

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Dept of Personel
(Agency or Board)

Regulation No. 3, 24, 29c, 32, 34, 64, 97, 131, 135, 136, 138, 143, 181, 182,

Subject: Adopted admendments on Personnel Changes

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ADOPTED AMENDMENTS TO PERSONNEL RULES

Persl 3 Scope of Rules. Certain negotiable matters covered by the Personnel Rules are included in collective bargaining agreements between the State of Minnesota and the exclusive representatives of state employees. If a subject matter is clearly covered by a collective bargaining agreement, the collective bargaining agreement controls in any conflict with the Personnel Rules.

Persl Rule 24 Work Out of Class. When an employee is expressly assigned to perform all the duties of a position allocated to a higher level classification that is temporarily unoccupied for reasons other than vacation or short periods of sick leave and such work exceeds 15 consecutive work days in duration, the employee shall be paid for the duration of the assignment, at the minimum of the salary range for the higher class or receive a one-step increase, whichever is greater. Appointments to these assignments shall be made in accordance with Personnel Rules 81 through 91. If the assignment is to a position at an equal or lower level classification, the employee shall be paid at the employee's current rate of pay.

Persl 29 (e) Achievement Awards. In addition to being eligible for normal salary increases, employees whose positions are assigned to salary Schedule A are eligible for achievement awards based on demonstrated outstanding performance. Increases in this schedule must be submitted and awarded within the context of a results-oriented management or standards of performance system which has been approved by the Commissioner. An achievement award shall be ~~in the amount of one salary step per fiscal year,~~ awarded as prescribed by law. Achievement awards shall be administered in a manner that will encourage and recognize excellence among employees. Achievement award increases may be granted up to ~~20%~~ 30% of the classified and ~~20%~~ 30% of the unclassified employees whose salary ranges are set by direct comparison to the classified service authorized for the department at the beginning of the fiscal year. Unclassified positions where the salaries are set by statute are not to be included in the calculations ~~for unclassified employees,~~ of the number of allowable increases for unclassified employees.

Persl 32 Severance Pay. Severance pay eligibility shall be determined by law. ~~paid to permanent classified and unclassified employees who have completely severed their employment with the state for reason of death, mandatory retirement, or layoff (excluding seasonal layoff), or who have completed twenty years of service.~~ Where a position is established with a definite ending date, it shall not be subject to this rule. ~~Any employee who shall have received severance pay upon termination of employment shall not again be eligible to accrue any severance pay benefits upon reemployment with the state except for those accumulated in excess of the number for which such employee has previously been compensated and which may be compensated as prescribed by the law.~~

The appointing authority shall certify the amount of severance pay due the employee, and shall report the amount due and the basis for severance pay to the Commissioner, together with the documentation upon which such compensation is based.

Pers1 64 Duration of Eligible Lists. The Commissioner shall determine the period during which promotional or open competitive eligible lists shall remain in effect. However, this period shall not be less than six months for open competitive lists or one year for layoff, reemployment or promotional lists, nor more than three years for any list. If an eligible list exists for any class and the Commissioner deems it necessary to establish another such list for the same class, the existing list shall ordinarily be cancelled. At the discretion of the Commissioner, an existing list may be combined by placing names of eligibles in order of final ratings as provided in these rules. The eligibility of individuals placed on such lists shall expire at the end of the period established by the Commissioner, but at the discretion of the Commissioner, such eligibility may be extended for an additional period or periods not to exceed three years~~,~~, except for persons on layoff lists, whose eligibility shall be extended to a period of time equal to the employee's state seniority to a maximum of eight years.

Pers1 97 Duration of Probationary Period. All original and promotional appointments shall be tentative subject to the probationary period as determined by the Commissioner of Personnel.

(a) ~~Employees~~ Half to full-time employees in salary schedule A shall serve a probationary period of six calendar months. Less than half-time employees shall serve a probationary period of nine calendar months.

(b) Half to full-time employees ~~Employees~~ in salary schedule B shall serve a probationary period of ~~six~~ two calendar months. Less than half-time employees shall serve a probationary period of three calendar months.

(c) Half to full-time employees ~~Employees~~ in salary schedule C shall serve a probationary period of ~~six~~ four calendar months. Less than half-time employees shall serve a probationary period of six calendar months.

(d) Teachers, institutional education administrators, and educational supervisors shall serve a probationary period of one year.

~~Any interruption in service during the probationary period shall not be counted as part of the probationary period of total service.~~ The total unpaid leaves exceeding ten or more work days shall be added to the length of the probationary period.

The probationary period shall include all regular service, excluding ~~leaves of absence (whether paid or unpaid), holidays, time off the payroll, or overtime. Time~~ time served in emergency, provisional, or temporary employment. ~~shall not be counted as part of the probationary period. The probationary period shall be computed at the rate of 174 working hours per month or its equivalent.~~

An employee who is promoted prior to the completion of the probationary period to a higher position in the same occupational field shall complete the probationary period in the lower position by service in the higher position. The appointing authority shall certify that employee for permanent status in the lower position at the end of the specified probationary period for such class,

or its equivalent period following the employee's original appointment to the position.

When a probationary employee is granted a leave of absence to accept a position in the unclassified service, the unfulfilled portion of the probationary period in the classified service may be completed by service in the unclassified service position, subject to a positive recommendation of the appointing authority and approval of the Commissioner, provided that the work in the unclassified position is within the same department and general occupational field and is at least equivalent in difficulty and responsibility to the work in the position in the classified service.

All employees appointed from eligible lists other than the layoff list shall be subject to a probationary period beginning the date of the new appointment.

Employees transferred from the jurisdiction of one appointing authority to that of another appointing authority may be subject to a probationary period as provided by this section of the rules.

Persl 131 Holidays. Holidays will be observed as prescribed by the legislature. (M.S. 645.44, Subd. 5)

For the purpose of this rule, an eligible employee is defined as ~~one employed on an unlimited basis in a continuing position in the classified state service~~ any state classified employee except hourly laborers or project employees.

The following days are holidays and an alternate day off shall be granted for work done on these days, except where payment is allowed under the overtime provisions of Persl 130. ~~or where otherwise provided by a written contract with an exclusive representative of state employees.~~

New Year's Day	January 1
Presidents' Birthdays	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

(a) When New Year's Day, Independence Day, Veterans Day or Christmas Day fall on Sunday, the following day shall be considered the official holiday for employees. When these holidays fall on Saturday, the preceding day shall be considered the official holiday for employees. An employee, regardless of work schedule, shall receive the same number of holidays as an employee whose regular work week is Monday through Friday.

(b) The appointing authority in those agencies which remain open to the public for performance of public business may designate a sufficient number

of employees to maintain the continuity of the agency's operations on such days.

(c) Holidays which occur within the employee's vacation or sick leave period will not be charged to the employee's vacation or sick leave time.

(d) Employees must be on the payroll on the work day immediately preceding and the work day immediately following a holiday to be eligible for such holiday.

For the purpose of determining eligibility for holiday pay, "on the payroll" shall mean those who are in pay status.

(e) Employees who work less than full-time or intermittent employees are compensated for holidays on the following basis:

Hours that would have been worked during the pay period had there been no holiday	Holiday hours earned for each holiday in the pay period
0- 9	0
10-19	1
20-29	2
30-39	3
40-49	4
50-59	5
60-69	6
70-79	7
80	8

Intermittent employees shall receive a holiday if they work the day before and the day after a holiday. If such intermittent employee works on a holiday, that employee will be reimbursed for the holiday in addition to the pay for the time worked. This pay shall be in accordance with the above schedule. Seasonal employees are entitled to holidays as defined in this rule.

(f) Employees who observe religious holidays on days which do not fall on a Sunday or a legal holiday shall be entitled to such days off to observe the religious holiday. Such days off to observe these religious holidays shall be taken without pay, or upon the election of the employee, may be charged against accumulated vacation leave. If the appointing authority can arrange to have the employee work an equivalent number of hours at another time during the fiscal year to compensate for the days lost for observance of religious holidays, these holidays may be taken against such hours actually worked.

Persl 135 Vacation Leave. For the purposes of this rule, an eligible employee is defined as any classified state employee except for hourly laborers, emergency employees, project employees or temporary appointment employees. ~~one employed on an unlimited basis in a continuing position in the classified service.~~

Each eligible employee shall earn vacation with pay according to the rate table listed below.

HOURS OF VACATION ACCRUED DURING EACH PAYROLL PERIOD OF CONTINUOUS SERVICE

Number of Hours Worked During Pay Period	0-52 Payroll Per Approx. 2 yrs. (0-4160 hrs.)	53-130 Payroll Per. Approx. 2-5 yrs. (4160-10,400 hours)	131-208 Payroll Per. Approx. 5-8 yrs. (10,401-16,640 hours)	209-520 Payroll Per. Approx. 8-20 yrs. (16,641-41,760 hours)	521-650 Payroll Per. Approx. 20-25 yrs. (41,761-52,200 hours)	Over 650 Payroll Per. Approx. 25 yrs. (52,201 hours)
		0 thru 5 years	After 5 thru 8 years	After 8 thru 18 years	After 18 thru 25 years	Over 25 years
0-9	0	0	0	0	0	0
10-19	1/2	3/4	1	1 1/4	1 1/2	1 1/2
20-29	3/4	1	1 1/4	1 3/4	2	2
30-39	1	1 1/2	2	2 3/4	3	3
40-49	1 1/2	2	2 1/2	3 1/2	3 3/4	4
50-59	2	2 1/2	3 1/4	4 1/2	4 3/4	5
60-69	2 1/4	3	3 3/4	5 1/4	5 3/4	6
70-79	2 3/4	3 1/2	4 1/2	6 1/4	6 3/4	7
80 and over	3	4	5	7	7 1/2	8

Changes in the rate of accumulation for eligible employees shall be made effective at the beginning of the next payroll period following completion of the specified amount of service.

Service shall begin on the date of state employment. Time on ~~layoff,~~ suspension or non-medical leave of absence without pay if at least one full payroll period in duration, except as otherwise provided by law or these rules, shall not be counted in determining the date of completion of a full ~~payroll period.~~ year. An eligible employee being paid for less than the full payroll period of 80 hours will have vacation accrual pro rated for that payroll period. A vacation leave shall not be granted or accrued before completion of six calendar months ~~thirteen payroll periods or its equivalent of continuous full time~~ service. Upon completion of such period, vacation leave shall accrue to the employee from the beginning of the period of continuous service. ~~Vacation leave shall not be earned by employees on temporary or emergency appointments.~~

Departments or agencies may determine the time and establish schedules governing the use of vacation leave, except that in no instance will vacation leave be granted in increments of less than ~~one hour initially and~~ one-half hour ~~increments thereafter~~ except to permit utilization of lesser fractions that have been accrued.

Unused vacation leave may be accumulated to a total of ~~192 working hours except that an eligible employee possessing 650 payroll periods of continuous employment by the state may accumulate~~ 208 working hours. Supervisors should make every effort to schedule vacation leaves for their employees on a regular basis each calendar year in order to reduce the possibility of an employee losing vacation or leave because of a maximum accumulation having been exceeded. An eligible employee on military leave, as provided by these rules, shall not be limited to the maximum accrual of vacation leave. Such employee may immediately upon reinstatement from military leave take all vacation in excess of the maximum accumulation. As an alternative, the employee may elect to be credited with the vacation leave in excess of the maximum accumulation, but such leave shall be taken at a time determined by the appointing authority within two years of the date of reinstatement.

Any eligible employee who is separated from the state service by layoff, resignation, death, or otherwise, shall be paid for the number of working hours of unused vacation leave accumulated to that employee's credit.

An employee who is transferred or accepts employment under the jurisdiction of a new appointing authority or in the unclassified service of the state without interruption of services to the state shall be entitled to credit of accumulated unused vacation leave earned in that employee's former employment.

Persl 136 Sick Leave. For the purpose of this rule, an eligible employee is defined as any classified state employee except for hourly laborers, emergency employees, project employees, or temporary appointment employees. ~~one employed on an unlimited basis in a continuing position in the classified state service.~~ Sick leave shall be earned by each eligible employee according to the rate schedule indicated below:

HOURS OF SICK LEAVE ACCRUED DURING EACH PAYROLL PERIOD OF CONTINUOUS SERVICE

Number of Hours Worked During Pay Period	~~0-26 Payroll Periods Approx. 1 year (0-2080 hrs.)~~	~~27-52 Payroll Periods Second Year (2081-4160 hrs.)~~	~~53 payroll periods but less~~ Less than 800 hours	800 hours and maintained
0-9	~~0~~	~~0~~	0	0
10-19	~~1/4~~	~~1/2~~	3/4	1/4
20-29	~~1/2~~	~~3/4~~	1	1/2
30-39	~~3/4~~	~~1~~	1 1/2	3/4
40-49	~~1~~	~~1 1/2~~	2	1
50-59	~~1 1/4~~	~~2~~	2 1/2	1 1/4
60-69	~~1 1/2~~	~~2 1/4~~	3	1 1/2
70-79	~~1 3/4~~	~~2 3/4~~	3 1/2	1 3/4
80 and over	~~2~~	~~3~~	4	2

Changes in the rate of accumulation for eligible employees shall be made effective ~~at the beginning of~~ following the ~~next~~ payroll period ~~following completion of the specified amount of service.~~ in which the 800 hour maximum accrual is attained.

~~Sick leave shall not be earned by employees on temporary or emergency appointment. Service shall begin on the date of state employment, and time on layoff, suspension, or leave without pay, except as otherwise provided by law or these rules, shall not be counted in determining the date of completion of a full payroll period of service.~~ An eligible employee being paid for less than a full payroll period of 80 hours will have sick leave prorated for that payroll period. Unused sick leave hours may be accumulated to a total of 800 working hours. When the maximum limitation has been accumulated, the rate of accumulation will be reduced to two hours per full payroll period, and these hours shall be placed in a lapsed sick leave bank. Any employee who has such lapsed sick leave recorded may apply to the appointing authority to have the lapsed sick leave restored in the event of an extended illness. The appointing authority may authorize use of all or any part of the lapsed sick leave after thorough investigation, including submission of complete medical reports providing both a diagnosis and prognosis of the illness. The appointing authority shall report to the Commissioner all instances of lapsed sick leave restored in such form as prescribed by the Commissioner.

Time off on authorized sick leave will be deducted from the first 800 hours. Once the employee no longer possesses 800 hours of sick leave, four working hours for each full payroll period will be accumulated until the 800 hour maximum limit is again obtained.

Employees may utilize their allowance of sick leave, without regard to length of service, on the basis of application to and approval by the appointing authority, where absence is necessitated by inability to perform the duties of the position by reason by of illness, pregnancy, or pregnancy-related problems, or disability, by necessity for medical, dental, or chiropractic care, by exposure to contagious diseases under the circumstances in which the health of employees with whom they are associated or members of the public with whom they deal may be endangered by their attendance on duty, or by illness in their immediate family for such periods as their attendance shall be necessary. Employees may also utilize not more than three days sick leave for the birth or adoption of a child. The term "immediate family" shall be limited to the spouse, minor or dependent children, or parent living in the household of the employee and where the parent has no other person to provide the necessary nursing care. Either the appointing authority or the Commissioner may require medical examination, medical certificate, or statement from a chiropractor, as deemed necessary for approving the utilization of sick leave. A written statement from a Christian Science practitioner that the employee is a Christian Scientist and is undergoing treatment may be accepted in lieu of a medical statement. ~~Within the discretion of the appointing authority, use~~ Use of a reasonable period of sick leave ~~also may~~ shall be authorized in case of death of a spouse, the parents of a spouse, and the parents, grandparents, guardian, children, brothers, sisters, or wards of the employee. In no instance will sick leave be granted in increments of less than ~~one hour initially, and in increments of less than~~ 1/2 hour ~~thereafter.~~ except to permit

utilization of lesser fractions that have been accrued.

Employees receiving injury on duty pay shall not have this time deducted from their regular accrued sick leave balance.

A former state employee who is reappointed within four years of separation from the state service under the provisions of the act and these rules except as a provisional, temporary or emergency appointee, may have previously accumulated, unused balance of sick leave revived and credited to that employee upon approval of the new appointing authority.

An employee who transfers to the jurisdiction of another appointing authority without interruption in service to the state shall be entitled to a credit in the new employment for the accumulated unused sick leave earned in the former employment.

An employee of a merit system jurisdiction or the federal competitive service with probationary or permanent status may transfer or be appointed to a position in the state service and may be credited with the amount of sick leave accumulated at the time of transfer, but not more than 12 days. Such credit shall be reduced proportionately as sick leave is accumulated in the state service.

Persl 138 Other Leaves With Pay. Any employee holding a position in the classified service shall be granted leave of absence with pay for:

(a) Service upon a jury.

(b) Appearance before court, legislative committee, or other judicial or quasi-judicial body as a witness in an action involving the federal government, State of Minnesota, or a political subdivision thereof, in response to a subpoena or other direction by proper authority.

(c) Attendance in court in connection with an employee's official duty. Such attendance shall include the time required in going to the court and returning to the employee's headquarters.

(d) Time required to report and be processed through pre-induction examination(s) conducted by the armed forces preliminary to military service.

(e) Educational purposes if such education is required by the appointing authority.

(f) Voting pursuant to Minn. Stat. § 204.15.

Any voluntary absence to appear and testify in private litigation not as an officer of the state but as an individual, shall be taken as an annual leave, leave of absence without pay, or as a deduction from authorized accumulated overtime.

Persl 141 Maternity Leave of Absence Without Pay. Maternity leave of absence

shall be granted when requested to a pregnant employee or adoptive mother ~~probationary or permanent~~ in the classified ~~employee~~ service for a period not to exceed 6 months. Maternity leave may be extended up to a total maximum of one year by mutual consent between the employee and the appointing authority.

Persl 143 Sick Leave Without Pay upon Application of a Probationary or Permanent Employee. Upon the request of a permanent employee who has exhausted all accrued sick leave, a ~~A~~ leave of absence without pay ~~may~~ shall be granted by an appointing authority for up to one year ~~the entire period of disability~~ because of sickness or injury. This leave ~~need not be limited to one year,~~ may be extended by the appointing authority. ~~but the~~ The appointing authority from time to time may require the employee to submit a certificate from the attending physician or from a designated physician. In the event of a failure to supply such certificates or where the certificate does not show sufficient disability to preclude the employee from the performance of duties, the appointing authority may cancel such sick leave and require the employee to report for duty on a specified date. Upon the request of a probationary employee who has exhausted all accrued sick leave, a leave of absence without pay may be granted by an appointing authority because of sickness or injury.

Persl 181 (a) Means of Travel

(1) State-Owned Vehicles. An employee may be permanently assigned a state-owned vehicle when required by law or if circumstances make such assignment necessary when recommended by the appointing authority and approved by the Commissioner of Administration.

Departments operating vehicles not in the central motor pool shall operate them on a pool basis following rules of the Department of Administration for the operation of such state-owned vehicles.

(2) Privately-Owned Automobiles and Aircraft. The ~~maximum~~ compensation for use of a personal automobile is 15¢ ~~14¢~~ per mile~~,~~ when a motor pool vehicle is not available. Mileage shall be paid based on the most direct route according to Highway Department records. Deviations from the shortest direct route, such as vicinity driving or driving from the employee's residence where the employee's residence becomes the point of departure, shall be shown on the expense account as a daily total, with a separate explanation outlining the reasons for such mileage. No additional reimbursement will be made for incidental expenses to the operation or maintenance of a personal automobile for state business except for payment of toll charges and parking.

The employee who elects to use a personal car on official state business when traveling within the state in cases where a motor pool vehicle is available shall be reimbursed at the ~~motor pool mileage rate for a comparable vehicle unless the use of such motor pool vehicle would have resulted in a greater cost to the state than the reimbursement of the personal car rate.~~ rate of 10¢ per mile.

The reimbursement for mileage shall be adjusted as follows:

A "base rate" gasoline price shall be established by computing the average price per gallon of gasoline delivered to the Central Motor Pool during the month of April, 1975. A "new rate" shall be calculated in the same manner for each month commencing in July, 1975. The difference, if any between the "base rate" and the "new rate" shall be added to the sum of any changes in federal or state gasoline taxes levied on or after April 1, 1975, and such total shall be referred to as the "adjusted difference." Effective the second month following the computation of the "new rate", mileage reimbursement rates shall be increased or decreased by 1 cent for each full 10 cent increase or decrease in the "adjusted difference." In no event shall such mileage rates be less than the rates of 15 cents or 10 cents as set forth above.

The appointing authority may authorize travel in personal aircraft when it is deemed in the best interest of the state. Mileage reimbursement in such cases shall be 25¢ per mile and shall be based on the shortest route based on direct air mileage between the point of departure and the destination.

(3) Out-of-State Travel. Payment for expenses for transportation by personal vehicle for out-of-state travel shall be made on the basis of a single coach air fare for each vehicle used.

If available, motor pool vehicles or state-owned vehicles may be used for out-of-state travel. When a central motor pool vehicle is used, reimbursement will be made to the central motor pool. The expense of such vehicle shall be charged against the out-of-state travel authorization of the department.

When personal vehicles are used in driving to out-of-state locations not available by commercial transportation, travel reimbursement shall be made on an actual mileage basis in accordance with these rules.

Any in-state travel expense directly related to an out-of-state trip shall be charged against the annual out-of-state travel allowance for the department involved.

(4) Commercial Transportation. State employees may travel in-state and out-of-state by commercial transportation when authorized by the department head. Air transportation shall be by coach class except in those instances where such space is not available. When an employee has a reservation for a flight that is not going to be used, such employee shall be accountable for the cancellation of such reservation. Air charter service may be used for in- or out-of-state travel where such charter service is more practical than commercial transportation.

Persl 181 (b) Meals and Lodging

(1) Employees shall claim reimbursement only for the amount actually paid for meals when in a travel status. The amount must be reasonable, taking into consideration the location in which the meal is obtained.

Maximum reimbursement, including sales tax for meals within the state, shall be ~~$2.00~~ $2.25 for breakfast, ~~$2.50~~ $2.75 for lunch, and ~~$5.00~~ $5.50 for dinner.

Maximum reimbursement, including sales tax for meals outside the state and on trains shall be ~~$2.75~~ $3.00 for breakfast, ~~$3.25~~ $3.50 for lunch, and ~~$7.00~~ $7.50 for dinner.

The maximum reimbursements for meals shall be increased based upon the food away from home component of the consumer's price index for urban wage earners and clerical workers for Minneapolis-St. Paul, new series index (1967=100).

The base period for any adjustment shall be the July, 1975, index and the April, 1976, index. For each full 1.5 points rise in the food away from home component of the index during the base period, the maximum reimbursement for dinner shall be increased 5 cents effective July 1, 1976. The maximum reimbursement for breakfast and lunch shall each also be increased by one-half of the amount of the increase for dinner. If the increased maximum reimbursements for breakfast and lunch results in an amount not equally divisible by five the maximum reimbursement for breakfast shall be rounded-down to the next amount divisible by five, and the maximum reimbursement for lunch shall be rounded up to the next amount that is equally divisible by five.

Reimbursement for an official breakfast, luncheon, dinner, or banquet meeting outside the state shall be the actual cost of the meal.

An employee on a travel status between the employee's work station and a field assignment may claim reimbursement for meals under the following circumstances:

(a) Breakfast, providing the employee leaves home before 6:00 a.m. and is away from the permanent or temporary station.

(b) Dinner, providing such employee returns home after 7:00 p.m. and is away from the permanent or temporary station.

(c) Employees may be reimbursed for noon meals if the employee is in a travel status. Employees stationed in the seven-county metropolitan area shall not be reimbursed for meals obtained in the seven-county metropolitan area except when properly authorized as a special expense in section (d) below. In other areas the cost of a noon meal shall only be reimbursed where such employee would not ordinarily have incurred such a cost and the employee is considered in a travel status.

Any request for reimbursement under this section shall include a statement in writing that the employee has complied with provisions of this section of the rules.

Because of variances in in-state and out-of-state hotel or motel accommodations, no fixed amounts are prescribed. It is the responsibility of the appointing authority to instruct the employee to use good judgment in incurring lodging costs. Charges shall be reasonable and consistent with the facilities available.

Persl 181 (d) Special Expenses. Special expenses shall require prior approval of the appointing authority. Special expenses shall also be subject to the

approval of the Commissioner of Personnel, who shall issue guidelines regarding eligible special expenses. Such special expenses for purposes of this rule are defined as registration or conference fees, meals or other items not incurred as a direct result of travel on state business. This section also applies to any state board, council, or commission member.

Persl 181 (f) Payment of Expenses

(1) Expense Accounts. Expense accounts for all state employees shall be submitted to the Commissioner of Finance on the prescribed form (see Accounting Procedures Manual, Section E-2). If a receipt is required and the receipt has been lost or is otherwise unavailable, an affidavit stating the facts covering the expenditure shall accompany the expense account.

A department may be billed directly for expenses such as registration or conference fees, travel agencies, hotels and motels. Such billings shall include the name of the employee and the nature and date of the expense. Payment shall be processed promptly and charged to the allotment classification for travel.

(2) Advances. A department may upon request advance an estimated amount for approved travel expenses, if greater than $50.00, ~~meals, lodging and registration fees~~ to an employee who will be traveling on state business.

The authority for advance of travel expense payments may not exceed the maximum allowance permitted under state travel regulations.

In the case of travel expense advances ~~for meals, lodging and registration fees,~~ departments having imprest cash funds shall make the advance from such accounts if possible. In other instances, departments shall prepare a statement with supporting expense voucher clearly stating the advance is being made under provisions of Minnesota Statutes, Section ~~15.181 is being made;~~ 43.33. In all cases after the actual expense is determined, a final employee report for the trip and/or period for which the advance was made shall be prepared and forwarded to the Department of Finance. The advance payment transaction date and transaction number must be shown on the final employee expense report. The final expense voucher shall include the number of the state warrant covering the advance payment. If additional payment is due the employee, an additional state warrant shall be prepared in the usual manner. If an advance payment exceeds the actual expenses, the employee shall return the excess which shall be deposited in accordance with provisions established by the Commissioner of Finance.

Persl 181 (g) Insurance. Department heads shall require proof of automobile liability insurance in the minimum amount required by law before approving travel involving private automobile mileage allowance. ~~Such coverage shall be in an amount of $50,000 for any one person, $100,000 for any one accident for personal injury, and $10,000 for property damage. If the insurance provides a single sum limit for both injury and property damage, such coverage shall be in an amount not less than $100,000.~~

Any employee flying a personal aircraft on official state business must show proof of adequate liability insurance coverage by a firm licensed to do business in Minnesota. Such coverage shall be in an amount of $50,000 minimum for each passenger seat, $50,000 per person, and $150,000 per accident for public liability for bodily injury, and $50,000 property damage.

It shall be the responsibility of the employee to immediately notify the appointing authority of any change in insurance coverages under such employee's automobile and aircraft liability insurance.

Persl 182 Relocation Expenses

(a) Authorization. ~~When it has been determined by an appointing authority to be in the best interest of the state that an employee is required to move to a different work station, the cost of moving the employee shall be paid by the state.~~ An employee shall be reimbursed for relocation expenses under the provisions of this rule if the conditions of Persl 182 (b) (6) are met and if:

(1) The appointing authority determines that an employee is required to be transferred or reassigned to a different work station, when the transfer or reassignment is not for the employee's sole benefit, or:

(2) The employee must change residence as a condition of employment, or:

(3) The employee accepts an appointment at a higher salary range, or:

(4) The employee is reassigned, transferred or demoted to a vacant position in the employee's state department or agency due to the abolishment, transfer of the function to another governmental jurisdiction or private enterprise, removal to a new location, or to another state agency of all or a major portion of the operations of the employee's appointing authority.

An employee transferred under these conditions shall receive prior authorization before incurring any expenses authorized by this rule.

~~An employee who is transferred or reassigned at such employee's request, when the transfer or reassignment is for the employee's benefit, shall not be entitled to reimbursement for relocation expenses.~~

An employee who is demoted during the probationary period after the trial period, shall receive these relocation expenses provided in section (b) (3) and (b) (4).

(b) Relocation Expenses Covered

(1) Travel Status. An employee transferred or reassigned at the convenience of the state service as defined in paragraph (a) above shall be considered in a travel status for a period of up to sixty days and ~~may~~ shall be authorized to be reimbursed for return to such employee's original work station once a week. During the first sixty days the state may also reimburse the cost of transporting the employee's spouse twice during such period, including

the cost of mileage, meals and lodging, but not to exceed a total period of seven calendar days. In addition, the state may reimburse the employee's family for reasonable transportation costs to the new work station at the point that the move is made, including mileage, meals and lodging. Such expenses shall be reimbursed consistent with these rules.

(2) Realtor's Fees. The state may pay the cost of realtor's fees on the home being sold by the employee ~~up to 6% of the sale price,~~ but in no case shall such payment exceed $2,000.00.

(3) Moving Expenses. The state shall pay the cost of moving and packing of household goods. The employee shall obtain ~~three~~ two or more bids for packing and moving of household goods. ~~if possible, but no less than two bids.~~ Approval shall be given by the appointing authority before authorizing a mover to pack and ship household goods. The state ~~may~~ shall also pay for the cost of moving house trailers where that is the domicile of the employee, including the cost of transporting blocks, skirts, or other attached fixtures. ~~If possible, the~~ The employee shall obtain ~~three or more bids, but in no case less than~~ two or more bids.

(4) Miscellaneous Expenses. The employee ~~may~~ shall be reimbursed up to a maximum of $250.00 for miscellaneous expenses directly related to a move. Such expenses shall be reimbursed when supported by documentation. These expenses may include such things as disconnecting the connecting appliances and/or utilities, or other costs associated with the purchasing or rental of a new residence not covered elsewhere in this rule.

(5) Liability. Neither the State of Minnesota nor any of its agencies shall be responsible for loss or damage to any employee's household goods or personal effects as a result of such transfer.

(6) In order to be eligible for any payment of moving expenses or to be eligible for reimbursement of any expenses under this section, the new permanent work station shall be at least 35 miles from the current work station or to change in residence required by an appointing authority as a condition of employment.

APPROVED AS TO FORM AND LEGALITY
JUL 3 - 1975 19____
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 3 - 1975 3:05 P.M.
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JUL 3 1975
BY Ed Standerman
AUTH. SIGNATURE 3:20 PM

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MICHAEL C. O'DONNELL

ACTING COMMISSIONER OF PERSONNEL

In the matter of the Proposed Adoption of Rules of the State Department of Personnel Governing the Personnel Rules.

ORDER FOR HEARING

To effectively implement Minnesota Statutes, Chapter 43, the Minnesota Commissioner of Personnel deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in me by Minnesota Statutes, Section 43.05 and 43.327 (1974).

NOW, THEREFORE, IT IS ORDERED this 1st day of May, 1975, that a public hearing on the proposed rules captioned above be held in Room 116B, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, on June 4, 1975, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA



ACTING COMMISSIONER OF PERSONNEL

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MICHAEL C. O'DONNELL

ACTING COMMISSIONER OF PERSONNEL

In the matter of amendments of the Personnel Rules of the State of Minnesota.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes (1974), Section 15.0412, Subd. 4, in the above-entitled matter, in Room 116B of the Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, on June 4, 1975, commencing at 9:00 a.m., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner proposes to adopt rules relating to the following matters: General provisions of the Personnel Rules including the scope of the rules; limiting the application of the rules where the subject is covered in a collective bargaining agreement; work out of class; achievement awards; duration of eligible lists; duration of probationary periods, holidays; vacation leave; sick leave; other leaves with pay; maternity and sick leaves without pay; travel reimbursement; relocation expenses; and the extension of many of the rules to include additional state employees, including unclassified employees, in the executive branch.

Copies of the proposed rules are now available and may be obtained by writing to the Office of the Commissioner. Additional copies will be available at the door on the date of the hearing.

Under Minnesota Statutes, Section 10A.01, subdivision 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota, 55155.



Acting Commissioner
of Personnel

AFFIDAVIT

Kathryn E Langer, being duly sworn on oath deposes and says:

1) That she is an employee of the Department of Personnel of the State of Minnesota.

2) That on the 1st day of May, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 1st day of May, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Kathryn E. Langer

Subscribed and sworn to before me
this 5 day of May 1975.
Colleen T. Kisch

Notary Public,
Ramsey County, Minnesota
My Commission expires 4/22/78.

COLLEEN T. KISCH
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
April 22, 1978

Exhibit D

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption of
Rules of the Department of Personnel
Governing the Personnel Rules.

I hereby certify that the attached 4 16 labels + one sheet$ constitute the complete list of persons, associations, and other interested groups who as of 9:00 o'clock A .M., this 1st day of May, 1975, have requested pursuant to M.S. 1974, Sec. 15-0412. that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

By Neil Dieni

STATE OF MINNESOTA
COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Personnel Governing the Personnel Rules.

AFFIDAVIT OF MAILING

Janice E. Anderson, being first duly sworn, deposes and says:

That on the 1st day of May, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the address listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Janice E. Anderson

Subscribed and sworn to before me
this 5 day of May, 1975.
Colleen T. Kisch

Notary Public,
Ramsey County, Minnesota
My Commission expires 4/22/78.

COLLEEN T. KISCH
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
April 22, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

MICHAEL C. O'DONNELL
ACTING COMMISSIONER
OF PERSONNEL

In the matter of Proposed Rules
Relating to the Department of
Personnel.

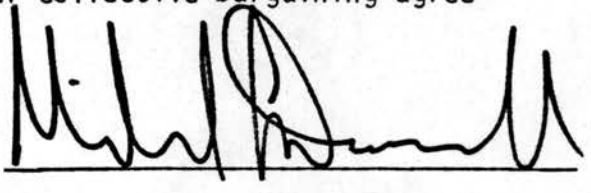
STATEMENT OF NEED

The above captioned rules include both new rules and amendments to existing rules of the Department of Personnel. The last time the above captioned rules were amended was January 6, 1975.

The addition of Rule 3 is necessary because under the Public Employees Labor Relations Act, exclusive representatives of state employees may bargain over terms and conditions of employment. Since different exclusive representatives and the state may come to varying agreements, it will be extremely difficult to deal with all employees via the rules. It is proposed to allow the collective bargaining agreements control as to matters covered by both the rules and the agreements.

Rule 24 was added to define the circumstances under which an employee may temporarily receive higher pay for work done out of the employee's class. The amount of the increase is also specified.

The remainder of the proposed rules amend existing rules and are necessary either to comply with new legislation, or to extend to the remainder of state employees the benefits employees under collective bargaining agreements will receive.



ACTING COMMISSIONER
OF PERSONNEL

STATE OF MINNESOTA

COUNTY OF RAMSEY

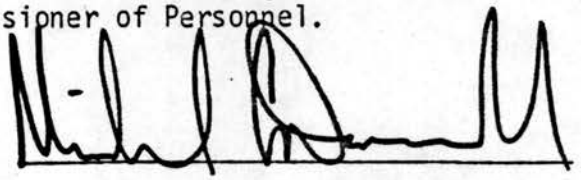
BEFORE MICHAEL C. O'DONNELL
ACTING COMMISSIONER
OF PERSONNEL

In the matter of the Proposed Adoption of Rules of the State Department of Personnel Governing the Personnel Rules.

ORDER DESIGNATING
HEARING OFFICER

To effectively hear and consider the changes to be made in the Personnel Rules of the State of Minnesota, the Acting Commissioner of Personnel deems it necessary to appoint a hearing officer to conduct the hearing to be held on June 4, 1975.

NOW, THEREFORE, IT IS ORDERED this 3rd day of June, 1975, that Donn Escher, Assistant Commissioner of Personnel, conduct the above hearing with all the powers and responsibilities of the Commissioner of Personnel.



ACTING COMMISSIONER
OF PERSONNEL

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MICHAEL C. O'DONNELL

ACTING COMMISSIONER OF PERSONNEL

In the matter of the
Proposed Adoption of
Rules of the State
Department of Personnel

FINDINGS OF FACT

The above entitled matter came on for hearing before the acting commissioner of personnel of the State of Minnesota on the 4th day of June, 1975, at 9:00 a.m., in Room 116 B, Administration Building, St. Paul, Minnesota, after proper notice required by Minnesota Statutes, Section 15.0412 (1974), was served upon all persons associations and other interested groups registered with the secretary of state for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having read all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following: A number of general findings support the adoption of the personnel rules.

1. Minnesota Statutes, Chapter 179 (1974) requires the state of Minnesota to negotiate over terms and conditions of employment with exclusive representatives of state employees.

2. Minnesota Statutes, Section 179.70, subdivision 1 (1974) requires the state of Minnesota to enter into a contract containing the agreed upon terms and conditions of employment.

3. Minnesota Statute, Section 179.70, subdivision 2 (1974) and Article XXIX of the agreement between the State of Minnesota and Minnesota State Employees Union, AFSCME Council No. 6, AFL-CIO, require the employer to change personnel rules to implement collective bargaining agreements.

4. Minnesota Statutes, Section 43.05, subdivision 1 (1974) requires that the commissioner of personnel equitably treat all state employees in both the classified and unclassified civil service. This provision mandates that union and non-union employees be given similar terms and conditions of employment.

5. All the proposed rule changes were negotiated or arbitrated with exclusive representatives of state employees and are proposed to be extended to other state employees.

The reasons for the individual changes to the extent they are supported by evidence in addition to those discussed above, are as follows:

1. Personnel 3 Scope of Rules (New). Since there are a number of exclusive representatives of state employees, all of which may wish different terms and conditions of employment for the employees they represent, it is necessary to allow the collective bargaining agreements to control where in conflict with the personnel rules.

2. Personnel 24 (New). This matter was included in collective bargaining agreements and it is equitable that the same benefits be extended to other state employees.

3. Personnel 29 (e). This change reflects the 1975 legislative amendments to section 43.122, subdivision 1.

4. Personnel 32. Since eligibility for severance pay is governed by statute, it is unnecessary to restate those requirements in the rules.

5. Personnel 64. This change was negotiated and is controlled by statute.

6. Personnel 97, 131, 135, 136, 138, 141, 143, 181, and 182. All changes were negotiated and it is equitable to extend these benefits to other state employees.

STATE OF MINNESOTA



ACTING COMMISSIONER OF PERSONNEL

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MICHAEL C. O'DONNELL

ACTING COMMISSIONER OF PERSONNEL

In the matter of the
Proposed Adoption of
Rules of the State
Department of Personnel

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the acting commissioner of personnel of the State of Minnesota on the 4th day of June, 1975, at 9:00 a.m., in Room 116 B, Administration Building, St. Paul, Minnesota, after proper notice required by Minnesota Statutes, Section 15.0412 (1974), was served upon all persons, associations and other interested groups registered with the secretary of state for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having read all the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as rules of the Department of Personnel are adopted this 25th day of June, 1975 pursuant to authority vested in me by Minnesota Statutes, Sections 43.05, 43.323. and 43.327.



ACTING COMMISSIONER OF PERSONNEL

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Robert C. Carlson, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the manual of rulemaking procedures has been followed.

Robert C. Carlson
Special Assistant Attorney General

Dated: June 24, 1975