

1 Department of Public Safety

2

3 Adopted Permanent Rules Relating to Merit System

4

5 Rules as Adopted

6 7520.0100 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 12. [Unchanged.]

16 Subp. 12a. **Disability.** "Disability" means any condition
17 or characteristic that renders a person a disabled person. A
18 disabled person is any person who:

19 A. has a physical, sensory, or mental impairment
20 which 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. 13. [Unchanged.]

24 Subp. 13a. **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. 14. [Unchanged.]

30 Subp. 14a. **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. 15. to 17. [Unchanged.]

35 Subp. 17a. **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. 17b. **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. 18. to 19a. [Unchanged.]

13 Subp. 20. **General adjustment.** "General adjustment" means

14 an annual merit system recommended salary adjustment based on
15 adjustments to salaries by employers with similar and competing
16 types of employment and trends in the Twin Cities Consumer Price
17 Index. The general adjustment applies to all employees on the
18 professional and clerical salary schedules whose positions are
19 not covered by the terms and conditions of a collective
20 bargaining agreement.

21 Subp. 21. to 35. [Unchanged.]

22 Subp. 35a. **Protected groups.** "Protected groups" means

23 females, disabled persons, and members of the following
24 minorities: Black, Hispanic, Asian, Pacific Islander, American
25 Indian, or Alaskan Native.

26 Subp. 36. to 50. [Unchanged.]

27 7520.0200 STATEMENT OF POLICY AND MEANS OF EFFECTING POLICY.

28 Subpart 1. **Objectives.** It is the declared aim of the
29 governor and the state Department of Public Safety of the state
30 of Minnesota to put into full force and effect the merit
31 principles of personnel administration. To this end the merit
32 system council, the merit system supervisor, and the Department
33 of Public Safety shall work toward the objectives of:

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 Subp. 2. to 5. [Unchanged.]

5 7520.0350 PROHIBITION AGAINST DISCRIMINATION.

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

18 Subp. 2. [See Repealer.]

19 Subp. 2a. Affirmative action plan. Each local agency
20 shall have an affirmative action plan for employees covered by
21 parts 7520.0100 to 7520.1200. The plan must contain, at a
22 minimum, the following:

23 A. a policy defining and prohibiting discriminatory
24 harassment, including sexual harassment;

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

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

33 D. provision for participation by the local agency in
34 an affirmative action committee and notification of the
35 Department of Human Services Affirmative Action Office of

1 periodic hiring goals established by the local agency, for
2 expanded certification purposes.

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

6 Subp. 3. [See Repealer.]

7 7520.0680 WORK OUT OF CLASS.

8 If an employee is expressly assigned in writing to perform
9 all the duties of a position allocated to a higher
10 classification that is temporarily unoccupied for reasons other
11 than vacation or sick leave and the work exceeds 15 consecutive
12 work days the employee so assigned shall be paid for all hours
13 of the assignment at least at the minimum rate of pay of the
14 salary range for the higher class or may be granted a one step
15 salary increase within his salary range. If the assignment is
16 to a position in a classification at an equal or lower level the
17 employee shall be paid for all hours of the assignment at the
18 employee's current rate of pay. A work out of class assignment
19 is limited to no more than six months. An appointing authority
20 may submit a written request to extend a work out of class
21 assignment for up to an additional six months, specifying the
22 reason why the extension is necessary. A request to extend a
23 work out of class assignment must be initiated at least 15 days
24 prior to the end of the initial six month assignment. Approval
25 of the assignments by the supervisor is required and must be
26 received by the supervisor within five calendar days of the
27 assignment. Upon completion of the work out of class assignment
28 the employee's salary shall be reduced to its previous level,
29 notwithstanding the provisions of part 7520.0670 or 12 MCAR S
30 2.508 D.

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32 REPEALER. Minnesota Rules, part 7520.0350, subparts 2 and
33 3, are repealed.