Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Merit System

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4670

APPROVED AS TO FORM AND LEGALITY
FEB 21 1992
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 21 1992
Joan Anderson Growe
Secretary of State

The attached rules are approved for
filing with the Secretary of State

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RE

Craig E. Lindeke
Senior Assistant Revisor

9201052

Department of Health

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

4670.0100 DEFINITIONS.

[For text of subps 1 to 23, see M.R.]

Subp. 24. [See repealer.]

[For text of subps 25 to 46, see M.R.]

Subp. 47. **Temporary employee.** "Temporary employee" means an employee who is appointed with a definite ending date. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.

[For text of subps 48 to 50, see M.R.]

4670.1320 RECOMMENDED ADJUSTMENTS.

The merit system general adjustment recommended for incumbents is 2-1/4 percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

4670.2530 TEMPORARY APPOINTMENT.

Subpart 1. **Approval.** The supervisor may approve an appointing authority's temporary appointment for:

A. filling a vacancy funded for six months or less;

B. providing an employee for a temporary project not anticipated to last more than six months;

C. filling a vacancy created by an approved leave of absence; or

D. unusual documented instances, when an appointing authority asks to make a temporary appointment of six months or less to a position otherwise authorized for more than six months.

Subp. 2. **From eligible register.** Temporary appointments must be made from the eligible register. Certification will be made of the names of those eligibles, in order of their place on an appropriate register, who have indicated willingness to

accept temporary employment. Certification must be made according to parts 4670.2100 to 4670.2400. The acceptance or refusal of a temporary appointment does not affect an eligible's standing on a register or eligibility for appointment to a permanent position.

Subp. 3. **No available candidates on eligible register.** In the absence of available candidates on the eligible register, the supervisor may authorize the appointing authority to make a direct appointment of a person who meets the minimum qualifications of education and experience for the classification, after considering the following documentation submitted by the appointing authority:

A. a statement that there is no appropriate eligible list available or that all eligible candidates on an incomplete certification from an eligible list are unavailable or unsuitable for temporary appointment; and

B. a description of the appointee's qualifications in a manner prescribed by the supervisor to permit examination of the appointee's qualifications.

Subp. 4. **Term of appointment.** Temporary appointments must be for the period of need only and are limited to a period of six months. An appointing authority may submit a written request to extend a temporary appointment for up to an additional six months, specifying the reason why the extension is necessary. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency. The period of the temporary appointment may not be counted as part of a probationary period. Successive temporary appointments to the same position may not be made.

4670.2930 LAYOFF.

Subpart 1. **Reason for layoff.** An appointing authority may lay off an employee in the classified service by reason of abolishment of the position, lack of funds, shortage of work, or other reason outside the control of the employee. No permanent employee, however, shall be laid off while any emergency,

provisional, temporary, or probationary employee is continued in a position of the same class in the agency. Layoff shall be made in inverse order of seniority by employment conditions in the class of work in the agency. Seniority for purposes of layoff shall be the length of service in the class from which layoff occurs in the agency.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Layoff list.** The names of permanent or probationary employees laid off or demoted in lieu of layoff shall be placed in order of seniority on the layoff list for the class and the agency from which the layoff took place. The affected employees shall have their names placed also on the reemployment list for the class from which the layoff took place and any other class in which they have permanent or probationary status prior to layoff.

Names of laid off employees will remain on the layoff list for a minimum of one year and eligibility shall be extended to a period of time equal to the employee's previous service in the merit system not to exceed five years. The name of a laid off employee must be removed from the layoff list if the employee fails to accept a position in the former classification and county agency or if the employee is appointed to a permanent position in a class equal to or higher than the one from which the employee was laid off. In such cases, the employee's name must remain on the reemployment list for the class from which the employee was laid off.

[For text of subps 5 and 6, see M.R.]

4670.3030 VACATION LEAVE.

Subpart 1. **Accrual.** Upon the completion of six full months of satisfactory service in the merit system, vacation leave shall accrue to a permanent, probationary, or trainee employee for the time served at the rate of one working day for each full month of service except as otherwise provided under part 4670.3000. No vacation leave shall be accrued or granted during the first six months of service in the merit system; but

upon satisfactory completion of that period, vacation leave shall accrue to a permanent, probationary, or trainee employee for the time served. Temporary and provisional employees with less than six full months of service and emergency employees shall not accrue vacation leave. Provisional employees with more than six months of service shall accrue vacation leave. Unused vacation leave shall accumulate to a total of at least 24 working days. The agency shall determine the time at which vacation leave may be taken. Vacation leave may not be used before completion of the period in which it is accrued. Part-time employees shall accrue vacation leave on a prorated basis based on hours worked in accordance with a schedule prepared by the appointing authority.

[For text of subps 2 to 4, see M.R.]

4670.3040 SICK LEAVE.

Subpart 1. **Rate.** Every permanent, probationary, provisional, or temporary employee shall accrue sick leave at the rate of one working day for each completed month of service, except as otherwise adopted under part 4670.3000, and such accrued sick leave may be used under the conditions prescribed in subparts 2 to 10.

[For text of subps 2 to 10, see M.R.]

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, 1992.

Subpart 1. **Plan.**

	Minimum	Maximum
Assistant Director of Environmental Health	2338	3651
Director of Environmental Health	2675	4179
Director of Public Health Nursing	2235	3651
Public Health Educator	1873	3192
Public Health Nurse	1961	3052
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1873	2923
Sanitarian	1790	2923

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Bookkeeper	1280	2000
Home Health Aide	1224	1830

Home Health Aide Coordinator	1437	2142
Inspector	1437	2142
Licensed Practical Nurse	1437	2142
Public Health Aide	1049	1713

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	902	1467
Clerk II	1049	1713
Clerk III	1224	1830
Clerk-Typist I	985	1600
Clerk-Typist II	1049	1713
Clerk-Typist III	1311	1961
Clerk-Steno	1049	1713
Switchboard Operator	985	1600

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

[For text of subpart 1, see M.R.]

Subp. 2. **Shift differential; janitors.**

	Minimum	Maximum
Janitor	1049	1713

REPEALER. Minnesota Rules, part 4670.0100, subpart 24, is repealed.