

## CHAPTER 4670

### DEPARTMENT OF HEALTH

### MERIT SYSTEM

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#### 4670.0100 DEFINITIONS.

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

**Subp. 1a. Affirmative action.** "Affirmative action" means a management program designed to ensure equal employment opportunity and correct past discrimination by identifying and removing barriers throughout a personnel system. Affirmative action includes special efforts to eliminate underuse of disabled persons, minorities, and women through recruitment, hiring, and advancement of these groups.

*[For text of subps 2 to 12, see M.R.]*

**Subp. 12a. Disability.** "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- A. has a physical, sensory, or mental impairment which substantially limits one or more major life activities;
- B. has a record of such an impairment; or
- C. is regarded as having such an impairment.

*[For text of subp 13, see M.R.]*

**Subp. 13a. Discrimination.** "Discrimination" means unequal treatment, intentional or unintentional, that is based on the following protected characteristics: race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

*[For text of subp 14, see M.R.]*

**Subp. 14a. Disparity.** "Disparity" means the employment of fewer disabled persons, minorities, or women in the agency's work force than could reasonably be expected, based on their availability in the relevant labor area.

*[For text of subps 15 to 17, see M.R.]*

**Subp. 17a. Equal employment opportunity.** "Equal employment opportunity" means the policy of basing all personnel activities solely on individual merit of applicants and employees in relation to job requirements, and without regard to race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

**Subp. 17b. Equitable compensation relationship.** "Equitable compensation relationship" means that a primary consideration in establishing, recommending, and approving total compensation is comparable work value in relationship to other employee positions within the merit system.

*[For text of subps 18 to 20, see M.R.]*

**Subp. 21. General adjustment.** "General adjustment" means an annual merit system recommended salary adjustment based on a review of adjustments to salaries by employers with similar and competing types of employment and trends in the Twin Cities consumer price index. The general adjustment applies to all employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement.

*[For text of subps 22 to 34, see M.R.]*

**Subp. 34a. Protected groups.** "Protected groups" means females, disabled persons, and members of the following minorities: Black, Hispanic, Asian, Pacific Islander, American Indian, or Alaskan native.

*[For text of subps 35 to 50, see M.R.]*

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1008*

#### **4670.0600 PROHIBITION AGAINST DISCRIMINATION.**

No person shall be discriminated for or against in such matters as recruitment, examination, appointment, tenure, compensation, classification, or promotion, or in such matters as conditions, facilities, or privileges of employment because of race, color, political affiliation, creed, religion, national origin, disability where such disability does not interfere with the completion of assigned duties, age, marital status, status with regard to public assistance, or sex. Any person aggrieved by a violation of these prohibitions may file a complaint under the provisions of Minnesota Statutes, chapter 363, or may file a discrimination complaint under the local agency's internal complaint process.

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1008*

#### **4670.0610 AFFIRMATIVE ACTION PLAN.**

Each local agency shall have an affirmative action plan for employees covered by parts 4670.0100 to 4670.4300. The plan must contain:

A. a policy defining and prohibiting discriminatory harassment, including sexual harassment;

B. an internal discrimination complaint policy and procedure that includes notification of the Department of Human Services Affirmative Action Office of complaints that are brought and their resolution;

C. provision for appointment of a person to provide liaison between the local agency and the Department of Human Services Affirmative Action Office and to have responsibility for implementation of the local agency's plan; and

D. provision for participation by the local agency in an affirmative action committee and notification of the Department of Human Services Affirmative Action Office of periodic hiring goals established by the local agency, for expanded certification purposes.

These requirements may be incorporated as part of a countywide affirmative action plan or provided as an addendum to the plan.

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1008*

**4670.0620** [Repealed, 14 SR 1008]

**4670.1320 RECOMMENDED ADJUSTMENTS.**

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

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*

**4670.1600 WORK-OUT-OF-CLASS ASSIGNMENTS.**

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

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1008*

**4670.1800 APPLICATIONS.**

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

**Subp. 2. Disqualification of applicants.** The supervisor may refuse to examine an applicant, or after examination he may disqualify such applicant or remove his name from a register, or he may refuse to certify any eligible person on a register if the applicant:

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

A disqualified applicant shall be promptly notified of such action, and an applicant who is not admitted to an examination because of failure to meet the preliminary requirements shall be notified by letter mailed to his last known address sufficiently in advance of the examination to allow for an appeal from rejection as provided in part 4670.3510.

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*

**4670.1980 EXAMINATION RETESTING.**

Applicants may apply to retake a competitive or promotional examination that is open for application on a continuous basis but may not retake an examination within 60 days of the previous test date and more than three times in a calendar year.

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1008*

**4670.2300 CERTIFICATION METHODS.**

*[For text of subps 1 to 4, see M.R.]*

**Subp. 5. Inadequate registers.** When the number of different names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than seven on all competitive and promotional registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

*[For text of subp 6, see M.R.]*

**Subp. 7. Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in part 4670.0100, subpart 34a, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1008*

**4670.2810 DEMOTIONS.**

An appointing authority may demote an employee for inefficient performance of his duties, for disciplinary reasons, or for other just causes.

A permanent employee shall be, before the action is taken, furnished with a statement in writing, setting forth the reasons for the demotion. He shall be permitted five days' time to reply thereto, in writing, or upon request, to appear personally and reply to the appointing authority. A copy of the statement and the employee's reply, if any, shall be filed with the supervisor prior to the effective date of the demotion. The permanent employee upon written request may demand a hearing before the council in accordance with the provisions of part 4670.3530.

At any time during the probationary period that an appointing authority determines that the employee's performance does not meet work standards he may demote the employee, except that no employee serving a probationary period following his transfer or promotion shall be demoted except for just cause or with his consent during the first 30 calendar days of the probationary period.

Seniority of an employee in the class to which he is demoted shall be limited to service in the agency and shall consist of the combined total of his prior seniority in the class to which demotion occurs, in all higher classes, and in all other classes which the supervisor determines to be sufficiently similar to the class to which demotion occurs.

Any permanent or probationary employee about to be laid off shall be demoted to displace any employee with less seniority in the next lower class in which he previously served unless he elects to be laid off. In either event the name of such employee shall be placed on an appropriate layoff list and upon his written application may be placed on an appropriate reemployment list.

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

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*

**4670.3400** [Repealed, 14 SR 1806]

**4670.3410** [Repealed, 14 SR 1806]

**4670.3420** [Repealed, 14 SR 1806]

**4670.3430** [Repealed, 14 SR 1806]

**4670.3440** [Repealed, 14 SR 1806]

**4670.3450** [Repealed, 14 SR 1806]

**4670.3460** [Repealed, 14 SR 1806]

**4670.4200 PUBLIC HEALTH COMPENSATION PLAN, 1990.**

The tables in parts 4670.4210 to 4670.4240 list minimum and maximum salary steps in monthly salary amounts for the specified classes of positions.

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*

**4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN.**

**Subpart 1. Plan A.**

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

**Subp. 2. Plan B.**

	Minimum	Maximum
Assistant Director of Environmental Health	2300	3282
Director of Environmental Health	2632	3758
Director of Public Health Nursing	2199	3282
Public Health Educator	1844	2632
Public Health Nurse	1925	2749
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1844	2632
Sanitarian	1684	2515
Senior Public Health Nurse	2102	3002

**Subp. 3. Plan C.**

	Minimum	Maximum
Assistant Director of Environmental Health	2413	3434
Director of Environmental Health	2749	3930
Director of Public Health Nursing	2300	3434
Public Health Educator	1925	2749
Public Health Nurse	2102	2870

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Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree	2014	2749
Sanitarian	1762	2632
Senior Public Health Nurse	2199	3141

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*

**4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.**

**Subpart 1. Plan A.**

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

**Subp. 2. Plan B.**

	Minimum	Maximum
Bookkeeper	1258	1799
Home Health Aide	1151	1645
Home Health Aide Coordinator	1409	1925
Inspector	1409	1925
Licensed Practical Nurse	1409	1925
Public Health Aide	1076	1472

**Subp. 3. Plan C.**

	Minimum	Maximum
Bookkeeper	1321	1881
Home Health Aide	1258	1721
Home Health Aide Coordinator	1472	2014
Inspector	1472	2014
Licensed Practical Nurse	1472	2014
Public Health Aide	1179	1611

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*

**4670.4230 CLERICAL COMPENSATION PLAN.**

**Subpart 1. Plan A.**

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

**Subp. 2. Plan B.**

	Minimum	Maximum
Clerk I	956	1245
Clerk II	1088	1483
Clerk III	1271	1658
Clerk-Typist I	1039	1361
Clerk-Typist II	1088	1483
Clerk-Typist III	1271	1818
Clerk-Steno	1088	1483
Switchboard Operator	1039	1361

**Subp. 3. Plan C.**

	Minimum	Maximum
Clerk I	1039	1361
Clerk II	1189	1626
Clerk III	1331	1738
Clerk-Typist I	1137	1483
Clerk-Typist II	1189	1626
Clerk-Typist III	1331	1899
Clerk-Steno	1189	1626
Switchboard Operator	1137	1483

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*

**4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.**

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

**Subp. 2. Plan A.**

	Minimum	Maximum
Janitor	1044	1340

**Subp. 3. Plan B.**

	Minimum	Maximum
Janitor	1237	1588

**Statutory Authority:** *MS s 144.071*

**History:** *14 SR 1806*