

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Merit System

4

5 Rules as Adopted

6 9575.0010 DEFINITIONS.

7 Subpart 1. [Unchanged.]

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

15 Subp. 2. to 13. [Unchanged.]

16 Subp. 13a. **Disability.** "Disability" means a condition or
17 characteristic that renders a person a disabled person. A
18 disabled person is a person who:

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

21 B. has a record of such an impairment; or

22 C. is regarded as having such an impairment.

23 Subp. 14. [Unchanged.]

24 Subp. 14a. **Discrimination.** "Discrimination" means unequal
25 treatment, intentional or unintentional, that is based on the
26 following protected characteristics: race, color, creed, sex,
27 age, marital status, national origin, disability, reliance on
28 public assistance, religion, or political affiliation.

29 Subp. 15. [Unchanged.]

30 Subp. 15a. **Disparity.** "Disparity" means the employment of
31 fewer disabled persons, minorities, or women in the agency's
32 work force than could reasonably be expected, based on their
33 availability in the relevant labor area.

34 Subp. 16. to 18. [Unchanged.]

35 Subp. 18a. **Equal employment opportunity.** "Equal

1 employment opportunity" means the policy of basing all personnel
2 activities solely on individual merit of applicants and
3 employees in relation to job requirements, and without regard to
4 race, color, creed, sex, age, marital status, national origin,
5 disability, reliance on public assistance, religion, or
6 political affiliation.

7 Subp. 18b. **Equitable compensation relationship.**

8 "Equitable compensation relationship" means that a primary
9 consideration in establishing, recommending, and approving total
10 compensation is comparable work value in relationship to other
11 employee positions within the merit system.

12 Subp. 19. to 20a. [Unchanged.]

13 Subp. 21. **General adjustment.** "General adjustment" means
14 an annual merit system recommended salary adjustment based on a
15 review of adjustments to salaries by employers with similar and
16 competing types of employment and trends in the Twin Cities
17 consumer price index. The general adjustment applies to all
18 employees on the professional, support, clerical, and
19 maintenance and trades salary schedules whose positions are not
20 covered by the terms and conditions of a collective bargaining
21 agreement.

22 Subp. 22. to 34. [Unchanged.]

23 Subp. 34a. **Protected groups.** "Protected groups" means
24 females, disabled persons, and members of the following
25 minorities: Black, Hispanic, Asian, Pacific Islander, American
26 Indian, or Alaskan native.

27 Subp. 35. to 49. [Unchanged.]

28 9575.0020 OBJECTIVES OF COUNTY WELFARE MERIT SYSTEM.

29 It is the aim of the Department of Human Services of the
30 state of Minnesota, through the establishment of the county
31 welfare merit system, to provide appointing authorities with an
32 effective system of personnel administration based on merit
33 principles. Specific objectives are:

34 A. to C. [Unchanged.]

35 D. equitable pay scales for the various classes

1 established on the basis of equal pay for work of equal value;
2 and

3 E. [Unchanged.]

4 9575.0090 PROHIBITION AGAINST DISCRIMINATION.

5 Subpart 1. In general. No person shall be discriminated
6 for or against in recruitment, examination, appointment, tenure,
7 compensation, classification, or promotion or in conditions,
8 facilities, or privileges of employment because of race, color,
9 political affiliation, creed, religion, national origin,
10 disability when such disability does not interfere with the
11 completion of assigned duties, age, marital status, status with
12 regard to public assistance, or sex. Any person aggrieved by a
13 violation of these prohibitions may file a complaint under the
14 provisions of Minnesota Statutes, chapter 363, or may file a
15 discrimination complaint under the county agency's internal
16 complaint process.

17 Subp. 2. [See Repealer.]

18 Subp. 2a. Affirmative action plan. Each county agency
19 shall have an affirmative action plan for employees covered by
20 parts 9575.0010 to 9575.1580. The plan must contain:

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

23 B. an internal discrimination complaint policy and
24 procedure that includes notification of the Department of Human
25 Services Affirmative Action Office of complaints that are
26 brought and their resolution;

27 C. provision for appointment of a person to provide
28 liaison between the county agency and the Department of Human
29 Services Affirmative Action Office and to have responsibility
30 for implementation of the local agency's plan; and

31 D. provision for participation by the county agency
32 in an affirmative action committee and notification of the
33 Department of Human Services Affirmative Action Office of
34 periodic hiring goals established by the county agency, for
35 expanded certification purposes.

1 These requirements may be incorporated as part of a
2 county-wide affirmative action plan or provided as an addendum
3 to the plan.

4 Subp. 3. [See Repealer.]

5 9575.0380 WORK OUT OF CLASS.

6 If an employee is expressly assigned in writing to perform
7 all the duties of a position allocated to a higher
8 classification that is temporarily unoccupied for reasons other
9 than vacation or sick leave and that work exceeds 15 consecutive
10 work days in duration, the employee so assigned shall be paid
11 for all hours of the assignment at least at the minimum rate of
12 pay of the salary range for the higher class or may be granted a
13 one-step salary increase within the assigned employee's salary
14 range. If the assignment is to a position in a classification
15 at an equal or lower level, the employee shall be paid for all
16 hours of the assignment at the employee's current rate of pay.
17 A work out of class assignment is limited to no more than six
18 months. An appointing authority may submit a written request to
19 extend a work out of class assignment for up to an additional
20 six months, specifying the reason why the extension is
21 necessary. A request to extend a work out of class assignment
22 must be initiated at least 15 days before the end of the initial
23 six-month assignment. Approval of such assignments by the
24 supervisor is required and must be received by the supervisor
25 within five calendar days of the assignment. Upon completion of
26 the work out of class assignment, the employee's salary shall be
27 reduced to its previous level. This decrease is not subject to
28 part 9575.0370 or part 9575.1180.

29 9575.0530 EXAMINATION RETESTING.

30 Applicants may apply to retake a competitive or promotional
31 examination that is open for application on a continuous basis
32 but may not retake an examination within 60 days of the previous
33 test date and more than three times in a calendar year.

34 9575.0620 CERTIFICATION METHODS.

1 Subpart 1. to 4. [Unchanged.]

2 Subp. 5. Too few names on a certification. When the
3 number of different names available for filling any vacancy by
4 original appointment, promotion, or reinstatement is fewer than
5 seven on all competitive and promotional registers combined, the
6 appointing authority may decline certification for that vacancy.
7 and may request certification from a register, or registers,
8 that the supervisor deems appropriate.

9 Subp. 6. [Unchanged.]

10 Subp. 7. Expanded certification. When the supervisor
11 determines that a disparity exists between an agency's work
12 force and its approved affirmative action plan, the supervisor
13 shall ensure to the extent possible that available eligibles who
14 are members of the protected group as defined in part 9575.0010,
15 subpart 34a, for which the disparity exists are certified for
16 appointment. When fewer than three protected group eligibles
17 for which a disparity exists would be certified under subparts 1
18 and 2, the supervisor shall certify additional protected group
19 eligibles for which a disparity exists to bring the number of
20 eligibles certified to a total of three names from each
21 protected group. Eligibles to be certified shall be determined
22 by examination score.

23 9575.0720 PROBATION REQUIRED.

24 A person employed by an appointing authority in any of the
25 following ways shall serve a probationary period:

26 A. appointment from an eligible register other than
27 the layoff list;

28 B. reinstatement of a former probationary employee or
29 of a former permanent employee in an agency other than the last
30 employing agency;

31 C. transfer of an employee between counties except
32 when specifically waived, in writing to the merit system
33 supervisor, by the new employing county prior to the date on
34 which the transfer of a permanent employee becomes effective; or

35 D. transfer or reinstatement to a position on the

1 basis of eligibility from a comparable position in a similar
2 merit system jurisdiction.

3 An appointing authority may effect a probationary period in
4 an employment action in which such period is not required as
5 specified above by writing this condition of appointment on the
6 appointment report submitted to the merit system. In no case,
7 however, may a probationary period be required of a permanent
8 employee who is appointed from the layoff list.

9

10 REPEALER. Minnesota Rules, part 9575.0090, subparts 2 and
11 3 are repealed.