

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 Department of Personnel
(Agency or Board)

Regulation No. 4, 7, 10-12, 18-20, 29-31, 33, 39, 40, 47, 48, 50, 51, 56, 61, 65, 98, 100, 101, 106, 108, 110, 111, 114, 125, 129, 130, 144, 146, 151, 154, 155, 160, 166, 175, 176, 177, 178, 179, 180, 181, 182, 188, 201, 216, 229, 243, 244, 232, 235, 215, 244

Subject: Relating to persons in classified unclassified temporary appointments, contractual services and career Executive Service & Consultants

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FILED
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Commissioner of Administration

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BY Eda Staudenmaier
AUTH. SIGNATURE

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Rev. 9-72

Robert C. Carlson
Special Assistant
Attorney General

March 16, 1976

Personnel - General Rules

Rules as adopted

Persl 4 Employees Covered By Personnel Rules. Unless otherwise specified, the Personnel Rules apply only to employees in the executive branch of government. All Personnel Rules apply to all classified employees. Certain Personnel Rules cover unclassified employees which include, unless otherwise specified, all executive branch unclassified employees except those in the offices of the constitutional officers, and those employees included in M.S. 43.064 in the state university system and the state community college system.

Persl 7 Unclassified Service. The unclassified service shall include all positions designated in the Personnel Law, other specific statutes, or as determined by the Board or Commissioner (M.S. 43.05 and 43.09).

Appointments to, terminations from, or interruptions in employment in the positions designated in the unclassified service shall be accomplished by written notice to the Commissioner upon such form as may be prescribed.

~~An employee in the classified service who accepts an unclassified position shall be retained in an inactive status in the classified service; and upon the employee's request such employee shall be appointed to the previously held classified position or to a comparable position.~~

Persl 9 (a) (1) Temporary appointments shall not exceed seven months in any one calendar year and shall be reported on forms prescribed by the Commissioner. ~~The employee oath required by provisions of Minnesota Statutes 43.16 must be filed with the Commissioner before payment to the employee can be approved.~~

Persl 10 Temporary ~~Establishment~~ Designation of Positions in the Unclassified Service. The Commissioner may authorize the ~~placement~~ designation of a position in the unclassified service ~~established~~ for a limited period of time. The appointing authority shall report to the Commissioner the description of the position and the conditions under which it is to be established, as well as the nature of the function to which it is to be assigned. Any position which has been ~~placed~~ designated in the unclassified service by the Commissioner, in accordance with this rule, and which will continue for longer than one year, shall be reviewed each year by the Commissioner to determine whether it shall continue in the unclassified service. No position assigned to the unclassified service in accordance with this rule shall continue longer than three years in the unclassified service. (MS 43.05)

Persl 11 Contractual Services. Notwithstanding Persl Rule 4, this rule also applies to all unclassified employees in the executive branch. Specialized personal services rendered by an individual to the state under contract as an independent contractor as a part of, or incidental to, the individual's regular professional occupation, and not as a state employee, or by individuals employed by a firm contracting with the state, shall be designated as a contractual service and shall not be subject to the provisions of these rules. The appointing authority shall report each such contractual service to the commissioner on such forms and in such detail as the commissioner may prescribe. If, after such investigation as is deemed necessary, the commissioner determines that the proposed contractual service constitutes an employer-employee relationship, the commissioner shall so notify the appointing authority that such proposed contractual service is not consistent with the provisions of the state personnel law. No payment ~~may~~ shall be made under a contract until the commissioner has determined that such proposed contractual service is consistent with this rule. Notification of an appointing authority that a proposed contractual service is consistent with the provisions of this rule signifies only that the service does not constitute an employer-employee relationship and does not indicate that funds are available or any approval of any provision of the contract. ~~The commissioner shall notify the Commissioner of Finance as well as the appointing authority of this action.~~

(a) In determining whether ~~or not~~ the services to be rendered constitute contractual service or an employer-employee relationship, the following guidelines will be used:

(1) Consultants ~~shall~~ generally contract to produce certain results or conclusions within given specifications.

(2) Consultants ~~shall be~~ are generally responsible for approaches, techniques, and results.

(3) Consultant's services shall be offered and available to the public, and to the state incidentally as a prospective user of such consulting services.

(4) ~~Such consultant~~ Consultant services are offered to the state as a part of or incidental to the consultant's regular occupation.

(5) Consultant's contracts shall extend for a limited period, with clearly specified time limits indicated in the contract, to attain specific results.

(6) Except where provided in the contract specifying special circumstances related to the nature and requirements of the work to be performed, consultants shall not perform services on state premises, use state equipment or supplies, or utilize state employees.

(7) Consultants ~~will~~ generally deliver a completed work, usually organized into a formal report with recommendations.

(b) In addition to the financial information, the contract ~~provision~~ shall specify results to be accomplished, delivery dates, and the manner in which the contractual arrangements are to be concluded.

(c) ~~(8)~~ Retired state employees may be used for contract employment providing their services are necessary for the completion of a specific project in which the former employee was engaged at the time of retirement.

(d) ~~(9)~~ No agency of the state shall contract for the services of persons who, were they members of the classified service, would occupy positions assigned to schedule "C", except in accordance with law. (MS 43.20, Subd. 6)

Pers1 12 Career Executive Service. The commissioner shall designate positions within the classified service of the state to be eligible for inclusion in the career executive service. ~~Eligibility for assignment to a particular level is determined by the level of the employee's position in the classified service. Such~~ Eligible positions will carry basic responsibility for high-level professional or scientific competence, policy determination, leadership, or the internal management and administration of a department or other major state unit. ~~Such appointments~~ Appointments shall be made in the form and manner as prescribed by the Commissioner and shall be made only for employees who have achieved permanent or probationary classified civil service status in the class to which they are assigned at the time they have met the requirements for such eligibility and have passed a selection process developed by the Commissioner. ~~for the appropriate C.E.S. level. Among other things,~~ The selection process shall take into consideration the candidate's efforts at self-development, specific goals, objectives and accomplishments, and perspective on the overall program and priorities of state government.

An employee in the C.E.S. need not requalify for the C.E.S. upon being promoted to a higher classification. ~~which is eligible for a higher C.E.S. level.~~

Since one of the major objectives of the C.E.S. is employee development, employees in the C.E.S. may accept temporary mobility assignments, not exceeding two years, within the state service, ~~or~~ to other units of government, or private industry, with the approval of the Commissioner. The salary of incumbents on such assignments will not be adversely affected. (M.S. 15.51 to 15.59)

Appointing authorities have discretion with respect to the frequency and amount of salary increases granted C.E.S. incumbents, but such increases shall be related to the accomplishment of challenging objectives and overall accountabilities of the position. (MS 43.12, Subd. 19)

~~Implementation of any provisions of this rule must be consistent with provisions of law. (MS 43.12, Subd. 2a)~~

Persl 18 Allocation of Positions. When a new classified or unclassified position is to be established or a vacant classified or unclassified position is to be filled, the appointing authority shall notify the Commissioner in the prescribed manner, and the Commissioner shall allocate the position to the appropriate class in the classified service or in the unclassified service, where possible, to a comparable class.

The Commissioner, after making an allocation, or comparison, shall notify the appointing authority of that ~~allocation.~~ action. The ~~allocation~~ action shall become immediately effective, but the appointing authority may within ten days file with the Commissioner an application for reconsideration, together with any written evidence by way of affidavits, statements or exhibits which the appointing authority may desire to have considered. The Commissioner shall act promptly upon that application and shall notify the appointing authority of the final action.

Persl 19 Reallocation of Positions. If because of the changes in the organizational structure of an agency, changes in the duties of the position, or for some other reason a classified or unclassified position seems to be improperly allocated, or compared, the Commissioner shall, independently or upon request of an appointing authority or permanent employee, investigate the duties of the affected position. Following the investigation, the Commissioner may reallocate or recompare the position to an appropriate class. In making a request for a review of a position, the appointing authority or permanent employee shall set forth specifically the changes that have occurred in the particular position which warrant the requested ~~reallocation.~~ action. The Commissioner shall notify the affected employee and the appointing authority of the final decision.

~~Persl 20 Effect of Reallocation of Positions. Reallocated positions shall be filled in accordance with provisions of these rules governing reallocation, appointment, promotion, demotion, or transfer.~~

~~An employee whose position is reallocated shall be eligible for appointment to the reallocated position, provided the employee has passed the appropriate selection process and the Commissioner has authorized such action. If the incumbent of~~

the reallocated position has not participated in the selection process for which an unexpired list exists for the class to which the position has been allocated; the employee may be permitted to complete the selection process; in any case; where the incumbent of a position which has been reallocated is ineligible to continue in that position in the new class; and is not transferred; promoted; or demoted; the layoff provisions of the law and rules shall apply.

Persl 29 Administration of the Wage and Salary Plan. Persl Rule 29, except for subdivisions (f) and (g), also applies to those unclassified positions which have been directly compared to a class in the classified service. The following provisions assume that funds are available and expenditures have been authorized by the Commissioner of Finance.

Persl 29 (d) Salary Increases. Salary increases may be granted in accordance with law. (MS 43.12, Subd. 2; 43.121, 43.122, and 43.126, 43.127 and other applicable provisions.)

Persl 29 (h) Salary on Demotion. An employee who has been demoted to a class in a lower salary range shall be paid a salary rate within the range of the class to which such employee has been demoted except as provided in law. (MS 43.12, Subd. 5; 26 Clause 6.)

Persl 29 (i) Total Remuneration. Notwithstanding Persl Rules 4 and 29, Rule 29 (i) applies to all classified and unclassified employees in the executive branch. ~~Any salary paid to an employee in the classified service shall represent the total remuneration for the employee, not including reimbursement for special authorized expenses.~~ Except as otherwise provided in these rules, no employee shall receive pay in addition to the salary authorized ~~under the schedule provided in the pay plan~~ for services rendered ~~by such employee,~~ either in the discharge of the assigned ordinary duties, or additional duties which may be performed by the employee or which the employee may undertake or volunteer to perform.

~~The payment of separate salary by two or more state agencies for duties performed in each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class to which the employee is assigned.~~

An employee may receive a separate salary from more than one state agency for hours worked during the same pay period under the following conditions:

(1) The work assignments performed for another state agency is not part of the employee's normal duties; the employee is qualified to perform the assignment; and the appointing authorities of both agencies and the Commissioner approves the assignment in advance; or

(2) An employee may be appointed to less than full-time positions in more than one state agency, provided the employee has been appointed under the provisions of these rules, and the combined established work schedules do not exceed a normal 40 hour work week.

Persl 30 Computation of Payments for less than a full Payroll Period. Computations of payments to all classified and unclassified employees in the executive branch, if made for less than a full payroll period, shall be determined by multiplying the hourly equivalent computed for the monthly salary by the number of working hours for which the employee is to be paid. (MS ~~16.027~~ 16A.17)

Persl 31 -Overtime: Overtime may be paid upon authorization of the appointing authority to employees other than department heads and those employees the appointing authority might exempt from payment: Overtime work shall be compensated consistent with the Minnesota Fair Labor Standards Law and the Federal Fair Labor Standards Act:

Persl 33 Delegation of Compensation Authority. The Commissioner may delegate the authority to determine the salary of employees upon initial appointment, promotional appointment, or demotion under M.S. 43.12, Subdivision 26 to the appointing authority or the personnel designee. Any delegation of this authority may be reviewed by the Commissioner, who may modify any action taken, for consistency with the state compensation plan. The decision of the Commissioner shall be final. The Commissioner shall periodically review authority that has been delegated and may modify the authority to insure an effective administration of the Personnel Law.

Persl 39 (b) Promotional Selection Processes. Promotional selection processes shall be open to all permanent or probationary employees in the agency or other organization unit for which the selection process is being held who meet the requirements described in the announcements. All classified and unclassified state employees in any branch of state government who meet the established requirements may apply for promotional selection processes for positions designated as managerial or professional.

If the incumbent of the reallocated position has not participated in the selection process for which an unexpired list exists for the class to which the position has been allocated, the employee shall be permitted to complete the same or equivalent selection process. Where significant changes over a period of time have occurred in the kind, responsibility or difficulty of the work performed in a position, the Commissioner may certify only the name of the incumbent if:

(1) The changed classification is in the same occupational group as the initial classification of the position; and

(2) The operating agency submits a written request detailing the basis for the action; and

(3) The action leading to the change in the allocation of the position did not result from the assignment of the incumbent to work out of class in a manner so as to bypass the selection process, to a vacancy in a new position which had not been allocated to a class, or other action taken without regard for the appropriate selection process.

In any case, where the incumbent of a position which has been reallocated is ineligible to continue in that position in the new class and is not tranferred, promoted, or demoted, the layoff provisions of the Personnel law and rules apply.

Persl 40 Application and Admission

(a) The Form of Application. The application shall be made on forms prescribed by the Commissioner. Such The forms shall require information ~~covering pertinent information~~ requested by the Commissioner~~; as well as such information~~ as may be and requested on the announcement. ~~The application form shall contain an oath or affirmation to the effect that the applicant will honestly and faithfully protect and preserve the property and money of the State of Minnesota and will abide by; uphold; and defend the Constitution of the United States of America and the State of Minnesota; and; except as provided in said Constitution; will not take part in any movement to alter or change our form of government.~~ The application form shall contain a statement that wrongful statements on the application may subject the applicant to the penalty provisions of MS 43.35 and Persl Rules 108, 110 or 111.

Persl 47 Veterans' Preference. Veterans and spouses of deceased veterans shall be given a credit of five points in addition to the rating earned in the competitive selection process. Names of veterans shall be placed on the list in the order of their final rating, including the preference credit. ~~Disabled veterans;~~ Veterans with a compensable service connected disability, spouses of deceased disabled veterans, and spouses of disabled veterans who are unable to qualify because of such disability shall be given a credit of ten points in addition to the rating earned in the competitive screening process. ~~If the final rating; including the preference credit; is above the minimum score for placement on the competitive eligible list; the name of such disabled veteran shall be placed at the head of the list. The names of those granted disabled veterans preference will be ranked on the promotional eligible list according to the augmented score. (MS-43.30)~~

Veterans with a service connected disability of fifty per cent or more, surviving spouses of veterans so disabled, and spouses of such disabled veterans who because of the disability are unable to qualify shall be given a credit of 5 points in addition to the rating earned in the promotional selection process for their first promotion after securing public employment. (MS 43.30)

Preference points will be applied only after the veteran has attained a passing examination score.

Persl 48 Order of names on Eligible List. Names of eligibles shall be placed on the eligible list in the order of their final earned rating plus preference credit; provided that the earned rating was a passing grade. In the case of a tie between a veteran and a non-veteran, the name of the veteran shall be placed ahead of a non-veteran. In case of other ties in final ratings, names shall be placed on the list in order of rating earned on the part of the selection process given the greatest weight. Any remaining ties shall be broken by arranging names on the basis of the last four digits of the Social Security number using a random point of origin.

~~Persl 50 Appeals from Ratings; Any competitor may appeal to the Commissioner for reconsideration of his or her rating in a selection process as provided in the rules; Such appeal shall be made within thirty days after the date of mailing of the selection process notice;~~

Persl 51 Selection Processes for Returning ~~Servicemen;~~ Veterans. Whenever a promotional selection process for a class shall have been given during the absence on military leave of a permanent or probationary employee eligible to take it, ~~such~~ the employee shall have the right to admission to the promotional selection process for ~~such~~ the class, provided application therefor is made to the Commissioner within sixty days from the date of reinstatement of the employee. The employee shall be given the same or equivalent selection process as given during the employee's absence. If the employee attains a final rating above passing, the employee's name shall be placed upon the promotional eligible list made from the promotional selection process given during the employee's absence in the same manner as if the employee had participated in the original selection process. ~~If the employee attains a final rating which is equal to or higher than the lowest ranking person certified to an appointing authority from the original promotional eligible list; the name of the employee shall be certified to the appointing authority; who may appoint the~~

~~veteran to a position which has already been filled by a person appointed from the original promotional list or from the original promotional list modified as above provided. Anyone so displaced shall have their name placed on the layoff list and shall be restored to the position which was held when promoted.~~

Persl 56 Eligible Lists. The Commissioner shall establish and maintain eligible lists necessary to carry out the purposes of the personnel law and rules. Eligible lists shall be by class of employment and shall be state-wide in application, except where ~~these~~ the rules or actions of the Commissioner specifically make provisions for establishment of lists by geographical areas, agency, bargaining units, or organization units.

Persl 61 Reemployment List. The reemployment list shall contain the names of all permanent or probationary employees laid off in the class of employment, and the names of former permanent or probationary employees in the class whose written applications made within ~~one~~ three years of separation in good standing are approved by the Commissioner. The Commissioner shall consider the recommendation of the last appointing authority before approving applications of former employees and shall approve or disapprove each application ~~where~~ considering the quality of service ~~was unsatisfactory~~ as evidenced by service reports submitted by the last appointing authority. Names shall be placed on the reemployment list based on the quality of service as indicated in the individual's performance appraisals. A person may remain on a reemployment list for up to three years and must return to state service within four years of separation.

Persl 65 Removal of Names from Eligible Lists. In addition to the causes stated in Minnesota Statutes 43.14, the Commissioner may remove names from eligible lists permanently or temporarily for any of the following reasons:

(a) Appointment through certification from such list to fill a permanent position.

(b) Appointment to fill a permanent position through certification from a list for another class at the same or higher salary. If an employee is on more than one eligible list at the same or higher salary, the employee may be kept on other eligible lists by a written request to the Commissioner.

(c) Failure to respond within ~~five~~ ten days to a written inquiry of the Commissioner ~~or appointing authority~~ relative to availability for appointment, or failure to respond within ten days to a written inquiry of an appointing authority sent by certified mail relative to availability for employment.

(d) Failure to respond within two days to a telegraph inquiry from the Commissioner ~~or appointing authority~~ relative to availability for appointment.

(e) Declination of appointment under such conditions as the eligible previously indicated would be acceptable.

(f) Failure to report for duty within the time prescribed by the appointing authority.

(g) Expiration of term of eligibility on the eligible list.

(h) Failure to maintain a record of current address and telephone number with the department. For this purpose, the return of a letter by the postal authority, if properly addressed to the last address on the records, or the telephone number given is not correct, ~~or failure to return a telephone call when message is left with a responsible party;~~ shall be deemed sufficient grounds for such removal of the name from the eligible list.

(i) In the case of agency promotional lists, appointment or transfer of an employee to a new agency or another duly established organizational unit.

(j) In the case of promotional lists, upon termination in the state service.

(k) In the case of promotional lists upon certification to three separate positions except that the name of an individual so removed shall continue to be referred to positions in the class in the department which gave the individual a satisfactory or better rating in the selection process for such class.

(l) Upon certification at least seven times to the same or different appointing authorities where no appointment is made, ~~and removal is requested;~~

(m) Subsequent documentation that the candidate on the eligible list does not meet the requirements of the position(s) to which such candidate may be certified.

(a) 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 in salary schedule B shall serve a probationary period of two calendar months. Less than half-time employees shall serve a probationary period of three calendar months.

(c) Half to full-time employees in salary schedule C shall serve a probationary period of 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.

(e) Employees in the management compensation schedule shall normally serve a probationary period of twelve months. An appointing authority may reduce the length of an individual period to not less than nine months, provided the employee has demonstrated the ability to effectively perform the duties and responsibilities of the position and the training requirements of Rule 166 have been met. With the approval of the Commissioner of Personnel, the probationary period may be extended to provide sufficient time for individual managers to complete mandatory minimum training requirements provided the total probationary period does not exceed two years.

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 time served in emergency, provisional, or temporary employment.

An employee who is promoted prior to the completion of the probationary period to a higher position in the same occupational field and in the same department 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. In the absence of certification, the employee shall be deemed to possess permanent status.

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 98 Probationary Service Ratings. During the probationary period, ~~in such a manner as the commissioner may prescribe;~~ the appointing authority shall conduct ~~two~~ performance counseling reviews on the quality of the employee's work performance; in accordance with Personnel Rules 150 and 151. Reports shall be made in a format prescribed by the Commissioner. A report of satisfactory completion of probation sent to the Commissioner which has been signed by the appointing authority shall be evidence that the statutory requirement has been met. ~~Such~~ The probationary service rating shall be ~~confidential and available only to the employee, his or her designated representative, and to such other persons authorized by the Commissioner.~~ made available in accordance with Persl Rule 155.

~~Persl 100 Dismissal During the Probationary Period. Dismissal of a probationary employee shall be subject to Persl 111.~~

Persl 101 Permanent Employment. Upon written notice submitted by the appointing authority to the Commissioner that the service of the probationary employee has been satisfactorily completed, or if the appointing authority fails to notify the Commissioner before the completion of the probationary period, the employee will be given a permanent appointment to the position. ~~Such an employee shall be granted permanent status, provided the report sent to the Commissioner shows the quality of service performed by the employee was satisfactory.~~ Employees shall be notified promptly of satisfactory completion of the probationary period by the appointing authority. (M.S. 43.21)

Persl 106 Retirement. ~~As provided in the statutes, employees~~ Employees in the classified and unclassified service subject to mandatory retirement provisions of the Minnesota State Retirement Act must retire at the end of the day of their ~~65th~~ birthday ~~with the exceptions indicated in the law.~~ in the year they must retire and may not be an employee of the state after mandatory retirement. (M.S. 43.051) Employees in the classified and unclassified service subject to mandatory retirement provisions of the Teachers Retirement Act must retire at the end of the day on August 31 in the year in which they reach the age of 65 and may not be an employee of the State after mandatory retirement. (M.S. 354.44, subd. 1a)

Persl 108 Suspension. An appointing authority may suspend an employee without pay for ~~disciplinary reasons or other~~ just cause.

Any permanent employee who is suspended for 30 days or less shall, before the action is taken, be presented with a statement in writing setting forth the reasons for the suspension. Any permanent employee who is suspended for more than 30 days shall, at least five days before the effective date of the suspension, be presented with a statement in writing setting forth the reasons for the suspension. A copy of the statement shall be immediately submitted to the Commissioner. Any permanent employee who is suspended without pay may appeal to the Board within thirty days after the effective date of such action.

No seniority shall be acquired during the period of suspension.

If it is proved to the appointing authority's satisfaction that the employee was unjustifiably suspended, any employment rights and benefits that the employee would have had if the suspension had not occurred will be returned to that employee.

Persl 110 Demotion. The appointing authority may demote an employee for ~~inefficient performance of the employee's duties; for disciplinary reasons; or for other~~ just cause.

A permanent employee shall, before the action is taken, be furnished with a statement in writing setting forth the reasons for the demotion. The employee shall be permitted five days time to reply in writing or upon request to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the Commissioner prior to the effective date of the demotion. A permanent employee, upon written request, may demand a hearing within 30 days of the effective date of the action before the Board. ~~in accordance with the law and these rules.~~ (MS 43.24)

If at any time during the probationary period the appointing authority determines an employee's performance does not meet work standards, the appointing authority may demote the employee. No employee serving a probationary period following transfer or promotion shall be demoted except for just cause or without the employee's consent during the first 30 calendar days of the probationary period. (MS 43.21)

If it is proved to the appointing authority's satisfaction that the employee was unjustifiably demoted, any employment rights and benefits that the employee would have had if the demotion had not occurred will be returned to the employee.

Any permanent or probationary employee about to be laid off shall be demoted to replace the employee with least seniority in the next lower class in which that employee previously served, unless the employee elects to be laid off. In either event, the name of such employee shall be placed on an appropriate reemployment list.

An appointing authority, with the consent of the affected employee, may demote, in lieu of layoff, a permanent or probationary employee not covered in the preceding provision. Such action shall not entitle the employee to a hearing in the demotion, but the employee's name shall be placed on the layoff list and upon written request may be placed on the reemployment list of the class from which that employee was demoted. No employee so demoted shall displace a permanent or probationary employee except in order of seniority as determined by these rules.

Persl 111 Dismissal. Employees who do not have permanent status may be dismissed at any time at the discretion of the appointing authority, except those serving the first 30 calendar days of the probationary period following a transfer or promotion as provided in law. (MS 43.21)

No employee who has permanent status shall be dismissed from a position except for just cause. A permanent employee shall, before the action is taken, be furnished with a statement in writing setting forth the reasons for the dismissal. The employee shall be permitted five days time to reply in writing, or, upon the employee's request, to appear personally before the head of the department. A copy of the statement and of the employee's reply, if any, shall be filed with the Commissioner prior to the effective date of the dismissal. Any such employee who is dismissed may demand a hearing before the Board within 30 days of the effective date of the action. ~~in a manner prescribed by the law and these rules.~~ (MS 43.24, Subd. 2)

Any employee who willfully practices or attempts to practice any deception or fraud in an application, in a certification or selection process, in securing eligibility or appointment, shall, upon discovery and proof thereof, be disciplined or discharged. Charges alleging such deception may be initiated by the head of the department in which the employee is working at the time, or by the Commissioner, in conformity with these rules.

The Commissioner of Personnel may direct the appointing authority of an employee who does not meet, within one year, the minimum training requirements for a specific position or class as established by law or rule, to either demote the employee if the employee had been promoted to the current class, or to terminate the employee if the employee had been hired directly into the current class.

If it is proved to the appointing authority's satisfaction that the employee was unjustifiably dismissed, any employment rights and benefits that the employee would have had if the dismissal had not occurred will be returned to the employee.

Persl 119 Restoration of Seniority. An employee who has been employed continuously by the state and who voluntarily left employment with one agency to enter employment with another agency shall have the seniority at the time of termination of services in the first agency reinstated upon reemployment in that agency.

Seniority of a former employee who was reinstated or appointed from a reemployment list shall begin on the date of reemployment in the state service~~;. provided reemployment is in the agency from which the employee terminated.~~ Seniority at the time of termination may be restored by the appointing authority upon the written request of the ~~appointing authority.~~ employee.

Persl 125 Appeals

~~(a) Appeals from Selection Process Ratings. Any competitor may appeal to the Commissioner for reconsideration of a rating received in any selection process within 30 calendar days after the date of mailing notice of the rating by written request to the Commissioner. The Commissioner shall grant a review in the event that reasons satisfactory to the Commissioner are presented. The Commissioner may change the rating of the competitor if it is determined that an error was made in the original rating. If such review discloses errors affecting the rating of other competitors, the review may be extended to the ratings of such other competitors. No change made in the ratings of such other competitors shall invalidate or in any way affect an appointment already made as a result of the original rating which may have been changed subject to this rule.~~

~~(b) Appeals from Reallocation of Position. Any permanent employee whose position is reallocated, upon written request within 30 calendar days of the date of notice of reallocation of the position, shall be entitled to appeal the action of the Commissioner for reconsideration. Such request shall be in writing and shall include materials and exhibits to support the request for reconsideration.~~

~~(c) Other Appeals and Investigation. The Commissioner shall receive and consider any protests from employees in any matter concerned with the administration of the law and these rules which cannot be appealed through the grievance procedure outlined in these rules or to the Board. On the basis of such protests or upon the Commissioner's own initiative, the Commissioner may conduct such investigations as deemed necessary concerning all matters touching on the enforcement and which affect the provisions of the law and these rules. After such investigation, the Commissioner shall take any remedial action deemed warranted.~~

Persl 129 Hours of Work. Notwithstanding Persl Rule 4 this rule applies to all classified and unclassified employees in the executive branch. Eight hours of work shall constitute a normal work day and forty hours a normal work week. At the request of the appointing authority and with the approval of the Commissioner, the work week may be adjusted to meet the needs of the state service; however, in such instances, forty hours shall continue to constitute a normal work week~~, except where otherwise provided by a written contract with an exclusive representative of state employees~~. Lunch and rest periods shall be determined by the appointing authority.

~~Whenever an appointing authority determines that operating conditions make overtime work necessary, that appointing authority shall establish an overtime plan effective on approval of the Commissioner.~~ No state department shall operate less than a forty hour work week except under provisions of law which allow for specific holidays within the work week.

The Commissioner shall prescribe the actual hours of employment for all employees in the ~~state service~~ executive branch whenever such action in the Commissioner's opinion is in the best interests of the state service.

~~Effective July 1, 1974, employees~~ Employees whose positions are assigned ~~in~~ to the A, B ~~and~~ C and Special Teachers compensation schedules working an assigned shift beginning or ending between the hours of 7:00 p.m. and 5:59 a.m. inclusively shall receive a shift differential prescribed in Minnesota Statutes 43.12, Subdivision ~~2,~~ 16. ~~Clause 15.~~ Employees working the regular day schedule who are required to work overtime or who are called back to work for special projects shall not be eligible for the shift differential.

Pers1 130 Overtime. The Commissioner shall develop and issue standards ~~guidelines for use of departments in preparing overtime plans~~ for classified employees, and for unclassified employees who have been directly compared to a class in the classified service, which shall include, among other provisions:

(a) Criteria for determining eligibility for overtime compensation.

(b) Criteria for determining the rate of overtime compensation. ~~for eligible employees.~~

(c) Methods for compensating work performed on legal holidays.

(d) Criteria for determining alternate work schedules.

(e) Methods and procedures for liquidating accumulated overtime through cash payment or compensatory time off.

~~Appointing authorities requiring or permitting overtime work shall prepare written overtime plans consistent with the Commissioner's guidelines. Appointing authorities may also provide in their regulations for:~~

(f) ~~(a)~~ Conditions under which compensation may be allowed to employees required to regularly remain at their work locations on a standby status.

(g) ~~(b)~~ Conditions under which call-back pay may be allowed for special projects where an employee is required to return to duty for emergency situations upon completion of the employee's normal work shift or work week.

(h) ~~(c)~~ Conditions under which show-up pay may be allowed for reporting for regularly scheduled work shifts when an employee is released from duty because of nonavailability of work.

~~Proposed overtime plans must be submitted to the Commissioner for approval before they can be effected.~~ No compensatory time off or cash payment for overtime work and other special hours of work ordered by the appointing authority or voluntarily performed by the employee shall be allowed unless provided for in the ~~department's approved overtime plan.~~ Commissioner's standards. Deviations from the standards must be approved by the Commissioner in advance.

The appointing authority shall post or distribute copies of the ~~overtime plans~~ standards and any approved deviations ~~so approved in order~~ to inform affected employees.

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

This rule applies to all classified employees and, notwithstanding Persl Rule 4, all full-time unlimited unclassified employees in the executive branch of government, except hourly laborers and project employees. Holiday leave provisions may be established by the appointing authority for employees not covered by this rule. ~~For the purpose of this rule, an eligible employee is defined as 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.

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 132 Absence Without Leave. Any absence of an employee from duty that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed as an absence without leave. Any such absence shall be without pay and may be made grounds for disciplinary action. ~~In the absence of disciplinary action, an~~ An employee absent ~~for ten consecutive working days~~ without approved leave ~~shall be deemed to have resigned,~~ may be dismissed under the provisions of Persl 111. The appointing authority subsequently may decide to grant leave without pay if, in his judgment, such action is in the best interests of the state.

Persl 133 (b) Other Job-Related Injuries. ~~An~~ Notwithstanding Persl Rule 4, any classified or unclassified employee in the executive branch may elect to use accumulated vacation or sick leave or both during a period of absence due to compensable illness or injury. Such leave may be used on the following basis:

(1) Transfer of the ~~workmen's~~ worker's compensation benefits to the state to be credited to the employee's sick leave or vacation accrual in proportion to the amount of compensation received and accept sick leave or vacation time for the compensable sickness or injury;

or

(2) Keep the ~~workmen's~~ worker's compensation benefits and receive from the state an additional compensation from the accumulated sick leave or vacation leave;

but

in either case, the total rate of compensation may not exceed the regular compensation of the employee. (MS 176.021, Subd. 5)

An employee so absent shall be entitled to immediate return to actual employment upon appropriate release from ~~workmen's~~ worker's compensation status.

Persl 134 General Regulations Governing Leaves of Absence with Pay. As far as practicable, grants of leaves shall be made prior to the beginning of the period of absence, and no payment for any absence shall be made until leave is properly approved.

Deductions from leave accumulations for an employee on leave with pay shall be made on a working day basis and no charge shall be made from leave accumulations for holidays, non-work days, or non-work days occurring at the beginning or during a period of leave with pay. No charge will be made for holidays or non-work days occurring at the end of a period of leave with pay if the employee returns on the first day thereafter or is granted additional leave without pay. If the employee is granted additional leave without pay, such employee will not be credited for a holiday occurring at the end of the period of leave with pay unless and until that employee returns to work at the expiration of the leave without pay.

Accrual of vacation leave and sick leave during the period of leave of absence with pay shall occur only if the employee returns to employment on the first working day following the expiration of such leave with pay, or is granted additional leave without pay. If the employee is granted additional leave without pay, the employee will not be credited with vacation or sick leave accruals for the period of leave ~~without~~ with pay unless and until returning

to work at the expiration of the leave with without pay. An employee on layoff does not continue to earn vacation and sick leave during such layoff.

Persl 135 Vacation Leave. ~~For the purpose of this~~ This rule, applies to ~~an eligible employee is defined as any~~ all classified state employees in the executive branch except for hourly laborers, emergency employees, project employees or temporary appointment employees, and also applies to all full-time unlimited unclassified employees in the executive branch except department heads, deputies and those listed in Persl Rule 4. Annual leave provisions may be established by the appointing authority for employees not covered by this rule.

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 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
10-19	3/4	1	1 1/4	1 1/2	1 1/2
20-29	1	1 1/4	1 3/4	2	2
30-39	1 1/2	2	2 3/4	3	3
40-49	2	2 1/2	3 1/2	3 3/4	4
50-59	2 1/2	3 1/4	4 1/2	4 3/4	5
60-69	3	3 3/4	5 1/4	5 3/4	6
70-79	3 1/2	4 1/2	6 1/4	6 3/4	7
80 and over	4	5	7	7 1/2	8

An eligible employee receiving Workers' Compensation benefits shall accrue vacation leave for the total number of hours compensated by Workers' Compensation, sick leave and annual leave.

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 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 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 of service. Upon completion of such period, vacation leave shall accrue to the employee from the beginning of the period of continuous service.

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-half hour except to permit utilization of lesser fractions that have been accrued.

Unused vacation leave may be accumulated to a total of 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, or an unclassified employee who transfers to the classified service, without interruption of services to the state shall be entitled to credit of accumulated unused vacation leave earned in that the employee's former employment. Notwithstanding Persl Rule 4, any state employee except an elected employee who is separated from the state service or who is transferred or accepts employment under a new appointing authority, is entitled to pay for any accumulated annual leave. (MS 43.222, 43.223, 43.224)

Department heads and deputies of departments listed in M.S. 15.01, plus the Energy Agency, the Governor's Crime Commission, the Indian Affairs Board, the Higher Education Coordinating Board, the Investment Board, Iron Range Resources and Rehabilitation, Office of Hearing Examiner, the Pollution Control Agency, the State Planning Agency and the Chancellors of the Community College System and the State University System shall earn vacation pay at the rate of six hours per full payroll period. Covered department heads and deputies who currently are eligible to receive more than six hours per full payroll period shall continue to accrue at the higher rate.

Persl 136 Sick Leave. ~~For the purpose of this~~ This rule, applies to ~~an eligible employee is defined as any~~ all classified state employees in the executive branch except for hourly laborers, emergency employees, project employees, or temporary appointment employees, and all full-time unlimited unclassified employees in the executive branch except those listed in Persl Rule 4. Sick leave provisions may be established by the appointing authority for employees not covered by this rule. 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	Less than 800 hours	800 hours and maintained
0-9	0	0
10-19	3/4	1/4
20-29	1	1/2
30-39	1 1/2	3/4
40-49	2	1
50-59	2 1/2	1 1/4
60-69	3	1 1/2
70-79	3 1/2	1 3/4
80 and over	4	2

Changes in the rate of accumulation for eligible employees shall be made effective following the payroll period in which the 800 hour maximum accrual is attained.

An eligible employee being paid for less than a full payroll period of 80 hours will have sick leave pro rated for that payroll period, unless the employee is on Workers' Compensation, in which case sick leave would be accrued for the total hours compensated by Workers' Compensation, sick leave, and annual leave. 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 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 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. Use of a reasonable period of sick leave 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 1/2 hour 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 137 Military Leave of Absence With Pay. Notwithstanding Persl Rule 4, any classified or unclassified employee in the executive branch ~~Employees in the classified service~~ shall be entitled to leave of absence with pay for service in the armed forces of the United States or the State of Minnesota as now or hereafter authorized by law. (MS 192.26)

Persl 138 Other Leaves With Pay. Notwithstanding Persl Rule 4, any classified or unclassified ~~Any~~ employee ~~holding a position in the classified service~~ in the executive branch 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 139 Military Leave of Absence Without Pay. Notwithstanding Persl Rule 4, any employee in the executive branch ~~of the classified service~~ shall be entitled to military leave of absence without pay for service in the armed forces of the United States or the State of Minnesota and to reinstatement at the end of such leave as now or hereafter authorized by law. (MS 192.26 and 192.261)

Persl 140 Leave of Absence to Accept Unclassified Service Appointment. Upon approval of the Commissioner, an appointing authority may grant a leave of absence without pay to a permanent or probationary employee in the classified service to permit the employee to accept an appointed position in the unclassified service. Such leave may be continued during the period of service in the unclassified service position and the employee, upon request to the Commissioner within 60 calendar days of the termination of the appointment, shall be restored to a position in the same class and with the same status held at the time of the grant of the leave of absence~~;. provided the employee does not interrupt service to the state.~~ Such leave shall be consistent with Persl 97. (MS 43.22, Subd. 3)

Persl 141 Maternity Leave of Absence Without Pay. Maternity leave of absence shall be granted when requested to a pregnant employee or adoptive mother in the classified or unclassified 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 142 Sick and Annual Accumulated Balance and Accrual Rates Upon Reinstatement or Reappointment. An ~~eligible~~ employee who is reinstated or reappointed to state service within one year of the date of resignation in good standing, retirement or layoff, shall accrue sick or annual leave at the same rate with the same credit or length of service that existed at the time of such separation.

An ~~eligible~~ employee reappointed to state service after one year but not more than four years from the date of resignation in good standing, retirement or layoff may, at the appointing authority's discretion, accrue sick and annual leave at the same rate and with the same accredited length of service that existed at the time of separation.

Employees in the unclassified service of the state who are subsequently appointed to a position in the classified service, or vice versa, without an interruption in service shall have their accumulated but unused annual and sick leave balance posted to their credit in the records of the employing department. ~~Unclassified employees who are subsequently employed in the classified service within one year from the last date of service in the unclassified service shall have their sick leave posted to their credit in the records of the employing departments. Such employees may, at the appointing authority's discretion, continue to accrue sick and annual leave at the same rate and with the same accredited length of service that existed prior to appointment to the classified service,~~ provided such sick and annual leave are accrued in accordance with the provisions of these rules.

Persl 143 Sick Leave Without Pay upon Application of a Probationary ~~or~~, Permanent, or Unclassified Employee. Upon the request of a permanent employee who has exhausted all accrued sick leave, a leave of absence without pay shall be granted by an appointing authority for up to one year because of sickness or injury. This leave may be extended by the appointing authority. 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 or an unclassified 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 144 Other Leaves of Absence Without Pay. ~~Permanent employees~~ Employees may be allowed to be absent from duty without pay as provided in law (MS 43.22) with the approval of their respective appointing authorities under the following conditions:

(a) Such leaves shall be granted only when it will not result in undue prejudice to the interests of the state as an employer beyond any benefits to be realized.

(b) An application for leave of absence for travel or study calculated to equip the employee to render more effective service to the state may be deemed to involve such compensating benefits to be measured against the prejudice to the state involved in keeping open the position or filling it temporarily until the return of the employee.

~~Leave of absence may be granted to probationary employees under conditions outlined above for a period immediately preceding an approved military leave of absence or to resume an academic program which the employee was actively pursuing just prior to appointment which can be completed within the time period specified.~~

The Commissioner shall refuse to approve any proposed leave without pay which is deemed contrary to the best interests of the state.

Persl 146 Benefits for Managers. M.S. 43.127 empowers the Commissioner of Personnel to design an employee benefit system for employees defined as managerial which provides flexibility between items of compensation. To the extent that these rules are inconsistent with benefits chosen by a managerial employee under the Commissioner's system, these rules shall not apply.

Persl 151 Performance Appraisals During Probationary Period. Nothing in this ~~section~~ rule shall be construed as preventing an appointing authority from dismissing a probationary employee at any time, in accordance with Persl 111. ~~To the extent the length of probation served makes it possible, the following requirements shall prevail:~~

Every employee serving a full probationary period, as defined by Persl 97, ~~shall receive a minimum of two performance appraisals.~~ with a duration of less than 3 months shall receive a minimum of one performance appraisal. ~~For probationary periods exceeding one year in length, there shall be a third appraisal.~~

Every employee serving a full probationary period in a classification with a probationary period of greater than three months and less than one year shall receive a minimum of two performance appraisals.

For classifications having a probationary period of one year or more, there shall be a performance appraisal every 6 months or fraction thereof.

In all of the above cases, ~~Every~~ every effort should be made to conduct final appraisals in the 30 days preceding the conclusion of the probationary period. The final appraisal must be in a format approved by the Commissioner. Other required appraisal(s) should be spaced in a manner that will provide employees with timely feedback and enable them to improve performance.

Notwithstanding Personnel Rule 150, mid-probationary evaluations may be informal in nature, so long as both of the following conditions are met:

(1) The employee is advised in writing of areas where improvement will be necessary in order to achieve satisfactory performance during the probationary period.

(2) The employee has a specific position description and performance measures within two weeks following the mid-probationary evaluation.

~~Persl 154 Performance Appraisal Grievances. Any employee who believes that a performance appraisal was not consistent with the requirements of these rules may file a grievance in accordance with the provisions of Persl 176, 177, and 178; provided, however, that grievances with respect to the substance of a performance rating shall terminate with the employee's appointing authority and shall not be appealable to the Commissioner of Personnel.~~

Persl 155 Availability of Performance Appraisal Report. ~~Upon special request of the Commissioner, a copy of an employee's performance appraisal report shall be made available for consideration of transfers to other jurisdictions or for other personnel actions.~~

Employee performance appraisal reports are available for inspection only by the following:

(1) The employee or his designated representative;

(2) The appointing authority;

(3) The agency personnel officer;

(4) The employee's supervisor;

(5) The Commissioner of Personnel;

(6) The Personnel Board.

Persl 160 The Development Policy. The Commissioner shall set policy, administer and conduct programs of training and counseling for the effective development and utilization of classified and unclassified employees, to promote individual, group, and departmental efficiency and effectiveness.

Persl 166 Employees appointed to a position or class which has a training requirement that must be met before the employee gains permanent status shall have one year from the date of appointment to fulfill this requirement. The employee shall gain all rights, privileges and benefits at the end of the normal probationary period as defined in Persl 101 with the exception that the employee may be terminated from that position if the training requirements are not met prior to the completion of the first year after appointment. The probationary period for employees assigned to the management compensation schedule may be extended to a maximum of two years to provide sufficient time to complete mandatory training requirements. The Commissioner may direct the appointing authority to initiate the appropriate transaction to either demote the employee to the class from which promoted, or terminate the employee if the employee had been hired directly into the current class. (M.S. 43.32, Subd. 10)

Persl 175 In addition to the procedures available in this chapter, a number of other appeal procedures may be available to state employees. These include: the Minnesota Personnel Board (MS 43.24); the Governor's Affirmative Action Program (Executive Order 76, as amended); grievance procedures under collective bargaining agreements; the United States Department of Labor; the United States Equal Employment Opportunity Commission; the Minnesota Department of Human Rights; and municipal human rights commissions.

Persl 176 Objectives and Definitions. The grievance procedure is established as an orderly means for considering and resolving grievances. The word "grievance" shall be defined as a dispute or disagreement raised by ~~an~~ a classified or unclassified employee against the appointing authority ~~when such appointing authority has discretion involving the application of the specific provisions of these rules or disputes and complaints pertaining to other conditions of employment where solution or redress is not otherwise provided,~~ over any term or condition of employment and any interpretation of the personnel law or rules except matters of selection and reallocation which are appealable under Persl 179. Notwithstanding Persl Rule 4, this ~~This~~ grievance procedure is available to all classified or unclassified employees in the executive branch except those employees who are provided with a grievance procedure in a collective bargaining agreement between the state and an exclusive bargaining representative.

Persl 177 Presentation of Grievance

(a) Informal. A grievance shall be presented by the employee to the immediate supervisor within ten working days after the occurrence of the event giving rise to the grievance. The supervisor shall give an oral or written answer within five working days after such presentation and thereafter the parties shall have five working days to attempt to resolve the grievance by mutual agreement.

(b) Formal. If the grievance is not satisfactorily resolved through the informal procedure, and the employee wishes to appeal the grievance through the formal step in the grievance procedure, it shall be referred in writing to the appointing authority or designee within ten working days after the designated immediate supervisor's answer. The grievance appeal shall be initiated by means of a written grievance to be signed by the employee. The written grievance shall set forth the nature of the grievance, the facts upon which the grievance is based, and the action requested. The grievance shall be submitted to the appointing authority or his designee. ~~with a copy to the Commissioner of Personnel. The Commissioner shall, within ten working days from receipt of the copy, determine whether or not it is a proper matter for the grievance procedure. Upon notification that the matter is a grievance, the~~ The appointing authority or his designee shall discuss the grievance within five working days with the employee and the employee's representative, if any, at a time mutually agreeable to the parties. If the grievance is resolved as a result of such meeting, the settlement shall be reduced to writing and signed by the appointing authority or designee and the employee, including the employee's representative, if any. If no settlement is reached, the appointing authority or the designee shall give written answer to the employee within ten working days following their meeting.

(c) Grievance Appeal. If the grievance involves a dispute over the personnel law or rules, the employee may ~~if the grievance is not resolved in the formal procedures and involves the appointing authorities application of these rules, and the employee desires to appeal, the employee shall~~ appeal in writing in the same manner as described in the formal procedure, including the basis for the appeal, to the Commissioner with a copy to the appointing authority within five working days after the appointing authority or designee's answer. Decisions of the appointing authority are final and may not be appealed to the Commissioner on promotional ratings, performance ratings, matters where the appointing authority has discretion in applying the personnel law or rules or matters not covered by the personnel law or rules. The Commissioner shall consider the information presented and notify the employee and the appointing authority or designee within ten working days whether the matter is subject to a hearing. If it is determined that the grievance ~~involves the appointing authority's application of the personnel law or rules,~~ is appropriate for appeal to the Commissioner, the Commissioner ~~shall~~ may appoint a hearings officer to hear the grievance.

The grievance appeal shall be scheduled for a hearing within ten days after the appointment of the person to hear the appeal. Such hearings will be conducted at a designated place as determined convenient for those involved by the person conducting the hearing. The hearings officer shall prepare a written decision and submit it to the Commissioner within ten days after completion of the hearing. The Commissioner may adopt the decision of the hearings officer or modify it, but the decision of the Commissioner shall be final. Hearings officers fees and expenses, if any, incurred in such hearings, shall be paid by the department from which the grievance originated.

Persl 178 Time Limit. If a grievance is not presented within a time limit as set forth above, it shall be considered waived. If a grievance is not appealed in the next step within the specified time limit, or an agreed on extension thereof, it shall be considered settled on the basis of the supervisor's or appointing authority's or designee's last answer. If the supervisor or appointing authority or designee does not answer a grievance appeal within a specified time limit, the employee may elect to treat the grievance as denied at that step, and immediately appeal the grievance to the next step. Time limits on each step may be extended by mutual written agreement of the parties involved. ~~The term "working days", as used herein, shall mean the days Monday through Friday, inclusive, exclusive of holidays.~~

Persl 179 Appeals

(a) Appeals from Selection Process Scores. Any competitor may appeal directly to the Commissioner for reconsideration of a score received in any selection process within 30 calendar days after the date of mailing notice of the score by written request to the Commissioner. The Commissioner shall grant a review in the event that reasons satisfactory to the Commissioner are presented. The Commissioner may change the score of the competitor if it is determined that an error was made in the original score. If such review discloses errors affecting the scores of other competitors, the review may be extended to the scores of such other competitors. No change made in the scores of such other competitors shall invalidate or in any way affect an appointment already made in good faith as a result of the original score which may have been changed subject to this rule.

(b) Appeals from Reallocation of Position. Any classified or unclassified employee whose position is reallocated, upon written request within 30 calendar days of the date of notice of reallocation of the position, shall be entitled to appeal the action of the Commissioner for reconsideration. Such request shall be in writing and shall include materials and exhibits to support the request for reconsideration.

(c) Other Appeals and Investigations. The Commissioner may consider any matters concerned with the administration of the personnel law and rules, either on his own initiative or upon protest of an employee. The Commissioner may conduct any necessary investigation and may order any remedial action deemed warranted.

Persl 180 Authority. Rules 180, 181 and 182 apply to all classified employees, and notwithstanding Persl Rule 4, to all unclassified employees in the executive branch. The appointing authority may authorize travel at state expense as well as payment of relocation expenses necessary and legally authorized for the effective conduct of the state's business. Such authorization shall be granted prior to the incurrence of the actual expenses and shall be subject to the availability of funds.

Each claim for expenses in accordance with this rule must include a certification by the claimant that the expense is just and correct and that no part has been paid by the state. The appointing authority's signature on the employee expense report for payment of such expenses is considered evidence of approval of each expense item.

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 compensation for use of a personal automobile is 15¢ 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 with the approval of the appointing authority when traveling within the state in cases where a motor pool vehicle is available shall be reimbursed at the rate of 10¢ per mile. The higher rate may be paid if the use of the motor pool vehicle would have resulted in a greater cost to the state than the reimbursement of the personal car rate.

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 vehicles 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.

(5) Motorcycle Reimbursement. Reimbursement for use of a motorcycle on official state business, when authorized in advance by the appointing authority, shall be at the rate of 8¢ per mile. This rate shall not be subject to the escalator provision of Persl 181 (a) (2).

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 $2.25 for breakfast, $2.75 for lunch, and $5.50 for dinner.

Maximum reimbursement, including sales tax for meals outside the state and on trains shall be $3.00 for breakfast, $3.50 for lunch, and $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 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 shall require prior approval of the appointing authority~~.~~ ~~Special expenses shall also be subject to~~ and 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 182 Relocation Expenses

(a) Authorization. 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 demoted during the probationary period after the trial period, shall receive these relocation expenses provided in section (b)(3) and (b) (4).

Relocation expenses authorized by this rule may be paid to a person initially accepting employment in the state service with the advance approval of the Commissioner. Payment shall be made only after the person becomes a state employee.

~~Persl 188 Oath. An oath as provided by law shall be filed with the Commissioner prior to payment to any officer or employee. The filing of such oath shall in no way relieve the officer or employee of the responsibility for filing any other oath required by statute to be filed with the Secretary of State or elsewhere. (MS 43.16)~~

Persl 207 (a) "Continuous Service" means the amount of time since the employee begins state employment. It is interrupted only by resignation, discharge for just cause, failure to return upon expiration of a leave of absence, failure to respond to a recall from layoff, or retirement.

Persl 216 (a) "Full-time Employee" means an employee who is scheduled to work an average of 80 hours per bi-weekly payroll period.

Persl 229 (a) "Part-time Employee" means an employee who is scheduled to work on a regular and recurring schedule of less than 80 hours in a bi-weekly payroll period.

Persl 216 (b) "Intermittent Employee" means an employee who works whenever needed on a schedule which cannot be predicted in advance.

Persl 243 (a) "Temporary Employee" means an employee who has been appointed to a position which has a definite ending date. (MS 43.20, Subd. 5)

Persl 244 (a) "Unlimited Employee" means an employee who has been appointed to an ongoing position with no definite ending date.

Persl 232 (a) "Probationary Employee" means an employee who is serving a probationary period in a class to which they have been appointed from an eligible list. (M.S. 43.21)

Persl 235 (a) "Provisional Employee" means an employee who has been appointed to a position without having been appointed from an eligible list. (M.S. 43.20, Subd. 2.)

Persl 215 (a) "Emergency Employee" means an employee who was appointed for an unforeseen emergency. (MS 43.20, Subd. 3)

Persl 215 (b) "Exclusive Representative" means an employee organization which has been designated by a majority of those votes cast in the appropriate unit and has been certified pursuant to section 179.67.

Persl 244 "Transfer" means the movement of an employee from one department or organizational unit to another department or organizational unit, or from one class to another class within the same department or organizational unit in a comparable salary range and usually involving the performance of similar duties and requiring essentially the same basic qualifications. Job rotation assignments made in conjunction with an established job rotation program designed to acquaint employees with various operations of an agency are not transfers.

APPROVED AS TO FORM AND LEGALITY
MAR 15 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 15 1976 - 4:15 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAR 15 1976
BY Ella Staudenmaier
AUTH. SIGNATURE PS 4.30 Pg

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 Acting 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, Sections 43.05, 43.32, 43.321, 43.322, 43.323, 43.236, 43.327, and 43.33.

NOW, THEREFORE, IT IS ORDERED this 6th day of November, 1975, that public hearings on the proposed rules captioned above be held:

1. In Room 116, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, on December 17, 1975, commencing at 9:00 a.m.; and

2. In Rooms 253-254, Centennial Student Union, Highland Campus, Mankato, Minnesota 56001, on December 18, 1975, commencing at 10:00 a.m.; and

3. In the Auditorium in Building 4, Brainerd State Hospital, Brainerd, Minnesota 56401, on December 19, 1975, commencing at 10:00 a.m.

Each meeting will continue 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

In this matter of Amendments to and Proposed Personnel Rules of the State of Minnesota

BEFORE MICHAEL C. O'DONNELL

ACTING COMMISSIONER OF PERSONNEL

NOTICE OF HEARING

Notice is hereby given that public hearings will be held pursuant to Minnesota Statutes 1974, Section 15.0412, Subd. 4, in the above-entitled matter.

1) In Room 116, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, on December 17, 1975, commencing at 9:00 a.m.; and

2) In Rooms 253-254, Centennial Student Union, Highland Campus, Mankato, Minnesota 56001, on December 18, 1975, commencing at 10:00 a.m.; and

3) In the Auditorium in Building 4, Brainerd State Hospital, Brainerd, Minnesota 56401, on December 19, 1975, commencing at 10:00 a.m.

Each meeting will continue 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.

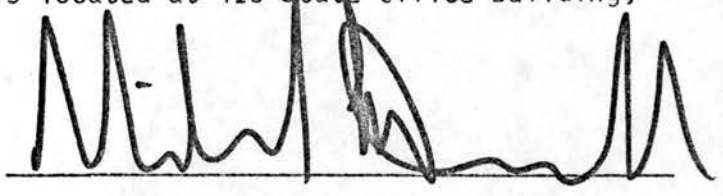
The Commissioner proposes to adopt and amend rules relating to the following matters: Those employees covered by the Personnel Rules (certain unclassified employees are proposed to be covered by certain of the rules); determination of proper classes for unclassified positions; total renumeration received by state employees for working for more than one agency; delegation of certain authority of the Commissioner; selection of a person to fill a reallocated position; statements required on the application form; veterans' preference; selection processes for returning veterans; determination of eligible lists by bargaining unit; time to apply and remain on reemployment lists, removal of names from eligible lists; provisional appointments; probationary period for employees in the management compensation schedule; probationary service ratings; employment after mandatory retirement; changes in suspension, demotion, and dismissal provisions; restoration of seniority; overtime standards; holidays; absence without leave; compensation for job-related injuries; vacation policies for department

heads and eputies; vacation and sick leave for certain unclassified employees; military, maternity and sick leave and other leaves for certain unclassified employees; transfers of sick and annual leave upon transfer from the classified service to the unclassified service and vice versa; frequency and nature of performance appraisals; availability of performance appraisal reports; inclusion of certain unclassified employees in development policies; permanent status for employees where positions have statutory training requirements; grievance procedures, including changes in the definition of a grievance and changes in procedures; consolidation of grievance procedures; appeals from selection process ratings and reallocations; extension of the travel and relocation rules to all state employees; motorcycle reimbursement; relocation expenses for new state employees, deletion of the requirement of an oath; definitions of "continuous service", "full-time employee", "part-time employee", "intermittant employee", "temporary employee", "provisional employee", "emergency employee", "exclusive representative", and changes in the definition of "transfer".

In addition, the proposed rules delete duplicative langualge; consolidate certain rules; conform the rules to recent statutory changes; and delete obsolete provisions.

Copies of the proposed rules will be 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 the 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 6 day of November 1975, 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 6 day of November, 1975, 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 6 day of November 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

CERTIFICATE

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

I hereby certify that the attached (439) labels and (one) sheets constitute the complete list of persons, associations, and other interested groups who as of 2:00 o'clock P.M., this 6th day of November, 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 Carl Dinn

PERSONNEL DEPT.

Bernat, Leo A., 401 5th St. S.E., Minneapolis 55414

Int.Union of Operating Engineers, Loc. 34, 1043 Midland Bk Bldg., Mpls

Minn.State Fed.of Labor, Labor Temple, St. Paul

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLENDORF MARSHALL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

ALTMAN MILTON H
707 DEGREE OF HONOR BLD
ST PAUL MN
55101

AM CAMPING ASSN MRS LEACOCK
1235 BRIGHTON SQ
NEW BRIGHTON MN
55112

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON GRAHAM
951 E HENN
MPLS MN
55414

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON HAROLD
BOX 3047
MANKATO MN
56001

ANDERSON JAMES
7703 NORMANDALE BD
MPLS MN
55435

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55802

ARNOLD ROBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ARROWHEAD REGIONAL DEV COMM
900 ALWORTH BLDG
DULUTH MN
55802

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASMUSSEN,DENNIS,MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BECKLIN ROBERT C
447 V W 4TH
CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

BRIGHAM E M III
RR4
RED WING MN
55066

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

CAIN RUTH
730 E 38TH ST
MPLS MN
55407

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CHRYSALIS CENTER FOR WOMEN
2104 STEVENS AVE S
MPLS MN
55404

BABCOCK LOCHER NELSON ET
118 E MAIN ST
ANOKA MN
55303

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
COON RAPIDS MN
55433

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENSONI PETER USW OF AM
609 PROVIDENCE BLDG.
DULUTH MN

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRIGGS & MORGAN - B F FRI
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BROWN D M GOODRIDGE PUB S
IND DIST #561
GOODRIDGE MN
56725

BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

BUSCH NOEL
3131 FERNBROOK LANE N
MPLS MN
55441

CAIRNS JOHN A
47TH FLR IDS CENTER
MPLS MN
55402

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CENTRAL MN REGIONAL DEV C
1139 FRANKLIN AVE
SAUK RAPIDS MN
56379

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOYTON MAURICE, MET SEWER BD
350 METRO SQ BLDG
ST PAUL MN
55101

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO ASSN
512 NICOLLET MALL RM917
MPLS MN
55402

FAEGRE & BENSON ATTN LIBR
1300 NW BANK BLDG
MPLS MN
55402

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DICKINSON MRS JOANNE
BOX 1065
MARSHALL MN
56258

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

DZUGAN KEN ST PAUL PLANNI
421 WABASHA ST
ST PAUL MN
55102

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ENV SERV-GEN RESOURCE COR
6340 INDUSTRIAL DR
HOPKINS MN
55343

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

ETHICS COMM
RM 410 STATE OFF BLDG
ST PAUL MN
55155

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK PUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FURLONG DR JOHN
RT 1
BOVEY MN
55709

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEESON MICHAEL
909 SOC SC BLDG U OF M
MPLS MN
55455

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HARVEY MICHAEL
1390 W M HAHA PKWY
MPLS MN
55409

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLADLAND CLINTON MN L&P B
796 RAYMOND AVE
ST PAUL MN
55114

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GEORGE K GRANSE CO
1477 SELBY AVE
ST PAUL MN
55104

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GUSTAFSON DAN-LABOR TEMPLE
312 CENTRAL
MPLS MN
55414

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HENTHORN GARY WOODSTOCK
7365 LANDAU DR
BLOOMINGTON MN
55438

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HEIM PAUL
1320 SOO LINE BLDG
MPLS MN
55402

HEINTZ MARY ELLEN
PO BOX 599
CINCINNATI OH
45201

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HICHINGER-MARK PLANNING
421 WABASHA ST
ST PAUL MN
55102

HOLDAHL SCOTT
380 N BLDG GRAIN EXCH
MPLS MN
55415

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
55107

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HOUSE RESEARCH
RM 17 STATE CAPITOL
ST PAUL MN
55155

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

ILLINGWORTH ROBT C
6750 FRANCE AVE S
MPLS MN
55435

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

HILL JIM ASSOC.MILK PROD.
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON LEAGUE MN DI
106 TIMES BLDG 57 S 4TH
MPLS MN
55401

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

KABLE RICHARD W

BETHEL MN
55006

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KEILY DANILE
3549 V2 PLEASANT AVE
MPLS MN
55408

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MECCA
867 GRAND AVE
ST PAUL MN
55105

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MIDLAND GLASS- HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

KNVDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT AS
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MET TFR MEN ASSN A ROSENT
1821 UNIV AVE
ST PAUL MN
55104

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4901 W 77TH ST
MPLS MN
55435

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERV
407 HWY BLDG
ST PAUL MN
55101

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. .J.N.D
1821 UNIV.
ST.PAUL MN
55104

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN SOC CERTIFIED PUB AC
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MUCK THOS R
160 STATE OFF BLDG
ST PAUL MN
55155

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NESBITT JOHN
7851 METRO PKWY S 118
MPLS MN
55420

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBO & MAINC
927 SOO LINE BLDG
MPLS MN
55402

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PORTER DAVID
3212 LONGFELLOW AVE S
MPLS MN
55407

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SADDL
2487 HELEN COURT
NO ST PAUL MN
55109

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATT
1155 15TH ST NW
WASHINGTON DC DC
20005

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE L THEOHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REIND D LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REID DAVID H
5633 WASHBURN AVE S
MPLS MN
55410

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL ASSN PLBG HTG MEC
614 AM NATL BK
ST PAUL MN

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOUCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
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55812

VOSS REV GORDON O
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BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
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55119

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4510 W 77TH ST STE 235
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55402

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BOISE CASCADE PAPERS
INTL FALLS MN
56649

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ST PAUL MN
55101

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1500 MIDWEST PLAZA BLDG
MPLS MN
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ST PAUL MN
55102

STATE BD VETERINARY EXAMI
C/O DR A C SPANNAUS DVM
WACONIA MN

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

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ST PAUL MN
55108

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWEITZER R L HONEYWELL IN
2701 4TH AVE S
MPLS MN
55408

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
74102

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILSON R GARY PPG INDUST
1 GATEWAY CENTER
PITTSBURGH PA
15222

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

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

Jacque Carlson, being first duly sworn, deposes and says:

That on the Twelfth day of November, 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 the City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State and on the Thirteenth day of November, 1975, a copy was mailed, in the same manner, to all members of the Minnesota Legislature.

Jacqueline C. Carlson

Subscribed and sworn to before me this 18 day of November, 1975.

Colleen T. Kisch

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

STATE OF MINNESOTA

MICHAEL C. O'DONNELL
ACTING COMMISSIONER
OF PERSONNEL

COUNTY OF RAMSEY

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 July 3, 1975.

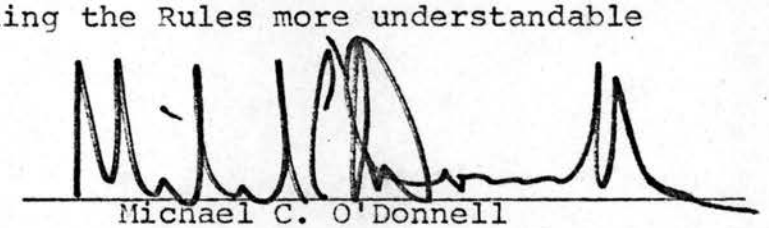
A number of changes are necessary to bring the rules into compliance with law or to implement statutes requiring rules, including Rule 7 (see Minn. Laws 1975, ch. 381, §12); Rules 9(a)(1) and 40 (see Minn. Laws 1975, ch. 399, §2, repealing Minn. Stat. §43.16 (1974); Rule 12 (see Minn. Laws 1975, ch. 431, §§ 3 & 4); Rules 47, 48 and 65 (see Minn. Laws 1975, ch. 45); Rule 97 (see Minn. Laws 1975, ch. 276, §2); Rule 98 (see Minn. Laws 1975, ch. 381, §10); Rule 101 (see Minn. Laws 1975, ch. 381, §10) Rule 108 (see Minn. Stat. §43.24, subd. 3 (1974)); Rule 140 (see Minn. Laws 1975, ch. 381, §12); Rule 151 (see Minn. Laws 1975, ch. 381 §10); Rule 155 (see Minn. Stat. §43.235 (1974)); Rule 166 (see Minn. Stat. §43.32, Subd. 10 (1974));

Further changes are proposed to bring certain unclassified employees under the provisions of the Personnel Rules. Minn. Stat. §43.05, subd. 1 (1974), provides that the Commissioner of Personnel has "the responsibility and power to ascertain equitable treatment of all state employees in both the classified and unclassified civil service in the executive branch". Pursuant to this grant of powers, Rule 4 states the general coverage of the Personnel Rules as to unclassified state employees. A number of rules are proposed to extend to cover unclassified employees, including Rules 11, 18, 19, 29, 30, 129, 130, 131, 133(b), 135, 136, 137, 138, 139, 141, 143, 144, 180, 181, and 182.

Several changes are desirable to delete duplicative language, to clarify, and to correct errors. The amendment to Rule 7 deletes duplicative language contained in Rule 140; the amendment in Rule 10 is intended to more accurately describe the Commissioner's authority in this area; the changes to Rule 11 generally clarify and conform the Rule to its intended purpose; Rule 20 is rewritten more specifically in Rule 39(b); Rule 31 is deleted and the subject matter is now in Rule 130; Rules 50, 125 and 154 are combined in rewritten rules 175 - 179; Rule 56 is rewritten to conform with collective bargaining agreements entered into pursuant to Minn. Stat., ch. 179; Rule 89 is deleted because the statutory requirement that the Department of Personnel publish an annual report no longer exists; Rule 100 is deleted because it is redundant; and the amendment to Rule 119 clarifies confusing language.

The other changes are substantive which are generally dictated by sound personnel practices. Rule 29(d) delineates when it is permissible for

a state employee to receive payment from more than one state agency, preventing undesirable situations; Rule 33 will allow delegation of compensation authority to personnel officers, thus freeing the Department of Personnel from day-to-day transactions and placing it more in a management posture. The deletion in Rule 51 eliminates a little-used and disruptive provision which is not authorized by law. The changes in Rule 61 allow valuable, trained former state employees to return after a longer separation from state service. Rule 88 proposes to clarify current practice, as well as conforming the rule to law. The changes in Rules 108, 110, and 111 are intended to conform the rules to statutes as well as providing authority for the employer giving the employee benefits due if a mistake occurred. Rule 135 proposes to set annual leave rates, regardless of state seniority, of department heads and deputies, making it easier to attract qualified personnel. Provision is also made for accrued annual leave when transferred. Rule 142 provides for transfer for sick leave; Rule 146 implements the Commissioner's authority under Minn. Stat. 43.127 providing flexible benefits for managerial employees, thus fulfilling the legislative mandate of that section. Rules 175 - 179 state which courses of action are available to state employees, redefine "grievance", state which grievances are appealable to the Commissioner and generally consolidates all appeal procedures. This will make the grievance procedure easier to use and more responsive to state employees. Rule 181 adds provisions which allow the payment of the higher mileage reimbursement rate if the state would save money; set motorcycle reimbursement rates; allows the actual cost of an official meal to be reimbursed; and clarifies the special expense provision. All of these are minor changes which will improve personnel practices. An addition to Rule 182 allows relocations expenses for a person accepting state employment, thereby allowing the state to more effectively compete for employees. A number of terms used in the Personnel Rules are defined, thus making the Rules more understandable and easier to use.



Michael C. O'Donnell
Acting Commissioner of Personnel

STATE OF MINNESOTA

COUNTY OF RAMSEY

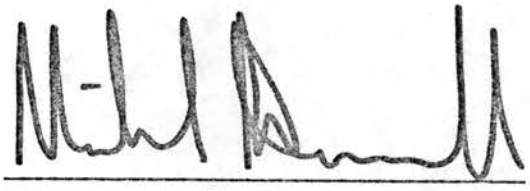
BEFORE MICHAEL C. O'DONNELL
ACTING COMMISSIONER
OF PERSONNEL

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

ORDER 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 hearings to be held on December 17, 18 and 19, 1975.

NOW,THEREFORE, IT IS ORDERED this 8th day of December, 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 the State Department of Personnel Governing the Personnel Rules.

FINDINGS OF FACT

The above entitled matter came on for hearing before the Acting Commissioner of Personnel of the State of Minnesota on the 17th day of December, 1975 at 9:00 a.m. in Room 116, Administration Building, St. Paul, Minnesota; in rooms 253-254, Centennial Student Union Hall, Mankato, Minnesota 56001 on December 18, 1971 at 10:00 a.m.; and in the auditorium in Building 4, Brainerd State Hospital, Brainerd, Minnesota 56401, on December 19, 1975, at 10:00. Proper notice required by M.S. 1974, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and to all members of the Minnesota legislation.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, having heard all the testimony, having considered all the evidence introduced and upon the records, files and proceedings herein, I find the following:

A number of general findings support the adoption of the Personnel Rules as here contained:

1. Minn. Stat., Chapter 179(1974) requires the State of Minnesota to negotiate terms and conditions of employment with exclusive representatives of State employees.
2. Minn. Stat., §179.70, subd. 1 (1974) requires the State of Minnesota to enter into contracts containing the agreed upon terms and conditions of employment.
3. Minn. Stat., §179.70, subd. 2 (1974) requires the employer to change Personnel Rules, when necessary, to implement collective bargaining agreements.
4. Minn. Stat., §43.05, subd. 1 (1974) requires that the Commissioner of Personnel treat equitably all state employees. This provision mandates that union and non-union employees be given similar terms and conditions of employment, unless justified by other factors.
5. A number of proposed rule changes were negotiated or arbitrated with exclusive representatives of state employees and are proposed to be extended to other state employees.

6. A number of changes are necessary to bring rules into conformance with newly adopted or amended 1975 legislation. (SP-3), (M-2)*

I find the following facts justify adoption of specific rules.

7. Personnel Rule 4. Minn. Stat., §43.05 (1974) requires the Commissioner of Personnel to ensure equitable treatment between employees in the classified and the unclassified civil service. Since the current Personnel Rules generally only cover the classified service, the extension of many of the Personnel Rules to cover the unclassified service would bring desirable consistency to the working conditions of all state employees. (SP-4, 5), (M-2, 3)

8. Personnel Rule 7. The subject matter of the language deleted is covered in Personnel Rule 140 and also in Minn. Stat., §43.22. It is necessary therefore to delete the provision in Personnel Rule 7. (SP-4, 5), (M-4)

9. Personnel Rule 9. Minn. Laws 1975, Chapter 399 deleted the requirement of an oath and this change is therefore necessary to bring the rule into conformity with law. (SP-5), (M-5)

10. Personnel Rule 10. The proper role of the Commissioner of Personnel when a temporary unclassified position is established is to designate whether it is in the classified or the unclassified service. The Commissioner of Personnel has no authority to approve the creation or the establishment of any position. This change accurately describes the role of the Commissioner of Personnel. (SP-5)

11. Personnel Rule 11. In order to ensure that the Department of Personnel fulfills its obligation as to contractual services, it is necessary to extend the coverage of the rule to unclassified employees in the executive branch. The role of Personnel Rule 11 is to ensure only that a proposed contractual service does not constitute an employer-employee relationship. Therefore a number of changes are made to ensure that the rule performs its proper purpose. (SP-5, 6), (M-5, 6)

* References to the Saint Paul transcript will be (SP-1); to the Mankato transcript as (M-1); and to the Brainerd transcript as (B-1).

12. Personnel Rule 12. Minn. Laws, 1975, Chapter 431 amended the provisions of the Career Executive Service. The changes made here are to bring the rule into conformity with law. (SP-6), (M-6)

13. Personnel Rule 18. See paragraph 7. (SP-7), (M-7)

14. Personnel Rule 19. See paragraph 7. (SP-7), (M-7)

15. Personnel Rule 20. See comment to Personnel Rule 39. (SP-7), (M-7)

16. Personnel Rule 29. See paragraph 7. The changes in Rule 29 (i) clarify the situations in which an employee may receive a separate salary from more than one state agency. In addition, the new language makes clear present practice. (SP-7-10), (M-7-10)

17. Personnel Rule 30. See paragraph 7 (SP-10), (M-11)

18. Personnel Rule 31. This subject is covered in Personnel Rule 130 and is therefore redundant in Rule 31. (SP-10), (M-11)

19. Personnel Rule 33. Minn. Stat., §43.212, authorizes the Commissioner to delegate to Personnel Officers authority in certain areas. In order to more effectively perform certain routine operations, it is necessary to delegate compensation and classification authority. (SP-10-12)

20. Personnel Rule 39(b). This rule incorperates former Personnel Rule 20 in a more logical position and provides the situations in which the incumbent of a reallocated position may be appointed to that position. It is necessary to have guidelines so as to make sure that there is no confusion in this area. (SP-12-14), (M-12-14)

21. Personnel Rule 40. Minn. Laws 1975, Chapter 379 deleted the requirement that application blanks contain an oath. This change is necessary to bring the rule into conformity with the law. Minn. Stat. §43.28 (1974) states the penalty for a wrongful statement on the application form. The new language in Rule 40 makes applicants more aware of that provision. (SP-14), (M-14)

22. Personnel Rules 47 and 48. Minn. Laws 1975, Chapter 45 made a number of changes in the Veterans Preferance Act. The changes in Rules 47 and 48 all bring the rules into conformity.with the law. (SP-14-17), (M-14-16)

23. Personnel Rule 50. All appeal procedures have been incorporated into one chapter in the personnel rules. This will make the appeal and grievance procedures easier to use for state employees. (See Personnel Rules 176-179) (SP-17), (M-16)

24. Personnel Rule 51. The changes are necessary to delete obsolete and seldom used language. (SP-17), (M-16)

25. Personnel Rule 56. See paragraphs 1-3. (SP-17), (M-16)

26. Personnel Rule 61. This rule will make it easier for former employees to return to work for the State and will therefore enhance the State's workforce. (SP-18), (M-17)

27. Personnel Rule 65. Minn. Laws 1975, chapter 45 made changes in the way in which a perspective employee may be removed from an eligible list. Changes in subdivisions (c), (d), (h) and (1) are required to conform the rule to law. Because of the current delays in the postal system, it is necessary to allow applicants more time to respond by changeing the five days to ten days. (SP-18-20), (M-17), Letter of MGEC

28. Personnel Rule 88. The new language is a rewording of the old language and is necessary to make clear under what conditions an employee may receive more than one provisional appointment. (SP-20-21), (M-17-18)

29. Personnel Rule 89. Recent legislation deleted the requirement of an annual report of the Department of Personnel to the legislature. It is therefore no longer necessary to have this rule. (SP-21), (M-18)

30. Personnel Rule 97. The new subsection (e) is necessary to implement Minn. Stat., §43.127 (1975). The longer probationary period for individuals in the management compensation schedule is necessary because of the more complex jobs in that schedule. The provision that employees are automatically certified if the employer fails to certify is necessary to conform with recent legislation. (SP-22-23), (M-18-19)

31. Personnel Rule 98. Legislation in the 1975 session deleted the absolute number of employee performance appraisals that each employee had to be given and allowed the Commissioner of Personnel to establish how many should be made. This rule is necessary to implement the statutory change. (SP-23), (M-19)

32. Personnel Rule 100. The subject matter of this rule is covered in Personnel Rule 111, is duplicative of language in that rule; and it is therefore necessary to delete the rule. (SP-23), (M-20)

33. Personnel Rule 101. The new language is necessary to comply with statutory changes in Minn. Laws 1975, Chapter 381. (SP-23), (M-20)

34. Personnel Rule 106. This language is necessary to clarify on what day individuals covered by the mandatory retirement provisions must retire. (SP-24), (M-20,21)

35. Personnel Rule 108. The changes in this section are necessary to bring the rule into conformity Minn. Stat., §43.24, subds. 1, 2, and 3. (SP-24-26) (M-21,22)

36. Personnel Rule 110. This section brings the rule into conformity with Minn. Stat. §43.24, and also allows the appointing authority to reestablish the employee with all rights and benefits if an unjust demotion occurs; this allows the saving of time and money if the appointing authority and the employee can come to an agreement. (SP-26), (M-22)

37. Personnel Rule 111. The first new language incorporates the statutory requirements of Minn. Stat., §43.32 by requiring that certain supervisors must have training before they can be certified. The second new paragraph again allows the appointing authority to give an employee who is unjustifiably dismissed all rights and benefits that he had before dismissal, again saving time and money. (SP-26-30), (M-22-23)

38. Personnel Rule 119. These changes simply correct erroneous language and make certain very minor changes. (SP-30-31), (M-23)

39. Personnel Rule 125. All grievance procedures are now incorporated in Personnel Rules 176-179; it is therefore necessary to delete this rule. (SP-31), (M-24)

40. Personnel Rule 129. Special teachers are added to the compensation shcedule for shift differential as provided in collective bargaining agreements. See paragraphs 1-5. (SP-31), (M-24)

41. Personnel Rule 130. This change will insure consistency in state departments in overtime provisions. Flexibility will be provided by allowing deviations from the Commissioner of Personnel's overtime standards if good cause is shown. (SP-32), (M-24-25)

42. Personnel Rule 131. See paragraph 7. (SP-32), (M-26-27)

43. Personnel Rule 132. This change is necessary in order to insure that workers who do not show up for a period of time are given the same procedural protections when dismissed as are other workers. (SP-32-26), (M-27)

44. Personnel Rule 133(b). This change is necessary to conform with new statutory language referring to worker's compensation. (SP-36), (M-27-28)

45. Personnel Rule 134. This change is necessary to correct an error in the rules as promulgated in 1974. (SP-36-37), (M-28)

46. Personnel Rule 135. Because of the usual short term of department heads and deputies, it is necessary to have a different and generally higher annual leave provision for these employees. (M-28-29) Letters of Todd, Novak

47. Personnel Rule 136. Changes in the accrual rate for persons on workers' compensation are necessary in order to treat those individuals equitably. (SP- 37), (M-29)

48. Personnel Rule 137. See paragraph 7. (SP-38), (M-29-30)

49. Personnel Rule 138. See paragraph 7. (SP-38), (M-29-30)

50. Personnel Rule 139. See paragraph 7. (SP-38), (M-29-30)

51. Personnel Rule 140. These changes are necessary to conform Rule 140 to Minn. Stat. §43.22, subd. 3. (SP-38), (M-30-31)

52. Personnel Rule 141. See paragraph 7. (SP-38)

53. Personnel Rule 142. This would treat unclassified employees equitably with regard to transferring annual and sick leave to their credit. See paragraph 7. (SP-38-39), (M-29-30)

54. Personnel Rule 143. See paragraph 7. (SP-39), (M-29-30)

55. Personnel Rule 144. This change is necessary to delete obsolete language. (SP-39-40), (M-29-30)

56. Personnel Rule 146. This section is necessary in order to implement the flexible benefits provision contained in Minn. Stat., §43.127 (1975). (SP-40-41), (M-30-31)

57. Personnel Rule 151. This rule is necessary because of 1975 legislation deleting employee performance appraisal at set periods. The Commissioner now has the authority to establish, by Personnel Rule, the periods of employee performance appraisals. (SP-41-43), (M-31)

58. Personnel Rule 154. This provision is consolidated in Personnel Rules 176-179. (SP-43), (M-32)

59. Personnel Rule 155. Minn. Stat., §43.245 requires the commissioner to promulgate rules reguarding the availability of performance appraisal. This rule implements that authority by providing to whom an appraisal may be available. (SP-43-45), (M-32)

60. Personnel Rule 160. See paragraph 7. (SP-45), (M-32)

61. Personnel Rule 166. This rule is necessary to implement the provisions of §43.32, subd. 10. (SP-45-47), (M-32-33)

62. Personnel Rule 175. This section is necessary in order to ensure that state employees are aware of a number of possible grievance procedures. (SP-47-48), (M-33)

63. Personnel Rule 176. The changes here are necessary in order to make clear what terms and conditions are grievable under Rules 176-179. The definition of grievance proposed is one which allows all employees a grievance procedure but does not allow employees within a bargaining unit their option of going one way or another. Employees who have a union contract are best served by only allowing grievances to be processed under that contract. (SP-48-53),(M-33-36)

64. Personnel Rule 177. It is necessary to ensure effective administration in management that decision and grievances in which the Commissioner of Personnel has no responsibility be allowed to be grieved to the Commissioner. Rather, effective management demands that certain grievances only be appealable to the appointing authority. (SP-53-61), (M-33-36), Letters of Larson, staff of M.H.D., Letter of Marzitelli

65. Personnel Rule 178. Language which is already defined in the definition section of the Rules is deleted. (SP-53-61), (M-33-36)

66. Personnel Rule 179. This section consolidates in virtually identical language appeals and investigation routes currently existing in the Personnel Rules. This is desirable to ensure that state employees are aware of routes available to them. (SP-59-61)

67. Personnel Rule 180. See paragraph 7. (SP-62), (M-36-38)

68. Personnel Rule 181. The change in 181(a)(2) is a change which restores language which was inadvertantly deleted in the last change of the Personnel Rules. The language establishing a motorcycle reimbursement right is necessary because of the increasing number of motorcycles used by state employees. (SP-62-69), (M-36-38)

69. Personnel Rule 182. The language allows moving expenses to be paid to an employee who is recruited from outside the State of Minnesota. This will allow the state to more effectively recruit employees from outside the State. (SP-69), (M-36-38)

70. Personnel Rule 188. The requirement of an oath was deleted in the 1975 legislative session. This deletion conforms the rule to law. (SP-69), (M-38)

71. A number of terms are newly defined in the rules. These are necessary in order to simplify and make the rules easier to work with. (SP-69-74), (M-38-40)

STATE OF MINNESOTA

DEPARTMENT 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

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Acting Commissioner of Personnel of the State of Minnesota on the 17th day of December, 1975, at 9:00 a.m., in Room 116 B, Administration Building, St. Paul, Minnesota; on the 18th day of December, 1975, at 10:00 a.m., in Rooms 253-254, Centennial Student Union, Mankato, Minnesota 56001; on the 18th day of December, 1975, at 10:00 a.m., in the auditorium in Building 4, Brainerd, Minnesota 56401, 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, and all Minnesota Legislators.

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, fules 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 24th day of February, 1976 pursuant to authority vested in me by Minnesota Statutes, Sections 43.05, 43.32, 43.321, 43.322, 43.323, 43.326, 43.327 and 43.33.



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: February 24, 1976