ~~one-working-day~~ four working hours for each full ~~month-of-service~~ payroll period during the first five years of continuous employment by the state and at the rate of ~~one-and-one-fourth-days~~ five hours for each full ~~month-of-service~~ payroll period 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. Vacation leave shall not be earned by employees on temporary or emergency appointments. 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 (192 working hours) 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.

In the event it is proved to the appointing authority's satisfaction that an employee was unjustifiably suspended and the employee has lost pay as a result of such suspension, the appointing authority shall, without regard to the 24 day limitation mentioned above, add to the employee's vacation accumulation a number of vacation days equal to the number of working days lost.

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An employee may utilize his allowance of sick leave on the basis of application therefor approved by his appointing authority and reported to the director, for absences necessitated by inability to perform the duties of his position by reason of illness or injury, by necessity for acute medical or dental care, by exposure to contagious disease under the circumstances in which the health of employees with whom he is associated or members of the public with whom he deals would be endangered by his attendance on duty, or by illness in his immediate family for such periods as his attendance shall be necessary. The term "immediate family" shall be limited to the spouse, minor children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee. Either the appointing authority or the director may require a medical examination or medical certificate as he deems necessary before approving the utilization of sick leave. Within the discretion of the appointing authority, use of sick leave also may be authorized in cases of death of the spouse and the parents of the spouse and the parents, guardian, children, brothers, sisters or wards of the employee.

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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, temporary 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.