

1 Department of Employee Relations

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3 Adopted Rules Governing the State Personnel System (2 MCAR SS  
4 2.308, 2.331, 2.332, 2.333, and 2.371)

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6 Rules as Adopted

7 2 MCAR S 2.308 Temporary designation of positions in the  
8 unclassified service.

9 The commissioner may authorize the temporary designation of  
10 a position in the unclassified service in accordance with  
11 Minnesota Statutes, section 43A.08, subdivision 2a for a period  
12 not to exceed three years. After considering the documentation  
13 submitted by the appointing authority, the commissioner shall  
14 determine whether the position is classified or unclassified.

15 2 MCAR S 2.331 Test accommodations for applicants who are  
16 handicapped.

17 Applicants who are handicapped may request that an  
18 examination process be altered to accommodate their handicaps.  
19 The applicant shall indicate on the standard application form  
20 prescribed in 2 MCAR S 2.320 the handicapping condition which  
21 substantially limits one or more major life activities and the  
22 specific accommodation desired.

23 The commissioner shall consider the following in reviewing  
24 requests for test accommodations: whether the content and form  
25 of the examination would make the requested accommodations  
26 necessary; whether the requested accommodations would compromise  
27 the validity or job-relatedness of the examination; and whether  
28 the requested accommodations can reasonably be made. The  
29 commissioner shall decide whether to admit the applicant to the  
30 examination if it is open to application and to make the  
31 requested accommodations or to deny the request for  
32 accommodations. If the commissioner denies the request for  
33 accommodations the applicant shall be offered the choice of  
34 participating in the competitive examination process if it is  
35 open for application or, if the commissioner determines that the

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1 applicant meets the eligibility criteria specified in Minnesota  
2 Statutes, section 43A.10, subdivision 8, of participating in a  
3 qualified handicapped examination in accordance with 2 MCAR S  
4 2.332.

5 2 MCAR S 2.332 Qualified handicapped examination.

6 A. Criteria for offering. The commissioner may offer  
7 applicants whose handicaps are so severe that they cannot be  
8 accommodated in the competitive examination process a qualified  
9 handicapped examination in accordance with Minnesota Statutes,  
10 section 43A.10, subdivision 8. A qualified handicapped  
11 examination shall consist of an on-the-job trial work experience  
12 of up to 700 hours. The commissioner may shall approve a  
13 qualified handicapped examination after-determining-whether if  
14 she determines that not all of the standard examination  
15 requirements need to be met for some positions in the class and  
16 whether the job duties or procedures can be altered so that the  
17 applicant could perform the essential duties of a position in  
18 the class.

19 B. Placement. A candidate admitted for a qualified  
20 handicapped examination must be given a list of agencies having  
21 positions in the class and written authorization by the  
22 commissioner to seek a vacant position in the class. The  
23 candidate, with the help of a placement and referral specialist  
24 in a rehabilitation program recognized by the state, may contact  
25 the agencies to develop a suitable placement. The commissioner  
26 in accordance with Minnesota Statutes, section 43A.10,  
27 subdivision 8 shall authorize an examination in any position  
28 determined suitable by the candidate, counselor, and appointing  
29 authority.

30 C. Completion or termination of examination. A qualified  
31 handicapped examination may be successfully completed at any  
32 time during the 700 hours of work experience if the appointing  
33 authority notifies the commissioner that the candidate can  
34 satisfactorily perform the essential duties of the position and  
35 is eligible for probationary appointment in accordance with  
36 Minnesota Statutes, section 43A.13, subdivision 6. A qualified

1 handicapped examination may be terminated at any point during  
2 the 700 hours of work experience, except for the first 30  
3 scheduled work days from the date of the start of the  
4 examination, if the appointing authority notifies the  
5 commissioner that the candidate cannot satisfactorily perform  
6 the essential duties of the position. A candidate terminated  
7 from a qualified handicapped examination may shall be authorized  
8 to seek placement in other positions in the class if the  
9 commissioner decides that the candidate's inability to perform  
10 was limited to duties essential to the specific position in  
11 which he or she was placed but which are not essential for other  
12 positions in the class.

13 2 MCAR S 2.333 Notice.

14 The commissioner shall notify an applicant who is  
15 handicapped and, upon request, provide a written statement of  
16 the reasons for the decision, of any of the following decisions:

17 A. To provide or deny a request for test accommodations  
18 except when the test accommodation is unnecessary due to the  
19 examination format.

20 B. To admit or deny admission to a competitive or qualified  
21 handicapped examination.

22 2 MCAR S 2.371 Unclassified appointments.

23 Appointing authorities may make appointments to  
24 unclassified positions authorized in accordance with statute.  
25 Unclassified appointments do not require public notice. Unless  
26 otherwise specified in a statute, an appointing authority may  
27 appoint to an unclassified position any person he or she  
28 considers qualified, but. For persons appointed to positions  
29 for which compensation is established under Minnesota Statutes,  
30 section 43A.18 subdivisions 1, 2, and 3, the appointing  
31 authority shall submit the person's resume to the commissioner.  
32 No employee may shall serve in positions authorized under 2 MCAR  
33 S 2.308 performing the same function in the same agency for more  
34 than three years in total.

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1 Repealer. 2 MCAR S 2.010 is repealed.