

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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Marianne D. Short
Special Assistant
Attorney General

-Department of Public Safety- DPS 94, 128, 130, 140 and 141 of the Minnesota Department of Public Safety Governing Emergency Services (civil Defense)Merit System Procedures, Salary Pla

RULES AS ADOPTED WITH CHANGES INDICATED Exhibit D

B. Selection of Salary Ranges by Local Civil Defense Authority

1. The local Civil Defense authority shall select a salary plan for all employees 1) except those in a bargaining unit where a salary schedule has been negotiated by the board and the exclusive representative *and 2) except as provided in Des 94 B 6.* Such a plan shall be selected from each of the following salary schedules provided under DES 140: Professional--A, B, C; Clerical--A, B, C, D, E, F.

2. Such rates, as provided for in DES 94 B 1, shall be identified by alphabetical designation, and adjustment of the plan as provided in DES 94 D shall not serve to amend the alphabetical designated rates selected as the county plan.

3. The designation of the rates selected from the plan in each case shall be by resolution of the local Civil Defense authority. The Commissioner of Public Safety and the Supervisor shall be promptly notified of the rates selected by each jurisdiction.

4. The alphabetically designated rates selected by the local Civil Defense authority shall become the official plan for the local Civil Defense agency until amended by the salary setting authority as provided in DES 94 C .

5. Salary rates for incumbents of positions shall be established in accordance with the provisions of Rules DPW 116 B 1 and DPW 116 B 2 on the basis of the plan adopted by the local Civil Defense authority as provided above.

6. In agencies with an exclusive representative, the appointing authority has the discretion of paying confidential, supervisory, and other personnel not covered by an exclusive representative who are in the same class as the employees who have an exclusive representative, the same rate of pay and salary ranges as negotiated for the class under DES 94 E 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory or other excluded employees.

DES 129 Clerical Group

A. Clerk I

1. Kind of work:

Under immediate supervision, performs routine clerical work that may be learned while on the job; and performs related work as assigned.

2. Examples of work: (Illustrative only)

Codes materials using number or letter codes. ~~Checks bills before payments.~~ Files and pulls material from files. ~~Writes relief orders. Posts to simple records.~~ *Maintains card indexes or other records of a narrow category of information, such as addresses, phone numbers, calling lists, etc.* ~~Operates mimeographing machine.~~ Sorts and distributes mail. *May* acts as receptionist, *greeting visitors and referring them to proper persons, or connecting callers with proper respondents, not requiring knowledge of agency programs.* Operates *simple* office machines not requiring previous training.

3. Knowledges and abilities required:

~~Knowledge of business arithmetic.~~

a. ~~Some~~ Knowledge of business English *and arithmetic. Knowledge of modern office procedures and practices.*

b. Ability to handle routine clerical duties with speed and accuracy. *Ability to understand and follow oral and written instructions. Ability to operate a variety of simple office machines not requiring special training. Ability to maintain simple clerical records.*

~~4. Desirable qualifications of education and experience:~~

~~Graduation from a standard high school. Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.~~

B. Clerk II

1. Kind of work:

Under supervision, performs varied clerical tasks requiring some independent judgment; and performs related work as assigned.

2. Examples of work: (Illustrative only)

~~Prepares documents for the payment of bills and salaries and the purchase of supplies. Compiles data and maintains records to be used as a basis for reports.~~ Proofreads and checks documents~~, posts to simple records~~ *for accuracy and assumes responsibility for errors.* Assumes responsibility for supervision of filing ~~according to predetermined classifications.~~ *May assign and check the work of other clerks.* Verifies *important* information ~~gained by social workers on property ownership, bank accounts, wages, etc.~~ Operates simple office machines not requiring previous training. ~~Gives general information to the public and acts as receptionist. Occasionally supervises other clerical workers. May operate a key drive calculating machine.~~ *Maintains moderately complex records and prepares reports from such records. Trains new clerical employees. Receives visitors, determines the nature of business, supplies information or directs to proper person, requiring a working knowledge of the operation of the agency.*

3. Knowledges and abilities required:

a. *Knowledge of office procedures. Knowledge of agency programs and organizations.* ~~Knowledge of business arithmetic.~~ Knowledge of ~~spelling and~~ business English *and business arithmetic.* ~~Knowledge of office procedures.~~

b. Ability to perform clerical tasks systematically and efficiently. *Ability to operate a variety of simple office machines not requiring special training.* Ability to follow ~~somewhat~~ complex written and oral instructions. *Ability to deal with the public in a tactful and efficient manner. Ability to maintain moderately complex clerical records and prepare reports from such records.*

4. ~~Desirable qualifications of education and experience:~~

~~Graduation from a standard high school and one year's experience in general~~

office work.

OR

When taking a promotional examination for this position, a permanent clerical employee may substitute additional experience as a full-time paid clerical worker for the high school education, on the basis of two years of clerical experience for each year of high school education. Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.

DES 129 Clerical Group

C. Clerk III

1. Kind of work:

Performs difficult and responsible clerical work with responsibility for independent handling of single clerical phase of the departmental program or supervises a group of employees engaged in routine tasks; and performs related work as assigned.

2. Examples of work: (Illustrative only)

Performs difficult clerical operations in a small unit. *Assigns and reviews work of other clerical workers.* Supervises a group of clerical employees engaged in routine clerical operations, such as typing~~,~~ *or* filing~~, posting, or tabulating~~. ~~Reviews the work of clerks and typists clearing registrations in a social service registration bureau.~~ Proofs important documents. ~~Prepares monthly case court for tabulation. Assists in the preparation of reports.~~ *Prepares reports from unassembled materials. Trains new clerical employees. Makes decisions in accordance with general policy established.* Assists in the development of new procedures and puts them into effect. Relates the services of the clerical staff to the professional activities of the unit.

3. Knowledges and abilities required:

a. ~~Thorough~~ Knowledge of departmental programs, operations, and policies with respect to general functions performed. ~~Thorough knowledge of business arithmetic, spelling and business English. Considerable~~ Knowledge of office procedures, practices and equipment. *Knowledge of business English and business arithmetic.*

b. ~~Ability to reduce complex assignments to an orderly system of proceedure.~~ *Ability to organize work efficiently. Ability to understand and follow complex oral and written directions. Ability to deal with the public in a tactful and efficient manner.* Ability to plan, assign, and supervise the work of the other clerical employees. Ability to maintain good working relationships with ~~clerical and professional associates~~ *other employees.*

4. Desirable qualifications of education and experience:

a. Graduation from a standard high school and three years of office experience in a clerical capacity, one of which shall have been in responsible and difficult clerical work.

OR

b. When taking a promotional examination for this position, a permanent clerical employee may substitute additional experience as a full-time paid clerical employee for the high school education, on the basis of two years of experience for each year of high school education.

Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.

DES 130 Clerical Group

A. Clerk-Typist I

1. Kind of work:

Types from plain copy or ~~cylinder~~ dictating machine, files, does clerical work of a routine nature; and performs related work as assigned.

2. Examples of work: (Illustrative only)

Types from plain copy or dictating machine. Proofreads and checks. Types office forms. ~~Cuts stencils and operates duplicating machine. Orders office supplies. Assists in preparation of payroll and various financial reports. Acts as receptionist. Files.~~ *Operates simple office machines not requiring previous training. Serves as receptionist, greeting visitors and referring them to proper person or connecting callers with proper respondents. Maintains files by preparing new folders, keeping information current and returning information to files.*

3. Knowledges and abilities required:

a. Knowledge of ~~business arithmetic, spelling, and business English~~ *business English and arithmetic.* Knowledge of ~~simple~~ *modern* office procedures *and practices.*

b. Ability to type from plain copy at a satisfactory rate. *Ability to understand and follow oral and written instructions. Ability to maintain simple clerical records. Ability to deal with the public in a tactful and efficient manner. Ability to type from plain copy accurately at the rate of at least 25 words per minute.*

~~4. Desirable qualifications of education and experience:~~

~~Graduation from a standard high school.~~

~~Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.~~

DRS 130 Clerical Group

B. Clerk-Typist II

1. Kind of work:

With latitude for independent judgment, does responsible clerical work; utilizes typing skill although it may not occupy a large proportion of the time; *may* plans for flow of work and assigns tasks to other typists and clerks; and performs related work as assigned.

2. Examples of work: (Illustrative only)

Types letters, statements, and other material from *clear* copy ~~of~~, rough draft, *notes, or tape.* ~~Writes own letters on subjects delegated by superiors.~~ *Composes and types routine correspondence following established guidelines.* ~~Assigns work to other typists and clerks and checks it for accuracy.~~ *May assign and check the work of other clerks and typists.* ~~Prepares and maintains complex or involved final records when responsibility is involved in locating errors and inconsistencies.~~ Operates simple office machines not requiring previous training. ~~Gives the public general information requiring knowledge of a departmental program.~~ *Receives visitors, determines the nature of business, supplies information or directs to proper person, requiring a working knowledge of the operation of the agency. Proofreads important documents for accuracy and assumes responsibility for errors. Verifies important information. Trains new clerical employees. Maintains moderately complex records and prepares reports from such records.*

3. Knowledges and abilities required:

a. ~~Considerable~~ Knowledge of office procedures. Knowledge of agency programs and organizations. ~~Thorough~~ Knowledge of business English and business arithmetic.

b. ~~Ability to type at a satisfactory rate.~~ Ability to operate a variety of simple office machines not requiring special training. ~~Ability to do any clerical task that would fall within the scope of a unit or division.~~ *Ability to maintain moderately complex clerical records and prepare reports from such records.* Ability to organize work efficiently. *Ability to understand and follow complex*

oral and written directions. Ability to deal with the public in a tactful and efficient manner. Ability to type accurately from plain copy at the rate of at least 30 words per minute.

4. ~~Desirable qualifications of education and experience:~~

a. ~~Graduation from a standard high school and two years of office experience in a clerical capacity.~~

OR

b. ~~When taking a promotional examination for this position, a permanent clerical employee may substitute additional experience as a full-time paid clerical employee for the high school education, on the basis of two years of experience for each year of high school education.~~ ~~Note:~~ ~~Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.~~

DES 130 Clerical Group

C. Clerk-Typist III

1. Kind of work:

With considerable latitude for independent judgment, performs difficult and responsible clerical work; utilizes typing skill although it may not occupy a large proportion of the time; is responsible for independent handling of a single clerical phase of a departmental program or plans for flow of work and assigns tasks to a large number of other clerical employees; and performs related work as assigned.

2. Examples of work: (Illustrative only)

Types letters, statements, and other materials from copy or rough draft. Performs difficult clerical operations. Composes routine correspondence independently. Prepares reports from unassembled materials. Assigns and reviews work of clerical ~~assistants~~ *workers*. Supervises a large group of clerical employees engaged in routine clerical operations such as typing~~,~~ *or* filing~~, posting, or tabulating~~. Makes decisions in accordance with established policy. Assists in the development of new procedures and puts them into effect. Trains new clerical employees. *Relates the services of the clerical staff to the professional activities of the unit.*

3. Knowledges and abilities required:

a. ~~Considerable~~ Knowledge of departmental programs, operations, and policies ~~in connection~~ with *respect to* general functions performed. Knowledge of office procedures, practices, and equipment. ~~Thorough~~ Knowledge of business English~~, spelling,~~ and business arithmetic.

b. ~~Ability to type at a satisfactory rate.~~ Ability to organize ~~office procedures and direct a large clerical group~~ *work efficiently*. Ability to maintain good working relationships with ~~clerical and professional associates~~ *other employees. Ability to deal with the public in a tactful and efficient manner. Ability to plan, assign, and supervise the work of other clerical employees. Ability to understand and follow complex oral and written directions. Ability to type accurately from plain copy at the rate of at least 35 words per minute.*

4. Desirable qualifications of education and experience:

a. Graduation from a standard high school and three years of office experience in a clerical capacity, one of which shall have been in responsible and difficult clerical work.

OR

b. When taking a promotional examination for this position, a permanent clerical employee may substitute additional experience as a full-time paid clerical employee for the high school education, on the basis of two years of experience for each year of high school education.

Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.

DES 130 Clerical Group

D. Clerk-Stenographer I

1. Kind of work:

~~Under general supervision,~~ Takes dictation and transcribes it on the typewriter, maintains files, operates simple office machines, handles routine correspondence, and performs related work as assigned.

2. Examples of work: (Illustrative only)

Takes dictation and transcribes it. *Types routine correspondence following established guidelines.* ~~Assembles materials relating to cases; in proper folders. Keeps files in order and pulls requested material from the files. Handles routine correspondence independently.~~ *Maintains files by preparing new folders, keeping information current, and retrieving and returning information to files.* Operates simple office machines~~, such as addressograph or mimeograph~~ *not requiring previous training.* Performs general clerical work of a semi-routine nature. ~~Acts~~ *Serves* as receptionist ~~on occasion,~~ *greeting visitors and referring them to proper persons or connecting callers with proper respondents.*

3. Knowledges and abilities required:

a. *Knowledge of modern office practices and procedures.* ~~Thorough knowledge of business arithmetic. Thorough~~ Knowledge of business English and ~~spelling~~ *arithmetic.* ~~Some knowledge of general clerical work. Some knowledge of machinery common to most offices.~~

b. ~~Ability to take and transcribe dictation at a satisfactory rate. Ability to type from plain copy at a satisfactory rate.~~ *Ability to understand written and oral instructions. Ability to deal with the public in a tactful and efficient manner. Ability to maintain simple clerical records. Ability to type from plain copy accurately at the rate of at least 25 words per minute. Ability to take and transcribe dictation accurately at the rate of 60 words per minute.*

4. Desirable qualifications of education and experience:

Graduation from a standard high school.

Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.

DES 130 Clerical Group

E. Clerk-Stenographer II

1. Kind of work:

With latitude for independent judgment, does responsible clerical work, utilizes stenographic skill although it may not occupy a large proportion of time; *may* plans for flow of work and assigns tasks to other stenographers and clerks; and performs related work as assigned.

2. Examples of work: (Illustrative only)

Takes and transcribes dictation. ~~Writes own letters on subjects delegated by superior. Assigns work to other stenographers and clerks and checks it for accuracy. Maintains up-to-date manual for stenographic workers.~~ *Types letters, statements, and other material from clear copy, rough draft, notes, or tape. Composes and types routine correspondence following established guidelines. May assign and check the work of other clerks and stenographers.* Proofreads important documents for accuracy and assumes responsibility for errors. Verifies important information. Trains new clerical employees. ~~Meets the public and gives information in the absence of professional worker.~~ *Maintains moderately complex records and prepares reports from such records. Operates simple office machines not requiring previous training. Receives visitors, determines the nature of business, supplies information or directs to proper person, requiring a working knowledge of the operation of the agency.*

3. Knowledges and abilities required:

a. ~~Considerable~~ Knowledge of office procedures. Knowledge of agency programs and organization. ~~Thorough~~ Knowledge of business English and business arithmetic.

b. Ability to organize *work* efficiently. ~~Ability to take and transcribe dictation at a satisfactory rate. Ability to type at a satisfactory rate.~~ Ability to operate a variety of simple office machines not requiring special training. ~~Ability to do any clerical task that would fall within the scope of a unit or division.~~ *Ability to understand and follow complex oral and written directions. Ability to deal with the public in a tactful and efficient manner. Ability to maintain moderately complex clerical records*

and prepare reports from such records. Ability to type accurately from plain copy at a rate of at least 30 words per minute. Ability to take and transcribe dictation accurately at the rate of 60 words per minute.

4. Desirable qualifications of education and experience:

a. Graduation from a standard high school and two years of office experience in a clerical capacity.

OR

b. When taking a promotional examination for this position, a permament clerical employee may substitute additional experience as a full-time paid clerical employee for the high school education, on the basis of two years of experience for each year of high school education.

Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.

DES 130 Clerical Group

F. Clerk-Stenographer III

1. Kind of work:

With considerable latitude for independent judgment, performs responsible secretarial work for the head of a large division; plans for flow of work and assigns tasks to a large number of other stenographers; and performs related work as assigned.

2. Examples of work: (Illustrative only)

Takes dictation in important matters. Composes routine correspondence independently. Prepares ~~administrative~~ reports from unassembled materials. Assigns and reviews work of *other* clerical ~~assistants~~ *workers*. Supervises a large group of clerical employees engaged in routine clerical operations, such as typing, dictation, and filing. Trains new clerical employees. Makes decisions in accordance with general policy established ~~and handles public contacts~~. *Assists in the development of new procedures, and puts them into effect. Relates the services of the clerical staff to the professional activities of the unit.*

3. Knowledges and abilities required:

a. ~~Considerable~~ Knowledge of departmental programs, operations, and policies with respect to general functions performed. *Knowledge of business English and business arithmetic.* Knowledge of office procedures, practices, and equipment. ~~Thorough knowledge of business English and spelling. Knowledge of business arithmetic.~~

b. ~~Ability to take and transcribe dictation at a satisfactory rate. Ability to type at a satisfactory rate.~~ Ability to organize ~~office procedures and direct a large clerical group~~ *work efficiently. Ability to understand and follow complex oral and written directions. Ability to deal with the public in a tactful and efficient manner. Ability to plan, assign, and supervise the work of other clerical employees. Ability to maintain good working relationships with other employees. Ability to type accurately from plain copy at a rate of at least 35 words per minute. Ability to take and transcribe dictation accurately at a rate of 60 words per minute.*

4. Desirable qualifications of education and experience:

a. Graduation from a standard high school and three years of office experience in a clerical capacity, one of which shall have been in responsible and difficult clerical work.

OR

b. When taking a promotional examination for this position, a permanent clerical employee may substitute additional experience as a full-time paid clerical employee for the high school education, on the basis of two years of experience for each year of high school education.

Note: Persons appointed to positions in this class on a provisional basis must possess the qualifications specified in the statement of desirable qualifications of education and experience.

DES 140 Compensation Plan

A. Professional

1. Plan A

a. Class of Positions	1	2	3	4	5	6	7	8
Administrative Officer	991	1036	1084	1133	1182	1236	1294	1355
Asst. Civil Defense Director I	663	693	726	759	793	828	867	906
Asst. Civil Defense Director II	793	828	867	906	947	991	1036	1084
Asst. Civil Defense Director III	947	991	1036	1084	1133	1182	1236	1294
Asst. Civil Defense Director IV	1133	1182	1236	1294	1355	1415	1479	1546
Communications Officer	867	906	947	991	1036	1084	1133	1182
County Civil Defense Director I	947	991	1036	1084	1133	1182	1236	1294
County Civil Defense Director II	1084	1133	1182	1236	1294	1355	1415	1479
County Civil Defense Director III	1236	1294	1355	1415	1479	1546	1615	1689
County Civil Defense Director IV	1767	1848	1931	2019	2114	2210	2310	2412
Local Civil Defense Director I	759	793	828	867	906	947	991	1036
Local Civil Defense Director II	867	906	947	991	1036	1084	1133	1182
Local Civil Defense Director III	991	1036	1084	1133	1182	1236	1294	1355
Local Civil Defense Director IV	1236	1294	1355	1415	1479	1546	1615	1689
Local Civil Defense Director V	1767	1848	1931	2019	2114	2210	2310	2412
Operations Officer	991	1036	1084	1133	1182	1236	1294	1355
Public Information Officer	991	1036	1084	1133	1182	1236	1294	1355
Radiological Defense Officer	867	906	947	991	1036	1084	1133	1182
Safety Services Coordinator	991	1036	1084	1133	1182	1236	1294	1355

A. Professional

2. Plan B

a. Class of Positions	1	2	3	4	5	6	7	8
Administrative Officer	1036	1084	1133	1182	1236	1294	1355	1415
Asst. Civil Defense Director I	693	726	759	793	828	867	906	947
Asst. Civil Defense Director II	828	867	906	947	991	1036	1084	1133
Asst. Civil Defense Director III	991	1036	1084	1133	1182	1236	1294	1355
Asst. Civil Defense Director IV	1182	1236	1294	1355	1415	1479	1546	1615
Communications Officer	906	947	991	1036	1084	1133	1182	1236
County Civil Defense Director I	947	991	1036	1084	1133	1182	1236	1294
County Civil Defense Director II	1084	1133	1182	1236	1294	1355	1415	1479
County Civil Defense Director III	1236	1294	1355	1415	1479	1546	1615	1689
County Civil Defense Director IV	1767	1848	1931	2019	2114	2210	2310	2412
Local Civil Defense Director I	759	793	828	867	906	947	991	1036
Local Civil Defense Director II	867	906	947	991	1036	1084	1133	1182
Local Civil Defense Director III	991	1036	1084	1133	1182	1236	1294	1355
Local Civil Defense Director IV	1236	1294	1355	1415	1479	1546	1615	1689
Local Civil Defense Director V	1767	1848	1931	2019	2114	2210	2310	2412
Operations Officer	1036	1084	1133	1182	1236	1294	1355	1415
Public Information Officer	1036	1084	1133	1182	1236	1294	1355	1415
Radiological Defense Officer	906	947	991	1036	1084	1133	1182	1236
Safety Services Coordinator	1036	1084	1133	1182	1236	1294	1355	1415

A. Professional

3. Plan C

a. Class of Position	1	2	3	4	5	6	7	8
Administrative Officer	1084	1133	1182	1236	1294	1355	1415	1479
Asst. Civil Defense Director I	726	759	793	828	867	906	947	991
Asst. Civil Defense Director II	867	906	947	991	1036	1084	1133	1182
Asst. Civil Defense Director III	1036	1084	1133	1182	1236	1294	1355	1415
Asst. Civil Defense Director IV	1236	1294	1355	1415	1479	1546	1615	1689
Communications Officer	947	991	1036	1084	1133	1182	1236	1294
County Civil Defense Director I	947	991	1036	1084	1133	1182	1236	1294
County Civil Defense Director II	1084	1133	1182	1236	1294	1355	1415	1479
County Civil Defense Director III	1236	1294	1355	1415	1479	1546	1615	1689
County Civil Defense Director IV	1767	1848	1931	2019	2114	2210	2310	2412
Local Civil Defense Director I	759	793	828	867	906	947	991	1036
Local Civil Defense Director II	867	906	947	991	1036	1084	1133	1182
Local Civil Defense Director III	991	1036	1084	1133	1182	1236	1294	1355
Local Civil Defense Director IV	1236	1294	1355	1415	1479	1546	1615	1689
Local Civil Defense Director V	1767	1848	1931	2019	2114	2210	2310	2412
Operations Officer	1084	1133	1182	1236	1294	1355	1415	1479
Public Information Officer	1084	1133	1182	1236	1294	1355	1415	1479
Radiological Defense Officer	947	991	1036	1084	1133	1182	1236	1294
Safety Services Coordinator	1084	1133	1182	1236	1294	1355	1415	1479

B. Clerical

1. Plan A

a. Class of Positions

Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	434	451	467	483	499	518	539	560	581
Clerk II	499	518	539	560	581	602	623	646	672
Clerk III	581	602	623	646	672	699	726	755	786
Clerk-Typist I	451	467	483	499	518	539	560	581	602
Clerk-Typist II	499	518	539	560	581	602	623	646	672
Clerk-Typist III	581	602	623	646	672	699	726	755	786
Clerk-Steno I	483	499	518	539	560	581	602	623	646
Clerk-Steno II	539	560	581	602	623	646	672	699	726
Clerk-Steno III	602	623	646	672	699	726	755	786	818

2. Plan B

a. Class of Positions

Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	451	467	483	499	518	539	560	581	602
Clerk II	518	539	560	581	602	623	646	672	699
Clerk III	602	623	646	672	699	726	755	786	818
Clerk-Typist I	467	483	499	518	539	560	581	602	623
Clerk-Typist II	518	539	560	581	602	623	646	672	699
Clerk-Typist III	602	623	646	672	699	726	755	786	818
Clerk-Steno I	499	518	539	560	581	602	623	646	672
Clerk-Steno II	560	581	602	623	646	672	699	726	755
Clerk-Steno III	623	646	672	699	726	755	786	818	850

3. Plan C

a. Class of Positions

Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	467	483	499	518	539	560	581	602	623
Clerk II	539	560	581	602	623	646	672	699	726
Clerk III	623	646	672	699	726	755	786	818	850
Clerk-Typist I	483	499	518	539	560	581	602	623	646
Clerk-Typist II	539	560	581	602	623	646	672	699	726
Clerk-Typist III	623	646	672	699	726	755	786	818	850
Clerk-Steno I	518	539	560	581	602	623	646	672	699
Clerk-Steno II	581	602	623	646	672	699	726	755	786
Clerk-Steno III	646	672	699	726	755	786	818	850	884

B. Clerical

4. Plan D

a. Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	483	499	518	539	560	581	602	623	646
Clerk II	560	581	602	623	646	672	699	726	755
Clerk III	646	672	699	726	755	786	818	850	884
Clerk-Typist I	499	518	539	560	581	602	623	646	672
Clerk-Typist II	560	581	602	623	646	672	699	726	755
Clerk-Typist III	646	672	699	726	755	786	818	850	884
Clerk-Steno I	539	560	581	602	623	646	672	699	726
Clerk-Steno II	602	623	646	672	699	726	755	786	818
Clerk-Steno III	672	699	726	755	786	818	850	884	921

5. Plan E

a. Class of Positions	1	2	3	4	5	6	7	8
Clerk I	518	539	560	581	602	623	646	672
Clerk II	602	623	646	672	699	726	755	786
Clerk III	699	726	755	786	818	850	884	921
Clerk-Typist I	539	560	581	602	623	646	672	699
Clerk-Typist II	602	623	646	672	699	726	755	786
Clerk-Typist III	699	726	755	786	818	850	884	921
Clerk-Steno I	581	602	623	646	672	699	726	755
Clerk-Steno II	646	672	699	726	755	786	818	850
Clerk-Steno III	726	755	786	818	850	884	921	958

6. Plan F

a. Class of Positions	1	2	3	4	5	6	7
Clerk I	560	581	602	623	646	672	699
Clerk II	623	646	672	699	726	755	786
Clerk III	726	755	786	818	850	884	921
Clerk-Typist I	581	602	623	646	672	699	726
Clerk-Typist II	623	646	672	699	726	755	786
Clerk-Typist III	726	755	786	818	850	884	921
Clerk-Steno I	602	623	646	672	699	726	755
Clerk-Steno II	672	699	726	755	786	818	850
Clerk-Steno III	755	786	818	850	884	921	958

CIVIL DEFENSE SALARY SCHEDULE FOR PROFESSIONAL CLASSES

STANDARD TABLE FOR COMPUTING LESS-THAN-FULL-TIME SALARY, BI-WEEKLY, AND FOUR-WEEK SALARY RATES

Monthly Salary	Hourly Rate*	Salary Per Working Day for Month with the Following Number of Working Days Plus Holidays. (For Agencies That Pay by the Month or Twice a Month.)**				For Agencies Operating on a Two or Four-Week Payroll Period.		
		20 Days	21 Days	22 Days	23 Days	Daily Rate	Bi-Weekly Rate***	Four Weeks
$416	$2.39	$20.80	$19.81	$18.91	$18.09	$19.12	$191.20	$382.40
424	2.44	21.20	20.19	19.27	18.43	19.52	195.20	390.40
433	2.49	21.65	20.62	19.68	18.83	19.92	199.20	398.40
444	2.55	22.20	21.14	20.18	19.30	20.40	204.00	408.00
455	2.61	22.75	21.67	20.68	19.78	20.88	208.80	417.60
466	2.68	23.30	22.19	21.18	20.26	21.44	214.40	428.80
477	2.74	23.85	22.71	21.68	20.74	21.92	219.20	438.40
488	2.80	24.40	23.24	22.18	21.22	22.40	224.00	448.00
499	2.87	24.95	23.76	22.68	21.70	22.96	229.60	459.20
510	2.93	25.50	24.29	23.18	22.17	23.44	234.40	468.80
521	2.99	26.05	24.81	23.68	22.65	23.92	239.20	478.40
532	3.06	26.60	25.33	24.18	23.13	24.48	244.80	489.60
543	3.12	27.15	25.86	24.68	23.61	24.96	249.60	499.20
554	3.18	27.70	26.38	25.18	24.09	25.44	254.40	508.80
565	3.25	28.25	26.90	25.68	24.57	26.00	260.00	520.00
579	3.33	28.95	27.57	26.32	25.17	26.64	266.40	532.80
592	3.40	29.60	28.19	26.91	25.74	27.20	272.00	544.00
606	3.48	30.30	28.86	27.55	26.35	27.84	278.40	556.80
620	3.56	31.00	29.52	28.18	26.96	28.48	284.80	569.60
634	3.64	31.70	30.19	28.82	27.57	29.12	291.20	582.40
648	3.72	32.40	30.86	29.45	28.17	29.76	297.60	595.20
663	3.81	33.15	31.57	30.14	28.83	30.48	304.80	609.60
676	3.89	33.80	32.19	30.73	29.39	31.12	311.20	622.40
693	3.98	34.65	33.00	31.50	30.13	31.84	318.40	636.80
709	4.07	35.45	33.76	32.23	30.83	32.56	325.60	651.20
726	4.17	36.30	34.57	33.00	31.57	33.36	333.60	667.20
742	4.26	37.10	35.33	33.73	32.26	34.08	340.80	681.60
759	4.36	37.95	36.14	34.50	33.00	34.88	348.80	697.60
776	4.46	38.80	36.95	35.27	33.74	35.68	356.80	713.60
793	4.56	39.65	37.76	36.05	34.48	36.48	364.80	729.60

Monthly Salary	Hourly Rate*	Salary Per Working Day for Month with the Following Number of Working Days Plus Holidays. (For Agencies That Pay by the Month or Twice a Month.)**				For Agencies Operating on a Two or Four-Week Payroll Period.		
		20 Days	21 Days	22 Days	23 Days	Daily Rate	Bi-Weekly Rate***	Four Weeks
$810	$4.66	$40.50	$38.57	$36.82	$35.22	$37.28	$372.80	$745.60
828	4.76	41.40	39.43	37.64	36.00	38.08	380.80	761.60
847	4.87	42.35	40.33	38.50	36.83	38.96	389.60	779.20
867	4.98	43.35	41.29	39.41	37.70	39.84	398.40	796.80
886	5.09	44.30	42.19	40.27	38.52	40.72	407.20	814.40
906	5.21	45.30	43.14	41.18	39.39	41.68	416.80	833.60
925	5.32	46.25	44.05	42.05	40.22	42.56	425.60	851.20
947	5.44	47.35	45.10	43.05	41.17	43.52	435.20	870.40
969	5.57	48.45	46.14	44.05	42.13	44.56	445.60	891.20
991	5.70	49.55	47.19	45.05	43.09	45.60	456.00	912.00
1013	5.82	50.65	48.24	46.05	44.04	46.56	465.60	931.20
1036	5.95	51.80	49.33	47.09	45.04	47.60	476.00	952.00
1058	6.08	52.90	50.38	48.09	46.00	48.64	486.40	972.80
1084	6.23	54.20	51.62	49.27	47.13	49.84	498.40	996.80
1108	6.37	55.40	52.76	50.36	48.17	50.96	509.60	1019.20
1133	6.51	56.65	53.95	51.50	49.26	52.08	520.80	1041.60
1157	6.65	57.85	55.10	52.59	50.30	53.20	532.00	1064.00
1182	6.79	59.10	56.29	53.73	51.39	54.32	543.20	1086.40
1208	6.94	60.40	57.52	54.91	52.52	55.52	555.20	1110.40
1236	7.10	61.80	58.86	56.18	53.74	56.80	568.00	1136.00
1263	7.26	63.15	60.14	57.41	54.91	58.08	580.80	1161.60
1294	7.44	64.70	61.62	58.82	56.26	59.52	595.20	1190.40
1324	7.61	66.20	63.05	60.18	57.57	60.88	608.80	1217.60
1355	7.79	67.75	64.52	61.59	58.91	62.32	623.20	1246.40
1385	7.96	69.25	65.95	62.95	60.22	63.68	636.80	1273.60
1415	8.13	70.75	67.38	64.32	61.52	65.04	650.40	1300.80
1446	8.31	72.30	68.86	65.73	62.87	66.48	664.80	1329.60
1479	8.50	73.95	70.43	67.23	64.30	68.00	680.00	1360.00
1512	8.69	75.60	72.00	68.73	65.74	69.52	695.20	1390.40
1546	8.89	77.30	73.62	70.27	67.22	71.12	711.20	1422.40
1578	9.07	78.90	75.14	71.73	68.61	72.56	725.60	1451.20
1615	9.28	80.75	76.90	73.41	70.22	74.24	742.40	1484.80
1651	9.49	82.55	78.62	75.05	71.78	75.92	759.20	1518.40
1689	9.71	84.45	80.43	76.77	73.43	77.68	776.80	1553.60
1728	9.93	86.40	82.29	78.55	75.13	79.44	794.40	1588.80
1767	10.16	88.35	84.14	80.32	76.83	81.28	812.80	1625.60

Monthly Salary	Hourly Rate*	Salary Per Working Day for Month with the Following Number of Working Days Plus Holidays. (For Agencies That Pay by the Month or Twice a Month.)**				For Agencies Operating on a Two or Four-Week Payroll Period.		
		20 Days	21 Days	22 Days	23 Days	Daily Rate	Bi-Weekly Rate***	Four Weeks
$1806	$10.38	$90.30	$86.00	$82.09	$78.52	$83.04	$830.40	$1660.80
1848	10.62	92.40	88.00	84.00	80.35	84.96	849.60	1699.20
1889	10.86	94.45	89.95	85.86	82.13	86.88	868.80	1737.60
1931	11.10	96.55	91.95	87.77	83.96	88.80	888.00	1776.00
1972	11.33	98.60	93.90	89.64	85.74	90.64	906.40	1812.80
2019	11.60	100.95	96.14	91.77	87.78	92.80	928.00	1856.00
2066	11.87	103.30	98.38	93.91	89.83	94.96	949.60	1899.20
2114	12.15	105.70	100.67	96.09	91.91	97.20	972.00	1944.00
2160	12.41	108.00	102.86	98.18	93.91	99.28	992.80	1985.60
2210	12.70	110.50	105.24	100.45	96.09	101.60	1016.00	2032.00
2260	12.99	113.00	107.62	102.73	98.26	103.92	1039.20	2078.40
2310	13.28	115.50	110.00	105.00	100.43	106.24	1062.40	2124.80
2359	13.56	117.95	112.33	107.23	102.57	108.48	1084.80	2169.60
2412	13.86	120.60	114.86	109.64	104.87	110.88	1108.80	2217.60
2464	14.16	123.20	117.33	112.00	107.13	113.28	1132.80	2265.60
2518	14.47	125.90	119.90	114.45	109.48	115.76	1157.60	2315.20
2570	14.77	128.50	122.38	116.82	111.74	118.16	1181.60	2363.20
2628	15.10	131.40	125.14	119.45	114.26	120.80	1208.00	2416.00
2686	15.44	134.30	127.90	122.09	116.78	123.52	1235.20	2470.40
2747	15.79	137.35	130.81	124.86	119.43	126.32	1263.20	2526.40
2808	16.14	140.40	133.71	127.64	122.09	129.12	1291.20	2582.40
2871	16.50	143.55	136.71	130.50	124.83	132.00	1320.00	2640.00
2934	16.86	146.70	139.71	133.36	127.57	134.88	1348.80	2697.60
3000	17.24	150.00	142.86	136.36	130.43	137.92	1379.20	2758.40
3066	17.62	153.30	146.00	139.36	133.30	140.96	1409.60	2819.20
3135	18.02	156.75	149.29	142.50	136.30	144.16	1441.60	2883.20
3204	18.41	160.20	152.57	145.64	139.30	147.28	1472.80	2945.60
3283	18.87	164.15	156.33	149.23	142.74	150.96	1509.60	3019.20
3347	19.24	167.35	159.38	152.14	145.52	153.92	1539.20	3078.40
3423	19.67	171.15	163.00	155.59	148.83	157.36	1573.60	3147.20
3500	20.11	175.00	166.67	159.09	152.17	160.88	1608.80	3217.60
3578	20.56	178.90	170.38	162.64	155.57	164.48	1644.80	3289.60
3659	21.03	182.95	174.24	166.32	159.09	168.24	1682.40	3364.80

*Hourly rates are based on 2088 hours in a year.

**To compute the number of days in the month for which payment is to be made, count the working days plus the holidays. Do not count Saturdays or Sundays. After determining this number, find the appropriate working-day rate for the month salary rate at which the employee is currently being paid.

Multiply the rate per day by the number of days the employee worked (and/or was on approved vacation, sick leave, or holiday leave) in order to compute the payment for the pay period. Formula: Rate per working day X number of days worked = salary payment.

***To compute a partial payment on the bi-weekly rate, divide the bi-weekly rate by ten to find the daily rate. Multiply the daily rate by the number of days the employee worked (and/or was on approved vacation, sick leave, or holiday leave). Formula: Rate per working day X number of days worked = salary payment. Hourly rate is as shown in column two headed "Hourly Rate".

CIVIL DEFENSE SALARY SCHEDULE FOR CLERICAL CLASSES

STANDARD TABLE FOR COMPUTING LESS-THAN-FULL-TIME SALARY, BI-WEEKLY, AND FOUR-WEEK SALARY RATES

Monthly Salary	Hourly Rate*	Salary Per Working Day for Month with the Following Number of Working Days Plus Holidays. (For Agencies That Pay by the Month or Twice a Month.)**				For Agencies Operating on a Two or Four-Week Payroll Period.		
		20 Days	21 Days	22 Days	23 Days	Daily Rate	Bi-Weekly Rate***	Four Weeks
$426	$2.45	$21.30	$20.29	$19.36	$18.52	$19.60	$196.00	$392.00
434	2.49	21.70	20.67	19.73	18.87	19.92	199.20	398.40
443	2.55	22.15	21.10	20.14	19.26	20.40	204.00	408.00
451	2.59	22.55	21.48	20.50	19.61	20.72	207.20	414.40
459	2.64	22.95	21.86	20.86	19.96	21.12	211.20	422.40
467	2.68	23.35	22.24	21.23	20.30	21.44	214.40	428.80
475	2.73	23.75	22.62	21.59	20.65	21.84	218.40	436.80
483	2.78	24.15	23.00	21.95	21.00	22.24	222.40	444.80
491	2.82	24.55	23.38	22.32	21.35	22.56	225.60	451.20
499	2.87	24.95	23.76	22.68	21.70	22.96	229.60	459.20
507	2.91	25.35	24.14	23.05	22.04	23.28	232.80	465.60
518	2.98	25.90	24.67	23.55	22.52	23.84	238.40	476.80
528	3.03	26.40	25.14	24.00	22.96	24.24	242.40	484.80
539	3.10	26.95	25.67	24.50	23.43	24.80	248.00	496.00
549	3.16	27.45	26.14	24.95	23.87	25.28	252.80	505.60
560	3.22	28.00	26.67	25.45	24.35	25.76	257.60	515.20
570	3.28	28.50	27.14	25.91	24.78	26.24	262.40	524.80
581	3.34	29.05	27.67	26.41	25.26	26.72	267.20	534.40
591	3.40	29.55	28.14	26.86	25.70	27.20	272.00	544.00
602	3.46	30.10	28.67	27.36	26.17	27.68	276.80	553.60
612	3.52	30.60	29.14	27.82	26.61	28.16	281.60	563.20
623	3.58	31.15	29.67	28.32	27.09	28.64	286.40	572.80
633	3.64	31.65	30.14	28.77	27.52	29.12	291.20	582.40
646	3.71	32.30	30.76	29.36	28.09	29.68	296.80	593.60
659	3.79	32.95	31.38	29.95	28.65	30.32	303.20	606.40
672	3.86	33.60	32.00	30.55	29.22	30.88	308.80	617.60
685	3.94	34.25	32.62	31.14	29.78	31.52	315.20	630.40
699	4.02	34.95	33.29	31.77	30.39	32.16	321.60	643.20

Monthly Salary	Hourly Rate*	Salary Per Working Day for Month with the Following Number of Working Days Plus Holidays. (For Agencies That Pay by the Month or Twice a Month.)**				For Agencies Operating on a Two or Four-Week Payroll Period.		
		20 Days	21 Days	22 Days	23 Days	Daily Rate	Bi-Weekly Rate***	Four Weeks
$712	4.09	35.60	33.90	32.36	30.96	32.72	327.20	654.40
726	4.17	36.30	34.57	33.00	31.57	33.36	333.60	776.20
739	4.25	36.95	35.19	33.59	32.13	34.00	340.00	680.00
755	4.34	37.75	35.95	34.32	32.83	34.72	347.20	694.40
770	4.43	38.50	36.67	35.00	33.48	35.44	354.40	708.80
786	4.52	39.30	37.43	35.73	34.17	36.16	361.60	723.20
802	4.61	40.10	38.19	36.45	34.87	36.88	368.80	737.60
818	4.70	40.90	38.95	37.18	35.57	37.60	376.00	752.00
834	4.79	41.70	39.71	37.91	36.26	38.32	383.20	766.40
850	4.89	42.50	40.48	38.64	36.96	39.12	391.20	782.40
866	4.98	43.30	41.24	39.36	37.65	39.84	398.40	796.80
884	5.08	44.20	42.10	40.18	38.43	40.64	406.40	812.80
902	5.18	45.10	42.95	41.00	39.22	41.44	414.40	828.80
921	5.29	46.05	43.86	41.86	40.04	42.32	423.20	846.40
939	5.40	46.95	44.71	42.68	40.83	43.20	432.00	864.00
958	5.51	47.90	45.62	43.55	41.65	44.08	440.80	881.60
976	5.61	48.80	46.48	44.36	42.43	44.88	448.80	897.60
997	5.73	49.85	47.48	45.32	43.35	45.84	458.40	916.80
1018	5.85	50.90	48.48	46.27	44.26	46.80	468.00	936.00
1039	5.97	51.95	49.48	47.23	45.17	47.76	477.60	955.20
1060	6.09	53.00	50.48	48.18	46.09	48.72	487.20	974.40
1082	6.22	54.10	51.52	49.18	47.04	49.76	497.60	995.20
1103	6.34	55.15	52.52	50.14	47.96	50.72	507.20	1014.40
1127	6.48	56.35	53.67	51.23	49.00	51.84	518.40	1036.80
1151	6.61	57.55	54.81	52.32	50.04	52.88	528.80	1057.60
1176	6.76	58.80	56.00	53.45	51.13	54.08	540.80	1081.60
1201	6.90	60.05	57.19	54.59	52.22	55.20	552.00	1104.00
1227	7.05	61.35	58.43	55.77	53.35	56.40	564.00	1128.00
1254	7.21	62.70	59.71	57.00	54.52	57.68	576.80	1153.60
1281	7.36	64.05	61.00	58.23	55.70	58.88	588.80	1177.60
1309	7.52	65.45	62.33	59.50	56.91	60.16	601.60	1203.20
1337	7.68	66.85	63.67	60.77	58.13	61.44	614.40	1228.80
1366	7.85	68.30	65.05	62.09	59.39	62.80	628.00	1256.00

*Hourly rates are based on 2088 hours in a year.

**To compute the number of days in the month for which payment is to be made, count the working days plus the holidays. Do not count Saturdays or Sundays. After determining this number, find the appropriate working-day rate for the month salary rate at which the employee is currently being paid.

Multiply the rate per day by the number of days the employee worked (and/or was on approved vacation, sick leave, or holiday leave) in order to compute the payment for the pay period. Formula: Rate per working day X number of days worked = salary payment.

***To compute a partial payment on the bi-weekly rate, divide the bi-weekly rate by ten to find the daily rate. Multiply the daily rate by the number of days the employee worked (and/or was on approved vacation, sick leave, or holiday leave). Formula: Rate per working day X number of days worked = salary payment. Hourly rate is as shown in column two headed "Hourly Rate."

APPROVED AS TO FORM AND LEGALITY

DEC 0 8 1977 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 7 1977
Joan Anderson Growe
Secretary of State

9:30 A.M.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Amendments to Rules DES 94, 129, 130, 140 and 141 of the Minnesota Department of Public Safety Governing the Emergency Services (Civil Defense) Merit System Procedures, Classifications and Salary Plans

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Mr. Steve M. Mihalchick, Hearing Examiner, Office of Hearing Examiners of the State of Minnesota on the Fourteenth day of October, 1977, at 9:30 a.m. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412, subd. 4 (1976) as amended by Laws 1977, Chapter 443, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

At said hearing proposed amendments to the above-captioned rules were considered as originally proposed as shown in the attached Exhibit A hereto. Ms. Barbara Sundquist, Merit System Supervisor, made the Agency presentation at the hearing. Thirty persons attending the hearing signed the register. The hearing continued until all interested groups and persons had an opportunity to be heard. Based upon the proceedings as indicated in the Report of Hearing Examiner, dated October 25, 1977, a copy of which is attached as Exhibit B hereto, the Hearing Examiner made Findings of Fact, Conclusions and Recommendations.

Pursuant to Minnesota Statutes § 15.0412, subd. 4 (1976), as amended by Laws 1977, Chapter 443, said Report has been available to all affected persons for over five days subsequent to the date of the Report.

After affording interested persons an opportunity to present written and/or oral statements, having reviewed all of the testimony, having considered all of the evidence adduced, having considered the report of the Hearing Examiner, and upon all the proceedings and testimony herein and applicable statutory standards or criteria,

and having determined the need for the above-captioned rules and the reasonableness thereof.

NOW THEREFORE, IT IS ORDERED THAT the Commissioner hereby

1) adopts and incorporates herein the Report of the Hearing Examiner, dated October 25, 1977, and

2) adopts the proposed amendments to the above-entitled rules with minor corrections due to errors in printing, which changes are listed in the attached Exhibit C hereto.

IT IS FURTHER ORDERED THAT the above-captioned rules from and after this day of November 7, 1977, shall read in their entirety as set forth in the attached Exhibit D, hereto, pursuant to the authority vested in me pursuant to Minnesota Statutes, Chapter 15 and 256.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edw. G. Novak

Edward G. Novak
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES DES 94, 129, 130, 140 AND 141 OF THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY GOVERNING THE MERIT SYSTEM PROCEDURES, CLASSIFICATIONS AND SALARY PLANS

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the auditorium of the State Office Building, Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota, on Friday, October 14, 1977, commencing at 9:30 a.m., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edw G Novak

Edward G. Novak
Commissioner

DATE Aug. 24, 1977

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Marianne D. Short 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 Rule Making Procedures and all relevant statutory provisions have been followed.

Marianne D. Short

MARIANNE D. SHORT
Special Assistant
Attorney General

Dated: November 14, 1977

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF PROPOSED AMENDMENTS
TO RULES DES 94, 129, 130, 140 AND 141
OF THE MINNESOTA DEPARTMENT OF PUBLIC
SAFETY GOVERNING MERIT SYSTEM PROCEDURES,
CLASSIFICATIONS AND SALARY PLANS.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above entitled matter will be held in the auditorium of the State Office Building, Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota on Friday, October 14, 1977 commencing at 9:30 A.M., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Steve Mihalchick, Office of Hearing Examiner, 1745 University Avenue, St. Paul, Minnesota, 55104, either before the hearing or within 5 working days after the close of the hearing or for a longer period not to exceed 20 days if so ordered by the hearing examiner.

If adopted, the proposed revisions to Minn. Rule DES 140 will adjust the Emergency Services (Civil Defense) Merit System compensation plan for positions in the county and local agencies. As a result of the salary survey completed July 31, 1977, it is recommended that the salaries for the classes on the professional salary schedules A, B and C be adjusted 5% at minimum and maximum with some exceptions and that the salaries for the classes on the clerical salary schedules A, B, C, D and E be adjusted $45.00 at minimum and maximum with some exceptions, and that salaries for the classes on the F clerical salary schedule be adjusted $45.00 at minimum and the F plan maximum reduced from eight to seven steps. The proposed effective date of these adjustments is January 1, 1978. If adopted, a reasonable estimate of the total cost

to all county and local agencies (moving existing employees to the new minimum) for the implementation of this rule is $1,360.00 annually for the next two years.

Revisions to Minn. Rule DES 141 are proposed to reflect the adjustments proposed in Minn. Rule DES 140 and to show methods of payment on a monthly, hourly, biweekly or four week payroll period. The proposed effective date of this rule revision is January 1, 1978.

Under proposed revisions to Minn. Rule DES 94 B., 1. and 6., the appointing authority will have the discretion of paying confidential, supervisory and other personnel not covered by an exclusive representative, who are in the same class as employees who have an exclusive representative, the same rate of pay and salary range as negotiated for the class in the exclusive bargaining agreement. This option will provide more flexibility in the appointing authority's salary plans as they relate to county employees outside of the exclusive bargaining agreement.

Amendments to Minn. Rules DES 129 and 130 are proposed to update current clerical classifications and to eliminate minimum qualifications of education and experience for these classes. The amendments affect the following classifications: Clerk I; Clerk II; Clerk III (Minn. Rule DES 129 A., B., C.); Clerk-Typist I; Clerk-Typist II; Clerk-Typist III (Minn. Rule DES 130 A., B., C.); Clerk-Stenographer I; Clerk-Stenographer II; Clerk-Stenographer III (Minn. Rule DES 130 D., E., F.).

Copies of the proposed rules and the salary survey are now available and one free copy may be obtained by writing to the Merit System Supervisor, Minnesota Merit System, Fourth Floor, Centennial Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 12.12, Subd. 3. A "Statement of Need" explaining why the agency feels the proposed rules are necessary and a "Statement of Evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

This Hearing will be held in conjunction with the Minnesota Department of Health and the Minnesota Department of Public Welfare. Some similar amendments to administrative rules of these agencies will be considered. Under the provisions of Minn. Rule DES 91 B. 1. c. Minn. Rules DPW 95 through 110 also apply to county and local emergency service agencies. In accordance with this Rule, if adopted the proposed revisions to Minn. Rules DPW 104 B. and D. and DPW 104 B. and D. will apply to emergency service agencies. A copy of the Notice of Hearing for the Minnesota Departments of Health and Public Welfare are attached for your information.

Please be advised that Minn. Stat. Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

Edw G Novak

EDWARD G. NOVAK

COMMISSIONER

DATE Aug. 24, 1977

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Amendments to Rules DES 94, 129, 130, 140 and 141 of the State Department of Public Safety Governing the Division of Emergency Services (Civil Defense) Merit System Procedures, Classifications and Salary Plans.

AFFIDAVIT OF MAILING

I, Pat Flatten, being first duly sworn, deposes and says:

That on the 9 day of Sept, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, (s)he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the address listed on the attached Certificate of the Secretary of State.

Pat Flatten

Subscribed and sworn to before me this 9th day of September, 1977.

Lorraine C Pfeiffer

LORRAINE C. PFEIFFER
Notary Public, Dakota Co., Mn.
My Commission Expires
Sept. 29, 1979

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Amendments to Rules DES 94, 129, 130, 140 and 141 of the State Department of Public Safety Governing the Emergency Services (Civil Defense) Merit System Procedures, Classifications and Salary Plans.

CERTIFICATE

I hereby certify that the attached 493 labels and 13 sheets for Emergency Services (Civil Defense) constitute the complete list of persons, associations, and other interested groups who, as of 1:30 o'clock P.M., this 7th day of September, 1977, have requested pursuant to M.S. 1971, Section 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 Cheri L. Mattson

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

BEFORE EDWARD G. NOVAK
COMMISSIONER OF PUBLIC SAFETY

In the Matter of Proposed Amendments
to Rules DES 94, 129, 130, 140 and 141
of the Minnesota Department of Public
Safety Governing Merit System Procedures,
Classifications and Salary Plans

SUMMARY
STATEMENT OF NEED

The above-captioned rules are amendments to existing rules of the Department of Public Safety governing the Emergency Services Merit System procedures, classifications and salary plans. The last time these rules were amended was: DES 94 - February 27, 1977, DES 129 and 130 - January 1, 1972. DES 140 and 141 - February 27, 1977.

Amendments to Minn. Rules DES 94, 129, 130, 140 and 141 are necessary to update the existing personnel policies, clerical classification specifications and salary plans under Merit System jurisdiction. Specifically, the amendments are needed for the following reasons:

Revisions to Minn. Rule DES 94 B. 1. and 6. are needed to allow the appointing authority the discretion of paying confidential, supervisory and other personnel not covered by an exclusive representative, who are in the same class as employees who have an exclusive representative, the same rate of pay and salary range as negotiated for the class in the bargaining agreement. This option is needed to give appointing authorities with union contracts more flexibility in determining the rates of pay for their exempt employees.

Revisions to Minn. Rules DES 129 and 130 are needed to update current clerical classifications and to eliminate minimum qualifications of education and experience for these classes. Changes have occurred in clerical jobs since the clerical classifications were last revised and a general modernizing of the terminology used is needed. The elimination of the mininum qualifications of education and experience will permit the appointing authorities more freedom in recruitment and allow them to readily pursue affirmative action goals. The amendments affect the following classifications: Clerk I; Clerk II; Clerk III (Minn. Rule DES 129 A., B., C.); Clerk-Typist I; Clerk-Typist II; Clerk-Typist III (Minn. Rule DES 130 A., B., C.); Clerk-Stenographer I; Clerk-Stenographer II; Clerk-Stenographer III (Minn. Rule DES 130 D., E., F.).

Revisions to Minn. Rule DES 140 are needed to reflect cost-of-living adjustments in the Merit System Compensation Plan for positions in the county and local agencies. The July 31, 1977, Salary Survey showed a need to adjust the Professional Salary Schedules A, B, and C 5% at minimum and maximum with some exceptions, to adjust the Clerical Salary Schedules A, B, C, D, and E $45.00 at minimum and maximum with some exceptions; to adjust the Clerical Salary Schedule F $45.00 at minimum and to reduce the F Schedule maximum from eight to seven steps. These increases are needed to provide fair and equitable rates of compensation for employees under Merit System jurisdictions.

Revisions to Minn. Rule DES 141 are needed to reflect the adjustments proposed in DES 140 and to show methods of payment on a monthly, hourly, bi-weekly or four-week payroll period for use in processing payroll checks.

Under the provisions of Minn. Rule DES 91 B. 2. 3., Minn. Rules DPW 95 through 110 also apply to county and local emergency services agencies. In accordance with this rule, revisions to Minn. Rules DPW 104 B. and D. are needed to reflect the amendments made to Minn. Stat. Chapter 363 (1976) by Minn. Sess. Law Chapter 408, regarding receipt of fringe benefits and leaves of absence due to pregnancies. An additional revision to DPW 104 B. is needed to allow appointing authorities the discretion of granting educational leaves for any type of schooling. Under the existing rule appointing authorities are restricted to granting educational leaves of absence for graduate school only.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward G. Novak

EDWARD G. NOVAK
COMMISSIONER

Dated: September 14, 1977.

RECEIVED

SEP 1 1977

OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.
ACTING COMMISSIONER OF PUBLIC WELFARE

BEFORE WARREN R. LAWSON, M.D.
COMMISSIONER OF HEALTH

BEFORE EDWARD G. NOVAK
COMMISSIONER OF PUBLIC SAFETY

In the Matter of Proposed Amendments to Minn. Rules DPW 94, 104, 116, 125, 128, 131, 132, 140 and 141; Minn. Rules MHD 268, 279, 294, 304, 305, 306, 314 and 315; and Minn. Rules DES 94, 129, 130, 140 and 141, Governing Certain Procedures of the Minnesota Merit System

STATEMENT OF JUSTIFICATION AND NEED

The following considerations constitute the statutory and regulatory authority upon which the above-cited rule amendments are based:

1. Federal law requires that in order for Minnesota to be eligible to receive federal grant-in-aid funds for its various public welfare, public health and civil defense programs, it must establish and maintain a merit system for personnel administration. See, e.g., 84 Stat. 1909, § § 202-203. 1/

1/ Also see sections of the United States Code cited hereinafter where the following programs have a statutory requirement for the establishment and maintenance of personnel standards on a merit basis:

Aid to Families With Dependent Children - "AFDC" [42 USC § 602 (a) (5) (A)]
Medical Assistance - "MA" [42 USC § 1396a(a) (4) (A)]
Social Services [42 USC § 1397]
Comprehensive Mental Health Services [42 USC § 2689T(a) (1) (d)]
Aid to the Aged, Blind or Disabled [42 USC § 1382(a) (5) (A)]
Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation [42 USC § 4573(a) (5)]
Drug Abuse Prevention [21 USC § 1176(e) (8)]
Comprehensive Health Planning [42 USC 300M-1(b) (4) (B)]
Health Resources Development [42 USC § 300o-2(b)]
Civil Defense Personnel and Administrative Expenses [50 USC Appx. § 2286(a) (4)]

2. Pursuant to such Congressional action the U.S. Department of Health, Education and Welfare (HEW), Department of Labor and Department of Defense promulgated 45 CFR Part 70 which imposes upon the State of Minnesota general requirements for a merit system of personnel administration. Those standards require that in order to be eligible for federal grant-in-aid funds the Minnesota Merit System must specifically include, among other things, a position classification plan (45 CFR § 70.7), a comprehensive compensation plan (45 CFR § 70.8), and an active recruitment, selection and appointment program (45 CFR § § 70.9-70.11).

3. Under the aforementioned grant-in-aid programs the State of Minnesota, through its appropriate agencies, is the grantee of federal program and administrative funds and, accordingly, the State is under an affirmative obligation to insure that such monies are properly and efficiently expended in compliance with applicable federal standards.

4. In response to 45 CFR Part 70 the Minnesota Legislature enacted Minn. Stat. § 12.22 subd. 3, § 144.071 and § 393.07 subd. 5, which respectively authorize the commissioner of public safety, the commissioner of health, and the commissioner of public welfare to adopt necessary methods of personnel administration for implementing merit systems within their individual agencies. Collectively, the resulting programs are referred to as the "Minnesota Merit System".

5. Pursuant to such statutory authority those state agencies have adopted comprehensive administrative rules which regulate administration of the Minnesota Merit System.[2/]

2/ Minn. Rules DPW 90-141; Minn. Rules DES 90-141; and Minn. Rules MHD 265-316.

6. The above-cited proposed rule amendments are promulgated in accordance with the provisions of applicable Minnesota statutes and expressly guarantee the rights of public employers and Minnesota Merit System employees in conformance with the terms of the state's Public Employment Labor Relations Act [Minn. Stat. §§ 179.61-179.77].

7. The Minnesota Supreme Court has expressly recognized the authority of the Commissioner of Public Welfare and, implicitly, the similar authority of the Commissioner of Public Safety and the Commissioner of Health, to adopt such rules by declaring:

> . . . it is clear that the Director of Social Welfare 3/ was clearly right in adopting and promulgating a merit plan which included initial, intervening, and maximum rates of pay for each class of position of the county welfare board system included within the plan and that the plan so adopted was binding upon all county welfare boards within the state. . . . In our opinion the federal and state acts, properly construed, provide that the Federal Security Administrator as well as the Director of Social Welfare 4/ shall have authority to adopt rules and regulations with respect to the selection, tenure of office and compensation of personnel within initial, intervening and maximum rates of pay but shall have no authority or voice in the selection of any particular person for a position in the state welfare programs nor the determination of his tenure of office and individual compensation.

State ex rel. Hennepin County Welfare Board and another v. Robert F. Fitzsimmons, et al., 239 Minn. 407, 420, 58 N.W.2d 882, 890 (1953). (Footnotes added.)

3/ The "Director of Social Welfare" was the former title of the current office of "Commissioner of Public Welfare".

4/ Id.

II. The justification establishing the reasonableness of the specific substantive provisions of the proposed rules, all of which concern the Minnesota Merit System operation is as follows:

1. Minn. Rules DPW 94, DES 94 and MHD 268. These rules deal with the compensation plan. The proposed amendment to MHD 268 B. 1. changes the wording of this rule to the identical language used in DPW 94 B. 1. and DES 94 B. 1. and further clarifies that salary schedules may be negotiated by the appointing authority and the exclusive representative of the employees. Under the provisions of the Public Employees Labor Relations Act (PELRA), Minn. Stat. Ch. 179, salaries are a negotiable item. The proposed change to MHD 268 B. 1. and to DPW 94 B. 1 and DES 94 B. 1. will allow appointing authorities with an exclusive representative the discretion of using the option detailed in MHD 268 B. 6., DPW 94 B. 6., and DES 94 B. 6. The exception is provided for with the addition of MHD 268 B.6., DPW 94 B. 6., and DES 94 B. 6. If adopted, this option will allow appointing authorities the discretion

of paying confidential, supervisory and other personnel not covered by an exclusive representative, who are in the same class as organized employees, the same rate of pay and salary ranges as negotiated irregardless of the official Merit System compensation plan for the class. This change will alleviate the problems now occurring in some agencies. At present employees in the same class often have different minimum and maximum salaries just because some of the employees are in the bargaining unit and others are not. The proposed rule is not mandatory on the appointing authorities. All it does is give them the discretion to pay organized and non-organized employees in the same class, the same salary rate if they so desire. Under the present rule they are tied to the Merit System compensation plan for non-organized employees.

Other proposed amendments to DPW 94 B. change the words "county welfare board" to "appointing authority". This change also is made in DPW 104 B., DPW 104 D., and DPW 116 B. Some of the counties and agencies under the

Minnesota Merit System have changed to Human Service Boards under the provisions of Minn. Stat. Ch.402 as amended by Minn. Laws 1977 Ch. 411 and have abolished their county welfare boards. The words "appointing authority" is necessary to both the agencies with Human Service Boards and County Welfare Boards. Further, the term is more accurate and descriptive.

2. Minn. Rules DPW 104 and MHD 279. These rules deal with paid and unpaid leaves of absence. (Under the provisions of DES 91 B. 2. and 3., DPW 104 also applies to county and local emergency service agencies.) The proposed amendments to DPW 104 B. 1. and MHD 279 B. 1. reflect the changes made to Minn. Stat. Ch. 363 (1976) by 1977 Minn. Sess. Law Ch. 408 which makes it an unfair discriminatory practice:

> For an employer, an employment agency or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work.

Existing DPW 104 B. 1. and MHD 279 B. 1. requires the granting of a leave of absence without pay on the grounds of sickness or disability. The proposed amendments clarify that pregnancy, miscarriage, abortion, childbirth and recovery therefrom are temporary disabilities and that women so affected shall be treated the same as other persons who are not so affected, but who are similar in their ability or inability to work. A further amendment to these rules clarifies that appointing authorities may require all employees to produce medical certification from a registered practicing physician that he/she is fit to work before returning the employee to the job. This change is consistent with Minn. Stat. § 363.02, subd. 1.(3) (i) (1976), which provides in relevant part that:

> [I]t is not an unfair employment practice for an employer, employment agency or labor organization:
>
> (i) to require a person to undergo physical examination for purpose of determining the person's capability to perform available employment;

A proposed amendment to DPW 104 B. 2. and MHD 279 B. 2. broadens the educational leave of absence rule. The current rule provides that such leaves may be granted only to attend graduate school. This rule is too restrictive and is not in keeping with good affirmative action policies. Some employees want and some employers may wish to grant a leave of absence for different types of education such as business school or college. Under the proposed amendment the granting of such leaves is not required. However, the revision is necessary to allow appointing authorities the option of granting or not granting a leave for any type of education.

Proposed amendments to DPW 104 B. 3. change the terminology to "appointing authority" and change the wording "ninth step" to "maximum salary". When the "ninth step" originally was used in the rule, this step was the maximum salary, which now is not the case. The number of steps in the salary ranges for the different classes currently varies from four to ten. The original intention of the rule was to allow salary increases, at the option of the appointing authority, up to the maximum salary.

The MHD 279 B. 3. rule as printed does not exist. The printing of this rule was an error. The parts of the MHD 279 B. rule printed as MHD 279 B. 4., 5., 6., 7. and 8. were incorrectly numbered. The correct numbers are MHD 279 B. 3., 4., 5., 6. and 7.

The proposed deletion of DPW 104 B. 4., 5., 6., 7. and 8. and MHD 279 B. 3., 4., 5., 6. and 7. (incorrectly printed as MHD 279 B. 4., 5., 6., 7. and 8.) abolishes the mandatory six month maternity leave. This rule originally was established to be in conformance with the June 22, 1971 Guidelines on Sex Discrimination in Employment as published by the State Department of Human Rights. One of the revisions of Minn. Stat. Ch. 363 (1976) made by 1977 Minn. Sess. Law, Ch. 408 reads:

It is not an unfair employment practice for an employer, employment agency or labor organization:

(iii) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work;

Due to this law change, the guidelines are no longer pertinent and the State Department of Human Rights is in the process of changing them. The deletion of the maternity leave provisions in the Merit System rules is necessary to eliminate the departmental regulation which heretofor compelled the counties to give maternity leaves. That regulation is no longer supported by law or federal regulations and in the near future will not be supported by the Guidelines of the State Department of Human Rights. Under the proposed merit system rules, pregnancies will not be treated any differently than any other disability.

One of the proposed amendments to DPW 104 D. 1. and MHD 279 D. 1. again changes the terminology to "appointing authority". Another adds "pre and post natal care" to the list of absences approved for use of accrued sick leave. This change is necessary in light of the previously quoted revision made to Minn. Stat. Ch. 363 by the 1977 Minn. Sess. Law Ch. 408.

Proposed amendments to DPW 104 D. 6. and MHD 279 D. 6. provide that the employee may be required to produce medical certification regarding fitness to return to work after using paid sick leave. These changes are in accordance with previously quoted revisions made to Minn. Stat. Ch. 363 by the 1977 Minn. Sess. Law Ch. 408.

3. Minn. Rules DPW 116 and MHD 294. These rules deal with salary adjustments and increases. (Under the provisions of DES 91 B. 2. and 3., DPW 116 also applies to county and local emergency service agencies.) Minor amendments are proposed for DPW 116 B. 1. and MHD 294 B. 1. These amendments are necessary to encompass the proposed changes in DPW 94 B. 1. and 6. and in MHD 268 B. 1. and 6. and to again reflect the terminology "appointing authority".

Amendments to DPW 116 B. 2. and MHD 294 B. 2. are to update this rule to show the recommended salary adjustments for 1978. The current rule reflects the recommended adjustments for 1977. The proposal is that incumbents covered by the official Merit System compensation plan on the Professional and Support Salary Schedules receive a 5% adjustment in their monthly salary; that incumbents on the Clerical Salary Schedules receive a $45 increase in their monthly salary and that incumbents on the Maintenance and Trades and Building Maintenance Salary Schedules receive an 8% increase in their monthly salary. All of the increases are recommended to become effective January 1, 1978. If the recommendations are adopted, the only requirement would be that employees, who are covered by the official Merit System compensation plan, at least be at the minimum salary for their class. Granting of any of the recommended salary adjustments beyond the minimum is discretionary with the appointing authorities. The proposed adjustments are based in part on the 6.9% increase in the Consumer Price Index (CPI) nationwide from June, 1976, to June, 1977, which is the base period used historically for the Merit System Salary Survey. The CPI is based on urban blue collar and clerical employees' buying power, and this fact was taken into consideration in determining the amount of increase for the professional and support salary adjustments. All the other data shown in the 1977 Salary Survey, which document is expressly incorporated herein by reference, also was given due consideration in setting the recommended salary adjustments for the various salary schedules. In particular, in addition to the CPI data, the Bureau of Labor Statistics Report on Wages and Salaries in the Minneapolis-St. Paul Area for 1977, which showed an average increase of 7.99% in clerical classes, an average increase of 8.7% in hourly rates of skilled maintenance tradesmen and an average increase of 8.9% in hourly rates of unskilled plant laborers, was given considerable weight in determining the increases for the clerical and maintenance classes.

4. Minn. Rules DPW 140, DES 140 and MHD 314. DPW 94 D., DES 94 D. and MHD 268 D. require an annual salary survey which involves a review of the changes in the level of salary rates in the labor market since the survey preceding the most recent adjustment of the compensation plan. This survey is due July 31 of each year to the Commissioners of Public Welfare, Health and Public Safety. If a 4% or more increase or decrease in salary rates in the labor market is found, these rules require a public hearing. In making the survey this year, the same sources of data used in past studies, when available, were utilized to determine the average increase in median salaries. In addition, actual minimum and maximum salaries for classes in the Merit System were compared with salary levels for similar positions in other agencies and in business and consideration was given to increases in the cost-of-living and to the current labor market conditions.

Revisions to DPW 140 A., DES 140 A. and MHD 314 A. are needed to reflect cost-of-living adjustments in the Merit System Compensation Plan for positions in the county agencies. The proposed amendment to DPW 140 A., DES 140 A., and MHD 314 A. is to adjust the minimum and maximum salaries for all classes on the Professional Salary Schedule 5% effective January 1, 1978, with the following exceptions:

1. Welfare classes of Assistant Welfare Director, Accountant II and Director of Business Management II (formerly Director of Business Management) minimum and maximum salaries on the A and B plans adjusted to the current minimum and maximum salaries on the C plan plus a 5% adjustment and minimum and maximum salaries on the C plan adjusted 5%, making the A, B and C plan salary ranges for these classes identical.
2. Welfare classes of Medical Care Advisor and Medical Services Administrator minimum salaries adjusted 5% and maximum salaries adjusted approximately .6%.

3. Welfare class of Methods and Procedures Analyst minimum salaries adjusted approximately 7.5% and maximum salaries adjusted approximately 2.5%.
4. Welfare classes of Programmer Analyst and Systems Programmer Analyst minimum and maximum salaries adjusted approximately 10%.
5. Welfare class of Physical Therapist minimum and maximum salaries adjusted approximately .5%.
6. Public health class of Public Health Nutritionist minimum and maximum salaries adjusted approximately .5%.

The different adjustment for the first of the six categories listed is based on usage of the jobs and consistency factors. The Assistant Welfare Director jobs are only allocated in agencies which employ a Welfare Director V. The Salary schedules for Welfare Director V are the same on the A, B, and C Professional Salary Schedules. The salary for the Assistant Welfare Director also should be the same on these schedules in order to properly maintain the pay differential. (The current incumbent in the Assistant Welfare Director class is on the C schedule.) The classification for accounting classes, unlike all other classes except for welfare directors, is done through a biennial study based on the size and workload of the agency. Currently there is no distinction between the A, B, and C Salary Schedule salaries for Accounting Officer I, II, III and Accountant I. Since the class of Accountant II now has been assigned for classification in the same manner as the other accounting classes listed above, the salary level for this class also should be the same on each of the schedules. This change results in equal pay for equal work. The Director of Business Management II class is an extension of the accounting series and is used only in very large agencies. (Currently only in St. Louis County.) For consistency purposes, the salary for this class also needs to be the same on the A, B, and C schedules. (The current incumbent in the Director of Business Management II class is on the C schedule.)

The different adjustment for the second, third and fourth categories listed are based on the current going rate at minimum and maximum salaries for such jobs as determined by the Salary Survey, which document is expressly incorporated herein by reference.

The different adjustment for the fifth and sixth category is based on the fact that they are newly proposed classes which will be heard at the October 21, 1977 public hearing. Salaries set for 1977 for these classes were based on current data, so only a small adjustment to place these classes on a step of the salary range for 1978 is needed. With the proposed 5% adjustment all classes will be off step as the existing difference between the steps is approximately 4.5%.

The proposed amendments to DPW 140 B. and MHD 314 B. are to adjust the minimum and maximum salaries for all classes on the Support Salary Schedules 5% effective January 1, 1978, with the following exceptions:

1. Welfare class of Developmental Achievement Center Instructor minimum and maximum salaries adjusted approximately .5%.
2. Welfare class of Coordinator of Aging and welfare and public health classes of Licensed Practical Nurse minimum salaries adjusted 5% and maximum salaries adjusted approximately 10%.
3. Public health classes of Inspector I and Laboratory Technician minimum and maximum salaries adjusted approximately 10%.
4. Public health class of Bookkeeper transferred from the Clerical Salary Schedule to the Support Salary Schedule and salaries set at the existing salary for these classes on the D, E, and F Clerical Salary Schedule plus approximately 5%.

The different adjustment for the first category is because this is a newly proposed class which will be heard at the October 21, 1977 public hearing. Salaries set for 1977 for this class were based on current data, so only

a small adjustment is needed to place this class on a step of the salary range for 1978.

The different adjustment for the second and third category is based on the current going rate at minimum and maximum salaries for such jobs as determined by the Salary Survey, which document is expressly incorporated herein by reference.

The different adjustment for the fourth category is to keep this class consistent with the proposed welfare class of Account Clerk. Both of these classes are more technical/paraprofessional than clerical and should appear on the Support Salary Schedule instead of the Clerical Salary Schedule.

The proposed amendments to DPW 140 C., DES 140 B. and MHD 314 C. are to adjust the minimum and maximum salaries for all classes on the A, B, C, D, and E Clerical Salary Schedules $45 and to adjust the minimum salaries on the F Clerical Salary Schedule $45 and to reduce the number of steps in the range for each class from eight to seven effective January 1, 1978, with the following exceptions:

1. Welfare, public health and emergency service classes of Clerk-Steno I and Clerk-Steno III minimum and maximum salaries adjusted $45 plus one step (approximately 4%) on the A, B, C, D and E plans; Clerk-Steno I minimum salary adjusted $45 plus one step (approximately 4%) and maximum salary adjusted $14 on the F plan; and Clerk-Steno III minimum salary adjusted $45 plus one step (approximately 4%) and maximum salary adjusted $45 on the F plan.

Again, these different adjustments are based on the current going rate at minimum and maximum salaries for such jobs as determined by the Salary Survey, which document is expressly incorporated herein by reference.

The proposed adjustments to DPW 140 D. and MHD 314 D. are to adjust the minimum and maximum salaries for all classes on the Maintenance and Trades and the Building Maintenance Salary Schedules two steps (approximately 8%) effective January 1, 1978.

Further justifications for the recommended adjustment of the salary schedules are:

(A) Cost-of-living from June, 1976, to June, 1977, increased 6.9% nationwide and from July, 1976, to July, 1977, increased 6.7% nationwide. The Minneapolis/St. Paul Consumer Price Index increased 6.5% from April, 1976, to April, 1977, and 7.5% from July, 1976, to July, 1977.

(B) The employees of the State of Minnesota received the following increases in 1977: Professional -- 2.26% increase effective January 5, 1977, and 4% increase effective July 6, 1977; Clerical and Support -- 12¢ increase per hour effective January 5, 1977, and on the average 3.5% increase effective July 6, 1977; and Maintenance and Trades -- 12¢ increase per hour effective January 5, 1977, and 4% effective July 6, 1977. The State has a built in cost-of-living allowance for their classes. For each full four-tenths point increase in the Consumer Price Index all professional, support, clerical and maintenance and trades salaries are increased by one cent per hour. State employees are eligible for these cost-of-living increases effective January 4, 1978, and July 5, 1978. The first increase will be computed on the base period from January, 1977, to October, 1977, and the second increase on the period from January, 1977, to April, 1978.

(C) Hennepin County welfare employees received a 4% increase January, 1977, and an additional .7% increase July 3, 1977. Hennepin

County is in the process of negotiating a new contract to become effective January, 1978.

(D) Ramsey County Welfare employees received a 6% increase effective January 1, 1977. They also are in the process of negotiating a contract for 1978.

(E) St. Louis County employees received a 6.5% cost-of-living increase effective January 1, 1977. They also are in the process of negotiating a contract for 1978.

(F) The Employment Cost Index, a new measure in the change in the price of private, non-farm labor developed by the Bureau of Labor Statistics, shows that wage and salary rates rose by 6.9% for the twelve month period ending in June, 1977. The increase was 6.8% for the twelve month period ending in March, 1977.

(G) The minimum wage established under the Minnesota Fair Labor Standards Act as amended October 1, 1976, increased from $2.10 per hour to $2.30 per hour effective September 15, 1977. The rate of $2.30 per hour is approximately $400 per month.

(H) The Salary Survey of the College Placement Council March report shows an average salary of $812 per month being offered to social science graduates in 1976-77, which is a 5.54% increase over the average salary offered last year. Liberal Arts graduates at the University of Minnesota are being offered an average salary of $825 per month, which is an increase of 7.28% over the average salary offered last year.

(I) Data from the Contract Agreement Between the Twin City Hospitals and the Minnesota Nurses Association shows that on June 1, 1977, Registered Nurses (A.A., Dip., and B.S. degrees), Assistant Head Nurses (A.A., Dip., and B.S. degrees) and Head Nurses (A.A., Dip., and B.S. degrees) received a monthly increase of $70 in

minimum and maximum salaries, which is an average increase of 7.25% at minimum and 5.77% at maximum over the rates in June, 1976.

(J) The Bureau of Labor Statistics Report on Wages and Salaries in the Minneapolis/St. Paul area for 1977 shows an average increase of 7.99% in clerical salaries, an average increase of 8.7% in skilled maintenance tradesmen salaries and an average increase of 8.9% in unskilled plant laborer salaries.

(K) The Minnesota Department of Employment Services Wage Survey shows Merit System A plan clerical salaries for selected clerical classes as being on the average 29.05% lower than the first quartile salaries for these classes reported for the northeast part of the state, 14.41% lower than the first quartile salaries reported for the northwest, 16.99% lower than the first quartile salaries reported for the southeast and 8.22% lower than the first quartile salaries reported for the southwest.

Under the provisions of DPW 94, teacher salaries are to be used in setting Merit System salaries. At the time of the salary survey only 3.2% of the teachers had settled their two year contract for the school years 1977-78 and 1978-79. Since that time a few more jurisdictions have settled, but the percentage remains small (16.9%) and is too small to be significant or reliable.

Considerably more data was used in arriving at the recommended 1978 salary adjustments. All data relied upon is printed in the 1978 Salary Survey and expressly is incorporated herein by reference.

5. Minn. Rules DPW 141, DES 141 and MHD 315. These rules are needed to compute salary payments. They convert the monthly salaries stated by class in DPW 140, DES 140 and MHD 314 to actual payment amounts by hourly rates,

number of working days in a month, daily rates and bi-weekly or four week rates. They are used by agency and Merit System payroll personnel. They apply only to agencies with employees under the Merit System compensation plans. Agencies with negotiated salary schedules must prepare their own tables for payment and file them with the Merit System in accordance with the provisions of Minn. Rules DPW 94, DES 94 and MHD 268.

Revisions are needed in these rules effective January 1, 1978 to reflect the new salary rates established by the proposed 5% adjustment for professional and support classes, $45 adjustment for clerical classes and 8% adjustment for maintenance and trades and building maintenance classes.

6. Minn. Rules DPW 125, 128, 131, 132, 140 B.; MHD 304, 305, 306, 314 A.; DES 129, 130. The remaining proposals are necessary to revise existing class specifications, to establish two new class specifications, and to set a salary level for the two new classes. The revisions in the existing specifications and the contents of the proposed new class specifications were based on either 1) results of job analyses completed as parts of studies conducted under The Federal Executive Agency Guidelines on Employee Selection Procedures, published in the Federal Register, November 23, 1976, by the U.S. Department of Justice, the U.S. Department of Labor, and the U.S. Civil Service Commission and final review of the draft of the class specifications by committees of incumbents and their supervisors or 2) individual interviews conducted by Merit System staff with incumbents in the class and/or supervisory personnel and final review of the draft of the class specifications by groups of incumbents and their supervisors. The Merit System Council has held hearings on all of these class specifications and as a result of these hearings, some additional changes have been made.

   (A) DPW 125 R. (Personnel Director) One of the changes in this class specification is the retitling from Personnel Officer II. This

is a "one person" class and the individual working in the class functions as a director in the St. Louis County Welfare Department which is the largest agency under the Merit System. Most of the revisions were suggested by the current incumbent. Some are of a housekeeping and an updating of terminology nature. The revisions in the illustrative examples of work reflect the changing role of the individual in this class with regard to manpower planning, labor relations and affirmative action. The revisions made in the knowledges, skills and abilities required and the upgrading of the minimum qualifications also reflect this changing role and the increased amount of responsibility and scope of authority.

(B) DPW 128 J. and K. (Resources Examiner I and II) Incumbents in the classes and their supervisors suggested the majority of the changes. Some of the changes proposed again are of a housekeeping nature. The revisions in the minimum qualifications for Resources Examiner I are designed to broaden and clarify the qualifications as they were too vague and restrictive and are eliminating from the examining process those individuals who could perform successfully on the job as Resources Examiners I.

Likewise, the changes in the minimum qualifications for Resources Examiner II broaden and clarify the requirements for entrance into the examination. The revisions in the kind of work and knowledges and abilities required for Resources Examiner II relate specifically to the collection of child support. In some counties, the Resources Examiner may spend some time, although a relatively small percentage, in child support work. The recommended changes in the specifications will more clearly define the job.

(C) DPW 131 J. (Account Clerk) and DPW 140 B. For many years, the Merit System has received comments from accountants, accounting officers and welfare directors that the clerical classifications of Clerk I, II, III; Clerk-Typist I, II, III; and Clerk-Stenographer I, II, III were inappropriate for those employees assisting the accountants and accounting officers in the accounting units of the county welfare agencies and that a classification of Account Clerk was needed. This past year, the Merit System began an extensive study, with the aid of a consultant to determine 1) if there was a need for a separate classification for these individuals, 2) if there was a significant difference in the duties between the clerks in the accounting unit and those in other units of the agencies and 3) if the need for a separate class existed, which positions should be allocated at the Account Clerk level.

The Merit System sent checklists enumerating 225 tasks which included those that were common to clerks in the accounting unit as well as those that were common to clerks in other units. The accounting tasks included in the checklist were developed and selected by accountants in the county agencies as well as by accounting supervisory personnel within the Department of Public Welfare. Clerks in the accounting units of the county agencies were asked to rate the tasks as to amount of time spent and importance. The results of this study were: 1) in many cases, the duties of the clerks performing accounting functions differed significantly from the duties of clerks performing traditional clerical functions and 2) there was a need to reallocate 105 positions to the Account Clerk class. The classification specification was drafted from information obtained in the study regarding the most important and frequently performed tasks. The draft

of the proposed specification was reviewed by a committee of accounting officers and accountants and they were given the opportunity to suggest any deletions and additions they felt necessary. The final proposed draft of the class specification incorporated agreed upon suggested changes. The report of this study is expressly incorporated herein by references.

A revision is needed to DPW 140 B. to set a salary for the remainder of 1977 for this class. The 1977 salary scales for this class are proposed at $631 to 863 per month on the A Support Salary Schedule, $660 to 902 on the B schedule and $691 to 944 on the C schedule. The State of Minnesota has a salary range of $665 to 835 per month for Account Clerk and of $785 to 985 per month for Account Clerk, Senior. Ramsey County's salary ranges for Account Clerk I and Account Clerk II are $789 to 992 and $851 to 1073 per month, respectively. Hennepin County's salary range for Account Clerk is $772 to 876 per month, for Intermediate Account Clerk $798 to 967 per month and for Senior Account Clerk $992 to 1121 per month. Traditionally, the Merit System has set its salary ranges closer to the salaries paid by the State rather than those paid by Hennepin and Ramsey. Since the Merit System only is establishing one level of Account Clerk, salaries paid for Account Clerk and Senior Account Clerk by other jurisdictions were considered in setting the Merit System rates.

The salary range for the class was established on the Support Salary Schedule rather than the Clerical Salary Schedule as the duties of this class are not clerical in nature, but are technical. Many of the illustrative examples of work for the Account Clerk class also are found in the accounting officer class specifications.

The knowledges, skills and abilities required and the minimum qualifications of education also reflect that the position is one of an assistant to the accounting officer or accountant, requiring a background in bookkeeping and business arithmetic.

(D) DPW 132 A., B., C., D., E., F., G., H., I. MHD 306 B., C., D., E., F., G., H., I., J. DES 129 A., B., C., DES 130 A., B., C., D., E., F. (Clerk I, II, III; Clerk-Typist I, II, III; Clerk-Stenographer I, II, III) The revisions in the clerical classes are based partially on a job analysis completed on the clerical classes, as well as on suggestions made by a group of incumbents and supervisory personnel. The job analysis study is expressly incorporated herein by reference.

Most of the changes in the illustrative examples of work and knowledges, skills, and abilities required are of a housekeeping nature and updating of terminology. The major revision in the specifications was the removal of the desirable qualifications of education and experience. Last year representatives from the U.S. Civil Service Commission informed our office that in order to receive their approval of our class specifications, qualifications stated must be minimums. Since it was felt 1) that specific education and experience requirements (for example, high school degree and two years of office experience for Clerk-Typist II) for clerical classes were not valid and 2) that the examinations currently administered for the clerical classes are reliable predictors of successful performance on the job, the qualifications are stated in the form of "knowledges, skills, and abilities" required and tested for in the examinations for these classes.

(E) MHD 304 T. (Public Health Nutritionist) and MHD 314 A. This health classification was established as a result of a need expressed by Olmsted County Health Department which is under the Merit System. In the past, this county had contracted with a nutritionist, but now feels the need for a full-time position within the agency. A committee of personnel from the health agency met with a representative from the Merit System to assist in the development of the specification. The final draft was sent to other county and local health agencies under the Merit System for their approval.

A revision is needed to MHD 314 A. to set the salary for the remainder of 1977 for this class. The salary scales for this class are proposed at $1079 - 1472 per month on the A plan, $1126 - 1538 on the B plan, and $1177 - 1609 on the C plan. The State of Minnesota has the salary range for the equivalent class set at $1178 - 1613 per month, which is nearly identical to the Merit System C plan range.

(F) MHD 305 G. (Home Health Aide) The revisions proposed for this class specification update the terminology and make the class more consistent with the existing welfare class of Home Health Aide. The proposal to delete the high school degree requirement is made because this requirement is invalid and is screening out applicants who could perform the job successfully, which is discriminatory. Some additional qualifications which can be imposed by the appointing authority are proposed. These involve: 1) satisfactory physical condition as evidenced by a physical examination immediately prior to employment, 2) completion of a training program for Home Health Aides, and 3) possession of

a valid Minnesota driver's license. All of these extra qualifications are job related since 1) agencies who employ these persons must assure themselves that the employee does not have a contagious disease, 2) a training program is required by the Social Security Act and some agencies do not have the personnel to provide such training once the person is hired and 3) most of the jobs require driving.

The aforegoing authorities and comments are submitted in justification of final adoption of the above cited proposed rule amendments.

Barbara L. Sundquist
Merit System Supervisor

DATED: September 19, 1977

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE,
THE DEPARTMENT OF HEALTH and
THE DEPARTMENT OF PUBLIC SAFETY

In the Matter of Proposed Amendments to Minn. Rules DPW 94, 104, 116, 125, 128, 131, 132, 140 and 141; Minn. Rules MHD 268, 279, 294, 304, 305, 306, 314 and 315; and Minn. Rules DES 94, 129, 130, 140 and 141, Governing Certain Procedures of the Minnesota Merit System.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing on October 14, 1977 at St. Paul before Steve M. Mihalchick, Hearing Examiner assigned by the Chief Hearing Examiner.

This is a rules hearing pursuant to Minn. Stat. Ch. 15, to determine whether the proposed amendments captioned above should be adopted. For reasons stated below, the Examiner recommends that they be adopted as proposed and corrected at the hearing.

Barbara Sundquist, Merit System Supervisor, made the Agency presentation at the hearing.

Thirty persons attending the hearing signed the register. The hearing continued until all interested groups and persons had an opportunity to be heard.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Agencies shall, if they propose to adopt the rules as originally proposed or amended, submit the complete hearing record to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall also clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Agencies on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Agencies shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that

they wish to be notified of such filing.

Because the Minnesota Merit System (the System) administers the statewide merit systems for three separate agencies, these proposed rules amendments are a joint effort. The adopting agencies are the Department of Public Welfare (DPW), the Department of Health (MHD), and the Department of Public Safety and its Division of Emergency Services (DES). Throughout this Report, these agencies will be referred to collectively as the "Agency" or "Agencies". Each has an essentially parallel set of rules except as to specific job classes. Ultimately, each agency must adopt its own amendments.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

PROCEDURAL REQUIREMENTS

1. On September 9, 1977 the System mailed the Agencies' Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

2. On September 12, 1977, copies of the Agencies' Notices of Hearing and their proposed rules were published in 2 State Register No. 10.

3. On September 13, 1977, the System filed the following documents:

(a) The Order for Hearing for Each Agency;
(b) The Notice of Hearing as mailed for each Agency; and
(c) Copies of the proposed rules for each Agency.

4. On September 19, 1977, the System filed the following documents:

(a) The Secretary of State's Certificate for each Agency;
(b) The Affidavit of Mailing for each Agency;
(c) A Summary Statement of Need for each Agency;
(d) The Statement of Evidence with names of personnel expected to represent the System;
(e) Copies of documents and reports listed in the Statement of Evidence; and
(f) The Statement of Justification and Need.

5. The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing. No person inspected them nor did anyone object to the adequacy of the prefiled documents.

6. The Notices of Hearing contained explanations of the proposed amendments and summaries of the reasons for the changes as required by Minn. Rule DPW 94 D.4.

7. The Notices of Hearing contained the following estimates of the total costs to county and local agencies to implement minimum requirements of the proposed amendments:

(a) DPW - $63,300 annually for the next two years;

(b) MHD - 3,000 annually for the next two years;

(c) DES - 1,360 annually for the next two years;

8. The record remained open through October 21, 1977, for the receipt of written comments and statements.

AUTHORITY, NEED AND REASONABLENESS

9. At the hearing, the System made several non-substantial changes to the proposed rules. These changes were primarily corrections of numbering errors and incorrect copying of existing rules. (System Ex. 15) These corrections should be adopted.

10. The Examiner adopts the attached Statement of Justification and Need as findings demonstrating the statutory authority, need for and reasonableness of the proposed amendments. The Statement was read by Mrs. S ndquist at the hearing. The limited number of public comments received will be considered in the following Findings.

11. No comments or questions as to the amount of the proposed general salary increases were raised at the hearing. Some of the written comments did question whether the effect of 1977 levy increase limitations had been considered (Public Exs. F and J). Mrs. Sundquist stated that it had and that, because only minimum salaries are mandatory upon the local agencies, because the levy limit applies only to certain employees, and because employees who leave are replaced by employees who start at the minimum of their pay range, the proposed increases would not impinge on the levy increase limit. Two written comments questioned the "form" of the salary increases (Public Exs. G and H). One suggested that there should be the same percentage increase for all classes; the other suggested a flat dollar amount for all classes. Each suggested that its method was more fair. The different

increases proposed by the System are not simply cost-of-living increases, but take into account recent comparative increases relative to the specific classes. The evidence presented by the System demonstrates that the classes have advanced differently. The System's proposal is reasonable.

12. The new Account Clerk classification (DPW 131 J.) received considerable comment. The Minnesota Association of Welfare Accountants and a number of counties supported the new class and salary (Public Exs. B, C, K and L). One county thought the pay range should be greater or the class divided into three subclasses (Public Ex. H). Only one county said the proposed salary was too high (Public Ex. I).

13. The amended Resources Examiner I and II classifications (DPW 128 J and K) also received a number of comments, both written (Public Exs. M, N, O and P), and at the hearing. The general problem seems to be that there is no career progression available to Resource Examiner I's in smaller counties, unless they leave for a year to get "criminal investigator" experience. Further, though the Resource Examiner I job description does not refer to fraud investigation, in some counties such investigation is a significant part of the job. Mrs. Sundquist announced that the System is studying the class further, beginning with meetings in November. The need for criminal investigation experience was originally based on the Resource Examiner IIs doing welfare fraud investigation. The System is now considering an intermediate class to work both child support and welfare fraud cases that would more accurately reflect the work that is actually being done in some of the local agencies.

The Examiner would wonder at this point whether there is any significant difference between investigating child support and welfare fraud matters and why child support investigation isn't at least as valuable as criminal investigation experience; especially in small counties where the same person performs both duties. However, while more should be done, the amendments proposed here are not unreasonable because they do increase the ability of a Resource Examiner I to become a Resource Examiner II.

CONCLUSIONS

1. Due, timely and adequate notice of the hearing was properly served and published by the Agencies. All other substantive and procedural requirements of statute or rule have been fulfilled.

2. The Agencies have demonstrated their statutory authority to adopt the proposed rules.

3. The Agencies have demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

RECOMMENDATION

The Hearing Examiner recommends that the proposed rules, as corrected at the hearing, be adopted.

Dated this 25th day of October, 1977.

STEVE M. MIHALCHICK
Hearing Examiner

The Attached Statement is a part of this Report.

RECEIVED
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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.
ACTING COMMISSIONER OF PUBLIC WELFARE

BEFORE WARREN R. LAWSON, M.D.
COMMISSIONER OF HEALTH

BEFORE EDWARD G. NOVAK
COMMISSIONER OF PUBLIC SAFETY

In the Matter of Proposed Amendments to Minn. Rules DPW 94, 104, 116, 125, 128, 131, 132, 140 and 141; Minn. Rules MHD 268, 279, 294, 304, 305, 306, 314 and 315; and Minn. Rules DES 94, 129, 130, 140 and 141, Governing Certain Procedures of the Minnesota Merit System

STATEMENT OF JUSTIFICATION AND NEED

The following considerations constitute the statutory and regulatory authority upon which the above-cited rule amendments are based:

1. Federal law requires that in order for Minnesota to be eligible to receive federal grant-in-aid funds for its various public welfare, public health and civil defense programs, it must establish and maintain a merit system for personnel administration. See, e.g., 84 Stat. 1909, § § 202-203. 1/

1/ Also see sections of the United States Code cited hereinafter where the following programs have a statutory requirement for the establishment and maintenance of personnel standards on a merit basis:

Aid to Families With Dependent Children - "AFDC" [42 USC § 602 (a) (5) (A)]
Medical Assistance - "MA" [42 USC § 1396a(a) (4) (A)]
Social Services [42 USC § 1397]
Comprehensive Mental Health Services [42 USC § 2689T(a) (1) (d)]
Aid to the Aged, Blind or Disabled [42 USC § 1382(a) (5) (A)]
Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation [42 USC § 4573(a) (5)]
Drug Abuse Prevention [21 USC § 1176(e) (8)]
Comprehensive Health Planning [42 USC 300M-1(b) (4) (B)]
Health Resources Development [42 USC § 300o-2(b)]
Civil Defense Personnel and Administrative Expenses [50 USC Appx. § 2286(a) (4)]

2. Pursuant to such Congressional action the U.S. Department of Health, Education and Welfare (HEW), Department of Labor and Department of Defense promulgated 45 CFR Part 70 which imposes upon the State of Minnesota general requirements for a merit system of personnel administration. Those standards require that in order to be eligible for federal grant-in-aid funds the Minnesota Merit System must specifically include, among other things, a position classification plan (45 CFR § 70.7), a comprehensive compensation plan (45 CFR § 70.8), and an active recruitment, selection and appointment program (45 CFR § § 70.9-70.11).

3. Under the aforementioned grant-in-aid programs the State of Minnesota, through its appropriate agencies, is the grantee of federal program and administrative funds and, accordingly, the State is under an affirmative obligation to insure that such monies are properly and efficiently expended in compliance with applicable federal standards.

4. In response to 45 CFR Part 70 the Minnesota Legislature enacted Minn. Stat. § 12.22 subd. 3, § 144.071 and § 393.07 subd. 5, which respectively authorize the commissioner of public safety, the commissioner of health, and the commissioner of public welfare to adopt necessary methods of personnel administration for implementing merit systems within their individual agencies. Collectively, the resulting programs are referred to as the "Minnesota Merit System".

5. Pursuant to such statutory authority those state agencies have adopted comprehensive administrative rules which regulate administration of the Minnesota Merit System.[2/]

2/ Minn. Rules DPW 90-141; Minn. Rules DES 90-141; and Minn. Rules MHD 265-316.

6. The above-cited proposed rule amendments are promulgated in accordance with the provisions of applicable Minnesota statutes and expressly guarantee the rights of public employers and Minnesota Merit System employees in conformance with the terms of the state's Public Employment Labor Relations Act [Minn. Stat. §§ 179.61-179.77].

7. The Minnesota Supreme Court has expressly recognized the authority of the Commissioner of Public Welfare and, implicitly, the similar authority of the Commissioner of Public Safety and the Commissioner of Health, to adopt such rules by declaring:

> . . . it is clear that the Director of Social Welfare 3/ was clearly right in adopting and promulgating a merit plan which included initial, intervening, and maximum rates of pay for each class of position of the county welfare board system included within the plan and that the plan so adopted was binding upon all county welfare boards within the state. . . . In our opinion the federal and state acts, properly construed, provide that the Federal Security Administrator as well as the Director of Social Welfare 4/ shall have authority to adopt rules and regulations with respect to the selection, tenure of office and compensation of personnel within initial, intervening and maximum rates of pay but shall have no authority or voice in the selection of any particular person for a position in the state welfare programs nor the determination of his tenure of office and individual compensation.

State ex rel. Hennepin County Welfare Board and another v. Robert F. Fitzsimmons, et al., 239 Minn. 407, 420, 58 N.W.2d 882, 890 (1953). (Footnotes added.)

3/ The "Director of Social Welfare" was the former title of the current office of "Commissioner of Public Welfare".

4/ Id.

II. The justification establishing the reasonableness of the specific substantive provisions of the proposed rules, all of which concern the Minnesota Merit System operation is as follows:

1. Minn. Rules DPW 94, DES 94 and MHD 268. These rules deal with the compensation plan. The proposed amendment to MHD 268 B. 1. changes the wording of this rule to the identical language used in DPW 94 B. 1. and DES 94 B. 1. and further clarifies that salary schedules may be negotiated by the appointing authority and the exclusive representative of the employees. Under the provisions of the Public Employees Labor Relations Act (PELRA), Minn. Stat. Ch. 179, salaries are a negotiable item. The proposed change to MHD 268 B. 1. and to DPW 94 B. 1 and DES 94 B. 1. will allow appointing authorities with an exclusive representative the discretion of using the option detailed in MHD 268 B. 6., DPW 94 B. 6., and DES 94 B. 6. The exception is provided for with the addition of MHD 268 B.6., DPW 94 B. 6., and DES 94 B. 6. If adopted, this option will allow appointing authorities the discretion

of paying confidential, supervisory and other personnel not covered by an exclusive representative, who are in the same class as organized employees, the same rate of pay and salary ranges as negotiated irregardless of the official Merit System compensation plan for the class. This change will alleviate the problems now occurring in some agencies. At present employees in the same class often have different minimum and maximum salaries just because some of the employees are in the bargaining unit and others are not. The proposed rule is not mandatory on the appointing authorities. All it does is give them the discretion to pay organized and non-organized employees in the same class, the same salary rate if they so desire. Under the present rule they are tied to the Merit System compensation plan for non-organized employees.

Other proposed amendments to DPW 94 B. change the words "county welfare board" to "appointing authority". This change also is made in DPW 104 B., DPW 104 D., and DPW 116 B. Some of the counties and agencies under the

Minnesota Merit System have changed to Human Service Boards under the provisions of Minn. Stat. Ch.402 as amended by Minn. Laws 1977 Ch. 411 and have abolished their county welfare boards. The words "appointing authority" is necessary to both the agencies with Human Service Boards and County Welfare Boards. Further, the term is more accurate and descriptive.

2. Minn. Rules DPW 104 and MHD 279. These rules deal with paid and unpaid leaves of absence. (Under the provisions of DES 91 B. 2. and 3., DPW 104 also applies to county and local emergency service agencies.) The proposed amendments to DPW 104 B. 1. and MHD 279 B. 1. reflect the changes made to Minn. Stat. Ch. 363 (1976) by 1977 Minn. Sess. Law Ch. 408 which makes it an unfair discriminatory practice:

> For an employer, an employment agency or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work.

Existing DPW 104 B. 1. and MHD 279 B. 1. requires the granting of a leave of absence without pay on the grounds of sickness or disability. The proposed amendments clarify that pregnancy, miscarriage, abortion, childbirth and recovery therefrom are temporary disabilities and that women so affected shall be treated the same as other persons who are not so affected, but who are similar in their ability or inability to work. A further amendment to these rules clarifies that appointing authorities may require all employees to produce medical certification from a registered practicing physician that he/she is fit to work before returning the employee to the job. This change is consistent with Minn. Stat. § 363.02, subd. 1.(3) (i) (1976), which provides in relevant part that:

> [I]t is not an unfair employment practice for an employer, employment agency or labor organization:
>
> (i) to require a person to undergo physical examination for purpose of determining the person's capability to perform available employment;

A proposed amendment to DPW 104 B. 2. and MHD 279 B. 2. broadens the educational leave of absence rule. The current rule provides that such leaves may be granted only to attend graduate school. This rule is too restrictive and is not in keeping with good affirmative action policies. Some employees want and some employers may wish to grant a leave of absence for different types of education such as business school or college. Under the proposed amendment the granting of such leaves is not required. However, the revision is necessary to allow appointing authorities the option of granting or not granting a leave for any type of education.

Proposed amendments to DPW 104 B. 3. change the terminology to "appointing authority" and change the wording "ninth step" to "maximum salary". When the "ninth step" originally was used in the rule, this step was the maximum salary, which now is not the case. The number of steps in the salary ranges for the different classes currently varies from four to ten. The original intention of the rule was to allow salary increases, at the option of the appointing authority, up to the maximum salary.

The MHD 279 B. 3. rule as printed does not exist. The printing of this rule was an error. The parts of the MHD 279 B. rule printed as MHD 279 B. 4., 5., 6., 7. and 8. were incorrectly numbered. The correct numbers are MHD 279 B. 3., 4., 5., 6. and 7.

The proposed deletion of DPW 104 B. 4., 5., 6., 7. and 8. and MHD 279 B. 3., 4., 5., 6. and 7. (incorrectly printed as MHD 279 B. 4., 5., 6., 7. and 8.) abolishes the mandatory six month maternity leave. This rule originally was established to be in conformance with the June 22, 1971 Guidelines on Sex Discrimination in Employment as published by the State Department of Human Rights. One of the revisions of Minn. Stat. Ch. 363 (1976) made by 1977 Minn. Sess. Law, Ch. 408 reads:

It is not an unfair employment practice for an employer, employment agency or labor organization:

(iii) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work;

Due to this law change, the guidelines are no longer pertinent and the State Department of Human Rights is in the process of changing them. The deletion of the maternity leave provisions in the Merit System rules is necessary to eliminate the departmental regulation which heretofor compelled the counties to give maternity leaves. That regulation is no longer supported by law or federal regulations and in the near future will not be supported by the Guidelines of the State Department of Human Rights. Under the proposed merit system rules, pregnancies will not be treated any differently than any other disability.

One of the proposed amendments to DPW 104 D. 1. and MHD 279 D. 1. again changes the terminology to "appointing authority". Another adds "pre and post natal care" to the list of absences approved for use of accrued sick leave. This change is necessary in light of the previously quoted revision made to Minn. Stat. Ch. 363 by the 1977 Minn. Sess. Law Ch. 408.

Proposed amendments to DPW 104 D. 6. and MHD 279 D. 6. provide that the employee may be required to produce medical certification regarding fitness to return to work after using paid sick leave. These changes are in accordance with previously quoted revisions made to Minn. Stat. Ch. 363 by the 1977 Minn. Sess. Law Ch. 408.

3. Minn. Rules DPW 116 and MHD 294. These rules deal with salary adjustments and increases. (Under the provisions of DES 91 B. 2. and 3., DPW 116 also applies to county and local emergency service agencies.) Minor amendments are proposed for DPW 116 B. 1. and MHD 294 B. 1. These amendments are necessary to encompass the proposed changes in DPW 94 B. 1. and 6. and in MHD 268 B. 1. and 6. and to again reflect the terminology "appointing authority".

Amendments to DPW 116 B. 2. and MHD 294 B. 2. are to update this rule to show the recommended salary adjustments for 1978. The current rule reflects the recommended adjustments for 1977. The proposal is that incumbents covered by the official Merit System compensation plan on the Professional and Support Salary Schedules receive a 5% adjustment in their monthly salary; that incumbents on the Clerical Salary Schedules receive a $45 increase in their monthly salary and that incumbents on the Maintenance and Trades and Building Maintenance Salary Schedules receive an 8% increase in their monthly salary. All of the increases are recommended to become effective January 1, 1978. If the recommendations are adopted, the only requirement would be that employees, who are covered by the official Merit System compensation plan, at least be at the minimum salary for their class. Granting of any of the recommended salary adjustments beyond the minimum is discretionary with the appointing authorities. The proposed adjustments are based in part on the 6.9% increase in the Consumer Price Index (CPI) nationwide from June, 1976, to June, 1977, which is the base period used historically for the Merit System Salary Survey. The CPI is based on urban blue collar and clerical employees' buying power, and this fact was taken into consideration in determining the amount of increase for the professional and support salary adjustments. All the other data shown in the 1977 Salary Survey, which document is expressly incorporated herein by reference, also was given due consideration in setting the recommended salary adjustments for the various salary schedules. In particular, in addition to the CPI data, the Bureau of Labor Statistics Report on Wages and Salaries in the Minneapolis-St. Paul Area for 1977, which showed an average increase of 7.99% in clerical classes, an average increase of 8.7% in hourly rates of skilled maintenance tradesmen and an average increase of 8.9% in hourly rates of unskilled plant laborers, was given considerable weight in determining the increases for the clerical and maintenance classes.

4. Minn. Rules DPW 140, DES 140 and MHD 314. DPW 94 D., DES 94 D. and MHD 268 D. require an annual salary survey which involves a review of the changes in the level of salary rates in the labor market since the survey preceding the most recent adjustment of the compensation plan. This survey is due July 31 of each year to the Commissioners of Public Welfare, Health and Public Safety. If a 4% or more increase or decrease in salary rates in the labor market is found, these rules require a public hearing. In making the survey this year, the same sources of data used in past studies, when available, were utilized to determine the average increase in median salaries. In addition, actual minimum and maximum salaries for classes in the Merit System were compared with salary levels for similar positions in other agencies and in business and consideration was given to increases in the cost-of-living and to the current labor market conditions.

Revisions to DPW 140 A., DES 140 A. and MHD 314 A. are needed to reflect cost-of-living adjustments in the Merit System Compensation Plan for positions in the county agencies. The proposed amendment to DPW 140 A., DES 140 A., and MHD 314 A. is to adjust the minimum and maximum salaries for all classes on the Professional Salary Schedule 5% effective January 1, 1978, with the following exceptions:

1. Welfare classes of Assistant Welfare Director, Accountant II and Director of Business Management II (formerly Director of Business Management) minimum and maximum salaries on the A and B plans adjusted to the current minimum and maximum salaries on the C plan plus a 5% adjustment and minimum and maximum salaries on the C plan adjusted 5%, making the A, B and C plan salary ranges for these classes identical.
2. Welfare classes of Medical Care Advisor and Medical Services Administrator minimum salaries adjusted 5% and maximum salaries adjusted approximately .6%.

3. Welfare class of Methods and Procedures Analyst minimum salaries adjusted approximately 7.5% and maximum salaries adjusted approximately 2.5%.
4. Welfare classes of Programmer Analyst and Systems Programmer Analyst minimum and maximum salaries adjusted approximately 10%.
5. Welfare class of Physical Therapist minimum and maximum salaries adjusted approximately .5%.
6. Public health class of Public Health Nutritionist minimum and maximum salaries adjusted approximately .5%.

The different adjustment for the first of the six categories listed is based on usage of the jobs and consistency factors. The Assistant Welfare Director jobs are only allocated in agencies which employ a Welfare Director V. The Salary schedules for Welfare Director V are the same on the A, B, and C Professional Salary Schedules. The salary for the Assistant Welfare Director also should be the same on these schedules in order to properly maintain the pay differential. (The current incumbent in the Assistant Welfare Director class is on the C schedule.) The classification for accounting classes, unlike all other classes except for welfare directors, is done through a biennial study based on the size and workload of the agency. Currently there is no distinction between the A, B, and C Salary Schedule salaries for Accounting Officer I, II, III and Accountant I. Since the class of Accountant II now has been assigned for classification in the same manner as the other accounting classes listed above, the salary level for this class also should be the same on each of the schedules. This change results in equal pay for equal work. The Director of Business Management II class is an extension of the accounting series and is used only in very large agencies. (Currently only in St. Louis County.) For consistency purposes, the salary for this class also needs to be the same on the A, B, and C schedules. (The current incumbent in the Director of Business Management II class is on the C schedule.)

The different adjustment for the second, third and fourth categories listed are based on the current going rate at minimum and maximum salaries for such jobs as determined by the Salary Survey, which document is expressly incorporated herein by reference.

The different adjustment for the fifth and sixth category is based on the fact that they are newly proposed classes which will be heard at the October 21, 1977 public hearing. Salaries set for 1977 for these classes were based on current data, so only a small adjustment to place these classes on a step of the salary range for 1978 is needed. With the proposed 5% adjustment all classes will be off step as the existing difference between the steps is approximately 4.5%.

The proposed amendments to DPW 140 B. and MHD 314 B. are to adjust the minimum and maximum salaries for all classes on the Support Salary Schedules 5% effective January 1, 1978, with the following exceptions:

1. Welfare class of Developmental Achievement Center Instructor minimum and maximum salaries adjusted approximately .5%.
2. Welfare class of Coordinator of Aging and welfare and public health classes of Licensed Practical Nurse minimum salaries adjusted 5% and maximum salaries adjusted approximately 10%.
3. Public health classes of Inspector I and Laboratory Technician minimum and maximum salaries adjusted approximately 10%.
4. Public health class of Bookkeeper transferred from the Clerical Salary Schedule to the Support Salary Schedule and salaries set at the existing salary for these classes on the D, E, and F Clerical Salary Schedule plus approximately 5%.

The different adjustment for the first category is because this is a newly proposed class which will be heard at the October 21, 1977 public hearing. Salaries set for 1977 for this class were based on current data, so only

a small adjustment is needed to place this class on a step of the salary range for 1978.

The different adjustment for the second and third category is based on the current going rate at minimum and maximum salaries for such jobs as determined by the Salary Survey, which document is expressly incorporated herein by reference.

The different adjustment for the fourth category is to keep this class consistent with the proposed welfare class of Account Clerk. Both of these classes are more technical/paraprofessional than clerical and should appear on the Support Salary Schedule instead of the Clerical Salary Schedule.

The proposed amendments to DPW 140 C., DES 140 B. and MHD 314 C. are to adjust the minimum and maximum salaries for all classes on the A, B, C, D, and E Clerical Salary Schedules $45 and to adjust the minimum salaries on the F Clerical Salary Schedule $45 and to reduce the number of steps in the range for each class from eight to seven effective January 1, 1978, with the following exceptions:

1. Welfare, public health and emergency service classes of Clerk-Steno I and Clerk-Steno III minimum and maximum salaries adjusted $45 plus one step (approximately 4%) on the A, B, C, D and E plans; Clerk-Steno I minimum salary adjusted $45 plus one step (approximately 4%) and maximum salary adjusted $14 on the F plan; and Clerk-Steno III minimum salary adjusted $45 plus one step (approximately 4%) and maximum salary adjusted $45 on the F plan.

Again, these different adjustments are based on the current going rate at minimum and maximum salaries for such jobs as determined by the Salary Survey, which document is expressly incorporated herein by reference.

The proposed adjustments to DPW 140 D. and MHD 314 D. are to adjust the minimum and maximum salaries for all classes on the Maintenance and Trades and the Building Maintenance Salary Schedules two steps (approximately 8%) effective January 1, 1978.

Further justifications for the recommended adjustment of the salary schedules are:

(A) Cost-of-living from June, 1976, to June, 1977, increased 6.9% nationwide and from July, 1976, to July, 1977, increased 6.7% nationwide. The Minneapolis/St. Paul Consumer Price Index increased 6.5% from April, 1976, to April, 1977, and 7.5% from July, 1976, to July, 1977.

(B) The employees of the State of Minnesota received the following increases in 1977: Professional -- 2.26% increase effective January 5, 1977, and 4% increase effective July 6, 1977; Clerical and Support -- 12¢ increase per hour effective January 5, 1977, and on the average 3.5% increase effective July 6, 1977; and Maintenance and Trades -- 12¢ increase per hour effective January 5, 1977, and 4% effective July 6, 1977. The State has a built in cost-of-living allowance for their classes. For each full four-tenths point increase in the Consumer Price Index all professional, support, clerical and maintenance and trades salaries are increased by one cent per hour. State employees are eligible for these cost-of-living increases effective January 4, 1978, and July 5, 1978. The first increase will be computed on the base period from January, 1977, to October, 1977, and the second increase on the period from January, 1977, to April, 1978.

(C) Hennepin County welfare employees received a 4% increase January, 1977, and an additional .7% increase July 3, 1977. Hennepin

County is in the process of negotiating a new contract to become effective January, 1978.

(D) Ramsey County Welfare employees received a 6% increase effective January 1, 1977. They also are in the process of negotiating a contract for 1978.

(E) St. Louis County employees received a 6.5% cost-of-living increase effective January 1, 1977. They also are in the process of negotiating a contract for 1978.

(F) The Employment Cost Index, a new measure in the change in the price of private, non-farm labor developed by the Bureau of Labor Statistics, shows that wage and salary rates rose by 6.9% for the twelve month period ending in June, 1977. The increase was 6.8% for the twelve month period ending in March, 1977.

(G) The minimum wage established under the Minnesota Fair Labor Standards Act as amended October 1, 1976, increased from $2.10 per hour to $2.30 per hour effective September 15, 1977. The rate of $2.30 per hour is approximately $400 per month.

(H) The Salary Survey of the College Placement Council March report shows an average salary of $812 per month being offered to social science graduates in 1976-77, which is a 5.54% increase over the average salary offered last year. Liberal Arts graduates at the University of Minnesota are being offered an average salary of $825 per month, which is an increase of 7.28% over the average salary offered last year.

(I) Data from the Contract Agreement Between the Twin City Hospitals and the Minnesota Nurses Association shows that on June 1, 1977, Registered Nurses (A.A., Dip., and B.S. degrees), Assistant Head Nurses (A.A., Dip., and B.S. degrees) and Head Nurses (A.A., Dip., and B.S. degrees) received a monthly increase of $70 in

minimum and maximum salaries, which is an average increase of 7.25% at minimum and 5.77% at maximum over the rates in June, 1976.

(J) The Bureau of Labor Statistics Report on Wages and Salaries in the Minneapolis/St. Paul area for 1977 shows an average increase of 7.99% in clerical salaries, an average increase of 8.7% in skilled maintenance tradesmen salaries and an average increase of 8.9% in unskilled plant laborer salaries.

(K) The Minnesota Department of Employment Services Wage Survey shows Merit System A plan clerical salaries for selected clerical classes as being on the average 29.05% lower than the first quartile salaries for these classes reported for the northeast part of the state, 14.41% lower than the first quartile salaries reported for the northwest, 16.99% lower than the first quartile salaries reported for the southeast and 8.22% lower than the first quartile salaries reported for the southwest.

Under the provisions of DPW 94, teacher salaries are to be used in setting Merit System salaries. At the time of the salary survey only 3.2% of the teachers had settled their two year contract for the school years 1977-78 and 1978-79. Since that time a few more jurisdictions have settled, but the percentage remains small (16.9%) and is too small to be significant or reliable.

Considerably more data was used in arriving at the recommended 1978 salary adjustments. All data relied upon is printed in the 1978 Salary Survey and expressly is incorporated herein by reference.

5. Minn. Rules DPW 141, DES 141 and MHD 315. These rules are needed to compute salary payments. They convert the monthly salaries stated by class in DPW 140, DES 140 and MHD 314 to actual payment amounts by hourly rates,

number of working days in a month, daily rates and bi-weekly or four week rates. They are used by agency and Merit System payroll personnel. They apply only to agencies with employees under the Merit System compensation plans. Agencies with negotiated salary schedules must prepare their own tables for payment and file them with the Merit System in accordance with the provisions of Minn. Rules DPW 94, DES 94 and MHD 268.

Revisions are needed in these rules effective January 1, 1978 to reflect the new salary rates established by the proposed 5% adjustment for professional and support classes, $45 adjustment for clerical classes and 8% adjustment for maintenance and trades and building maintenance classes.

6. Minn. Rules DPW 125, 128, 131, 132, 140 B.; MHD 304, 305, 306, 314 A.; DES 129, 130. The remaining proposals are necessary to revise existing class specifications, to establish two new class specifications, and to set a salary level for the two new classes. The revisions in the existing specifications and the contents of the proposed new class specifications were based on either 1) results of job analyses completed as parts of studies conducted under The Federal Executive Agency Guidelines on Employee Selection Procedures, published in the Federal Register, November 23, 1976, by the U.S. Department of Justice, the U.S. Department of Labor, and the U.S. Civil Service Commission and final review of the draft of the class specifications by committees of incumbents and their supervisors or 2) individual interviews conducted by Merit System staff with incumbents in the class and/or supervisory personnel and final review of the draft of the class specifications by groups of incumbents and their supervisors. The Merit System Council has held hearings on all of these class specifications and as a result of these hearings, some additional changes have been made.

   (A) DPW 125 R. (Personnel Director) One of the changes in this class specification is the retitling from Personnel Officer II. This

is a "one person" class and the individual working in the class functions as a director in the St. Louis County Welfare Department which is the largest agency under the Merit System. Most of the revisions were suggested by the current incumbent. Some are of a housekeeping and an updating of terminology nature. The revisions in the illustrative examples of work reflect the changing role of the individual in this class with regard to manpower planning, labor relations and affirmative action. The revisions made in the knowledges, skills and abilities required and the upgrading of the minimum qualifications also reflect this changing role and the increased amount of responsibility and scope of authority.

(B) DPW 128 J. and K. (Resources Examiner I and II) Incumbents in the classes and their supervisors suggested the majority of the changes. Some of the changes proposed again are of a housekeeping nature. The revisions in the minimum qualifications for Resources Examiner I are designed to broaden and clarify the qualifications as they were too vague and restrictive and are eliminating from the examining process those individuals who could perform successfully on the job as Resources Examiners I.

Likewise, the changes in the minimum qualifications for Resources Examiner II broaden and clarify the requirements for entrance into the examination. The revisions in the kind of work and knowledges and abilities required for Resources Examiner II relate specifically to the collection of child support. In some counties, the Resources Examiner may spend some time, although a relatively small percentage, in child support work. The recommended changes in the specifications will more clearly define the job.

(C) DPW 131 J. (Account Clerk) and DPW 140 B. For many years, the Merit System has received comments from accountants, accounting officers and welfare directors that the clerical classifications of Clerk I, II, III; Clerk-Typist I, II, III; and Clerk-Stenographer I, II, III were inappropriate for those employees assisting the accountants and accounting officers in the accounting units of the county welfare agencies and that a classification of Account Clerk was needed. This past year, the Merit System began an extensive study, with the aid of a consultant to determine 1) if there was a need for a separate classification for these individuals, 2) if there was a significant difference in the duties between the clerks in the accounting unit and those in other units of the agencies and 3) if the need for a separate class existed, which positions should be allocated at the Account Clerk level.

The Merit System sent checklists enumerating 225 tasks which included those that were common to clerks in the accounting unit as well as those that were common to clerks in other units. The accounting tasks included in the checklist were developed and selected by accountants in the county agencies as well as by accounting supervisory personnel within the Department of Public Welfare. Clerks in the accounting units of the county agencies were asked to rate the tasks as to amount of time spent and importance. The results of this study were: 1) in many cases, the duties of the clerks performing accounting functions differed significantly from the duties of clerks performing traditional clerical functions and 2) there was a need to reallocate 105 positions to the Account Clerk class. The classification specification was drafted from information obtained in the study regarding the most important and frequently performed tasks. The draft

of the proposed specification was reviewed by a committee of accounting officers and accountants and they were given the opportunity to suggest any deletions and additions they felt necessary. The final proposed draft of the class specification incorporated agreed upon suggested changes. The report of this study is expressly incorporated herein by references.

A revision is needed to DPW 140 B. to set a salary for the remainder of 1977 for this class. The 1977 salary scales for this class are proposed at $631 to 863 per month on the A Support Salary Schedule, $660 to 902 on the B schedule and $691 to 944 on the C schedule. The State of Minnesota has a salary range of $665 to 835 per month for Account Clerk and of $785 to 985 per month for Account Clerk, Senior. Ramsey County's salary ranges for Account Clerk I and Account Clerk II are $789 to 992 and $851 to 1073 per month, respectively. Hennepin County's salary range for Account Clerk is $772 to 876 per month, for Intermediate Account Clerk $798 to 967 per month and for Senior Account Clerk $992 to 1121 per month. Traditionally, the Merit System has set its salary ranges closer to the salaries paid by the State rather than those paid by Hennepin and Ramsey. Since the Merit System only is establishing one level of Account Clerk, salaries paid for Account Clerk and Senior Account Clerk by other jurisdictions were considered in setting the Merit System rates.

The salary range for the class was established on the Support Salary Schedule rather than the Clerical Salary Schedule as the duties of this class are not clerical in nature, but are technical. Many of the illustrative examples of work for the Account Clerk class also are found in the accounting officer class specifications.

The knowledges, skills and abilities required and the minimum qualifications of education also reflect that the position is one of an assistant to the accounting officer or accountant, requiring a background in bookkeeping and business arithmetic.

(D) DPW 132 A., B., C., D., E., F., G., H., I. MHD 306 B., C., D., E., F., G., H., I., J. DES 129 A., B., C., DES 130 A., B., C., D., E., F. (Clerk I, II, III; Clerk-Typist I, II, III; Clerk-Stenographer I, II, III) The revisions in the clerical classes are based partially on a job analysis completed on the clerical classes, as well as on suggestions made by a group of incumbents and supervisory personnel. The job analysis study is expressly incorporated herein by reference.

Most of the changes in the illustrative examples of work and knowledges, skills, and abilities required are of a housekeeping nature and updating of terminology. The major revision in the specifications was the removal of the desirable qualifications of education and experience. Last year representatives from the U.S. Civil Service Commission informed our office that in order to receive their approval of our class specifications, qualifications stated must be minimums. Since it was felt 1) that specific education and experience requirements (for example, high school degree and two years of office experience for Clerk-Typist II) for clerical classes were not valid and 2) that the examinations currently administered for the clerical classes are reliable predictors of successful performance on the job, the qualifications are stated in the form of "knowledges, skills, and abilities" required and tested for in the examinations for these classes.

(E) MHD 304 T. (Public Health Nutritionist) and MHD 314 A. This health classification was established as a result of a need expressed by Olmsted County Health Department which is under the Merit System. In the past, this county had contracted with a nutritionist, but now feels the need for a full-time position within the agency. A committee of personnel from the health agency met with a representative from the Merit System to assist in the development of the specification. The final draft was sent to other county and local health agencies under the Merit System for their approval.

A revision is needed to MHD 314 A. to set the salary for the remainder of 1977 for this class. The salary scales for this class are proposed at $1079 - 1472 per month on the A plan, $1126 - 1538 on the B plan, and $1177 - 1609 on the C plan. The State of Minnesota has the salary range for the equivalent class set at $1178 - 1613 per month, which is nearly identical to the Merit System C plan range.

(F) MHD 305 G. (Home Health Aide) The revisions proposed for this class specification update the terminology and make the class more consistent with the existing welfare class of Home Health Aide. The proposal to delete the high school degree requirement is made because this requirement is invalid and is screening out applicants who could perform the job successfully, which is discriminatory. Some additional qualifications which can be imposed by the appointing authority are proposed. These involve: 1) satisfactory physical condition as evidenced by a physical examination immediately prior to employment, 2) completion of a training program for Home Health Aides, and 3) possession of

a valid Minnesota driver's license. All of these extra qualifications are job related since 1) agencies who employ these persons must assure themselves that the employee does not have a contagious disease, 2) a training program is required by the Social Security Act and some agencies do not have the personnel to provide such training once the person is hired and 3) most of the jobs require driving.

The aforegoing authorities and comments are submitted in justification of final adoption of the above cited proposed rule amendments.

Barbara L. Sundquist
Merit System Supervisor

DATED: September 19, 1977

DPW-78[illegible]19-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE
THE DEPARTMENT OF HEALTH AND
THE DEPARTMENT OF PUBLIC SAFETY

In the Matter of Proposed Amendments to Minn. Rules DPW 94, 104, 116, 125, 128, 131, 132, 140 and 141; Minn. Rules MHD 268, 279, 294, 304, 305, 306, 314 and 315; and Minn. Rules DES 94, 129, 130, 140 and 141, Governing Certain Procedures of the Minnesota Merit System

REPORT OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on October 14, 1977, before Steve M. Mihalchick, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.0412 was issued to the Departments of Public Welfare, Health and Public Safety on October 25, 1977; and

WHEREAS, the Departments of Public Welfare, Health and Public Safety have now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Departments of Public Welfare, Health and Public Safety have submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that there are no substantial changes in said rules as originally proposed.

NOW, THEREFORE, upon receipt of this Report, the Departments of Public Welfare, Health and Public Safety have the responsibility of submitting the complete hearing record and the rules as adopted by the Departments to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 10th day
of November, 1977

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

EXHIBIT C

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF EMERGENCY SERVICES

ERROR LISTING

DES 94 B. 1. line 4 reads "DES 94 (2) (F)."
This line should read "DES 94 B. 6." and
should be printed in italics.

DES 94 B. 2. line 1 reads "DES (1) (A)."
This line should read "DES 94 B. 1."

DES 94 B. 2. line 2 reads "DES 94 (4)."
This line should read "DES 94 D."

DES 94 B. 5. line 2 reads "DPW 116 (2) (A) and DPW 116 (2) (B)."
This line should read "DPW 116 B. 1. and DPW 116 B. 2."

DES 94 B. 6. line 5 reads "DES 94 (5)."
This line should read "DES 94. E. 1."