

Managerial Plan

July 1, 2009 through June 30, 2011

Prepared pursuant to Minn. Stat. 43A.18, subdivision 3, by the:

Minnesota Management & Budget

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Table of Contents

Chapter	Page
1 -- Coverage	1
2 -- Work Schedule	2
3 -- Holidays	3
4 -- Vacation Leave	5
5 -- Sick Leave	8
6 -- Other Leaves of Absence	10
7 -- Probationary Period	14
8 -- Management Development	16
9 -- Limited Interruptions of Work and Permanent Non-Disciplinary Separations	18
10 -- Seniority, Layoff, Recall, Termination of Unclassified Appointment, and Reemployment	19
11 -- Disciplinary Action	23
12 -- Resolution of Disputes	25
13 -- Insurance	27
14 -- Salary Administration	45
15 -- Expense Reimbursement	50
16 -- Relocation Expenses	53
17 -- Housing	56
18 -- Manager Safety	57
19 -- Workers' Compensation; Injured on Duty Pay	58
20 -- Americans with Disabilities Act	60
21 -- Early Retirement Incentive	61

Appendices

	Page
Appendix A. Glossary	63
Appendix B. Vacation Leave Proration Schedule	67
Appendix C. Sick Leave Proration Schedule	68
Appendix D. Holiday Proration Schedule.....	69
Appendix E. Salary Range Assignments	70
Appendix F. Compensation Grids - July 1, 2009 to June 30, 2011	79
Appendix G. Statutory Appeal Procedure (M.S. 43A.33 – Grievances).....	82
Appendix H. High Cost Centers for Meal Reimbursement.....	84
Appendix I. Rights to Access and Contest Data.....	85
Appendix J. Other Policies; Statewide Policy on FMLA	86
Appendix K. Managers in the Minnesota State Colleges and Universities.....	104

The Managerial Plan, authorized by M.S. 43A.18, subdivision 3, establishes the compensation, terms, and conditions of employment for all classified and unclassified employees in positions identified by the Commissioner of Minnesota Management & Budget as managerial. The benefit provisions of this Plan are extended to department heads whose salaries are established in M.S. 15A.0815; to constitutional officers and their deputies for whom no plan has been approved under M.S. 43A.18, subdivision 4; to judges of the Workers' Compensation Court of Appeals; to Tax Court judges; and to the Chief and Assistant Chief Administrative Law Judges.

This Plan provides coverage for the biennium beginning on July 1, 2009, and ending on June 30, 2011. Provisions are effective on the date this Plan is approved by the Legislative Coordinating Commission. Provisions (except for those that are date specific) shall remain in effect after June 30, 2011, until a new Plan is approved by the Legislative Coordinating Commission.

Certain provisions of this Plan also apply to managerial employees covered by agency compensation plans approved by the Commissioner of Minnesota Management & Budget under the provisions of M.S. 43A.18, subdivision 4. The provisions of Chapters 3, 4, 5, 13, and 14, shall not apply to such managers unless incorporated, in whole or in part, by specific reference in the agency plan. All other provisions shall apply to managers covered by agency plans unless superseded by law or rule.

Managers covered by this Plan are invited to submit comments, questions and suggestions regarding the Plan at any time. Written comments should refer to specific Plan provisions and be addressed to:

Office of the Commissioner
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Work Day. The work day for managers shall normally follow the schedule of the work units for which they are responsible. The managerial role, however, necessitates a degree of adaptability as to hours and days worked which is not required on the part of other State employees. Accordingly, specific work schedules for managers shall be recognized as guidelines only, subject to change as dictated by the needs of the agency.

Pay Period. Managerial compensation is based upon the expectation that managers normally work at least 80 hours in the pay period. Managers shall be allowed flexibility in arranging their time in a manner which enables them to perform the responsibilities of their assignments.

Overtime. Because managers have authority to plan the work of their organizations and allocate the time needed for its completion, they are exempt from the provisions of the Federal Fair Labor Standards Act and are normally not eligible for overtime pay or compensatory time off with pay. If a work-related emergency situation is declared by the Commissioner of Minnesota Management & Budget, the Commissioner of Minnesota Management & Budget shall determine if managers shall be paid for overtime. Emergencies are defined as nonrecurring situations that could not be anticipated or planned for. Emergencies do not include seasonal fluctuation in workload (e.g., Legislature in session, budget development, forest fire season, park season, or road construction season) which occur on a regular and reasonably predictable basis. If compensation is authorized, payment shall be at straight time in either cash or compensatory time at the Appointing Authority's option.

Eligibility. All managers in payroll status, except those on emergency appointments, are eligible for paid holidays. However, managers on temporary classified and unclassified appointments of six months or less shall not be eligible for the floating holiday.

Observed Holidays. The following days shall be observed as paid holidays for eligible managers:

- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas
- New Year's
- Martin Luther King Day
- Presidents Day
- Memorial Day

For all eligible managers assigned to a Monday through Friday, five (5) day operation, holidays that fall on a Saturday shall be observed as a paid holiday on the Friday before. Holidays that fall on a Sunday shall be observed as a paid holiday on the Monday after the holiday.

Holiday on a Day Off. When any of the above holidays falls on a manager's regularly scheduled day off, the manager shall be paid for the holiday in cash or vacation leave, at the discretion of the Appointing Authority. To receive payment as vacation, the manager must be eligible to accrue and use vacation leave under this Plan.

Floating Holidays. An eligible manager shall receive one floating holiday each fiscal year. The scheduling of such a day shall be by mutual agreement between the Appointing Authority and the manager. The floating holiday shall be taken in the fiscal year in which it is earned, or it is lost.

Managers who move into the Plan from another Minnesota State position that has received a floating holiday during that fiscal year shall not receive an additional floating holiday.

Substitute Holidays. An Appointing Authority may designate substitute or floating holidays for the observance of Veterans Day, Presidents Day and the day after Thanksgiving.

Religious Holidays. When a religious holiday, not observed as a holiday listed above, falls on a manager's regularly scheduled work day, the manager shall be entitled to that day off to observe the religious holiday.

Time to observe a religious holiday shall be taken without pay unless the manager uses accumulated vacation leave or, by mutual consent with the Appointing Authority, is able to work an equivalent number of hours at some other time during the fiscal year to compensate for the hours lost. A manager shall notify his/her supervisor of his/her intention to observe a religious holiday in advance of the holiday.

Holiday Pay Entitlement. Eligible managers who take a holiday on the date indicated in “Observed Holidays” or use a floating holiday shall be paid in cash at their regular hourly rate for the appropriate number of Holiday Pay hours. In order to receive a paid holiday, an eligible manager must be in payroll status on the normal work day immediately preceding and the normal work day immediately following the holiday(s). In the event a manager dies or is mandatorily retired on a holiday or holiday weekend, the manager shall be entitled to be paid for the holiday(s). An eligible part-time manager shall be paid according to the holiday proration schedule provided by Appendix D.

Determining Hours of Holiday Pay. An eligible manager who normally works at least 72 hours per pay period shall receive the holiday pay for the number of hours in the manager’s normal work day. Full-time managers working flex schedules with variable hours per day shall receive the number of hours per day to achieve their normal payroll period schedule.

Managers with flextime schedules shall not receive additional paid holiday hours over those normally scheduled in the work week.

Work on a Holiday. A manager who works on a regularly scheduled holiday shall in addition to their regular rate of pay be paid for the holiday hours in cash or vacation leave, at the Appointing Authority’s discretion. The manager must be eligible to accrue and use vacation under this Plan to receive payment as vacation leave.

Eligibility. All managers who are appointed for a period in excess or anticipated to be in excess of 6 months and are in payroll status, are eligible for paid vacation leave as provided in this Chapter.

Vacation on Initial Entry to State Service. Upon initial entry to the State service in a managerial position, an eligible manager shall be credited with 80 hours (10 days) of vacation leave. Such credit shall be reduced proportionately as vacation leave is accumulated.

Vacation Accrual. A full-time manager shall accrue vacation leave each pay period according to the rates provided below. A manager being paid for less than a full 80 hour pay period shall have his/her vacation accrual prorated according to the schedule provided by Appendix B. Managers on an unpaid military leave under Chapter 6 shall earn and accrue vacation leave as though actually at work, pursuant to M.S. 192.261, Subd. 1.

Vacation Accrual Schedule for Full-time Managers

<u>Length of Service</u>	<u>Hours Per Pay Period</u>
0 through 5 years	6 hours
After 5 through 8 years	7 hours
After 8 through 10 years	7.5 hours
After 10 through 19 years	8 hours
After 19 through 24 years	8.5 hours
After 24 years	9 hours

Changes in accrual rates shall be made effective at the beginning of the next payroll period following completion of the specified "Length of Service."

As used above, "Length of Service" includes all time served in vacation eligible status including layoff status, but does not include time on disciplinary suspension or unpaid non-medical leaves, which exceed one full pay period in duration. However, a manager on military leave or salary savings leave shall earn credit for "Length of Service."

"Length of Service" may also include time spent with other employers as stated below:

1. An eligible manager who moves without a break in service to a Managerial Plan position from any other position in any branch of Minnesota State government, shall have his/her length of service and accumulated vacation leave transferred, provided that the total amount of accumulated vacation does not exceed two hundred and seventy-five (275) hours.
2. An eligible manager who is appointed to a Managerial Plan position within four years from the date of separation in good standing from any position in any branch of Minnesota State government shall accrue vacation leave according to the length of service the manager had attained at the time of separation.
3. A former Legislator who is appointed to a Managerial Plan position within four years of the end of his/her term in the Legislature shall receive full credit for his/her length of service in the Legislature.

4. An Appointing Authority may, at its discretion, adjust "Length of Service" to reflect credit for all, none or a portion of: a) any prior service with a public jurisdiction, including prior Minnesota State government and legislative service beyond the four year limit specified in 2 and 3 above; b) any prior private sector experience directly related to the manager's position or on initial entry to State service, to match vacation accruals provided by the manager's most recent employer; and/or c) service in the United States Armed Forces provided the service was full-time for at least 181 consecutive days.

A manager who has previous service under 1-4 above which has not been credited to his or her length of service may be granted credit for such service. The manager must submit documentation of the qualifying service to the Appointing Authority for approval. Any change in length of service credit shall only affect future leave accrual. The adjusted credit is not retroactive and shall be effective the pay period in which the Appointing Authority approves the request.

Vacation Accumulation. Vacation leave may be accumulated to any amount provided that once during each fiscal year, the manager's balance must be reduced to 275 hours or less. If this is not accomplished on or before the last day of the fiscal year, the manager's balance shall automatically be reduced to 275 hours at the end of the fiscal year.

Managers on a military leave under Chapter 6 may accumulate vacation leave to any amount provided that the balance is reduced to 275 hours within two years of the manager's return from the leave.

The Commissioner of Minnesota Management & Budget may temporarily suspend the maximum number of hours which may be accumulated in emergency situations. Emergencies are defined as nonrecurring situations that could not be anticipated or planned for. Emergencies do not include seasonal fluctuation in workload (e.g., Legislature in session, budget development, forest fire season, park season, or road construction season) which occur on a regular and reasonably predictable basis.

Vacation Leave Liquidation. An eligible manager who separates from State service or moves to a vacation-ineligible position shall be compensated, at the manager's current rate of pay, for all accumulated and unused vacation leave up to a maximum of 275 hours. The maximum cap shall not apply in situations where the payout is due to the employee's death. Vacation leave may not be used alone or in combination with unpaid leave on separation from State service to extend insurance coverage. An Appointing Authority and a manager facing temporary layoff may mutually agree to liquidate all, none or a portion of the manager's accumulated vacation balance at the time of the temporary layoff. If there is no agreement, the balance will be liquidated.

The Appointing Authority shall pay the vacation payout and the severance described in Chapter 14 to an individual MSRS Health Care Savings Plan for any manager who separates from State service with 10 or more years continuous State service and who is eligible to receive severance pay for reasons other than layoff or death.

Managers who do not meet the criteria for the Health Care Savings Plan and whose vacation and severance payouts total less than \$200 combined, will receive such payments in cash.

In all other cases in which a manager is eligible for vacation payout (including death or layoff of a manager), vacation payment shall be made in cash.

Conversion of Accumulated Vacation to Deferred Compensation. Once in each fiscal year, at the discretion of the Appointing Authority, a manager with at least six months of continuous service in this Plan or any combination of service in the Managerial Plan, Commissioner's Plan, or qualifying service in the Middle Management Association equaling at least six (6) months combined continuous service, may convert a portion of his/her accumulated vacation to a contribution to a deferred compensation plan for which the state provides payroll deduction or they may elect to receive the State-paid matching contribution as provided in Chapter 14 (but they may not do both). No minimum service is required if the State-paid matching contribution is selected. Each manager may convert up to 50 vacation hours per fiscal year.

Managers must submit the appropriate forms to their Appointing Authority payroll office by June 5th of each fiscal year.

Contributions to deferred compensation plans made through the conversion of vacation hours are subject to all of the rules and regulations of the respective plans.

Appointing Authorities may deny requests or limit the amount of vacation hours converted on an agency-wide basis for the entire agency for the vacation conversion or the State paid contribution provided in Chapter 14 due to budget restrictions.

This provision does not apply to employees covered by a compensation plan established under the provisions of M.S. 43A.18, subdivision 4 unless that compensation plan is amended to include a specific reference to this provision.

Once each fiscal year, managers may convert vacation to deferred compensation or receive the State-paid matching contribution provided in Chapter 14.

Eligibility. All managers who are appointed for a period in excess or anticipated to be in excess of 6 months and are in payroll status, are eligible for paid sick leave as provided in this Chapter.

Sick Leave Credit. Upon initial entry to the State service in a managerial position, an eligible manager shall be credited with 80 hours (10 days) of sick leave. Such credit shall be reduced proportionately as sick leave is accumulated.

Sick Leave Accrual and Accumulation. A full-time manager shall accrue sick leave at the rate of four hours per pay period. A manager being paid for less than a full 80 hour pay period shall have his/her sick leave accrual prorated according to the schedule in Appendix C. Eligible managers on an unpaid military leave under Chapter 6 shall earn and accrue sick leave as though actually at work, pursuant to M.S. 192.261, Subd. 1.

Transfer/Restoration of Sick Leave Hours. An eligible manager who moves without a break in service to a Managerial Plan position from any other position in Minnesota State government, shall have his/her accumulated sick leave balance transferred. If the previous accrual rate and maximum accumulation were greater than those provided in this Plan, the leave balance shall be transferred in an amount equal to what the manager would have accumulated under this Plan.

An eligible manager who is appointed to a Managerial Plan position within four years from the date of separation in good standing from any other position in any branch of Minnesota State government shall have his/her sick leave balance restored provided that any manager being appointed after receiving severance pay shall have his/her leave restored proportionately by deducting the hours which were paid as severance. (Also, provided the appointment is in a class that is sick leave eligible.) If the previous accrual rate and maximum accumulation were greater than those provided in this Plan, the leave balance shall be restored in an amount equal to what the manager would have accumulated under this Plan.

A manager who receives severance pay prior to January 1, 2008, and returns to State service on or after January 1, 2008 shall have his/her sick leave balance restored at 60% of the manager's first 900 hours of accumulated but unused sick leave plus 87.5% of the manager's accumulated but unused sick leave in excess of 900 hours.

A manager who receives severance pay on or after January 1, 2008, and returns to State service shall have his/her sick leave balance restored at 65% of the manager's accumulated but unused sick leave.

A manager may use the restored sick leave immediately upon return to State service.

Usage. Whenever practicable, a manager shall submit a written request for sick leave in advance of the period of absence. When advance notice is not possible, the manager shall notify his/her supervisor at the earliest opportunity. A manager shall be granted paid sick leave to the extent of his/her accumulation for the following:

- manager's illness, disability or medical, chiropractic or dental care;
- exposure to contagious disease which endangers the health of other persons;
- inability to work during the period of time that the doctor certifies that the manager is unable to work because of pregnancy or child birth.

A manager shall be granted sick leave for such reasonable periods as the manager's attendance may be necessary for the following:

- illness or disability of the manager's family members or other dependents living in the same household as the manager or the manager's minor child whether or not the child lives in the same household;
- medical, chiropractic or dental care for the manager's spouse or dependent child living in the same household as the manager or minor child whether or not the child lives in the same household;
- with advance notice, the time necessary (including reasonable travel to and from the work site) to accompany the manager's parents to medical, chiropractic and dental appointments;
- birth or adoption of the manager's child, not to exceed five days;
- to arrange for necessary nursing care for members of the family, not to exceed five days;
- to attend the funeral of a spouse, parent, grandparent, step-parent, guardian, children, grandchildren, sibling, or other close relative, stepchild, ward, or parent or grandparent of the spouse for a reasonable period of time, including necessary travel time, but not for absences to aid bereaved relatives or to attend to the estate of the deceased.

A manager using sick leave or unpaid medical leave may be required to furnish a statement from his/her medical practitioner or a medical practitioner designated by the Appointing Authority indicating the nature and expected duration of the illness or disability. The Appointing Authority may also require a similar statement from a medical practitioner if the Appointing Authority has reason to believe the manager is not able to work or has been exposed to a contagious disease which endangers the health of other persons.

6

Other Leaves of Absence

Application for Leave. A manager shall submit a request for a leave of absence in writing to the immediate supervisor as far in advance of the requested absence as is practicable. The request shall state the reason for, and the anticipated duration of, the leave of absence.

Developmental Leave. See Chapter 8, Management Development.

Family and Medical Leave Act. See Appendix J.

Paid Leaves of Absence. Paid leaves of absence shall not exceed the manager's normal work schedule and shall be granted as follows:

- **Court appearance leave** for appearances before a court or other judicial or quasi-judicial body in response to a subpoena or other direction by proper authority for purposes related to the manager's State job. The manager shall receive regular pay for such appearances or attendances, including necessary travel time, provided that any fee received, exclusive of paid expenses, is returned to the State. Any manager who must appear and testify in private litigation, not as an officer of the State but as an individual, shall be required to use vacation leave, or leave of absence without pay unless, by mutual consent with the Appointing Authority, the manager is able to work an equivalent number of hours during the fiscal year to compensate for the hours lost.
- **Jury duty leave** for time to serve on a jury provided that when not impaneled for actual service or required by the Court to be present for potential selection for service, the manager shall report to work.
- **Election Judge leave** for purposes of serving as an Election Judge in any election. The manager must request the leave at least 20 calendar days in advance.
- **Military leave** in accord with M.S. 192.261 for members of the National Guard or military or naval reserves of this State or of the United States who are ordered or authorized by the appropriate authority to engage in active service or training. This leave shall be limited to 15 working days per calendar year. The manager must inform his/her Appointing Authority within seven calendar days of receiving notification of duty.
- **Voting time leave** in accord with M.S. 204C.04 for managers eligible to vote in a state primary election, a presidential primary election, a state general election, or an election to fill a vacancy in the United States Congress provided that the leave is for a period of time long enough to vote during the morning of the election day.
- **Emergency leave** in the event of a natural or man-made emergency if determined by the Commissioner of Minnesota Management & Budget, after consultation with the Commissioner of Public Safety, that continued operation would involve a threat to the health or safety of individuals. The length of such leave shall be determined by the Commissioner of Minnesota Management & Budget.
- **Athletic leave** in accord with M.S. 15.62, as amended in 1985 to prepare for and engage in world, Olympic, or Pan American games competition.
- **Blood donation leave** to donate blood at an onsite and Appointing Authority endorsed program.

- **Transition leave**, at the Appointing Authority's discretion, for a manager on notice of permanent layoff. This leave is limited to 160 hours, ending at the date of layoff. Hours of leave may be granted at any time throughout the layoff notice period and are not subject to the Application and Return provisions of this Chapter.
- **Administrative leave**, at the Appointing Authority's discretion, for a manager who has been involved in a critical incident or where their continued presence in the workplace poses a risk to the manager or the agency. Leave is limited to 30 calendar days unless the Commissioner of Minnesota Management & Budget authorizes an extension of not more than 30 additional calendar days. It is the Appointing Authority's policy to return a manager to active service as soon as practical and prudent.
- **Investigatory leave** as provided in Chapter 11.
- **Decision-making leave** of one day, as provided in Chapter 11. The leave must be part of the discipline process and is for the purpose of making a decision about continued employment.

Unpaid Leaves of Absence - Mandatory. Unpaid leaves of absence shall be granted upon a manager's request as follows:

- **Medical leave** for a cumulative period of one year per illness or injury, unless extended by the Appointing Authority, when a manager has exhausted his/her accumulation of sick leave due to an extended illness or injury.
- **Leave to a natural or adoptive parent** for a period of six months when requested in conjunction with the birth or adoption of a child. The leave shall begin on the date requested by the manager but no later than six weeks after the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave may begin up to six weeks after the child leaves the hospital. Sick leave used with a medical practitioner's statement prior to the birth of the child will not reduce the duration of the leave of absence. Sick leave or vacation used following the birth of the child will not have the effect of extending the six-month leave of absence. Upon request, the Appointing Authority may extend the leave up to a maximum of one year.
- **Military leave in accord with 38 U.S.C.2024(d)** for the period required to perform active duty for training or inactive duty training in the armed forces of the United States shall be granted with the manager being permitted to return to the manager's position with such seniority, status, pay, vacation, and sick leave as such manager would have had if the manager had not been absent due to service under 2024(d). The manager must inform his/her Appointing Authority within seven calendar days of receiving notification of duty. See Chapters 4 and 5 regarding accrual of vacation and sick leave during an unpaid military leave. At the manager's request, he/she shall be allowed to supplement unpaid military leave with vacation leave, in accord with law. Any vacation leave used must have been accumulated prior to the start of the military leave.
- **Military leave in accord with M.S. 192.261**, subdivision 1, for entry into active military service in the armed forces of this State or of the United States for the period of military service up to five years plus any additional time, in each case, as the manager may be required to serve pursuant to law. See Chapters 4 and 5 regarding accrual of vacation and sick leave during an unpaid military leave. At the manager's request, he/she shall be allowed to supplement unpaid military leave with vacation leave, in accord with law. Any vacation leave used must have been accumulated prior to the start of the military leave.

- **Political process leave** in accord with M.S. 202A.135 and 202A.19, subdivision 2, for the purpose of attending a precinct caucus, a meeting of the State central or executive committees of a major political party if the manager is a member of the committee, or any convention of major political party delegates including meetings of official convention committees if the manager is a convention delegate or alternate, provided that the leave is requested ten days prior to the leave start date.
- **Public office leave** in accord with M.S. 43A.32, subdivision 2, for a manager in the classified service:
 - upon assuming an elected Federal or an elected State public office other than State legislative office; or
 - if elected to State legislative office, during times the Legislature is in session; or
 - upon assuming any other elected public office if, in the opinion of the Commissioner of Minnesota Management & Budget, the holding of the office conflicts with the manager's regular State employment; or
 - at the manager's request upon filing as a candidate for any elected public office or any time during the course of the manager's candidacy.

Unpaid Leaves of Absence - Discretionary. Unpaid leaves of absence may be granted upon a manager's request at the discretion of the Appointing Authority as follows:

- **Salary savings leave** provided that an Appointing Authority shall not hire a replacement for a manager on temporary leave. A manager taking salary savings leave shall continue to accrue vacation and sick leave and be eligible for paid holidays and insurance benefits as if the manager had been actually employed during the time of leave. If a leave of absence is for one (1) full pay period or longer, any holiday pay shall be included in the first payroll period warrant after return from the leave of absence.
- **Personal leave** for any reason for a period of up to one year subject to annual renewal at the Appointing Authority's discretion.
- **Unclassified service leave** in accord with M.S. 43A.07, subdivision 5, to allow a manager in the classified service to accept a position in the unclassified service.
- **Elder care leave** to care for or to arrange care for parents of the manager or the manager's spouse.
- **Voluntary Service leave** such as VISTA, Peace Corps, UNICEF, or International Red Cross for a period not to exceed four years.

Termination of Leave. A manager may terminate his/her leave of absence prior to the previously agreed upon date of expiration of the leave with the approval of the Appointing Authority. Leaves of absence or extensions of leaves which are subject to the discretionary authority of the Appointing Authority may be cancelled by an Appointing Authority upon reasonable notice to the manager. Such notice shall ordinarily be in writing except in case of emergency.

Return From Leave. A manager returning from a leave of absence of two months or more shall notify his/her Appointing Authority at least two weeks prior to the intended date of return. A manager on an approved leave of absence is required to contact the Appointing Authority if an extension is being requested. A manager shall be entitled to return from an approved leave of absence to a vacant position in the same class and agency. If a vacant position in the manager's class is not available, the Appointing Authority may offer the manager a vacant position in a different class of comparable duties and pay for which s/he is qualified. If no vacant position is available and/or offered, the layoff provisions (including displacement rights) of Chapter 10 shall apply.

Failure to Return from Leave. Failure to contact the Appointing Authority about an extension prior to the end of the approved leave or to return on expiration of the approved leave shall be deemed to be a voluntary resignation. The manager shall be severed from State service.

Application of Probation. The probationary period is an extension of the selection process. It provides an opportunity for the Appointing Authority to observe and the manager to demonstrate whether the manager can perform the duties and fulfill the responsibilities of the position.

Required Probationary Period. A manager shall be required to complete a probationary period in order to attain permanent status in a class following unlimited appointment to a classified position except upon recall from a Managerial Plan Agency layoff list within two years of the date of layoff or if the probationary period is optional as provided below.

Optional Probationary Period. With written notice prior to the appointment date, a manager may be required by the Appointing Authority to serve a probationary period in order to attain permanent status in a class or agency after receiving any of the following types of appointments: reinstatement, transfer to a new class within an agency or between agencies or jurisdictions, transfer within the same class between agencies or jurisdictions, voluntary demotion to a new class within an agency or between agencies or jurisdictions, or recall from a Managerial Plan Agency layoff list more than two years after the date of layoff.

Length of Probationary Period. Probationary periods shall normally be for a period of one year. An Appointing Authority may reduce the length of a manager's required probationary period to not less than six months, or a manager's optional probationary period to any lesser length, provided the manager has met the training requirements established in the Administrative Procedures and has demonstrated the ability to effectively perform the duties and responsibilities of the position. In such cases, the Appointing Authority shall provide written notice to the manager and the Commissioner of Minnesota Management & Budget of the determination to grant permanent status prior to completion of the one year period.

If a manager has not met the training requirements established in the Administrative Procedures, the Appointing Authority may extend the probationary period for up to one additional year. The extension of a probationary period is not subject to the dispute resolution procedure of Chapter 12. A manager whose probationary period is extended in accord with this paragraph shall be provided with written notice of the length of the extension by the Appointing Authority prior to the end of the probationary period.

An Appointing Authority may extend a manager's probationary period for up to six additional months if the extension is desirable for reasons such as unanticipated change in the program or duty assignment or substantial change in performance. In such cases, the Appointing Authority shall provide the manager with written notice of the length of the extension prior to the end of the probationary period.

Computation of Time on Probation. The probationary period begins on the day of unlimited appointment and includes all time in the agency in the class and in any subsequent appointments in the agency to comparable or higher related classes or related unclassified positions but not time on layoff or absences exceeding 10 consecutive work days. Managers who promote or transfer to a different agency prior to completion of their probationary period shall complete probation in the former class, if different, on the same date they successfully complete probation in the new agency (and class, if different). This applies only to moves within class series or to a related class. Managers who demote during or at the end of a probationary period shall have time in the higher class count toward completion of probation in the lower class, except as provided below in "Failure to Attain Permanent Status."

Attainment of Permanent Status. Unless the manager is notified by the Appointing Authority that s/he will not be certified to permanent status in the class prior to the end of a probationary period specified or extended in accord with the above provisions, the manager shall attain permanent status immediately upon completion of the last assigned work day of the probationary period.

Failure to Attain Permanent Status. A manager serving an initial probationary period may be terminated by the Appointing Authority at any time during the probationary period and shall have no further rights to State employment. A manager, who has attained permanent status in another class and/or agency and who is notified by the Appointing Authority that s/he will not be certified to permanent status in the new class and/or agency, shall be returned to a vacant position in the class and agency in which the manager served immediately prior to appointment to the new class and/or agency. Managers who promote or transfer to a different agency prior to completion of their probationary period and are notified by the new Appointing Authority that they will not be certified to permanent status, shall be returned to a vacant position in the former agency (and class, if different) and resume the probationary period at the point it was interrupted. For managers who previously had either permanent or probationary status in another class and/or agency, return to a vacancy is subject to applicable provisions of collective bargaining agreements and plans. If there is no vacancy, the layoff provisions (including displacement rights) of the collective bargaining agreement or plan applicable to the former class and/or agency shall be applied.

Position Descriptions and Performance Objectives. Every manager shall develop, with assistance from his/her supervisor, a position description and performance goals or objectives that reflect his/her duties and incorporate the expectations of the Appointing Authority. A permanent manager's position description and performance objectives shall be reviewed with the manager at least once a year and, if necessary, rewritten after the manager's annual appraisal or whenever there is a substantial change in duties, and at least every three years.

Performance Appraisal. A probationary manager shall participate in a performance counseling review at the midpoint and end of the probationary period. Performance appraisals for permanent managers shall be conducted at least once per year and are encouraged on a more frequent basis. Upon request, a manager shall receive a copy of a written appraisal and shall have the opportunity to review and comment in writing on the performance rating and to sign the appraisal as indication of having read the appraisal, participated in the appraisal process, and had the opportunity to make comment. In addition to performance goals and objectives, the performance appraisal of the manager shall consider contributions to overall management goals in the areas of employee development, health and safety, and affirmative action. Performance ratings may be appealed to the Appointing Authority as provided by Administrative Procedure 20.

Individual Development Planning. As a part of the performance review, the manager and supervisor shall identify any gaps between current levels of performance and those required for satisfactory performance in the job. The manager and supervisor may also explore developmental needs or interests to improve performance in the current position and/or attain higher levels of managerial responsibility within the agency and State service. The manager and supervisor shall complete an Individual Development Plan which identifies agreed upon needs, and establishes priorities for, and methods of, responding to those needs. The plan shall be reviewed and updated at the time of the annual performance review and shall be monitored during the appraisal period.

Required Education. Newly appointed managers in the classified service must participate in developmental activities in accord with Administrative Procedure 21 in order to attain permanent status in managerial classes.

All Other Education. All managers are expected to participate in training and development activities on an on-going basis. Within the limits of available time and resources, training and development opportunities shall be made available to the manager. As a first priority, the manager's supervisor and the Appointing Authority shall make a reasonable effort to help the manager address the developmental needs established in the Individual Development Plan by providing release time and/or payment for enrollment in State-sponsored or approved courses and enrollment in seminars and courses at educational institutions, in accord with Administrative Procedures and this Chapter.

A manager may also request to attend a specific development activity. If, in the judgment of the Appointing Authority, the requested college course or professional workshop, seminar, conference, or other development activities, i.e., task force, special assignments, mobility, etc. will better prepare a manager to perform his/her current or projected responsibilities and if staffing needs and budgetary resources permit, the Appointing Authority may provide release time and/or reimbursement in accord with Administrative Procedure 21 and Chapter 15. Managers must successfully complete the development activity to be eligible for reimbursement.

Membership in Professional Organizations. In each fiscal year, the Appointing Authority may authorize payment for a manager of full or partial costs of membership dues paid to professional organizations related to the manager's job provided that the organization offering the membership does not directly influence agency policies, exist primarily for social reasons, have as its primary purpose the advancement of individual manager interests, or restrict membership on the basis of sex, race, or religion. The manager may attend meetings and seminars of professional organizations during work hours if the amount of time required is reasonable, the Appointing Authority approves such attendance as related to the work assignment, and staffing requirements permit. The manager may hold office in professional organizations if s/he receives no stipend or direct payment other than expense reimbursement from the organization.

Subscriptions. An Appointing Authority may authorize payment for the cost of a manager's individual subscriptions to magazines or other professional publications provided that the publications meet organizational needs.

Mobility Assignments. A manager is eligible to participate in a temporary job change designed to broaden his/her work experience and expand his/her perspectives. A mobility assignment may involve moves between State agencies, between the State and other governmental jurisdictions, or between the State and private organizations. These temporary assignments give the manager an opportunity to use, develop, and expand his/her knowledge, skills, and abilities in a different work environment. Assignments are usually full-time for a specified duration. Mobility assignments may be initiated by the manager or by either employer and require the approval of all three parties. Mobility assignments between the State and other employers are governed by M.S. 15.51 to 15.59.

Developmental Leave. A manager is eligible for a developmental leave to secure additional education, training, or experience which will better prepare him/her to carry out his/her management responsibilities. A developmental leave may be granted for any period up to two years at no pay, partial pay, or full pay. Granting of a developmental leave is at the discretion of the Appointing Authority. A partially or fully paid leave must be approved in advance by the Commissioner of Minnesota Management & Budget. The manager shall be eligible to retain State-paid insurance benefits for which s/he is otherwise eligible while on developmental leave. A developmental leave may be granted if the following criteria are met:

- The manager has at least three years of State service;
- The manager has submitted to the Appointing Authority a plan for the developmental leave showing how it will serve the purpose described above;
- The organizational function and goals can be carried out during the manager's absence;
- Funds are available for this purpose; and
- The manager agrees to return to State employment following completion of a paid developmental leave for the amount of time specified by the Appointing Authority at the time the leave was approved.

9

Limited Interruptions of Work and Permanent Non-disciplinary Separations

Limited Interruptions of Work. A manager may have his/her employment interrupted, or normal work hours reduced, for a period, not in excess of two consecutive calendar weeks because of adverse weather conditions, shortage of material or equipment, or other unexpected or unusual reasons. This interruption of employment shall not be considered a layoff.

Upon request during limited interruptions of employment, managers shall be allowed to use accumulated vacation leave or compensatory time in order to provide them with up to their regularly scheduled number of hours of earnings for a pay period.

The Appointing Authority may approve requests from managers to receive an advance of hours to provide them with up to their regularly scheduled number of hours of earnings for a pay period. If approved, the advance may not exceed the manager's accumulated and unused vacation leave. Managers who elect to draw such advances may not reduce their vacation accumulation below the total hours advanced. With supervisory approval, the manager may make up the hours advanced. In the payroll period ending closest to November 1 of each year, all managers who received advances and have not made up the total hours advanced, shall have the remaining hours subtracted from their vacation accumulation.

Resignations. A manager may resign in good standing by providing the Appointing Authority with at least two weeks advance written notice.

Termination of Unclassified Appointment. A manager appointed to an unclassified position (other than a supervisory position with the State Patrol) may be terminated at any time by the Appointing Authority and shall have no further rights to State employment. However, a manager on an approved unclassified service leave of absence may return to a position in the classified service as provided in Chapter 6.

Termination of Temporary, Emergency or Provisional Appointment. A manager working in a temporary, emergency or provisional appointment may be terminated at any time by the Appointing Authority and shall have no further rights to State employment unless, in the case of a provisional appointment, s/he has the right to return to the previously held class.

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Managers in the Minnesota State Colleges and Universities

Full-time unlimited and seasonal, and part-time unlimited and seasonal managerial employees in the Minnesota State Colleges and Universities or their predecessor agencies shall be entitled to tuition waiver benefits on the same basis and in the same amount as employees covered by the MnSCU Administrator's Plan.