

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

3 rules but keep one file MJM 2/10/92

RULE REVIEW CHECKLIST

File No. 1896
DATE RECEIVED 2-7-92
REVIEW DATE 2-18-92
DUE DATE 2-21-92
~~(DIS)~~APPROVED Feb 21 92
WITHDRAWN _____

Docket No. 05 0009 0859
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 2-10-92
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE 2-21-92
RETURNED TO AGENCY 2-21-92

_____ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
July 1, 1991 Date published in State Register
_____ Comments

_____ ~~Petition for~~ Adoption of a Rule

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
256.012 (1)(5) Statutory Authority 144.071 Health 12.22 sub 3 Public Safety
No statement Small Business Statement
N/A Expenditure of public money statement
_____ Signature
H.S. = 11-4-91 - No Board's statement Health 11-8-91 Public Saf 11-6-91

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

_____ Affidavit of Mailing Notice of Intent to Adopt Rule
Health P.S.) HS Nov 20, 1991 Dated 30/25 days before adoption
✓ Notice attached ~~indicates~~ it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
Nov 25, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment ~~period~~ (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ ~~Resolution~~ Adopting
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
HS Jan 3, 1992 Date Health Jan 10, 1992 Public Safety Jan 15, 1992

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
David Iverson Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

Rules rel

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: February 21, 1992

TO: BETTY CARLSON
Minnesota Merit System
Second Floor
Human Services Building
444 Lafayette Road

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

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

The above-referenced rules have been approved as to their legality by the Attorney General on February 21, 1992.

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.

MJM:jj
Enclosures
cc: David P. Iverson
William Brown, Chief Judge
MaryAnn Hruby

Department of Health

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

4670.0100 DEFINITIONS.

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

Subp. 24. [See repealer.]

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

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

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

4670.1320 RECOMMENDED ADJUSTMENTS.

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

4670.2530 TEMPORARY APPOINTMENT.

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

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

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

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

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

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

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

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

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

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

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

4670.2930 LAYOFF.

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

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

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

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

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

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

4670.3030 VACATION LEAVE.

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

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

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

4670.3040 SICK LEAVE.

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

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

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, 1992.

Subpart 1. **Plan.**

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

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Bookkeeper	1280	2000
Home Health Aide	1224	1830

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

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

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

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

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

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

	Minimum	Maximum
Janitor	1049	1713

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

APPROVED AS TO FORM AND LEGALITY

Feb 21 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 21 1992

Joan Anderson Growe
Secretary of State

11:43a
RC

Human Services

256.012

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

end of comment period 12-26-91

Health

144.071

The commissioner may establish a merit system for employees of county or municipal health departments

end of Comment period 12-26-91

Public Safety

12.22 subd 3

The governor shall have authority to establish rules in accordance with the laws for the proper and efficient operation and administration of the civil defense program

end of comment period 12-26-91

SNR

nothing justifys 9575.0010, 9670.0100, 7520.010
subd 46 sub 24 subp 47

In the Matter of the Adoption of the Rules of the Departments of Human Services, Health and Public Safety Governing Definitions, The Compensation Plan, Salary Adjustments and Increases, Temporary Appointments, Layoff, and Vacation and Sick Leave

DECLARATION OF COUNSEL

I, David P. Iverson, 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.

David P. Iverson
Special Assistant Attorney General

Dated: 2-6-92

D. Adolescence:

Standards	Ages 14–17 years	16 years	18–20 years	20 years
Hemoglobin or Hematocrit	←		X	
Sickle Cell	at parent's or child's request as indicated			
Other Laboratory Tests				
Oral Examination	X		X	

X Procedure to be completed.

· Procedure to be completed if not done at the previous visit, or on the first visit.

Subp. 15a. **Additional screenings.** A child may have a partial or complete screening between the ages specified in the schedule under subpart 15 if the screening is medically necessary or a concern develops about the child's health or development.

9505.1748 CONTRACTS FOR ADMINISTRATIVE SERVICES.

Subpart 1. **Authority.** A local agency may contract with a county public health nursing service ~~or~~, a community health clinic, a Head Start agency, a community action agency, or a school district for early and periodic screening, diagnosis, and treatment administrative services. Early and periodic screening, diagnosis, and treatment administrative services include outreach; notification; appointment scheduling and transportation; follow-up; and documentation. For purposes of this subpart, "community action agency" means an entity defined in *Minnesota Statutes*, section 268.53, subdivision 1, and "school district" means a school district as defined in *Minnesota Statutes*, section 120.02, subdivisions 13 to 15.

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

Subp. 4. **Approval.** A contract for administrative services must be approved by the local agency and submitted to the department for approval by ~~January~~ November 1 of ~~each~~ the year before the beginning of the calendar year in which the contract will be effective. A contract must contain items A to ~~K~~ L to be approved by the department for reimbursement:

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

G. a clause that stipulates that the ~~local public health nursing service or the community health clinic~~ contracting parties will provide program and fiscal records and maintain all nonpublic data required by the contract according to the Minnesota Government Data Practices Act and will cooperate with state and federal program reviews;

H. a description of the services contracted for and the agency that will perform them;

I. ~~names of the skilled professional medical personnel and their supporting staff;~~

~~J.~~ methods by which the local agency will monitor and evaluate the contract; ~~and~~

~~K.~~ L. signatures of the representatives of the contracting parties with the authority to obligate the parties by contract and dates of those signatures;

K. a clause that stipulates that the services provided under contract must be performed by or under the supervision of skilled medical personnel; and

L. a clause that stipulates that the contracting parties will comply with state and federal requirements for the receipt of medical assistance funds.

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.

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.

All persons have 30 days or until 4:30 p.m. on December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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 73 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 amendments to part 9575.0010 would provide for an expanded definition for "temporary employee". Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 9575.0350 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional, support, clerical, and maintenance and trades salary schedules who are covered by Merit System compensation plans.

If adopted, proposed amendments to 9575.1500 would provide for a 2.25% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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 Betty Carlson, 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 Betty Carlson, 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:

Betty Carlson
Minnesota Merit System
Second Floor
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3822

Natalie Haas Steffen
Commissioner of Human Services

Rules as Proposed

9575.0010 DEFINITIONS.

[For text of subps 1 to 45, see M.R.]

Subp. 46. **Temporary employee.** "Temporary employee" means an employee who ~~has been~~ is appointed ~~to a position from an eligible register but the appointment has~~ with a definite ending date. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.

[For text of subps 47 to 49, see M.R.]

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~four~~ 2-1/4 percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

[For text of subps 4 and 5, see M.R.]

9575.0680 TEMPORARY APPOINTMENT.

~~If an employee is needed for a limited period of not more than six months, a certification may be made by the supervisor of the names of those eligibles, in the order of their place on an appropriate register, who have indicated willingness to accept temporary employment. Certification shall be made in the manner set forth in parts 9575.0600 to 9575.0630. The duration of the limited-term appointment shall be for the period of need only, and in no case shall such appointment continue for more than six months in any 12-month period. The acceptance or refusal of a limited-term appointment shall not affect an eligible's standing on a register or his eligibility for appointment to a permanent position, and the period of the limited-term appointment shall not constitute a part of a probationary period. Successive limited-term appointments to the same position shall not be made, nor shall an employee receive continued limited-term appointments.~~

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

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

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

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

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

Subp. 2. **From eligible register.** Temporary appointments must be made from the eligible register. Certification must be made of the names of those eligible persons, in order of their place on an appropriate register, who have indicated willingness to accept temporary employment. Certification must be made according to parts 9575.0600 to 9575.0630. The acceptance or refusal of a temporary appointment does not affect an eligible person's standing on a register or eligibility for appointment to a permanent position.

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

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

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

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

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.

9575.0930 LAYOFF.

Subpart 1. **Reasons and procedures.** An appointing authority may lay off an employee in the classified service by reason of abolishment of the position, lack of funds, shortage of work, or other reason outside the control of the employee. No permanent employee, however, shall be laid off while any emergency, provisional, ~~limited-term~~ temporary, or probationary employee is continued in a position of the same class in the agency. Layoff shall be made in inverse order of seniority by employment conditions in the class of work in the agency. Seniority for purposes of layoff shall be the length of service in the class from which layoff occurs in the agency.

[For text of subps 2 to 5, see M.R.]

Subp. 6. **Length of time on layoff list.** Names of laid off employees will remain on the layoff list for a minimum of one year and eligibility shall be extended to a period of time equal to the employee's previous service in the merit system not to exceed five years. The name of a laid off employee must be removed from the layoff list if the employee fails to accept a position in the former classification and county agency or if the employee is appointed to a permanent position in a class equal to or higher than the one from which the employee was laid off. In such cases, the employee's name must remain on the reemployment list for the class from which the employee was laid off.

[For text of subps 7 and 8, see M.R.]

9575.1030 VACATION LEAVE.

Subpart 1. **Accrual rate.** Upon the completion of six full months of satisfactory service in the merit system, vacation leave shall accrue to a permanent, probationary, or trainee employee for time served at the rate of one working day for each full month of service except as otherwise adopted under part 9575.1000, subpart 3. No vacation leave shall be accrued or granted during the first six months of service in the merit system, but upon the satisfactory completion of such period, vacation leave shall accrue to a permanent, probationary, or trainee employee for the time served. ~~Limited-term~~ Temporary and provisional employees with less than six full months of service and emergency employees shall not accrue vacation leave. Provisional employees with more than six months of service shall accrue vacation leave. Unused vacation leave shall accumulate to a total of at least 24 working days. The county agency shall determine the time at which vacation leave may be taken. Vacation leave may not be used prior to completion of the period in which it is accrued. Part-time employees shall accrue vacation leave on a prorated basis based on hours worked in accordance with a schedule prepared by the appointing authority.

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

9575.1040 SICK LEAVE.

Subpart 1. **Accrual rate.** Every permanent, probationary, provisional, ~~limited-term~~ temporary, and trainee employee shall accrue sick leave at the rate of one working day for each completed month of service, except as otherwise adopted under part 9575.1000, and such accrued sick leave may be used under the conditions hereinafter prescribed:

Absence necessitated by an employee's inability to perform the duties of his or her position by reason of illness or injury, by necessity for medical or dental care, by reason of prenatal and postnatal care, by exposure to contagious disease under circumstances in which the health of the employees with whom associated or members of the public necessarily dealt with would be endangered by attendance on duty, or by illness in the employee's immediate family, for such period as shall be necessary. The term "immediate family" shall be limited to the employee's spouse, minor children, or parent living in the household of the employee when the parent has no other person to provide the necessary nursing care. Within the discretion of the appointing authority, use of sick leave also may be authorized in cases of death of the spouse, children, and wards of the employee and the brothers, sisters, parents, or grandparents of either the employee or the employee's spouse.

[For text of subps 2 to 9, see M.R.]

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~1991~~ 1992.

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	~~1832~~ 1873	~~2859~~ 2923
Accounting Supervisor	~~2186~~ 2235	~~3571~~ 3651
Administrative Assistant I	~~2287~~ 2338	~~3908~~ 3996
Administrative Assistant II	~~2446~~ 2733	~~4179~~ 4273
Administrative Assistant III	~~2917~~ 3120	~~4553~~ 4655
Adult Day Care Center Supervisor	~~1751~~ 1790	~~2737~~ 2923
Assistant Welfare Director	~~4087~~ 4179	~~6068~~ 6205
~~Auditor~~	~~2186~~	~~3571~~
Chemical Dependency Coordinator	~~1832~~ 1873	~~2859~~ 2923

	Minimum	Maximum
Collections and Accounting Unit Supervisor	~~1918~~ 1961	~~3122~~ 3192
Collection Services Supervisor II	~~1918~~ 1961	~~3122~~ 3192
Community Health Services Supervisor	~~2186~~ 2235	~~3571~~ 3651
Computer Programmer	~~1751~~ 1790	~~2737~~ 2923
Contract Services Representative	~~2002~~ 2047	~~3267~~ 3341
County Agency Social Worker (Licensing Specialist)	~~1751~~ 1790	~~2737~~ 2923
County Agency Social Worker	~~1832~~ 1873	~~3122~~ 3192
County Agency Social Worker (Child Protection Specialist)	~~1832~~ 1873	~~3122~~ 3192
County Agency Social Worker (MSW)	~~1918~~ 1961	~~3122~~ 3192
County Agency Social Worker (MSW) (Child Protection Specialist)	~~1918~~ 1961	~~3122~~ 3192
Director of Business Management I	~~2446~~ 2733	~~4179~~ 4273
Director of Business Management II	~~3196~~ 3268	~~4753~~ 4860
Director of Financial Assistance	~~3196~~ 3268	~~4753~~ 4860
Director of Planning	~~3196~~ 3268	~~4753~~ 4860
Director of Public Health Nursing	~~2186~~ 2235	~~3571~~ 3651
Director of Social Services	~~3196~~ 3268	~~4753~~ 4860
Employment Guidance Counselor	~~1675~~ 1713	~~2510~~ 2566
Family Based Services Supervisor	~~1832~~ 1873	~~2859~~ 2923
Family Service Coordinator II	~~1675~~ 1713	~~2510~~ 2566
Financial Assistance Supervisor I	~~1918~~ 1961	~~3122~~ 3192
Financial Assistance Supervisor II	~~2186~~ 2235	~~3571~~ 3651
Financial Assistance Supervisor III	~~2287~~ 2338	~~3908~~ 3996
Fiscal Manager	~~2287~~ 2338	~~3908~~ 3996
Fiscal Officer	~~1675~~ 1713	~~2510~~ 2566
Fiscal Supervisor I	~~1751~~ 1790	~~2859~~ 2923
Fiscal Supervisor II	~~2186~~ 2235	~~3571~~ 3651
Gerontology Counselor	~~1918~~ 1961	~~3122~~ 3192
Human Services Director III	~~3491~~ 3570	~~5190~~ 5307
Human Services Supervisor I	~~2287~~ 2338	~~3908~~ 3996
Human Services Supervisor II	~~2859~~ 3052	~~4460~~ 4560
~~Jobs and Training Supervisor~~	~~1918~~	~~3122~~
Mental Health Program Manager	~~2446~~ 2733	~~4179~~ 4273
Mental Health Worker	~~2002~~ 2047	~~3267~~ 3341
~~Methods & Procedures Analyst~~	~~1751~~	~~2737~~
Nutrition Project Assistant Director	~~1751~~ 1790	~~2737~~ 2923
Nutrition Project Director	~~2186~~ 2235	~~3571~~ 3651
Office Services Supervisor ~~II~~	~~1603~~ 1639	~~2510~~ 2566
Planner (Human Services)	~~2002~~ 2047	~~3267~~ 3341
Psychologist I	~~1918~~ 1961	~~3122~~ 3192
Psychologist II	~~2186~~ 2235	~~3571~~ 3651
Psychologist III	~~2917~~ 2983	~~4179~~ 4273
Public Health Educator	~~1751~~ 1873	~~2737~~ 3192
Public Health Nurse	~~1918~~ 1961	~~2985~~ 3052
Public Health Nurse (Team Leader)	~~2002~~ 2047	~~3122~~ 3192
Public Health Nursing Supervisor	2142	3341
Registered Dietician	~~1751~~ 1790	~~2737~~ 2923
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1832~~ 1873	~~2859~~ 2923
Sanitarian	~~1751~~ 1790	~~2737~~ 2923
Senior Staff Development Specialist	~~2186~~ 2235	~~3571~~ 3651
Social Services Supervisor I	~~2287~~ 2338	~~3908~~ 3996

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		Minimum	Maximum
Social Services Supervisor II		~~2616~~ 2675	~~4272~~ 4368
Social Services Supervisor III		~~2859~~ 3052	~~4460~~ 4560
Staff Development Specialist		~~1751~~ 1790	~~2737~~ 2923
Student Social Worker (Intern)	Rate proposed by appointing authority.		
Support Services and Accounting Supervisor		~~2002~~ 2047	~~3267~~ 3341
Support Services Supervisor		~~1832~~ 1873	~~2859~~ 2923
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Volunteer Services Coordinator		~~1751~~ 1790	~~2737~~ 2923
Welfare Director I		~~2673~~ 2733	~~4179~~ 4273
Welfare Director II		~~2985~~ 3052	~~4460~~ 4560
Welfare Director III		~~3196~~ 3268	~~4753~~ 4860
Welfare Director IV		~~3491~~ 3570	~~5190~~ 5307
Welfare Director V		~~3730~~ 3814	~~5547~~ 5672
Welfare Director VI		~~4653~~ 4758	~~6612~~ 6761

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		~~1197~~ 1224	~~1790~~ 1830
Accounting Technician		~~1282~~ 1311	~~1918~~ 1961
Adult Day Care Center Program Coordinator		~~1282~~ 1437	~~2095~~ 2142
Case Aide		~~1282~~ 1311	~~2095~~ 2142
Chemical Dependency Counselor		~~1565~~ 1600	~~2232~~ 2282
Child Health Aide		~~1026~~ 1049	~~1675~~ 1713
Child Support Officer (Administrative Process)		~~1675~~ 1713	~~2510~~ 2566
Child Support Officer I		~~1499~~ 1533	~~2232~~ 2282
Child Support Officer II		~~1675~~ 1713	~~2510~~ 2566
Collections Officer		~~1405~~ 1437	~~2186~~ 2142
Collection Services Supervisor I		~~1832~~ 1873	~~2859~~ 2923
Community Service Aide		~~1026~~ 1049	~~1675~~ 1713
Community Support Technician		~~1565~~ 1600	~~2232~~ 2282
Computer Operations Specialist		~~1197~~ 1224	~~1790~~ 1830
Coordinator of Aging		~~1675~~ 1713	~~2510~~ 2566
Crisis Center Resource Aide		~~1282~~ 1311	~~1918~~ 1961
~~Employment Technician~~ Executive Assistant		~~1282~~ 1600	~~2095~~ 2282
Family Based Services Provider		~~1565~~ 1600	~~2232~~ 2282
Family Service Aide I		~~1197~~ 1224	~~1790~~ 1830
Family Service Aide II		~~1282~~ 1311	~~1918~~ 1961
Family Service Coordinator I		~~1405~~ 1437	~~2095~~ 2142
Family Service/Home Health Aide		~~1197~~ 1224	~~1790~~ 1830
Financial Assistance Specialist		~~1603~~ 1639	~~2510~~ 2566
Financial Worker		~~1282~~ 1311	~~2095~~ 2142
Home Health Aide		~~1197~~ 1224	~~1790~~ 1830
Home Health Aide Coordinator		~~1405~~ 1437	~~2095~~ 2142
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Housing Coordinator		~~1832~~ 1873	~~2859~~ 2923
Housing Rehabilitation Specialist		~~1405~~ 1437	~~2095~~ 2142
Licensed Practical Nurse		~~1405~~ 1437	~~2095~~ 2142
Methods and Procedures Technician		~~1565~~ 1600	~~2232~~ 2282
Monitoring and Review Specialist		~~1282~~ 1437	~~2095~~ 2142

	Minimum	Maximum
~~Office Services Supervisor I~~	~~1405~~	~~2095~~
Public Health Aide	~~1026~~ 1049	~~1675~~ 1713
Senior Citizen's Aide	~~1197~~ 1224	~~1790~~ 1830
SILS Program Coordinator	~~1565~~ 1600	~~2232~~ 2282
Support and Collections Specialist	~~1675~~ 1713	~~2510~~ 2566
Support Enforcement Aide	~~1197~~ 1224	~~1790~~ 1830
Welfare Fraud Investigator	~~1675~~ 1713	~~2510~~ 2566

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	~~1282~~ 1311	~~1918~~ 1961
Clerk I	~~882~~ 902	~~1435~~ 1467
Clerk II	~~1026~~ 1049	~~1675~~ 1713
Clerk III	~~1197~~ 1224	~~1790~~ 1830
Clerk-Typist I	~~963~~ 985	~~1565~~ 1600
Clerk-Typist II	~~1026~~ 1049	~~1675~~ 1713
Clerk-Typist III	~~1282~~ 1311	~~1918~~ 1961
Clerk-Steno	~~1026~~ 1049	~~1675~~ 1713
Data Entry Operator	~~963~~ 985	~~1565~~ 1600
Information Systems Specialist	~~1026~~ 1049	~~1675~~ 1713
Legal Secretary	~~1197~~ 1224	~~1790~~ 1830
Switchboard Operator	~~963~~ 985	~~1565~~ 1600

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	~~963~~ 985	~~1565~~ 1600
Bus Driver	~~1026~~ 1049	~~1675~~ 1713
Janitor	~~1026~~ 1049	~~1675~~ 1713
Maintenance Worker	~~1197~~ 1224	~~1790~~ 1830

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 December 26, 1991 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

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.

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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 December 26, 1991 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:

Betty Carlson
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 Betty Carlson, 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 amendments to part 4670.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term". Amendments to part 4670.2530 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 4670.3030 and 4670.3040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 4670.2930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 4670.1320 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and administrative, health services support, clerical and building maintenance salary schedules who are covered by Merit System compensation plans.

Amendments to 4670.4210-4240 would provide for a 2.25% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Marlene E. Marschall
Commissioner of Health

Rules as Proposed

4670.0100 DEFINITIONS.

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

Subp. 24. [See repealer.]

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

Subp. 47. **Temporary employee.** "Temporary employee" means an employee who ~~has been~~ is appointed ~~to a position from an eligible register but the appointment has~~ with a definite ending date. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.

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

4670.1320 RECOMMENDED ADJUSTMENTS.

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

4670.2530 ~~LIMITED-TERM~~ TEMPORARY APPOINTMENT.

~~If an employee is needed for a limited period of not more than six months, a certification may be made by the supervisor of the names of those eligibles, in the order of their place on an appropriate register, who have indicated willingness to accept temporary employment. Certification shall be made in the manner set forth in part 4670.2100. The duration of the limited-term appointment shall be for the period of need only, and in no event shall such appointment continue for more than six months in any 12-month period. The acceptance or refusal of a limited-term appointment shall not affect an eligible's standing on a register or his eligibility for appointment to a permanent position, and the period of the limited-term appointment shall not constitute a part of a probationary period. Successive limited-term appointments to the same position shall not be made, nor shall an employee receive continued limited-term appointments.~~

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

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

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

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

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

Subp. 2. **From eligible register.** Temporary appointments must be made from the eligible register. Certification will be made of the names of those eligibles, in order of their place on an appropriate register, who have indicated willingness to accept temporary employment. Certification must be made according to parts 4670.2100 to 4670.2400. The acceptance or refusal of a temporary appointment does not affect an eligible's standing on a register or eligibility for appointment to a permanent position.

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

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

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

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

4670.2930 LAYOFF.

Subpart 1. **Reason for layoff.** An appointing authority may lay off an employee in the classified service by reason of abolishment of the position, lack of funds, shortage of work, or other reason outside the control of the employee. No permanent employee, however, shall be laid off while any emergency, provisional, ~~limited term~~ temporary, or probationary employee is continued in a position of the same class in the agency. Layoff shall be made in inverse order of seniority by employment conditions in the class of work in the agency. Seniority for purposes of layoff shall be the length of service in the class from which layoff occurs in the agency.

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

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

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

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

4670.3030 VACATION LEAVE.

Subpart 1. **Accrual.** Upon the completion of six full months of satisfactory service in the merit system, vacation leave shall accrue to a permanent, probationary, or trainee employee for the time served at the rate of one working day for each full month of service except as otherwise provided under part 4670.3000. No vacation leave shall be accrued or granted during the first six months of service in the merit system; but upon satisfactory completion of that period, vacation leave shall accrue to a permanent, probationary, or trainee employee for the time served. ~~Limited term~~ Temporary and provisional employees with less than six full months of service and emergency employees shall not accrue vacation leave. Provisional employees with more than six months of service shall accrue vacation leave. Unused vacation leave shall accumulate to a total of at least 24 working days. The agency shall determine the time at which vacation leave may be taken. Vacation leave may not be used before completion of the period in which it is accrued. Part-time employees shall accrue vacation leave on a prorated basis based on hours worked in accordance with a schedule prepared by the appointing authority.

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

4670.3040 SICK LEAVE.

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

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

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, ~~1991~~ 1992.

Subpart 1. **Plan.**

	Minimum	Maximum
Assistant Director of Environmental Health	~~2287~~ 2338	~~3571~~ 3651
Director of Environmental Health	~~2616~~ 2675	~~4087~~ 4179
Director of Public Health Nursing	~~2186~~ 2235	~~3571~~ 3651
Public Health Educator	~~1832~~ 1873	~~2859~~ 3192
Public Health Nurse	~~1918~~ 1961	~~2985~~ 3052
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1832~~ 1873	~~2859~~ 2923
Sanitarian	~~1751~~ 1790	~~2737~~ 2923

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Bookkeeper	~~1252~~ 1280	~~1956~~ 2000
Home Health Aide	~~1197~~ 1224	~~1790~~ 1830
Home Health Aide Coordinator	~~1405~~ 1437	~~2095~~ 2142
Inspector	~~1405~~ 1437	~~2095~~ 2142
Licensed Practical Nurse	~~1405~~ 1437	~~2095~~ 2142
Public Health Aide	~~1026~~ 1049	~~1675~~ 1713

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	~~882~~ 902	~~1435~~ 1467
Clerk II	~~1026~~ 1049	~~1675~~ 1713
Clerk III	~~1197~~ 1224	~~1790~~ 1830
Clerk-Typist I	~~963~~ 985	~~1565~~ 1600
Clerk-Typist II	~~1026~~ 1049	~~1675~~ 1713
Clerk-Typist III	~~1282~~ 1311	~~1918~~ 1961
Clerk-Steno	~~1026~~ 1049	~~1675~~ 1713
Switchboard Operator	~~963~~ 985	~~1565~~ 1600

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

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

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

	Minimum	Maximum
Janitor	~~1026~~ 1049	~~1675~~ 1713

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

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	Minimum	Maximum
~~Office Services Supervisor I~~	~~1405~~	~~2095~~
Public Health Aide	~~1026~~ 1049	~~1675~~ 1713
Senior Citizen's Aide	~~1197~~ 1224	~~1790~~ 1830
SILS Program Coordinator	~~1565~~ 1600	~~2232~~ 2282
Support and Collections Specialist	~~1675~~ 1713	~~2510~~ 2566
Support Enforcement Aide	~~1197~~ 1224	~~1790~~ 1830
Welfare Fraud Investigator	~~1675~~ 1713	~~2510~~ 2566

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	~~1282~~ 1311	~~1918~~ 1961
Clerk I	~~882~~ 902	~~1435~~ 1467
Clerk II	~~1026~~ 1049	~~1675~~ 1713
Clerk III	~~1197~~ 1224	~~1790~~ 1830
Clerk-Typist I	~~963~~ 985	~~1565~~ 1600
Clerk-Typist II	~~1026~~ 1049	~~1675~~ 1713
Clerk-Typist III	~~1282~~ 1311	~~1918~~ 1961
Clerk-Steno	~~1026~~ 1049	~~1675~~ 1713
Data Entry Operator	~~963~~ 985	~~1565~~ 1600
Information Systems Specialist	~~1026~~ 1049	~~1675~~ 1713
Legal Secretary	~~1197~~ 1224	~~1790~~ 1830
Switchboard Operator	~~963~~ 985	~~1565~~ 1600

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	~~963~~ 985	~~1565~~ 1600
Bus Driver	~~1026~~ 1049	~~1675~~ 1713
Janitor	~~1026~~ 1049	~~1675~~ 1713
Maintenance Worker	~~1197~~ 1224	~~1790~~ 1830

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 December 26, 1991 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

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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:

Betty Carlson
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 Betty Carlson, 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 amendments to 7520.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term".

Minnesota Rules, part 7520.0200, subpart 3 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 parts 9575.0680, 9575.0930, 9575.1030, and 9575.1040 would then apply to local and county emergency management agencies. Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 7520.0650 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and clerical salary schedules.

If adopted, proposed amendments to 7520.1000-1100 would provide for a 2.25% adjustment to the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Arne Carlson
Governor

Rules as Proposed

7520.0100 DEFINITIONS.

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

Subp. 24. [See repealer.]

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

Subp. 47. **Temporary employee.** "Temporary employee" means an employee who ~~has been~~ is appointed ~~to a position from an eligible register but the appointment has~~ with a definite ending date. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.

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

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~four~~ 2-1/4 percent for employees on the professional and clerical salary schedules.

[For text of subps 4 and 5, see M.R.]

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1991~~ 1992; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	~~1832~~ 1873	~~2737~~ 2799
Emergency Management Director	~~1675~~ 1713	~~2510~~ 2566
Communications Officer	~~1603~~ 1639	~~2392~~ 2446
Operations Officer	~~1832~~ 1873	~~2737~~ 2799
Public Information Officer	~~1832~~ 1873	~~2737~~ 2799
Radiological Officer	~~1603~~ 1639	~~2392~~ 2446
Safety Services Coordinator	~~1832~~ 1873	~~2737~~ 2799

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1991~~ 1992; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	~~882~~ 902	~~1435~~ 1467
Clerk II	~~1026~~ 1049	~~1675~~ 1713
Clerk III	~~1197~~ 1224	~~1790~~ 1830
Clerk-Typist I	~~963~~ 985	~~1565~~ 1600
Clerk-Typist II	~~1026~~ 1049	~~1675~~ 1713
Clerk-Typist III	~~1282~~ 1311	~~1918~~ 1961
Clerk-Steno	~~1026~~ 1049	~~1675~~ 1713

REPEALER. *Minnesota Rules,* part 7520.0100, subpart 24, is repealed.

Board of Teaching

Proposed Permanent Rules Relating to Education; Teacher Licensure; Educational Speech/ Language Pathologist

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at the Capitol Square Building, Conference Room 716, 550 Cedar Street, St. Paul, MN 55101, on January 17, 1992, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7606 either before the

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.

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: February 7, 1992 2-7-92

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

FROM: Betty L. Carlson Betty L Carlson
Merit System Personnel Manager

SUBJECT: Review of a Rule Adopted Without a Public Hearing; Rules Relating to the Merit System, Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040, 9575.1500, 7520.0100, 7520.0650, 7520.1000-1100, 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040, and 4670.4210-4240.

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.

12. A copy of the cover letter to the LCRAR submitting a copy of the Statement of Need and Reasonableness as required under Minnesota Statutes, section 14.131.

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE NATALIE HAAS-STEFFEN
COMMISSIONER OF HUMAN SERVICES

BEFORE MARLENE E. MARSCHALL
COMMISSIONER OF HEALTH

BEFORE ARNE CARLSON
GOVERNOR

IN THE MATTER OF THE PROPOSED ADOPTION OF

RULES OF THE MINNESOTA MERIT SYSTEM GOVERNING DEFINITIONS, THE COMPENSATION PLAN, SALARY ADJUSTMENTS AND INCREASES, TEMPORARY APPOINTMENTS, LAYOFF, VACATION LEAVE AND SICK LEAVE

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)

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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]

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.)

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".

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

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:

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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.

.....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).

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. Salary Adjustments and Increases

Minnesota Rules, part 9575.0350, 4670.1320 and 7520.0650

An amendment is proposed to parts 9575.0350 subpart 3, 4670.1320 and 7520.0650 subpart 3 providing for a recommended general salary adjustment of 2.25 percent for all non-bargaining unit Merit System employees on Merit System professional, support, clerical and maintenance and trades salary schedules to be effective January 1, 1992. The amendment is necessary not only because it changes the recommended general salary adjustment percentage in these rule parts from that adopted for 1991 but also because there is a need to provide competitive salary adjustments in 1992 for employees covered by the Human Services, Health and Public Safety Merit System rules. The amendment is also reasonable based on a review of adjustments to salary levels by employers with similar and competing types of employment and trends in the Twin City Consumer Price Index.

Merit System rules require that the annual recommended general salary adjustment for employees be based on salary adjustments granted by employers with similar and competing types of employment and trends in the Twin City Consumer Price Index. Obviously, for the Merit System, employers with similar and competing types of employment means other public employers. Traditionally, other employers the Merit System has looked to in developing a recommended general salary adjustment are the State of Minnesota and other counties with their own county personnel systems which are separate and apart from the Merit System.

The State of Minnesota has negotiated a contract with AFSCME Council 6 representing approximately 18,000 state employees providing across-the-board salary adjustments of 2% effective July 1, 1991, and another .5%

effective January 1, 1992. The state has also negotiated a contract with MAPE representing 6,866 professional employees providing across-the-board adjustments of 1.25% effective July 1, 1991, and another 1.25% effective January 1, 1992. Thirdly, the state has negotiated a contract with supervisory employees (Middle Management Association) also providing for across-the-board adjustments of 2% effective July 1, 1991, and .5% on January 1, 1992. Several other jurisdictions have settled for 1992. Blue Earth County has settled for a 3% across-the-board salary adjustment for all employees effective January 1, 1992. Scott County has settled for 4% effective January 1, 1992 and Itasca County has settled for 4% for 1992 and for 4% in 1993 as part of a three year contract. Anoka County, whose social service employees are not covered by the terms of a collective bargaining agreement, will be granting a 2% general salary adjustment to employees on January 1, 1992.

As indicated previously, proposed annual employee salary adjustments must also be based on the trends in the Twin City Consumer Price Index. The United States Department of Labor's Bureau of Labor Statistics calculates changes in the index for all urban consumers (covering approximately 80% of the total population) twice a year. For the period July, 1990 through July, 1991, the index increased 3.1%. The Bureau also calculated changes in the Consumer Price Index for all urban consumers in the North Central Region which includes the State of Minnesota. For the period July, 1990, to July 1991, the index increased 4.3%.

Given the information available to date regarding across-the-board salary adjustments agreed to by competing employees for 1991 and 1992 as well as other measures of salary progression and increases in various consumer price indices as indicated, it is reasonable to recommend that salaries of Merit System employees not covered by the terms and conditions of a collective bargaining agreement be increased by 2.25% effective January 1, 1992, or on the beginning date of the first payroll period following January 1, 1992, for those agencies on a biweekly or four-week payroll period.

It should be emphasized that the recommended general salary adjustment of 2.25% is simply that, a recommendation. It lacks the binding effect of a negotiated collective bargaining agreement. Agencies, even those where there is no collective bargaining agreement, are not required to adopt the Merit System recommended general adjustment but have the flexibility, under Merit System rules, to adopt a different salary adjustment (or no adjustment at all) for agency employees. Under whatever salary adjustment is finally adopted by an agency, the only salary increases that agencies are required to make are those necessary to bring the salaries of individual employees up to the new minimum salary rate for their classification on the Merit System compensation plan adopted by the agency for that classification.

Another important point to mention is that, under Merit System rules, Merit System compensation plan adjustments do not apply to employees in a formally recognized bargaining unit. There are 44 Merit System agencies where most of the agency employees are covered by a collective bargaining agreement and employee compensation is the product of negotiation between the appointing authority and the employee's exclusive representative. In these agencies, the only employees subject to Merit System compensation plans are those in positions that are excluded from the bargaining unit by virtue of being supervisory or confidential in nature.

B. Definitions - Temporary Appointment

Minnesota Rules, parts 9575.0010 subpart 46, 9575.0680, 4670.0100 subparts 24 and 47, 4670.2530 and 7520.0100 subparts 24 and 47

(Under the provisions of Merit System rules, part 7520.0200 subpart 3, 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.)

Amendments proposed to these rules change the definition of a temporary employee, clarify when a temporary appointment is available, provide for an alternate way for county agencies to hire temporary employees and lengthen the time that an employee may serve in a temporary appointment.

Revisions to parts 9575.0680 and 4670.2530 clarify when a temporary appointment should be made. At the present time, there is some confusion among agencies as to when to use an "emergency appointment" as provided in the rules (parts 9575.8670 and 4670.2520) and when to use a "temporary appointment." Emergency appointments are to be used only when there is an urgent need to supplement or fill positions held by current staff for a very short period of time, usually for a period of 45 working days. The language proposed will clarify that temporary appointments should be used when filling a vacancy funded for six months or less, when filling a vacancy created by an approved leave of absence, when filling a vacancy in a temporary project not anticipated to last more than six months or in an unusual instance, when an appointing authority asks to make a temporary appointment of six months or less to a position otherwise authorized for more than six months. It is necessary to clarify the distinctions between an emergency appointment and temporary appointment, since individuals on temporary appointments receive some benefits that individuals who are on emergency appointments do not receive, such as accrual of sick leave and vacation leave accrual after six months of service.

Proposed revisions to these rules also will allow an appointing authority, in absence of an eligible register, the option of hiring an individual who meets the Merit System minimum qualifications in a temporary position. Parts 9575.0780 and 4670.2530 currently require that agencies select temporary employees from the eligible register and that the length of employment cannot exceed six months. Quite frequently, the applicants on the eligible register for a particular classification are not available for temporary employment. This has created an undue hardship for counties and local agencies who usually must hire an individual quickly. Once the agency determines that no one is available, it must recruit and all applicants must be tested. This has often meant that the agency must wait an unreasonable period of time before it can fill a temporary position. These amendments will considerably decrease the amount of time necessary to fill a temporary position and yet will ensure that persons with the proper qualifications are hired to do the work.

Other revisions to parts 9575.0780 and 4670.2530 provide that county and local agencies may request an extension of the temporary appointment for up to one year. This is reasonable in view of the fact that many special projects and many leaves of absence granted last for longer than six months. The extension of an additional six months provided in the rules will allow counties and local agencies to have the same individual in the temporary position for the entire period of time that the position is needed, which will ensure some continuity in the position. The rule amendments provide that a temporary employee's term of employment may not

exceed a total of 12 months in any 24 month period in any one agency and that successive temporary appointments to the same position may not be made. This provision ensures that temporary appointments will not be used to fill permanent positions.

In addition to these amendments, amendments to parts 9575.0010 subpart 46, 4670.0100 subpart 47 and 7520.0100 subpart 47 are proposed which clarify the definition of "temporary employee" and make it consistent with the language in parts 9575.0680 and 4670.2530. Deletion of 7520.0100 subpart 24 and 4670.0100 subpart 24 is proposed since the continued use of "limited term appointment" will no longer be necessary because of the expansion and clarification of the definition of "temporary employee."

C. Lay-Off

Minnesota Rules, parts 9575.0930 and 4670.2930

(Under the provisions of Merit System rules, part 7520.0200, subpart 3, 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.)

Revisions to 9575.0930 subpart 6 and 4670.2930 subpart 4 provide new language addressing when a laid off employee shall be removed from the lay off list. Currently, when a position is eliminated in an agency and an employee is laid off, that employee is placed on the lay-off list for that classification and agency. When that agency has another vacancy in that same classification, the name of the laid off employee is the only name referred to the vacancy. The proposed amendments provide that if, after the employee is contacted by the agency, it is determined that the employee is not interested in the vacancy, the employee will be removed from the lay-off list for the classification and the agency. The effect of this proposal is that when the employee declines the position, the agency will then be able to receive a referral from the regular eligible list and will be able to consider candidates other than that employee. The current rule provides no means for an appointing authority to receive additional names of individuals available for employment once the former employee on the lay-off list declines an appointment. This amendment will allow agencies to receive a referral of individuals on the eligible list who are available for employment but only after the laid off employee declines. Proposed amendments provide that the employee may remain on the reemployment list as outlined in parts 9575.0980 and 4670.2980.

Minor revisions to 9575.0930 subpart 1 and 4670.2930 subpart 1 delete the outdated term "limited-term" and replace it with "temporary", which is which is the correct and currently used term.

D. Vacation and Sick Leave

Minnesota Rules, parts 9575.1030, 9575.1040, 4670.3030 and 4670.3040

(Under the provisions of Merit System rules, part 7520.0200 subpart 3, 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.)

Minor revisions are provided to these rules to replace "limited-term" with "temporary", to be consistent with the other rule amendments proposed. The use of "limited-term" is outdated and has been replaced with the term "temporary."

E. Compensation Plan

Minnesota Rules, parts 9575.1500, 4670.4200-4670.4240 and 7520.1000-7520.1100

Amendments proposed to these parts specifically recommend adjustments to the 1992 minimum and maximum salaries for all Merit System classes of positions covered by the Human Services, Health and Public Safety Merit System rules to be effective January 1, 1992. Merit System rules require that Merit System compensation plans be adjusted annually to reflect changes in the level of salary rates in business and government for similar and competing types of employment and to achieve equitable compensation relationships between classes of positions based on their comparable work value. Amendments to these parts are necessary to provide Merit System agencies with salary ranges for all classes that are competitive in terms of salary rates being offered by competing employers for comparable work elsewhere in the public and private sector and also to comply with the provisions of Minn. Stat. Sections 471.991-471.999 requiring the establishment of equitable compensation relationships between classes of positions based on their comparable work value as determined by a formal job evaluation system.

The Merit System reviewed current compensation plans for competing employers such as the State of Minnesota and the counties of Hennepin, Ramsey, St. Louis, Beltrami, Dakota, Anoka, Blue Earth, Olmsted, Scott, Washington and Itasca to determine their salary levels and consider them in proposing amendments changing the minimum and maximum salaries of Merit System comparable classifications for 1992.

Proposed amendments to parts 9575.1500, 4670.4200-4670.4240 and 7520.1000-7520.1100 adjust the minimum and maximum salaries for many, but not all, Merit System classes by 2.25%, the same percentage adjustment that is being recommended as a general salary adjustment for employees in all Merit System classifications. That kind of adjustment provides that employees will remain on the same salary step in their new salary range as they were on their previous salary range. This is reasonable in terms of the practice in other public jurisdictions of adjusting salary ranges by the same percentage amount as the general salary adjustment granted to all employees of the jurisdiction. They are reasonable in light of the Merit System review of current salary ranges for comparable kinds of work in other public jurisdictions and by changes in general economic growth factors. They are adjustments necessary in order to maintain a competitive compensation plan providing equitable and adequate compensation for use by Merit System agencies covered by the plan.

Some proposed amendments to 9575.1500 and 4670.4200-4670.4240 do not propose a 2.25% adjustment to the minimum and maximum salaries for certain classes of positions.

These adjustments relate to classes of positions where a 2.25% adjustment is inappropriate because of a need to establish equitable compensation relationships between classes of positions based on their comparable work value or where labor market data would indicate an adjustment of something other than 2.25% to be proper. Subsequent to passage of Minn. Stat. Sections 471.991-471.999, the Merit System conducted a formal job evaluation study which determined the comparable work value of all Merit System classes of positions. A basic principle of pay equity is that classes with identical or similar work values should have identical or

similar salary ranges. The results of the study revealed a large number of situations where classes of positions with similar comparable work values had quite disparate salary ranges. These situations represented compensation inequities and, in the past five years, the Merit System proposed and had adopted a significant number of comparability adjustments to either equalize or reduce the differences between salary ranges for classes with identical or similar comparable work values. It is necessary to continue this process to attain the statutorily-mandated requirement to establish equitable compensation relationships between all classes of positions. Practically all of the proposed varying adjustments are based on attaining the objective of having an internally consistent Merit System compensation plan with reasonable compensation relationships existing between classes of positions based on their comparable work value which is obviously consistent with the objective of the Local Government Pay Equity Act (Minn. Stat. Sections 471.991-471.999).

Minnesota Rules, part 9575.1500 includes the Department of Human Services Merit System compensation plan. The plan contains salary schedules for professional, support, clerical and maintenance and trades classes of positions. Adjustments proposed to minimum and maximum salaries for Human Services Merit System professional classifications are 2.25% with the following exceptions:

1. Administrative Assistant II, Director of Business Management I and Mental Health Program Manager minimum salaries are adjusted approximately 12% and maximum salaries are adjusted 2.25%.

2. Human Services Supervisor II, Social Services Supervisor III and Administrative Assistant III minimum salaries are adjusted approximately 7% and maximum salaries are adjusted 2.25%.

3. Adult Day Care Center Supervisor, Computer Programmer, County Agency Social Worker (Licensing Specialist), Nutrition Project Assistant Director, Registered Dietician, Sanitarian, Staff Development Specialist and Volunteer Services Coordinator I minimum salaries are adjusted 2.25% and maximum salaries are adjusted approximately 7%.

4. Public Health Educator minimum salary is adjusted approximately 7% and maximum salary is adjusted approximately 17%.

Adjustments proposed to minimum and maximum salaries for Human Services Merit System support classifications are 2.25% with the following exceptions:

1. Adult Day Care Center Coordinator and Monitoring and Review Specialist minimum salaries are adjusted approximately 12% and maximum salaries are adjusted 2.25%.

2. Collections Officer minimum salary is adjusted 2.25% and maximum salary is reduced approximately 2%.

Adjustments proposed to minimum and maximum salaries for Human Services Merit System clerical and maintenance and trades classifications are 2.25%.

Minnesota Rules, parts 4570.4200-4670.4240 includes the Department of Health Merit System compensation plan. It contains salary schedules for professional, support, clerical and building maintenance classes of positions.

Adjustments proposed to minimum and maximum salaries for Health Merit System professional classes are 2.25% with the following exceptions:

1. Public Health Educator minimum salary is adjusted 2.25% and maximum salary is adjusted approximately 12%.

2. Sanitarian minimum salary is adjusted 2.25% and maximum salary is adjusted approximately 7%.

Adjustments proposed to minimum and maximum salaries for Health Merit System support, clerical and building maintenance classes are 2.25%.

Minnesota Rules, parts 7520.1000-7520.1100 includes the Emergency Services Merit System compensation plan. It contains salary schedules for professional and clerical classes of positions.

Adjustments proposed to minimum and maximum salaries for Emergency Services Merit System professional and clerical classes are 2.25%.

Additional amendments are proposed to Minnesota Rules, part 9575.1500 providing for class titles and minimum and maximum salaries for new classes entitled Public Health Nursing Supervisor and Executive Assistant established in response to a legitimate need for the classes in Merit System agencies. 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.

Amendments are proposed to Minnesota Rules, parts 9575.1500 deleting the class titles and minimum and maximum salaries for the following classes that have been abolished because there are no employees in them and the employing agencies no longer intend to use the classes: Auditor, Jobs and Training Supervisor, Methods and Procedures Analyst, Employment Technician, and Office Services Supervisor I.

This amendment is both necessary and reasonable to ensure that Human Services and Health Merit System compensation plans properly reflect current class titles and salaries that are reflective of functions actually being performed by Merit System employees.

The foregoing 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 no apply to this rule amendment.

Betty L. Carlson

Betty L. Carlson
Merit System Supervisor

Dated: 10/25/91

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, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave, Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040 and 9575.1500

AFFIDAVIT OF ADDITIONAL MAILING

Nancy Bishop, being first duly sworn, deposes and says:

That on the 20th day of November, 1991, 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:

- 10 County Agency Personnel Directors and Administrative Staff
- 3 Merit System Council Members
- 7 Unions
- 1 DHS Affirmative Action Director
- 80 Chairpersons of County Boards under the Merit System

Nancy L. Bishop

Subscribed and sworn to before me

this 21 day of Nov, 1991

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 14, 1996

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, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040 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 December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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 73 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 amendments to part 9575.0010 would provide for an expanded definition for "temporary employee". Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 9575.0350 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional, support, clerical, and maintenance and trades salary schedules who are covered by Merit System compensation plans.

If adopted, proposed amendments to 9575.1500 would provide for a 2.25% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 11-4-91

George J. Steffen

for NATALIE HAAS STEFFEN
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, SALARY ADJUSTMENTS AND INCREASES, TEMPORARY APPOINTMENTS, LAYOFF, AND VACATION AND SICK LEAVE (MINNESOTA RULES PARTS 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040, and 4670.4210-4240).

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 20th day of November, 1991, 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 20 day of November, 1991

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 14, 1995

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Definitions, The Compensation Plan, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040 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 December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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 amendments to part 4670.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term". Amendments to part 4670.2530 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 4670.3030 and 4670.3040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 4670.2930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 4670.1320 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and administrative, health services support, clerical and building maintenance salary schedules who are covered by Merit System compensation plans.

Amendments to 4670.4210-4240 would provide for a 2.25% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 1-8-91

MARLENE E. MARSCHALL
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, SALARY ADJUSTMENTS AND INCREASES, LAYOFF, AND VACATION AND SICK LEAVE (MINNESOTA RULES, PARTS 7520.0100, 7520.0650, 9575.0930, 9575.1030, 9575.1040, and 7520.1000-1100).

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 20th day of November, 1991, 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 20 day of November, 1991

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 14, 1996

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
Salary Adjustments and Increases, Temporary
Appointments, Layoff, Vacation and Sick Leave
(Minnesota Rules, parts 7520.0100, 7520.0650,
9575.0680, 9575.0930, 9575.1030, 9575.1040
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 December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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, certificatin 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 amendments to 7520.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term".

Minnesota Rules, part 7520.0200, subpart 3 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 parts 9575.0680, 9575.0930, 9575.1030, and 9575.1040 would then apply to local and county emergency management agencies. Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 7520.0650 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and clerical salary schedules.

If adopted, proposed amendments to 7520.1000-1100 would provide for a 2.25% adjustment to the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 11/6/91

Arne Carlson

ARNE CARLSON
GOVERNOR

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, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave, Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040 and 9575.1500

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Nancy Bishop, 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 is accurate, complete, and current as of this 20th day of November, 1991.

That on the 20th day of November, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt 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.

Nancy L. Bishop

Subscribed and sworn to before me

this 21 day of Nov., 1991.

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 14, 1996

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, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040 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 December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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 73 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 amendments to part 9575.0010 would provide for an expanded definition for "temporary employee". Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 9575.0350 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional, support, clerical, and maintenance and trades salary schedules who are covered by Merit System compensation plans.

If adopted, proposed amendments to 9575.1500 would provide for a 2.25% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 11-4-91

George J. Steffen

for NATALIE HAAS STEFFEN
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, SALARY ADJUSTMENTS AND INCREASES, TEMPORARY APPOINTMENTS, LAYOFF, AND VACATION AND SICK LEAVE

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 5th day of November, 1991.

Carol Meyer

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN SALARY ADJUSTMENTS AND INCREASES, LAYOFF, AND VACATION AND SICK LEAVE (MINNESOTA RULES PARTS 7520.0100, 7520.0650, 9575.0680, 9575.0930, 9575.1030, 9575.1040, and 7520.1000-1100).

AFFIDAVIT OF MAILING

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

That on the 20th day of November, 1991, 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 Intent to Adopt a Rule Without a Public Hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 20 day of November, 1991

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 14, 1996

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
Salary Adjustments and Increases, Temporary
Appointments, Layoff, Vacation and Sick Leave
(Minnesota Rules, parts 7520.0100, 7520.0650,
9575.0680, 9575.0930, 9575.1030, 9575.1040
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 December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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, certificatin 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 amendments to 7520.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term".

Minnesota Rules, part 7520.0200, subpart 3 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 parts 9575.0680, 9575.0930, 9575.1030, and 9575.1040 would then apply to local and county emergency management agencies. Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 7520.0650 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and clerical salary schedules.

If adopted, proposed amendments to 7520.1000-1100 would provide for a 2.25% adjustment to the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 11/6/91

Arne Carlson

ARNE CARLSON
GOVERNOR

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, SALARY ADJUSTMENTS AND INCREASES, TEMPORARY APPOINTMENTS, LAYOFF, AND VACATION AND SICK LEAVE

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 19th day of November, 1991.

Christine K. Barton

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING DEFINITIONS, THE COMPENSATION PLAN, SALARY ADJUSTMENTS AND INCREASES, TEMPORARY APPOINTMENTS, LAYOFF, AND VACATION AND SICK LEAVE (MINNESOTA RULES PARTS 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040, and 4670.4210-4240).

AFFIDAVIT OF MAILING

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

That on the 20th day of November, 1991, 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 Intent to Adopt a Rule Without a Public Hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 20 day of November, 1991

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 14, 1996

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Definitions, The Compensation Plan, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040 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 December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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 amendments to part 4670.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term". Amendments to part 4670.2530 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 4670.3030 and 4670.3040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 4670.2930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 4670.1320 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and administrative, health services support, clerical and building maintenance salary schedules who are covered by Merit System compensation plans.

Amendments to 4670.4210-4240 would provide for a 2.25% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 1-8-91

MARLENE E. MARSCHALL
COMMISSIONER OF HEALTH

The Minnesota Racing Commission requests information and opinions concerning proposed new rules. Interested persons or groups may submit data or views on the subject matter in writing or orally. Written statements should be addressed to:

Richard Krueger
Director of Pari-Mutuel Racing
Minnesota Racing Commission
11000 West 78th Street, #201
Eden Prairie, Minnesota 55344

Oral statements will be received during regular business hours (8:00 a.m. to 5:00 p.m. Monday-Friday) over the telephone at (612) 341-7555, and in person at the above-listed address.

All statements and opinions shall be accepted until Monday, August 5, 1991. Any written material received by the Racing Commission 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: 19 June 1991

Richard G. Krueger
Director of Pari-Mutuel Racing
Minnesota Racing Commission

Departments of Human Services, Health, and Public Safety

Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Merit System Rules Governing Definitions, the Compensation Plan, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation Leave and Sick Leave

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, salary adjustments and increases, temporary appointments, layoff, and vacation and sick leave. 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 "temporary"; increased flexibility to counties in the use of temporary employees; salary adjustments for incumbents; adjustments to the various salary ranges in the Merit System compensation plan; and clarification of when a laid off employee must be removed from the layoff list. Minor amendments to the rules on layoff and vacation and sick leave as they apply to temporary employees also are proposed.

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:

Betty Carlson
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 Betty Carlson 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: 21 June 1991

Betty Carlson
Merit System Supervisor

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 Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Definitions, The Compensation Plan, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040 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 December 26, 1991 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: Betty Carlson, 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 Betty Carlson, 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 73 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 amendments to part 9575.0010 would provide for an expanded definition for "temporary employee". Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 9575.0350 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional, support, clerical, and maintenance and trades salary schedules who are covered by Merit System compensation plans.

If adopted, proposed amendments to 9575.1500 would provide for a 2.25% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

(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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 11-4-91

George J. Steffen

for NATALIE HAAS STEFFEN
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, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040 and 4670.4210-4240).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) 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.

(2) All persons have 30 days or until 4:30 p.m. on December 26, 1991 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: Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

(11) 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 amendments to part 4670.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term". Amendments to part 4670.2530 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 4670.3030 and 4670.3040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 4670.2930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 4670.1320 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and administrative, health services support, clerical and building maintenance salary schedules who are covered by Merit System compensation plans.

Amendments to 4670.4210-4240 would provide for a 2.25% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

(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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 1-8-91

MARLENE E. MARSCHALL
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
Salary Adjustments and Increases, Temporary
Appointments, Layoff, Vacation and Sick Leave
(Minnesota Rules, parts 7520.0100, 7520.0650,
9575.0680, 9575.0930, 9575.1030, 9575.1040
and 7520.1000-1100).

NOTICE OF INTENT
TO ADOPT A RULE WITHOUT
A PUBLIC HEARING

(1) 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.

(2) All persons have 30 days or until 4:30 p.m. on December 26, 1991 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: Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

(1) 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, certificatin 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 amendments to 7520.0100 would provide for an expanded definition for "temporary employee" and would repeal the definition of the outdated term "limited term".

Minnesota Rules, part 7520.0200, subpart 3 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 parts 9575.0680, 9575.0930, 9575.1030, and 9575.1040 would then apply to local and county emergency management agencies. Amendments to 9575.0680 would provide for increased flexibility to counties in the use of temporary employees. Minor amendments are proposed to parts 9575.1030 and 9575.1040 to clarify when temporary employees are eligible to accrue vacation and sick leave. Proposed amendments to part 9575.0930 provide clarification of the rights of laid off employees on the layoff list.

A proposed revision to 7520.0650 provides for a recommended salary adjustment of 2.25% for all incumbents on the professional and clerical salary schedules.

If adopted, proposed amendments to 7520.1000-1100 would provide for a 2.25% adjustment to the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

(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 Betty Carlson, 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 Betty Carlson, 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 Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 11/6/91

Arne Carlson

ARNE CARLSON
GOVERNOR

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, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040, and 9575.1500)

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on November 25, 1991 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 November 20, 1991. (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 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:

(6) The comments received from the Chairperson of the Koochiching County Board of Commissioners cited opposition to mandates that involve a cost to local agencies. The primary reason for the opposition as indicated by the county was the fact that the county was required to have a pay equity plan, which includes all county employees, while also negotiating salary ranges with several different unions, and still fit their scales into salaries and benefits stipulated by the Merit System.

The Department carefully considered the above comments. The Merit System compensation plan rules apply only to those county employees not covered by the terms of collective bargaining agreements. The proposed revisions to Minnesota Rules, part 9575.0350 provide for a recommended 2.25% salary adjustment for those employees not covered by collective bargaining agreements in the county social services departments and human services agencies covered by the Merit System. The only mandated cost to counties involves the adjustment of salaries to the 1992 proposed minimum rates for those employees not covered by collective bargaining agreements and whose salary rates of pay are below the 1992 proposed minimums for their classifications. An agency may adopt a different adjustment from that recommended by the Merit System as long as the non-union employees are at least paid at or above the minimum and at or

below the maximum rates of pay for their classifications. Within the social services agency in Koochiching County, there are only four employees who are not covered by the terms of a union contract. For these four employees, the Merit System compensation plan rules require only that they be compensated within the minimum and maximum salaries for their classifications on the Merit System compensation plan. Since all four employees are already being paid at rates considerably above the 1992 Merit System minimum salaries for their classifications, the Koochiching County Board would not be required to take any action to adjust any of their salaries for 1992. Thus, there is no mandated cost to the Koochiching County Board resulting from the adoption of these rules. Therefore, the Department declines to make any modification to the rules as proposed.

I hereby conclude that:

The above-captioned rules are needed and reasonable. (8)

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040, and 9575.1500, are adopted this 3RD day of January, 1992, pursuant to authority vested in me by Minnesota Statutes, section 256.012.

(9)

George J. Steffen

for NATALIE HAAS STEFFEN
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, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave (Minnesota Rules, parts 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040, and 4670.4210-4240).	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on November 25, 1991 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 November 20, 1991. (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:

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

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules, parts 4670.0100, 4670.1320, 4670.2530, 4670.2930, 4670.3030, 4670.3040, and 4670.4210-4240 are adopted this 10 day of January, 1992, pursuant to authority vested in me by Minnesota Statutes, section 144.071. (9)

Marlene E. Marschall

MARLENE E. MARSCHALL
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, Salary Adjustments and Increases, Temporary Appointments, Layoff, and Vacation and Sick Leave (Minnesota Rules, parts 7520.0100, 7520.0650, 9575.0680, 9575.0930, 9575.1030, 9575.1040, and 7520.1000-1100)

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

Notice (1) of the Governor's intent to adopt the above-entitled rule was published in the State Register on November 25, 1991 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 November 20, 1991. (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:

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

(9) NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules, parts 7520.0100, 7520.0650, 9575.0680, 9575.0930, 9575.1030, 9575.1040, and 7520.1000-1100 are adopted this 15th day of January, 1992, pursuant to authority vested in me by Minnesota Statutes, section 12.22, subd. 3.

Arne H. Carlson

ARNE CARLSON
GOVERNOR

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

December 17, 1991

Doris Hanson, Chairperson
Koochiching County Board of Commissioners
Court House Complex
International Falls, MN 56649

Dear Commissioner Hanson:

Thank you for your letter of December 4 commenting on our proposed rule amendments.

I share your opinion that financial responsibility in the form of funding should accompany mandates that cost money. In fact, the Merit System rules and standards exist primarily because of the federal grant-in-aid monies which the counties receive for social services and income maintenance programs.

I would like to take this opportunity to clarify that our compensation plan rule amendments apply only to those employees **not** covered by the terms of collective bargaining agreements. The proposed revisions to Minnesota Rules, part 9575.1500 provide for a recommended 2.25% salary adjustment for those employees not covered by collective bargaining agreements in the county social service departments and human services agencies covered by the Merit System. The only mandated cost to counties involves the adjustment of salaries to the 1992 proposed minimum rates for those employees not covered by collective bargaining agreements and whose salary rates of pay are below the 1992 proposed minimum for their classifications. An agency may adopt a different adjustment from that recommended by the Merit System as long as the non-union employees are at least paid at or above the minimum and at or below the maximum rates of pay for their classifications. This means that since the non-supervisory staff in your county social services agency are covered by the terms of a collective bargaining agreement, our proposed rules on compensation would not have any impact upon them.

The rules, then, only affect the four supervisory employees in your social services agency. For those four employees, our compensation

plan rules require only that they be compensated within the minimum and maximum salaries for their classifications on the Merit System compensation plan. They do not have to actually be on a step within the range. Since all four of them are already being paid at rates considerably above the 1992 Merit System minimum salaries for their classifications, you would not be required to take any action to adjust any of their salaries for 1992.

Additionally, the Merit System rules do not mandate benefit packages. We have rules covering vacation leave and sick leave accrual rates, but these particular rules, again, would not apply to employees covered by the terms of a union contract nor would they apply to non-union employees who would be employed in a county which would have in place a county-wide policy covering vacation and sick leave accrual rates.

Over the past few years, the Merit System rules have been amended with the intent to give counties more flexibility and to provide them with options or alternate means of handling particular personnel management issues. We recognize the importance of county-wide personnel policies and practices and within many of our rules, have provided counties with the alternative of following their own county-wide policies. We will continue to evaluate our rules in the future to eliminate any unnecessary mandates. However, we do have to ensure that the federal merit system requirements and standards are being upheld so that agencies we serve continue to receive federal reimbursement.

I hope I have responded adequately to your concerns. Please do not hesitate to give me a call at (612) 296-3996 should you have any questions or wish to discuss any of this further.

Sincerely,

Betty Carlson

Betty Carlson
Merit System Supervisor

CC: Honorable Bob Lessard
State Senator

Honorable Irv Anderson
State Representative

Koochiching County

Court House Complex
International Falls, MN 56649



December 4, 1991

Betty Carlson
Minnesota Merit System
Second Floor Human Services Building
444 Lafayette Road
St. Paul, MN 55155-3822

Re: DHS Notice of Intent to Adopt a Rule without a Public Hearing - MN Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040 and 9575.1500

Dear Ms. Carlson:

In regards to the above noted matter, we would like to state that Koochiching County has taken a position relative to mandated issues that involve a cost factor. It is the County's contention that financial responsibility in the form of funding should accompany orders that cost money.

All of the County's employees are included in the County's mandated pay equity plan. Most of the County's employees are covered by union bargaining agreements. On one hand we are required to maintain a salary scale under Comparable Worth which applies to all employees and progresses fairly and equally according to job rank. Most of the salaries within the scale are union negotiable by several different unions. On another hand we are required to "fit" our scales into salaries (and benefits) stipulated by the Merit System for Merit System employees. With mandates such as these it becomes increasingly difficult for County Commissioners to manage the affairs and tax dollars of the taxpayers who elected us, particularly when State aids are decreasing and cost containing mandates continue.

Thank you for an opportunity to comment.

Sincerely,

Koochiching County Board of Commissioners:

Doris Hanson

Doris Hanson, Board Chair

cc: Senator R. Lessard
Rep. I. Anderson

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-38___

November 20, 1991

Ms. Maryanne Hruby
Executive Director, LCRAR
55 State Office Building
St. Paul, Minnesota 55155

Dear Ms. Hruby:

Pursuant to Minnesota Statutes, section 14.131, enclosed is a statement of need and reasonableness governing the Minnesota Merit System: Definitions, The Compensation Plan, Salary Adjustments and Increases, Temporary Appointments, Layoff, Vacation and Sick Leave, Minnesota Rules, parts 9575.0010, 9575.0350, 9575.0680, 9575.0930, 9575.1030, 9575.1040 and 9575.1500.

If you have any questions on the statement of need and reasonableness, please do not hesitate to contact me at 296-3996.

Sincerely,

Betty Carlson

Betty Carlson
Minnesota Merit System

Encl.

Department of Public Safety

Proposed Permanent Rules Relating to Merit System

Rules as Proposed

7520.0100 DEFINITIONS.

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

Subp. 24. [See repealer.]

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

Subp. 47. **Temporary employee.** "Temporary employee" means an employee who ~~has been~~ is appointed ~~to a position from an eligible register but the appointment has~~ with a definite ending date. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.

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

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~four~~ 2-1/4 percent for employees on the professional and clerical salary schedules.

[For text of subps 4 and 5, see M.R.]

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1991~~ 1992; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	~~1832~~ 1873	~~2737~~ 2799
Emergency Management Director	~~1675~~ 1713	~~2510~~ 2566
Communications Officer	~~1603~~ 1639	~~2392~~ 2446
Operations Officer	~~1832~~ 1873	~~2737~~ 2799
Public Information Officer	~~1832~~ 1873	~~2737~~ 2799
Radiological Officer	~~1603~~ 1639	~~2392~~ 2446
Safety Services Coordinator	~~1832~~ 1873	~~2737~~ 2799

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1991~~ 1992; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	~~882~~ 902	~~1435~~ 1467

Approved by Revisor

Clerk II	~~1026~~	1049	~~1675~~	1713
Clerk III	~~1197~~	1224	~~1790~~	1830
Clerk-Typist I	~~963~~	985	~~1565~~	1600
Clerk-Typist II	~~1026~~	1049	~~1675~~	1713
Clerk-Typist III	~~1282~~	1311	~~1918~~	1961
Clerk-Steno	~~1026~~	1049	~~1675~~	1713

REPEALER. Minnesota Rules, part 7520.0100, subpart 24, is repealed.

Approved
by Revisor _____

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

Craig E. Lindeke
Senior Assistant Revisor