



# RAMSEY COUNTY

## **Personnel Rules**

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Human Resources Department  
Gail Blackstone, Director  
2100 Metro Square  
121 East 7th Place  
Saint Paul, MN 55101

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## SCOPE, PURPOSE AND DEFINITIONS

### Rule 1: Scope of Governance

- 1.1 Authority under the Act.** The following rules have been approved by the Ramsey County Board of Commissioners in accordance with the Ramsey County Personnel Act, and shall govern the personnel system of the County of Ramsey, State of Minnesota, except where superseded by state or federal statute, or collective bargaining agreement as provided in Section 1.3 of the Rules.
- 1.2 Employee Benefits.** Pursuant to Minnesota Statutes 383A.295, Ramsey County employee benefits related to hours of employment, sick leave, vacation leave, leaves of absence, and other fringe benefits for employees in the classified and unclassified service are not included in these Rules. These Benefits Policies are established by the Director subject to approval by the Ramsey County Board of Commissioners. Insurance benefits and amounts of employer and employee contributions shall be set by County Board resolution and are not included in the Benefit Policies.
- 1.3 Collective Bargaining Agreements Supersede.** To the extent that the provisions of these Rules and collective bargaining agreements conflict, agreements reached under the Minnesota Public Employment Labor Relations Act (Minnesota Statutes 179A.01, et seq., as amended) between Ramsey County and the exclusive representatives of its employees shall supersede the Ramsey County Personnel Rules.
- 1.4 Governance of the Classified Service.** Except as provided in Rule 1.3, employees in the classified service shall be subject to the provisions of these rules.
- 1.5 Governance of the Unclassified Service.** Members of the unclassified service shall be subject to the provisions of the following rules:
- Rule 1 .....Scope of Governance
  - Rule 2 .....Purpose
  - Rule 3 .....Definitions
  - Rule 14.3 .....Alternative Salary Plans
  - Rule 15 .....Salary Calculation
  - Rule 17.6 .....Alternative Salary Plans
  - Rule 18 .....Salary after Reinstatement to the Classified Service Following an  
Unclassified Appointment
  - Rule 19.1 .....Circumstances under Which Salary Range Shall Be Frozen
  - Rule 21 .....Working Out-of-Class
  - Rule 22 .....Effective Date of Salary Changes
  - Rule 28 .....Demotion: Veterans
  - Rule 30 .....Discharge: Veterans
  - Rule 31.3 .....Grievance Procedures

- Rule 32.2 .....Appeals: Barred From Applying for County Employment
- Rule 32.5 .....Appeals: Involuntary Transfer
- Rule 32.6 .....Appeals: Application of Benefits Policies
- Rule 33 .....Employee and Management Rights/ Responsibilities in Cases of  
Medical Condition Affecting Fitness for Work
- Rule 36.1 .....Prohibited Political Activity
- Rule 37 .....Employee Records
- Rule 38 .....Reports to the Human Resources Department)
- Rule 39 .....Payroll Records

Except for the provisions listed above in Section 1.5, the provisions of these Rules shall not apply to members of the unclassified service.

## **Rule 2: Purpose**

The purpose of these rules is to give effect to and supplement the provisions of the Ramsey County Personnel Act. Together with the Act, these rules provide the foundation for a uniform, comprehensive and effective system of personnel administration based upon the following objectives:

- 2.1** To classify positions on a uniform basis in accordance with their duties and responsibilities.
- 2.2** To recruit, select and promote employees on the basis of merit system principles, which include: qualification standards reasonably related to knowledge, skills and abilities required to perform the job to be filled; impartial application of qualification standards; and equal employment opportunity.
- 2.3** To assist appointing officers with the selection and retention of qualified employees.
- 2.4** To provide equitable salary ranges for County job classes which:
  - (a) are consistent with the Minnesota Pay Equity Act (Minnesota Statutes 471.991, et seq., as amended), and
  - (b) will facilitate the attraction and retention of competent County employees
- 2.5** To maintain and upgrade the skills and knowledge of the County workforce through training and development activities.
- 2.6** To maintain a system for assessing and improving employee work performance.
- 2.7** To provide fair treatment to applicants and employees in all aspects of personnel administration without regard to race, sex, color, religion, creed, national origin, age, disability, sexual orientation, marital status, place of residence, or status with regard to public assistance.
- 2.8** To protect employees from political interference in their positions.
- 2.9** To provide avenues of appeal for the grievances of employees and job applicants.
- 2.10** To enhance the quality of work life for County employees and promote a workplace free from sexual harassment.

### Rule 3: Definitions

The terms defined in the Ramsey County Personnel Act shall have the meaning assigned them in the Act whenever they are used in these rules. In addition to those terms, the following words and phrases will be used throughout these rules and shall have the meanings indicated in Rules 3.1 – 3.30.

- 3.1 ACT** – the Ramsey County Personnel Act, Minnesota Statute 383A.281, et seq., as amended.
- 3.2 APPOINTING AUTHORITY** – an elected official, the head of a board, department, division, or commission, or person or group of persons who by law, rule, or resolution of the Ramsey County Board of Commissioners has been granted the authority to make appointments to positions in the County personnel system.
- 3.3 APPOINTING OFFICER** – an appointing authority, as provided in the Act, Ramsey County Charter and Administrative Code, or a person designated by an appointing authority to make appointments to positions in Ramsey County.
- 3.4 CAREER DEVELOPMENT** – advancement from one class in a designated classification series to the next higher class in that series after meeting established requirements.
- 3.5 CLASS SENIORITY** – length of continuous service from date of permanent or probationary appointment, whichever is earlier, in a specific job class or career development classification series. For probationary or permanent employees with continuous prior employment as a provisional employee in the same title, seniority will begin the date of their provisional appointment to the title. Class seniority shall include service in all positions held by the employee subsequent to the date of permanent or probationary appointment whether classified or unclassified or provisional. Class seniority shall not include temporary service.

In the event of a tie in class seniority:

- (a) The individual with the longest total continuous County service shall have seniority
- (b) If total continuous County service is equal, the individual with the higher rank on the eligible list shall have seniority. If rank is equal, the individual whose application leading to appointment was received in the Human Resources Department first shall have seniority. Class seniority shall only be broken by resignation, retirement or discharge.

- 3.6 DAY** – a calendar day, unless otherwise stipulated.
- 3.7 DEMOTION** – a reduction in position or pay as a result of disciplinary action.
- 3.8 EQUIVALENT PAY RANGE** – salary grades which have pay range minimums or maximums that are substantially the same (either minimum or maximum of pay range not exceeding 4% differential), as determined by the Director.
- 3.9 FULL-TIME EMPLOYEE** – an employee who regularly works a schedule of eighty (80) hours per pay period.
- 3.10 INTERMITTENT EMPLOYEE** – a person with permanent or probationary status who does not work a regular schedule (e.g., is “on call”).
- 3.11 LAYOFF** – a reduction in workforce resulting in a:
- 1) Release from duty of a classified probationary or permanent employee; or
  - 2) Reduction of a full-time classified probationary or permanent employee to a schedule of hours of less than eighty (80) hours per pay period; or
  - 3) Reduction of a part-time classified probationary or permanent employee from a schedule of greater than or equal to forty (40) hours per two week pay period to a schedule of less than forty (40) hours, or from a schedule of greater than or equal to thirty-two (32) hours to a schedule of less than thirty-two (32) hours.

The following do not constitute a layoff: a) the reduction in hours or release from duty of a classified probationary or permanent employee for disciplinary reasons; b) the reduction in hours or release from duty of an unclassified, temporary, provisional or intermittent employee; c) the voluntary reduction in hours of any employee; d) the reduction in hours of an employee by an appointing officer because of adverse weather conditions; or e) the reduction in hours of a part-time classified probationary or permanent employee whose work hours do not have a regular schedule.

- 3.12 NON-VETERAN** – any individual who does not meet the definition of the word “veteran” set forth in Minnesota Statute 197.447, under the Veterans Preference Act.
- 3.13 OPEN EXAMINATION** – a “competitive open examination” as defined in Section 383A.281, Subdivision 10 of the Act.
- 3.14 OPEN LIST** – an eligible list, which has been established after conducting an open examination.



- 3.15 PART-TIME EMPLOYEE** – an employee who regularly works a schedule of less than eighty (80) hours per pay period.
- 3.16 PERMANENT EMPLOYEE** – any employee in the classified service who has gained permanent status according to Section 383A.281, Subdivision 23 of the Act.
- 3.17 PROBATIONARY STATUS** – the state of an employee serving a probationary period, as defined in Section 383A.281, Subdivision 23 of the Act.
- 3.18 PROMOTION** – any movement of an employee from one classification to a different classification within the County personnel system with a salary grade greater than 4% higher at both the minimum and maximum of the range.
- 3.19 PROMOTIONAL EXAMINATION** – a “competitive promotional examination” as described in Section 383A.288, Subdivision 4 of the Act.
- 3.20 PROMOTION LIST** – an eligible list of candidates for appointment to a particular job class, which has been established after conducting a promotional examination.
- 3.21 PROVISIONAL EMPLOYEE** – an employee who has been appointed for a limited period of time (not to exceed six months) to a classified position for which no eligible list exists.
- 3.22 PUBLIC EMPLOYMENT LABOR RELATIONS ACT** – the Minnesota Public Employment Labor Relations Act (PELRA), Minnesota Statutes 179A.01, et seq., as amended.
- 3.23 REDUCTION** – any movement of an employee from one classification to a different classification within the County personnel system with a salary range more than 4% lower at both minimum and maximum of the range.
- 3.24 RELATED CLASSIFICATIONS** – classifications which have the substantially equivalent minimum qualifications and pay ranges.
- 3.25 SEASONAL EMPLOYMENT** – employment which is limited to a particular season of the year.
- 3.26 TEMPORARY APPOINTMENT** – an appointment to a position in the classified service in order to fill a vacancy of an essentially temporary or transitory nature.
- 3.27 TRANSFER** – any movement of an employee from one classification to a different classification within the County personnel system where the two salary ranges are equivalent. (Salary grades which have pay range minimums or maximums that are substantially the same [either minimum or maximum of pay range not exceeding 4% differential], as determined by the Director, are equivalent.)

- 3.28 TRANSFER LIST** – a list of individuals desiring to transfer from one position in the classified service to another position, as described in Rule 11.1 (Transfers within County Employment).
- 3.29 VETERAN** – any individual who meets the definition of the word “veteran” set forth in Minnesota Statute 197.447, under the Veterans Preference Act.
- 3.30 WORKING DAY** – a day in a normal work week, i.e., Monday through Friday excluding any holidays specified in Section 6 (Holidays) of the Director’s policies on employee benefits.

## CLASSIFICATION SYSTEM

### Rule 4: Classification Plan

- 4.1** Adoption of Plan. The Director shall determine and record the duties of all positions in the classified service. Job classes shall be established by the Director in order to group positions that have identical or substantially similar basic functions. The classes thus established shall constitute the classification plan for all positions in the classified service.
- 4.2** Class Specifications. The Director shall develop written specifications for each job class in the classification plan and may amend those specifications as necessary, in order to accurately reflect the nature and scope of the positions allocated to each class. For positions that are unique to a department, the Director shall consult the department head of the affected department, as specified in Sec. 383A.285, Subd. 3 of the Act. Written specifications shall include, among other things:
- (a) A title which describes as closely as possible the nature of the general duties performed by employees in the class; and
  - (b) A description of the basic functions of the class, as well as any supplemental information necessary to adequately describe the nature of the work performed. This description need not detail or identify every specific duty of the class in order to be considered accurate for classification purposes; and
  - (c) A statement of the minimum and desired qualifications for the classification.
- 4.3** Plan Administration. The Director shall classify and reclassify positions as required in order to appropriately maintain and administer the County's classification plan, in accordance with Section 383A.285, Subdivision 2 and 3 of the Act and Rule 5 (Classification Review) of these Rules.

## Rule 5: Classification Review

- 5.1** Initiation of Classification Review. A classification review: (1) may be initiated by the Director, or (2) may be conducted in response to a request submitted to the Director by an incumbent or an appointing officer. Requests for classification review must be filed on forms provided by the Human Resources Department.
- 5.2** Classification Decision. The Director shall conduct a classification review and issue a written classification decision within sixty (60) days after receiving a request for classification review in accordance with Rule 5.1 (Initiation of a Classification Review).
- 5.3** Filling a Reclassified Position: Position Vacant or Occupied by an Individual Lacking Permanent or Probationary Status. If a position reclassified by the Director is vacant, or if the incumbent does not have either permanent or probationary status, appointment to the reclassified position shall be governed by the provisions of Rules 10 (Filling Vacancies by Appointment from an Eligible List), 11 (Filling Vacancies Through Transfer or Voluntary Reduction), 12 (Filling Vacancies Through Reinstatement), or 13 (Non-Competitive Appointments).
- 5.4** Filling a Reclassified Position: Position Occupied by an Employee with Permanent or Probationary Status. If a position reclassified by the Director is occupied by an incumbent who has permanent or probationary status, the Director shall determine whether or not the incumbent is eligible to continue in the position. For the purposes of this section an eligible incumbent is one who: 1) meets the minimum qualifications for the classification, and 2) was assigned the duties upon which the reclassification is based in a manner consistent with merit system principles as outlined in Rule 2.2 (Purpose). The position shall then be filled as follows:
- (a) If the Director determines that the incumbent is eligible, the incumbent shall continue in the position; or
  - (b) If the Director determines that the incumbent is ineligible, the incumbent shall be allowed to compete in an examination under the provisions of Section 383A.285, Subdivision 7 of the Act. The Director shall administer an examination in accordance with Rule 8 (Competitive Examination Procedures) in order to fill the reclassified position. The position shall then be filled in accordance with the applicable provisions of Rule 10 (Filling Vacancies by Appointment from an Eligible List). If the incumbent is not appointed to the position, they shall be:
    - (1) reassigned to a position in their current class and department in accordance with their class seniority; or

- (2) if the incumbent is the least senior department member in their class, the employee shall be reassigned to a position in the same class in another department in accordance with the provisions of Rule 35.3 (Reassignment to Another Department/Layoff).
- (3) if the incumbent, in addition to being the least senior department member, is also the least senior County-wide in their class, and there is no vacancy in that class, and the incumbent therefore cannot be reassigned under Rule 35.3 (Reassignment to Another Department/ Layoff), they shall be either:
  - (i) transferred in accordance with the provisions of Rule 11 (Filling Vacancies Through Transfer or Voluntary Reduction); or
  - (ii) if no vacancy is available for transfer or voluntary reduction, they shall be reduced to a position in a lower classification in accordance with the provisions of Rule 19 (Freezing of Salary Ranges). If it is necessary to lay off another employee in order to carry out the reduction the laid off employee will be subject to the provisions of Rule 12 (Filling Vacancies through Reinstatement) and Rule 35 (Layoff). Any employee who has been reduced as a result of implementing the provisions of this rule, shall be entitled to the first available vacancy in the department in the class from which they were reduced.

**5.5** Reclassification to a Class in a Higher Salary Range. An employee who: (a) continues in, or (b) is appointed to a position that has been reclassified to a class in a higher salary range, shall receive a salary increase in accordance with Rule 16.5 (Increase After Promotion). If the Director issues a written classification decision in sixty (60) days or less from the date the request for a classification review was received by the Human Resources Department on an appropriate, completed form, as specified in Rule 5.1 (Initiation of Classification Review), the increase shall become effective on the date the decision is issued. If the Director's decision is issued more than sixty (60) days from the date the request is received as specified above, the increase shall be retroactive to sixty (60) days after the request was received.

**5.6** Reclassification to a Class in a Lower Salary Range. If a position is reclassified to a class in a lower salary range, the incumbent, except as provided in Rule 11.3 (Voluntary Reduction), shall suffer no reduction in classification or pay, provided the incumbent remains in a position that is classified in either the former or present class of the reclassified position. The Director shall notify the appointing officer and the Director of Budgeting and Accounting of the reclassification so that complement adjustments may be made. As long as the incumbent remains assigned to the position reclassified to a lower level, the Human

Resources Department shall refuse to certify eligibles to that department for appointment to positions in the incumbent's class.

- 5.7** Implementation of Classification Decisions. The appointing officer shall take appropriate action to implement the personnel changes required by a classification determination within thirty (30) days of receiving notice of that determination from the Human Resources Department.
- 5.8** Appeals of Classification Decision. Classification decisions may be appealed to the Director, pursuant to Section 383A.285, Subdivision 4 of the Act, and shall be subject to the provisions of Rule 32.1 (Appeals: Classification Determinations).

## APPLICATION TO THE CLASSIFIED SERVICE

### Rule 6: Filling Vacancies in the Classified Service

Vacancies in the Classified Service shall be filled by any of the following methods:

- (a) Appointment from an open or promotion eligible list, in accordance with Rules 7 – 10;
- (b) Employee transfer or voluntary reduction, in accordance with Rule 11 (Filling Vacancies Through Transfer or Voluntary Reduction)
- (c) Employee reinstatement, in accordance with Rule 12 (Filling Vacancies Through Reinstatement)
- (d) Temporary, provisional or routine service appointment, in accordance with Rule 13 (Non-competitive Appointments)

## **Rule 7: Admission to Employment Examinations**

- 7.1** Director's Authority. The Director shall have the final authority to determine whether an individual may compete in an examination held for a given class. In making this determination, the Director shall follow the provisions of Rule 7.2 – 7.6.
- 7.2** Application Forms. Applications for employment examinations must be completed on forms furnished by the Human Resources Department or an alternative format acceptable to the Human Resources Department. All applications and supporting documents submitted for consideration shall become the property of the Human Resources Department.
- 7.3** Verifications. Information contained in applications may be verified and previous employers may be contacted. The Director may demand the presentation of transcripts, certificates, licenses or other evidence of qualifications claimed by an applicant on their application form.
- 7.4** Filing Deadline. Applications for examinations must be filed within the time limit specified in the job announcement. An application submitted by mail shall be deemed to have met this time limit if it is postmarked on or before the last day for filing.
- 7.5** Examination Admission Requirements.
- (a) **Open Exams:** In order to be admitted to an open exam, an applicant must meet all job related employment requirements established in accordance with Rule 8.2 (b) (Exam Announcements).
  - (b) **Promotion Exams:** In order to be admitted to a promotional exam, an applicant must: (1) meet all established jobs related employment requirements established in accordance with Rule 8.2 (b) (Exam Announcements); and (2) be a permanent or probationary employee who is actively working, on a leave of absence, or eligible for reinstatement after layoff.
  - (c) **Career Development Exams:** In order to qualify for a career development promotion, an applicant must: (1) meet all established job related employment requirements established in accordance with Rule 8.2 (b) (Exam Announcements); and (2) be a permanent or probationary employee who is currently employed in the next lower class in the career development series to which application is made.
- 7.6** Rejection of Applications. The Director may reject the application of persons for any of the following reasons:



- (a) **Filing Period:** The Director may reject the application of any individual whose application is not received during the filing period.
- (b) **Failure to Meet Examination Admission Requirements:** The Director may reject the application of any individual who does not meet exam admission requirements of Rule 7.5 (Examination Admission Requirements) unless the individual qualifies for conditional admittance. Conditional admittance may be allowed in order to:
  - (1) Enable the applicant to submit additional documentation demonstrating that they currently meet the exam admission requirements of the class for which they have applied, or
  - (2) Allow the applicant an opportunity to gain the education or experience they need to meet the exam admission requirements of the class for which they have applied if they are currently making progress towards doing so, and can be expected to meet such requirements prior to the expiration of their term of eligibility on the requirements prior to the expiration of their term of eligibility on the eligible list.
- (c) **Criminal Convictions:** The Director, in accordance with Minnesota Statutes Chapter 364, may reject the application of any individual who has been convicted of a crime which has a direct relationship to the position sought. Individuals excluded from examinations under the provisions of this rule may also be subject to the provisions of Rule 9.3 (Removal from an Eligible List: Criminal Convictions).
- (d) **Termination from Previous Public Employment:** The Director may reject the application of any individual for County employment if it is determined that the applicant has been terminated for just cause from the public service. In making this determination, the Director shall consider such factors as the recency, frequency and relevance of the offense(s) for which the applicant was discharged. Individuals excluded from examinations under the provisions of this rule shall also be subject to the provisions of Rule 9.4 (Removal from an Eligible List: Misconduct).
- (e) **Fraudulent Conduct:** The Director may bar any applicant or eligible from applying for or participating in any County employment examination for a period of up to five (5) years, if it is determined that they have gained entrance to an examination or attempted to become competitively advantaged in the examination or selection process by: (1) making false statements of any material fact, or (2) practicing or attempting to practice deception or fraud of any kind.

This exclusionary period shall commence once the affected individual has been notified of the Director's determination. In addition:

- (1) An individual who has been excluded from examination under the provisions of this rule shall be subject to the provisions of Rule 9.4 (Removal from an Eligible List: Misconduct).
- (2) A County employee who has been excluded from examinations under the provisions of this rule may be disciplined in accordance with the provisions of Rule 24.2 (f) (Examples of Just Cause for Disciplinary Action).

Any and all persons who are a party to, or who cooperate with the deceptive activities described herein may be subject to the same sanctions detailed in this rule.

- (f) **Waiver of Future Employment:** The Director may reject the application of an applicant who has entered into an agreement with Ramsey County in which one of the terms is the waiver of future employment with Ramsey County.

**7.7** Appeals. Any individual who is denied the opportunity to compete in County employment examinations under the provisions of Rule 7.6 (Rejection of Applications), shall be notified in writing of the reasons for the exclusion and given an opportunity to appeal the determination to the Director. Such appeals shall be processed in accordance with Rule 32.2 (Appeals: Barred from Applying for County Employment).

## EXAMINATIONS

### Rule 8: Competitive Examination Procedures

- 8.1** Exam Administration. All employment examinations shall be administered by the Director. The Director shall determine the type and content of any employment examination, the appropriate method for scoring the exam, and the minimum score that must be achieved in order to pass the exam.

The methods of scoring exams may include the grouping of scores within a range into categories (bands) if the Director determines that incremental differences in individual exam scores are not sufficiently predictive of job performance. Such bands may be used for certification of eligibles under the certification procedures outlined in Rule 10.3 (b) (Rule of Bands). If the Rule of Bands is used, the bands shall be based on an analysis of raw scores, such analysis to be conducted prior to matching raw scores to individual candidates.

- 8.2** Exam Announcements. Announcements for all employment examinations to be administered shall be posted in the Human Resources Department. These postings shall constitute public notice as required by Section 383A.288, subd. 3. Exam announcements shall include, among other elements:

- (a) The type of examination to be administered, including all separate examination components;
- (b) All job related employment requirements established in accordance with Section 383A.288, subd. 3 or subd. 4, which may include minimum qualifications; and
- (c) If the Rule of Bands is used, the exam announcement shall include a description of how the bands will be determined.

Applications for examinations shall be received for at least ten days from the date the examination is publicly announced.

- 8.3** County Service Credit. Permanent classified employees who pass promotional or open exams shall receive credit for County service as follows:

- (a) On all promotional exams a seniority score shall be calculated based on length of permanent tenure as a County employee, rounded to the nearest month, in accordance with the following formula: starting with a minimum score of 75, two (2) points shall be added for each year of permanent tenure up to five years, one (1) point for each year of permanent tenure from five years to ten years, one half (1/2) point for each year of permanent tenure over ten (10), to a maximum score

of 100. The relative weight assigned to this seniority score will be 10% of the final examination score.

- (b) On open exams for non-supervisory positions, one point for each completed year of permanent tenure up to a maximum of ten points shall be added to the final examination score in accordance with the provisions of Section 383A.288, Subdivision 3 (b) of the Act.

**8.4** Eliminating Questions. Questions that have been determined by the Director to be unfair, misleading or identical to another question shall be eliminated from the examination. In this instance, all candidates' examination scores shall be determined by their performance on the remaining questions in the exam.

**8.5** Reviewing of Exam Papers. Candidates for employment who have received notice of their final examination results may, upon personal application, inspect their own examination papers. In the alternative, candidates may submit a written request to the Director, authorizing someone else to make the inspection for them. Candidates will only be allowed to review their own answer sheets and/or the rating forms used to evaluate their performance in the exam. Examination papers do not include examination booklets or any other form of questions used in the exam. All questions used in exams are confidential and shall not be made available for public inspection.

**8.6** Cancellation. Examination may be canceled by order of the Director. Applicants for examinations that have been canceled shall be sent a written notice explaining the reason for the cancellation

## Rule 9: Eligible Lists

- 9.1** Creation of Eligible Lists. Individuals who pass a competitive open or promotional examination shall have their name placed in rank order on an eligible list for employment in the job class for which they have been examined
- 9.2** Duration of Eligible Status. Except as provided in Rules 9.3 – 9.4, any individual whose name is placed on an eligible list shall retain their eligibility for employment in the class for which the list was established, until: (a) they have been appointed from the list, or (b) their term of eligibility expires, whichever occurs first. The term of the eligible list shall be determined by the Director in accordance with Section 383A.289, Subdivision 3 of the Act.
- 9.3** Removal from an Eligible List: Criminal Convictions. The Director, in accordance with Minnesota Statutes Chapter 364, may remove from an eligible list the name of an eligible candidate who has been convicted of a crime, which has a direct relationship to the position, sought.
- 9.4** Removal from an Eligible List: Misconduct. Individuals who are subject to exclusion from County examinations because (a) they have been separated for just cause from the public service, as described in Rule 7.5 (d) (Termination from Previous Public Employment), (b) they have made false statements or engaged in fraudulent conduct, as described in Rule 7.5 (e) (Fraudulent Conduct), or (c) they have agreed not to seek employment with Ramsey County as described in Rule 7.5 (f) (Waiver of Future Employment), may have their name removed by the Director from any currently existing eligible list on which it appears, and/or from any list in process at the time of the exclusion.
- 9.5** Removal from an Eligible List. Failure to accept an offer of an interview or of employment, or unable to reach for offer of interview; promotional processes exempt.

If an individual, whose name has been certified to an appointing officer, refuses an offer of an interview or of employment, his/her name may be removed from the eligible list from which it was certified, unless the individual has expressly waived the appointment as referenced in Rule 10.9. Inability of the departments to contact an eligible shall be deemed as a refusal by the eligible.

Ramsey County employees shall be exempt from the provisions of this rule for both promotional and open competitive eligible lists.

- 9.6** Appeals. Candidates whose names have been removed from an eligible list under the provisions of Rule 9.3 or 9.4 may appeal the removal in accordance with the provisions of Rule 32.2 (Appeals: Removal from an Eligible List).

- 9.7** Correction of an Eligible List. An eligible list shall be immediately corrected in the event that the Director finds it to be in error. Errors corrected shall include, but shall not be limited to, any errors that would affect the scores and/or relative ranking of eligible candidates on the list. Any person appointed from an eligible list that is subsequently found to be in error shall not be removed from their position on the basis of their corrected ranking.

## FILLING VACANCIES IN THE CLASSIFIED SERVICE

### Rule 10: Filling Vacancies by Appointment from an Eligible List

- 10.1** Appointments from Eligible Lists. All appointments to the classified service shall be made to established classified titles, at the rates of pay prescribed by the County's salary plan, and shall be made in accordance with prevailing County Board resolutions, state statutes or other applicable law. Except as provided under Rule 13 (Non-competitive Appointments), appointments to positions in the classified service shall be made in accordance with Rules 10.2 – 10.9.
- 10.2** Requisition for Certification. To make appointments to positions in the classified service, an appointing officer must submit a requisition to the Director using a prescribed requisition form or an alternative format acceptable to the Human Resources Department. Upon receipt of the requisition, the Director shall certify to the appointing officer, in accordance with Rules 10.3 – 10.6, the names of candidates appearing on the eligible list for the class of position in which the vacancy has occurred. If there is no established eligible list for a particular class, the Director may, after consulting with the requisitioning department, use a related list.
- 10.3** Certification of Eligibles. Except as provided for in Rule 13.3 (Routine Service Appointments), and Rule 10.6 (Expanded Certification), certification shall be made in accordance with one of the following subsections:
- (a) **Rule of Ten:**
- For original hires:** The names the ten highest scoring eligibles, if there are ten, all other eligibles having the same score as the tenth candidate eligible, and all eligibles who qualify for expanded certification under the provisions of Rule 10.6 (Expanded Certification) shall be certified to the appointing officer. If more than one vacancy is to be filled from the same certification, then three additional eligible for each additional vacancy, plus all eligibles having the same score as the last selected eligible, shall be certified. From the eligibles certified, the appointing officer shall fill the vacancy in accordance with the provisions of Rule 10.11 (Selection of Eligibles for Appointment).
- For promotional lists:** The names of the ten highest scoring eligibles (if there are ten), all other eligibles having the same score as the tenth candidate eligible, and all eligibles who qualify for expanded certification under the provisions of Rule 10.6 (Expanded Certification) shall be certified to the appointing officer. If more than one vacancy is to be filled from the same certification, then two additional eligibles for each additional vacancy, plus all eligibles having the same score as the last selected eligible, shall be certified. From the eligibles certified, the appointing

officer shall fill the vacancy in accordance with the provisions of Rule 10.11 (Selection of Eligibles for Appointment.) \*(rev. 11/01)

- (b) **Rule of Bands:** The Director, in consultation with the affected department(s), may certify to the appointing officer all eligibles within a specified band or bands, as described in Rule 8.1 (Exam Administration) if the Director determines that the needs to fill vacancies are not adequately met under (a) above. From the eligibles certified, the appointing officer shall fill the vacancy in accordance with the provisions of Rule 10.11 (Selection of Eligible for Appointment).
- (c) **Rule of the List:** For those job classes which require, as a condition of employment, licensure, registration, certification or comparable professional designation based on successful completion of a job-related examination, the Director may elect to certify the entire eligible list to the appointing authority. From the eligibles certified, the appointing officer shall fill the vacancy in accordance with the provisions of Rule 10.11 (Selection of Eligibles for Appointment).

**10.4 Eligible Lists with Fewer Than Ten Names.** If an eligible list has fewer than ten names, and certification is to be made in accordance with Rule 10.3 (a) (Rule of Ten), appointment shall be made from among the eligibles on the list unless the Director and the appointing officer agree that:

- (a) Another examination should be held to replenish the eligible list; or
- (b) Additional names should be certified from a related eligible list.

If names are added to the certification by one of the above-mentioned means, the certification shall be considered complete when it contains ten names.

**10.5 Certification from Promotion Lists.** If there is a current promotion list available for the class of position being filled, and that promotion list was established for the department presently requesting a certification, the certification shall be made from the existing promotion list except as noted below and in Rule 10.4 (Eligible Lists with Fewer Than Ten Names).

- (a) **Establishment of a New Promotion List for a Specific Work Unit When a Department Promotion List Already Exists:** If there is a promotion list which has been established for a County department, the head of that department may request the establishment of a new promotion list for a specific departmental work unit. The establishment of a new promotion list in this instance shall be subject to the approval of the Director and shall only be considered in circumstances where the nature and duties of the position to be filled constitute “specific employment requirements,” as provided in Section 383A.288, subd. 4 of the Act.



- (b) **Use of a Promotion List Established for a Specific Work Unit:** A promotion list that has been established for a specific work unit in accordance with Section 383A.288, subd. 4 of the Act, shall only be used to fill vacancies occurring in that particular unit. For the purposes of this section, the term “specific work unit” shall refer to a subset of the County that is smaller than an entire department.
- (c) **Certification from Promotion List after Resignation:** Any person who resigns from County employment, shall, following the effective date of resignation, have their name removed from any promotion list on which it appears. If the person returns to County employment while any promotion list for which they qualified is still in effect, their name shall be reinstated to its original position on the list.

**10.6 Expanded Certification.**

- (a) **Underrepresented Protected Groups:** If the vacancy to be filled occurs in a job classification in which one or more protected groups are underrepresented based on Ramsey County affirmative action goals, the Director shall expand the certification as necessary so that it contains three (3) eligibles from each underrepresented protected group identified by Ramsey County’s Affirmative Action Plan. If more than one position is to be filled from the same certification, then two (2) additional eligibles per vacancy from each under-represented group shall be certified.
- (b) **Employees on Layoff Status:** The Director shall expand the certification to contain all permanent or probationary employees on layoff status who:
  - Are on the eligible list for the class for which the certification is made; or
  - (1) Are not on the eligible list but who meet the minimum qualifications for the class for which the certification is made, and have asked the Director that they be included in the certification.

**10.7 Certification of Conditioned Eligibles.** A person whose name appears on an eligible list conditionally, as provided in Rule 7.6 (b) (Failure to Meet Examination Admission Requirements), shall not be certified for appointment until they demonstrate that they currently meet the exam admission requirements of the class being certified. Conditioned eligibles may be certified if the Director determines that they will meet the exam admission requirements of the class for which they have been certified prior to the time they would be hired. Conditioned eligibles shall not be appointed until the condition has been removed.

**10.8 Certifications Based Upon Bona Fide Occupational Qualifications: Gender.** In exceptional cases, an appointing officer may requisition individuals of a specified sex. The Director shall

approve such requests only if they are accompanied by written documentation, clearly demonstrating that the vacancy is one which, because of conditions of employment or the nature of the service involved, can only be properly filled by the appointment of an eligible candidate of the sex specified in the requisition. If the request is approved, the certification will be made in accordance with Rules 10.3 – 10.6, but will be limited to eligibles of the specified sex.

**10.9** Waivers. Eligible candidates may waive certification (a) to positions having certain characteristics including but not limited to work location, shift, part-time vs. full-time; or (b) for a specified period of time. All requests to waive certification or to remove a waiver must be submitted to the Human Resources Department in writing.

**10.10** Refusal to Certify. The Director may refuse to certify an eligible who:

- (a) Is found to lack any of the requirements established for the examination for which the eligible has applied;
- (b) Has been dismissed from the public service for delinquency or misconduct;
- (c) Has been dismissed from the same or similar classification within the civil service for unsatisfactory performance;
- (d) Has, directly or indirectly, given or promised to give anything of value to any person in connection with the eligible's examination, appointment, or proposed appointment; or
- (e) Has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in the application, examination or in securing eligibility for appointment.

On refusing to certify an eligible, the Director shall, upon request of the eligible, furnish the eligible a statement of the reasons for the refusal. Upon receipt of relevant information from the eligible refused, the Director shall reconsider the refusal and may certify the eligible. An eligible shall have no further right to appeal the Directors decision to refuse to certify the eligible.

**10.11** Selection of Eligibles for Appointment.

- (a) **Notification of Certification:** The Human Resources Department shall notify in writing all eligibles who have been certified for appointment and shall notify the appointing officer, providing details needed to enable the appointing officer to contact the eligible for purposes of making a final selection for appointment.

- (b) **Consideration of Eligibles for Appointment – County Employees:** In considering eligibles for appointment from an open competitive eligible list, the appointing officer shall offer to interview all certified eligibles who are probationary or permanent Ramsey County employees on active or layoff status, unless the same appointing officer, from the same department, has previously interviewed the employee on a certification from the same register.
  
- (c) **Notification of Final Selection:** Within ten (10) working days after filling a vacancy, the appointing officer shall notify in writing all eligibles who were certified for the vacancy but not hired that the vacancy has been filled. The appointing officer shall maintain copies of these notifications and shall provide copies to the Human Resources Department upon request.

## **Rule 11: Filling Vacancies Through Transfer or Voluntary Reduction**

- 11.1** Transfers within County Employment. A permanent or probationary employee may transfer from their current positions in the classified service to another classified position as follows:
- (a) From one class in a department to the same class in a different department.
  - (b) From one class in a department to a different class with an equivalent pay range in the same or a different department.
- 11.2** Transfers: Workers Compensation Recipient. A transfer may result in either a reduction or a promotion only if the transfer is effected in order to provide re-employment for an employee receiving Worker's Compensation from the County.
- 11.3** Voluntary Reduction. A permanent or probationary employee may reduce from their current position in the classified service to another classified position in accordance with the provisions of Rule 11.4. A voluntary reduction shall be deemed to have occurred when an employee receives a lower salary when moving from a step in their old salary range to the same step in a new salary range, as provided in Rule 16.7 (Salary Upon Demotion or Voluntary Reduction). The provisions of this section do not preclude an employee from accepting a voluntary reduction in their own position with approval of the appointing authority.
- 11.4** Requirements for Transfer or Voluntary Reduction. A transfer or voluntary reduction may occur: (a) only if the employee meets the minimum qualifications of the class to which they desire to transfer or reduce, and (b) only if the transfer or reduction meets the approval of both the employee and the appointing officer to which the employee shall subsequently report. The requirement for mutual approval may be waived under the circumstances described in Rule 11.5.
- 11.5** Transfer or Reduction Due to Medical Condition Affecting Fitness for Work. An employee with a medical condition which affects their fitness for work may be voluntarily or involuntarily transferred or reduced to another position if their medical condition renders them incapable of adequately performing the essential functions of their current position. Such transfers shall be governed by the provisions of Rule 33 (Employee and Management Rights/Responsibilities in Cases of Medical Condition Affecting Fitness for Work).
- 11.6** Transfer from another Merit System. An employee of another agency who is in a merit system position may be transferred to the classified service of Ramsey County. Such transfers shall be subject to the following conditions:

- (a) The prospective employee must have current permanent or probationary status in a job class which has duties and responsibilities that are similar to the duties and responsibilities of the County job class to which they would be transferring.
- (b) The prospective employee must meet the minimum qualifications of the class to which they would be transferring, as stated in the class specification.
- (c) The employee may be required to serve a probationary period, as provided in Rule 23.3 (Discretionary Probation).
- (d) Benefits and class seniority as an employee in the classified service shall commence with the first day of employment by Ramsey County. Benefits available to merit-system transferees shall be those described in Section 8.5 (Transfer of Sick Leave Accumulation) of the Director's policies on employee benefits.
- (e) Transfer must be requested by the Ramsey County department head desiring to employ the transferring individual and must be approved by the Director.

## **Rule 12: Filling Vacancies Through Reinstatement**

**12.1** Reinstatement after Layoff. Any employee laid off in accordance with Rule 35 (Layoff) shall be placed on a layoff list, as defined in Section 383A.281, Subdivision 18 of the Act. Persons on a layoff list shall be eligible for reinstatement to a position in the same classification from which layoff took place based on their class seniority. An employee shall remain on the layoff list until they either accept or reject an offer of reinstatement as described below:

**(a) For Full-Time Employees:**

- (1) A full-time employee who accepts or rejects reinstatement to a full-time position shall be removed from the layoff list.
- (2) A full-time employee who accepts or rejects a position at less than full-time hours shall remain on the layoff list until an offer of reinstatement is made to a position with full-time hours.

**(b) For part-time employees working at least forty (40) hours per pay period**

- (1) A part-time employee who worked at least forty (40) hours per pay period prior to layoff, who accepts or rejects reinstatement to a position with at least forty (40) hours per pay period but less than full time shall be removed from the layoff list.

A part-time employee who worked at least forty (40) hours per pay period prior to layoff who accepts or rejects reinstatement to a position at less than forty (40) hours per pay period shall remain on the layoff list until an offer of reinstatement is made to a position with at least forty (40) hours per pay period.

**(c) For part-time employees working at least thirty-two (32) hours per pay period:**

- (1) A part-time employee who worked at least thirty-two (32) hours per pay period prior to layoff who accepts or rejects reinstatement to a position with at least thirty-two (32) hours per pay period but less than full time shall be removed from the layoff list.
- (2) A part-time employee who worked at least thirty-two (32) hours per pay period prior to layoff who accepts or rejects reinstatement to a position at less than thirty-two (32) hours per pay period shall remain on the layoff list until an offer of reinstatement is made to a position with at least thirty-two (32) hours per pay period.

- (3) A part-time employee who worked less than thirty-two (32) hours per pay period prior to layoff who accepts or rejects any offer of reinstatement to a part-time position shall be removed from the layoff list.

- 12.2** Alternative Placement. An employee on layoff status may request that their name be placed on an alternative placement list for any position they would have been eligible to reduce or transfer to, as provided in Rule 11 (Filling Vacancies through Transfer or Voluntary Reduction). Employees on an alternative placement list are not rank ordered, and will be considered for any vacancies in that classification. Appointing officers may make appointments from alternative placement lists in accordance with the procedures in Rule 11 (Filling Vacancies through Transfer or Voluntary Reduction). If the appointing officer does not appoint one of the certified eligibles from the alternative placement list, they shall notify the Director in writing of the reason. If an employee accepts an appointment from an alternative placement list the employee shall be removed from all alternative placement lists. If an employee rejects an appointment from an alternative placement the employee shall be removed from the alternative placement list for that classification. If an employee accepts or rejects an appointment from an alternative placement list the employee will still remain on the layoff list for the classification from which were laid off.
- 12.3** Reinstatement after Resignation. Any employee who resigns from County employment may be reinstated within one year of the effective date of the resignation to either: (a) a vacant position in the same class from which they resigned, or (b) a vacant position in any class to which the employee would have been eligible to reduce or transfer at the time of their resignation. Reinstatement under this rule is subject to the discretion of the appointing officer.
- 12.4** Reinstatement after Reduction to a Classification in a Lower Salary Range. Any employee who has been demoted or taken a voluntary reduction may be reinstated within one year of the effective date of the voluntary reduction to a vacant position in their former class at the discretion of that appointing officer. Any employee who has voluntarily or involuntarily reduced due to a medical condition which affects their fitness for work as outlined in Rule 33 (Employee Management Rights and Responsibilities in Cases of Medical Condition Affecting Fitness for Work) shall be entitled to reinstatement in accordance with Rule 33.6 (Reinstatement after Reduction).
- 12.5** Restriction on Appointments. Except as provided for in Rule 33.6 (Reinstatement after Reduction), no appointment or reinstatement from other than a layoff list may be made to a classification until all employees on layoff status from that class been offered reinstatement.

## **Rule 13: Non-Competitive Appointments**

- 13.1** Temporary Appointments. The Director may authorize an appointing officer to make a temporary appointment of not more than six (6) calendar months within any twelve (12) month period. The twelve-month reference period for a temporary appointment shall commence with the first day of the month in which the appointment is made. Temporary employment within the twelve-month period need not be continuous. Any month in which a temporary employee works for any amount of time shall be counted towards the six (6) month maximum.
- 13.2** Provisional Appointments. Provisional appointments to the classified service may be made in the event that no eligible list exists from which to permanently appoint a candidate to an existing vacancy. Persons appointed to the vacant position on a provisional basis must meet the minimum qualifications for the class to which the position has been allocated and must submit an application to the Human Resources Department. No provisional appointment shall exceed six (6) calendar months.
- 13.3** Routine Service Appointments. All applicants for routine service classifications who meet the minimum qualifications for the classifications shall receive an examination score of 90 points. Qualified veterans who apply for veterans' preference shall be awarded veterans preference points in accordance with Minnesota Statutes 197.46 (the Veterans Preference Act). The Director shall refer all qualified applicants to the appointing authority having vacancies in the appropriate classification, as prescribed in Minnesota Statutes 383A.288, Subd. 5 of the Personnel Act.



## COMPENSATION

### Rule 14: Salary Plan and Administration

- 14.1** Classification/Compensation Manual. All classes established by the Director in accordance with the Act shall be assigned to salary schedules and grades, subject to the approval of the Ramsey County Board of Commissioners. The Human Resources Department shall publish a Compensation Manual describing the County's salary plan and containing the details of each salary schedule and grade.
- 14.2** Salary Administration. The County's salary plan shall provide for the salary adjustments for classified County employees, except as noted in Rule 14.3. The salary plan shall be administered in accordance with Rules 15 – 22.
- 14.3** Alternative Salary Plans. The Director may establish other plans governing the salary of employees in the unclassified service, or of employees in designated classes within the classified service, subject to the approval of the Ramsey County Board of Commissioners. The provisions of these plans may differ from Rule 15 – 22. Such differences must be specified in the plan and approved by County Board resolution.

## **Rule 15: Salary Calculation**

- 15.1** Basis of Calculations. The Director is authorized to calculate all salaries (whether fixed by statute or otherwise) on a bi-weekly basis so that they are payable in equal payments throughout the year. Salaries so adjusted shall be based upon a year of 2080 hours.
  
- 15.2** Uniform Payroll Periods. The payroll periods for all Ramsey County employees, including all appointed or elected officials, will be the same.

## **Rule 16: Salary Determination Following Appointment at the Minimum**

- 16.1** Merit Salary Increases. An employee with permanent or probationary status shall be granted an increase in salary of one salary step for each six (6) month, one (1) year, or five (5) year interval of full-time meritorious service in one position, except as provided in Rule 16.3. The timing of these salary increases shall be determined by the salary schedule to which the employee's position has been assigned.
- 16.2** Salary Increases for Part-Time Employees. Part-time and intermittent employees with permanent or probationary status shall be eligible for salary increases as described in Rule 16.1, after working the full-time hourly equivalent of a six (6) month, one (1) year, or five (5) year interval, as dictated by the salary schedule.
- 16.3** Denial of Merit Increases. An appointing officer may deny a salary increase to an employee. In cases where a salary increase is denied, the following rules shall apply:
- (a) The appointing officer must furnish the Director and the affected employee with a written statement citing the reason(s) for which the increase has been denied. Such notice must be given at least fifteen (15) working days prior to the effective date of the anticipated increase.
  - (b) An employee whose salary increase has been denied shall receive that increase no more than six (6) months after the date upon which the increase was originally scheduled to take effect, unless the appointing officer elects to deny the increase a second time. In the event of a second denial, the increase shall be due no later than twelve (12) months from the date on which it was originally scheduled to take effect. The exact timing of the increase shall be subject to the discretion of the appointing officer.
  - (c) Once the previously denied increase has been granted, the employee shall be eligible for subsequent merit increases pursuant to the provisions of Rule 16.1 and 16.2. The date upon which the employee's increase was last denied shall serve as the control date for determining when subsequent increases are due.
  - (d) Employees denied a salary increase under this rule may appeal the decision under the provisions of the Rule 31 (Appeals of Non-Disciplinary Actions).
- 16.4** Promotional Increases. In case of appointment to a position in a class with a higher salary range maximum, an employee's salary shall be set in accordance with the following provisions:
- (a) If an employee's salary prior to promotion is less than the minimum rate for the new class to which they have been appointed, the employee's salary shall be set at

that minimum rate. If the resulting salary increase is less than 8% but greater than or equal to 4%, a maximum increase of one additional salary step shall be given. However, if the salary increase resulting from setting the employee's salary at the minimum is less than 4%, a maximum increase of two additional salary steps shall be granted for initial salary-setting purposes.

- (b) If an employee's salary prior to promotion exceeds the minimum rate for the class to which they have been promoted, their salary will be set as follows: (1) The salary step in the new salary range which provides the same salary as the salary prior to promotion will serve as the reference point for establishing the new pay rate. In the event that the employee's salary prior to promotion falls between two salary steps in the new range, the salary step in the new range which is immediately above the employee's current salary will become the reference point. (2) The employee's salary will subsequently be set at two salary steps immediately above the reference point.

**16.5 Increase after Promotion.** Following promotion, eligibility for increases in salary shall be according to the time intervals designated in the new salary schedule rather than being based upon the employee's length of County service.

In extenuating circumstances, an appointing officer may recommend to the Human Resources Director, or his/her designee, that an employee in the County personnel system be advanced in their salary range outside of the established salary progression. Where it is found to be necessary, either for purposes of retention of a County employee, or for an employee to achieve equitable treatment with other employees in the same classification, the Director, or his/her designee, may approve an advancement in the employee's salary range outside of the established salary progression. Requests for such advancement may be made by either an appointing officer or by the employee. Requests shall be accompanied by written evidence justifying the special advancement in salary progression. The Director's decision to approve/deny a deviation from an established salary step progression shall be final.

Rule 16.5 shall not be used to grant merit or performance pay to employees. Such requests, if made, will be denied.

The Director, and/or their designee, shall annually report to the County Manager the number of employees receiving promotional adjustments (temporary promotions) under Rule 16.5 and the justification for each adjustment.

**16.6 Length of Service Computation.** In determining the eligibility of probationary or permanent employees for salary advancement, the following rules shall govern the computation of accrued County service:

- (a) Service shall be deemed to have commenced with the first day of probationary, provisional or unclassified employment with Ramsey County.
- (b) Employees shall receive credit for one year of service for every 2080 hours of paid time (excluding paid overtime).
- (c) Credit shall be given for continuous service as a County employee. Credit shall be given for prior service upon reinstatement from resignation, layoff or leave of absence.
- (d) In computing a full-time employee's length of service for purposes of salary advancement, credit shall not be given for unpaid leaves of absence in excess of forty (40) hours during a pay period, except as provided for in Minnesota Statutes 3.088 in regard to leaves for elective office and Minnesota Statutes 192.261 in regard to military leaves.
- (e) In computing a part-time employee's length of service for purposes of salary advancement, credit shall not be given for unpaid leaves of absence of any duration.

**16.7** Salary upon Demotion or Voluntary Reduction. Upon demotion or voluntary reduction to a class in a lower salary range, an employee's salary shall be set at the salary step in the new salary range which coincides with their actual length of full-time County service, as determined under Rule 16.6 (Length of Service Computation). Under no circumstances shall the salary setting provisions in this section result in a salary increase.

If salary determination under this rule would result in a salary increase, the employee's salary shall be set at the highest salary step equal to or less than the employee's salary prior to the demotion or voluntary reduction.

**16.8** Alternative Salary Plans. The provisions of this rule shall not apply to any employee whose salary is governed by an alternative salary plan authorized in accordance with Rule 14.3 (Alternative Salary Plans).

**16.9** Employee Pay above Supervisor. If as a result of the application of Rules 16.1 through 16.7, an employee is receiving higher pay than their immediate supervisor, that supervisor's pay may be adjusted to the lowest step in its salary range that provides a higher rate of pay than the highest paid immediate subordinate. This change will be without regard to the supervisor's length of service.

## **Rule 17: Salary Determination for Employees Appointed Above the Minimum**

- 17.1** Appointment above the Minimum: Approval and Length of Service Credit. An appointing officer may recommend to the Director that a new hire to the County personnel system be appointed above the minimum salary rate for the class to which they will be assigned. This recommendation must be justified in writing and based on the appointing officer's assessment of the employee's qualifications beyond the minimum requirements, and/or on difficulty in recruiting. The Director's decision to approve an appointment at a salary step above the minimum will establish a length of service credit equal to the length of time that an employee starting at the minimum rate would take to reach that salary step. This length of service credit plus the employee's subsequent actual length of service with the County will be the basis for future salary determinations unless the employee's salary step is later adjusted as outlined in 17.2.
- 17.2** Salary Advancement after Appointment. In extenuating circumstances, an appointing officer may recommend to the Director, or his/her designee, that an employee in the County personnel system be advanced in their salary range outside of the established salary progression. Where it is found to be necessary, either for purposes of retention of a County employee, or for an employee to achieve equitable treatment with other employees in the same classification, the Director, or his/her designee, may approve an advancement in the employees salary range outside of the established salary progression. Requests for such advancement may be made by either an appointing officer or by the employee. Requests shall be accompanied by written evidence justifying the special advancement in salary progression. The Director's decision to approve/deny a deviation from an established salary step progression shall be final.
- Rule 17.2 shall not be used to grant merit or performance pay to employees. Such requests, if made, will be denied.
- 17.3** Salary Advancement after Appointment above the Minimum. Employees appointed at a salary above the minimum rate in accordance with Rule 17.1, or whose salaries were adjusted under 17.2, shall be eligible for regular salary increases as detailed in Rule 16.1 (Merit Salary Increases) 16.2 (Salary Increases for Part-Time Employees) and Rule 17.2. Employees appointed at a salary step above the minimum rate in accordance with Rule 17.1 shall be eligible for regular salary increases as described in Rule 16.1 (Merit System Increases) 16.2 (Salary Increases for Part-Time Employees), and Rule 17.2 based on the time of interval established between steps in the salary range and/or other circumstances, and not based on their years of County service.
- 17.4** Annual Report to the County Manager. The Director, and or their designee, shall annually report to the County Manager the number of employees receiving adjustments under Rule 17.2 and the justification for each adjustment.

- 17.5** Denial of Merit Increase. An appointing officer may deny a salary increase for an employee appointed above the minimum by following the procedures described in Rule 16.3 (Denial of Merit Increases).
- 17.6** Promotion after Appointment above the Minimum. Persons appointed at a salary above the minimum rate under the provisions of Rule 17.1, shall have their salary set in accordance with Rule 16.4 (a) or (b) (Promotional Increases) subsequent to promotion. In no case shall an employee have their salary set at a salary step which reflects more years of service than would be warranted by the employee's actual length of County service in combination with the service credit awarded to them upon appointment.
- 17.7** Salary Setting After Demotion or Voluntary Reduction. An employee who has been appointed above the minimum rate in accordance with Rule 17.1, and who is subsequently demoted, or who takes a voluntary reduction in position, shall have their pay set at the salary step in the new salary range which coincides with their actual length of County service plus the length of service credit given to them upon appointment (as determined under Rule 16.6 [Length of Service Computation] and 17.1).
- 17.8** Alternative Salary Plans. The provisions of this rule shall not apply to any employee whose salary is governed by an alternative salary plan authorized in accordance with Rule 14.3 (Alternative Salary Plans).
- 17.9** Employee Pay above Supervisor. If as a result of the application of Rule 17.1 through 17.6, an employee is receiving higher pay than their immediate supervisor, that supervisor's pay may be adjusted to the lowest step in its salary range that provides a higher rate of pay than the highest paid immediate subordinate. This change will be without regard to the supervisor's length of service.

**Rule 18: Salary after Reinstatement to the Classified Service Following an Unclassified Appointment**

An employee who, in accordance with Section 383A.285, Subdivision 8 of the Act, is reinstated to the classified service during, or at the end of an unclassified appointment, shall have their salary set at the salary step in the appropriate classified salary range which coincides with their length of service credit prior to the unclassified appointment (as determined under Rule 16.6 [Length of Service Computation] and, as applicable, Rule 17.1 [Appointment Above the Minimum: Approval and Length of Service Credit]) plus their actual length of service while in the unclassified employment.



## **Rule 19: Freezing of Salary Ranges**

The following rule details the circumstance which the salary range for a particular class or position may be frozen and the manner in which such a freeze shall be implemented.

**19.1** Circumstances under Which Salary Range Shall Be Frozen. The salary range in effect for an employee or group of employees shall be frozen in accordance with the provisions of Rule 19.2, whenever:

- (a) The employee is reduced to a position in a lower classification because they are ineligible to continue in their reclassified position under the provisions of Rule 5.4 (b) (Filling a Reclassified Position: Position Occupied by an Employee with Permanent or Probationary Status).
- (b) The employee has been transferred to a position in the classified service at lower rate of pay, after their previously classified position became unclassified and they failed to gain appointment to it.
- (c) The employee's previously classified position becomes unclassified and is assigned a lower rate of pay in the alternative salary plan governing compensation of the position.
- (d) The employee's job class is regarded to a lower salary range.

**19.2** Salary Range Freeze: Implementation. An employee who is subject to a salary range freeze according to Rule 19.1, shall continue to be paid in the same salary range to which they were entitled at the time: (1) the employee was reduced as discussed in Rule 19.1 (a), (2) their position in the classified service became unclassified as discussed in Rule 19.1 (b) and (c), or (3) the class was regraded to a lower salary range as discussed in Rule 19.1 (d). The term "salary range" as used in this rule means the entrance rate, intermediate steps and maximum rate of pay in effect at the time of reclassification, regrading, change of position or termination of classified status. Employees who are subject to a salary range freeze shall not be entitled to any general wage adjustments, but shall be allowed to advance through the frozen general wage adjustments, but shall be allowed to advance through the frozen salary range under the relevant provisions of Rule 16 and 17 (Salary Determination Following Appointment at the Minimum; Salary Determination for Employees Appointed based Above the Minimum) based upon their length of service credit.

**19.3** Salary Range Freeze: Duration. An employee whose position is assigned to a frozen salary range in accordance with the provisions of Rule 19.1, shall continue to be paid in the frozen range until the salary step in the appropriate salary range that corresponds to the salary step at which the employee is being paid, equals or exceeds the employee's current salary. The position will then be assigned to the appropriate salary grade, and the affected

employee's salary will be set at the same salary step in the new salary range as they were being paid at in the frozen salary range. Subsequently, the employee will receive salary increases under the relevant provisions of Rules 16 and 17 (Salary Determination Following Appointment at the Minimum; Salary Determination for Employees Appointed above the Minimum) based upon their length of service credit.

- 19.4** Salary Range Freeze: Pay Equity Supplements. Employees who are subject to a salary range freeze as described in Rule 19.1 (d) in order to achieve compliance with the Local Government Pay Equity Law may be eligible for lump sum adjustments as determined by the Ramsey County Board of Commissioners.
- 19.5** General Salary Reduction. Employees subject to any of the provisions of Rule 19 shall not be exempt from any general salary reduction that may be applied to the compensation plan.

**Rule 20: Regrade of a Classification to a Higher Salary Grade**

In case of regrade of a classification to a salary grade with a higher salary range maximum, an employee's salary shall be set at the same salary step in the new salary grade.

## **Rule 21: Working Out-of-Class**

**21.1** Compensation for Working Out-of-Class. An employee, who in the absence of another employee is temporarily assigned to a position in a higher class for ten (10) or more consecutive working days, shall be paid for the entire period at the pay rate appropriate to the assignment. The exact rate of pay shall be set in the same manner followed for pay adjustments subsequent to promotion, as outlined in Rule 16.4 (Promotional Increases). If the assignment is made to a position in the unclassified service, the employee's pay shall be set in accordance with the provisions of the alternative salary plan established under Rule 14.3 (Alternative Salary Plans).

If an employee is temporarily assigned to a position in a higher class, the employee is eligible for salary increases in the higher class salary schedule at intervals specified in the salary schedule in accordance with Rule 16.5 (Increases after Promotion). When the employee returns to their permanent class after working in a higher class, their salary will be set at the step the employee would have been at had they not worked in the higher class, and their time in the higher class will count toward determining when their next scheduled increase is due.

**21.2** Duration of Out-of-Class Assignments. Employees may not be temporarily assigned to a position in a higher class for more than six (6) months, without the approval of the Director. Such approval shall be given only under unusual circumstances, and in no case shall approval be given for an assignment to extend beyond one (1) year.

**21.3** Preservation of Seniority. An employee who has been temporarily assigned to work in a higher class shall be reinstated to their former position at the end of the assignment without loss of seniority.

## **Rule 22: Effective Date of Salary Changes**

- 22.1** Effective Date of Salary Increases. Merit salary increases provided for in the compensation plan shall become effective on the first day that an employee is eligible for the increase, as determined by the provisions of Rule 16.1 (Merit Salary Increases).
  
- 22.2** Promotions, Demotions and Voluntary Reductions. Changes in salary provided for in these rules as a consequence of promotion, demotion or voluntary reduction shall become effective on the date of the promotion, demotion or reduction.

## PROBATION

### Rule 23: Probationary Service

- 23.1** Requirements to Serve Probation. All persons appointed to a classified position from an open or promotion list, including career development promotions, shall be required to complete a probationary period before attaining permanent status, in the position to which appointed.
- 23.2** Circumstances Where Probation Shall Not Be Required. The requirement to serve a probationary period may not be applied to persons who are reinstated to the same classification in the same department, unless they were on probationary status at the time of their separation. In that case, they shall be required to finish their probationary period.
- 23.3** Discretionary Probation. The requirement to serve a probationary period for interdepartmental transfers, reemployments, reinstatements, voluntary demotions, and appointments from layoff lists or of former employees of a different appointing authority shall be left to the discretion of the appointing authority as provided in Section 383A.293, Subdivision 1 of the Act.
- 23.4** Duration. The Director shall establish the duration of probationary periods for each class in the classified service. No probationary period shall be established for less than the full-time hourly equivalent of three (3) months (520 hours), nor shall it exceed the full-time hourly equivalent of twelve (12) months (2080 hours). Part-time or intermittent employees shall serve a probationary period of the equivalent number of hours as full-time employees in the same class or twice the time of probation in months, whichever comes first (e.g. six (6) months probationary period – 1040 hours or one (1) year, whichever comes first), except that no employee can serve probation less than the full-time hourly equivalent of three (3) months employment (520 hours).
- 23.5** Termination of Employment While on Probation. Termination may occur at any time during an employee's probationary period without cause, except as provided in Section 197.46 (the Veterans Preference Act) and as prescribed in Rule 30 (Discharge: Veterans). The appointing officer shall give notice of the employee's probationary period. Notice may be given by either: (1) personal service of the notice on the probationary employee, or (2) by mailing notice by certified mail, return receipt requested, to the home address of the probationary employee. Service by mail is complete upon mailing. The Director shall be copied on the termination notice. Employees terminated during a probation period shall have no further right to appeal. If an employee with permanent status is dismissed while serving a probation period, the employee shall be restored to a position in their former classification and department.

- 23.6** Completion of Probation. Each probationary employee's appointing officer is required to submit a report to the Human Resources Department regarding their completion of probation. If the employee satisfactorily completed probation they shall continue their appointment on a permanent basis. Reports regarding completion of probation should be received in the Human Resources Department prior to the employee's last day of probation. An employee who has not been notified by the appointing officer of termination prior to the end of their last day of probation shall gain permanent status.
- 23.7** Extended Probation. With prior approval from the Director, an appointing officer may extend an employee's probationary period one time, provided that the initial probationary period, in combination with the proposed extension, does not exceed twelve (12) months of full-time equivalent service (2080 hours). In no instance shall the extension period exceed the initial probationary period. Reasons for an extension may include, but shall not be limited to: (a) unanticipated changes in work assignments, or (b) substantial recent change in previous quality of work performance. In order to effect an extension of probation, the appointing officer shall give notice of the extension to the probationer, specifying the reason(s) for it, prior to the end of the originally established probationary period. Notice shall be given as described in Section 23.5. Any employee whose probationary period has been extended in this fashion, shall retain their eligibility for regular salary increases due them under Rules 16.1 (Merit Salary Increases) or Rule 17.2 (Salary Advancement After Appointment Above the Minimum).
- 23.8** Promotion or Transfer During Probation. Employees who are promoted or transferred to a different class while serving a probationary period must complete a full probationary period in the position to which they are transferring or promoting. If the employee does not successfully complete the probationary period in their new position, they may return to the position in which they were previously serving a probationary period only with the approval of the appointing officer for that position. An employee who returns to their previous probationary position under these circumstances will be required to complete a full probationary period but will be given credit for previous probationary time served prior to the promotion or transfer, at the discretion of the appointing officer. Employees with permanent status who are not approved to return to their previous probationary position shall be entitled to reinstatement to a permanent classified position as provided in Rule 23.5 (Termination of Employment While on Probation).

## DISCIPLINARY ACTIONS AND APPEALS

### Rule 24: Causes for Disciplinary Action (Discharge, Suspension without Pay and Demotion)

- 24.1** Just Cause for Disciplinary Action under the Act. As specified in Section 383A.294, subdivision 1 of the Act, no permanent, classified employee shall be subject to discharge, suspension without pay or reduction in pay or position without just cause. For the purposes of this rule, the term “other disciplinary action” shall include only those actions that result in an immediate, negative financial impact on an employee, and shall not include actions such as oral warnings/reprimands and written reprimands. Just cause, as defined in Section 383A.294, subdivision 2 of the Act, shall include, but not be limited to: failure to perform assigned duties, substandard performance, misconduct, insubordination and violation of written rules, policies and procedures.
- 24.2** Examples of Just Cause for Disciplinary Action. The following examples are declared to be just cause for disciplinary action, up to and including discharge; an employee has:
- (a) Willfully or through culpable negligence, mistreated or jeopardized the safety or well being of an inmate or resident of a County institution or a person otherwise in the County’s custody.
  - (b) Used, threatened to use, or attempted to use political influence in securing an advantage related to such employees employment, including but not limited to: a promotion, leave of absence, transfer, change in compensation or a change in character of work.
  - (c) Accepted, during the course of, or in connection with their employment, any fee, service, gift or other valuable consideration for the use and benefit of the employee or the employee’s designee when the employee knows or has reason to know that such valuable consideration was given with the intention or expectation of receiving from or through the efforts of the employee more favorable treatment than would normally be accorded to individuals similarly situated to the donor.
  - (d) Discriminated against public officers, County employees, residents and inmates of county institutions, clients and beneficiaries of county programs serving such individuals, persons in the custody of the County for any reason or members of the general public by way of harassment, reprisal or other offensive action on the basis of race, sex color, religion, creed, national origin, age, disability, sexual orientation, marital status, place of residence, or status with regard to public assistance. “Harassment” includes, but is not limited to, the creation or contribution to the creation of a hostile work environment as well as any verbal or physical conduct, contact or communication which is, or in the reasonable exercise of the disciplining authority’s discretion, may be deemed to be offensive to the victim.



- (e) The use of County-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as County policy for the use of such public official or employee in the conduct of official business.
- (f) Engaged in fraudulent conduct as a candidate in a County examination, as determined under the provisions of Rule 7.6 (e) (Fraudulent Conduct).
- (g) Been found guilty of a criminal act which has a connection to the position held;
- (h) Willfully violated any of the provisions of the Act or the rules made pursuant thereto;
- (i) Engaged in conduct unbecoming an officer or employee of the County;
- (j) Violated any lawful and reasonable regulation, order, rule or directive made or given by a superior;
- (k) Been under the influence of alcohol while on duty, or unlawfully manufactured, distributed, dispensed, possessed, or used a controlled substance in the workplace; or been convicted of any criminal drug statute violation occurring in the workplace;
- (l) Engaged in insubordination while on duty or off duty;
- (m) Engaged in disgraceful conduct while on duty or while representing that the employee is on duty;
- (n) Been incompetent or inefficient in the performance of the duties of the employee's position;
- (o) Been careless or negligent with the property of the County;
- (p) Been absent from duty without leave contrary to the personnel rules of the County or failed to report after a leave of absence has expired or after such a leave of absence has been disapproved or revoked or canceled by the appointing authority;
- (q) Willfully made false statements in any questionnaire, application or form requested by and submitted to the County;
- (r) Breached standards of conduct applicable to the employee's profession;

The above listing is not exhaustive, and it is anticipated that circumstances and conduct may arise which constitute just cause for disciplinary action, but which are not listed above.

- 24.3** Notification of Criminal Drug Statute Violations. As prescribed in U.S.C. 41, Section 701 (the Federal Drug Free Workplace Act), an employee shall notify the Human Resources Department of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- 24.4** Code of Ethics. Employees shall be subject to the Ramsey County Code of Ethics, contained in the Ramsey County Administrative Code, promulgated under the authority of the Ramsey County Home Rule Charter. This Code of Ethics provides standards for employee conduct and also references the causes of disciplinary action outlined in Rule 24.2 (Examples of Just Cause for Disciplinary Action), and the limitations on political activity of employees referenced in Rule 36 (Political Activity).

## **Rule 25: Appeal of Disciplinary Actions**

For the purposes of this rule, disciplinary actions shall include suspension without pay, demotion or discharge or any other action that results in an immediate, negative financial impact on an employee, and shall not include actions such as oral warnings/reprimands and written reprimands.

- 25.1** Appeals Brought Under the Provisions of the Act: Non Represented Employees. All disciplinary actions pertaining to non-represented employees shall be subject to the applicable appeal provisions outlined in Section 383A.294, Subdivision 3 and 4 of the Act and in Rules 26, 27, 28, 29 and 30.
- 25.2** Appeals Brought Under Contract or the Provisions of the Act: Represented Employees. Employees who are covered by a collective bargaining agreement shall be entitled to appeal a disciplinary action either under the provisions of the Act and personnel rules or the relevant provisions of their union contract. A represented employee may not choose to invoke appeal procedures under the Act and the personnel rules and their union contract, either simultaneously or in succession. Furthermore, once an employee has initiated an appeal through one avenue of appeal (i.e., either through the provisions of the Act and the personnel rules, or their union contract), that shall constitute election and they shall be confined to that avenue for the duration of the appeal.

## **Rule 26: Suspension: Veterans and Non-Veterans**

- 26.1** Disciplinary Suspension. Employees subject to disciplinary action in the form of a suspension without pay shall be notified in writing by the appointing authority, in accordance with the requirements of Section 383A.294, Subdivision 3 of the Act.
- 26.2** Appeal of a Disciplinary Suspension without Pay. The following appeal process for a disciplinary suspension without pay shall apply.
- (a) An employee may appeal a suspension without pay by submitting a request for a hearing to the personnel review board within thirty (30) days of the effective date of the disciplinary action. This appeal must be submitted in writing, and addressed to the personnel review board in care of the Director.
  - (b) As an alternative to requesting a hearing within thirty (30) days, an employee may elect to reply to the appointing officer's notice of disciplinary suspension without pay, pursuant to Section 383A.294, Subdivision 3 of the Act, within ten (10) working days of the necessary notice of the disciplinary action, with any information or arguments they may have regarding the discipline. If the appointing officer issues a response to the employee's reply, the employee may appeal to the personnel review board within ten (10) working days of the receipt of the authority's response. If the appointing officer has not responded within thirty (30) days of receipt of the employee's reply, the appointing officer shall be deemed to have replied unfavorably to the employee. The employee may then appeal to the personnel review board within ten (10) working days of the end of the thirty (30) day response time period.
  - (c) Within ten (10) days of receipt of the employee's written request for a hearing, the personnel review board shall request the chief administrative law judge to assign an administrative law judge to hear the appeal. A hearing shall be conducted as a contested case and both parties shall be entitled to present evidence at the hearing. The burden of proof shall be on the appointing authority to establish the basis for its disciplinary action by a preponderance of the evidence. The administrative law judge may subpoena and require the attendance of witnesses and the production of any relevant documents and may administer oaths to witnesses.
  - (d) The administrative law judge shall recommend a disposition to the personnel review board within thirty (30) days after the hearing record is closed.
  - (e) The personnel review board shall act to modify, reject or accept the recommendation of the administrative law judge within thirty (30) days of their receipt of that recommendation. The personnel review board shall notify the parties by mail of its acceptance, rejection or modification of the administrative law

judge's recommendation. If the personnel review board fails to act within thirty (30) days of receipt of the recommendation, it shall be deemed to have accepted the recommendation of the administrative law judge.

- (f) The decision of the personnel review board shall be the final decision regarding the employee's grievance appeal. Either the appointing authority or the employee may appeal the personnel review board's decision to district court within thirty (30) calendar days after receipt of the notice of the decision. The appeal shall be decided by the court upon the board's record.

The personnel review board's decision shall be binding unless on appeal the decision is stayed, modified or reversed by the district court.

- 26.3** Status during Appeal Process. The suspension without pay becomes effective even if it is appealed by an employee. If an appeal results in a ruling favorable to the employee, then back pay may be awarded.
- 26.4** Delay of Appeal of Suspension without Pay. If an employee with permanent status is being suspended for an act, which is also the subject of a pending criminal proceeding before a grand jury or the courts, the appeal process may be postponed by mutual consent of the parties at any time prior to the issuance of a notice and order for hearing by the administrative law judge until such time as all relevant criminal proceedings (excluding appeal arising out of criminal proceedings) have been terminated.
- 26.5** Suspension Pending Investigation. An appointing officer may suspend an employee with pay pending investigation of an action by or conduct of the employee, which may result in cause for disciplinary action. Such a suspension with pay shall not exceed forty-five (45) days. Since this is a non-disciplinary suspension, there shall be no employee right to appeal.

## **Rule 27: Demotion: Non-Veterans**

**27.1** Notice of Intent. If the appointing authority believes that there is just cause to demote an employee they shall notify that employee in writing of their intention to do so. Such written notice of intent to demote shall contain the following:

- (a) a brief description of the reasons for the intended demotion, and the title to which the employee is being demoted;
- (b) the date upon which the demotion is to be effective;
- (c) an offer for a pre-demotion meeting with the appointing authority to be held by the end of the employee's next scheduled day of work, unless the appointing authority and the employee agree to alternative date;
- (d) a statement that the purpose of the pre-demotion meeting would be to explain the employer's evidence against the employee and to provide the employee with an opportunity to respond; and
- (e) a statement that the employee may be accompanied by a representative, at the employee's option.

**27.2** Employee Right to Respond. After receiving notice of intent to demote, the employee may request a meeting as described in the notice of intent to demote. If such a meeting is requested, it shall be conducted according to the format set forth in the notice of intent to demote.

**27.3** Effective Date of Notice of Intent to Demote. A notice of intent to demote shall become effective only after the meeting referenced in Rule 27.2 has occurred or has been waived by the employee.

Furthermore, this notice will have no effect on an employee's pay status during the time between receipt of the notice and the pre-demotion meeting or waiver of the pre-demotion meeting.

**27.4** Additional Notice and Procedural Requirements. If, after the pre-demotion meeting, or waiver thereof, an appointing authority upholds their original decision to demote an employee after complying with the provisions of Rule 27.1 and 27.2, the authority shall be obliged to further notify the employee, in writing, of the final decision to demote. Such notice shall conform to the provisions of Section 383A.294, Subdivision 3 of the Act. Notice may be given by either: (1) personal service of the notice on the employee, or (2) by mailing the notice by certified mail, return receipt requested, to the home address of the employee. Service by mail is complete upon mailing.

**27.5 Appeal of a Demotion.** The following appeal process for a demotion shall apply:

- (a) An employee may appeal a demotion by submitting a request for a hearing to the personnel review board within thirty (30) days of the effective date of the demotion. This appeal must be submitted in writing, and addressed to the personnel review board in care of the Director.
- (b) As an alternative to requesting a hearing within thirty (30) days, an employee may elect to reply to the appointing officer's notice of demotion, pursuant to Section 383A.294, Subd. 3 of the Act, within ten (10) working days of the necessary notice of disciplinary action, with any information or arguments they may have regarding the discipline. If the appointing officer issues a response to the employee's reply, the employee may appeal to the personnel review board within ten (10) working days of the receipt of the authority's response. If the appointing officer has not responded within thirty (30) days of receipt of the employee's reply, the appointing officer shall be deemed to have replied unfavorably to the employee. The employee may then appeal to the personnel review board within ten (10) working days of the end of the thirty (30) day response time period.
- (c) Within ten (10) days of receipt of the employee's written request for a hearing, the personnel review board shall request the chief administrative law judge to assign an administrative law judge to hear the appeal. A hearing shall be conducted as a contested case and both parties shall be entitled to present facts at the hearing. The burden of proof shall be on the appointing authority to establish the basis for its disciplinary action by a preponderance of the evidence. The administrative law judge may subpoena and require the attendance of the witnesses and the production of any relevant documents and may administer oaths to witnesses.
- (d) The administrative law judge shall recommend a disposition to the personnel review board within thirty (30) days after the hearing record is closed.
- (e) The personnel review board shall act to modify, reject or accept the recommendation of the administrative law judge within thirty (30) days of their receipt of that recommendation. The personnel review board shall notify the parties by mail of its acceptance, rejection or modification of the administrative law judge's recommendation. If the personnel review board fails to act within thirty (30) days of receipt of the recommendation, it shall be deemed to have accepted the recommendation of the administrative law judge.
- (f) The decision of the personnel review board shall be the final decision regarding the employee's grievance appeal. Either the appointing authority or the employee may appeal the personnel review board's decision to district court within thirty (30)

calendar days after receipt of the notice of the decision. The appeal shall be decided by the court upon the board's record.

- 27.6** Status during Appeal Process. A non-veteran employee who has appealed a demotion shall commence to perform the duties of the position to which the employee is being demoted and shall receive the pay of that position during the pendency of the appeal.
- 27.7** Delay of Appeal of Demotion. If an employee with permanent status is being demoted for an act, which is also subject of a pending criminal proceeding before a grand jury or the courts, the appeal process may be postponed by mutual agreement of the parties at any time prior to the issuance of a notice and order for hearing by the administrative law judge, until such time as all relevant criminal proceedings (excluding appeals arising out of criminal proceedings) have been terminated.



## Rule 28: Demotion: Veterans

The following rules apply to the demotion of an employee who is a veteran, as defined in Rule 3.29 (Veteran):

**28.1 Notice of Intent.** If the appointing authority believes that there is just cause to demote an employee, they shall notify that employee, in writing, of their intention to do so. Such written notice of intent to demote shall contain the following:

- (a) a brief description of the reasons for the intended demotion;
- (b) the date upon which the demotion is to be effective;
- (c) an offer for a pre-demotion meeting with the appointing authority to be held by the end of the employee's next scheduled day of work, unless the appointing authority and the employee agree to an alternative date;
- (d) a statement that the purpose of the pre-demotion meeting would be to explain the employer's evidence against the employee and to provide the employee with an opportunity to respond; and
- (e) a statement that the employee may be accompanied by a representative, at the employee's option.

**28.2 Employee Right to Respond.** After receiving a notice of intent to demote, the employee may request a meeting as described in the notice of intent to demote. If such a meeting is requested, it shall be conducted according to the format set forth in the notice of intent to demote.

**28.3 Effective Date of Notice of Intent to Demote.** A notice of intent to demote may not become effective until after the meeting referenced in

Rule 28.2 has occurred or has been waived by the employee. Furthermore, the employee shall remain on paid status during the time after the notice of intent to demote has been delivered to the employee and until such time as all rights to appeal under the Act and personnel rules and Section 197.46 (the Veterans Preference Act) have expired.

**28.4 Additional Notice and Procedural Requirements.** If, after the pre-demotion meeting, or waiver thereof, an appointing authority upholds their original decision to demote an employee after complying with the provisions of Rule 28.1 and 28.2 the authority shall be obliged to notify the employee a second time, in writing, of the intent to demote them. Such second notice shall conform to the provisions of Section 383A.294, Subdivision 3 of the Act and shall be followed up by compliance with the further procedural requirements

of Minnesota Statute Section 197.46 (of the Veterans Preference Act). Notice may be given either: (1) by personal service of the notice on the employee, or (2) by mailing the notice by certified mail, return receipt requested, to the home address of the employee. Service by mail is complete upon mailing.

**28.5** Appeal of Demotion of a Veteran. The following process shall apply to Veterans, as defined in Rule 3.29 (Veteran), who are subject to disciplinary action in the form of a demotion:

- (a) An employee may appeal a demotion to the personnel review board within sixty (60) days of the effective date of the disciplinary action. During the sixty (60) day period, at the option of the employee's department, the employee will either work their normal hours or be placed on a paid leave of absence. The employee shall continue working or shall remain on paid leave of absence until the end of the sixty (60) day period, or if the employee requests a hearing before the personnel review board, until the board makes a final decision in the matter.
- (b) Pursuant to Section 383A.294, Subdivision 3 of the Act, instead of requesting a hearing immediately, an employee may respond in writing to their department head within ten (10) days of receiving the second Notice of Intent to Demote with any information or arguments they may have regarding the intent to demote. The appointing officer has thirty (30) days from receipt of the employee's response to respond to the employee. If the appointing officer's response is negative or if there is no response within thirty (30) days, the employee has the remainder of the sixty (60) day period to request a hearing. This request must be submitted in writing to the personnel review board in care of the Director.
- (c) Upon receipt of the request for a hearing from the employee, the personnel review board shall schedule and conduct a hearing as prescribed in Section 197.46 (the Veterans Preference Act). Following the hearing, the personnel review board shall act within thirty (30) days after the hearing record is closed to reject or accept the demotion of the employee. The personnel review board shall notify the parties of its decision by mail.
- (d) Either party may appeal from the decision of the personnel review board to the district court as prescribed in Section 197.46.

**28.6** Waiver of Right to Appeal. Failure to request a hearing within the sixty (60) day period shall constitute a waiver by the employee of their right to a hearing as well as a waiver of all other legal remedies for reinstatement.

**28.7** Status during Appeal Process. A veteran employee who has appealed a demotion shall either remain in the position from which the demotion was to be effective or will be placed

on leave of absence with pay at the discretion of the employer, and shall receive the pay of that position during the pendency of the appeal.

- 28.8** Delay of Appeal of Demotion. If an employee with permanent status is being demoted for an act which is also the subject of a pending criminal proceeding before a grand jury or the courts, the appeal process may be postponed by mutual agreement of both parties at any time prior to the issuance of a notice and order for hearing by the personnel review board until such time as all relevant criminal proceedings (excluding appeals arising out of criminal proceeding) have been terminated.

## **Rule 29: Discharge: Non-Veterans**

The following rules apply to the discharge of non-veteran classified employees on permanent status, as defined in Rule 3.12 (Non-Veteran):

**29.1** Notice of Intent. If the appointing authority believes that there is just cause to discharge an employee, they shall notify that employee, in writing, of their intention to do so. Such written notice of intent to discharge shall contain the following:

- (a) a brief description of the reasons for the discharge;
- (b) the date upon which the discharge action is to be effective;
- (c) an offer for a pre-termination meeting with the appointing authority to be held by the end of the employee's next scheduled day of work, unless the appointing authority and the employee agree to an alternative date;
- (d) a statement that the purpose of the pre-termination meeting would be to explain the employer's evidence against the employee and to provide the employee with an opportunity to respond; and
- (e) a statement that the employee may be accompanied by a representative, at the employee's option.

**29.2** Employee Right to Respond. After receiving a notice of intent to discharge, the employee may request a meeting as described in the discharge notice. If such a meeting is requested, it shall be conducted according to the format set forth in the notice of intent to discharge.

**29.3** Effective Date of Discharge. A discharge shall become effective only after the meeting referenced in Rule 29.2 has occurred or has been waived by the employee. Furthermore, the employee shall remain on paid status during the time between the notice of intent to discharge and the conclusion or waiver of the meeting. If, however, the employee was not on paid status at the time of the discharge notice, the requirement to be on paid status shall not apply.

**29.4** Additional Notice and Procedural Requirements. If, after the pre-termination meeting or waiver thereof, an appointing authority upholds their original decision to discharge an employee after complying with the provisions of Rule 29.1 and 29.2, the authority shall be obliged to further notify the employee, in writing, of the final decision to discharge them. Such notice shall conform to the provisions of Section 383.A.294, Subdivision 3 of the Act.

Notice may be given by either: (a) by personal service of the notice on the employee, or (b) by mailing the notice by certified mail, return receipt requested, to the home address of the employee. Service by mail is complete upon mailing.

**29.5 Appeal of Discharge of a Non-Veteran.** The following appeal process for a discharge shall apply to non-veterans, as defined in Rules 3.12 (Non-Veteran), who are subject to disciplinary action in the form of a discharge.

- (a) An employee may appeal a discharge by submitting a request for a hearing to the personnel review board within thirty (30) days of the effective date of the disciplinary action. This appeal must be submitted in writing, and addressed to the personnel review board in care of the Director.
- (b) As an alternative to requesting a hearing within thirty (30) days, an employee may elect to reply to the appointing officer's notice of discharge, pursuant to Section 383A.294, Subdivision 3 of the Act, within ten (10) working days of the necessary notice of the disciplinary action, with any information or arguments they may have regarding the discipline. If the appointing officer issues a response to the employee's reply, the employee may appeal to the personnel review board within ten (10) working days of the receipt of the authority's response. If the appointing officer not responded within thirty (30) days of receipt of the employee's reply, the appointing officer shall be deemed to have replied unfavorably to the employee. The employee may then appeal to the personnel review board within ten (10) working days of the end of the thirty (30) day response time period.
- (c) Within ten (10) days of receipt of the employee's written request for a hearing, the personnel review board shall request the chief administrative law judge to assign an administrative law judge to hear the appeal. A hearing shall be conducted as a contested case, and both parties shall be entitled to present facts at the hearing. The burden of proof shall be on the appointing authority to establish the basis for its disciplinary action by a preponderance of the evidence. The administrative law judge may subpoena and require the attendance of witnesses and the production of any relevant documents and may administer oaths to witnesses.
- (d) The administrative law judge shall recommend a disposition to the personnel review board within thirty (30) days after the hearing record is closed.
- (e) The personnel review board shall act to modify, reject or accept the recommendation of the administrative law judge within thirty (30) days of their receipt of that recommendation. The personnel review board shall notify the parties by mail of their acceptance, rejection or modification of the administrative law judge's recommendation. If the personnel review board fails to act within

thirty (30) days of receipt of the recommendation, it shall be deemed to have accepted the recommendation of the administrative law judge.

- (f) The decision of the personnel review board shall be the final decision regarding the employee's grievance appeal. Either the appointing authority or the employee may appeal the personnel review board's decision to district court within thirty (30) days after receipt of the notice of the decision. The appeal shall be decided by the court upon the board's record.

The personnel review board's decision shall be binding unless on appeal the decision is stayed, modified or reversed by the district court.

**29.6** Delay of Appeal of Discharge. If an employee with permanent status is being discharged for an act, which is also the subject of a pending criminal proceeding before a grand jury or the courts, the appeal process may be postponed by mutual consent of the parties at any time prior to the issuance of a notice and order for hearing by the administrative law judge until such time as all relevant criminal proceedings (excluding appeals arising out of criminal proceedings) have been terminated.

**29.7** Pay Status During Appeal Process. A non-veteran employee who has appealed a discharge shall have no right to pay during the pendency of the appeal. If an appeal results in a ruling favorable to the employee, then back pay may be awarded by the personnel review board, on recommendation of the administrative law judge.

## **Rule 30: Discharge: Veterans**

The following rules apply to the discharge of an employee who is a veteran, as defined in Rule 3.29 (Veteran).

**30.1** Notice of Intent. If the appointing authority believes that there is just cause to discharge an employee, they shall notify that employee, in writing, of their intention to do so. Such written notice of intent to discharge shall contain the following:

- (a) a brief description of the reasons for the intended discharge;
- (b) the date upon which the discharge action is to be effective;
- (c) an offer for a pre-termination meeting with the appointing authority to be held by the end of the employee's next scheduled day of work, unless the appointing authority and the employee agree to an alternative date;
- (d) a statement that the purpose of the pre-termination meeting would be to explain the employer's evidence against the employee and to provide the employee with an opportunity to respond; and
- (e) a statement that the employee may be accompanied by a representative, at the employee's option.

**30.2** Employee Right to Respond. After receiving a notice of intent to discharge, the employee may request a meeting as described in the notice of intent to discharge. If such a meeting is requested, it shall be conducted according to the format set forth in the notice of intent to discharge.

**30.3** Effective Date of Notice of Intent to Discharge. A notice of intent to discharge may not become effective until after the meeting referenced in Rule 30.2 has occurred or has been waived by the employee. Furthermore, the employee shall remain on paid status during the time after the notice of intent to discharge has been delivered to the employee and until such time as all rights to appeal under the Act and personnel rules and Section 197.46 (the Veterans Preference Act) have expired.

**30.4** Additional Notice and Procedural Requirements. If, after the pre-termination meeting, an appointing authority upholds their original decision to discharge an employee after complying with the provisions of Rules 30.1 and 30.2, the authority shall be obliged to notify the employee a second time, in writing, of the intent to discharge them. Such second notice shall conform to the provisions of Section 383A.294, Subdivision 3 of the Act and shall be followed by compliance with further procedural requirements of Minnesota Statute 197.46 (of the Veterans Preference Act). Notice may be given either: (a) by

personal service of the notice on the employee, or (b) by mailing the notice by certified mail, return receipt requested, to the home address of the employee. Service by mail is complete upon mailing.

**30.5 Appeal of Discharge of a Veteran.** The following appeal process shall apply to veterans, as defined in Rule 3.27 (Veteran), who are subject to disciplinary action in the form of a discharge.

- (a) An employee may appeal a discharge to the personnel review board within sixty (60) days of the effective date of the disciplinary action. During the sixty (60) day period, at the option of the employee's department, the employee will either work their normal hours or they will be placed on a paid leave of absence. The employee shall continue working or shall remain on paid leave of absence until the end of the sixty (60) day period or, if the employee requests a hearing before the personnel review board, until the board makes a final decision on the matter.
- (b) Pursuant to Section 383A.294, Subdivision 3 of the Act, instead of requesting a hearing immediately, an employee may respond in writing to their department head within ten (10) days of receiving the second Notice of Intent to Discharge with any information or arguments they may have regarding the intent to discharge. The department head has thirty (30) days from the receipt of the employee's response to respond to the employee. If the department head's response is negative or if there is no response within thirty (30) days, the employee has the remainder of the sixty (60) day period to request a hearing. This request must be submitted in writing to the personnel review board in care of the Director.
- (c) Upon receipt of the request for a hearing from the employee, the personnel review board shall schedule and conduct a hearing as prescribed in Section 197.46 (the Veterans Preference Act). Following the hearing, the personnel review board shall act within thirty (30) days after the hearing record is closed to reject or accept the discharge of the employee. The personnel review board shall notify the parties of its decision by mail.
- (d) Either party may appeal from the decision of the personnel review board to the district court as prescribed in Section 197.46.

**30.6 Waiver of Right to Appeal.** Failure to request a hearing within the sixty (60) day period shall constitute a waiver by the employee of their right to a hearing as well as a waiver of all other legal remedies for reinstatement.

**30.7 Status during Appeal Process.** A veteran employee who has appealed a discharge shall either remain in the position from which the discharge was to be effective or be placed on



leave of absence with pay at the discretion of the employer during the pendency of the appeal process as prescribed in Section 197.46 (the Veterans Preference Act).

- 30.8** Delay of Appeal of Discharge. If an employee with permanent status is being discharged for an act which also is the subject of a pending criminal proceeding before a grand jury or the courts, the appeal process may be postponed by mutual agreement of the parties at any time prior to the issuance of a notice and order for hearing by the personnel review board until such time as all relevant criminal proceedings (excluding appeals arising out of criminal proceedings) have been terminated.

## GRIEVANCES

### Rule 31: Appeal of Non-Disciplinary Actions

The following rules govern the appeal procedures for non-represented County employees with regard to non-disciplinary actions. This section shall provide for non-disciplinary appeals pursuant to Section 383A.287, Subdivision 5 of the Act. Employees who are covered by a collective bargaining agreement shall be entitled to appeal an issue either under these rules, or the appeal procedures of their union contract. A represented employee will not be allowed to appeal an issue under the rules and their union contract, either simultaneously or in succession. Furthermore, once an employee has initiated an appeal through one appeal procedure, that shall constitute election and they shall be confined to that procedure for the duration of their appeal.

**31.1** Subject of Grievances. Non-disciplinary actions under this section shall be limited to seniority and written reprimands.

**31.2** Time Limits for Filing and Responding to Grievances. Each step of the grievance procedure detailed in Rule 31.3 shall stipulate the time limit in which an employee must file a grievance and the time limit in which the County must respond. The time limit in each step may be extended by mutual written agreement of the County and the grievant. If the grievant or the County fails to comply with the time limits stipulated, the provisions of Rule 31.4 shall apply.

**31.3** Grievance Procedures. Should a problem relating to any of the subjects listed in Rule 31.1 occur, an employee may seek relief through the following four-step procedure and may request the assistance of another employee or any other designated representative in doing so:

#### **Step 1 – Informal Appeal to Supervisor**

The employee shall verbally bring their grievance to the attention of their immediate supervisor, within ten (10) working days of knowledge of the action being grieved. If the grievance is beyond the jurisdiction of the immediate supervisor, the supervisor shall refer the matter to that level of supervision where a decision can appropriately be made. After learning of the grievance, the supervisor shall give the employee a response within five (5) working days.

#### **Step 2 – Formal Appeal to Department Head**

If the grievance is not resolved in Step 1, the employee may present their grievance to the department head in writing, within ten (10) working days of receiving the supervisor's Step 1 response. The department head or the department head's designee shall conduct a conference with the employee within ten (10) working days of receiving the written appeal. The department head or the department head's designee shall give the employee a written

response to the grievance including the rationale for the decision within ten (10) working days of the conference. A copy of the decision shall be sent to the Director.

**Step 3 – Appeal to the Human Resources Director**

If the grievance is not resolved in Step 2, the employee shall have fifteen (15) working days from the date of the Step 2 decision to make a written appeal to the Director. The Director shall conduct a review, which may include a conference between the grieving parties. The employee's representative, if one has been designated, shall also be a party to this conference. If a conference is held, it shall be conducted within ten (10) working days of receiving the employee's appeal of the Step 2 decision. At the conclusion of this review, the Director shall issue a written response to the department head and the employee within thirty (30) days of the conference or within thirty (30) days of receiving the employee's appeal if no conference is conducted.

**Step 4 – Appeal to the Personnel Review Board**

If the grievance is not resolved in Step 3, the employee shall have fifteen (15) working days from the date of the Step 3 decision to make a written appeal to the personnel review board, in care of the Director. A hearing date shall be scheduled within thirty (30) days of receipt of the employee's written notice of appeal. At the conclusion of the hearing, the personnel review board shall make a determination as to the disposition of the grievance and shall notify the Director and the employee. The decision shall be binding on both parties and shall not be subject to further review.

- 31.4** **Failure to Respond to a Decision or an Appeal Notice within Specified Time Limits.** If a grievance is not appealed to the next step within the time limits specified in Rule 31.3, or any agreed upon extension thereof, it shall be considered settled on the basis of the last response made by the County (as represented by either the supervisor, the department head, the department head's designee or the Director – depending on the step level of the grievance). If the County does not answer a grievance within the time limits specified in Rule 31.3, the grievant may elect to treat the grievance as having been denied at that step and may immediately appeal to the next step. The time limit for filing a decision or an appeal notice may be extended only under the provisions of Rule 31.2.

## APPEALS OF ADMINISTRATIVE ACTIONS

### Rule 32: Appeals of Administrative Actions to Director

The following administrative actions may be appealed to the Director, subject to the provisions of Rule 32.1 – 32.6: classification decisions; exclusion from County exams; removal from an eligible list; examination procedures; involuntary transfer; and application of Benefits Policies. Written reprimands, oral warnings/reprimands, and other actions not specified in this rule are not appealable to the Director under this section. All decisions reached by the Director regarding appeals brought under the provisions of Rule 32 shall be final; no applicant, candidate, eligible, employee or appointing authority shall have the right to further direct the subject of their appeal to the personnel review board.

- 32.1** Appeals: Classification Determinations. An appointing authority or an employee affected by the classification or reclassification of a position may appeal the action to the Director. In order to receive consideration, such appeals must: (a) be made in writing, (b) explicitly state the basis for appealing the classification action and, (c) be received in the Human Resources Department within ten (10) working days from the date upon which the written notice of classification action was sent. The Director shall review the classification study conducted in conjunction with the classification determination and after due consideration, shall make a written response to the appeal – either affirming, modifying or reversing the original classification decision. This response shall be made within thirty (30) working days of receiving the appeal.
- 32.2** Appeals: Barred From Applying for County Employment. Any individual who is barred from applying for County employment in accordance with Rules 7.6 (a), (b), (c) (Criminal Convictions; Termination from Previous Public Employment; Fraudulent Conduct), may appeal the determination to the Director. In order to receive consideration, such appeals must: (a) be made in writing, (b) explicitly state the basis for the appeal, and (c) be received in the Human Resources Department within ten (10) working days from the date upon which notice of intention to bar the individual from County exams was sent. The Director shall respond to such appeals within fifteen (15) working days of receiving them.
- 32.3** Appeals: Removal from an Eligible List. Any candidate for County employment or any County employee who has had their name remove from an eligible list in accordance with Rules 9.3 and 9.4 (Removal From an Eligible List: Criminal Conviction; Removal From an Eligible List: Misconduct), may appeal the determination to the Director. In order to receive consideration, such appeals must: (a) be made in writing, (b) explicitly state the basis for the appeal, and (c) be received in the Human Resources Department within ten (10) working days from the date upon which notice of the removal was mailed. The Director shall respond to such appeals within fifteen (15) working days of receiving them.

- 32.4** Appeals: Examination Procedures. Any applicant, who wishes to contest the specific methods used to determine their relative eligibility for appointment to a specific class, shall make their appeal to the Director. In order to receive consideration, the appeal must: (a) be made in writing, (b) explicitly state the basis for the appeal, and (c) be received in the Human Resources Department within ten (10) working days from the date upon which examination results were mailed. The Director shall respond to such appeals within fifteen (15) working days receiving them.
- 32.5** Appeals: Involuntary Transfer. An employee with a medical condition which affects their ability to work, who has been involuntarily transferred from their position under the provisions of Rule 33.4 and 33.5 (Appointing Authority's Right to Impose a Solution) may appeal the transfer to the Director. In order to receive consideration, such appeals must: (a) be made in writing, (b) explicitly state the basis for the appeal, and (c) be received in the Human Resources Department within ten (10) working days from the date upon which the notice of the transfer was sent. The Director shall respond to such appeals within fifteen (15) working days of receiving them.
- 32.6** Appeals: Application of Benefits Policies. Any employee who wishes to contest the application of a benefits policy to that employee shall make their appeal to the Director. In order to receive consideration, the appeal must: (a) be in writing, (b) explicitly state the basis for the appeal, and (c) be received in the Human Resources Department within ten (10) working days from the date upon which the employee had knowledge of occurrence. The Director shall respond to such appeals within fifteen (15) working days of receiving them.

## MEDICAL CONDITION AFFECTING FITNESS FOR WORK

### Rule 33: Employee and Management Rights and Responsibilities in Cases of Medical Condition Affecting Fitness for Work

The following rule pertains to employees whose medical condition affects their fitness for work. This rule address employees whose medical condition may:

- (a) Pose a threat to their own health or safety.
- (b) Pose a threat to the health and safety of others in the work place.
- (c) Adversely affect their ability to perform the essential functions of their current position.

**33.1** Continuation of Duties. An employee with a medical condition affecting their fitness for work shall be permitted to continue to work in their current position as long as they do not pose a threat to the health or safety of themselves or others in the workplace, and they continue to adequately perform, with reasonable accommodation if necessary, the essential functions of their current position.

**33.2** Accommodation. An appointing authority is responsible for taking action to address the following:

- (a) An employee who the appointing authority reasonably believes poses a threat to their own health or safety;
- (b) An employee whose behavior at work poses a threat to their own health or safety;
- (c) An employee who the appointing authority reasonably believes has a medical condition that poses a threat to the health or safety of others in the workplace;
- (d) An employee who behavior at work poses a threat to the health or safety of others;
- (e) An employee who the appointing authority reasonably believes has a medical condition which requires that accommodation be made to allow them to continue to adequately perform the essential functions of their present positions.

In any of the above circumstances, the appointing authority may request medical documentation from the employee's medical provider. Such documentation should include a statement regarding the employee's fitness for work and an identification of any restrictions or accommodations necessary to allow the employee to continue in their position without posing a threat to themselves or others in the workplace and to continue to perform the essential functions of their position. If the appointing authority deems it necessary, they may require the employee to obtain a second medical opinion from a medical provider of the appointing authority's choice. This second medical opinion will be

asked to address the employee's fitness for work including restrictions and accommodations needed. The cost of such a second opinion will be paid by the County. The appointing authority may choose which opinion to accept if the opinions conflict.

If the appointing authority is informed by a medical provider of any restrictions and accommodations that may enable the employee to continue in their current position without posing a threat to the health or safety of themselves or others, or may enable the employee to perform the essential functions of their current position, the appointing authority is then obliged to take reasonable steps to implement such restrictions and accommodations. These restrictions or accommodations should be carried out in accordance with current County policies on work place safety, and accommodation of employee disabilities.

- 33.3 Inability to Accommodate an Employee in Current Position.** If an appointing authority determines that an employee's medical condition affecting their fitness for work, which is documented by medical evidence, cannot be accommodated such that they can adequately perform the essential functions of the position they currently occupy, or cannot continue in the position without posing a threat to the health or safety of themselves or others, the appointing authority shall initiate a discussion with that employee regarding alternative courses of action. During this discussion, the appointing authority shall attempt to come to some agreement with the employee as to the course of action which best meets the employee's needs, the County's needs, and the employee's medical constraints.

The appointing authority and the employee shall consider alternatives, including, but not limited to: a) changing the essential functions of the position and reclassifying it; b) reducing the employee's hours or class assignment; c) transferring the employee; granting a medical leave of absence; d) applying for disability retirement or early retirement (as provided by the Public Employment Retirement Act and the Old Age, Survivors and Disability Income Act).

If the employee and the appointing authority agree:

- (a) to significantly restructure and reclassify the employee's job, the provisions of Rule 5 (Classification Review) shall apply;
- (b) that the employee will take a voluntary reduction in class, the salary provisions of Rule 16.7 (Salary Upon Demotion or Voluntary Reduction) or Rule 17.5 (Salary Setting After Demotion or Voluntary Reduction) and the relevant provisions of Rule 11 (Filling Vacancies Through Transfer or Voluntary Reduction) shall apply;
- (c) that the employee will take a medical leave of absence, the provisions of Section 9 (Sick Leave –Without Pay) of the Director's Policies on Benefits shall apply.

**33.4** Appointing Authority's Rights to Impose a Solution. If the appointing authority determines that an employee with a medical condition affecting their fitness for work, which is documented by medical evidence, is unable to adequately perform the essential functions of their current position and the appointing authority and the employee cannot come to some agreement under the provisions of Section 33.3, the appointing authority shall have the right to impose a solution, other than retirement, that the appointing authority believes best meets the employee's needs and medical constraints and serves the County's best interests. In these instances, the appointing authority is required to notify the employee within ten (10) days of a decision to impose a solution, and to provide a copy of such a notice to the Director. The notice shall include a statement of the action taken and the medical information or health records on which the action is based, the effective date of the action and the employee's right to reply and appeal. Any action taken without the employee's consent may be appealed as described in Section 33.5.

**33.5** Appeals.

- (a) **Non-Veterans:** A non-veteran employee as defined in Rule 3.12 (Non-Veteran) who involuntarily reduced in hours or class, or who is forced to take a medical leave in accordance with the provisions of Section 33.4, may appeal such action to the personnel review board under the provisions of Section 383A.294, subdivisions 3 and 4 of the Act.
- (b) **Veterans:** An employee who is a veteran as defined in Rule 3.29 (Veteran) who is involuntarily reduced in hours or class or transferred, or who is forced to take a medical leave in accordance with the provisions of Section 33.4, may appeal such action pursuant to the procedural requirements specified by Minnesota Statutes 197.46 (the Veterans Preference Act).

Any employee whose position is reclassified, or who is transferred in accordance with the provisions of Section 33.4, may appeal the action to the Director as provided in Rules 32.1 (Appeals: Classification Determinations) and 32.5 (Appeals: Involuntary Transfer).

**33.6** Reinstatement after Reduction. Any employee with a medical condition affecting their fitness for work who has voluntarily or involuntarily been reduced in class in accordance with Sections 33.3 or 33.4, shall be entitled to be reinstated within two (2) years to their former class and position if their condition improves such that they can perform the essential functions of that class on a regular basis. Under these circumstances, a request for reinstatement must be accompanied by a physician's statement attesting to the employee's ability to perform the essential duties of their former class. If the appointing authority believes that the employee is still not capable of adequately performing the essential function of the former class, they may require a second medical opinion. In such cases, the cost of obtaining a second medical opinion shall be borne by the County.



**33.7** Reinstatement Resulting in Layoff. If reinstatement of an employee with a medical condition affecting their fitness for work to their previous class under the provisions of Section 33.6 results in the layoff of another employee, the procedures outlined in Rule 35 (Layoff) of the Rules shall apply.

## SEPERATION FROM COUNTY EMPLOYMENT

### Rule 34: Separation from the Classified Service

- 34.1** Reasons for Separation. Permanent employees may be separated from the County's classified service for any of the following reasons: retirement, resignation, and dismissal for just cause or layoff.
- 34.2** Presumed Resignation. Any employee who is absent from work for three (3) consecutive days without authorized leave may be deemed to have resigned from the County service and to have vacated their position. In such cases, the appointing officer shall notify the employee by mailing the notice by certified mail, return receipt requested, to the home address of the employee that they are presumed to have resigned, but that they shall be allowed an opportunity to explain the circumstances which have precluded them from attending work. A copy of this correspondence shall be submitted to the Director. If the employee fails to respond to the certified letter within ten (10) working days from the day on which it was mailed, the resignation will be considered final. If the employee responds to the notification within ten (10) working days, the resignation may be canceled by the appointing officer based on the employee's explanation for their absence. Cancellation of the resignation shall not preclude the appointing officer from taking any other disciplinary action against the employee that may be warranted under the circumstances. If the appointing officer chooses not to cancel the resignation after receiving the employee's explanation, the provisions of Rules 25 (Appeal of Disciplinary Actions), 29 (Discharge: Non-Veterans) or 30 (Discharge: Veterans) shall apply.
- 34.3** Layoff. Employees may be laid off in accordance with Rule 35 (Layoff) whenever a reduction in work force occurs.

## **Rule 35: Layoff**

- 35.1** Work Force Reduction. Whenever a department reduces its work force, the appointing officer shall designate by class title, the class of positions to be affected.
- 35.2** Order of Work Force Reduction within a Department. To accomplish a work force reduction, first temporary, then provisional, and then intermittent employees, in that order, in the designated class in the department must be released before any employee with probationary or permanent status in the designated class in the department can be laid off, as defined in Rule 3.11 (Layoff), or reassigned to a different department. If additional work force reduction is required, employees with probationary or permanent status in the designated class in the department shall be subject to either reassignment or layoff in the inverse order of their class seniority as defined in Rule 3.5 (Class Seniority).
- 35.3** Reassignment to another Department/Layoff. The probationary or permanent employee in the affected class with the least class seniority in the department shall be reassigned by the Director to a vacant, funded position in the same class in another department. If no vacant, funded position in the class exists in any department, the employee shall be reassigned by the Director to a position occupied by a provisional employee in the same class. If no position occupied by a provisional employee exists, the employee being reassigned shall be assigned to the position occupied by the probationary or permanent employee with the least seniority in the class County wide. In this event, the permanent or probationary employee with the least class seniority County wide shall be laid off.
- 35.4** Seniority Rights to Previously Held Tiles. An employee who has been laid off as a result of the work force reduction process outlined in Sections 35.2 and 35.3 shall be permitted to exercise their seniority rights to any classification previously held as a permanent or probationary employee in an equivalent or lower pay range. If the act of an employee exercising their seniority rights results in the layoff of another employee, it shall be in accordance with the provisions of the rule.

## POLITICAL ACTIVITY

### Rule 36: Political Activity

- 36.1** Prohibited Political Activity. No employee or official of Ramsey County may use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. Any violation of this provision is punishable as a misdemeanor pursuant to Minnesota Statutes Chapter 211B, which provides that a person found guilty of violating this provision shall be automatically separated from their employment with Ramsey County. Any employee separated under this rule may appeal the discharge under the provisions of Rule 29.5 (Appeal of Discharge of a Non-Veteran) or 30.5 (Appeal of Discharge of a Veteran).
- 36.2** Political Contributions. No employee in the classified service shall be under any obligation to contribute to a political service or fund to any person, body or committee, and no employee in the classified service may be discharged, suspended, demoted or otherwise disciplined or prejudiced for refusal to do so.

## PERSONNEL RECORDS AND REPORTS

### **Rule 37: Employee Records**

Employees may examine their own individual personnel records maintained by the Human Resources Department. Such examination shall be allowed within five working days of the receipt of the request subject to the provisions of the Data Practices Act. Examination of personnel records maintained by the Human Resources Department by employees or other persons is subject to the provisions of Minnesota Statutes Chapter 13 (the Minnesota Government Data Practices Act).

### **Rule 38: Reports to the Human Resources Department**

- 38.1** Authority to Require Reports. The Human Resources Department may require appointing officers to maintain records and submit reports on any/all personnel-related activities. Such reports shall be submitted in the form and manner prescribed by the Human Resources Department.
- 38.2** Use of Titles for Reporting Purposes. Only official titles of job classes, as provided for in Rule 4.2 (a) (Class Specifications), shall be used to designate the positions in each class for reporting purposes.

## **Rule 39: Payroll Records**

- 39.1** Payroll Changes. Payroll changes for County employees shall be submitted to the Human Resources Department for audit. The disbursing officer shall issue paychecks, vouchers or warrants provided the change has been approved by the Director.
- 39.2** Payroll Documents. Departments must deliver payroll documents in the form and within the time limits established by the Human Resources Department.
- 39.3** Payroll Approval. The payroll for any department or office shall be approved provided that: (a) the names that appear on the payroll are the names of persons legally employed in the department, office or subdivision thereof. (b) Personnel change forms or any other instruments required under this rule for a payroll period have been received by the Human Resources Department.