

3900.0400 DEFINITIONS.

Subpart 1. **Scope.** For purposes of chapters 3900 and 3905, the terms defined in this part have the meanings given them. Terms used in chapters 3900 and 3905 which are defined in Minnesota Statutes, section 43A.02, shall have the meanings there given them.

Subp. 2. **Affirmative action.** "Affirmative action" means a management point of view that all barriers to employment opportunity that are not based on specific job requirements should be identified and removed and that initial employment and advancement opportunities for persons in protected groups shown to be underutilized in an agency's work force should be facilitated so that the imbalance is redressed.

Subp. 3. **Affirmative action plan.** "Affirmative action plan" means a coherent set of management policies and procedures designed to find any barriers contributing to imbalance in an agency's work force and to foster the correction of any imbalances which exist.

Subp. 4. **Agency subdivision.** "Agency subdivision," for purposes of affirmative action, means a state hospital or nursing home, state school, state college or university, correctional facility, or regional or district office, or any other organizational unit under the jurisdiction of a state agency, which is geographically separate and which has an appointing authority.

Subp. 4a. **Applicant with a disability.** "Applicant with a disability" means any applicant who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having an impairment.

An applicant with a disability does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question or whose employment, by reason of the current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

Subp. 5. **Department.** "Department" means the Department of Management and Budget, including the commissioner and the employees of the department.

Subp. 6. [Repealed, 30 SR 807]

Subp. 7. **Emergency employee.** "Emergency employee" means an employee who is appointed for no more than 45 aggregate working days in any 12-month period for any single appointing authority.

Subp. 8. **Employment condition.** "Employment condition" means any limitation on continuous employment caused by the number of hours of work assigned to an employee, and his or her appointment status. Hours of work may be full time, part time, or intermittent. Appointment status may be unlimited, limited temporary, limited emergency, or seasonal.

Subp. 9. **Full-time employee.** "Full-time employee" means an employee who is normally scheduled to work 80 hours in a biweekly payroll period.

Subp. 10. **Goal.** "Goal" means a numerical objective designed to correct an identified deficiency in the utilization of protected group members.

Subp. 11. [Repealed, L 2004 c 287 s 3]

Subp. 12. [Repealed, 8 SR 1479]

Subp. 12a. [Repealed, 30 SR 807]

Subp. 13. [Repealed, 30 SR 807]

Subp. 13a. **Job grouping.** "Job grouping" means a cluster of classes with similar recruitment needs. Each class is assigned to a single job grouping by the commissioner.

Subp. 14. **Labor force statistics.** "Labor force statistics" means the estimated number of persons 16 years old or older who are working, seeking work, or unemployed at the time as determined by the most recent federal census published by the United States Department of Commerce, Bureau of the Census.

Subp. 15. **Labor market area.** "Labor market area" means a geographic area in which an employer is seeking a worker in a particular goal unit and where there is an available supply of workers employed or seeking jobs in that goal unit.

Subp. 16. [Repealed, 8 SR 1479]

Subp. 16a. **Minimum qualifications.** "Minimum qualifications" are the requirements of a job class or position that are necessary at the time of hire to satisfactorily perform the essential functions of a job.

Subp. 17. **Part-time employee.** "Part-time employee" means an employee who is normally scheduled to work fewer than 80 hours in a biweekly payroll period.

Subp. 18. **Seasonal employee.** "Seasonal employee" means an employee who is appointed for no more than ten months during any 12 consecutive months but who is expected to return to work year after year.

Subp. 19. **Temporary employee.** "Temporary employee" means an employee who is appointed under Minnesota Statutes, section 43A.15, subdivision 3, with a definite ending date. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.

Subp. 20. **Timetable.** "Timetable" means a prescribed reasonable time period in which affirmative action goals are expected to be achieved.

Subp. 21. **Underutilization.** "Underutilization" means the employment in a goal unit of fewer qualified protected group members than would reasonably be expected from their workforce participation in the labor market area.

Subp. 22. **Unlimited employee.** "Unlimited employee" means an employee who is appointed with no definite ending date.

Statutory Authority: *MS s 43A.04*

History: *8 SR 1479; L 2004 c 287 s 3; 30 SR 807; L 2008 c 204 s 42; L 2009 c 101 art 2 s 109*

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