

7 MCAR1

4-26-82

1 Department of Health
 2 Minnesota Merit System
 3
 4 Adopted Rules Governing Definitions; Statement of Policy and
 5 Means of Effecting Policy; Organization; Classification Plan;
 6 Compensation Plan; Examinations; Certification of Eligibles;
 7 Probationary Period; Separation, Tenure and Reinstatement;
 8 Leaves of Absence; Appeals and Hearings; Salary Adjustments and
 9 Increases; Salary Computation Provisions for Full- and Part-time
 10 Employment; Appointments, Promotions, Demotions, Transfers and
 11 Reinstatements; and Provisions for Computing Monthly, Hourly,
 12 Less-than-full-time, Bi-weekly, and Four-week Salary Rates

14 Rules as Adopted

Chapter 1: Rules

16 7 MCAR S 1.235 Definitions.

17 A. Application. The following definitions apply to 7 MCAR S
 18 S 1.235-1.315, unless the context clearly requires another
 19 meaning.

20 B. Allocation. "Allocation" means the assignment of a
 21 position to an appropriate class on the basis of kind,
 22 difficulty, and responsibility of the work performed in the
 23 position.

24 C. Appointing authority. "Appointing authority" means the
 25 county board of commissioners or other officer or board
 26 authorized by statute or lawfully delegated authority to make
 27 appointments to positions under the merit system for public
 28 health.

29 D. Change in allocation. "Change in allocation" means the
 30 reclassification of a position resulting from significant sudden
 31 changes imposed by the appointing authority which affects the
 32 duties and responsibilities of a position.

33 E. Class. "Class" means one or more positions sufficiently
 34 similar in the duties performed, degree of supervision exercised
 35 or required, requirements of training, experience, or skill, and
 36 such other characteristics that the same title, the same tests

1 of fitness, and the same schedule of compensation may be applied
2 with equity to all the positions.

3 F. Classified service. "Classified service" means all
4 positions covered by these rules as provided in 7 MCAR S 1.236 E.

5 G. Commissioner. "Commissioner" or "commissioner of health"
6 means the administrative head of the Department of Health.

7 H. Council. "Council" means the Merit System Council.

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

13 J. Day. "Day" means calendar day except where otherwise
14 specified in the specific rule.

15 K. Demotion. "Demotion" means a change by an employee from
16 a position in one class to a position in another class with less
17 responsible duties and a lower salary range.

18 L. Desirable qualifications. "Desirable qualifications"
19 means the requirements of training and experience desired but
20 not necessary to qualify for a given class of positions in the
21 classification plan.

22 M. Disabled veteran. "Disabled veteran" means a veteran who
23 is rated or certified as disabled in accordance with the
24 provisions of Minn. Stat. S 43A.11.

25 N. Dismissal. "Dismissal" means the termination of
26 employment for cause.

27 O. Eligible person. "Eligible" or "eligible person" means
28 any person whose name is on a register.

29 P. Emergency appointment. "Emergency appointment" means an
30 appointment required by a state of emergency as described in 7
31 MCAR S 1.245 C.

32 Q. Employee. "Employee" means any person employed by a
33 local public health agency in a position covered by 7 MCAR S
34 1.236 E. who is paid a salary or wage.

35 R. Exclusive representative. "Exclusive representative" has
36 the meaning given in Minn. Stat. S 179.63, subd. 6.

1 S. Facsimile. "Facsimile" means a replica, e.g., facsimile
2 of 7 MCAR S 1.315 is a chart showing each of the salary rates
3 adopted by an agency divided into monthly and hourly rates and
4 either daily rates and bi-weekly or four-week rates if paid on
5 this basis or the daily rate based on the number of working days
6 in the month. The number of working days in a month is 20, 21,
7 22 or 23 days if an employee is paid on a monthly basis.

8 T. Intermittent employee. "Intermittent employee" means an
9 employee who works whenever needed or on a schedule which cannot
10 be predicted in advance.

11 U. General adjustment. "General adjustment" means the merit
12 system recommended salary adjustment based on a salary survey or
13 a review of consumer price index changes under 7 MCAR S 1.2392.

14 V. Layoff. "Layoff" means the termination of employment
15 because of abolishment of a position, lack of funds, shortage of
16 work, or other reason beyond the control of the employee.

17 W. Layoff list. "Layoff list" means a list of permanent or
18 probationary employees who have been laid off by reason of
19 abolishment of their positions, lack of funds, shortage of work,
20 or other reason beyond the control of the employee employees.

21 X. Limited term appointment. "Limited term appointment"
22 means an appointment from a register for a period not to exceed
23 six months as described in 7 MCAR S 1.245.

24 Y. Local agency. "Local agency" means the organization
25 created to carry out the functions and programs of the
26 jurisdiction's public health responsibilities.

27 Z. Local public health authority. "Local public health
28 authority" means the governing board, commission, or council
29 under whose authority a county, town, village, or borough
30 establishes a local public health agency.

31 AA. Merit increase. "Merit increase" means an increase
32 given to an employee based on meritorious job performance.

33 BB. Military leave. "Military leave" means a leave of
34 absence granted by state law to employees entering active duty
35 in the armed forces of the State of Minnesota or the United
36 States of America.

1 CC. Minimum qualifications. "Minimum qualifications" means
2 the requirements of training and experience necessary to qualify
3 for a given class.

4 DD. Original appointment. "Original appointment" means a
5 regular appointment of an individual to a local public health
6 staff through selection from an open-competitive register. It
7 is the beginning point of the probationary period, sometimes
8 referred to as a probationary appointment.

9 EE. Permanent employee. "Permanent employee" means an
10 employee who has successfully completed a probationary period or
11 who has attained permanent status upon the installation of the
12 merit system.

13 FF. Position. "Position" means a group of current duties
14 and responsibilities assigned or delegated by competent
15 authority requiring the full or part-time employment of one
16 person.

17 GG. Probationary employee. "Probationary employee" means an
18 employee who is serving a probationary period in a class to
19 which the employee has been appointed from an eligible list.

20 HH. Probationary period. "Probationary period" means the
21 first six-month working test period during which a new appointee
22 is required to demonstrate fitness for the position to which he
23 is appointed by actual performance of the duties of the position.

24 II. Promotion. "Promotion" means a change of an employee
25 from a position in one class to a position in another class with
26 more responsible duties and a higher salary range.

27 JJ. Provisional appointment. "Provisional appointment"
28 means an appointment of a person not on a register, to fill a
29 position pending the establishment of a register for that
30 position in accordance with the provisions of 7 MCAR S 1.245.

31 KK. Reallocation. "Reallocation" means the reclassification
32 of a position resulting from significant changes that occur
33 gradually over a period of time in the duties and
34 responsibilities of the position.

35 LL. Reclassification. "Reclassification" means a
36 reallocation or change in the allocation of a position to a

1 higher, lower, or equivalent class.

2 MM. Re-employment list. "Re-employment list" means a list
3 of former permanent or probationary employees who have been laid
4 off or who have voluntarily separated from merit system
5 employment in good standing and whose applications for
6 re-employment in the merit system are submitted within one year
7 of separation.

8 NN. Register. "Register" means an officially established
9 list of eligibles for a particular class.

10 OO. Resignation. "Resignation" means the termination of
11 employment made at the request of the employee.

12 PP. Salary adjustment. "Salary adjustment" means an
13 increase given to employees due to cost-of-living factors, going
14 rates for similar jobs, labor market conditions, or a
15 combination of these reasons.

16 QQ. Salary increase. "Salary increase" means an increase
17 granted to an employee on the basis of working out of class or
18 due to unusual employment conditions and not based on job
19 performance, cost of living factors, going rates for similar
20 jobs, labor market conditions, or a combination of these reasons.

21 RR. State agency. "State agency" means the Department of
22 Health, which is responsible for the administration and
23 supervision of the public health programs in the State of
24 Minnesota.

25 SS. Supervisor. "Supervisor" means the merit system
26 supervisor.

27 TT. Suspension. "Suspension" means an enforced leave of
28 absence with or without pay, for disciplinary purposes or
29 pending investigation of charges made against an employee.

30 UU. Temporary employee. "Temporary employee" means an
31 employee who has been appointed to a position from an eligible
32 register but the appointment has a definite ending date.

33 VV. Transfer. "Transfer" means a change from one position
34 to another in the same class or in another class having the same
35 salary range and usually involving the performance of similar
36 duties and requiring essentially the same qualifications of

1 training and experience.

2 WW. Veteran. "Veteran" means a person defined as a veteran
3 by Minn. Stat. S 197.447.

4 XX. Veterans' preference. "Veterans' preference" means the
5 preference granted to veterans by Minn. Stat. S 43A.11.

6 7 MCAR S 1.236 Statement of policy and means of effecting policy.

7 A. Objectives. The ultimate purpose in effecting the merit
8 principle of personnel administration of the local public health
9 agencies is to promote economy and effective service. It is the
10 declared aim of the Department of Health to put into full force
11 and effect the merit principles of personnel administration. To
12 this end the council, the supervisor, and the commissioner shall
13 work toward the objectives of:

14 1. The proper classification of positions in order that
15 positions essentially alike in duties and responsibilities shall
16 be treated alike and that positions not so alike shall be
17 treated with due consideration of the nature and extent of the
18 differences between them.

19 2. Fair and equal opportunity to all qualified citizens
20 of the United States to compete for positions and promotions
21 under the jurisdiction of the merit system solely on the basis
22 of merit and fitness as ascertained through practical
23 examination.

24 3. An attractive career service in public health
25 employment within the State of Minnesota.

26 B. Adoption of the rules. Rules 7 MCAR SS 1.235-~~1-263~~ 1.315
27 have been adopted to accomplish the objectives stated in A. The
28 rules have been promulgated by the commissioner in accordance
29 with Minn. Stat. S 144.071, and in compliance with the
30 provisions of Minn. Stat. ch. 15. Rules 7 MCAR SS 1.235-~~1-263~~
31 1.315 of the public health merit system have been adopted in
32 accordance with Minn. Stat. ch. 15 and have the force and effect
33 of law. Merit System Manual IV-5000-6530, available from the
34 office of the Minnesota Merit System, of the public health merit
35 system provides instructions to appointing authorities necessary
36 to the implementation of the rules. These rules instructions

1 from the manual are accorded similar status under these rules.

2 C. Amendment of the rules. If and when it appears desirable
3 in the interests of good administration, the commissioner with
4 the advice and recommendations of the council, may amend these
5 rules after compliance with the provisions of Minn. Stat. ch.
6 15. For this purpose, the commissioner is authorized to call
7 and hold public hearings for the purpose of amending these rules
8 as well as to perform any and all acts incidental thereto,
9 including but without being limited thereto, signing an order
10 for hearing and notice of hearing as well as acting as presiding
11 officer or appointing a presiding officer for the hearing.
12 Amendments of the rules specified in B. shall be considered as
13 amendments of these rules.

14 D. Editing of the rules. Before issuing or reissuing
15 sections of the merit system rules, the supervisor may make the
16 following, and only the following, changes. Such changes shall
17 not be deemed to be amendments to the rules, and each shall be
18 reported to the commissioner before release of the material.
19 Any changes not approved by the commissioner shall be excluded
20 from the material to be released. The supervisor may make:

21 1. Changes to correct spelling or typographical errors;
22 2. Changes to correct grammatical construction, but the
23 changes shall not alter the interpretation, intent, or purpose
24 of the rule;

25 3. Changes to correct exact quotations of statutes which
26 are clearly identified as such by enclosure in quotation marks
27 and by citation of statutory reference when enactment of
28 statutory amendments ~~make~~ makes that action necessary to make
29 the quotations true and accurate; and

30 4. Changes to renumber rules or rule references as
31 necessary due to the adoption of new rules or the abolition of
32 existing rules.

33 E. Positions covered. Rules 7 MCAR SS 1.235-~~1-263~~ 1.315
34 shall apply to every position created under the jurisdiction of
35 the local public health authority and for which any federal
36 personnel funds are paid to the local jurisdiction, except any

1 local public health officer appointed pursuant to Minn. Stat.
 2 ch. 145, and except the position of the director of a
 3 comprehensive health department established pursuant to Laws of
 4 1969, ch. 235.

5 F. Political activity.

6 1.-4. [Unchanged.]

7 5. Any employee may be a candidate in nonpartisan
 8 elections. These are elections in which none of the candidates
 9 is to be nominated or elected as representing a political party
 10 whose candidates for presidential elector received votes in the
 11 last presidential election.

12 6. [Unchanged.]

13 G. Prohibition against discrimination; generally. No person
 14 shall be discriminated for or against in such matters as his
 15 recruitment, examination, appointment, tenure, compensation,
 16 classification, or promotion, or in such matters as conditions,
 17 facilities, or privileges of employment because of his race,
 18 color, creed, religion, national origin, physical disability
 19 where such disability does not interfere with the completion of
 20 assigned duties, age, marital status, status with regard to
 21 public assistance, or sex. Any person aggrieved by a violation
 22 of the above these prohibitions may file a complaint under the
 23 provisions of Minn. Stat. ch. 363.

24 H. Political opinions; discrimination. No person shall be
 25 discriminated for or against as provided in G. because of his
 26 political opinions or affiliations within the limitations
 27 imposed by F., nor shall discrimination occur because of any
 28 other non-merit factor. Any person aggrieved by a violation of
 29 a prohibited discrimination that does not come within the
 30 jurisdiction of Minn. Stat. ch. 363 may file a complaint with
 31 the supervisor setting forth the basis of his belief that an act
 32 or threat or promise of an act of discrimination occurred and
 33 identifying by name and position the person alleged to have
 34 committed such act or threat or promise of an act of
 35 discrimination.

36 I. Investigations of discrimination. The supervisor or his

1 a designated representative shall conduct an investigation of
 2 the alleged discrimination and shall report the complaint and
 3 the findings of the investigation to the council at its next
 4 meeting. The complainant shall have the right to present his
 5 complaint personally to the council. The council shall order
 6 any further investigation or hearing as may be warranted before
 7 making its decision. If the council finds that discrimination
 8 has occurred, it shall take whatever action it deems warranted
 9 and within its authority to remedy the effect of any act or
 10 threat or promise of an act of discrimination and to prevent
 11 future discrimination.

12 J. Violations.

13 1. Violations of any of the provisions of 7 MCAR SS 1.235-
 14 ~~1-263~~ 1.315 by an employee in the service shall be considered
 15 sufficient cause for the dismissal of that person.

16 2. Violations of 7 MCAR SS 1.235-~~1-263~~ 1.315 by an
 17 appointing authority shall be brought to the attention of the
 18 appointing authority by the supervisor. The notice shall
 19 include remedial measures necessary to correct past violations
 20 and to ensure future compliance. If the appointing authority
 21 refuses to take corrective action, the supervisor shall inform
 22 the commissioner who shall take appropriate action including,
 23 but not limited to, denial or suspension shall deny or suspend
 24 payment of all or part of state and federal administrative
 25 reimbursement funds, suspend services from the Merit System, or
 26 require that other corrective action be taken.

27 3. An appointing authority may appeal any denial or
 28 suspension of administrative reimbursement, or suspension of
 29 services, to the merit system council which, after a review of
 30 the record available to the commissioner, shall make its
 31 recommendation to the commissioner. The commissioner's decision
 32 shall be final.

33 7 MCAR S 1.237 Organization.

34 A. Duties and powers of commissioner. "The commissioner may
 35 establish a merit system for employees of county or municipal
 36 health departments or public health nursing services or health

1 districts, and may promulgate rules and regulations governing
 2 the administration and operation thereof. In the establishment
 3 and administration of the merit system authorized by this
 4 section, the commissioner may utilize facilities and personnel
 5 of any state department or agency with the consent of such
 6 department or agency. The commissioner may also, by rule or
 7 regulation, cooperate with the federal government in any manner
 8 necessary to qualify for federal aid." Minn. Stat. The
 9 commissioner shall exercise the duties and powers specified in
 10 Minn. Stat. S 144.071.

11 B. Affected employees. The authority to require methods
 12 relating to the establishment and maintenance of personnel
 13 standards on a merit basis shall extend to all employees of
 14 local public health authorities with civil service systems
 15 except as provided in 7 MCAR S 1.236 E. Rules 7 MCAR SS 1.235-
 16 ~~1.263~~ 1.315 shall be applicable to these employees until the
 17 local jurisdiction adopts and maintains rules and regulations
 18 affecting classification and compensation, examination and
 19 certification of eligibles, and other personnel standards that
 20 substantially conform to 7 MCAR SS 1.235-~~1.263~~ 1.315 and are so
 21 certified as conforming by the supervisor.

22 C. Public Health Merit System Council.

23 1. The Public Health Merit System Council shall be the
 24 council appointed by the Governor to serve as the council for
 25 the county welfare merit system.

26 2. It shall be the duty of the council within the scope
 27 of 7 MCAR SS 1.235-~~1.263~~ 1.315:

28 a. To establish general policies for the
 29 administration of merit examinations and the hearing of
 30 personnel appeals as provided in 7 MCAR S 1.2541;

31 b. To hear such appeals or to appoint an appeal board
 32 of three members or to appoint a referee to hear such appeals on
 33 its behalf;

34 c. To consult with the supervisor in formulating
 35 procedures for the purpose of insuring conformity with the rules
 36 and the policies of the council;

1 d. To review the classification and compensation plans
2 in relation to the merit system program of recruitment and
3 examination and to consult with the commissioner on their
4 adoption and revision;

5 e. To make recommendations to the commissioner about
6 internal personnel policies to insure conformity with 7 MCAR SS
7 1.235-~~1-263~~ 1.315;

8 f. To promote public understanding of the purposes,
9 policies, and practices of the merit system;

10 g. To review and make recommendations to the
11 commissioner about amendments to the rules of the public health
12 merit system.

13 3. Meetings of the council shall be held as often as
14 necessary and practicable upon call of the chairman, of the
15 supervisor, or of the commissioner. The commissioner shall have
16 the right to be represented at all meetings of the council, but
17 such representation shall be without voting power. The council
18 shall adopt procedures for the conduct of its activities.

19 4. [Unchanged.]

20 D. Public health merit system supervisor.

21 1. The public health merit system supervisor shall be the
22 duly appointed supervisor of the Minnesota merit system.

23 2. In conformance with 7 MCAR SS 1.235-~~1-263~~ 1.315, it
24 shall be the duty of the supervisor to: -----

25 a. Develop and put into continuous effect policies and
26 procedures for the administration of the merit system as they
27 relate to the preparation, administration, and scoring of
28 examinations; the preparation, custody, and maintenance of
29 registers of eligibles; the determination of availability of
30 eligibles for appointment; the certification for appointments;
31 and the determination of the adequacy of existing registers;

32 b. Develop and administer the classification and
33 compensation plans and to consult with the commissioner and with
34 the council on the adoption and revision of such plans as they
35 relate to the merit system program of recruitment and
36 examination;

1 c. Maintain personnel records of all persons employed
2 under the merit system and records of all personnel action;

3 d. Promote public understanding of the purposes,
4 policies, and practices of the merit system and to develop and
5 put into effect procedures for carrying out the personnel
6 administration of the rules of the merit system;

7 e. Appoint a staff, including technicians, clerks,
8 stenographers, and such other permanent or temporary employees
9 as are necessary to carry out the provisions of 7 MCAR SS 1.235-
10 ~~1-263~~ 1.315. The employees shall be chosen in accordance with
11 the rules of the Minnesota Department of Employee Relations;

12 f. Review, develop, and propose amendments to existing
13 merit system rules for consideration and recommendation by the
14 merit system council and in accordance with Minn. Stat. ch. 15;
15 and

16 g. Perform other duties prescribed by 7 MCAR SS 1.235-
17 ~~1-263~~ 1.315 or by the council.

18 7 MCAR S 1.238 Classification plan.

19 A. Presentation and adoption. The Commissioner of Health
20 shall formally adopt a comprehensive classification plan for all
21 positions covered by 7 MCAR SS 1.235-~~1-263~~ 1.315 which shall be
22 published as part of the Health Merit System Manual. The plan
23 shall be based on investigation and analysis of the duties and
24 responsibilities of positions and shall be so developed and
25 maintained that all positions that are substantially similar in
26 the kind, difficulty, and responsibility of work are included in
27 the same class. Class titles established by the classification
28 plan shall be used in all personnel and financial records of the
29 Minnesota Department of Health and the local public health
30 agencies, as well as in all examination procedures.

31 Any subsequent amendment shall be submitted to the council
32 for review and recommendation in relation to the merit system
33 program of recruitment and examination.

34 B. Allocation of positions. Every position under the public
35 health merit system as provided in 7 MCAR S 1.236 E. shall be
36 allocated by the supervisor to one of the appropriate classes

1 established in the classification plan. No person shall be
2 appointed or promoted to any position until it has been properly
3 classified as herein provided. As additional classes are
4 established or existing classes are abolished or changed, such
5 necessary allocation or reallocation shall be made by the
6 supervisor to new or existing classes as necessary.

7 C. Reclassification of positions. Whenever a position
8 appears to be improperly allocated, the supervisor shall, upon
9 his own initiative, or upon the request of an appointing
10 authority or a permanent employee, investigate the duties of the
11 position. Following the investigation the supervisor shall
12 allocate the position to its proper class and notify the
13 affected parties.

14 D. Incumbents of reclassified positions.

15 1. When a position is reclassified and it is determined
16 to be a reallocation, the supervisor may shall authorize an
17 appointing authority to promote the incumbent of the reallocated
18 position. An employee so promoted shall serve a probationary
19 period in the higher class.

20 2. When a position in one class is reclassified because
21 of a change in allocation, the incumbent shall not be deemed
22 eligible to continue in the position unless he is eligible for
23 original appointment, promotion, transfer, or demotion to the
24 new class of positions. If he is ineligible to continue in such
25 a position, he may be transferred, promoted, or demoted, by
26 appropriate action of the appointing authority in accordance
27 with such provisions of 7 MCAR SS 1.235-~~1-263~~ 1.315 as may be
28 deemed to be applicable. If ineligibility of a permanent or
29 probationary incumbent of such a reclassified position arises
30 from the existence of an eligible register established from an
31 examination that the incumbent did not take, he may be permitted
32 to take the same or equivalent examination from which the
33 existing register was established, provided that his name is not
34 on the existing register; he did not take and fail the
35 examination from which the existing register was established;
36 and he was eligible to take that examination at the time it was

1 given. The names of successful candidates examined under this
2 rule shall be placed on the existing register in accordance with
3 the score attained. In any case in which the incumbent is
4 ineligible to continue in the position and he is not
5 transferred, promoted, or demoted, the provisions of these rules
6 about layoff shall apply. A transfer, promotion, demotion, or
7 layoff in accordance with 7 MCAR SS 1.235-~~1-263~~ 1.315 must occur
8 within 60 days of the notification of reclassification of the
9 position.

10 3. The Commissioner of Health may authorize the
11 reclassification of a position from one classification to a
12 higher designated classification when the duties to be performed
13 in the higher class are not significantly different from those
14 performed in the lower class and where both classifications are
15 in the same occupational grouping. Incumbents of positions so
16 reclassified must meet the specified minimum qualifications for
17 the higher designated class and promotions shall be made
18 following a non-competitive promotional examination which shall
19 include an evaluation by the appointing authority of the
20 incumbents' ability to perform in the higher class.

21 4. If the incumbent examined in accordance with the above
22 procedure successfully completes the examination process,
23 notwithstanding the provisions of 7 MCAR S 1.2442 B., the
24 supervisor may certify only the name of the eligible incumbent
25 to the appointing authority. Notwithstanding the provisions of
26 7 MCAR S 1.246 B.1., an employee appointed under the provisions
27 of this rule will not be required to serve a new probationary
28 period in the higher classification.

29 E. Class specifications. The classification plan shall
30 consist of written specifications for each class. Each
31 specification shall include an appropriate class title, a
32 description of the duties and responsibilities of the work, and
33 the requirements of training, experience, and other
34 qualifications.

35 F. Revision of plan. Existing classes may be abolished or
36 changed and new classes added in the same manner as outlined in

1 A.

2 7 MCAR S 1.239 Preparation of compensation plan.

3 A. Commissioner's adoption. The commissioner shall formally
4 adopt and make effective a comprehensive compensation plan, as
5 provided in 7 MCAR S 1.314, for all classes of positions which
6 shall apply to all agencies covered by the merit system except
7 as otherwise negotiated for employees in a bargaining unit in
8 agencies an agency where there is an exclusive representative or
9 in those instances where the requirements of 7 MCAR S 1.2395
10 B.3. have been satisfied. The plan shall include salary ranges
11 for the various classes, with the salary of each class
12 consistent with the duties and responsibilities outlined in the
13 class specifications. Minimum, intervening, and maximum rates
14 of pay for each class shall be established to provide for salary
15 advancement without change of duty, in recognition of
16 meritorious service. The advice and suggestions of appointing
17 authorities, prevailing salary rates for similar and competing
18 types of employment in business and government, and other
19 relevant factors shall be taken into consideration in developing
20 the salary ranges.

21 B. Review by council. The proposed compensation plan and
22 any amendments shall be submitted to the council for review and
23 recommendation. After review and recommendation by the council
24 and after compliance with Minn. Stat. ch. 15, the commissioner
25 shall formally adopt the compensation plan. That plan shall be
26 the official salary schedule of the Minnesota merit system on
27 the date specified in the plan.

28 C. Classes of positions in plan. The comprehensive
29 compensation plan shall provide for separate alphabetically
30 designated salary plans for different occupational groupings of
31 classes reflecting progressively higher salary ranges except for
32 those classes for which a single range of rates is found to be
33 appropriate. Plans shall be established as provided in 7 MCAR S
34 1.314 as follows:

- 35 1. Professional and administrative: A, B, and C;
36 2. Health services support: A, B, and C;

1 3. Clerical: A, B, and C; and

2 4. Building maintenance: A and B.

3 7 MCAR S 1.2391 Selection of salary ranges by local public
4 health authority.

5 A. Adoption of an official plan. Appointing authorities
6 shall choose a salary plan by resolution for each occupational
7 grouping of classes from among the plans listed in 7 MCAR S
8 1.239 C. unless the provisions of E. apply or if salaries are
9 negotiated with an exclusive representative. The plans adopted
10 shall be the official plans for the appointing authority until
11 amended.

12 B. Selection of rates. By resolution, each appointing
13 authority shall designate the minimum, intervening, and maximum
14 salary rates to be paid for each class of positions used by the
15 appointing authority. The rates must be within the minimum and
16 maximum salaries for the classes in the adopted plan. The
17 appointing authority shall promptly notify the supervisor about
18 the rates selected.

19 C. Plan amendments. By resolution, the appointing authority
20 may amend its official plan for one or more occupational
21 groupings of classes. The appointing authority shall promptly
22 notify the supervisor about official action taken to amend its
23 plan.

24 D. Incumbents. Salary rates for incumbents of positions
25 shall be established in accordance with 7 MCAR S 1.2395 B.-C. on
26 the basis of the plan adopted as provided in 7 MCAR S 1.239 C.

27 E. Nonrepresented employees. In agencies with an exclusive
28 representative, the appointing authority may pay confidential,
29 supervisory, and other personnel not covered by an exclusive
30 representative who are in the same class as employees who have
31 an exclusive representative, the same rate of pay and salary
32 ranges as negotiated for the class under 7 MCAR S 1.2393. In no
33 case would this rule allow the appointing authority to reduce
34 the rate of pay of confidential, supervisory, or other excluded
35 employees.

1 7 MCAR S 1.2392 Adjustment of the official salary schedule of
2 the Minnesota merit system .

3 A. In general. The compensation plan provided in 7 MCAR S
4 1.314 shall be adjusted for changes in the level of salary rates
5 in business and government for similar and competing types of
6 employment and for changes in the Twin City Consumer Price Index.

7 B. Review of labor market conditions. In every odd-numbered
8 year the supervisor shall conduct a review of the changes in the
9 level of salary rates in the labor market since the time of the
10 most recent adjustment of the compensation plan. This review
11 shall utilize the data and findings of other labor market
12 surveys and shall, to the extent possible, be based upon similar
13 surveys and data used in previous reviews. The supervisor shall
14 complete this study and report the findings to the Commissioner
15 of Health on or before July 31 of each odd-numbered year.

16 C. Plan amendments. From the results of this study, the
17 supervisor shall propose amendments to the compensation plan in
18 accordance with Minn. Stat. ch. 15 and 7 MCAR S 1.239. An
19 amended compensation plan shall not be effective until the next
20 succeeding January 1, or for those agencies on a bi-weekly or
21 four week payroll period on the beginning date of the first
22 payroll period following the next succeeding January 1.

23 D. Review of consumer price index. In every even-numbered
24 year, the supervisor shall conduct a review of the changes in
25 the consumer price index for urban wage earners and clerical
26 workers for Minneapolis-St. Paul, as published by the Bureau of
27 Labor Statistics, new series index (1967=100). The supervisor
28 shall recommend that all rates of pay in the professional and
29 administrative, health services support personnel, clerical, and
30 building maintenance salary schedules be adjusted by an amount
31 equal to 80 percent of the increase between the consumer price
32 index for June of the current year and the consumer price index
33 for June of the preceding year. This amount shall be rounded to
34 the nearest tenth of a percent and may not exceed nine percent.
35 The new recommended monthly salary rates shall be rounded to the
36 nearest whole dollar. The same percentage increase recommended

1 by the supervisor for all rates of pay shall be recommended as a
2 general salary adjustment for all incumbents of positions in the
3 professional and administrative, health services support
4 personnel, clerical, and building maintenance salary schedules.
5 An amended compensation plan resulting from these
6 recommendations shall not be effective until the next succeeding
7 January 1, or for those agencies on a bi-weekly or four-week
8 payroll period on the beginning of the first payroll period
9 following the next succeeding January 1.

10 E. Plan adjustments. The appointing authority may implement
11 an adjusted compensation plan by adjusting the salaries of the
12 employees to the same numerically designated salary rate on the
13 adjusted plan that the employees were paid under the former plan.
14 7 MCAR S 1.2393 Negotiation of salary schedule.

15 A. Role of exclusive representative. In agencies where
16 employees have elected an exclusive representative the
17 appointing authority and the exclusive representative may
18 negotiate their own salary schedules for employees in the
19 bargaining unit by class, with the salary for each consistent
20 with the functions outlined in the class specifications.
21 Minimum, intervening, and maximum rates of pay for each shall be
22 established to provide for steps in salary advancement without
23 change of duty in the recognition of meritorious service. When
24 a new classification not previously used in the agency is
25 established in the middle of the contract period and that class
26 falls within the bargaining unit and no provision exists in the
27 contract for establishing those salaries, the appointing
28 authority and the exclusive representative shall negotiate a
29 salary schedule for the new classification within 60 days of the
30 date of establishment of the classification.

31 B. Filing. A complete copy of the adopted salary schedule
32 must be filed with the supervisor within ten days after the
33 signing of the contract or agreement. If the contract or
34 agreement calls for succeeding increases in the salary schedule
35 which change the original minimum and maximum salaries or
36 intervening steps a new adjusted salary schedule must be filed

1 with the supervisor within ten days after the effective date of
2 any such succeeding adjustment.

3 7 MCAR S 1.2394 Administration of the plan; minimum rates of pay.
4 In agencies without an exclusive representative or where the
5 collective bargaining agreement is silent regarding initial
6 salaries, the entrance salary for any new employee shall
7 normally be at the minimum rate of pay for the class to which
8 the appointment is made. Requests to appoint above the minimum
9 rate of pay may be made based on the exceptional qualifications
10 of the candidate or the unavailability of candidates at the
11 minimum rate, giving consideration to the salaries of current
12 employees in the same classification. All candidates with
13 similar exceptional qualifications must be offered the same rate
14 of pay which shall be one of the established steps in the
15 agency's adopted salary range for the class to which the
16 appointment is made. A request to appoint above the minimum
17 rate of pay must be submitted in writing by the appointing
18 authority to the supervisor for prior approval and must include
19 the reasons why the request is being made.

20 7 MCAR S 1.2395 Salary adjustments and increases.

21 A. Availability of funds. Before salary increases and
22 adjustments are made in accordance with related rules or in
23 accordance with a negotiated collective bargaining agreement,
24 the local public health authority shall have in its records and
25 carry in its minutes a definite statement that funds for this
26 purpose are available.

27 B. Plan requirements. In agencies where there is no
28 exclusive representative or collective bargaining agreement,
29 negotiated adjustments in the rates of pay of incumbents of
30 positions, in order to conform to a newly adopted or currently
31 effective compensation plan, shall be in accordance with 1.-8.

32 1. If the rate of pay of an employee is below the minimum
33 of the range prescribed for the employee's classification on the
34 merit system compensation plan adopted by the local public
35 health authority, the rate shall be adjusted to that minimum.

1 2. If the rate of pay of an employee is at or above the
2 new minimum salary adopted for the employee's class, the
3 employee may receive the general merit system adopted adjustment
4 and, if the employee's class was adjusted to a greater extent
5 than the general adopted adjustment, the employee may receive
6 the additional adjustment as provided in 7 MCAR S 1.2392 D. as
7 long as that additional adjustment does not place the employee's
8 salary over the new maximum adopted salary for the class.

9 3. If a local public health authority determines the
10 general merit system adopted adjustment is inappropriate for its
11 employees, the authority may grant a different adjustment. The
12 authority shall file with the supervisor the new salary steps by
13 class and a salary conversion table as provided for in 7 MCAR S
14 1.315. The adjustments shall at least place employees at the
15 minimum salary and not over the maximum salary for their
16 classes, on the salary plan adopted by the authority.

17 4. Employees at the maximum salary for their class may be
18 granted salary adjustments over the maximum salary prescribed
19 for their class only if that merit system adjustment is adopted
20 and only in the amount adopted for incumbents of that class.

21 5. If the rate of pay of an employee is higher than the
22 maximum of the range prescribed for the employee's class of
23 positions, the rate may remain the same as long as the employee
24 retains the same classification.

25 6. If the rate of pay of an employee falls between the
26 minimum and maximum of the salary range prescribed for the
27 employee's class but does not correspond to any intervening
28 steps in the range due to the adoption of a merit system general
29 adjustment, that rate may remain the same. In the case of
30 subsequent merit increases, the employee shall be placed back on
31 a step in the adopted salary range for the appropriate class.

32 7. Employees at the maximum salary rate for their class
33 may be granted merit system adopted salary adjustments only in
34 the amount adopted for incumbents of that class. If an
35 appointing authority wishes to grant a larger general adjustment
36 to its employees than that adopted by the merit system and that

1 adjustment would place an employee's rate of pay above the
 2 maximum salary rate for the employee's class, the appointing
 3 authority by prior resolution may grant to that employee the
 4 annual equivalent of the difference between the merit system
 5 adopted adjustment for incumbents and the agency adopted
 6 adjustment in the form of a single lump-sum salary payment on
 7 the effective date of the general adjustment. The employee's
 8 base salary shall remain at the maximum salary rate for the
 9 class.

10 8. An appointing authority may propose a salary increase
 11 within the salary range to an employee upon detailed written
 12 statements to the supervisor specifying the unusual employment
 13 conditions that make that action necessary and the interests of
 14 the authority that will be served by that action. The
 15 supervisor shall review each proposal giving due consideration
 16 to the salary rates paid other employees in the same class in
 17 the authority and may shall deny any request which in his
 18 judgment is contrary to the best interests of the merit system
 19 does not assure equitable compensation for comparable work.
 20 -----
 21 Salary increases proposed in accordance with this provision are
 22 not based on employee performance or a general merit system
 23 adopted salary adjustment. The granting of such an increase
 24 shall not affect the employee's eligibility for subsequent merit
 25 increases or salary adjustments in accordance with merit system
 26 rules. If the unusual employment conditions giving rise to such
 27 an increase are of a temporary nature, the employee's salary
 28 shall be decreased to its previous level upon termination of
 29 those conditions, notwithstanding the provisions of 7 MCAR S
 30 1.2397 A. or 1.2541 D.1-

31 C. Recommended adjustments. The merit system general
 32 adjustment recommended for incumbents is eight percent for
 33 employees on the professional and administrative, health
 34 services support, clerical, and building maintenance salary
 35 schedules.

36 D. Salary differentials. Intra-agency salary differentials
 between employees in the same class of positions, between

1 employees in different classes of positions in the same
2 occupational field, and between occupational fields in the same
3 appointing authority are recognized as important factors in the
4 maintenance of satisfactory morale. If the general adjustments
5 result in the reduction of the differentials between employees
6 in the same class of positions or between employees in different
7 classes of positions in the same occupational field, adjustments
8 may be made that will insofar as practicable, maintain
9 differentials, within the limits of the new plan. In
10 maintaining differentials, the appointing authority shall take
11 into consideration the length of service and quality of
12 performance of the employee affected.

13 E. Collective bargaining agreement. In agencies where there
14 is an exclusive representative and a negotiated salary schedule
15 for employees in the bargaining unit, adjustments in the rates
16 of pay of employees shall follow the wording of the contract or
17 agreement.

18 7 MCAR S 1.2396 Merit increases.

19 A. Increases by steps. Merit increases from the minimum on
20 the official merit system compensation plan or on any negotiated
21 salary schedule or on any salary schedule filed with the
22 supervisor pursuant to 7 MCAR S 1.2395 B.3. shall be by
23 successive intervening steps of pay for the class, with due
24 consideration for length of service and quality of performance.

25 B. Eligible employees. In appointing authorities that have
26 adopted a merit increase policy, an employee may be considered
27 for a merit increase upon the satisfactory completion of the
28 probationary period.

29 C. Annual review for merit increases. In appointing
30 authorities that have adopted a merit increase policy, a merit
31 increase for each employee not at the maximum salary for his or
32 her classification shall be considered at least once each
33 12-month period unless otherwise negotiated through a contract
34 or agreement by the appointing authority and the exclusive
35 representative. If an increase is not granted, the reasons for
36 the denial of the increase shall be reported, in writing, to the

1 employee and to the merit system supervisor.

2 D. Restriction on frequency of increases. In appointing
3 authorities that have adopted a merit increase policy, except as
4 otherwise negotiated by the appointing authority and the
5 exclusive representative, a merit increase shall not be granted
6 until the employee has served at least six months at the rate of
7 pay from which an increase is proposed, except that in cases of
8 exceptionally meritorious service, a merit increase of more than
9 one salary step in the range or at less than a six-month
10 interval may be permitted. In each case, however, the facts
11 upon which the merit increase is based shall be recorded in the
12 official minutes of the local public health authority and
13 reported to the merit system supervisor.

14 E. Increases based on additional education. In appointing
15 authorities that have adopted a merit increase policy, an
16 extraordinary merit increase within the authority's salary range
17 may be granted upon satisfactory completion of 15 additional
18 credits in a field or fields pertinent to the employee's class.
19 In each case the employee's transcript of coursework must
20 accompany the proposed merit increase.

21 F. Lump sum payments. In appointing authorities that have
22 adopted a merit increase policy, the appointing authority may
23 grant an employee who meets all other eligibility requirements
24 of the authority for a merit increase but whose salary is at or
25 above the maximum rate of pay in the adopted salary range for
26 the relevant classification, the annual equivalent of a one step
27 merit increase in the form of a single lump sum payment in
28 recognition of meritorious job performance. Before this
29 provision can be effective, an appointing authority must
30 establish by resolution as its official policy prior to the
31 beginning of the year in which such merit increases are granted
32 that such payments will be granted for meritorious job
33 performance. The base salary of an employee receiving a lump
34 sum merit increase shall remain at the rate attained immediately
35 prior to the increase.

36 7 MCAR S 1.2397 Salary decreases.

1 A. In general. Except as otherwise negotiated by an
2 appointing authority and the exclusive representative, a salary
3 decrease within the range prescribed for the class may be made
4 only for just cause. A permanent employee shall be notified of
5 the intent to effect a reduction in pay and the reasons for the
6 action at least ten calendar days prior to the date on which the
7 reduction becomes effective. A copy of the notice shall be sent
8 to the supervisor. A permanent employee whose salary is reduced
9 may request a hearing as provided in 7 MCAR S 1.2541 D.1-

10 B. Exemption. Collective bargaining agreement provisions
11 whereby a salary adjustment or salary increase is negotiated for
12 a set period of time do not fall within the provisions of A.

13 7 MCAR S 1.2398 Work-out-of-class. If an employee is
14 expressly assigned in writing to perform all the duties of a
15 position allocated to a higher classification that is
16 temporarily unoccupied for reasons other than vacation or sick
17 leave and that work exceeds 15 consecutive work days in
18 duration, the employee so assigned shall be paid for all hours
19 of the assignment at least at the minimum rate of pay of the
20 salary range for the higher class or may be granted a one step
21 salary increase within the employee's salary range. If the
22 assignment is to a position in a classification at an equal or
23 lower level, the employee shall be paid for all hours of the
24 assignment at the employee's current rate of pay. A work-out-of-
25 class assignment may be proposed only if the duration of the
26 vacancy is anticipated to be less than six months. Approval of
27 these assignments by the supervisor is required and requests for
28 approval must be received by the supervisor within five calendar
29 days of the assignment. Upon completion of the work-out-of-
30 class assignment, the employee's salary shall be reduced to its
31 previous level, notwithstanding the provisions of 7 MCAR S
32 1.2397 A. or 1.2541 D.1-

33 7 MCAR S 1.242 Examinations; general characteristics.

34 A. Content of examinations. Examinations for entrance into
35 the public health merit system shall be conducted on a

1 competitive basis. Examinations shall be practical in nature,
2 shall be constructed to reveal the capacity of the applicant for
3 the particular position for which he is competing as well as his
4 general background and related knowledge, and shall be rated
5 objectively.

6 The supervisor shall determine the content of all
7 examination processes. Examinations may shall include, but are
8 not limited to: performance tests, written examinations,
9 ratings of experience and training, promotional ratings, and or
10 oral examinations.

11 B. Weighting of parts. The supervisor shall assign definite
12 weights to each part of the examination prior to its public
13 announcement.

14 C. Positions for disadvantaged groups. Recruitment and
15 selection for those positions identified in the minimum
16 qualifications of the class specification as directed toward
17 clients and other disadvantaged groups will be limited to
18 persons of low income or low educational achievement, including
19 the physically and mentally disabled. It will be the specific
20 responsibility of the individual appointing authorities to
21 effectively make known opportunities for these jobs to such
22 persons. Persons who do not meet these limitations will be
23 disqualified from competition for these positions and notified
24 of the reasons therefor. Examinations for these positions will
25 include at least one of the following: performance test, oral
26 examination, written test, or oral directions test combining
27 aspects of performance and minimum literacy. The supervisor
28 shall assign definite weights to each part of the examination
29 prior to its public announcement. Eligible lists will be
30 established on an area or county basis only or on the basis of
31 both area and county. Certification of eligibles on an area
32 basis smaller than the county unit may be approved by the
33 supervisor. Since these positions cover a broad range of duties
34 requiring many different abilities, knowledges, and basic
35 skills, notwithstanding other provisions of the rules, the
36 supervisor also may approve selective certification of eligibles

1 who possess a particular ability, knowledge, or skill or a
2 combination of these attributes.

3 7 MCAR S 1.2421 Notice of examinations. The supervisor shall
4 announce all examinations for original entrance into the public
5 health merit system at least two weeks in advance of the closing
6 date for receipt of applications, and shall make every
7 reasonable effort to attract qualified persons to compete in
8 these examinations. Notice of examinations shall be posted in
9 important centers throughout the state, and copies shall be
10 distributed among appointing authorities throughout the state,
11 newspapers, public officials, educational institutions,
12 professional and vocational societies, and such other
13 organizations and individuals as the supervisor may deem
14 expedient. Public announcements of examinations shall specify
15 the title and salary ranges of the classes of positions, the
16 duties to be performed, the minimum qualifications required, the
17 final date on which applications will be received, and all other
18 conditions of competition, including the relative weight
19 assigned to the various parts of the examination.

20 7 MCAR S 1.2422 Conduct of examinations.

21 A. Place; monitors. Written tests shall be conducted
22 simultaneously in as many places as are necessary for the
23 convenience of the applicants and as are practicable for proper
24 administration. The supervisor may designate such monitors as
25 may be necessary to conduct examinations under instructions
26 prescribed by him and may also arrange for the use of public
27 buildings in which to conduct the examinations. The supervisor
28 shall provide for the compensation of monitors in accordance
29 with the approved budget for the purpose.

30 B. Refusal to score. The supervisor may shall refuse to
31 score the examination of an applicant who copies another
32 applicant's examination paper, or who falsifies his or her
33 identity to gain admittance to the examination, or who otherwise
34 meets the criteria for disqualification as provided in 7 MCAR S
35 1.241 B.1.

1 7 MCAR S 1.2423 Rating examinations.

2 A. Determination of score. The supervisor shall determine a
3 final score for each applicant's examination, computed in
4 accordance with the weights for the several parts established by
5 the supervisor as set forth in the announcement. Failure in any
6 part of an examination may shall disqualify the applicant in the
7 entire examination. All applicants for the same position shall
8 be accorded uniform and equal treatment in all phases of the
9 examination procedure.

10 B. Determination of passing point. The supervisor shall
11 utilize appropriate scientific techniques and procedures in
12 rating the results of examinations and in determining the final
13 scores of the applicants. The supervisor shall establish
14 reasonable passing points for all examinations, giving due
15 regard to the number of applicants and to the number of
16 vacancies that may reasonably be expected to occur during the
17 life of the register.

18 7 MCAR S 1.2424 Rating training and experience. When training
19 and experience form a part of the total examination, the
20 supervisor shall determine a procedure for the evaluation of the
21 training and experience qualifications of the various
22 applicants. The formula used in appraisal shall give due regard
23 to recency and quality, as well as quantity, of experience and
24 to the pertinency of the training. This procedure shall allow
25 for the substitution of training for experience, and experience
26 for training, within the limits stated in the class
27 specifications.

28 7 MCAR S 1.2425 Oral examinations. When an oral examination
29 forms a part of a total examination for a class of positions,
30 the supervisor shall select one or more oral examination boards
31 as needed. An oral examination board shall consist of two or
32 more members who shall be known to be interested in the
33 improvement of public administration and in the selection of
34 efficient government personnel and at least one of whom shall be
35 technically familiar with the character of work in the position

1 for which the applicant will be examined. Any person holding
2 political office or any officer or committee member of any
3 political organization, or any person actively engaged in the
4 work of any political organization, shall not serve as a member
5 of any such board. If practicable, all applicants qualifying
6 for the oral examination for the same class of positions shall
7 be rated by the same oral examination board. A member of any
8 oral examination board shall disclose each instance in which he
9 knows the applicant personally and, in those instances, the
10 supervisor shall determine whether that member shall rate that
11 applicant.

12 7 MCAR S 1.2426 Notice of examination results. Each applicant
13 passing all parts of the examination shall be notified by mail
14 by the supervisor of his final rating as soon as the rating of
15 the examination has been completed and the register
16 established. An eligible, upon request and presentation of
17 proper identification, shall be entitled to information about
18 his relative position on a register. An applicant who fails any
19 part of the examination or the total examination shall be
20 promptly notified of his failure.

21 7 MCAR S 1.2427 Examination records. The supervisor shall be
22 responsible for the maintenance of all examination records.
23 Applications and other necessary examination records shall be
24 kept during the life of the register. Examination records of
25 appointees shall be kept permanently, but examination records of
26 applicants not appointed may be destroyed 30 days after the
27 register expires.

28 7 MCAR S 1.244 Methods for filling vacancies. Vacancies in the
29 classified service shall be filled by reemployment, original
30 appointment, promotion, transfer, demotion, or reinstatement.

31 7 MCAR S 1.2441 Requisition for certification of certain
32 individuals. If a vacancy in any position under an appointing
33 authority is to be filled other than by reinstatement,
34 noncompetitive examination, transfer, or demotion, and a new

1 employee is needed, a requisition shall be submitted by the
2 appointing authority to the supervisor. The requisition shall
3 state the number of positions to be filled in each class
4 together with the class title and other appropriate
5 information. In addition, desirable special qualifications for
6 the particular position under consideration may be indicated.
7 In requesting the certification of individuals with special
8 qualifications, the appointing authority shall state in the
9 request the reasons for the special qualification requested.
10 Eligibles shall be certified in strict order of standing on the
11 register, except in a case in which the supervisor has
12 determined there is reason for a certification of an eligible
13 with special qualifications. Requests for certification of
14 certain individuals with special qualifications approved by the
15 supervisor shall be reported to the council at its next
16 scheduled meeting.

17 7 MCAR S 1.2442 Certification methods.

18 A. Entrance register. After receiving a requisition, the
19 supervisor shall certify the names of available eligibles. If
20 one position is involved, he shall certify the seven highest
21 available names together with any additional names of persons
22 having an examination rating within three points of the person
23 on the certification with the highest examination rating, and
24 any additional names of persons having the same examination
25 score as that of the seventh person certified, from the
26 open-competitive entrance register established for the class of
27 positions. Names of available eligibles from the appropriate
28 reemployment register, if one exists, shall also be certified as
29 additional names.

30 B. Promotional register. The supervisor may also certify
31 the three highest available names together with any additional
32 names of persons having an examination rating within three
33 points of the person on the certification with the highest
34 examination rating, and any additional names of persons having
35 the same examination score as that of the third name certified,
36 from the appropriate promotional register if such register

1 exists and is requested. Names of available eligibles from the
2 appropriate reemployment register, if one exists, shall also be
3 certified as additional names.

4 C. Multiple vacancies. If more than one vacancy exists, the
5 supervisor shall certify at least as many names from the
6 register as there are vacancies to be filled, together with any
7 additional names of persons having an examination rating within
8 three points of the person on the certification with the highest
9 examination rating, and any additional names of persons having
10 the same examination score as that of the seventh person
11 certified on a competitive certification or as that of the third
12 person certified on a promotional certification. Supplementary
13 certifications will be issued only in instances in which it is
14 found that there are less than seven available candidates on the
15 competitive certification or three available candidates on the
16 promotional certification.

17 D. Selection for appointment. The appointing authority may
18 select for appointment anyone among the certified candidates who
19 are is eligible for appointment.

20 E. Inadequate registers. When the number of names available
21 for filling any vacancy by original appointment, promotion, or
22 reinstatement is fewer than seven on a competitive certification
23 or three on a promotional certification, and there are fewer
24 than three different names on all registers combined, the
25 appointing authority may decline certification for that vacancy
26 and may request certification from a register, or registers,
27 that the supervisor deems appropriate.

28 F. Provisional appointments. If there is no register that
29 the supervisor deems appropriate, then the vacancy may be filled
30 provisionally as provided for in 7 MCAR S 1.245 B.1.

31 7 MCAR S 1.2443 County-option certification.

32 A. Request for list of eligibles. The appointing authority
33 may request from the supervisor names of eligibles from either
34 the state-wide original entrance register or from a sub-register
35 for the county, a restricted area, or a district of the state,
36 as set forth in 7 MCAR S 1.243 A.5. The supervisor, upon

1 receiving such requisition, shall certify the names of eligibles
2 from the register as requested.

3 B. State-wide certification. If an appointing authority
4 requests a certification of eligibles from a sub-register
5 established for a specific locality but there are insufficient
6 eligibles thereon, certification shall be made on a state-wide
7 basis.

8 7 MCAR S 1.246 Probationary period.

9 A. Purpose. The probationary period is an essential part of
10 the examination process and shall be used to closely observe the
11 employee's work, to obtain the most effective adjustment of a
12 new employee to the obligations of the position, and to remove
13 any employee whose performance does not meet the required
14 standard of work.

15 B. When required. A person employed by an appointing
16 authority in any of the following ways shall serve a
17 probationary period:

18 1. Appointment from an eligible register other than the
19 layoff list;

20 2. Reinstatement of a former probationary employee or of
21 a former permanent employee in an agency other than the last
22 employing agency;

23 3. Transfer of an employee between authorities except
24 when specifically waived in writing to the supervisor by the new
25 employing authority prior to the date on which the transfer of a
26 permanent employee becomes effective; or

27 4. Transfer or reinstatement to a position on the basis
28 of eligibility from a comparable position in a similar merit
29 system jurisdiction.

30 C. Probation as condition of employment. An appointing
31 authority may effect a probationary period in an employment
32 action in which such period is not required as specified in B.
33 by writing this condition of appointment on the appointment
34 report submitted to the supervisor. In no case, however, may a
35 probationary period be required of a permanent employee who is
36 appointed from the layoff list.

1 D. Duration of probationary period. The probationary period
2 shall consist of the equivalent of the first full six months of
3 compensated service following the date of the appointment action
4 requiring such period, except as provided in E. Unpaid leave of
5 ten or fewer work days during the probationary period does not
6 affect the duration of the period.

7 ~~E. Extension of probationary period. The probationary~~
8 ~~period shall consist of the equivalent of the first full six~~
9 ~~months of compensated service following the date of the~~
10 ~~appointment action requiring such period, except as provided in~~
11 ~~E. Unpaid leave of ten or fewer work days during the~~
12 ~~probationary period does not affect the duration of the period.~~

13 E. Extension of probationary period. In rare or unusual
14 circumstances or conditions that prevent the making of a full
15 and fair determination as a basis for granting permanent status
16 or separating the employee from the service, an extension of the
17 probationary period for up to three months may be granted.
18 Initiation of a request to the supervisor for extension must
19 occur on or before the beginning of the sixth month of the
20 probationary period and shall specify the reasons why the
21 extension is necessary. A current evaluation of the employee's
22 performance shall accompany the request. A copy of the request
23 for extension and the evaluation shall be provided to the
24 probationary employee by the appointing authority.

25 The supervisor's decision on the request shall be given to
26 the agency and the employee at least ten days in advance of the
27 end of the initial probationary period.

28 Each formal request for extension of the probationary
29 period and the decision on the request shall be reported to the
30 council at its next meeting.

31 F. Promotion during probation. An employee serving a
32 probationary period may be promoted to a position in a higher
33 class. An employee who is promoted begins a probationary period
34 in the higher classification as of the date of that appointment.

35 A probationary employee who is promoted to a position in a
36 higher class in the same occupational field shall complete his

1 probationary period in the lower class by service in the higher
2 position.

3 G. Transfer during probation. A probationary employee may
4 be transferred from a position under one appointing authority to
5 a position in the same class under another appointing authority
6 if the employee was not appointed from a certification from a
7 county register.

8 H. Demotion during probation. A probationary employee who
9 is demoted to a class of positions in the same occupational
10 field shall have included as part of the probationary period in
11 the lower class his period of service in the higher class unless
12 the appointing authority writes on the report of the demotion to
13 the merit system that a new probationary period is required in
14 the lower class.

15 I. Removal during probation. A probationary employee may be
16 dismissed by an appointing authority without the right to an
17 appeal or hearing except as may otherwise be provided by law.
18 The employee shall be given written notification of dismissal,
19 including the reasons for dismissal, at least five days in
20 advance of the date on which the dismissal becomes effective. A
21 copy of the notification shall also be submitted to the
22 supervisor.

23 A probationary employee who has permanent status in another
24 class in the same agency and who is not granted permanent status
25 in the new classification shall be restored to a position in the
26 class from which he was promoted as his seniority permits or in
27 a comparable class as these rules permit, unless the failure to
28 grant permanent status was due to the misconduct of the employee.

29 When there is no position to which the employee can be
30 restored, because of abolishment of jobs or lack of seniority,
31 the provisions of 7 MCAR S 1.249 D. apply.

32 J. Completion of probationary period. The appointing
33 authority shall submit written notice of the satisfactory
34 completion of the probationary period to the employee and to the
35 supervisor at least ten days in advance of the expiration of the
36 probationary period. A rating or appraisal of the employee's

1 performance shall accompany the notice. The employee shall then
2 be granted permanent status in the position the day following
3 the last day of the probationary period.

4 K. Violation of rules; penalty. If an appointing authority
5 fails to implement the purpose and intent of the probationary
6 period by appropriate action as provided in A.-J., a
7 probationary employee who is not certified permanent in
8 accordance with J. and is not removed or demoted but is
9 continued in employment beyond the full six-month period shall
10 obtain permanent status in the position by the default of the
11 appointing authority. The payment of salary beyond the
12 six-month probationary period shall be deemed to be evidence of
13 the determination by the appointing authority that permanent
14 status shall be granted to the employee. The supervisor shall
15 enter such status on the record of the employee and shall notify
16 the appointing authority and the employee of the change in
17 status.

18 L. Reports of violations. Each instance in which permanent
19 status is granted to an employee in accordance with K. shall be
20 reported to the council. The council may recommend and the
21 commissioner may take appropriate action to insure that the
22 purpose and intent of the probationary period shall be given
23 effect in the appointing authority in all future appointments.

24 7 MCAR S 1.249 Separation, tenure and reinstatement.

25 A.1.-2. [Unchanged.]

26 B. Dismissals.

27 1. [Unchanged.]

28 2. No employee who has permanent status shall be
29 dismissed from a position except for just cause. Before the
30 action is taken, a permanent employee shall be furnished with a
31 statement in writing setting forth reasons for the dismissal.
32 He shall be permitted five days time to reply thereto in writing
33 or, upon request, to appear personally and reply to the
34 appointing authority. A copy of the statement and the
35 employee's reply, if any, shall be filed with the supervisor
36 prior to the effective date of the dismissal. Any such employee

1 who is dismissed may demand a hearing before the merit system
2 council in the manner prescribed by 7 MCAR S 1.2541 D.

3 3. [Unchanged.]

4 C. Suspension. The appointing authority may, after written
5 notice, suspend any employee without pay for just cause for a
6 period not to exceed 30 calendar days in any one calendar year.
7 Suspensions of five or fewer consecutive working days or ten or
8 fewer working days in a calendar year are not appealable to the
9 council under the provisions of 7 MCAR S 1.2541 D.1.

10 D.1.-8. [Unchanged.]

11 E.1. [Unchanged.]

12 F. Reinstatement of former permanent employee. Upon written
13 request of an appointing authority to and with the approval of
14 the supervisor, an employee who has successfully passed a merit
15 examination and has acquired permanent status in a class may be
16 reinstated to a position in the same class in the public health
17 merit system at any time within two years after the date of his
18 resignation in good standing. Under the same conditions a
19 reinstatement may be made within a period of time, not to exceed
20 five years, equivalent to the continuous period of the
21 employee's service since January 1, 1971, in a local public
22 health agency. Reinstatement shall be without benefit of
23 previously acquired seniority. Upon approval of the supervisor,
24 reinstatement may be made directly by an appointing authority,
25 provided that there is a vacancy.

26 G. Reinstatement of former probationary employee. Upon
27 written request of an appointing authority and with the approval
28 of the supervisor, a probationary employee who has resigned in
29 good standing may be reinstated as a probationary employee to a
30 position in the same class at any time within a year after the
31 date of resignation.

32 H.1. [Unchanged.]

33 I.1. [Unchanged.]

34 7 MCAR S 1.250 Leaves of absence.

35 A. Applicability of minimum standards. Leave policies
36 stated in B.-H. are minimum standards and shall apply to all

1 employees except when otherwise negotiated by the appointing
2 authority with an exclusive representative. At the discretion
3 of the appointing authority, negotiated benefits may be applied
4 to all employees of the agency.

5 Beyond the minimum standards listed in B.- H. the
6 appointing authority may adopt an optional leave of absence
7 policy to the extent allowed in I.

8 Agencies without an exclusive representative that adopt an
9 optional leave policy beyond the minimum standards listed in
10 B.-H. shall file a copy with the supervisor.

11 B. Jury or witness duty.

12 1. After notice to the appointing authority, any employee
13 under the merit system shall be granted leave with pay for
14 service upon a jury or for appearance before a court,
15 legislative committee, or other judicial or quasi-judicial body
16 as a witness in an action involving the Federal Government,
17 State of Minnesota, or a political subdivision thereof, in
18 response to a subpoena or other direction by proper authority.

19 2. At the option of the appointing authority the employee
20 may be required to turn over to the agency any per diem payment
21 received as a result of serving on a jury or as a witness in the
22 actions listed in 1. Moneys received as expenses shall be kept
23 by the employee.

24 3. Any absence, whether voluntary or in a response to a
25 legal order to appear and testify in private litigation, not as
26 an employee of the county agency but as an individual, shall be
27 taken as annual leave, as leave of absence without pay, or as a
28 deduction from authorized accumulated overtime.

29 C. Leaves of absence without pay.

30 1. Any person holding a permanent or probationary
31 position in the classified service of the Minnesota merit system
32 shall be granted a leave of absence without pay on the grounds
33 of sickness or disability and may be granted a leave of absence
34 without pay for other good or sufficient reasons, provided that
35 no such leave shall exceed one year. Disabilities caused or
36 contributed to by pregnancy, miscarriage, abortion, childbirth,

1 and recovery therefrom are, for all job-related purposes,
2 temporary disabilities. The women so affected shall be treated
3 the same as other persons who are not so affected but who are
4 similar in their ability or inability to work. The appointing
5 authority shall establish the proof required of the existence of
6 sickness or disability and the continuance thereof during the
7 one-year period. The appointing authority may require that the
8 employee produce medical certification of fitness for work from
9 a registered practicing physician before returning the employee
10 to the job.

11 2. Any employee who is granted a leave of absence without
12 pay shall be accorded thereby an unqualified right to be
13 reinstated to the same position if the leave is for 60 calendar
14 days or fewer. An employee who is granted a leave of absence
15 without pay shall be accorded thereby an unqualified right to be
16 reinstated to a position in the same class at the expiration of
17 leave, except that when all the positions in the class
18 previously held by the employee have been abolished, the name of
19 the employee shall be restored to the appropriate reemployment
20 register provided for in 7 MCAR S 1.249 D.5. If all the
21 positions in the class are filled, the least senior employee in
22 the class shall vacate his or her position subject to any
23 eligibility for layoff, transfer, or demotion that may have been
24 acquired. An employee on leave of absence, with the approval of
25 the appointing authority and the supervisor, may be reinstated
26 to his or her class before the expiration of the leave in the
27 same manner. Upon certification by a registered practicing
28 physician, the employee who is physically or mentally capable of
29 returning to work must comply within ten working days or face
30 termination. If such an employee cannot return to work within
31 the specified days, the employee must notify the appointing
32 authority and request an approval for a leave of absence.

33 D. Vacation leave.

34 1. Upon the completion of six full months of satisfactory
35 service in the merit system, vacation leave shall accrue to a
36 permanent, probationary, or trainee employee for the time served

1 at the rate of one working day for each full month of service.
2 No vacation leave shall be accrued or granted during the first
3 six months of service in the merit system; but upon satisfactory
4 completion of that period, vacation leave shall accrue to a
5 permanent, probationary, or trainee employee for the time
6 served. Limited term and provisional employees with less than
7 six full months of service and emergency employees shall not
8 accrue vacation leave. Provisional employees with more than six
9 months of service shall accrue vacation leave. Unused vacation
10 leave shall accumulate to a total of at least 24 working days.
11 The agency shall determine the time at which vacation leave may
12 be taken. Vacation leave may not be used before completion of
13 the period in which it is accrued. Part-time employees shall
14 accrue vacation leave on a prorated basis based on hours worked
15 in accordance with a schedule prepared by the appointing
16 authority.

17 2. Vacation leave shall not accrue to an employee while
18 in a non-pay status, except to an employee on military leave.

19 3. A permanent employee who is transferred or promoted
20 from one agency to another shall be paid by the former agency
21 for the number of working days of accrued but unused vacation
22 leave unless the new agency, upon request of the employee,
23 agrees to accept all or a portion of the employee's accrued but
24 unused vacation leave.

25 4. Any permanent, probationary, provisional, or trainee
26 employee with six full months of satisfactory service in the
27 merit system who is separated by layoff, resignation, death, or
28 otherwise, shall be paid for the number of working days of
29 unused vacation leave accrued.

30 E. Sick leave.

31 1. Every permanent, probationary, provisional, and
32 limited-term employee shall accrue sick leave at the rate of one
33 working day for each completed month of service, and such
34 accrued sick leave may be used under the conditions prescribed
35 in 2.-10.

36 2. Absence necessitated by employee's inability to

1 perform the duties of his or her position by reason of illness
 2 or injury, by reason of pre-natal and post-natal care, by
 3 necessity for medical or dental care, by exposure to contagious
 4 disease under circumstances in which the health of the employees
 5 with whom associated or members of the public necessarily dealt
 6 with would be endangered by attendance on duty, or by illness in
 7 the employee's immediate family, for such period as shall be
 8 necessary. The term "immediate family" shall be limited to the
 9 employee's spouse, minor children, or parents living in the
 10 household of the employee, when the parent has parents have no
 11 other person to provide the necessary nursing care, living in
 12 the household of the employee. Within the discretion of the
 13 appointing authority, use of sick leave also may be authorized
 14 in cases of death of the spouse, children, and wards of the
 15 employee and the brothers, sisters, parents, or grandparents of
 16 either the employee or the employee's spouse.

17 3. Unused sick leave shall accumulate to a total of at
 18 least 100 working days.

19 4. Sick leave with pay shall not accrue to emergency,
 20 hourly, or per diem employees.

21 5. Sick leave shall not accumulate to an employee while
 22 in a non-pay status, except employees an employee on military
 23 leave.

24 6. When sickness occurs within a period of vacation
 25 leave, the period of illness may, on presentation of a report
 26 from a registered practicing physician, be charged as sick leave
 27 and the charge against vacation leave reduced accordingly.

28 7. The appointing authority may require the employee to
 29 produce medical certification from a registered practicing
 30 physician attesting to the need for sick leave and attesting
 31 that the employee is fit to return to work.

32 8. A former merit system employee who is reinstated or
 33 reemployed in accordance with merit system rules, except as a
 34 provisional or emergency appointee, may have previously
 35 accumulated and unused balance of sick leave revived and
 36 recredited upon approval of the new appointing authority.

1 9. A permanent or probationary employee who is
2 transferred or promoted from one appointing authority to another
3 may be granted credit in the new agency for all or a portion of
4 previously accrued but unused sick leave at the discretion of
5 the new appointing authority.

6 10. Sick leave may not be used prior to completion of the
7 period in which it is accrued. Part-time employees shall accrue
8 sick leave on a prorated basis based on hours worked in
9 accordance with a schedule prepared by the appointing authority.

10 F. Military leave. Employees who are in service in the
11 armed forces of the state or the United States shall be entitled
12 to leave of absence as provided for by Minn. Stat. S 192.261.

13 G. Record of leaves. Each appointing authority shall
14 maintain a record of leaves with pay granted to employees.

15 H. Holidays.

16 1. Full-time permanent, probationary, provisional, and
17 limited-term employees whose normally scheduled work day falls
18 on a holiday listed below shall receive time off with pay for
19 that day. Compensatory time off shall be allowed for work done
20 on these days except when payment is received. Emergency
21 employees are not eligible for holiday pay. The following are
22 holidays:

23 a. New Year's Day, January 1;

24 b. Lincoln's and Washington's Birthday, the third
25 Monday in February;

26 c. Memorial Day, the last Monday in May;

27 d. Independence Day, July 4;

28 e. Labor Day, the first Monday in September;

29 f. Veteran's Day, November 11;

30 g. Thanksgiving Day, the fourth Thursday in November;

31 and

32 h. Christmas Day, December 25.

33 2. Appointing authorities may designate one or both of
34 the following as holidays:

35 a. Christopher Columbus Day, the second Monday in
36 October; and

1 b. Friday after Thanksgiving.

2 3. When New Year's Day, Independence Day, Veteran's Day,
3 or Christmas Day falls on Sunday, the following Monday shall be
4 a holiday. When New Year's Day, Independence Day, Veteran's
5 Day, or Christmas Day falls on Saturday the preceding Friday
6 shall be a holiday.

7 4. Holidays which occur within the employee's vacation or
8 sick leave period shall not be charged to the employee's
9 vacation or sick leave time.

10 5. Employees must be on the payroll on the work day
11 immediately preceding and the work day immediately following a
12 holiday to be eligible for the holiday. For the purpose of
13 determining eligibility for holiday pay, "on the payroll" shall
14 mean those who are in pay status.

15 6. Employees who work less than full-time and
16 intermittent employees shall be compensated for holidays on a
17 prorated basis in accordance with a schedule approved by the
18 supervisor.

19 I. Optional policy.

20 1. Beyond the minimum standards listed in B.-H., the
21 appointing authority may adopt an optional leave of absence
22 policy. The adoption of such a policy shall only be to increase
23 the availability and use of leave leaves of absences absence to
24 employees. -----

25 2. Funeral leave, exclusive of sick leave or vacation
26 leave, may be granted. Each appointing authority shall prepare
27 written regulations governing such leave.

28 Funeral leave may be authorized in cases of death of the
29 spouse, children, and wards and the brothers, sisters, parents,
30 or grandparents of either the employee or the employee's spouse.

31 3. Additional holidays may be designated, with or without
32 pay, to conform with to the county-wide policy.

33 4. Educational leave, with or without pay, may be granted
34 for a period not to exceed two years to any permanent or
35 probationary employee. Such leave shall be for work-related
36 programs which are in the best interest of the agency and

1 consistent with the agency's training and staff development
 2 plan. Such leave shall otherwise be subject to the filing
 3 requirement of A. The appointing authority may allow the
 4 employee to continue to accrue eligibility for merit increases,
 5 as in 7 MCAR S 1.2396, and such salary increase may be granted
 6 at the same time the increase would have been granted, but for
 7 the leave of absence. Educational leave with pay shall be
 8 approved by the supervisor prior to authorization.

9 7 MCAR S 1.2541 Appeals and hearings.

10 A. General provisions.

11 1. The council or appeal board or referee appointed by
 12 the council shall hear all appeals under this rule.

13 2. A written notice of appeal, specifying the reason or
 14 reasons for the appeal, must be submitted to the supervisor
 15 within 30 days of the action appealed or within 30 days of the
 16 date notification of the action was mailed to the affected
 17 party, whichever is later.

18 3. Except for appeals under 7 MCAR S 1-254 D., the
 19 supervisor shall reply to the appeal, interpreting the merit
 20 system rules and applicable law relative to the issues in the
 21 appeal. All affected parties will receive copies of the
 22 response.

23 4. Any affected party who is dissatisfied with the
 24 supervisor's resolution may appeal that resolution and the
 25 appeal will be placed on the agenda of the next council meeting.

26 5. Any permanent employee under a collective bargaining
 27 agreement who appeals a dismissal, suspension, or a reduction in
 28 pay or position under the provisions of a grievance procedure in
 29 the agreement may not subsequently appeal the same action to the
 30 council.

31 6. All decisions shall be given within a reasonable time
 32 following the hearing and shall be in writing. Copies shall be
 33 sent to all parties involved and the merit system supervisor
 34 when final decisions are made by the appointing authority.

35 7. Appeals under B., C., and F. shall be pursuant to the
 36 -----
 Administrative Procedure Act, Minn. Stat. ch. 15, and contested

1 case rules of the Office of Administrative Hearings, 9 MCAR SS

2 2.201-2.299.

3 B. Appeals from selection and appointment procedures.

4 1. Any applicant may appeal a rejection of his or her
5 application based on qualifications or removal from a register
6 for reasons specified in 7 MCAR S 1.243 D. The council shall
7 review the reasonableness of such rejection or removal.

8 2. Any applicant who has taken an examination may appeal
9 for review of the rating procedures in any part of the
10 examination. The council shall review the rating procedures to
11 see that they have been applied equally and fairly to all
12 applicants.

13 3. Decisions of the council regarding appeals under 1.
14 and 2. shall be final.

15 4. Admission to an examination, restoration to a register
16 or correction of an examination rating resulting from an appeal
17 shall not affect a certification or appointment that may have
18 already been made.

19 C. Appeal from allocation. Any employee or appointing
20 authority may appeal the allocation of a position. The council
21 shall review all facts relating to the allocation and make a
22 recommendation to the commissioner. The commissioner's decision
23 shall be final.

24 D. Appeal from dismissal, suspension, or demotion.

25 1. Any permanent employee who has not appealed such
26 action under the provisions of a grievance procedure contained
27 in a collective bargaining agreement may appeal any dismissal,
28 suspension of more than five consecutive working days or ten
29 working days in a calendar year, or reduction in pay or position
30 to the council. The council shall review the action for
31 compliance with the procedural requirements of 7 MCAR S 1.249
32 ~~B-2-~~ and for whether the action was taken for just cause.

33 2. The hearing shall be held within 30 days after the
34 supervisor receives the appeal.

35 3. After the hearing, the council shall make a
36 recommendation to the appointing authority. Within 30 days of

1 receiving the recommendation, the appointing authority shall
2 make the final decision.

3 4. Any veteran covered under the provisions of Minn.
4 Stat. S 197.46 shall not be removed except for incompetency or
5 misconduct shown after a hearing upon due notice including
6 written stated charges.

7 E. Appeal from denial of merit increase.

8 1. Any permanent employee of an appointing authority with
9 an established policy of granting merit increases who has not
10 received a merit increase for a 12-month period and who is
11 denied a merit increase may appeal the denial if the reasons
12 given for the denial do not reflect on the merit of the
13 employee's performance. The council shall initially determine
14 whether or not such reasons are given. If so, the appeal shall
15 be denied. If not, the council shall take testimony regarding
16 the performance of the employee. Both the appointing authority
17 and the employee shall have the right to present witnesses and
18 give evidence.

19 2. The council shall recommend the appointing authority
20 either grant or deny the merit increase. The appointing
21 authority shall make the final decision.

22 F. Other appeals. Any employee or appointing authority
23 affected by action taken in the administration of 7 MCAR SS
24 1.235-~~1.263~~ 1.315 may appeal the action. The council shall
25 review the actions for compliance with the rules of the
26 Minnesota merit system and applicable law and shall recommend to
27 the commissioner remedial action which is warranted. The
28 commissioner's action shall be final.

29 7 MCAR S 1.261 Salary computation provisions for full and
30 part-time employment, vacation and sick leave pay upon
31 termination, partial pay periods, overtime pay and part payment
32 from another source.

33 A. Pay periods. The length of pay periods is at the
34 discretion of the appointing authority or may be negotiated when
35 there is an exclusive representative.

36 B. Full-time and part-time employment.

1 1. All rates prescribed ~~in~~ by 7 MCAR SS 1.314 and 1.315
2 shall be standard rates for full-time employees except as
3 otherwise negotiated for employees in a bargaining unit in
4 ~~agencies~~ an agency where there is an exclusive representative or
5 under the provisions of 7 MCAR S 1.2395 B.3. If employment in a
6 position is on a part-time or intermittent basis, only the
7 proportional part of the rate for the time actually employed
8 shall be paid. Such time may be paid on an hourly, working-day
9 or proportion of a month basis. The agencies using 7 MCAR S
10 1.314 shall use the table prepared in accordance with 7 MCAR S
11 1.315 in computing such payment.

12 2. Those agencies with an exclusive representative who
13 negotiate different salary schedules from those shown in 7 MCAR
14 S 1.314 under the provisions of 1. or those agencies operating
15 under the provisions of 7 MCAR S 1.2395 B.3. shall file within
16 ten days after the signing of the contract such schedules with
17 the supervisor. Attached thereto shall be a table similar in
18 format, computation, and information to the table provided for
19 in 7 MCAR S 1.315. The table shall show monthly rates with
20 appropriate conversion to hourly rates and to daily rates based
21 on the number of working days and paid holidays in the month,
22 and payment by payroll period for full-time work if such payment
23 is made on other than a monthly basis.

24 C. Payment for less than a full payroll period. The amount
25 of salary paid for a period less than a full payroll period to
26 an employee shall be determined on the basis of the number of
27 hours and days the employee worked in the payroll period.
28 Agencies shall use the table provided for in 7 MCAR S 1.315 in
29 computing this salary. Those agencies with an exclusive
30 representative who have negotiated different salary schedules
31 and those agencies operating under the provisions of 7 MCAR S
32 1.260 B.1.c. shall use their table prepared in accordance with 7
33 MCAR S 1.315 in computing this salary.

34 D. Part payment from another source. When part of the
35 compensation of a local public health employee regularly is paid
36 from another source, such as federal, state, city or county

1 governmental departments, or from a different fund or account
2 outside the control of the local public health authority, the
3 total salary from all governmental sources combined shall not
4 exceed the amount payable at the maximum rate for the class of
5 position involved on the compensation plan adopted by the agency.

6 E. Compensation for vacation and/or sick leave upon
7 separation.

8 1. An employee who has permanent status in a local public
9 health agency in some class and who is separated from the agency
10 shall be paid for accumulated, unused vacation leave in
11 accordance with 7 MCAR S 1.250 D.4., on the basis of the
12 appropriate daily or hourly rate as shown on the table prepared
13 in accordance with 7 MCAR S 1.315. This is illustrated by the
14 following examples:

15 An employee who earns \$844 a month and is paid \$388 on a
16 bi-weekly payroll (\$38.80 daily rate) works 8 days in the
17 payroll period and terminates her employment. She has 11 days
18 of vacation accumulated. Daily rate of \$38.80 X 19 days (8
19 regular working days plus 11 days of vacation) = \$737.20.

20 An employee who earns \$844 a month and is paid on a monthly
21 basis works 8 days in the month which has 22 working days in it
22 and terminates her employment. She has 11 days of vacation
23 accumulated. Daily rate of \$38.36 (for 22 day month) X 19 days
24 (8 regular working days plus 11 days of vacation) = \$727.70.

25 2. The amount of vacation pay due shall be added to the
26 salary earned by the employee for time worked in the last pay
27 period of employment and made in the form of a single lump sum
28 payment.

29 3. Compensation for sick leave payment, in cases where
30 payment is made on termination, shall be in the same manner as
31 for vacation leave under 2.

32 F. Overtime compensation. Except for the provisions of the
33 Minnesota Fair Labor Standards Act, no additional compensation
34 shall be paid for overtime, whether in the discharge of duties
35 of the position or for the duties of another position, except in
36 an emergency in which the local public health authority orders

1 such overtime; or when such overtime is otherwise approved in
 2 advance by the local public health authority or its designee; or
 3 as may be otherwise negotiated. Rates of pay for this overtime
 4 work shall be decided by the local public health authority and
 5 it shall be discretionary with the local public health authority
 6 whether the employee shall have compensatory time off or
 7 overtime pay, except as provided in the Minnesota Fair Labor
 8 Standards Act or as modified through contractual agreement in
 9 those agencies where employees have an exclusive
 10 representative. When payment is made for overtime, the rate and
 11 the number of hours worked shall be shown in the "Remarks"
 12 column on the payroll report.

13 7 MCAR S 1.262 Appointment, promotions, demotions, transfers and
 14 reinstatements.

15 A. Appointment.

16 1. The entrance salary for any new employee whether an
 17 original appointment, provisional appointment, or emergency
 18 appointment, shall be at the minimum salary for the class of
 19 positions to which the employee is appointed, except when
 20 appointments are permitted above the minimum in accordance with
 21 7 MCAR S 1.2394.

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

26 B. Promotions.

27 1. Employees who are promoted shall have their salaries
 28 raised to the minimum rate of pay for the new class. If their
 29 salaries before promotion fall within the range of the new class
 30 but not on any step within that range, the salaries shall be
 31 adjusted to the next higher step.

32 2. Employees granted a ~~salary increase~~ salary increases
 33 after having been promoted may be permitted to retain that
 34 increase when returned to a lower class, if their ~~salary does~~
 35 salaries do not exceed the maximum salary for the lower class.

36 C. Demotions. An employee who is demoted except in

1 accordance with 7 MCAR S 1.238 D. and whose salary is above the
 2 maximum rate for the lower class shall be reduced in salary to
 3 at least the maximum rate for the new class. If the former
 4 salary is within the salary range for the lower class, the same
 5 salary may be continued. An employee whose position is
 6 reclassified downward in accordance with 7 MCAR S 1.238 D. and
 7 remains in the same position may retain the former salary if it
 8 is above the maximum salary rate for the lower class but shall
 9 be ineligible to receive any further increases except those
 10 subsequently provided in the new classification.

11 D. Transfers. An employee who is transferred may be paid
 12 the same salary that he received prior to transfer. If an
 13 employee's salary prior to transfer falls within the salary
 14 range of the class to which the employee is transferring, but is
 15 not on a salary step in that range, the employee's salary may be
 16 increased to the next higher step in the range. It shall not be
 17 decreased.

18 E. Reinstatements. A former employee who is reinstated or
 19 re-employed may be paid the same salary that he last received in
 20 the same class of position if it coincides with a step in the
 21 current salary range for the class, or if it does not coincide,
 22 at the next higher step.

23 7 MCAR S 1.314 Compensation plan (Public Health) - 1982. The
 24 tables in A.-D. list salary steps in monthly salary amounts for
 25 the specified classes of positions.

26 A. Professional and administrative.

27 1. Plan A.

28 a. Class of positions.

29		1	2	3	4	5	6	7	8	9
30	Asst. Dir. of									
31	Envir. Health	1696	1777	1854	1939	2026	2117	2213	2316	2421
32										
33	Asst. Dir. of									
34	Pub. Hlth. Nurs.	1549	1620	1696	1777	1854	1939	2026	2117	2213
35										
36	Business									
37	Administrator	1549	1620	1696	1777	1854	1939	2026	2117	2213
38										
39	Business									
40	Supervisor	1136	1187	1241	1299	1358	1420	1485	1549	1620
41										
42	Dir. of Envir.									

1	Health	1939	2026	2117	2213	2316	2421	2532	2645	2770
2										
3	Dir. of Pub.									
4	Hlth. Nurs. I	1549	1620	1696	1777	1854	1939	2026	2117	2213
5										
6	Dir. of Pub.									
7	Hlth. Nurs. II	1696	1777	1854	1939	2026	2117	2213	2316	2421
8										
9	Home Care									
10	Coordinator	1358	1420	1485	1549	1620	1696	1777	1854	
11										
12	Medical									
13	Technologist	1241	1299	1358	1420	1485	1549	1620		
14										
15	Public Health									
16	Educator I	1241	1299	1358	1420	1485	1549	1620	1696	
17										
18	Public Health									
19	Educator II	1549	1620	1696	1777	1854	1939	2026	2117	
20										
21	Public Health									
22	Nurse	1299	1358	1420	1485	1549	1620	1696		
23										
24	Public Health									
25	Nurse (Team	1358	1420	1485	1549	1620	1696	1777		
26	Leader)									
27										
28	Public Health									
29	Nutritionist	1420	1485	1549	1620	1696	1777	1854	1939	
30										
31	Registered Nurse									
32	(A.A. Deg., 3 yr.	1241	1299	1358	1420	1485	1549			
33	Dip., or B.S. Deg.)									
34										
35	Sanitarian I	1241	1299	1358	1420	1485				
36										
37	Sanitarian II	1358	1420	1485	1549	1620	1696	1777	1854	
38										
39	Sanitarian III	1485	1549	1620	1696	1777	1854	1939	2026	2117
40										
41	Sanitarian IV	1620	1696	1777	1854	1939	2026	2117	2213	2316
42										
43	School Health									
44	Coordinator	1299	1358	1420	1485	1549	1620	1696	1777	
45										
46	Senior Public									
47	Health Nurse	1420	1485	1549	1620	1696	1777	1854		

2. Plan B.

a. Class of positions.

	1	2	3	4	5	6	7	8	9	
51	Asst. Dir. of									
52	Envir. Health	1777	1854	1939	2026	2117	2213	2316	2421	2532
53										
54	Asst. Dir. of Pub.									
55	Hlth. Nurs.	1620	1696	1777	1854	1939	2026	2117	2213	2316
56										
57	Business									
58	Administrator	1620	1696	1777	1854	1939	2026	2117	2213	2316
59										
60	Business									
61	Supervisor	1187	1241	1299	1358	1420	1485	1549	1620	1696
62										
63	Dir. of Envir.									
64	Health	2026	2117	2213	2316	2421	2532	2645	2770	2897
65										
66	Dir. of Pub. Hlth.									
67	Nurs. I	1620	1696	1777	1854	1939	2026	2117	2213	2316
68										

1	Dir. of Pub. Hlth.									
2	Nurs. II	1777	1854	1939	2026	2117	2213	2316	2421	2532
3										
4	Home Care									
5	Coordinator	1420	1485	1549	1620	1696	1777	1854	1939	
6										
7	Medical									
8	Technologist	1299	1358	1420	1485	1549	1620	1696		
9										
10	Public Health									
11	Educator I	1299	1358	1420	1485	1549	1620	1696	1777	
12										
13	Public Health									
14	Educator II	1620	1696	1777	1854	1939	2026	2117	2213	
15										
16	Public Health									
17	Nurse	1358	1420	1485	1549	1620	1696	1777		
18										
19	Public Health									
20	Nurse (Team Leader)	1420	1485	1549	1620	1696	1777	1854		
21										
22	Public Health									
23	Nutritionist	1485	1549	1620	1696	1777	1854	1939	2026	
24										
25	Registered Nurse									
26	(A.A. Deg., 3 yr.	1299	1358	1420	1485	1549	1620			
27	Dip., or B.S. Deg.)									
28										
29	Sanitarian I	1299	1358	1420	1485	1549				
30										
31	Sanitarian II	1420	1485	1549	1620	1696	1777	1854	1939	
32										
33	Sanitarian III	1549	1620	1696	1777	1854	1939	2026	2117	2213
34										
35	Sanitarian IV	1696	1777	1854	1939	2026	2117	2213	2316	2421
36										
37	School Health									
38	Coordinator	1358	1420	1485	1549	1620	1696	1777	1854	
39										
40	Senior Public									
41	Health Nurse	1485	1549	1620	1696	1777	1854	1939		
42	3. Plan C.									
43	a. Class of positions.									
44		1	2	3	4	5	6	7	8	9
45	Asst. Dir. of									
46	Envir. Health	1854	1939	2026	2117	2213	2316	2421	2532	2645
47										
48	Asst. Dir. of Pub.									
49	Hlth. Nurs.	1696	1777	1854	1939	2026	2117	2213	2316	2421
50										
51	Business									
52	Administrator	1696	1777	1854	1939	2026	2117	2213	2316	2421
53										
54	Business									
55	Supervisor	1241	1299	1358	1420	1485	1549	1620	1696	1777
56										
57	Dir. of Envir.									
58	Health	2117	2213	2316	2421	2532	2645	2770	2897	3028
59										
60	Dir. of Pub. Hlth.									
61	Nurs. I	1696	1777	1854	1939	2026	2117	2213	2316	2421
62										
63	Dir. of Pub. Hlth.									
64	Nurs. II	1854	1939	2026	2117	2213	2316	2421	2532	2645
65										
66	Home Care									
67	Coordinator	1485	1549	1620	1696	1777	1854	1939	2026	
68										

1	Medical									
2	Technologist	1358	1420	1485	1549	1620	1696	1777		
3										
4	Public Health									
5	Educator I	1358	1420	1485	1549	1620	1696	1777	1854	
6										
7	Public Health									
8	Educator II	1696	1777	1854	1939	2026	2117	2213	2316	
9										
10	Public Health									
11	Nurse	1452	1516	1583	1656	1734	1814	1894		
12										
13	Public Health									
14	Nurse (Team Leader)	1516	1583	1656	1734	1814	1894	1982		
15										
16	Public Health									
17	Nutritionist	1549	1620	1696	1777	1854	1939	2026	2117	
18										
19	Registered Nurse									
20	(A.A. Deg., 3 yr.	1387	1452	1516	1583	1656	1734			
21	Dip., or B.S. Deg.)									
22										
23	Sanitarian I	1358	1420	1485	1549	1620				
24										
25	Sanitarian II	1485	1549	1620	1696	1777	1854	1939	2026	
26										
27	Sanitarian III	1620	1696	1777	1854	1939	2026	2117	2213	2316
28										
29	Sanitarian IV	1777	1854	1939	2026	2117	2213	2316	2421	2532
30										
31	School Health									
32	Coordinator	1420	1485	1549	1620	1696	1777	1854	1939	
33										
34	Senior Public									
35	Health Nurse	1583	1656	1734	1814	1894	1982	2068		

36 B. Health services support personnel.

37 1. Plan A.

38 a. Class of positions.

39		1	2	3	4	5	6	7	8	9
40	Animal Warden	887	929	973	1017	1063	1109	1161		
41										
42	Bookkeeper	929	973	1017	1063	1109	1161	1212	1269	1327
43										
44	Home Health Aide	712	741	777	813	849	887			
45										
46	Home Health Aide									
47	Coordinator	973	1017	1063	1109	1161	1212	1269		
48										
49	Inspector I	995	1039	1084	1136					
50										
51	Inspector II	1084	1136	1187	1241	1299	1358	1420		
52										
53	Laboratory									
54	Technician	849	887	929	973	1017	1063	1109		
55										
56	Licensed Practical									
57	Nurse	950	995	1039	1084	1136	1187			
58										
59	Medical Laboratory									
60	Assistant	887	929	973	1017	1063	1109	1161		
61										
62	Nutrition Assistant	929	973	1017	1063	1109	1161	1212	1269	
63										
64	Public Health Aide	596	625	654	683	712	741	777		

65 2. Plan B.

1 a. Class of positions.

2		1	2	3	4	5	6	7	8	9
3	Animal Warden	929	973	1017	1063	1109	1161	1212		
4										
5	Bookkeeper	973	1017	1063	1109	1161	1212	1269	1327	1387
6										
7	Home Health Aide	741	777	813	849	887	929			
8										
9	Home Health Aide									
10	Coordinator	1017	1063	1109	1161	1212	1269	1327		
11										
12	Inspector I	1039	1084	1136	1187					
13										
14	Inspector II	1136	1187	1241	1299	1358	1420	1485		
15										
16	Laboratory									
17	Technician	887	929	973	1017	1063	1109	1161		
18										
19	Licensed Practical									
20	Nurse	995	1039	1084	1136	1187	1241			
21										
22	Medical Laboratory									
23	Assistant	929	973	1017	1063	1109	1161	1212		
24										
25	Nutrition Assistant	973	1017	1063	1109	1161	1212	1269	1327	
26										
27	Public Health Aide	625	654	683	712	741	777	813		

28 3. Plan C.

29 a. Class of positions.

30		1	2	3	4	5	6	7	8	9
31	Animal Warden	973	1017	1063	1109	1161	1212	1269		
32										
33	Bookkeeper	1017	1063	1109	1161	1212	1269	1327	1387	1452
34										
35	Home Health Aide	777	813	849	887	929	973			
36										
37	Home Health Aide									
38	Coordinator	1063	1109	1161	1212	1269	1327	1387		
39										
40	Inspector I	1084	1136	1187	1241					
41										
42	Inspector II	1187	1241	1299	1358	1420	1485	1549		
43										
44	Laboratory									
45	Technician	929	973	1017	1063	1109	1161	1212		
46										
47	Licensed Practical									
48	Nurse	1039	1084	1136	1187	1241	1299			
49										
50	Medical Laboratory									
51	Assistant	973	1017	1063	1109	1161	1212	1269		
52										
53	Nutrition Assistant	1017	1063	1109	1161	1212	1269	1327	1387	
54										
55	Public Health Aide	654	683	712	741	777	813	849		

56 C. Clerical.

57 1. Plan A.

58 a. Class of positions.

59		1	2	3	4	5	6	7	8
60	Clerk I	616	645	676	704	734	766	801	839
61									

1	Clerk II	704	734	766	801	839	877	917	959
2									
3	Clerk III	784	821	857	895	937	982	1027	1073
4									
5	Clerk-Typist I	645	676	704	734	766	801	839	877
6									
7	Clerk-Typist II	704	734	766	801	839	877	917	959
8									
9	Clerk-Typist III	784	821	857	895	937	982	1027	1073
10									
11	Clerk-Steno I	676	704	734	766	801	839	877	917
12									
13	Clerk-Steno II	766	801	839	877	917	959	1004	1049
14									
15	Clerk-Steno III	821	857	895	937	982	1027	1073	1119
16									
17	Swbd. Operator I	704	734	766	801	839	877	917	959
18									
19	Swbd. Operator II	748	784	821	857	895	937	982	1027
20									

21 2. Plan B.

22 a. Class of positions.

23		1	2	3	4	5	6	7
24	Clerk I	704	734	766	801	839	877	917
25								
26	Clerk II	801	839	877	917	959	1004	1049
27								
28	Clerk III	895	937	982	1027	1073	1119	1172
29								
30	Clerk-Typist I	734	766	801	839	877	917	959
31								
32	Clerk-Typist II	801	839	877	917	959	1004	1049
33								
34	Clerk-Typist III	895	937	982	1027	1073	1119	1172
35								
36	Clerk-Steno I	766	801	839	877	917	959	1004
37								
38	Clerk-Steno II	877	917	959	1004	1049	1094	1147
39								
40	Clerk-Steno III	937	982	1027	1073	1119	1172	1223
41								
42	Swbd. Operator I	801	839	877	917	959	1004	1049
43								
44	Swbd. Operator II	857	895	937	982	1027	1073	1119

45 3. Plan C.

46 a. Class of positions.

47		1	2	3	4	5	6	7
48	Clerk I	766	801	839	877	917	959	1004
49								
50	Clerk II	877	917	959	1004	1049	1094	1147
51								
52	Clerk III	982	1027	1073	1119	1172	1223	1281
53								
54	Clerk-Typist I	801	839	877	917	959	1004	1049
55								
56	Clerk-Typist II	877	917	959	1004	1049	1094	1147
57								
58	Clerk-Typist III	982	1027	1073	1119	1172	1223	1281
59								
60	Clerk-Steno I	839	877	917	959	1004	1049	1094
61								
62	Clerk-Steno II	959	1004	1049	1094	1147	1198	1252
63								
64	Clerk-Steno III	1027	1073	1119	1172	1223	1281	1340

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Swbd. Operator I 877 917 959 1004 1049 1094 1147

Swbd. Operator II 937 982 1027 1073 1119 1172 1223

D. Building maintenance. Employees in the classes specified in 1. and 2. who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

1. Plan A.

a. Class of positions.

	1	2	3	4	5	6	7
Custodian	683	708	735	768	801		
Janitor	801	834	870	907	947	986	1027

2. Plan B.

a. Class of positions.

	1	2	3	4	5	6	7
Custodian	801	834	870	907	947		
Janitor	947	986	1027	1074	1119	1166	1218

7 MCAR S 1.315 Provisions for computing monthly, hourly, less-than-full-time, bi-weekly, and four week salary rates.

A. Salary conversion tables.

1. The supervisor shall publish a salary conversion table as part of the Minnesota Merit System Manual. The table shall list all existing salary rates listed in 7 MCAR S 1.314. For those salary rates, the supervisor shall calculate hourly, daily and payroll period salaries for each of the salary rates listed. This table shall be based on an 8-hour day, 40-hour week and 2088-hour year. Agencies with a normal work schedule which varies from an 8-hour day, 40-hour week or 2088-hour year or agencies with payroll periods other than once every two weeks, every four weeks, or every month, shall supply the supervisor with a salary conversion table as provided for in 7 MCAR S ~~1-2395 B-3~~ or ~~1-261 B-2~~.

Repealer. 7 MCAR SS 1.269-1.313 are repealed.