

**9575.0010 DEFINITIONS.**

Subpart 1. **Scope.** The following definitions apply to this chapter unless the context clearly requires another meaning.

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.

Subp. 2. **Allocation.** "Allocation" means the assignment of a position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work performed in the position.

Subp. 3. **Appointing authority.** "Appointing authority" means the county board, local social services agency, human service board, or officer authorized by statute or lawfully delegated authority to make appointments to positions under the merit system.

Subp. 3a. **Balanced class.** "Balanced class" means any class in which no more than 80 percent of the members are male and no more than 70 percent of the members are female.

Subp. 4. **Board.** "Board" means the county board, local social services agency, or human service board.

Subp. 5. **Change in allocation.** "Change in allocation" means the reclassification of a position resulting from significant sudden changes imposed by the appointing authority affecting the duties and responsibilities of a position.

Subp. 6. **Class.** "Class" means one or more positions sufficiently similar in the duties performed; degree of supervision exercised or required minimum requirements of training, experience, or skill; and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation may be applied with equity to all of the positions.

Subp. 7. **Commissioner or commissioner of human services.** "Commissioner" or "commissioner of human services" means the administrative head of the Department of Human Services.

Subp. 7a. **Comparability adjustment.** "Comparability adjustment" means a salary range adjustment for a particular classification to correct a compensation inequity based on comparable work value.

Subp. 7b. **Comparable work value.** "Comparable work value" means the value of work measured by the skill, effort, responsibility, and working conditions required in the performance of the work.

Subp. 8. **Council.** "Council" means the merit system council.

Subp. 9. **County agency.** "County agency" means the organization created by the county board, local social services agency, or the human service board to carry out the functions and policies of the board with regard to community social service or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration.

Subp. 10. **County register.** "County register" means the subregister established for a county from a statewide competitive or promotional register containing the names of persons who have legal residence in the county or, in the event of a promotional examination, who are employed by the county agency.

Subp. 11. **Local social services agency.** "Local social services agency" means the county welfare board, county board, or human service board.

Subp. 12. **Day.** "Day" means a calendar day except when otherwise specified in the specific rule.

Subp. 13. **Demotion.** "Demotion" means a change by an employee from a position in one class to a position in another class with less responsible duties and a lower salary range.

Subp. 13a. **Disability.** "Disability" means a condition or characteristic that renders a person a disabled person. A disabled person is a person who:

- A. has a physical, sensory, or mental impairment that 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.

Subp. 14. **Disabled veteran.** "Disabled veteran" means a veteran who is rated or certified as disabled, in accordance with the provisions of Minnesota Statutes, section 43A.11.

Subp. 14a. **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, political affiliation, membership or activity in a local commission, or sexual orientation.

Subp. 15. **Dismissal.** "Dismissal" means the termination of employment for cause.

Subp. 15a. **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.

Subp. 16. **Eligible.** "Eligible" means any person whose name is on a register.

Subp. 17. **Emergency employee.** "Emergency employee" means an employee who was appointed to perform certain duties when an emergency situation exists.

Subp. 18. **Employee.** "Employee" means any person in the employ of a county board, local social services agency, or human services board, exclusive of its members, who occupies a position covered by chapter 9575 and who is paid a salary or wage.

Subp. 18a. **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, political affiliation, membership or activity in a local commission, or sexual orientation.

Subp. 18b. **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.

Subp. 19. **Exclusive representative.** "Exclusive representative" has the meaning given in Minnesota Statutes, section 179A.03, subdivision 8.

Subp. 20. [Repealed, 23 SR 2404]

Subp. 20a. **Female-dominated class.** "Female-dominated class" means any class in which 70 percent or more of the members are female.

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, support, clerical, and maintenance and trades salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement.

Subp. 22. **Intermittent employee.** "Intermittent employee" means an employee who works whenever needed or on a schedule that cannot be predicted in advance.

Subp. 23. **Layoff.** "Layoff" means the termination of employment because of abolishment of a position, lack of funds, shortage of work, or other reason beyond the control of the employee.

Subp. 24. **Layoff list.** "Layoff list" means a list of permanent or probationary employees who have been laid off by reason of abolishment of their positions, lack of funds, shortage of work, or other reason beyond the control of the employee.

Subp. 24a. **Male-dominated class.** "Male-dominated class" means any class in which 80 percent or more of the members are male.

Subp. 25. **Merit increase.** "Merit increase" means an increase given to an employee based on meritorious job performance.

Subp. 26. **Military leave.** "Military leave" means a leave of absence granted by state law to employees entering active duty in the armed forces of the state of Minnesota or of the United States of America.

Subp. 27. **Minimum qualifications.** "Minimum qualifications" means the requirements of training and experience necessary to qualify for a given class.

Subp. 28. **Original appointment.** "Original appointment" means the date of initial entry to probationary status normally through appointment from an open competitive list.

Subp. 29. [Repealed, 23 SR 2404]

Subp. 30. **Permanent employee.** "Permanent employee" means an employee who has successfully completed a probationary period or who has attained permanent status upon the installation of the merit system. The permanent designation means that the employee has achieved a status entitling that employee to the benefits, rights, privileges, and obligations conferred by this chapter but the designation is not a guarantee of lifetime or career employment with the appointing authority.

Subp. 31. **Position.** "Position" means a group of current duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person.

Subp. 32. **Probationary employee.** "Probationary employee" means an employee who is serving a probationary period in a class to which the employee has been appointed from an eligible list.

Subp. 33. **Probationary period.** "Probationary period" means the working trial period during which a new employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.

Subp. 34. **Promotion.** "Promotion" means a change of an employee from a position in one class to a position in another class with more responsible duties and a higher salary range.

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.

Subp. 35. **Provisional employee.** "Provisional employee" means an employee who meets the minimum qualifications for the position but who has been appointed to a position without having been appointed from an eligible register.

Subp. 36. **Reallocation.** "Reallocation" means the reclassification of a position resulting from significant changes in the duties and responsibilities of the position that occur gradually over a period of time.

Subp. 37. **Reclassification.** "Reclassification" means a reallocation or change in allocation of a position to a higher, lower, or equivalent class.

Subp. 38. **Reemployment list.** "Reemployment list" means a list of former permanent or probationary employees who have been laid off and the names of former permanent or probationary employees who have voluntarily separated from merit system employment in good standing and whose applications for reemployment in the merit system are submitted within one year of separation.

Subp. 39. **Register.** "Register" means an officially established list of eligibles for a particular class.

Subp. 40. **Resignation.** "Resignation" means the termination of employment made at the request of the employee.

Subp. 41. **Salary adjustment.** "Salary adjustment" means an increase given to employees due to cost-of-living factors, going rates for similar jobs, or labor market conditions.

Subp. 42. **Salary increase.** "Salary increase" means an increase granted to an employee on the basis of working out of class or due to unusual employment conditions and not based on job performance, cost-of-living factors, going rates for similar jobs, or labor market conditions.

Subp. 43. **State agency.** "State agency" means the Department of Human Services.

Subp. 44. **Supervisor.** "Supervisor" means the merit system supervisor.

Subp. 45. **Suspension.** "Suspension" means an enforced leave of absence with or without pay, for disciplinary purposes or pending investigation of charges made against an employee.

Subp. 46. **Temporary employee.** "Temporary employee" means an employee who is appointed with a definite ending date.

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

Subp. 47a. **Unclassified position.** "Unclassified position" is a position designated as not being classified under the merit system pursuant to part 9575.0680, subpart 5.

Subp. 48. **Veteran.** "Veteran" means every person defined as a veteran by Minnesota Statutes, section 197.447.

Subp. 49. **Veterans preference.** "Veterans preference" means preference granted to veterans by Minnesota Statutes, section 43A.11.

**Statutory Authority:** *MS s 256.012*

**History:** *L 1984 c 654 art 5 s 58; 10 SR 1507; 14 SR 1008; 15 SR 452; 16 SR 2054; 18 SR 2277; L 1994 c 631 s 31; 22 SR 45; 23 SR 2404*

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