

CHAPTER 7520

DEPARTMENT OF PUBLIC SAFETY

PUBLIC SAFETY; MERIT SYSTEM

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7520.0100 DEFINITIONS.

Subpart 1. **Scope.** The following definitions apply to parts 7520.0100 to 7520.1100, unless the context clearly requires another meaning.

Subp. 1a. **Affirmative action.** "Affirmative action" means a management program designed to ensure equal employment opportunity and correct past discrimination by identifying and removing barriers throughout a personnel system. Affirmative action includes special efforts to eliminate underuse of disabled persons, minorities, and women through recruitment, hiring, and advancement of these groups.

Subp. 2. **Allocation.** "Allocation" means the assignment of a position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work performed in the position.

Subp. 3. **Appointing authority.** "Appointing authority" means the county board of commissioners, the town board, the mayor, or other officer or board authorized by statute or lawfully delegated authority to make appointments to positions under the merit system for civil defense.

Subp. 3a. **Balanced class.** "Balanced class" means any class in which no more than 80 percent of the members are male and no more than 70 percent of the members are female.

Subp. 4. **Change in allocation.** "Change in allocation" means the reclassification of a position resulting from significant sudden changes imposed by the appointing authority affecting the duties and responsibilities of a position.

Subp. 5. **Class.** "Class" means one or more positions sufficiently similar in the duties performed, degree of supervision exercised or required, requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation may be applied with equity to all of the positions.

Subp. 6. **Classified service.** "Classified service" means all positions covered by parts 7520.0100 to 7520.1100 as provided in 7520.0200, subpart 5.

Subp. 7. **Commissioner of public safety or commissioner.** "Commissioner of public safety" or "commissioner" means the administrative head of the state Department of Public Safety.

Subp. 7a. **Comparability adjustment.** "Comparability adjustment" means a salary range adjustment for a particular classification to correct a compensation inequity based on comparable work value.

Subp. 7b. **Comparable work value.** "Comparable work value" means the value of work measured by the skill, effort, responsibility, and working conditions required in the performance of the work.

Subp. 8. **Council.** "Council" means the merit system council.

Subp. 9. **County register.** "County register" means the subregister established for a county from a statewide, competitive or promotional register containing the names of persons who have legal residence in the county or, in the event of a promotional examination, who are employed by the local agency.

Subp. 10. **Day.** "Day" means calendar day except where otherwise specified in the specific part.

Subp. 11. **Demotion.** "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.

Subp. 12. **Desirable qualifications.** "Desirable qualifications" means the requirements of training and experience desired but not necessary to qualify for a given class of positions in the classification plan.

Subp. 12a. **Disability.** "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

A. has a physical, sensory, or mental impairment which substantially limits one or more major life activities;

B. has a record of such an impairment; or

C. is regarded as having such an impairment.

Subp. 13. **Disabled veteran.** "Disabled veteran" means a veteran who is rated or certified as disabled, in accordance with the provisions of Minnesota Statutes, section 43A.11.

Subp. 13a. **Discrimination.** "Discrimination" means unequal treatment, intentional or unintentional, that is based on the following protected characteristics: race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, political affiliation, membership or activity on a local commission, or sexual orientation.

Subp. 14. **Dismissal.** "Dismissal" means the termination of employment of an employee for cause.

Subp. 14a. **Disparity.** "Disparity" means the employment of fewer disabled persons, minorities, or women in the agency's work force than could reasonably be expected, based on their availability in the relevant labor area.

Subp. 15. **Eligible or eligible person.** "Eligible" or "eligible person" means any person whose name is on a register.

Subp. 16. **Emergency appointment.** "Emergency appointment" means an appointment required by a state of emergency as described in part 9575.0670.

Subp. 17. **Employee.** "Employee" means any person employed by a local civil defense agency in a position covered by part 7520.0200, subpart 5 who is paid a salary or wage.

Subp. 17a. **Equal employment opportunity.** "Equal employment opportunity" means the policy of basing all personnel activities solely on individual merit of applicants and employees in relation to job requirements, and without regard to race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, political affiliation, membership or activity in a local commission, or sexual orientation.

Subp. 17b. **Equitable compensation relationship.** "Equitable compensation relationship" means that a primary consideration in establishing, recommending, and approving total compensation is comparable work value in relationship to other employee positions within the merit system.

Subp. 18. **Exclusive representative.** "Exclusive representative" has the meaning given in Minnesota Statutes, section 179A.03, subdivision 8.

Subp. 19. [Repealed, 23 SR 2404]

Subp. 19a. **Female-dominated class.** "Female-dominated class" means any class in which 70 percent or more of the members are female.

Subp. 20. **General adjustment.** "General adjustment" means an annual merit system recommended salary adjustment based on adjustments to salaries by employers with similar and competing types of employment and trends in the Twin Cities Consumer Price Index. The general adjustment applies to all employees on the professional and clerical salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement.

Subp. 21. **Intermittent employee.** "Intermittent employee" means an employee who works whenever needed or on a schedule which cannot be predicted in advance.

Subp. 22. **Layoff.** "Layoff" means the termination of employment because of shortage of funds or curtailment of services.

Subp. 23. **Layoff list.** "Layoff list" means a list of permanent or probationary employees who have been laid off by reason of abolishment of their position, lack of funds, shortage of work or other reason beyond the control of the employee.

Subp. 24. [Repealed, 16 SR 2055]

Subp. 25. **Local agency.** "Local agency" means the organization created to carry out the functions and programs of the jurisdiction's civil defense responsibilities.

Subp. 26. **Local civil defense authority.** "Local civil defense authority" means the governing board, commission, council, or mayor under whose authority a county, town, or village, establishes a local civil defense agency.

Subp. 26a. **Male-dominated class.** "Male-dominated class" means any class in which 80 percent or more of the members are male.

Subp. 27. **Merit increase.** "Merit increase" means a salary increase given to an individual employee based on meritorious job performance.

Subp. 28. **Military leave.** "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 of America.

Subp. 29. **Minimum qualifications.** "Minimum qualifications" means the requirements of training and experience necessary to qualify for a given class.

Subp. 30. **Original appointment.** "Original appointment" means a regular appointment of an individual to a local civil defense staff through selection from an open-competitive register and is the beginning point of the probationary period and is sometimes referred to as probationary appointment.

Subp. 31. **Permanent employee.** "Permanent employee" means an employee who has successfully completed a probationary period or who has attained permanent status upon the installation of the merit system. The permanent designation means that the employee has achieved a status entitling that employee to the benefits, rights, privileges, and obligations conferred by parts 7520.0100 to 7520.1100 but the designation is not a guarantee of lifetime or career employment with the appointing authority.

Subp. 32. **Position.** "Position" means a group of current duties and responsibilities assigned or delegated by competent authority requiring the full or part-time employment of one person.

Subp. 33. **Probationary employee.** "Probationary employee" means an employee who is serving a probationary period in a class to which the employee has been appointed from an eligible list.

Subp. 34. **Probationary period.** "Probationary period" means the working trial period during which a new appointee is required to demonstrate fitness for the position to which appointed by actual performance of the duties of the position.

Subp. 35. **Promotion.** "Promotion" means a change of an employee from a position in one class to a position in another class with more responsible duties and a higher salary range.

Subp. 35a. **Protected groups.** "Protected groups" means females, disabled persons, and members of the following minorities: Black, Hispanic, Asian, Pacific Islander, American Indian, or Alaskan Native.

Subp. 36. **Provisional appointment.** "Provisional appointment" means an appointment of a person not on a register to fill a position pending the establishment of a register for the position in accordance with the provisions of part 9575.0660.

Subp. 37. **Reallocation.** "Reallocation" means the reclassification of a position resulting from significant changes in the duties and responsibilities of the position that occur gradually over a period of time.

Subp. 38. **Reclassification.** "Reclassification" means a change in the allocation or reallocation of a position to a higher, lower, or equivalent class.

Subp. 39. **Reemployment list.** "Reemployment list" means a list of former permanent or probationary employees who have been laid off or who have voluntarily separated from merit system employment in good standing and whose applications for reemployment in the merit system are submitted within one year of separation.

Subp. 40. **Register.** "Register" means an officially established list of eligibles for a particular class.

Subp. 41. **Resignation.** "Resignation" means the termination of employment made at the request of the employee.

Subp. 42. **Salary adjustment.** "Salary adjustment" means an increase given to employees due to cost-of-living factors, going rates for similar jobs, or labor market conditions.

Subp. 43. **Salary increase.** "Salary increase" means an increase granted to an employee on the basis of working out of class or due to unusual employment conditions and not based on job performance, cost-of-living factors, going rates for similar jobs or labor market conditions.

Subp. 44. **State agency.** "State agency" means the governor acting through the state Department of Public Safety, Division of Civil Defense, which is responsible for the administration and supervision of the civil defense programs in the state of Minnesota.

Subp. 45. **Supervisor.** "Supervisor" means the merit system supervisor.

Subp. 46. **Suspension.** "Suspension" means an enforced leave of absence with or without pay, for disciplinary purposes or pending investigation of charges made against an employee.

Subp. 47. **Temporary employee.** "Temporary employee" means an employee who is appointed with a definite ending date.

Subp. 48. **Transfer.** "Transfer" means the movement of a probationary or permanent employee from a position in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.

Subp. 48a. **Unclassified service.** "Unclassified service" includes all positions designated as not being classified under the merit system pursuant to part 9575.0680.

Subp. 49. **Veteran.** "Veteran" means all persons defined as veterans by Minnesota Statutes, section 197.447.

Subp. 50. **Veteran's preference.** "Veteran's preference" means the preference granted to veterans by Minnesota Statutes, section 43A.11.

Statutory Authority: *MS s 12.22*

History: *10 SR 1507; 14 SR 1008; 15 SR 838; 16 SR 2055; 17 SR 1279; 18 SR 2278; 22 SR 45; 23 SR 82; 23 SR 2404*

7520.0150 DEFINITIONS OF TERMS IN PUBLIC WELFARE RULES.

Subpart 1. **Scope.** Part 7520.0200, subpart 2 provides that certain rules of the Minnesota merit system promulgated by the commissioner of human services shall be made a part of the rules applying to the merit system for civil defense. The following terminology, as used in parts 9575.0300 to 9575.1300 and 9575.1550 to 9575.1580 and the Minnesota Merit System Rules and Manual, sections IV-5000 to IV-6530, shall be interpreted as follows in this chapter.

Subp. 2. **County agency.** "County agency" shall be interpreted to mean the local agency as defined in part 7520.0100.

Subp. 3. **County welfare board.** "County welfare board" shall be interpreted to mean the local civil defense authority as defined in part 7520.0100.

Subp. 4. **County welfare director or welfare director.** "County welfare director" or "welfare director" shall be interpreted to mean the duly appointed administrative head of a local civil defense agency.

Subp. 5. **Minnesota merit system.** "Minnesota merit system" shall be interpreted to mean the merit system agency serving the civil defense program.

Statutory Authority: *MS s 12.22*

History: *L 1984 c 654 art 5 s 58*

7520.0200 STATEMENT OF POLICY AND MEANS OF EFFECTING POLICY.

Subpart 1. **Objectives.** It is the declared aim of the governor and the state Department of Public Safety of the state of Minnesota to put into full force and effect the merit principles of personnel administration. To this end the merit system council, the merit system supervisor, and the Department of Public Safety shall work toward the objectives of:

- A. economy and effective service in the Minnesota civil defense program;
- B. the proper classification of positions so that positions essentially alike in duties and responsibilities are treated alike, and positions not so alike are treated with due consideration of the nature and extent of the differences between them;
- C. fair and equal opportunity to all qualified citizens of the United States to compete for positions and promotions under the jurisdiction of the merit system solely on the basis of merit and fitness as ascertained through practical examinations;
- D. equitable pay scales for the various classes established on the basis of equal pay for work of equal value; and
- E. an attractive career service in civil defense employment within the state of Minnesota.

Subp. 2. **Adoption of rules.** These rules have been adopted to accomplish the objectives stated in subpart 1. The rules have been promulgated by the governor of the state of Minnesota in accordance with Minnesota Statutes, section 12.22, subdivision 3, and in compliance with the provisions of Minnesota Statutes, chapter 14.

This chapter and related manual instructions of the Minnesota merit system promulgated by the commissioner of human services are hereby made a part of these rules and shall be construed in accordance with the definitions provided in part 7520.0150.

Parts 9575.0400 to 9575.1300 have been adopted in accordance with chapter 14 of Minnesota Statutes and have the force and effect of law.

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Sections IV-5000 through IV-6530 of the public welfare manual provide instructions to appointing authorities necessary to the implementation of the official rules. These sections are accorded similar status under this chapter.

Subp. 3. **Amendment of rules.** If and when it appears desirable in the interest of good administration, the governor, through the commissioner of public safety and with the advice and recommendations of the council, may amend this chapter after compliance with the provisions of Minnesota Statutes, chapter 14. Amendments of the rules specified in part 7520.0200, subpart 2 shall be considered as amendments of this chapter.

Subp. 4. **Editing of rules.** Prior to issuing or reissuing sections of the merit system rules, the supervisor may make the following, and only the following, changes:

- 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, when enactment of statutory amendments make such action necessary to make the quotations true and accurate; and
- D. changes to renumber rules or rule references as necessary due to the adoption of new rules or the abolition of existing rules.

Such changes shall not be deemed to be amendments to this chapter, and each shall be reported to the commissioner of public safety before release of the material. Any changes not approved by the commissioner of public safety shall be excluded from the material to be released.

Subp. 5. **Positions covered by rules.** This chapter shall apply to every position created under the jurisdiction of the local civil defense agencies for which any federal personnel funds are paid to the local jurisdiction except any part-time professional worker who is paid for the performance of professional services and who is not engaged in the performance of any administrative duties and any local civil defense director position in a jurisdiction in which the local officer or board and the commissioner determine that the position of local director shall not be subject to merit system coverage and the position has not previously been subject to such coverage.

Statutory Authority: *MS s 12.22*

History: *L 1984 c 654 art 5 s 58; 14 SR 1008*

7520.0300 POLITICAL ACTIVITY.

Subpart 1. **Affecting elections.** No employee shall use the employee's official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office.

Subp. 2. **Coercing contributions.** No employee shall directly coerce, attempt to coerce, command, or advise a merit system employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Subp. 3. **Candidacy.** No employee shall be a candidate in a partisan election for any public office which is obtained through a partisan election. Candidacy for political party office is not prohibited.

Subp. 4. **Restrictions during leave.** An employee continues to be covered by the federal Hatch Act restrictions including all the restrictions listed in subparts 1 to 5 while on annual leave, sick leave, leave without pay, or administrative leave. Any employee shall resign from the service upon filing as a candidate for public office, except as provided in subpart 5.

Subp. 5. **Nonpartisan elections.** Any employee may be a candidate in nonpartisan elections. These are elections in which none of the candidates is to be nominated or elected

as representing a political party whose candidates for presidential elector received votes in the last presidential election.

Subp. 6. **Hatch Act.** All prohibitions of political activity provided in the federal Hatch Act apply to employees under the merit system.

Statutory Authority: *MS s 12.22*

History: *17 SR 1279*

7520.0350 PROHIBITION AGAINST DISCRIMINATION.

Subpart 1. **In general.** No person shall be discriminated for or against in such matters as recruitment, examination, appointment, tenure, compensation, classification, or promotion, or in such matters as conditions, facilities, or privileges of employment because of race, color, political affiliation, creed, religion, national origin, disability, age, marital status, status with regard to public assistance, sex, membership or activity in a local commission, or sexual orientation. Any person aggrieved by a violation of these prohibitions may file a complaint under the provisions of Minnesota Statutes, chapter 363, or may file a discrimination complaint under the local agency's internal complaint process.

Subp. 2. [Repealed, 14 SR 1008]

Subp. 2a. **Affirmative action plan.** Each local agency shall have an affirmative action plan for employees covered by parts 7520.0100 to 7520.1100. The plan must contain, at a minimum, the following:

A. a policy defining and prohibiting discriminatory harassment, including sexual harassment;

B. an internal discrimination complaint policy and procedure that includes notification of the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights of complaints that are brought and their resolution;

C. provision for appointment of a person to provide liaison between the local agency and the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights and to have responsibility for implementation of the local agency's plan;

D. provision for notification of the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights of periodic hiring goals established by the local agency, for expanded certification purposes; and

E. provision for compliance with Title I of the Americans with Disabilities Act of 1990, which prohibits discrimination against disabled employees or job applicants.

These requirements may be incorporated as part of a countywide affirmative action plan or provided as an addendum to the plan.

Subp. 3. [Repealed, 14 SR 1008]

Statutory Authority: *MS s 12.22*

History: *14 SR 1008; 18 SR 2278; 23 SR 82; 26 SR 812*

7520.0370 VIOLATIONS.

Subpart 1. **Cause for dismissal.** Violations of any of the provisions of parts 7520.0100 to 7520.1100 by an employee in the service shall be considered sufficient cause for the dismissal of such person.

Subp. 2. **Notice of violations; procedure.** Violations of parts 7520.0100 to 7520.1100 by an appointing authority shall be brought to the attention of the appointing authority by the supervisor. The notice shall include remedial measures necessary to correct past violations and to ensure future compliance. In the event the appointing authority refuses to take corrective action, the supervisor shall inform the commissioner who shall deny or suspend all or part of state and federal administrative reimbursement funds, suspend services from the merit system, or require that other corrective action be taken.

Subp. 3. **Decisions by appointing authority and commissioner.** An appointing authority may appeal any denial, suspension of administrative reimbursement, or suspension of services under subpart 2 to the merit system council which shall, after a review of the record available to the commissioner, make its recommendation to the commissioner. The commissioner's decision shall be final.

Statutory Authority: *MS s 12.22*

History: *23 SR 82*

7520.0400 ORGANIZATION.

Subpart 1. **Governor.** Minnesota Statutes, section 12.22, subdivision 3 states:

"The governor shall have authority to establish rules and regulations in accordance with the law for the proper and efficient operation and administration of the civil defense program including methods relating to the establishment and maintenance of personnel standards on a merit basis for all employees of local civil defense agencies, provided, however, that the governor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods.

The governor may, by rule and regulation, cooperate with the federal government in any manner as may be necessary to qualify for federal aid to carry out the provisions herein expressed. The governor may, by rule and regulation, also cooperate with other political units or subdivisions in establishing and maintaining personnel standards on a merit basis." (Minnesota Statutes, section 12.22, subdivision 3.)

Subp. 2. **Rules to affect employees of jurisdictions with local civil service commissions.** The authority to require methods of relating to the establishment and maintenance of personnel standards on a merit basis shall extend to all employees except as provided in part 7520.0200, subpart 5; and this chapter shall be applicable to such employees until such time as the local jurisdiction adopts and maintains rules affecting classification and compensation, examination and certification of eligibles, and other personnel standards that substantially conform to this chapter and are so certified as conforming by the supervisor.

Subp. 3. **Merit System Council.** The Merit System Council shall be the council appointed by the governor to serve as the council for the Minnesota Merit System. It shall be the duty of the council within the scope of this chapter:

A. to establish general policies for the administration of merit examinations and the hearing of personnel appeals as provided in 12 MCAR S 2.508;

B. to hear such appeals or to appoint an appeal board or to appoint a referee to hear such appeals on its behalf;

C. to consult with the merit system supervisor in formulating procedures for the purpose of insuring conformity with this chapter and the policies of the council;

D. to review the classification and compensation plans and to make recommendations to the commissioner of public safety on their adoption and revision;

E. to make recommendations to the commissioner of public safety about internal personnel policies to insure conformity with this chapter;

F. to promote public understanding of the purposes, policies, and practices of the merit system; and

G. to review and make recommendations to the commissioner of public safety about amendments to the rules of the merit system.

Meetings of the council shall be held as often as necessary and practicable upon call of the chair, of the supervisor, or of the commissioner of public safety. The commissioner of public safety shall have the right to be represented at all meetings of the council, but such representation shall be without voting power. The council shall adopt procedures for the conduct of its activities.

Each member of the council shall be paid \$50 per regular meeting, but no member shall be paid more than \$600 in any one calendar year for regular meetings. Each member of the council shall be paid \$50 per day when serving on an appeal or hearing board. In addition members whose residence is in excess of 50 miles of the place of meeting shall be compensated for travel expenses and, in an instance in which the meeting is scheduled for more than one day or when the hour of the beginning of the meeting, or the close of the meeting, does not allow coming from or returning to the place of residence within a reasonable time, for lodging and meals.

Subp. 4. **Merit system supervisor.** The merit system supervisor shall be the duly appointed supervisor of the Minnesota Merit System. In conformance with parts 7520.0100 to 7520.1100, it shall be the duty of the merit system supervisor:

A. to develop and put into continuous effect policies and procedures for the administration of the merit system program as they relate to the preparation, administration, and scoring of examinations; the preparation, custody, and maintenance of registers of eligibles; the determination of availability of eligibles for appointment; the certification for appointments; and the determination of the adequacy of existing registers;

B. to develop and administer the classification and compensation plans and to consult with the commissioner of public safety and with the council on the adoption and revision of such plans as they relate to the merit system program of recruitment and examination;

C. to maintain personnel records of all persons employed under the merit system program and records of all personnel action;

D. to promote public understanding of the purposes, policies, and practices of the merit system program and to develop and put into effect procedures for carrying out the personnel administration of the rules of the merit system;

E. to appoint staff members, including technicians, clerks, stenographers, and such other permanent or temporary employees as are necessary to carry out the provisions of parts 7520.0100 to 7520.1100. The employees shall be chosen in accordance with the provisions of the Minnesota Department of Management and Budget rules;

F. to review, develop, and propose amendments to existing merit system rules for consideration and recommendation by the Merit System Council and in accordance with the provisions of Minnesota Statutes, chapter 14; and

G. to perform such other duties as are prescribed by parts 7520.0100 to 7520.1100 or by the council.

Statutory Authority: *MS s 12.22*

History: *17 SR 1279; 23 SR 82; L 2008 c 204 s 42; L 2009 c 101 art 2 s 109*

CLASSIFICATION PLAN

7520.0500 CLASSIFICATION PLAN: PREPARATION AND ADOPTION.

Subpart 1. **Procedure.** The governor, through the commissioner of public safety shall formally adopt a comprehensive classification plan for all positions covered by parts 7520.0100 to 7520.1100 which shall be published as part of the public safety merit system manual. The plan shall be based on investigation and analysis of the duties and responsibilities of positions and shall be so developed and maintained that all positions that are substantially similar in the kind, difficulty, and responsibility of work are included in the same class. The plan must be developed after consultation with supervisory officials, classification specialists, and persons technically familiar with the character of the work. All classifications must be evaluated by use of a formal job evaluation system. Class titles established by the classification plan shall be used in all personnel and financial records of the Department of Public Safety and the local emergency management agency, as well as in all examination procedures.

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Subp. 2. **Submission to council.** The proposed classification plan and any subsequent amendments shall be submitted to the council for review and recommendation in relation to the merit system program of recruitment and examination.

Statutory Authority: *MS s 12.22*

History: *10 SR 1507; 23 SR 82*

7520.0510 CLASSIFICATION PLAN: ALLOCATION OF POSITIONS.

Every position under the Minnesota Merit System as provided in part 7520.0200, subpart 5 shall be allocated by the merit system supervisor to one of the appropriate classes established in the classification plan. No person shall be appointed or promoted to any position until it has been properly classified as herein provided. As additional classes are established or existing classes are abolished or changed, such necessary allocation or reallocation shall be made by the supervisor to new or existing classes as necessary.

Statutory Authority: *MS s 12.22*

7520.0520 CLASSIFICATION PLAN: RECLASSIFICATION OF POSITIONS.

Whenever a position appears to be improperly allocated, the supervisor shall, upon the supervisor's own initiative, or upon the request of an appointing authority or a permanent employee, investigate the duties of the position. Following the investigation the supervisor shall allocate the position to its proper class and notify the affected parties.

Statutory Authority: *MS s 12.22*

History: *17 SR 1279*

7520.0530 CLASSIFICATION PLAN: INCUMBENTS OF RECLASSIFIED POSITIONS.

Subpart 1. **Appointment authorized.** When a position is reclassified and it is determined to be a reallocation resulting from a significant change in the duties and responsibilities of the position occurring gradually over a period of time, the supervisor shall authorize an appointing authority to promote the incumbent of the reallocated position. Any employee promoted in accordance with this subpart shall serve a probationary period in the higher class.

Subp. 2. **Eligibility.** When a position is reclassified resulting from a change in allocation, the incumbent shall not be deemed eligible to continue in the position unless eligible for original appointment, promotion, transfer, or demotion to the new class of positions. If ineligible to continue in such a position, the incumbent may be transferred, promoted, or demoted by appropriate action of the appointing authority in accordance with such provisions of parts 7520.0100 to 7520.1100 as may be deemed to be applicable. If ineligibility of a permanent or probationary incumbent of a reclassified position arises from the existence of an eligible register established from an examination that the incumbent did not take, the incumbent may be permitted to take the same or equivalent examination from which the existing register was established, without the examination being open for application. At that time, the county will notify other employees that they may also apply and take the examination. The names of successful candidates examined under this part shall be placed on the existing register in accordance with the score attained. In any case in which the incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the provisions of parts 7520.0100 to 7520.1100 about layoff shall apply. Any transfer, promotion, demotion, or layoff in accordance with these provisions must occur within 60 days of the notification of reclassification of the position.

Subp. 3. [Repealed, 10 SR 1507]

Subp. 4. [Repealed, 10 SR 1507]

Subp. 5. [Repealed, 10 SR 1507]

Statutory Authority: *MS s 12.22*

History: *17 SR 1279; 23 SR 82*

7520.0540 CLASSIFICATION PLAN: CLASS SPECIFICATIONS.

The classification plan shall consist of written specifications for each class. Each specification shall include an appropriate class title, a description of the duties and responsibilities of the work, and the requirements of training, experience, and other qualifications.

Statutory Authority: *MS s 12.22*

7520.0550 CLASSIFICATION PLAN REVISION.

Existing classes may be abolished or changed, or new classes added, in accordance with part 7520.0500. All new or revised classes must be evaluated by use of a formal job evaluation system.

Statutory Authority: *MS s 12.22*

History: *10 SR 1507*

COMPENSATION PLAN**7520.0600 PREPARATION AND ADOPTION OF COMPENSATION PLAN.**

Subpart 1. **Preparation of plan.** In accordance with the Administrative Procedure Act, the governor, through the commissioner of public safety, shall formally adopt and make effective a comprehensive compensation plan including minimum and maximum salary rates as published in parts 7520.1000 and 7520.1100, and recommended intervening steps as published in the public safety merit system manual, as amended through May 29, 1982, for all classes of positions. The plan shall apply to all agencies covered by the merit system, except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or in those instances where the requirements of part 7520.0650, subpart 2, item C have been satisfied. The plan shall include salary ranges for the various classes, with the salary of each class consistent with the duties and responsibilities outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each class shall be established to provide for salary advancement without change of duty, in recognition of meritorious service. The advice and suggestions of appointing authorities, prevailing salary rates for similar and competing types of employment in business and government, and other relevant factors shall be taken into consideration in developing the ranges. Equitable compensation relationships must be established between female-dominated, male-dominated, and balanced classes of employees in accordance with Minnesota Statutes, sections 471.991 to 471.999. Classes must be evaluated in order to determine comparable work value and to establish equitable compensation relationships between classes of positions.

Subp. 2. **Review by council.** The proposed compensation plan, and any amendments thereto, shall be submitted to the council for review and recommendation. Upon review and recommendation and after compliance with the provisions of Minnesota Statutes, chapter 14, the governor, through the commissioner, shall formally adopt the compensation plan which shall be the official salary schedule of the Minnesota Merit System, effective the date specified.

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for a single salary schedule for each occupational grouping of classes including professional and clerical classes. The plan shall be established as provided in subpart 1 with minimum and maximum salaries for each class as provided in parts 7520.1000 and 7520.1100. The plan shall be the official plan for all appointing authorities until amended.

Statutory Authority: *MS s 12.22*

History: *10 SR 1507; 15 SR 838*

7520.0610 SELECTION OF SALARY RANGES BY LOCAL AUTHORITY.

Subpart 1. [Repealed, 15 SR 838]

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Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes on the salary schedules for each occupational grouping of classes, appointing authorities shall designate by resolution the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may by resolution amend the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the amendment.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 7520.0650, subparts 2 and 3 on the basis of the comprehensive compensation plan adopted by the appointing authority as provided in part 7520.0600, subpart 3.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay confidential, supervisory, and other personnel not covered by an exclusive representative who are in the same class as the employees who have an exclusive representative, the same rate of pay and salary range as negotiated for the class under part 7520.0630, subpart 1. In no case would this part allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

Statutory Authority: *MS s 12.22*

History: *15 SR 838*

7520.0620 ADJUSTMENT OF OFFICIAL SALARY SCHEDULE OF THE MINNESOTA MERIT SYSTEM.

Subpart 1. **Annual adjustments.** The compensation plans provided in parts 7520.1000 and 7520.1100 shall be adjusted annually to reflect changes in the level of salary rates in business and government and for similar and competing types of employment and to achieve equitable compensation relationships between classes of positions based on their comparable work value.

Subp. 2. [Repealed, 12 SR 1335]

Subp. 3. **Plan amendments.** After a review of changes in the level of salary rates and consideration of available information regarding trends in the Twin City Consumer Price Index, the supervisor shall propose amendments to the compensation plan in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, and as outlined in part 7520.0600. Amendments shall include a proposed general adjustment to all rates of pay in the professional and clerical salary schedules and specific comparability adjustments to all rates of pay for certain classes, as necessary, to correct compensation inequities based on comparable work value. The amended compensation plan shall be effective on the following January 1 or, for those agencies on a biweekly or four-week payroll period, on the beginning date of the first payroll period after the following January 1.

Subp. 3a. **Employee salary adjustments.** Based on an annual review of adjustments to salary levels by employees with similar and competing types of employment and trends in the Twin City Consumer Price Index, the supervisor shall recommend a general salary adjustment for all employees on the professional and clerical salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement. The recommended general salary adjustment shall be proposed in accordance with Minnesota Statutes, chapter 14, the Administrative Procedure Act, in an amount as provided in part 7520.0650, subpart 3. The adopted salary adjustment shall be effective on the following January 1 or, for those agencies on a biweekly or four-week payroll period, on the beginning date of the first payroll period after the following January 1.

Subp. 4. [Repealed, 12 SR 1335]

Subp. 5. **Plan adjustments.** The appointing authority may implement an adjusted compensation plan by adjusting the salaries of the employees to the same numerically designated salary rate on the adjusted plan that the employees were paid under the former plan.

Subp. 6. [Repealed, 12 SR 1335]

Statutory Authority: *MS s 12.22*

History: *10 SR 1507; 12 SR 1335*

7520.0630 NEGOTIATION OF SALARY SCHEDULE.

Subpart 1. **Role of exclusive representative.** In those agencies where employees have elected an exclusive representative the appointing authority and the exclusive representative may negotiate their own salary schedules for employees in the bargaining unit by class, with the salary for each consistent with the functions outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each shall be established to provide for steps in salary advancement without change of duty, in recognition of meritorious service. When a new classification not previously used in the agency is established in the middle of the contract period and the class falls within the bargaining unit and no provision exists in the contract for establishing those salaries, the appointing authority and the exclusive representative shall negotiate a salary schedule for the new classification within 60 days of the date of establishment of the classification.

Subp. 2. **Filing.** A complete copy of the negotiated salary schedule must be filed with the supervisor within ten days after the signing of the contract or agreement. If the contract or agreement calls for succeeding increases in the salary schedule which change the original minimum and maximum salaries or intervening steps, a new adjusted salary schedule must be filed with the supervisor within ten days after the effective date of any such succeeding adjustment.

Statutory Authority: *MS s 12.22*

7520.0640 [Repealed, 22 SR 45]

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

Subpart 1. **Availability of funds.** Before salary increases and adjustments are made in accordance with this chapter or in accordance with a negotiated collective bargaining agreement, the civil defense authority shall have in its records and carry in its minutes a definite statement that funds for this purpose are available.

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H.

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan the rate shall be adjusted to that minimum.

B. If the rate of pay of an employee is at or above the new minimum salary adopted for the employee's class, the employee may receive the general merit system adopted adjustment and, if a class was adjusted to a greater extent than the general adopted adjustment, the class may receive the additional adjustment as provided in part 7520.0620, subpart 3, if the additional adjustment does not place the class salary over the new maximum adopted salary for the class.

C. If an appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, it must file with the supervisor the new salary steps by class. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class.

D. Employees at the maximum salary for their class may be granted salary adjustments over the maximum salary prescribed for their class, only if a merit system adjustment is adopted and only in the amount adopted for incumbents of that class.

E. If the rate of pay of an employee is higher than the maximum of the range prescribed for the employee's class the rate may remain the same as long as the employee retains the same classification.

F. If the rate of pay of an employee falls between the minimum and maximum of the salary range prescribed for the employee's class but does not correspond to any intervening steps in the range due to the adoption of a merit system general adjustment the rate may remain the same. In the case of subsequent merit increases the employee shall be placed on a step in the adopted salary range for the employee's class.

G. Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

H. An appointing authority may grant a salary increase within the salary range to an employee based upon unusual employment conditions that make the action necessary and the interests of the agency that will be served by the action. In granting this increase, the appointing authority shall give due consideration to the salary rates paid other employees in the same class in the agency and shall deny any request which does not assure equitable compensation for comparable work. Salary increases proposed according to this part are not based on employee performance or a general merit system adopted salary adjustment. The granting of the increase will not affect the employee's eligibility for subsequent merit increases or salary adjustments in accordance with merit system rules. If the unusual employment conditions justifying the increase are of a temporary nature the employee's salary shall be decreased to its previous level upon conclusion of those conditions, notwithstanding the provisions of part 7520.0670 or 9575.1180.

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is three percent for employees on the professional and clerical salary schedules.

Subp. 4. **Salary differentials.** Intra-agency salary differentials between employees in the same class of positions, between employees in different classes of positions in the same occupational field, and between occupational fields in the same agency are recognized as important factors in the maintenance of satisfactory morale. If the general adjustments result in the reduction of the differential between employees in the same class of positions or between employees in different classes of positions in the same occupational field, adjustments may be made that will, insofar as practicable, maintain differentials within the limits of the new plan. In maintaining differentials the appointing authority shall consider the length of service and quality of performance of the employee affected.

Subp. 5. **Collective bargaining agreements.** In agencies where there is an exclusive representative and a negotiated salary schedule for employees in the bargaining unit, adjustments in the rates of pay of employees shall follow the wording of the contract or agreement.

Statutory Authority: *MS s 12.22*

History: 8 SR 1352; 9 SR 1339; 10 SR 1507; 11 SR 1075; 12 SR 1335; 14 SR 1806; 15 SR 838; 16 SR 2055; 17 SR 1829; 18 SR 2278; 19 SR 2090; 20 SR 2592; 22 SR 45; 23 SR 82; 23 SR 2404; 25 SR 487; 26 SR 812

7520.0660 [Repealed, 22 SR 45]

7520.0670 SALARY DECREASES.

Subpart 1. **In general.** Except as otherwise negotiated by an agency and the exclusive representative, a salary decrease within the range prescribed for the class may be made only for just cause. A permanent employee shall be notified of the intent to effect a reduction in pay and the reasons for the action at least ten calendar days prior to the date on which the reduction becomes effective. A copy of the notice shall be sent to the supervisor. A permanent employee whose salary is reduced may request a hearing as provided in 12 MCAR S 2.508 D.

Subp. 2. **Exemption.** Collective bargaining agreement provisions whereby a salary adjustment or salary increase is negotiated for a set period of time do not fall within the provisions of subpart 1.

Statutory Authority: *MS s 12.22*

7520.0680 [Repealed, 22 SR 45]

7520.0700 SALARY COMPUTATION.

Subpart 1. [Repealed, 23 SR 82]

Subp. 2. **Full-time and part-time employment.** All rates prescribed in parts 7520.1000 and 7520.1100 shall be standard rates for full-time employees except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or under the provisions of part 7520.0650, subpart 2, item C. If employment in a position is on a part-time or intermittent basis, only the proportional part of the rate for the time actually employed shall be paid. The time may be paid on an hourly, working-day or proportion of a month basis.

Those agencies with an exclusive representative who negotiate different salary schedules from those shown in parts 7520.1000 and 7520.1100 under the provisions of the first paragraph of this subpart or those agencies operating under the provisions of part 7520.0650, subpart 2, item C shall file, within ten days after the signing of the contract, the schedules with the supervisor.

Subp. 3. [Repealed, 23 SR 82]

Subp. 4. **Part payment from another source.** When part of the compensation of a local civil defense employee regularly is paid from another source, such as a federal, state, city or county governmental department, or from a different fund or account outside the control of the local civil defense authority, the total salary from all governmental sources combined shall not exceed the amount payable at the maximum rate for the class of position involved on the compensation plan adopted by the agency.

Subp. 5. [Repealed, 23 SR 82]

Subp. 6. [Repealed, 23 SR 82]

Subp. 7. [Repealed, 23 SR 82]

Subp. 8. [Repealed, 23 SR 82]

Statutory Authority: *MS s 12.22*

History: *10 SR 1507; 17 SR 1279; 23 SR 82*

7520.0800 APPOINTMENTS, PROMOTIONS, DEMOTIONS, TRANSFERS, AND REINSTATEMENTS.

Subpart 1. **Appointment.** The entrance salary for the original appointment, provisional appointment, or emergency appointment of a new employee shall be at the minimum salary for the class of positions to which the employee is appointed, except when appointments are made above the minimum.

An employee who is provisionally employed at a rate of pay other than the minimum of the range prescribed for the class shall not be reduced in pay at the time of appointment from a register to the class.

Subp. 2. **Promotions.** The salary of an employee who is promoted shall be raised to the minimum rate of pay for the new class. If the salary before promotion falls within the

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range of the new class but not on any step within that range, the salary shall be adjusted to the next higher step.

Employees granted a salary increase after having been promoted may be permitted to retain that increase when returned to a lower class, if the salary does not exceed the maximum salary for the lower class.

Subp. 3. **Demotions.** An employee who is demoted, except one demoted in accordance with part 7520.0530, and whose salary is above the maximum rate for the lower class shall be reduced in salary to at least the maximum rate for the new class. If the former salary is within the salary range for the lower class the same salary may be continued. An employee whose position is reclassified downward in accordance with part 7520.0530 and remains in the same position may retain the former salary if it is above the maximum salary rate for the lower class but shall be ineligible to receive any further increases except those subsequently provided in the new classification.

Subp. 4. **Transfers.** An employee who is transferred may be paid the same salary received prior to transfer. If an employee's salary prior to transfer falls within the salary range of the class to which the employee is transferring but not on a salary step in that range, the employee's salary may be increased to the next higher step in the range but it shall not be lowered.

Subp. 5. **Reinstatements.** A former employee who is reinstated or reemployed may be paid the same salary rate last received in the same class of positions if it coincides with a step in the current salary range for the class, or if it does not coincide, at the next higher step.

Statutory Authority: *MS s 12.22*

History: *17 SR 1279; 23 SR 82*

7520.0900 COUNTY REGULATIONS.

Any variation from the compensation plan adopted by the local civil defense authority shall be in accordance with the provisions of the merit system rules (see part 7520.0610).

Statutory Authority: *MS s 12.22*

COMPENSATION PLAN (EMERGENCY SERVICES)**7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 2001; PROFESSIONAL.****Subpart 1. Plan.**

	Minimum	Maximum
Assistant Emergency Management Director	2108	3444
Public Information Officer	2305	3754

Subp. 2. [Repealed, 15 SR 838]

Subp. 3. [Repealed, 15 SR 838]

Statutory Authority: *MS s 12.22*

History: *8 SR 1352; 9 SR 1339; 10 SR 1507; 11 SR 1075; 12 SR 1335; 13 SR 1688; 14 SR 1806; 15 SR 838; 15 SR 1699; 16 SR 2055; 17 SR 1829; 18 SR 2278; 19 SR 2090; 20 SR 2592; 22 SR 45; 23 SR 82; 23 SR 2404; 25 SR 487; 26 SR 812*

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 2001; CLERICAL.**Subpart 1. Plan.**

	Minimum	Maximum
Office Support Aide	1110	1968
Office Support Specialist	1317	2354
Office Support Specialist, Sr.	1613	2636

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Subp. 2. [Repealed, 15 SR 838]

Subp. 3. [Repealed, 15 SR 838]

Statutory Authority: *MS s 12.22*

History: *8 SR 1352; 9 SR 1339; 10 SR 1507; 11 SR 1075; 12 SR 1335; 13 SR 1688; 14 SR 1806; 15 SR 838; 15 SR 1699; 16 SR 2055; 17 SR 1829; 18 SR 2278; 19 SR 2090; 20 SR 2592; 22 SR 45; 23 SR 82; 23 SR 2404; 25 SR 487; 26 SR 812*

7520.1200 [Repealed, 23 SR 82]