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Minnesota Department of **Human Services**

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March 16, 1999

Mr. Patrick E. Flahaven
Secretary of the Senate
231 Capitol
St. Paul, Minnesota 55155

Dear Mr. Flahaven:

Enclosed is a report to the Legislature titled Report on Civil Service Pilot Projects at the Minnesota Department of Human Services. It is mandated by Laws of Minnesota 1997, chapter 97, section 18.

Six copies of this report have been forwarded to the Legislative Reference Library, in accordance with Minnesota Statutes, chapter 3.195.

Sincerely,

Michael O'Keefe
Commissioner

1997 Minn. Laws Chap. 97
Sec. 18 Subd. 2



Minnesota Department of **Human Services**

March 16, 1999

Mr. Edward A. Burdick
Chief Clerk of the House
211 State Capitol
St. Paul, Minnesota 55155

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REPORT ON CIVIL SERVICE PILOT PROJECTS AT THE MINNESOTA DEPARTMENT OF HUMAN SERVICES

March 17, 1999

Background

Through Laws of Minnesota 1994, Chapter 453, the Minnesota Legislature authorized the Minnesota Departments of Human Services and Transportation to conduct civil service pilot projects for the purpose of improving the efficiency or effectiveness of the agency's operations. The previous year, the legislature had given similar authority to two small state agencies. The purpose of the new legislation was to see how such an experiment would work with two large agencies.

The legislation established in DHS a joint labor-management committee, with equal representation from bargaining unit and managerial employees, which is responsible for designing the pilot projects. The projects may include things which would need waivers of existing civil service rules which are defined as rules, policies or procedures of the Department of Employee Relations (DOER).

Through Laws of Minnesota 1997, Chapter 97, Section 18, the Minnesota Legislature expanded the original pilot project authority to allow pilots involving the waiver of some portions of Minnesota Statutes, Chapter 43A and to eliminate the sunset provision of June 30, 1998. The law requires DHS to evaluate the pilots on the basis of these four factors:

- (1) the extent to which the department of human services has been successful in maintaining a merit-based human resources system in the absence of the traditional civil service rules and procedures;
- (2) the extent to which the project's projected outcomes were achieved;
- (3) the satisfaction of managers, supervisors, and exclusive representatives of employees with the changes; and
- (4) the extent of complaints or problems arising under the new system.

It also requires DHS to make reports to the legislature by January 15, 1999, January 15, 2000, and January 15, 2001, on the progress and results of the project. This is the first of those reports.

Employee Selection Projects

The DHS Civil Service Pilot Project Committee initially agreed to pursue projects in the area of employee selection. The committee reached this agreement through a process of problem identification, categorization and prioritization. Part of the process included an assessment of whether the proposed solutions to the problems are "do-able" and whether they are sufficiently non-controversial to allow the

committee to work together on issues of common interest and build group trust and a willingness to tackle more difficult issues.

The committee determined that innovations in employee selection procedures were likely to have significant impact on the efficiency and effectiveness of agency operations and, thus, looked for projects that would result in these outcomes:

- Increased administrative efficiency and more opportunities for managers and supervisors to fill vacancies quickly by having pools of qualified state employees available without the need to announce and administer exams;
- Increased administrative efficiency and greater employee satisfaction by eliminating the need for DHS employees to retest due to expiration of an eligible list; and
- Increased mobility opportunities for employees through transfer, demotion and access to vacancies for which exams are not announced.

The following four projects were implemented on July 1, 1996

1. Continuous Application Policy

DHS employees are allowed to apply and test for any job class used in DHS at any time without the exam having to be announced and opened to application. This required a waiver of current DOER policy.

2. No Need to Retest to Stay on an Eligible List

Once qualified and on an eligible list for a DHS class, a DHS employee remains qualified and on the eligible list unless and until the exam changes substantially or the employee is removed pursuant to the other reasons contained in current DOER rule. This required a waiver of current DOER rule.

3. Different Class Transfer and Demotion "Lists"

Establish different-class transfer and demotion lists for DHS employees and classes. This required a waiver of current DOER policy.

4. Supervisory Assessment of Qualifications for Transfer and Demotion

Obtain delegated authority from the DOER for DHS to determine qualifications for transfers and demotions. Allow hiring supervisors to declare applicants for transfer or demotion "qualified." This required a waiver of current DOER policy.

Evaluation

A formal evaluation of these projects was conducted after one year. The evaluation methods for all four projects included reports of problems by users and a satisfaction survey of all DHS staff. For the fourth project, supervisory assessment of qualifications for transfer and demotion, additional evaluation factors included a review of the rationale used by supervisors in qualifying employees for transfer or

demotion under the pilot project: a count of the number of people qualified for transfer or demotion under the pilot project who do not pass probation; a count of the number of layoffs averted by use of this pilot project; and a comparison of the numbers of promotions and transfers that occurred within DHS during the year prior to the pilots with those occurring during the pilot projects.

Numerous problems were reported by human resources staff in the initial months with regard to the first two projects. Both of these required the cooperation of DOER staff and changes in DOER's operating procedures. After many meetings, new procedures were eventually implemented that allowed the DHS projects to proceed as envisioned and there have been no recent complaints.

No problems or complaints were reported for pilot project # 3. AFSCME reported serious concerns about the first use of pilot project # 4. The first use involved the transfer of an employee from a class represented by the Minnesota Association of Professional Employees (MAPE) to a class represented by AFSCME. The vacancy that was filled had been the subject of scrutiny and controversy for several months, and there were AFSCME employees on the eligible list for the class hoping for promotional opportunities. The person transferred into the job was a MAPE employee who would otherwise have been subject to layoff under the Memorandum of Understanding. No other problems or concerns were reported. The rationale reported by supervisors in support of their assessments were well-grounded. Everyone appointed via this pilot project successfully completed the required probationary period.

The survey showed that most employees, particularly those in the State Operated Services, were not aware of the pilot projects. Reported usage rates bear this out, to some extent. For example, there were only 4 uses of pilot project # 4, a high of 146 reported uses of pilot project # 1, 111 reported uses of project # 2 and 19 reported uses of # 3. Of those who used the projects, satisfaction with the experience was generally very high.

As a result of the evaluation, the committee developed and implemented a formal communications plan to help spread the word about the projects, but with the understanding that knowledge and usage will always be somewhat limited because of the complexities of the state system and the lack of interest of many employees.

Since the formal evaluation, there have been no reported problems with the projects. Managers have expressed appreciation for the ability to fill vacancies more quickly from lists of current employees. Employees have appreciated the ability to take exams and get on lists on an ongoing basis for all classes used in the department.

Audit Appeal Project

The committee implemented a new project in January 1998, which involves the use of a four-member labor-management panel to "hear" appeals of job classification determinations and make recommendations to the DHS Human Resources Director. This project is not designed to address a significant *actual* problem, because there are very few adverse classification decisions, but it is designed to address a significant problem of a *perception* of unfairness or inequity that is shared by some employees and supervisors. To date, there have been three appeals: one was turned down by the panel, one was returned to the local Appointing Authority to review new information presented at the appeal hearing, and the third was approved by the panel, but the panel's decision was rejected by the DHS Human Resources Director because the panel's decision was not consistent with statewide standards for the classes involved.

Future Plans

The committee has had a hold on future projects in anticipation of major system-wide civil service reform initiated by the Department of Employee Relations. The committee has been briefed on the statewide efforts to date. If the Department of Employee Relations does not pursue the legislation needed for civil service reform this session, the committee will likely decide to explore new projects.

One topic that has been under discussion involves the possibility of pursuing legislation to allow an employee to convert accumulated annual leave to cash which can then be used to fund a training and development opportunity for the employee. This would first require the approval of all of the exclusive representatives.

Conclusion

The committee is satisfied with its work to date and appreciates the opportunity to try new things with the state's civil service system. While the labor-management process is slow, the committee believes that it leads to greater understanding of issues and eventually results in changes which have a broader base of support.