

9575.1580 INCUMBENTS OF RECLASSIFIED POSITIONS.

Subpart 1. **Appointment authorized.** When a position is reclassified and it is determined to be a reallocation resulting from a significant change in the duties and responsibilities of the position occurring gradually over a period of time, the supervisor shall authorize an appointing authority to promote the incumbent of the reallocated position. An employee promoted in accordance with this provision shall serve a probationary period in the higher class.

Subp. 2. **Eligibility.** When a position is reclassified resulting from a change in allocation the incumbent shall not be eligible to continue in the position except as provided in subpart 3 or unless eligible for original appointment, promotion, transfer, or demotion to the new class of positions. If ineligible to continue in such a position, the incumbent may be transferred, promoted, or demoted by appropriate action of the appointing authority in accordance with the applicable provisions of this chapter. If ineligibility of a permanent or probationary incumbent of a reclassified position arises from the existence of an eligible register established from an examination that the incumbent did not take, the incumbent may be permitted to take the same or equivalent examination from which the existing register was established without the examination being open for application. At that time, the county shall notify other employees that they may also apply and take the examination. The names of successful candidates examined under this part shall be placed on the existing register in accordance with the score attained. In any case in which the incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the provisions of this chapter about layoff shall apply. Any transfer, promotion, demotion, or layoff in accordance with those provisions must occur within 60 days of the notification of reclassification of the position.

Subp. 3. **Change in agency size.** If a position is reclassified as a direct result of the change in size of the employing agency without change in duties and functions, an incumbent with permanent or probationary status in the lower class shall be permitted to take a noncompetitive qualifying examination without regard to the qualifications for the class. An incumbent whose name is on a competitive promotional register for the higher class may be certified to the position regardless of the relative ranks of other candidates on the eligible register.

Subp. 4. [Repealed, 10 SR 1507]

Subp. 5. [Repealed, 10 SR 1507]

Subp. 6. [Repealed, 10 SR 1507]

Statutory Authority: *MS s 256.012*

History: *L 1984 c 654 art 5 s 58; 17 SR 1279; 23 SR 82*

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