

4670.1310 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 the employee's class was adjusted to a greater extent than the general adopted adjustment, the employee may receive the additional adjustment as provided in part 4670.1200, subpart 3, as long as that additional adjustment does not place the employee's salary over the new maximum adopted salary for the class.

C. If a local public health authority determines the general merit system adopted adjustment is inappropriate for its employees, the authority may grant a different adjustment. The authority shall 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 classes.

D. Employees at the maximum salary for their class may be granted salary adjustments over the maximum salary prescribed for their class only if that 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 of positions, 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, that rate may remain the same. In the case of subsequent merit increases, the employee shall be placed back on a step in the adopted salary range for the appropriate 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 that action necessary and the interests of the authority that will be served by that 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 authority and shall not grant an increase that 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 such an increase shall not affect the employee's eligibility for subsequent merit increases or salary adjustments in accordance with merit system rules. If the unusual employment conditions giving rise to such an increase are of a temporary nature, the employee's salary shall be decreased to its previous level upon termination of those conditions, notwithstanding the provisions of part 4670.1500, subpart 1 or 4670.3530.

Statutory Authority: *MS s 144.071*

History: *15 SR 452; 22 SR 45; 23 SR 82*

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