

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC

RULE REVIEW CHECKLIST

File No. 1715 — Docket No. 05, 0009, 0859

DATE RECEIVED 7-13-90 — ADOPTED W/O HEARING ✓

REVIEW DATE 7-22-90 — EMERGENCY RULE _____

DUE DATE 7-27-90 — sent to Revisor 7/17/90

REVISOR APPROVED 7/20/90

APPROVED 7-26-90 mjc — REVISOR DISAPPROVED _____

DISAPPROVED ✓ — FILED W/SEC. OF STATE 7/27/90

WITHDRAWN _____ — RETURNED TO AGENCY 7/30/90

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
- Feb 20, 1990 Date published in State Register
- _____ Comments

NA Petition for Adoption of a Rule (if applicable)

NA Board's Authorizing Resolution
- _____ Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 256.012 Statutory Authority
- _____ Small Business Statement
- ✓ Expenditure of public money statement
- May 2, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
- NA Small Business Statement
- _____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- ✓ Date (30)/25 days before adoption Human Services, Health May 16, 1990 Public Safety
- ✓ Notice attached
- _____ Copy of rule or summary attached

Additional mailing for all 3 agencies on May 16, 1990

✓ Publication in State Register
- May 21, 1990 Date (30)/25 days before adoption for all 3 Agencies

✓ 180-day deadline from:
- NA Effective date of law requiring rule (14.12) (both rules) Amendments
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ Resolution Adopting
- NA Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- June 29, 1990 Date Health - June 28, 1990 Public Safety June 29, 1990
- Human Services

✓ Written requests, submissions or comments

✓ Declaration of attorney
- Craig Anderson Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: July 30, 1990

TO: ANN WYNIA
Commissioner of Human Services

RUDY PERPICH
Governor

SISTER MARY MADONNA ASHTON
Commissioner of Health

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-9421

SUBJECT: In the Matter of the Adopted Rule Relating to Merit System

The above-referenced rule has been approved as to its legality by the Attorney General on July 26, 1990.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

CBE:sc

Enclosures

cc: Craig Anderson
William Brown, Chief Judge
MaryAnn Hruby

Department of Human Services

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

9575.0010 DEFINITIONS.

[For text of subps 1 to 46, see M.R.]

Subp. 47. **Transfer.** "Transfer" means the movement of a probationary or permanent employee from a position in one class to another position in the same class in the same or different county agency or to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.

[For text of subps 48 and 49, see M.R.]

9575.0300 PREPARATION AND ADOPTION.

Subpart 1. **Preparation of plan.** In accordance with the Administrative Procedure Act, the commissioner shall formally adopt and make effective a comprehensive compensation plan including minimum and maximum salary rates as published in part 9575.1500, and recommended intervening steps as published in the Human Services Merit System Manual, as amended through May 29, 1982, for all classes of positions. The plan shall apply to all agencies covered by the merit system except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or in those instances where the requirements of part 9575.0350, subpart 2, item C have been satisfied. The plan shall include salary ranges for the various classes, with the salary of each class consistent with the functions outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each class shall be established to provide for salary advancement without change in duty, in recognition of meritorious service. The advice and suggestions of appointing authorities, prevailing salary rates for similar and competing types of employment in business and

government, and other relevant factors shall be taken into consideration in developing the salary schedules. Equitable compensation relationships shall be established between female-dominated classes, male-dominated classes, and balanced classes of employees in accordance with Minnesota Statutes, sections 471.991 to 471.999. Classes shall be evaluated in order to determine comparable work value and to establish equitable compensation relationships between classes of positions.

[For text of subp 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for a single salary schedule for each occupational grouping of classes including professional, support, clerical and maintenance, and trades classes. The plan shall be established as provided in subpart 1 with minimum and maximum salaries for each class as provided in part 9575.1500. The plan shall be the official plan for all appointing authorities until amended.

9575.0310 SELECTION OF SALARY RANGES BY APPOINTING AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes on the salary schedules for each occupational grouping of classes, appointing authorities shall designate, by resolution, the minimum, intervening and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may amend, by resolution, the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the official action taken by the appointing authority to amend its plan.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions

of part 9575.0350, subparts 2 and 3 on the basis of the comprehensive compensation plan provided in part 9575.0300, subpart 3.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay 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 under part 9575.0330, subpart 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with the following provisions:

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. In those situations where the appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, the authority must file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 9575.1510. These adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class.

[For text of items D to F, see M.R.]

G. Employees at or above the maximum salary rate for

their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

9575.0380 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a salary increase within the assigned employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of such assignments by the supervisor is

required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment, the employee's salary shall be reduced to its previous level. This decrease is not subject to part 9575.0370 or part 9575.1180.

9575.0850 TRANSFERS.

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

Subp. 2. **Same position in different counties.** Transfer of a probationary or permanent employee from a position on one county welfare staff to a position of the same class on another county welfare staff may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of parts 9575.0720 and 9575.0760. All such transfers must be reported to the supervisor.

Subp. 3. **Between different positions.** With the approval of the merit system supervisor, a permanent employee may transfer from a position in one class in a county agency to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, 1990.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1762	2749
Accounting Supervisor	2102	3434
Administrative Assistant I	2199	3758
Administrative Assistant II	2352	4018
Administrative Assistant III	2805	4378
Adult Day Care Center Supervisor	1611	2632
Assistant Human Services Director	3073	4570

Assistant Welfare Director	3841	5694
Auditor	2102	3434
Chemical Dependency Coordinator	1762	2870
Collections and Accounting Unit Supervisor	1844	3002
Collection Services Supervisor II	1844	3002
Community Health Services Supervisor	2102	3587
Computer Programmer	1684	2632
Contract Services Representative	2014	3141
County Agency Social Worker (Licensing Specialist)	1611	2632
County Agency Social Worker	1684	3002
County Agency Social Worker (Child Protection Specialist)	1684	3002
County Agency Social Worker (MSW)	1844	3002
County Agency Social Worker (MSW) (Child Protection Specialist)	1844	3002
Day Care Center Teacher	1611	2632
Director of Business Management I	2352	4018
Director of Business Management II	2805	4570
Director of Financial Assistance	2805	4570
Director of Planning	2805	4570
Director of Public Health Nursing	2102	3434
Director of Social Services	2805	4570
Employment Guidance Counselor	1611	2413
Family Based Services Supervisor	1762	2749
Family Service Coordinator II	1611	2413
Financial Assistance Supervisor I	1844	3002
Financial Assistance Supervisor II	2102	3434
Financial Assistance Supervisor III	2199	3587
Fiscal Manager	2199	3587
Fiscal Officer	1611	2632
Fiscal Supervisor I	1611	2749
Fiscal Supervisor II	2102	3434
Gerontology Counselor	1844	3002
Human Services Director III	3357	4990
Human Services Supervisor I	2199	3758
Human Services Supervisor II	2749	4288
Jobs and Training Supervisor	1844	3002
Mental Health Program Manager	2352	4018
Mental Health Worker	2014	3141
Methods & Procedures Analyst	1611	2632
Nutrition Project Assistant Director	1611	2632
Nutrition Project Director	2102	3434
Office Services Supervisor II	1541	2413
Planner (Human Services)	2014	3141
Psychologist I	1844	3002
Psychologist II	2102	3434
Psychologist III	2805	4192
Public Health Educator	1762	2749
Public Health Nurse	1844	2870
Public Health Nurse (Team Leader)	1925	3002
Registered Dietician	1611	2632
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	2749
Resident Activity Coordinator	1611	2632
Sanitarian	1611	2632
Senior Public Health Nurse	2014	3141
Senior Staff Development Specialist	2102	3434
Social Services Supervisor I	2199	3758
Social Services Supervisor II	2413	4108
Social Services Supervisor III	2749	4288
Staff Development Specialist	1611	2632
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2014	3141
Support Services Supervisor	1762	2749
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	

Volunteer Services Coordinator	1611	2632
Welfare Director I	2632	3930
Welfare Director II	2870	4288
Welfare Director III	3073	4570
Welfare Director IV	3357	4990
Welfare Director V	3504	5218
Welfare Director VI	4474	6358

Subp. 2. and 3. [See Repealer.]

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	1151	1721
Accounting Technician	1204	1881
Adult Day Care Center Program Coordinator	1233	2014
Case Aide	1233	2014
Chemical Dependency Counselor	1505	2146
Child Health Aide	987	1611
Child Support Officer (Administrative Process)	1611	2413
Child Support Officer I	1380	2146
Child Support Officer II	1611	2413
Collections Officer	1351	2102
Collection Services Supervisor I	1762	2870
Community Service Aide	987	1611
Community Support Technician	1505	2146
Computer Operations Specialist	1204	1721
Coordinator of Aging	1541	2413
Crisis Center Resource Aide	1204	1881
Employment Technician	1233	2014
Family Based Services Provider	1505	2146
Family Service Aide I	1102	1721
Family Service Aide II	1204	1881
Family Service Coordinator I	1351	2014
Family Service/Home Health Aide	1102	1721
Financial Assistance Specialist	1541	2413
Financial Worker	1233	2014
Home Health Aide	1102	1721
Home Health Aide Coordinator	1351	2014
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	1762	2749
Housing Rehabilitation Specialist	1351	2014
Licensed Practical Nurse	1351	2014
Methods and Procedures Technician	1505	2146
Monitoring and Review Specialist	1233	2014
Office Services Supervisor I	1351	2014
Public Health Aide	987	1611
Senior Citizen's Aide	1151	1721
Support and Collections Specialist	1611	2413
Support Enforcement Aide	1151	1721
Welfare Fraud Investigator	1684	2413

Subp. 5. and 6. [See Repealer.]

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	1215	1899

Clerk I	836	1361
Clerk II	956	1626
Clerk III	1137	1778
Clerk-Typist I	917	1483
Clerk-Typist II	956	1626
Clerk-Typist III	1215	1899
Clerk-Steno	956	1626
Data Entry Operator	917	1483
Information Systems Specialist	956	1626
Legal Secretary	1137	1778
Switchboard Operator	917	1483

Subp. 8. and 9. [See Repealer.]

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	959	1522
Bus Driver	1023	1621
Janitor	1044	1588
Maintenance Worker	1136	1727

Subp. 11. [See Repealer.]

REPEALER. Minnesota Rules, parts 9575.0310, subpart 1; 9575.1500, subparts 2, 3, 5, 6, 8, 9, and 11 are repealed.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Merit System

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9575

APPROVED AS TO FORM AND LEGALITY
July 26 19 90
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 27 1990
Joan Anderson Growe
Secretary of State

Kathleen T. Harrington
Assistant Revisor

Department of Public Safety

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

7520.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means the movement of a probationary or permanent employee from a position in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.

[For text of subps 49 and 50, see M.R.]

7520.0600 PREPARATION AND ADOPTION OF COMPENSATION PLAN.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for a single salary schedule for each occupational grouping of classes including professional and clerical classes. The plan shall be established as provided in subpart 1 with minimum and maximum salaries for each class as provided in parts 7520.1000 and 7520.1100. The plan shall be the official plan for all appointing authorities until amended.

7520.0610 SELECTION OF SALARY RANGES BY LOCAL AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes on the salary schedules for each occupational grouping of classes, appointing authorities shall designate by resolution the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may by resolution amend the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the amendment.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 7520.0650, subparts 2 and 3 on the basis of the comprehensive compensation plan adopted by the appointing authority as provided in part 7520.0600, subpart 3.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay 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 range as negotiated for the class under part 7520.0630, subpart 1. In no case would this part allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H.

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. If an appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, it must

file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 7520.1200. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class.

[For text of items D to F, see M.R.]

G. Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

7520.0680 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and the work exceeds 15 consecutive work days the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a salary increase within his salary range. If the assignment is to a position in a classification at an equal or lower level the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment is limited to no more than six months. An appointing authority

may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days prior to the end of the initial six month assignment. Approval of the assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment the employee's salary shall be reduced to its previous level, notwithstanding the provisions of part 7520.0670 or 9575.1180.

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	1762	2632
Emergency Management Director	1541	2413
Communications Officer	1541	2300
Operations Officer	1762	2632
Public Information Officer	1762	2632
Radiological Officer	1541	2300
Safety Services Coordinator	1762	2632

Subp. 2. and 3. [See Repealer.]

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	836	1361
Clerk II	956	1626
Clerk III	1137	1778
Clerk-Typist I	917	1483
Clerk-Typist II	956	1626
Clerk-Typist III	1215	1899
Clerk-Steno	956	1626

Subp. 2. and 3. [See Repealer.]

REPEALER. Minnesota Rules, parts 7520.0610, subpart 1; 7520.1000, subparts 2 and 3; 7520.1100, subparts 2 and 3, are repealed.

APPROVED AS TO FORM AND LEGALITY

July 26 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 27 1990

Joan Anderson Growe
Secretary of State

Department of Health

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

4670.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means the movement of a probationary or permanent employee from a position in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 4670.2800.

[For text of subps 49 and 50, see M.R.]

4670.1020 CLASSES OF POSITIONS IN PLAN.

The comprehensive compensation plan shall provide for a single salary schedule for each occupational grouping of classes including professional and administrative, health services support, clerical, and building maintenance classes. The plan shall be established as provided in part 4670.1000 with minimum and maximum salaries for each class as provided for in parts 4670.4200 to 4670.4240. The plan shall be the official plan for all appointing authorities until amended.

4670.1110 SELECTION OF RATES.

By resolution, each appointing authority shall designate the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The rates must be within the minimum and maximum salaries for the classes on the salary schedules for each occupational grouping of classes. The appointing authority shall promptly notify the supervisor about the rates selected.

4670.1120 PLAN AMENDMENTS.

By resolution, the appointing authority may amend the

minimum, intervening and maximum salary rates to be paid for any class of positions used by the appointing authority. The appointing authority shall promptly notify the supervisor about official action taken to amend its plan.

4670.1130 INCUMBENTS.

Salary rates for incumbents of positions shall be established in accordance with parts 4670.1310 and 4670.1320 on the basis of the comprehensive compensation plan as provided in part 4670.1020.

4670.1140 NONREPRESENTED EMPLOYEES.

In agencies with an exclusive representative, the appointing authority may pay 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 under part 4670.1210. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

4670.1310 PLAN REQUIREMENTS.

In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H:

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. If a local public health authority determines the general merit system adopted adjustment is inappropriate for its employees, the authority may grant a different adjustment. The authority shall file with the supervisor the new salary steps by class and a salary conversion table as provided for in part

4670.4300. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their classes.

[For text of items D to F, see M.R.]

G. Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

4670.1600 WORK-OUT-OF-CLASS ASSIGNMENTS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a salary increase within the employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work-out-of-class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work-out-of-class assignment for up to an additional

six months, specifying the reason why the extension is necessary. A request to extend a work-out-of-class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of these assignments by the supervisor is required and requests for approval must be received by the supervisor within five calendar days of the assignment. Upon completion of the work-out-of-class assignment, the employee's salary shall be reduced to its previous level, notwithstanding the provisions of parts 4670.1500, subpart 1, and 4670.3530.

4670.2800 TRANSFERS.

A transfer of an employee from a position in one organizational subdivision of a local public health agency to a position of the same class in another organizational subdivision of a local public health agency may be made at any time by the appointing authority concerned.

Transfer of a probationary or permanent employee from a position in one local public health agency to a position of the same class in another local public health agency may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of parts 4670.2600, subpart 2, and 4670.2650. All such transfers must be reported to the supervisor. With the approval of the merit system supervisor, a permanent employee may transfer from a position in one class in a county agency to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Assistant Director of Environmental Health	2199	3434
Director of Environmental Health	2515	3930
Director of Public Health Nursing	2102	3434
Public Health Educator	1762	2749
Public Health Nurse	1844	2870
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	2749
Sanitarian	1611	2632
Senior Public Health Nurse	2014	3141

Subp. 2. and 3. [See Repealer.]

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Bookkeeper	1204	1881
Home Health Aide	1102	1721
Home Health Aide Coordinator	1351	2014
Inspector	1351	2014
Licensed Practical Nurse	1351	2014
Public Health Aide	987	1611

Subp. 2. and 3. [See Repealer.]

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	836	1361
Clerk II	956	1626
Clerk III	1137	1778
Clerk-Typist I	917	1483
Clerk-Typist II	956	1626
Clerk-Typist III	1215	1899
Clerk-Steno	956	1626
Switchboard Operator	917	1483

Subp. 2. and 3. [See Repealer.]

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the class specified in subpart 2 who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day work rate.

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

	Minimum	Maximum
Janitor	1044	1588

Subp. 3. [See Repealer.]

REPEALER. Minnesota Rules, parts 4670.1100; 4670.4210, subparts 2 and 3; 4670.4220, subparts 2 and 3; 4670.4230, subparts 2 and 3; and 4670.4240, subpart 3, are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 27 1990
Secretary of State

APPROVED AS TO FORM AND LEGALITY

July 26 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 27 1990

Joan Anderson Growe
Secretary of State

Stat Auth

256.012

The commissioner of human services shall promulgate by rule personnel standards on a merit system

144.071

The commissioner may establish a merit system

12.22 subd 3

The governor shall have authority to establish rules in accordance with the law

Notice of Intent indicates deadline for comment is June 20, 1990 → 30 days
Published in the State Register May 21, 1990

MINNESOTA MERIT SYSTEM

FOR: COUNTY WELFARE
HUMAN SERVICE BOARDS
COUNTY AND LOCAL EMERGENCY SERVICES
COUNTY AND LOCAL PUBLIC HEALTH

HUMAN SERVICES BUILDING
444 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155-3822
612/296-3996

DATE: July 13, 1990

TO: Patricia Nolte
Attorney General's Office, Administrative Division

FROM: Ralph W. Corey RWC
Merit System Supervisor

SUBJECT: Review of a Rule Adopted Without a Public Hearing; Rules Relating the Merit System, Minnesota Rules, parts 9575.0010, 9575.0300. 9575.0310, 9575.0350, 9575.0380, 9575.0850, 9575.1500, 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, 4670.4210-4240, 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, and 7520.1000-1100.

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0300 for your review of a rule adopted without a public hearing for the above entitled matter.

Official documents in this submitted material include:

1. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register.

2. A copy of the proposed rule with a certificate of approval as to form by the revisor of statutes attached.

3. The notice of intent to adopt a rule without a public hearing as mailed.

4. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

5. The affidavit of mailing the notice of intent to adopt a rule without a public hearing. The affidavits state that the mailing list maintained by the agency pursuant to Minnesota Statutes, sections 14.22 and 14.14, subdivision 1a is accurate, complete, and current and that the notice of intent to adopt the rule without a public hearing was mailed to all persons and groups whose names appear on the list.

6. A copy or photocopy of the notice of intent to adopt the rule without a public hearing as published in the State Register.

7. Four copies of the rule as adopted. Any modification made to the proposed rule is reflected on the rule as adopted and is approved as to form by the revisor of statutes.

8. The findings of fact, conclusions, and order adopting the rule.

9. All written requests, submissions, or comments on the rule received by the agency except requests solely for copies of the rule or of the statement of need and reasonableness.

10. The declaration of the attorney in the attorney general's office who represents the agency.

11. No requests to be notified of submittal of the rule to the Attorney General.

If you have any questions on this submitted material, please call me at 296-3996.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

BEFORE SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

BEFORE RUDY PERPICH
GOVERNOR

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA MERIT SYSTEM GOVERNING DEFINITIONS, THE COMPENSATION PLAN, WORK OUT OF CLASS AND TRANSFERS

STATEMENT OF NEED AND REASONABLENESS

I. The following considerations constitute the 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 grant-in-aid funds for its various human services, public health and public safety programs, it must establish and maintain a merit system for personnel administration. See, e.g. 42 USC Ch. 62. (1)

2. Pursuant to such congressional action the Office of Personnel Management, acting under authority transferred to the United States Civil Service Commission from the Departments of Health, Education and Welfare, Labor, and Agriculture by the Intergovernmental Personnel Act (IPA) of 1970 and subsequently transferred on January 1, 1979, to the Office of Personnel Management by the Reorganization Plan Number Two of 1978, promulgated the Standards for a Merit System of Personnel Administration codified at 5 CFR Part 900, Subpart F, which imposes on the State of Minnesota general requirements for a merit system of personnel administration in the administration of the federal grant-in-aid programs. (See, Footnote 1 Supra.)

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1 Also see sections of the United States Code and Code of Federal regulations cited herein where the following programs have statutory or regulatory requirement for the establishment and maintenance of personnel standards on a merit basis:
Aid to Families With Dependent Children - "AFDC" [42 USC sec. 602 (a) (5)]
Food Stamps [7 USC sec. 2020 (e) (B)]
Medical Assistance - "MA" [42 USC sec. 1396 (a) (4) (A)]
Aid to the Blind [42 USC sec. 1202 (a) (5) (A)]
Aid to the Permanently and Totally Disabled [42 USC sec. 1352 (a) (5) (A)]
Aid to the Aged, Blind or Disabled [42 USC sec. 1382 (a) (5) (A)]
State and Community Programs on Aging [42 USC sec. 3027 (a) (4)]
Adoption Assistance and Foster Care [42 USC 671 (a) (5)]
Old-Age Assistance [42 USC 302 (a) (5) (A)]
National Health Planning and Resources Development, Public Health, Service Act [42 USC 300m-1 (b) (4) (B)]
Child Welfare Services [45 CFR 1392.49 (c)]
Emergency Management Assistance [44 CFR 302.5]

3. Under the aforementioned grant-in-aid programs the State of Minnesota, through its appropriate agencies, is the grantee of federal programs 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 the applicable federal standards. Those standards require that in order for the agencies under the Minnesota Merit System to be eligible to receive federal grant-in-aid funds the Minnesota Merit System rules must specifically include, among other things, an active recruitment, selection and appointment program, current classification and compensation plans, training, retention on the basis of performance, and fair nondiscriminatory treatment of applicants and employees with due regard to their privacy and constitutional rights (48 Fed. Reg. 9211 (March 4, 1983) codified at 5 CFR sec. 900.603).

4. In conformance with 5 CFR Part 900, Subpart F, the Minnesota Legislature enacted Minn Stat. sec. 12.22 Subd. 3, sec. 144.071 and sec. 256.012, which respectively authorize the Governor, the Commissioner of Health, and the Commissioner of Human Services 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". (2)

5. Pursuant to such statutory authority those state agencies have adopted comprehensive administrative rules which regulate administration of the Minnesota Merit System. (3)

6. The Minnesota Supreme Court has upheld the authority of the Commissioner of Human Services and by implication that of the Commissioner of Health and the Governor to promulgate personnel rules and regulations. The Court quashed a writ of mandamus brought by the Hennepin County Welfare Board against the county auditor in attempting to force payment of salaries in excess of the maximum rates established by the Director of Social Welfare. (4) State ex rel. Hennepin County Welfare Board and another v. Robert F. Fitzsimmons, et. al., 239 Minn. 407, 420, 58 N.W. 2d 882, (1953). The court stated:

> .....It is clear that the Director of Social Welfare was clearly right in adopting and promulgating a merit plan which includes initial, intervening, and maximum rates of pay for each class of position of the county welfare board system included within the plan and that 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 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 program nor the determination of his tenure of office and individual compensation.

7. 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. secs. 179A.61 - 179A.77).

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2 See also Minn. Stat. secs. 393.07 (5), 256.01 (4), 393.07 (3) and 256.011.

3 Minnesota Rules parts 9575.0010 - 9575.1580, parts 7520.0100 - 7520.1200, and parts 4670.0100 - 4670.4300.

4 "Director of Social Welfare" was the former title of the Commissioner of Human Services.

II. The justifications establishing the need for and the reasonableness of the specific substantive provisions of the proposed rules, all of which concern the Minnesota Merit System operation, are as follows:

A. Definitions

Minnesota Rules, parts 9575.0010, 4670.0100 and 7520.0100

An amendment is proposed to 9575.0010 Subp. 47; 4670.0100 Subp. 48 and 7520.0100 Subp. 48 providing a new definition for the term "transfer." The current language contained in the definition of transfer provides criteria for transfer that are inconsistent with the criteria for transfer contained in rule parts 9575.0850 and 4670.2800. The current definitional language refers to movement between classes with the same salary range, usually performing similar duties and requiring essentially the same qualifications of training and experience. Parts 9575.0850 and 4670.2800 governing transfers between positions in the same or different classes and in the same or different agencies don't even mention salary ranges as being a criteria for transfer but rather emphasize examination relatedness for the two classes involved which isn't mentioned in the definitional language for transfer. More importantly, neither of the rule parts refers to the criterion that transfers between classes be limited to classes with similar or identical comparable work values. In 1984, the Legislature passed what is known as the Local Government Pay Equity Act (Minn. Stat. 471.991-471.999) which required all political subdivisions, and the Merit System, to establish equitable compensation relationships between classes of positions based on their comparable work values as determined by a job evaluation system. The Merit System completed the process of determining the comparable work values of all Merit System classes in early 1985. The comparable work value for each class became the primary factor in determining the salary range for each class. It obviously, then, is a significant factor in transfers between positions in different classes.

The new definition in 9575.0010, subp. 47, 4670.0100, subp. 48 and 7520.0100, subp. 48 clarifies that the two primary criteria for transfer is salary range and comparable work value.

When the transfer of an employee from a position in one class to a position in another class is proposed, the Merit System looks primarily at the similarity of the salary ranges for the two classes, and the similarity of their comparable work values. If the salary ranges for the two classes involved in the transfer are more than one step apart, the movement between classes should be considered a promotion involving testing and appointment from an eligible register. This requirement is similar to one governing transfers within the state personnel system. If the comparable work values of the two classes are identical or similar, their salary ranges should be identical or similar. The Merit System has not, unfortunately, reached complete pay equity as yet and there still are a few situations where two classes have identical or similar comparable worth values but disparate salary ranges.

Both probationary and permanent employees may transfer and language has been proposed to clarify this fact. Transfers can take place between positions in the same class in the same or different agency or between positions in different classes in the same or different agency. It is reasonable to include who can transfer as well as the kinds of transfers in any definitional language. Since the current language is deficient in these two respects it is necessary to include this information as part of the proposed new definition.

B. Transfers

Minnesota Rules, parts 9575.0850 and 4670.2800 (Under the provisions of 7520.0200 Subp. 2, the Department of Human Services rules, parts 9575.0400 to 9575.1300 also apply to the Department of Public Safety's county and local agencies.)

A minor amendment is proposed to the heading for Subp. 3 of part 9575.0850 since the subject of this subpart is the transfer between different positions and not between the same position in different classes. The amendment is necessary so that the heading reasonably relates to the subject of the subpart.

Both part 9575.0850 Subp. 3 and the third paragraph of part 4670.2800 are proposed to be amended significantly. Part of the rationale for the amendment is the same as that for amending parts 9575.0010 Subp. 47 and 4670.0100 Subp. 48 and do not need repeating. There is a need that the language of these parts be consistent with the definitional language for transfer including who can transfer and what criteria governs the transfer between different classes and agencies. One other major amendment to 9575.0850 Subp. 3 and the third paragraph of 4670.2800 provides for Merit System testing under certain conditions of employees who wish to transfer between different classes. It involves situations where the salary ranges and comparable work values for the two classes are similar and the employee meets the minimum qualifications of education and experience for the class to which transfer is proposed but where the work behaviors and the exam content areas for the two classes are different. It allows, in such instances, for testing by the Merit System of the employee proposed for transfer. The employee must take the Merit System examination on an advisory basis for the class to which transfer is proposed. If the employee passes the examination, the Merit System will approve the proposed transfer. The key criteria here (in addition to similar salary ranges and comparable work values) is that the employee meets the minimum qualifications of education and experience for the class to which transfer is proposed.

If he or she does not, advisory testing is not offered. It is believed that advisory testing in these instances is reasonable in that it objectively allows for determining whether an employee possesses the necessary knowledges, skills and abilities to perform the specific job requirements of the position in the class to which he or she wishes to transfer even though the work behaviors and exam content areas for the two classes are different. This is also consistent with the Federal Standards for a Merit System of Personnel Administration which requires hiring employees on the basis of their knowledge, skill and ability. However, this option is not provided for in current rule language and it is necessary to implement the proposed language of this amendment to provide for that option.

Two amendments are proposed to 9575,0850 Subp. 2 and the second paragraph of 4670.2800. The first one provides for the transfer of probationary as well as permanent employees from a position on one county agency staff to another position in the same class in a different county agency. The second adds references to two other rule parts (9575.0760 and 4670.2650 respectively) relating to the transfer of probationary employees between positions in the same class but in different agencies. Under the provisions of other Merit System rules, probationary employees may transfer between positions in the same class in different county agencies under certain conditions. Given the existence of those conditions, the Merit System has approved such transfers. Yet the current language of 9575.0850 Subp. 2 and the second paragraph of 4670.2800 provides for such transfers only by a permanent employee. Since it is reasonable that different rule references to the same personnel action be consistent with each other, it is necessary to add the words "probationary or" to these rule parts to attain that consistency.

C. Compensation Plan

Minnesota Rules, parts 9575.0300-9575.0380, 4670.1020-4670.1600 and 7520.0600-7520.0680

Many relatively minor amendments being proposed to these rule parts are made necessary by a very significant amendment being proposed to rule parts 9575.1500, 4670.4210-4670.4240 and 7520.1000-7520.1100 which are the Merit System compensation plans for Human Services, Health and Emergency Services. These plans contain two or three separate and distinct salary schedules for the same classes of positions in various occupational groupings of classes such as professional, support, clerical and maintenance and trades classes. A total of 28 separate schedules are made available to local appointing authorities (agencies) in parts 9575.1500, 4670.4210-4240 and 7520.1000-7520.1100. The local agencies then adopt, by formal resolution, a particular salary schedule for each occupational grouping of classes used in the agency. Briefly, the amendment being proposed to parts 9575.1500, 4670.4210-4670.4240 and 7520.1000-7520.1100 (which will be explained in more detail later in this document) would reduce the number of salary schedules to one for each occupational grouping of classes. The total number of salary schedules would be reduced from 28 to 10. With only one plan available for each occupational grouping of classes, agencies will no longer adopt, by formal resolution, a salary schedule for each occupational grouping of classes from among multiple schedules for those groupings. With implementation of the proposed amendment to 9575.1500, 4670.4210-4670.4240 and 7520.1000-7520.1100, it is reasonable to expect that all other rule language references to compensation plans be consistent with the single salary schedule concept for each occupational grouping of classes. To attain that consistency it is necessary to delete any rule references to the "adoption" of a salary schedule from multiple salary schedules made available by the Merit System. The choice of one from among several simply will not be available and that needs to be made clear in rule language.

An amendment is proposed to the third sentence of 9575.0300 Subp. 1 to change salary "schedules" to salary "ranges". Under the single salary schedule concept, the Merit System develops and provides, through the Commissioners of Human Services and Health and the Governor, Merit System agencies with a single salary schedule for each occupational grouping of classes and a single salary range for each classification of positions in each occupational grouping. The amendment is both necessary and reasonable to clarify that multiple salary schedules no longer exist, that each class of positions has a single salary range and also provides consistency with the language in parts 4670.1000 and 7520.0600, Subp. 1.

An amendment is proposed to 9575.0300 Subp. 3, 4670.1020 and 7520.0600 Subp. 3. Again, it is both necessary and reasonable to clarify that the Merit System compensation plan adopted by the Commissioners of Human Services and Health and the Governor provides for only a single salary schedule for each occupational grouping of classes. It is also reasonable and, for purposes of clarification, necessary to specifically identify the title of each occupational grouping of classes used by Human Services, Health and Emergency Services agencies.

An amendment is proposed to delete rule parts 9575.0310 Subp. 1, 4670.1100 and 7520.0610 Subp. 1 in their entirety. With the single salary schedule concept, there is no choosing of salary schedules or plans by individual appointing authorities. Therefore, it is not only reasonable to abolish these rule parts, it is necessary to do so for consistency of rule language. An amendment to the heading of part 7520.0610 includes deletion of the term "civil defense" since this is out-dated language.

Amendments are necessarily proposed to 9575.0310 Subp. 2, 4670.1110 and 7520.0610 Subp. 2 to again clarify that there is only one salary schedule for each occupational grouping of classes and that appointing authorities do not adopt a salary schedule or plan from among alternatives.

Amendments are necessarily proposed to 9575.0310 Subp. 3, 4670.1120 and 7520.0610 Subp. 3 to clarify that, while appointing authorities may still designate and change minimum, intervening and maximum salaries for their classes, they no longer adopt or change salary plans since, under proposed amendments to 9575.1500, 4670.4210-4670.4240 and 7520.1000-7520.1100, they receive only one salary plan for each occupational grouping of classes which they must accept.

Amendments are proposed to 9575.0310 Subp. 4, 4670.1130 and 7520.0610 Subp. 4 again to clarify that appointing authorities no longer adopt salary plans but rather, in accordance with amendments to 9575.0300 Subp. 3, 4670.1020 and 7520.0600 Subp. 3, must accept the single salary schedule for each occupational grouping of classes adopted by the Commissioners of Human Services and Health and the Governor.

Amendments are proposed to 9575.0310 Subp. 5, 4670.1140 and 7520.0610 Subp. 5 simply to clarify that, when other proposed amendments to the compensation plans for Human Services, Health and Emergency Services agencies, there is only one salary range rather than a plurality of salary ranges for a single class.

Amendments are necessarily proposed to 9575.0350 Subp. 2A, 4670.1310 A and 7520.0650 Subp. 2A again to clarify that appointing authorities no longer adopt a compensation plan from among alternatives but must accept one for each occupational grouping of classes that is adopted by the Commissioners of Human Services and Health and the Governor.

Amendments are necessarily proposed to 9575.0350 Subp. 2C, 4670.1310 C and 7520.0650 Subp. 2C for exactly the same reasons as those proposed to 9575.0350 Subp. 2A, 4670.1310 A and 7520.0650 Subp. 2A.

Amendments are proposed to 9575.0350 Subp. 2G, 4670.1310 G and 7520.0650 Subp. 2G governing lump sum general salary adjustments to employees. These rule parts were established some years ago to provide salary relief for employees at the top of the salary range for their class. Under these rule parts, such employees may be granted salary adjustments that exceed Merit System adopted adjustments in the form of a single annualized lump sum payment in the amount of the difference between the Merit System adopted adjustment and the agency adopted adjustment. When the rule parts were established, the intent was to have them apply not only to employees at the maximum for their salary range but those above the maximum for their class. Unfortunately, the adopted language only refers to employees at the maximum of their salary range. One proposed amendment allows for the rule parts to apply to employees above the maximum salary for their class. This is reasonable since existing rule language allows employees who receive Merit System adopted salary adjustments to have salaries that exceed the maximum salary for their class. In addition, other employees have exceeded their salary range maximums by virtue of receiving inequity salary adjustments based on the comparable work value of their position. In order to have these rule parts apply to such employees it is necessary to add the words "or above" to the language. The second proposed amendment allows an agency to grant these salary adjustments in the form of a single lump sum payment or multiple lump sum payments. Current language allows only for a single annualized lump sum payment. Agency managers have pointed to instances where such a payment is made and the employee separates from the agency shortly thereafter. In these situations, they correctly point out that the employer makes a significant salary investment with very little return in the form of service from the employee. They would like to see, as an additional

alternative, the flexibility of providing multiple lump sum payments on a sort of "pay as you go" basis throughout the work year. In this scenario, payment is made as service is rendered. It appears to us that such an alternative is reasonable. Therefore, the proposed amendment is necessary to allow a second alternative in granting lump sum salary adjustments.

An amendment is proposed to 9575.0380, 4670.1600 and 7520.0680 governing work out of class assignments. Quite often, employees are granted leaves of absence and agencies elevate a lower classified employee to perform the work in the vacant position for the period of the leave. In return, the rule allows the employer to grant a one step increase in the employee's current salary range or pay the employee at the minimum of the salary range for the higher class for the period of service in the higher class. We believe it is reasonable to allow individual agencies complete flexibility in determining what to pay employees given work out of class assignments. However, if an agency wishes to keep an employee in the same salary range during a work out of class assignment, current rule language restricts the amount of salary increase that can be granted to one step. It is necessary to amend the rule parts by deleting the words "one step" from the language to gain the desired level of flexibility. An amendment is proposed to 7520.0680 to correct an incorrect rule reference.

D. Compensation Plan
Minnesota Rules, parts 9575.1500, 4670.4210-4670.4240 and 7520.1000-7520.1100
These rule parts represent minimum and maximum salaries for all Merit System classes of positions covered by the Human Services, Health and Public Safety Merit System rules. Part 9575.1500 includes the Department of Human Services Merit System compensation plan. It includes three separate salary schedules (designated as Plan A, B and C) for professional, support and clerical classes of positions and two separate salary schedules (designated as Plan A and B) for maintenance and trades classes of positions making a total of 11 separate salary schedules for Human Service Merit System classes. Parts 4670.4210-4670.4240 includes the Department of Health Merit System compensation plan. It also contains three separate salary schedules (designated as Plan A, B and C) for professional and administrative, support and clerical classes of positions and two separate salary schedules (designated as Plan A and B) for building maintenance classes of positions also making a total of 11 separate salary schedules for Health Merit System classes. Parts 7520.1000-7520.1100 includes the Emergency Services Merit System compensation plan. It contains three separate salary schedules (designated as Plan A, B and C) for professional and clerical classes of positions making a total of six separate salary schedules for Emergency Services Merit System. The grand total of separate Merit System salary schedules is 28 which, incidentally, the Merit System must maintain, amend and adjust on an annual basis. All appropriate schedules are available to the respective local appointing authorities and they are required to choose a schedule for each occupational grouping of classes. For example, for employees in a county human service agency, the county board adopts Plan A, B or C for professional employees; Plan A, B or C for support employees; Plan A, B or C for clerical employees and Plan A or B for maintenance and trades employees. Similar decisions are made by appointing authorities for health and emergency services. The rules also allow individual appointing authorities to amend their adopted plan and adopt by resolution, a different plan for each occupational grouping of classes.

The significant amendments proposed to these rule parts reduces the total number of separate salary schedules from 28 to 10. Human Services Merit System classes would have a total of four, one each for professional, support, clerical and maintenance and trades classes. Health Merit System classes would also have a total of four,

one each for professional and administrative, support, clerical and building maintenance classes. Emergency Services Merit System classes would have a total of two, one each for professional and clerical classes. There would be a single salary range for each Merit System class rather than the current three for most all classes. Other proposed amendments are related to this proposed amendment. An amendment is proposed to delete parts 9575.0310 Subp. 1, 4670.1100 and 7520.0610 Subp. 1 which eliminates the adopting of salary schedules from among several choices and an amendment is proposed to 9575.0310 Subp. 3, 4670.1120 and 7520.0610 Subp. 3 to clarify that appointing authorities will no longer adopt or change salary plans since there will be only one plan for each occupational grouping of classes.

It is evident that the proposed amendment reducing the number of Merit System salary schedules is both reasonable and necessary for several reasons. Presently, Merit System employees performing identical work in the same classification in adjoining counties are often paid in different salary ranges. A Merit System objective in rule language has been "equitable pay scales for the various classes established on the basis of equal pay for equal work." With passage of the Local Government Pay Equity Act, the Merit System has adopted, in rule language, the principle of equal pay for classes with equal comparable worth. Merit System staff have stated their public commitment to both principles. However, continuing to provide multiple salary schedules for the same occupational grouping of classes conflicts with both these principles. Providing multiple plans with differing salary ranges for the same class makes the Merit System vulnerable to the charge that we do not practice what we preach. There is truth to the charge and little or no defense for the current practice. It should be mentioned that the state personnel system, with 35,000 employees and over 1,800 classifications compared to the Merit System's 3,000 employees and 139 classifications, has only one salary range for each of its classes regardless of where the employees in each class work. The Merit System is also a statewide system covering 77 of the 87 county human services agencies. In comparison to the state personnel system, there is simply no justification for continuing to have more than one salary range for each class of positions in the Merit System.

The practice of having multiple salary schedules for each occupational grouping of classes has been in effect in the Merit System since 1970. Maintaining multiple salary schedules provides agencies with geographic salary differentials. The concept of geographic salary differentials is antiquated and no longer viable. There was some rationale 20 years ago for geographic differentials if you only considered the local labor market in setting compensation levels. However, since then, labor markets have expanded greatly in size as people have become much more mobile (including their pursuit of employment opportunities). In addition, the principle of comparable worth is mandated by statute and the labor market is only one factor in the salary setting process. In any event, the present configuration of multiple salary schedules and ranges for the same classification of positions in incompatible with the two equal pay principles mentioned in the preceding paragraph and, therefore, needs to be changed.

As far as Merit System staff members are concerned, having a single salary plan for each occupational grouping of classes would greatly reduce the amount of work necessary to propose amendments to the compensation plan. It would save both time and money. If there was a demonstrated need to continue providing agencies with the present number of separate salary schedules or plans, it would be inappropriate to mention the issues of cost and staff time in this document. However, since there is a lack of demonstrated need for this number of separate salary schedules, the issues of cost and staff time are appropriate issues for discussion. Presently, the Merit System amends annually a total of eleven (11) separate Human Services salary schedules, another eleven (11) separate Health salary schedules and six (6) Emergency Services salary schedules for a grand total of 28 salary schedules. Costs and the time involved in the preparation and printing of rule

amendments are not insignificant. By going to one salary schedule for each occupational grouping of classes, the Merit System would amend four (4) Human Services salary schedules, four (4) Health salary schedules and two (2) Emergency Services schedules for a grand total of ten (10) salary schedules. That number obviously represents a significant reduction in cost and staff time for amending compensation plans.

While perhaps not as significant, another advantage to having a single salary schedule for each occupational grouping of classes is that it will greatly simplify explaining the compensation plan to Merit System job applicants who want to know what the salary range is for the class for which they are applying. Now the staff must ask the applicant what county or counties he/she is interested in and then check to see what plan the county or counties have adopted before responding to the applicant. Often, it also leads to having to explain why there are different salary ranges for the same classification.

It is appropriate to discuss what effects, when implemented, the single salary schedule concept for each occupational grouping of classes will have on Merit System agencies. Individual appointing authorities will no longer be able to choose a single salary schedule for each occupational grouping of classes from a menu of schedules provided by the Merit System. However, each employer has full authority to determine the salary range, including the minimum, intervening and maximum rates of pay for every single class of positions in their employ. This is the same authority they have now. Each employer will also have full authority to change the salary range, including the minimum, intervening and maximum rates of pay for every single class of positions in their employ at any time they desire. This is also the same authority they have now. There is one effect the proposed amendments, if implemented, will have on agencies that cannot be overemphasized. The amendment will not require <u>one</u> Merit System agency to change even <u>one</u> salary range for <u>one</u> class of positions in its employ from what they are with the current configuration of multiple salary schedules for each occupational grouping of classes. The reason for this is that the parameters of the single salary range for each class of positions are the same as the parameters of the current two or, for the most part, three salary ranges for each class of positions. For example, the current salary ranges for Financial Worker are $1233-$1844 per month on the A plan, $1289-$1925 per month on the B plan and $1351-$2014 per month on the C plan. Under the single salary schedule concept being proposed, the single salary range for Financial Worker will be $1233-$2014 per month which encompasses the minimum salary on the current A plan and the maximum salary on the C plan for this class. This is also true for every other Merit System class of position.

As previously mentioned, a single salary schedule for each occupational grouping of classes still would allow individual agencies to establish their own salary range for each class within the Merit System salary schedule minimum and maximum salary for each class as they do now. Within a single salary schedule for each occupational grouping of classes, if there is a need to adjust the minimum or maximum salary for a single class upward in response to the recruiting or retention problem or a labor market salary issue, the agency can make the necessary salary range adjustment for that one class <u>without</u> having to adjust the salary ranges for all the other classes in that same occupational grouping (professional, support, clerical, etc.) to a higher salary schedule with higher salary ranges when there is no need to do so for other classes. Conversely, if an agency can hire in a given class at a rate lower than their minimum salary for that class, they can often adjust the minimum salary for that class downward <u>without</u> having to adjust the minimum salaries for all other classes in that same occupational grouping downward as well. That flexibility does not exist now. When the salary range for one class is adjusted upward (from plan A to B or B to C) or downward (from plan C to B or B to A) all other classes in the same occupational grouping must be treated the same. When one class goes up or down by plan, all the classes in the same occupational grouping goes up or down as well. All classes in the same

occupational grouping of classes must be in the same salary plan or schedule with no exceptions. It is obvious, therefore, that the proposed compensation plan amendments will provide Merit System agencies with greater flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration and, therefore, is more reasonable.

In summary, it is believed that the proposed compensation plan amendments are reasonable. It is also strongly believed that the amendments are necessary to bring Merit System compensation plans into compliance with equal pay principles expressed both in Merit System rule language and in statutes.

Minor amendments are proposed to 9575.1500 providing for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II and a new class title and salary minimums and maximums for Child Support Officer (Administrative Process). These amendments became necessary as a result of a classification study conducted by the Merit System of county social service agency child support and fraud classifications. The study was completed in January 1990. The need for the study came about because the Department of Human Services implemented, in 17 pilot counties, a new procedure for pursuing child support enforcement action to be followed by agency staff. The study revealed that several classes had their principal responsibilities significantly increased by the new procedure resulting in higher comparable work values for the classes and justifying, consequently, higher salary ranges for those classes. In the case of Child Support Officer I's in the pilot counties, their responsibilities increased dramatically so that a new classification, Child Support Officer (Administrative Process) with a higher salary range is justified. These amendments are both necessary and reasonable to ensure that the Human Services Merit System compensation plan properly reflects current class titles and salaries that are current and also reflective of functions actually being performed by Merit System employees.

Other amendments to part 9575.1500 provide for a class title and minimum and maximum salaries for the following new classes established in response to a legitimate need for such new classes in one or more Merit System agency: Financial Assistance Supervisor II (and subsequent retitling of the current Financial Assistance Supervisor II classification to Financial Assistance Supervisor III) and Crisis Center Resource Aide.

An amendment is proposed to Minnesota Rules, part 9575.1500 deleting the class title for Developmental Achievement Center Instructor because there are no employees in this class and there is no longer an intent to use this class. These amendments are both necessary and reasonable to ensure that the Human Services Merit System compensation plan reflects appropriate class titles and salary ranges that are current.

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

If this rule goes to public hearing , it is anticipated that there will be no expert witnesses called to testify on behalf of the agency. The small business considerations in rulemaking, Minnesota Statutes, section 14.115, do not apply to this rule amendment.

Ralph W. Corey
Merit System Supervisor

Dated: 5-2-90

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

(2) All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

(11) A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

(11) The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trades classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

(13) Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

9. If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: May 2, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, and 4670.4210-4240).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 144.071.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 4670.4210-4240 would create a single salary plan for each occupational grouping of classifications including professional and administrative, health services support, clerical, and building maintenance classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county and local agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 4670.1020, 4670.1120, 4670.1130, and 4670.1140 as a result of our proposed amendments to 4670.4210-4240. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 4670.0100 provide for a revised definition of "transfer". Amendments proposed to part 4670.2800 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 4670.1310 G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 4670.1600 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 5-4-90

Sr Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, and 7520.1000-1100).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 7520.1000-1100 would create a single salary plan for each occupational grouping of classifications including professional and clerical classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide local and county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 7520.0600, 7520.0610, and 7520.0650 subparts 2A. and 2C. as a result of our proposed amendments to 7520.1000-1100. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 7520.0100 provide for a revised definition of "transfer". Amendments proposed to part 7520.0650 subpart 2G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 7520.0680 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

Minnesota Rules, part 7520.0200, subp. 2 makes Minnesota Rules, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to Minnesota Rules, part 9575.0850 would then apply to local and county emergency management agencies. The proposed amendments to 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. A copy of the Human Services Notice is attached.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 5-4-90

RUDY PERPICH
GOVERNOR

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trades classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: May 2, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Repeal of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850 and 9575.1500)

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joyce Pederson, being sworn says:

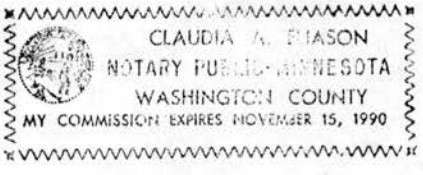
I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Department of Human Services rulemaking mailing list which is accurate, complete, and current as of this 16th day of May, 1990.

That on the 16th day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Repeal a Rule without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Joyce Pederson

Subscribed and sworn to before me this 16 day of May, 1990.

Claudia G. Eliason



Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trades classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: May 2, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, WORK OUT OF CLASS AND TRANSFERS (MINNESOTA RULES PARTS 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, AND 4670.4210-4240).

CERTIFICATE

I hereby certify that the list of persons, associations and interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, and 14.22 or 14.30, that their names be placed on the State Department of Health rulemaking mailing list is accurate, complete, and current as of this 16 day of May, 1990.

Dee H. Woodard

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, WORK OUT OF CLASS AND TRANSFERS (MINNESOTA RULES PARTS 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310. 4670.1600, 4670.2800, AND 4670.4210-4240).

AFFIDAVIT OF MAILING

Rose Ann Bauer, being first duly sworn, deposes and says:

That on the 16th day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Health for the purpose of receiving notice of hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 16 day of May, 1990

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 15, 1990

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, and 4670.4210-4240).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 144.071.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 4670.4210-4240 would create a single salary plan for each occupational grouping of classifications including professional and administrative, health services support, clerical, and building maintenance classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county and local agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 4670.1020, 4670.1120, 4670.1130, and 4670.1140 as a result of our proposed amendments to 4670.4210-4240. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 4670.0100 provide for a revised definition of "transfer". Amendments proposed to part 4670.2800 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 4670.1310 G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 4670.1600 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 5-4-90

Sr Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, WORK OUT OF CLASS AND TRANSFERS (MINNESOTA RULES PARTS 7520.0600, 7520.0610, 7520.0650, 7520.0680, AND 7520.1000-1100).

CERTIFICATE

I hereby certify that the list of persons, associations and interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, and 14.22 or 14.30, that their names be placed on the State Department of Public Safety rulemaking mailing list is accurate, complete, and current as of this 16th day of May, 1990.

Neil Meyer

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, WORK OUT OF CLASS, AND TRANSFERS (MINNESOTA RULES PARTS 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, AND 7520.1000-1100).

AFFIDAVIT OF MAILING

Rose Ann Bauer, being first duly sworn, deposes and says:

That on the 16th day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Public Safety for the purpose of receiving notice of hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 16 day of May, 1990

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 15, 1990

Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, and 7520.1000-1100).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 7520.1000-1100 would create a single salary plan for each occupational grouping of classifications including professional and clerical classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide local and county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 7520.0600, 7520.0610, and 7520.0650 subparts 2A. and 2C. as a result of our proposed amendments to 7520.1000-1100. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 7520.0100 provide for a revised definition of "transfer". Amendments proposed to part 7520.0650 subpart 2G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 7520.0680 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

Minnesota Rules, part 7520.0200, subp. 2 makes Minnesota Rules, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to Minnesota Rules, part 9575.0850 would then apply to local and county emergency management agencies. The proposed amendments to 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. A copy of the Human Services Notice is attached.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 5-4-90

RUDY PERPICH
GOVERNOR

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trades classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: May 2, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Repeal of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850 and 9575.1500)

AFFIDAVIT OF ADDITIONAL MAILING

Joyce Pederson, being first duly sworn, deposes and says:

That on the 16th day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following parties:

- The 87 Minnesota County Human Services Agencies
- 80 Chairpersons of County Boards under the Merit Systsem
- 10 county agency personnel directors & administrative staff
- 3 Merit System Council members
- 7 Unions
- 1 DHS Affirmative Action Director

Joyce Pederson

Subscribed and sworn to before me this 16 day of May, 1990

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 15, 1990

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trades classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: May 2, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, WORK OUT OF CLASS AND TRANSFERS (MINNESOTA RULES PARTS 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, AND 4670.4210-4240).

AFFIDAVIT OF ADDITIONAL MAILING

Rose Ann Bauer, being first duly sworn, deposes and says:

That on the 16th day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice, by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following parties:

Merit System Council - 3
Commissioner of Health
Personnel Director, Department of Health
Affirmative Action Director, Department of Human Services

Rose Ann Bauer

Subscribed and sworn to before me

this 16 day of May, 1990

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 15, 1990

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, and 4670.4210-4240).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 144.071.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 4670.4210-4240 would create a single salary plan for each occupational grouping of classifications including professional and administrative, health services support, clerical, and building maintenance classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county and local agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 4670.1020, 4670.1120, 4670.1130, and 4670.1140 as a result of our proposed amendments to 4670.4210-4240. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 4670.0100 provide for a revised definition of "transfer". Amendments proposed to part 4670.2800 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 4670.1310 G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 4670.1600 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 5-4-90

Sr Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, WORK OUT OF CLASS, AND TRANSFERS (MINNESOTA RULES PARTS 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, AND 7520.1000-1100).

AFFIDAVIT OF ADDITIONAL MAILING

Rose Ann Bauer, being first duly sworn, deposes and says:

That on the 16th day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice, by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following parties:

Merit System Council - 3
Local and County Emergency Management Agencies - 22
Affirmative Action Director, Department of Human Services

Rose Ann Bauer

Subscribed and sworn to before me

this 16 day of May, 1990

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 15, 1990

Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, and 7520.1000-1100).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 7520.1000-1100 would create a single salary plan for each occupational grouping of classifications including professional and clerical classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide local and county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 7520.0600, 7520.0610, and 7520.0650 subparts 2A. and 2C. as a result of our proposed amendments to 7520.1000-1100. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 7520.0100 provide for a revised definition of "transfer". Amendments proposed to part 7520.0650 subpart 2G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 7520.0680 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

Minnesota Rules, part 7520.0200, subp. 2 makes Minnesota Rules, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to Minnesota Rules, part 9575.0850 would then apply to local and county emergency management agencies. The proposed amendments to 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. A copy of the Human Services Notice is attached.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 5-4-90

RUDY PERPICH
GOVERNOR

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trades classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: May 2, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

Department of Human Services

Proposed Permanent Rules Relating to Merit System

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256.012.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trade classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of

submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Ann Wynia
Commissioner of Human Services

Rules as Proposed

9575.0010 DEFINITIONS.

[For text of subps 1 to 46, see M.R.]

Subp. 47. **Transfer.** "Transfer" means the movement of ~~an~~ a probationary or permanent employee from ~~one~~ a position ~~to~~ in one class to another position in the same class ~~or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience~~ in the same or different county agency or to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.

[For text of subps 48 and 49, see M.R.]

9575.0300 PREPARATION AND ADOPTION.

Subpart 1. **Preparation of plan.** In accordance with the Administrative Procedure Act, the commissioner shall formally adopt and make effective a comprehensive compensation plan including minimum and maximum salary rates as published in part 9575.1500, and recommended intervening steps as published in the Human Services Merit System Manual, as amended through May 29, 1982, for all classes of positions. The plan shall apply to all agencies covered by the merit system except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or in those instances where the requirements of part 9575.0350, subpart 2, item C have been satisfied. The plan shall include salary ~~schedules~~ ranges for the various classes, with the salary of each class consistent with the functions outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each class shall be established to provide for salary advancement without change in duty, in recognition of meritorious service. The advice and suggestions of appointing authorities, prevailing salary rates for similar and competing types of employment in business and government, and other relevant factors shall be taken into consideration in developing the salary schedules. Equitable compensation relationships shall be established between female-dominated classes, male-dominated classes, and balanced classes of employees in accordance with Minnesota Statutes, sections 471.991 to 471.999. Classes shall be evaluated in order to determine comparable work value and to establish equitable compensation relationships between classes of positions.

[For text of subp 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes where a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional, support, clerical and maintenance, and trades classes. The ~~plans~~ plan shall be established as provided in subpart 1, with minimum and maximum salaries ~~shall be~~ for each class as provided in part 9575.1500. The plan shall be the official plan for all appointing authorities until amended.

9575.0310 SELECTION OF SALARY RANGES BY APPOINTING AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes ~~in the adopted plans~~ on the salary schedules for each occupational grouping of classes, appointing authorities shall designate, by resolution, the minimum, intervening and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may amend, by resolution, ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the official action taken by the appointing authority to amend its plan.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 9575.0350, subparts 2 and 3 on the basis of the comprehensive compensation plan ~~adopted by the appointing authority as~~ provided in part 9575.0300, subpart 3.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay 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 ~~ranges~~ range as negotiated for the class under part 9575.0330, subpart 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with the following provisions:

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the appointing authority~~, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. In those situations where the appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, the authority must file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 9575.1510. These adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class ~~on the salary plan adopted by the agency~~.

[For text of items D to F, see M.R.]

G. Employees at or above the maximum salary rate for their class may be granted ~~merit system adopted salary adjustments only in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and such an adjustment would place an employee's rate of pay above the maximum salary rate for their class, the appointing authority, by prior resolution, may grant to that employee the annual equivalent of the difference between the merit system adopted adjustment for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary rate shall remain at the maximum salary rate for his or her class.~~ a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

9575.0380 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one-step~~ salary increase within the assigned employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of such assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment, the employee's salary shall be reduced to its previous level. This decrease is not subject to part 9575.0370 or part 9575.1180.

9575.0850 TRANSFERS.

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

Subp. 2. **Same position in different counties.** Transfer of a probationary or permanent employee from a position on one county welfare staff to a position of the same class on another county welfare staff may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of parts ~~9575.0710 and~~ 9575.0720 and 9575.0760. All such transfers must be reported to the supervisor.

Subp. 3. **~~Same position in~~ Between different ~~classes~~ positions.** With the approval of the merit system supervisor, a permanent employee may ~~be transferred~~ transfer from a position in one class in a county agency to a position in ~~another~~ a different class~~, the transfer being either within one county welfare staff or between county welfare staffs, providing that the supervisor certifies that the examination upon which appointment of the employee was based was of a character and standard to test the fitness of such employee for the position to which it is proposed to make such transfer and requires substantially similar qualifications.~~ in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.

9575.1500 COMPENSATION PLAN: HUMAN SERVICES, 1990.

Subpart 1. **Professional~~: plan A~~.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1762	~~2515~~ 2749
Accounting Supervisor	2102	~~3141~~ 3434
Administrative Assistant I	2199	~~3434~~ 3758
Administrative Assistant II	2352	~~3674~~ 4018
Administrative Assistant III	2805	~~4018~~ 4378
Adult Day Care Center Supervisor	1611	~~2413~~ 2632
Assistant Human Services Director	3073	4570
Assistant Welfare Director	3841	5694
Auditor	2102	~~3141~~ 3434
Chemical Dependency Coordinator	1762	~~2632~~ 2870
Collections and Accounting Unit Supervisor	1844	~~2749~~ 3002
Collection Services Supervisor II	~~1799~~ 1844	~~2688~~ 3002
Community Health Services Supervisor	2102	~~3282~~ 3587
Computer Programmer	1684	~~2413~~ 2632
Contract Services Representative	2014	~~2870~~ 3141
County Agency Social Worker (Licensing Specialist)	1611	~~2413~~ 2632
County Agency Social Worker	1684	~~2749~~ 3002
County Agency Social Worker (Child Protection Specialist)	1684	~~2749~~ 3002
County Agency Social Worker (MSW)	1844	~~2749~~ 3002
County Agency Social Worker (MSW) (Child Protection Specialist)	1844	~~2749~~ 3002
Day Care Center Teacher	1611	~~2413~~ 2632
Director of Business Management I	2352	~~3674~~ 4018
Director of Business Management II	2805	~~4192~~ 4570
Director of Financial Assistance	2805	~~4192~~ 4570
Director of Planning	2805	~~4192~~ 4570
Director of Public Health Nursing	2102	~~3141~~ 3434
Director of Social Services	2805	~~4192~~ 4570
Employment Guidance Counselor	1611	~~2199~~ 2413
Family Based Services Supervisor	1762	~~2515~~ 2749
Family Service Coordinator II	1611	~~2199~~ 2413
Financial Assistance Supervisor I	1844	~~2749~~ 3002
Financial Assistance Supervisor II	2102	3434
Financial Assistance Supervisor ~~II~~ III	2199	~~3282~~ 3587
Fiscal Manager	2199	~~3282~~ 3587
Fiscal Officer	1611	~~2413~~ 2632
Fiscal Supervisor I	1611	~~2515~~ 2749
Fiscal Supervisor II	2102	~~3141~~ 3434

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	Minimum	Maximum
Gerontology Counselor	1844	~~2749~~ 3002
Human Services Director III	3357	4990
Human Services Supervisor I	2199	~~3434~~ 3758
Human Services Supervisor II	2749	~~3930~~ 4288
Jobs and Training Supervisor	1844	~~2749~~ 3002
Mental Health Program Manager	2352	~~3674~~ 4018
Mental Health Worker	2014	~~2870~~ 3141
Methods & Procedures Analyst	1611	~~2413~~ 2632
Nutrition Project Assistant Director	1611	~~2413~~ 2632
Nutrition Project Director	2102	~~3141~~ 3434
Office Services Supervisor II	1541	~~2199~~ 2413
Planner (Human Services)	2014	~~2870~~ 3141
Psychologist I	1844	~~2749~~ 3002
Psychologist II	2102	~~3141~~ 3434
Psychologist III	2805	~~3841~~ 4192
Public Health Educator	1762	~~2515~~ 2749
Public Health Nurse	1844	~~2632~~ 2870
Public Health Nurse (Team Leader)	1925	~~2749~~ 3002
Registered Dietician	1611	~~2413~~ 2632
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	~~2515~~ 2749
Resident Activity Coordinator	1611	~~2413~~ 2632
Sanitarian	1611	~~2413~~ 2632
Senior Public Health Nurse	2014	~~2870~~ 3141
Senior Staff Development Specialist	2102	~~3141~~ 3434
Social Services Supervisor I	2199	~~3434~~ 3758
Social Services Supervisor II	2413	~~3758~~ 4108
Social Services Supervisor III	2749	~~3930~~ 4288
Staff Development Specialist	1611	~~2413~~ 2632
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2014	~~2870~~ 3141
Support Services Supervisor	1762	~~2515~~ 2749
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Volunteer Services Coordinator	1611	~~2413~~ 2632
Welfare Director I	2632	3930
Welfare Director II	2870	4288
Welfare Director III	3073	4570
Welfare Director IV	3357	4990
Welfare Director V	3504	5218
Welfare Director VI	4474	6358

Subp. 2. and 3. [See Repealer.]

Subp. 4. **Support personnel: ~~plan~~ A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Account Clerk	1151	~~1575~~ 1721
Accounting Technician	1204	~~1721~~ 1881
Adult Day Care Center Program Coordinator	1233	~~1844~~ 2014
Case Aide	1233	~~1844~~ 2014
Chemical Dependency Counselor	1505	~~1971~~ 2146
Child Health Aide	987	~~1351~~ 1611
Child Support Officer (Administrative Process)	1611	2413
Child Support Officer I	~~1351~~ 1380	~~1925~~ 2146
Child Support Officer II	1611	~~2199~~ 2413

	Minimum	Maximum
Collections Officer	1351	~~1925~~ 2102
Collection Services Supervisor I	~~1684~~ 1762	~~2300~~ 2870
Community Service Aide	987	~~1351~~ 1611
Community Support Technician	1505	~~1971~~ 2146
Computer Operations Specialist	1204	~~1575~~ 1721
Coordinator of Aging	1541	~~2199~~ 2413
~~Developmental Achievement Center Instructor~~ Crisis Center Resource Aide	1204	1881
Employment Technician	1233	~~1844~~ 2014
Family Based Services Provider	1505	~~1971~~ 2146
Family Service Aide I	1102	~~1575~~ 1721
Family Service Aide II	1204	~~1721~~ 1881
Family Service Coordinator I	1351	~~1844~~ 2014
Family Service/Home Health Aide	1102	~~1575~~ 1721
Financial Assistance Specialist	1541	~~2199~~ 2413
Financial Worker	1233	~~1844~~ 2014
Home Health Aide	1102	~~1575~~ 1721
Home Health Aide Coordinator	1351	~~1844~~ 2014
Housekeeper — Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Housing Coordinator	1762	~~2515~~ 2749
Housing Rehabilitation Specialist	1351	~~1844~~ 2014
Licensed Practical Nurse	1351	~~1844~~ 2014
Methods and Procedures Technician	1505	~~1971~~ 2146
Monitoring and Review Specialist	1233	~~1844~~ 2014
Office Services Supervisor I	1351	~~1844~~ 2014
Public Health Aide	987	~~1351~~ 1611
Senior Citizen's Aide	1151	~~1575~~ 1721
Support and Collections Specialist	1611	~~2199~~ 2413
Support Enforcement Aide	1151	~~1575~~ 1721
Welfare Fraud Investigator	1684	~~2199~~ 2413

Subp. 5. and 6. [See Repealer.]

Subp. 7. **Clerical~~: plan A.~~** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Administrative Secretary	1215	~~1738~~ 1899
Clerk I	836	~~1137~~ 1361
Clerk II	956	~~1361~~ 1626
Clerk III	1137	~~1556~~ 1778
Clerk-Typist I	917	~~1245~~ 1483
Clerk-Typist II	956	~~1361~~ 1626
Clerk-Typist III	1215	~~1738~~ 1899
Clerk-Steno	956	~~1361~~ 1626
Data Entry Operator	917	~~1245~~ 1483
Information Systems Specialist	956	~~1361~~ 1626
Legal Secretary	1137	~~1556~~ 1778
Switchboard Operator	917	~~1245~~ 1483

Subp. 8. and 9. [See Repealer.]

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Subp. 10. **Maintenance and trades: ~~plan A.~~** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	959	~~1237~~ 1522
Bus Driver	1023	~~1369~~ 1621
Janitor	1044	~~1340~~ 1588
Maintenance Worker	1136	~~1522~~ 1727

Subp. 11. [See Repealer.]

REPEALER. *Minnesota Rules*, parts 9575.0310, subpart 1; 9575.1500, subparts 2, 3, 5, 6, 8, 9, and 11 are repealed.

Department of Health

Proposed Permanent Rules Relating to Merit System

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 144.071.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 4670.4210-.4240 would create a single salary plan for each occupational grouping of classifications including professional and administrative, health services support, clerical, and building maintenance classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county and local agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 4670.1020, and 4670.1120, 4670.1130, and 4670.1140 as a result of our proposed amendments to 4670.4210-.4240. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 4670.0100 provide for a revised definition of "transfer". Amendments proposed to part 4670.2800 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 4670.1310 G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 4670.1600 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from

Subp. 10. **Maintenance and trades: ~~plan~~ A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	959	~~1237~~ 1522
Bus Driver	1023	~~1369~~ 1621
Janitor	1044	~~1340~~ 1588
Maintenance Worker	1136	~~1522~~ 1727

Subp. 11. [See Repealer.]

REPEALER. *Minnesota Rules*, parts 9575.0310, subpart 1; 9575.1500, subparts 2, 3, 5, 6, 8, 9, and 11 are repealed.

Department of Health

Proposed Permanent Rules Relating to Merit System

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 144.071.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 4670.4210-.4240 would create a single salary plan for each occupational grouping of classifications including professional and administrative, health services support, clerical, and building maintenance classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county and local agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 4670.1020, and 4670.1120, 4670.1130, and 4670.1140 as a result of our proposed amendments to 4670.4210-.4240. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 4670.0100 provide for a revised definition of "transfer". Amendments proposed to part 4670.2800 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 4670.1310 G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 4670.1600 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from

Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4670.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means ~~a change from one position to another in the same class or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience~~ the movement of a probationary or permanent employee from a position in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 4670.2800.

[For text of subps 49 and 50, see M.R.]

4670.1020 CLASSES OF POSITIONS IN PLAN.

The comprehensive compensation plan shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes for which a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional and administrative, health services support, clerical, and building maintenance classes. ~~Plans~~ The plan shall be established as provided in part 4670.1000~~.~~ with minimum and maximum salaries ~~shall be~~ for each class as provided for in parts 4670.4200 to 4670.4240. The plan shall be the official plan for all appointing authorities until amended.

4670.1110 SELECTION OF RATES.

By resolution, each appointing authority shall designate the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The rates must be within the minimum and maximum salaries for the classes ~~in the adopted plan~~ on the salary schedules for each occupational grouping of classes. The appointing authority shall promptly notify the supervisor about the rates selected.

4670.1120 PLAN AMENDMENTS.

By resolution, the appointing authority may amend ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening and maximum salary rates to be paid for any class of positions used by the appointing authority. The appointing authority shall promptly notify the supervisor about official action taken to amend its plan.

4670.1130 INCUMBENTS.

Salary rates for incumbents of positions shall be established in accordance with parts 4670.1310 and 4670.1320 on the basis of the comprehensive compensation plan ~~adopted~~ as provided in part 4670.1020.

4670.1140 NONREPRESENTED EMPLOYEES.

In agencies with an exclusive representative, the appointing authority may pay 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 ~~ranges~~ range as negotiated for the class under part 4670.1210. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

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4670.1310 PLAN REQUIREMENTS.

In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H:

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the local public health authority~~, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. If a local public health authority determines the general merit system adopted adjustment is inappropriate for its employees, the authority may grant a different adjustment. The authority shall file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 4670.4300. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their classes~~, on the salary plan adopted by the authority~~.

[For text of items D to F, see M.R.]

G. ~~Employees at the maximum salary rate for their class may be granted merit system adopted salary adjustments only in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and that adjustment would place an employee's rate of pay above the maximum salary rate for the employee's class, the appointing authority by prior resolution may grant to that employee the annual equivalent of the difference between the merit system adopted adjustment for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary shall remain at the maximum salary rate for the class.~~ Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

4670.1600 WORK-OUT-OF-CLASS ASSIGNMENTS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one step~~ salary increase within the employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work-out-of-class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work-out-of-class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work-out-of-class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of these assignments by the supervisor is required and requests for approval must be received by the supervisor within five calendar days of the assignment. Upon completion of the work-out-of-class assignment, the employee's salary shall be reduced to its previous level, notwithstanding the provisions of parts 4670.1500, subpart 1, and 4670.3530.

4670.2800 TRANSFERS.

A transfer of an employee from a position in one organizational subdivision of a local public health agency to a position of the same class in another organizational subdivision of a local public health agency may be made at any time by the appointing authority concerned.

Transfer of a probationary or permanent employee from a position in one local public health agency to a position of the same class in another local public health agency may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of ~~part~~ parts 4670.2600, subpart 2, and 4670.2650. All such transfers must be reported to the supervisor.

~~A permanent employee may be transferred from a position in one class to a position in another class, the transfer being either within one local public health agency or between local public health agencies providing that the supervisor certifies that the examination upon which appointment of the employee was based was of a character and standard to test the fitness of such employee for the position to which it is proposed to make such transfer and requires substantially similar qualifications.~~ With the approval of the merit system supervisor, a permanent employee may transfer from a position in one class in a county agency to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN.

Subpart 1. **Plan ~~A~~.**

	Minimum	Maximum
Assistant Director of Environmental Health	2199	~~3141~~ 3434
Director of Environmental Health	2515	~~3587~~ 3930
Director of Public Health Nursing	2102	~~3141~~ 3434
Public Health Educator	1762	~~2515~~ 2749
Public Health Nurse	1844	~~2632~~ 2870
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	~~2515~~ 2749
Sanitarian	1611	~~2413~~ 2632
Senior Public Health Nurse	2014	~~2870~~ 3141

Subp. 2. and 3. [See Repealer.]

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan ~~A~~.**

	Minimum	Maximum
Bookkeeper	1204	~~1721~~ 1881
Home Health Aide	1102	~~1575~~ 1721
Home Health Aide Coordinator	1351	~~1844~~ 2014
Inspector	1351	~~1844~~ 2014
Licensed Practical Nurse	1351	~~1844~~ 2014
Public Health Aide	987	~~1351~~ 1611

Subp. 2. and 3. [See Repealer.]

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan ~~A~~.**

	Minimum	Maximum
Clerk I	836	~~1137~~ 1361
Clerk II	956	~~1361~~ 1626
Clerk III	1137	~~1556~~ 1778
Clerk-Typist I	917	~~1245~~ 1483
Clerk-Typist II	956	~~1361~~ 1626
Clerk-Typist III	1215	~~1738~~ 1899
Clerk-Steno	956	~~1361~~ 1626
Switchboard Operator	917	~~1245~~ 1483

Subp. 2. and 3. [See Repealer.]

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the ~~classes~~ class specified in ~~subparts~~ subpart 2 ~~and 3~~ who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day work rate.

Subp. 2. ~~**Plan A**~~ **Shift differential; janitors.**

	Minimum	Maximum
Janitor	1044	~~1340~~ 1588

Subp. 3. [See Repealer.]

REPEALER. *Minnesota Rules*, parts 4670.1100; 4670.4210, subparts 2 and 3; 4670.4220, subparts 2 and 3; 4670.4230, subparts 2 and 3; and 4670.4240, subpart 3, are repealed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Department of Public Safety

Proposed Permanent Rules Relating to Merit System

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on June 20, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 7520.1000-.1100 would create a single salary plan for each occupational grouping of classifications including professional and clerical classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide local and county agencies with more flexibility for individual class salary setting than what is allowed in the current salary configuration. Minor amendments are proposed to parts 7520.0600, 7520.0610, and 7520.0650 Subparts 2A. and 2C. as a result of our proposed amendments to 7520.1000-.1100. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 7520.0100 provide for a revised definition of "transfer". Amendments proposed to part 7520.0650 subpart 2G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 7520.0680 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

Minnesota Rules, part 7520.0200, subp. 2 makes *Minnesota Rules*, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to *Minnesota Rules*, part 9575.0850 would then apply to local and county emergency management agencies. The proposed amendments to 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. A copy of the Human Services Notice is attached.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 upon request.

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or

who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Rudy Perpich
Governor

Rules as Proposed

7520.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means the movement of ~~an~~ a probationary or permanent employee from ~~one~~ a position ~~to another in the same class or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience~~ in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.

[For text of subps 49 and 50, see M.R.]

7520.0600 PREPARATION AND ADOPTION OF COMPENSATION PLAN.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes where a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional and clerical classes. ~~Plans~~ The plan shall be established as provided in subpart 1, with minimum and maximum salaries ~~shall be~~ for each class as provided in parts 7520.1000 and 7520.1100. The plan shall be the official plan for all appointing authorities until amended.

7520.0610 SELECTION OF SALARY RANGES BY LOCAL ~~CIVIL DEFENSE~~ AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes ~~in the adopted plans~~ on the salary schedules for each occupational grouping of classes, appointing authorities shall designate by resolution the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may by resolution amend ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the amendment.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 7520.0650, subparts 2 and 3 on the basis of the comprehensive compensation plan adopted by the appointing authority as provided in part 7520.0600, subpart 3.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay 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~~ range as negotiated for the class under part 7520.0630, subpart 1. In no case would this part allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H.

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the appointing authority~~ the rate shall be adjusted to that minimum.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

[For text of item B, see M.R.]

C. If an appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, it must file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 7520.1200. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class ~~on the salary plan adopted by the agency~~.

[For text of items D to F, see M.R.]

G. ~~Employees at the maximum salary rate for their class may only be granted merit system adopted salary adjustments in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and the adjustment would place an employee's rate of pay above the maximum salary rate for the employee's class, the appointing authority by prior resolution may grant to an employee the annual equivalent of the difference between the merit system adopted adjustments for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary will remain at the maximum salary rate for the employee's class.~~ Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

7520.0680 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and the work exceeds 15 consecutive work days the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one step~~ salary increase within his salary range. If the assignment is to a position in a classification at an equal or lower level the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days prior to the end of the initial six month assignment. Approval of the assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment the employee's salary shall be reduced to its previous level, notwithstanding the provisions of part 7520.0670 or ~~12 MCAR S 2.508 D~~ 9575.1180.

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; PROFESSIONAL.

Subpart 1. **Plan ~~A~~.**

	Minimum	Maximum
Administrative Officer	1762	~~2413~~ 2632
Assistant Emergency Management Director	1541	~~2199~~ 2413
Communications Officer	1541	~~2102~~ 2300
Operations Officer	1762	~~2413~~ 2632
Public Information Officer	1762	~~2413~~ 2632
Radiological Officer	1541	~~2102~~ 2300
Safety Services Coordinator	1762	~~2413~~ 2632

Subp. 2. and 3. [See Repealer.]

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; CLERICAL.

Subpart 1. **Plan ~~A~~.**

	Minimum	Maximum
Clerk I	836	~~1137~~ 1361
Clerk II	956	~~1361~~ 1626
Clerk III	1137	~~1556~~ 1778
Clerk-Typist I	917	~~1245~~ 1483

Clerk-Typist II	956	~~1361~~ 1626
Clerk-Typist III	1215	~~1738~~ 1899
Clerk-Steno	956	~~1361~~ 1626

Subp. 2. and 3. [See Repealer.]

REPEALER. *Minnesota Rules*, parts 7520.0610, subpart 1; 7520.1000, subparts 2 and 3; 7520.1100, subparts 2 and 3, are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste and Polychlorinated Biphenyls

Notice of Intent to Adopt a Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* §§ 116.07, subd. 4 and 116.37 (1988).

All persons have until 4:30 p.m. on June 21, 1990 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held, unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

Comments or written requests for a public hearing must be submitted to:

Nathan B. Cooley
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/643-3477

The MPCA proposes in this rulemaking to adopt seven federal amendments pertaining to various portions of existing *Minnesota Rules* chs. 7001 and 7045 which govern management of hazardous wastes. It also proposes amending existing *Minnesota Rules* ch. 7100 governing certificates of exemption for the management of polychlorinated biphenyls.

The seven federal amendments were promulgated by the U.S. Environmental Protection Agency to correct and clarify existing regulations which govern the following: storage and treatment tank system standards, delisting of iron dextran, delisting of strontium sulfide, relisting of certain metal smelting wastes, statistical methods for ground water monitoring data, farmers' exemptions, and trial burn information requirements for the modification of existing hazardous waste thermal treatment permits. The MPCA proposes to adopt these federal amendments without substantial change in order to provide equivalent state rules and in order to retain federal authorization to administer its hazardous waste program.

The state initiated amendments to rules governing certificates of exemption serve to reduce the burden and the potential confusion from rules which have become duplicative due to changes in the corresponding federal regulations. These amendments provide a process wherein persons may obtain a state certificate of exemption by rule under certain circumstances. The proposed rule amendments are published below. One free copy of the rules is available upon request at the above address.

A STATEMENT OF NEED AND REASONABLENESS which describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available upon request at the above address.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Work out of Class, and Transfers (Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500.)

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on May 21, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, on May 16, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) Fewer than 25 written requests for hearing within the 30-day comment period were received.

(7) No requests for notice of submission to the Attorney General were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The request for public hearing sent by the seven members of the Lac Qui Parle County Welfare Board cited opposition to the inclusion of the new classification of Child Support Officer (Administrative Process) in part 9575.1500 with the proposed salary structure. The primary reason for the opposition to the proposed new class was the financial burden placed on the county as a result of the Merit System proposed minimum salary for Child Support Officer (Administrative Process). The Merit System salary range for Child Support Officer (Administrative Process) was established as a result of a classification study conducted by the Merit System of county social service agency child support and fraud classifications. The need for the study came about because the Department of Human Services implemented, in 17 pilot counties, a new procedure for pursuing child support enforcement action to be followed by agency staff. The study

revealed that several classes had their principal responsibilities significantly increased by the new procedure resulting in higher comparable work values for the classes and consequently, justifying higher salary ranges for those classes. In the case of Child Support Officer I's in the pilot counties, their responsibilities increased dramatically so that a new classification, Child Support Officer (Administrative Process), with a higher salary range is justified. Merit System salary ranges are established in accordance with the principle of equal pay for work of equal value, as required by the provisions of the Minnesota Local Government Pay Equity Act (Minnesota Statutes, section 471.991-471.999). The Merit System uses a job evaluation system to establish the value of a particular job in order to set the salary range for that job. The salary range for the new classification of Child Support Officer (Administrative Process) has been established in accordance with the results of the job evaluation rating received by this class. This proposed amendment is both necessary and reasonable to ensure that the Human Services Merit System compensation plan properly reflects current class titles and salaries that are current and also reflective of functions actually being performed by Merit System employees. Therefore, the Department declines to make a change to the proposed rule concerning the salary range for Child Support Officer (Administrative Process).

I hereby conclude that:

8 The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500 are adopted this 29th day of June, 1990, pursuant to authority vested in me by Minnesota Statutes, section 256.012.

(9)

ANN WYNIA
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Definitions, The Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, and 4670.4210-4240).

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on May 21, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, on May 16, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) No submissions or comments on the rule were received by the agency. No requests for notice of submission to the Attorney General were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

(8) The above-captioned rule is needed and reasonable.

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, parts 4670.0100, 4670.1020, 4670.1120, 4670.1130, 4670.1140, 4670.1310, 4670.1600, 4670.2800, and 4670.4210-4240 are adopted this 28th day of June, 1990, pursuant to authority vested in me by Minnesota Statutes, section 144.071.

SISTER MARY MADONNA ASHTON
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Definitions, the Compensation Plan, Work out of Class and Transfers (Minnesota Rules, parts 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, and 7520.1000-1100).

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Governor's intent to adopt the above-entitled rule was published in the State Register on May 21, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, on May 16, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) No submissions or comments on the rule were received by the agency. No requests for notice of submission to the Attorney General were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

(8) The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, parts 7520.0100, 7520.0600, 7520.0610, 7520.0650, 7520.0680, and 7520.1000-1100 are adopted this 29th day of June, 1990, pursuant to (9) authority vested in me by Minnesota Statutes, section 12.22, subd. 3.

RUDY PERPICH
Governor

LAC QUI PARLE COUNTY

FAMILY SERVICE CENTER

Tel. (612) 598-7594

P. O. BOX 7
MADISON, MINNESOTA
56256

May 25, 1990

Mr. Ralph W. Corey, Supervisor
Minnesota Merit System
Second Floor, Human Services Building
444 Lafayette Road
St. Paul, MN. 55155-3822

Re: Request for Public Hearing on Adoption of the Rule governing parts 9575.0010, 9575.0300, 9575.0310, 9575.0350, 9575.0380, 9575.0850, and 9575.1500.

Dear Mr. Corey:

The County Welfare Board of Lac qui Parle County comprised of the signatures attached to the enclosed resolution respectfully request a public hearing to oppose adoption of this rule cited above.

Please notify us at your earliest convenience whether or not a hearing will be scheduled and the time, date, and location of this hearing.

Sincerely,

Joel E. Churness

Joel E. Churness
Director

BOARD RESOLUTION

WHEREAS, The Department of Human Services has proposed adoption of Minnesota Rules with changes and amendments to part 9575.0350 and to part 9575.1500 relating to the Merit System, and has proposed to adopt this rule without a public hearing;

WHEREAS, the Department of Human Services has included a minimum salary level for a new position entitled "Child Support Officer (Administrative Process)" that requires additional salary expenditures at the county level in excess of 16%;

WHEREAS, administrative process in Lac qui Parle County represents less thatn 1% of our employee's assigned job duties;

WHEREAS, most counties currently participating in administrative process were mandated to participate by the Department of Human Services or face fiscal sanctions;

WHEREAS, the minimum salary requirement imposed on these counties represents an additional fiscal penalty which creates a financial burden to these counties, including Lac qui Parle County, due to a 3% levy limit on public assistance administration, and an anticipated shortfall in state revenue to counties for 1990 of 1.5% of the county base;

NOW THEREFORE, BE IT RESOLVED that the Lac qui Parle County Welfare Board opposes the inclusion of this new classification of Child Support Officer (Administrative Process) in part 9575.1500 with its present salary structure and moves that such classification be restricted in the future for only employees whose duties related to administrative process comprise at least 50% of the employee's job description;

FURTHERMORE, BE IS RESOLVED that Lac qui Parle County Welfare Board comprised of seven members and its Director respectfully request a public hearing to oppose the adoption of these rules as written.

The question was on the adoption of the resolution; and the roll being called, there were:

7 YEAS, and 0 NAYS

LeRoy Jans
Sharon Clark
Carolyn Romsaas
Robert S. Bue
Mavis Byron
Carol Gallet
Alvin C. Hoffman

LeRoy Jans
Chairman

Sharon Clark
Secretary

And so the resolution was adopted on
the 24th day of May, 1990

In the Matter of the Adoption
of the Rule of the State Departments
of Human Services, Health and Public
Safety Governing Definitions, The Compensation
Plan, Work out of Class, and Transfers
(Minnesota Rules, parts 9575.0010, 9575.0300,
9575.0310, 9575.0350, 9575.0380, 9575.0850,
9575.1500, 4670.0100, 4670.1020, 4670.1120,
4670.1130, 4670.1140, 4670.1310, 4670.1600,
4670.2800, 4670.4210-4240, 7520.0100,
7520.0600, 7520.0610, 7520.0650, 7520.0680,
and 7520.1000-1100.)

DECLARATION OF
COUNSEL

I, Craig Anderson, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0859.

Craig Anderson
Special Assistant Attorney General

Dated: July 12, 1990

The Board requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Executive Director
2700 University Avenue West - Suite 20
St. Paul, MN 55114-1089

Oral statements will be received during regular business hours over the telephone at (612) 642-0591 and in person at the above address.

All statements of information and opinions shall be accepted until March 15, 1990. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rules are adopted.

Dated: 7 February 1990

Patricia J. Putz
Executive Director
MN Board of Chiropractic Examiners

Minnesota Health Care Access Commission

Notice of Meeting of Health Care Access Commission

The next meeting of the Minnesota Health Care Access Commission will be Thursday, February 22, 1990 from 1:00 to 4:00 p.m. at the Centennial Office Building, Room 301. Please call the Health Care Access Commission office, 297-5980, for further information.

Department of Human Services
Department of Health
Department of Public Safety

Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Merit System Rules Governing Definitions, the Compensation Plan, Work Out of Class and Transfers

NOTICE IS HEREBY GIVEN that the State Departments of Human Services, Health, and Public Safety are seeking information or opinions from sources outside the agencies in preparing to propose amendments to the Merit System rules governing definitions, the compensation plan, work out of class and transfers. The amendments to the rules are authorized by *Minnesota Statutes*, sections 256.012, 144.071 and 12.22, subd. 3, which permit the Merit System to establish rules to provide local and county appointing authorities with an effective system of personnel administration based on merit principles. The amendments would provide for a new definition for "transfer"; clarification of factors used in determining when a transfer may occur; and more flexibility to counties in giving salary increases for work out of class assignments. Amendments to our compensation plan rules would provide county agencies with increased flexibility in giving lump-sum increases and would combine the three Merit System salary plans into a single plan with broad salary ranges for each occupational grouping of classes, enabling counties to establish salary ranges that are internally consistent.

The State Departments of Human Services, Health and Public Safety request information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements of information and comment should be addressed to:

Ralph W. Corey
Minnesota Merit System
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3822

Oral statements will be received during regular business hours over the telephone by Ralph Corey at (612) 296-3996 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Merit System shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 8 February 1990

Department of Human Services

Proposed Permanent Rules Relating to Merit System

Rules as Proposed

9575.0010 DEFINITIONS.

[For text of subps 1 to 46, see M.R.]

Subp. 47. **Transfer.** "Transfer" means the movement of ~~an~~ a probationary or permanent employee from ~~one~~ a position ~~to~~ in one class to another position in the same class ~~or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience~~ in the same or different county agency or to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.

[For text of subps 48 and 49, see M.R.]

9575.0300 PREPARATION AND ADOPTION.

Subpart 1. **Preparation of plan.** In accordance with the Administrative Procedure Act, the commissioner shall formally adopt and make effective a comprehensive compensation plan including minimum and maximum salary rates as published in part 9575.1500, and recommended intervening steps as published in the Human Services Merit System Manual, as amended through May 29, 1982, for all classes of positions. The plan shall apply to all agencies covered by the merit system except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or in those instances where the requirements of part 9575.0350, subpart 2, item C have been satisfied. The plan shall include salary ~~schedules~~ ranges for the various classes, with the salary of each class consistent with the functions outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each class shall be established to provide for salary advancement without

Approved by Revisor

change in duty, in recognition of meritorious service. The advice and suggestions of appointing authorities, prevailing salary rates for similar and competing types of employment in business and government, and other relevant factors shall be taken into consideration in developing the salary schedules. Equitable compensation relationships shall be established between female-dominated classes, male-dominated classes, and balanced classes of employees in accordance with Minnesota Statutes, sections 471.991 to 471.999. Classes shall be evaluated in order to determine comparable work value and to establish equitable compensation relationships between classes of positions.

[For text of subp 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes where a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional, support, clerical and maintenance, and trades classes. The ~~plans~~ plan shall be established as provided in subpart 1~~.~~ with minimum and maximum salaries ~~shall be~~ for each class as provided in part 9575.1500. The plan shall be the official plan for all appointing authorities until amended.

9575.0310 SELECTION OF SALARY RANGES BY APPOINTING AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes ~~in the adopted plans~~ on the salary schedules for each occupational grouping of classes, appointing authorities shall designate, by resolution, the minimum, intervening and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Approved
by Revisor _____

Subp. 3. **Plan amendments.** The appointing authority may amend, by resolution, ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the official action taken by the appointing authority to amend its plan.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 9575.0350, subparts 2 and 3 on the basis of the comprehensive compensation plan ~~adopted by the appointing authority as~~ provided in part 9575.0300, subpart 3.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay 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 ~~ranges~~ range as negotiated for the class under part 9575.0330, subpart 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with the following provisions:

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the appointing authority~~, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

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C. In those situations where the appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, the authority must file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 9575.1510. These adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class ~~on the salary plan adopted by the agency~~.

[For text of items D to F, see M.R.]

G. Employees at or above the maximum salary rate for their class may be granted ~~merit system adopted salary adjustments only in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and such an adjustment would place an employee's rate of pay above the maximum salary rate for their class, the appointing authority, by prior resolution, may grant to that employee the annual equivalent of the difference between the merit system adopted adjustment for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary rate shall remain at the maximum salary rate for his or her class.~~ a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus

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the merit system adopted adjustment.

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

9575.0380 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one-step~~ salary increase within the assigned employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of such assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment, the employee's salary shall be reduced to its previous level. This decrease is not subject to part 9575.0370 or part 9575.1180.

9575.0850 TRANSFERS.

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

Subp. 2. **Same position in different counties.** Transfer of a probationary or permanent employee from a position on one county welfare staff to a position of the same class on another county welfare staff may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of parts ~~9575.0710 and~~ 9575.0720 and 9575.0760.

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All such transfers must be reported to the supervisor.

Subp. 3. **Same-position-in Between different classes positions.** With the approval of the merit system supervisor, a permanent employee may ~~be-transferred~~ transfer from a position in one class in a county agency to a position in ~~another~~ a different class~~,-the-transfer-being-either-within-one-county welfare-staff-or-between-county-welfare-staffs,-providing-that the-supervisor-certifies-that-the-examination-upon-which appointment-of-the-employee-was-based-was-of-a-character-and standard-to-test-the-fitness-of-such-employee-for-the-position to-which-it-is-proposed-to-make-such-transfer-and-requires substantially-similar-qualifications.~~ in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, 1990.

Subpart 1. **Professional~~:--plan-A.~~** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1762	~~2515~~ 2749
Accounting Supervisor	2102	~~3141~~ 3434
Administrative Assistant I	2199	~~3434~~ 3758
Administrative Assistant II	2352	~~3674~~ 4018
Administrative Assistant III	2805	~~4018~~ 4378
Adult Day Care Center Supervisor	1611	~~2413~~ 2632
Assistant Human Services Director	3073	4570
Assistant Welfare Director	3841	5694
Auditor	2102	~~3141~~ 3434
Chemical Dependency Coordinator	1762	~~2632~~ 2870
Collections and Accounting Unit Supervisor	1844	~~2749~~ 3002
Collection Services Supervisor II	~~1799~~ 1844	~~2688~~ 3002
Community Health Services Supervisor	2102	~~3282~~ 3587
Computer Programmer	1684	~~2413~~ 2632
Contract Services Representative	2014	~~2870~~ 3141
County Agency Social Worker (Licensing Specialist)	1611	~~2413~~ 2632

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County Agency Social Worker	1684	~~2749~~	3002
County Agency Social Worker (Child Protection Specialist)	1684	~~2749~~	3002
County Agency Social Worker (MSW)	1844	~~2749~~	3002
County Agency Social Worker (MSW) (Child Protection Specialist)	1844	~~2749~~	3002
Day Care Center Teacher	1611	~~2413~~	2632
Director of Business Management I	2352	~~3674~~	4018
Director of Business Management II	2805	~~4192~~	4570
Director of Financial Assistance	2805	~~4192~~	4570
Director of Planning	2805	~~4192~~	4570
Director of Public Health Nursing	2102	~~3141~~	3434
Director of Social Services	2805	~~4192~~	4570
Employment Guidance Counselor	1611	~~2199~~	2413
Family Based Services Supervisor	1762	~~2515~~	2749
Family Service Coordinator II	1611	~~2199~~	2413
Financial Assistance Supervisor I	1844	~~2749~~	3002
Financial Assistance Supervisor II	2102	3434	
Financial Assistance Supervisor ~~II~~-III	2199	~~3282~~	3587
Fiscal Manager	2199	~~3282~~	3587
Fiscal Officer	1611	~~2413~~	2632
Fiscal Supervisor I	1611	~~2515~~	2749
Fiscal Supervisor II	2102	~~3141~~	3434
Gerontology Counselor	1844	~~2749~~	3002
Human Services Director III	3357	4990	
Human Services Supervisor I	2199	~~3434~~	3758
Human Services Supervisor II	2749	~~3930~~	4288
Jobs and Training Supervisor	1844	~~2749~~	3002
Mental Health Program Manager	2352	~~3674~~	4018
Mental Health Worker	2014	~~2870~~	3141
Methods & Procedures Analyst	1611	~~2413~~	2632
Nutrition Project Assistant Director	1611	~~2413~~	2632
Nutrition Project Director	2102	~~3141~~	3434
Office Services Supervisor II	1541	~~2199~~	2413
Planner (Human Services)	2014	~~2870~~	3141
Psychologist I	1844	~~2749~~	3002
Psychologist II	2102	~~3141~~	3434
Psychologist III	2805	~~3841~~	4192
Public Health Educator	1762	~~2515~~	2749
Public Health Nurse	1844	~~2632~~	2870
Public Health Nurse (Team Leader)	1925	~~2749~~	3002
Registered Dietician	1611	~~2413~~	2632
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	~~2515~~	2749
Resident Activity Coordinator	1611	~~2413~~	2632
Sanitarian	1611	~~2413~~	2632
Senior Public Health Nurse	2014	~~2870~~	3141
Senior Staff Development Specialist	2102	~~3141~~	3434
Social Services Supervisor I	2199	~~3434~~	3758
Social Services Supervisor II	2413	~~3758~~	4108
Social Services Supervisor III	2749	~~3930~~	4288
Staff Development Specialist	1611	~~2413~~	2632
Student Social Worker (Intern)	Rate proposed by appointing authority.		
Support Services and Accounting Supervisor	2014	~~2870~~	3141
Support Services Supervisor	1762	~~2515~~	2749
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Volunteer Services Coordinator	1611	~~2413~~	2632
Welfare Director I	2632	3930	
Welfare Director II	2870	4288	
Welfare Director III	3073	4570	
Welfare Director IV	3357	4990	
Welfare Director V	3504	5218	
Welfare Director VI	4474	6358	

Subp. 2. and 3. [See Repealer.]

Subp. 4. **Support personnel~~:--plan-A~~.** The following

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minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	1151	~~1575~~ 1721
Accounting Technician	1204	~~1721~~ 1881
Adult Day Care Center Program Coordinator	1233	~~1844~~ 2014
Case Aide	1233	~~1844~~ 2014
Chemical Dependency Counselor	1505	~~1971~~ 2146
Child Health Aide	987	~~1351~~ 1611
Child Support Officer	1611	2413
(Administrative Process)		
Child Support Officer I	~~1351~~ 1380	~~1925~~ 2146
Child Support Officer II	1611	~~2199~~ 2413
Collections Officer	1351	~~1925~~ 2102
Collection Services Supervisor I	~~1684~~ 1762	~~2300~~ 2870
Community Service Aide	987	~~1351~~ 1611
Community Support Technician	1505	~~1971~~ 2146
Computer Operations Specialist	1204	~~1575~~ 1721
Coordinator of Aging	1541	~~2199~~ 2413
~~Developmental Achievement Center Instructor~~		
Crisis Center Resource Aide	1204	1881
Employment Technician	1233	~~1844~~ 2014
Family Based Services Provider	1505	~~1971~~ 2146
Family Service Aide I	1102	~~1575~~ 1721
Family Service Aide II	1204	~~1721~~ 1881
Family Service Coordinator I	1351	~~1844~~ 2014
Family Service/Home Health Aide	1102	~~1575~~ 1721
Financial Assistance Specialist	1541	~~2199~~ 2413
Financial Worker	1233	~~1844~~ 2014
Home Health Aide	1102	~~1575~~ 1721
Home Health Aide Coordinator	1351	~~1844~~ 2014
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	1762	~~2515~~ 2749
Housing Rehabilitation Specialist	1351	~~1844~~ 2014
Licensed Practical Nurse	1351	~~1844~~ 2014
Methods and Procedures Technician	1505	~~1971~~ 2146
Monitoring and Review Specialist	1233	~~1844~~ 2014
Office Services Supervisor I	1351	~~1844~~ 2014
Public Health Aide	987	~~1351~~ 1611
Senior Citizen's Aide	1151	~~1575~~ 1721
Support and Collections Specialist	1611	~~2199~~ 2413
Support Enforcement Aide	1151	~~1575~~ 1721
Welfare Fraud Investigator	1684	~~2199~~ 2413

Subp. 5. and 6. [See Repealer.]

Subp. 7. **Clerical; plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	1215	~~1738~~ 1899
Clerk I	836	~~1137~~ 1361
Clerk II	956	~~1361~~ 1626
Clerk III	1137	~~1556~~ 1778
Clerk-Typist I	917	~~1245~~ 1483
Clerk-Typist II	956	~~1361~~ 1626
Clerk-Typist III	1215	~~1738~~ 1899
Clerk-Steno	956	~~1361~~ 1626
Data Entry Operator	917	~~1245~~ 1483
Information Systems Specialist	956	~~1361~~ 1626
Legal Secretary	1137	~~1556~~ 1778
Switchboard Operator	917	~~1245~~ 1483

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Subp. 8. and 9. [See Repealer.]

Subp. 10. **Maintenance and trades~~:--plan-A~~.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	959	~~1237~~ 1522
Bus Driver	1023	~~1369~~ 1621
Janitor	1044	~~1340~~ 1588
Maintenance Worker	1136	~~1522~~ 1727

Subp. 11. [See Repealer.]

REPEALER. Minnesota Rules, parts 9575.0310, subpart 1; 9575.1500, subparts 2, 3, 5, 6, 8, 9, and 11 are repealed.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9575

The attached rules are approved for publication
in the State Register

Kathleen T. Harrington
Assistant Revisor

Department of Health

Proposed Permanent Rules Relating to Merit System

Rules as Proposed

4670.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means ~~a change from one position to another in the same class or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience~~ the movement of a probationary or permanent employee from a position in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 4670.2800.

[For text of subps 49 and 50, see M.R.]

4670.1020 CLASSES OF POSITIONS IN PLAN.

The comprehensive compensation plan shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes for which a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional and administrative, health services support, clerical, and building maintenance classes. ~~Plans~~ The plan shall be established as provided in part 4670.1000~~,~~ with minimum and maximum salaries ~~shall be~~ for each class as provided for in parts 4670.4200 to 4670.4240. The plan shall be the official plan for all appointing authorities until amended.

4670.1110 SELECTION OF RATES.

By resolution, each appointing authority shall designate

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the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The rates must be within the minimum and maximum salaries for the classes ~~in the adopted plan~~ on the salary schedules for each occupational grouping of classes. The appointing authority shall promptly notify the supervisor about the rates selected.

4670.1120 PLAN AMENDMENTS.

By resolution, the appointing authority may amend ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening and maximum salary rates to be paid for any class of positions used by the appointing authority. The appointing authority shall promptly notify the supervisor about official action taken to amend its plan.

4670.1130 INCUMBENTS.

Salary rates for incumbents of positions shall be established in accordance with parts 4670.1310 and 4670.1320 on the basis of the comprehensive compensation plan ~~adopted~~ as provided in part 4670.1020.

4670.1140 NONREPRESENTED EMPLOYEES.

In agencies with an exclusive representative, the appointing authority may pay 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 ~~ranges~~ range as negotiated for the class under part 4670.1210. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

4670.1310 PLAN REQUIREMENTS.

In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H:

A. If the rate of pay of an employee is below the

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minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the local public health authority~~, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. If a local public health authority determines the general merit system adopted adjustment is inappropriate for its employees, the authority may grant a different adjustment. The authority shall file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 4670.4300. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their classes~~, on the salary plan adopted by the authority~~.

[For text of items D to F, see M.R.]

G. ~~Employees at the maximum salary rate for their class may be granted merit system adopted salary adjustments only in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and that adjustment would place an employee's rate of pay above the maximum salary rate for the employee's class, the appointing authority by prior resolution may grant to that employee the annual equivalent of the difference between the merit system adopted adjustment for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary shall remain at the maximum salary rate for the class.~~ Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all

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employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

4670.1600 WORK-OUT-OF-CLASS ASSIGNMENTS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one-step~~ salary increase within the employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work-out-of-class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work-out-of-class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work-out-of-class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of these assignments by the supervisor is required and requests for approval must be received by the supervisor within five calendar days of the assignment. Upon completion of the work-out-of-class assignment, the employee's salary shall be reduced to its previous level, notwithstanding the provisions of parts 4670.1500, subpart 1, and 4670.3530.

4670.2800 TRANSFERS.

A transfer of an employee from a position in one organizational subdivision of a local public health agency to a

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position of the same class in another organizational subdivision of a local public health agency may be made at any time by the appointing authority concerned.

Transfer of a probationary or permanent employee from a position in one local public health agency to a position of the same class in another local public health agency may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of ~~part~~ parts 4670.2600, subpart 2, and 4670.2650. All such transfers must be reported to the supervisor.

~~A permanent employee may be transferred from a position in one class to a position in another class, the transfer being either within one local public health agency or between local public health agencies providing that the supervisor certifies that the examination upon which appointment of the employee was based was of a character and standard to test the fitness of such employee for the position to which it is proposed to make such transfer and requires substantially similar qualifications.~~ With the approval of the merit system supervisor, a permanent employee may transfer from a position in one class in a county agency to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN.

Subpart 1. **Plan A.**

	Minimum	Maximum
Assistant Director of Environmental Health	2199	~~3141~~ 3434
Director of Environmental Health	2515	~~3587~~ 3930
Director of Public Health Nursing	2102	~~3141~~ 3434
Public Health Educator	1762	~~2515~~ 2749

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Public Health Nurse	1844	~~2632~~ 2870
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	~~2515~~ 2749
Sanitarian	1611	~~2413~~ 2632
Senior Public Health Nurse	2014	~~2870~~ 3141

Subp. 2. and 3. [See Repealer.]

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan A.**

	Minimum	Maximum
Bookkeeper	1204	~~1721~~ 1881
Home Health Aide	1102	~~1575~~ 1721
Home Health Aide Coordinator	1351	~~1844~~ 2014
Inspector	1351	~~1844~~ 2014
Licensed Practical Nurse	1351	~~1844~~ 2014
Public Health Aide	987	~~1351~~ 1611

Subp. 2. and 3. [See Repealer.]

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan A.**

	Minimum	Maximum
Clerk I	836	~~1137~~ 1361
Clerk II	956	~~1361~~ 1626
Clerk III	1137	~~1556~~ 1778
Clerk-Typist I	917	~~1245~~ 1483
Clerk-Typist II	956	~~1361~~ 1626
Clerk-Typist III	1215	~~1738~~ 1899
Clerk-Steno	956	~~1361~~ 1626
Switchboard Operator	917	~~1245~~ 1483

Subp. 2. and 3. [See Repealer.]

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the ~~classes~~ class specified in ~~subparts~~ subpart 2 ~~and 3~~ who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day work rate.

Subp. 2. ~~Plan A~~ **Shift differential; janitors.**

	Minimum	Maximum
Janitor	1044	~~1340~~ 1588

Subp. 3. [See Repealer.]

REPEALER. Minnesota Rules, parts 4670.1100; 4670.4210, subparts 2 and 3; 4670.4220, subparts 2 and 3; 4670.4230, subparts 2 and 3; and 4670.4240, subpart 3, are repealed.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4670

The attached rules are approved for publication
in the State Register

Kathleen T. Harrington
Assistant Revisor

Department of Public Safety

Proposed Permanent Rules Relating to Merit System

Rules as Proposed

7520.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means the movement of ~~an~~ a probationary or permanent employee from ~~one~~ a position ~~to another in the same class or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience~~ in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.

[For text of subps 49 and 50, see M.R.]

7520.0600 PREPARATION AND ADOPTION OF COMPENSATION PLAN.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes where a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional and clerical classes. ~~Plans~~ The plan shall be established as provided in subpart 1~~.~~ with minimum and maximum salaries ~~shall be~~ for each class as provided in parts 7520.1000 and 7520.1100. The plan shall be the official plan for all appointing authorities until amended.

7520.0610 SELECTION OF SALARY RANGES BY LOCAL ~~CIVIL DEFENSE~~

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AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes ~~in the adopted plans~~ on the salary schedules for each occupational grouping of classes, appointing authorities shall designate by resolution the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may by resolution amend ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the amendment.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 7520.0650, subparts 2 and 3 on the basis of the comprehensive compensation plan adopted by the appointing authority as provided in part 7520.0600, subpart 3.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay 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~~ range as negotiated for the class under part 7520.0630, subpart 1. In no case would this part allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of

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positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H.

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the appointing authority~~ the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. If an appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, it must file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 7520.1200. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class ~~on the salary plan adopted by the agency~~.

[For text of items D to F, see M.R.]

G. ~~Employees at the maximum salary rate for their class may only be granted merit system adopted salary adjustments in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and the adjustment would place an employee's rate of pay above the maximum salary rate for the employee's class, the appointing authority by prior resolution may grant to an employee the annual equivalent of the difference between the merit system adopted adjustments for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary will remain at the maximum salary rate for the employee's class.~~ Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority

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wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

7520.0680 WORK OUT OF CLASS.

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

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~~2,500-D~~ 9575.1180.

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; PROFESSIONAL.

Subpart 1. **Plan A.**

	Minimum	Maximum
Administrative Officer Assistant	1762	~~2413~~ 2632
Emergency Management Director	1541	~~2199~~ 2413
Communications Officer	1541	~~2102~~ 2300
Operations Officer	1762	~~2413~~ 2632
Public Information Officer	1762	~~2413~~ 2632
Radiological Officer	1541	~~2102~~ 2300
Safety Services Coordinator	1762	~~2413~~ 2632

Subp. 2. and 3. [See Repealer.]

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; CLERICAL.

Subpart 1. **Plan A.**

	Minimum	Maximum
Clerk I	836	~~1137~~ 1361
Clerk II	956	~~1361~~ 1626
Clerk III	1137	~~1556~~ 1778
Clerk-Typist I	917	~~1245~~ 1483
Clerk-Typist II	956	~~1361~~ 1626
Clerk-Typist III	1215	~~1738~~ 1899
Clerk-Steno	956	~~1361~~ 1626

Subp. 2. and 3. [See Repealer.]

REPEALER. Minnesota Rules, parts 7520.0610, subpart 1; 7520.1000, subparts 2 and 3; 7520.1100, subparts 2 and 3, are repealed.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7520

The attached rules are approved for publication
in the State Register

Kathleen T. Harrington
Assistant Revisor