

6-30-69

REVISIONS IN CIVIL SERVICE RULE 13.2
AS APPROVED BY THE CIVIL SERVICE BOARD
JUNE 25, 1969

APPROVED AS TO FORM AND LEGALITY
June 30 1969
DOUGLAS M. HEAD, ATTORNEY GENERAL
BY Will H. Hartfield
ASSISTANT ATTORNEY GENERAL

13.2 Overtime

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

- a. Conditions under which cash payment for overtime is authorized.
- b. Conditions under which compensatory time off may be accrued, used or cancelled including the policies to be followed at the time an employee is separated from service.
- c. For all employees in the classified service assigned to a range of salaries with a maximum rate of \$722 per month in the A schedule, or \$812 per month in the B schedule, the regulations shall require compensation for overtime work paid at one and one-half times the regular rate of pay provided in the salary plan or compensatory time off based on one and one-half times the overtime hours worked.
- d. For all employees except those described in c. hereof, the conditions under which compensatory time off or overtime payment in cash will be allowed and will not be allowed and the rates for cash payment or compensatory time off when allowed.

The term "overtime" means hours worked in excess of forty hours per week, except in state hospitals or institutions the term "overtime" means hours worked in excess of eighty hours per two weeks.

Anything to the contrary herein notwithstanding, an appointing authority may, with the approval of the director, provide that an employee in a position requiring him regularly to remain at, or within the confines of his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status or sleeping and eating rather than performing work shall not be compensated in accordance with c. above but shall be covered under d. above.

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. These provisions take effect on the payroll period beginning July 2, 1969.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 30 1969 - 10:15 am

Joseph L. Johnson
Secretary of State

6-30-69

9797-1

BEFORE THE STATE CIVIL
SERVICE BOARD

In the matter of the Proposed
Revision in Civil Service Rule 13.2

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Civil Service Board on the 25th day of June, 1969, at 10:30 a.m. in Room 116, State Administration Building, St. Paul, Minnesota, after proper notice required by M.S. 1967, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable standards or criteria, and having confirmed the need for the above captioned rule,

NOW, THEREFORE, IT IS ORDERED that this rule identified as Civil Service Rule 13.2 is adopted this 25th day of June, 1969, pursuant to authority vested in me by the Civil Service Board.

APPROVED AS TO FORM AND LEGALITY

June 30 1969
DOUGLAS M. HEAD, ATTORNEY GENERAL

BY

Will H. Hartfield
ASSISTANT ATTORNEY GENERAL

STATE CIVIL SERVICE BOARD

By

John W. Jackson
John W. Jackson, Secretary

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

JUN 30 1969 - 10:15 am

Joseph L. Brown
Secretary of State

REVISIONS IN CIVIL SERVICE RULES
13.7 AND 13.8 AS APPROVED BY THE
CIVIL SERVICE BOARD JUNE 25, 1969

APPROVED AS TO FORM AND LEGALITY

June 30 19 *69*

DOUGLAS M. HEAD, ATTORNEY GENERAL

BY *Will H. Hartfield*

ASSISTANT ATTORNEY GENERAL

13.7 Vacation Leave

For the purposes of this rule, an eligible employee is defined as one employed on an unlimited basis in a continuing position in the classified service. Each eligible employee shall earn vacation with pay according to the appropriate rate table listed below.

Employed Prior to July 2, 1969

Service Requirement	Accumulation Rate
During the first 5 years of continuous employment (approx. 130 payroll periods)	4 working hours per full payroll period
After 5 years and up to 8 years of continuous employment (approx. 130 to 208 payroll periods)	5 working hours per full payroll period
After 8 years and up to 25 years of continuous employment (approx. 208 to 650 payroll periods)	7 working hours per full payroll period
After 25 years and up to 30 years of continuous employment (approx. 650 - 780 payroll periods)	7-1/2 working hours per full payroll period
After 30 years of continuous employment (approx. 780 payroll periods)	8 working hours per full payroll period

Employed On or After July 2, 1969

Service Requirement	Accumulation Rate
During the first 2 years of continuous employment (approx. 52 payroll periods)	3 working hours per full payroll period
After 2 years and up to 5 years of continuous employment (approx. 52 to 130 payroll periods)	4 working hours per full payroll period
After 5 years and up to 8 years of continuous employment (approx. 130 - 208 payroll periods)	5 working hours per full payroll period
After 8 years and up to 25 years of continuous employment (approx. 208 to 650 payroll periods)	7 working hours per full payroll period

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

JUN 30 1969 - 10:15 am

Joseph L. Anderson
Secretary of State

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After 25 years and up to 30 years of continuous employment (approx. 650 to 780 payroll periods)

7-1/2 working hours per full payroll period

After 30 years of continuous employment (approx. 780 payroll periods)

8 working hours per full payroll period

Changes in the rate of accumulation for eligible employees shall be made effective at the beginning of the next payroll period following completion of the specified amount 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 payroll period. An eligible employee being paid for less than the full payroll period of 80 hours will have his vacation accruals prorated for that payroll period. This proration will be in accordance with a schedule established by the director. Vacation leave shall not be granted or accrued before satisfactory completion of six months or its equivalent of continuous full time service.. Upon satisfactory completion of such period, vacation leave shall accrue to the employee from the beginning of the period of continuous service. If an eligible employee returns to the classified service following separation, vacation leave shall accrue according to the revised schedule for new employees appointed on or after July 2, 1969, with the following exceptions. An eligible employee reinstated or appointed from the reemployment list within one year of resignation, the reason for which was either the employee's pregnancy or the pursuit of education directly related to the employee's position in the state service as certified by his appointing authority, shall accrue vacation at the same rate and with the same accredited length of service that existed at the time of such resignation. Vacation leave shall not be earned by employees on temporary or emergency appointments. Departments or agencies may determine the time and establish schedules governing the use of vacation leave except that in no instance will vacation leave be granted in increments of less than one hour.

Unused vacation leave may be accumulated to a total of 192 working hours except that an eligible employee possessing 30 years (approximately 780 payroll periods) of continuous employment by the state may accumulate 208 working hours. Managers and supervisors should make every effort to schedule vacation leave for their employees on a regular basis each calendar year in order to reduce the possibility of an employee losing vacation leave because the maximum accumulation has been exceeded.

An eligible employee on military leave as provided in rule 13.11 shall not be limited to the maximum accrual of vacation leave. He may immediately upon his reinstatement from military leave take all vacation leave in excess of the maximum accumulation. In the alternative, he may elect to be credited with the vacation leave in excess of the maximum accumulation, but such leave shall be taken at a time determined by the appointing authority within two years of the date of reinstatement.

Any eligible employee who is separated from the state service by layoff, resignation, death or otherwise and any eligible 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 hours of unused vacation leave accumulated to his credit.

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

After June 30, 1971, the provisions titled "Employed Prior to July 2, 1969", the word "appropriate" in the first paragraph of this rule, and the words "Employed On or After July 2, 1969" will become inoperative and will be edited from the rules. The language to accomplish these changes will also be edited from the rules.

No employee shall suffer a reduction in his annual leave accumulation rate by reason of the change in the method for computing said rate, effected by the adoption of this rule.

13.8 Sick Leave

For the purposes of this rule, an eligible employee is defined as one employed on an unlimited basis in a continuing position in the classified service. Sick leave shall be earned by each eligible employee according to the appropriate rate schedule indicated below.

Employed Prior to July 2, 1969

Service Requirement	Accumulation Rate
When accrued sick leave is less than 800 hours	4 working hours per full payroll period
When accrued sick leave is 800 hours and maintained	2 working hours per full payroll period

Employed On or After July 2, 1969

Service Requirement	Accumulation Rate
During the first year of continuous employment (approx. 26 payroll periods)	2 working hours per full payroll period
During the second year of continuous employment (approx. 26 payroll periods)	3 working hours per full payroll period
After 2 years of continuous employment (approx. 52 payroll periods)	4 working hours per full payroll period
When 800 hours have been accrued and 800 hours are maintained	2 working hours per full payroll period

Changes in the rate of accumulation for eligible employees shall be made effective at the beginning of the next payroll period following completion of the specified amount of service.

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 payroll period of service. An eligible employee being paid for less than the full payroll period of 80 hours will have his sick leave accruals prorated for that payroll period. This proration will be in accordance with a schedule established by the director. Unused sick leave may be accumulated to a total of eight hundred working hours. When the maximum limitation has been accumulated, the rate of accumulation shall be reduced to two hours and these two hours shall be placed in a lapsed sick leave bank. 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.

Time off on authorized sick leave will be deducted from the first 800 hours. Once an employee no longer possesses 800 hours of sick leave to his credit, four working hours for each full payroll period will be accumulated until the 800 hour maximum limitation is again obtained.

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 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. A written statement from a Christian Science practitioner that the employee is a Christian Scientist and is undergoing treatment may be accepted in lieu of a medical statement. 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. In no instance will sick leave be granted in increments of less than one hour.

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 state 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.

An employee of a Minnesota merit system jurisdiction or the federal competitive service with probationary or permanent status may transfer or be appointed to a position in the state service and may be credited with not more than twelve days of sick leave depending upon the amount accumulated and unused upon transfer or appointment. Such credit shall be reduced proportionately as sick leave credit is accumulated while in state service. Such leave may be utilized under the provisions enunciated above.

The director may authorize an appointing authority to place an employee on involuntary sick leave with or without pay pursuant to the following:

Upon learning that an employee may have a physical or mental incapacity that interferes materially with the proper functioning of his duties, or disrupts the activities of the department, and if he concludes that disciplinary action is not the proper remedy, the appointing authority should report to the director stating all of the facts. The employee shall be advised of such report and its contents. If the director has determined that the appointing authority is unable to settle the problem by conference with the employee, reassignment or transfer, the director shall appoint a committee to consider the matter. The committee shall be composed of three persons, one of whom is a physician, one of whom is a psychiatrist, and one of whom is a rehabilitation counselor. Before making its determination, the committee will give the employee the opportunity to be heard in person and, if he desires, to be accompanied by a representative of his choosing.

If the committee advises that the employee has a physical or mental problem that interferes materially with the proper functioning of his assigned duties or disrupts the activities of the department and that the employee should submit to evaluation and treatment, the employee may with his department head's approval use accumulated sick leave, vacation or leave without pay. Should the employee decline to take treatment using accumulated sick leave or annual leave, or leave without pay, the appointing authority may be authorized by the director to place the employee on involuntary sick leave. Involuntary sick leave will be chargeable to the accumulated sick leave of the employee, or if the employee has no sick leave accumulated, the involuntary sick leave shall be without pay. Treatment as used herein shall include Christian Science treatment if the employee is a Christian Scientist.

The committee shall review regularly the progress of the individual and report thereon to the director and the appointing authority. If, after thirty days, the employee has not submitted to recommended evaluation or treatment, or if the committee determines that the employee will be incapacitated for a prolonged period of time, the appointing authority may take such action as provided under sections of these rules. The appointing authority shall at any time return the employee to duty status upon satisfactory proof of physical and mental competence to perform his assigned duties.

After June 30, 1971, the provisions titled "Employed Prior to July 2, 1969", the word "appropriate" in the first paragraph of this rule, and the words "Employed On or After July 2, 1969" will become inoperative and will be edited from the rules. The language to accomplish these changes will also be edited from the rules.

BEFORE THE STATE CIVIL
SERVICE BOARD

In the matter of the Proposed Revisions
in Civil Service Rules 13.7 and 13.8

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Civil Service Board on the 12th day of March, 1969, at 10:00 a.m. in Room 116, State Administration Building, St. Paul, and again on the 12th day of June, 1969, at 11:00 a.m. in the offices of the Civil Service Department, 215 State Administration Building, St. Paul, after proper notice required by M. S. 1967, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rule,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Civil Service Rule 13.7 and Civil Service Rule 13.8 are adopted this 25th day of June, 1969, pursuant to authority vested in me by the Civil Service Board.

APPROVED AS TO FORM AND LEGALITY

June 30 1969

DOUGLAS M. HEAD, ATTORNEY GENERAL

BY Will H. Hartfield
ASSISTANT ATTORNEY GENERAL

STATE CIVIL SERVICE BOARD

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

JUN 30 1969 - 10:15 am

Joseph L. Schuman
Secretary of State

BY John W. Jackson
John W. Jackson, Secretary