DEPARTMENT OF EMPLOYEE RELATIONS
ADMINISTRATIVE PROCEDURE 10B

STATUTORY REFERENCE 43A.10xx Subd. 6a

EFF. DATE 06-01-05
REV. DATE 04-19-10

COMMISSIONER'S SIGNATURE Tom J. Hanson

PLACEMENT OF EMPLOYEES WITH ACTIVE WORKERS' COMPENSATION CLAIMS

Description and Scope - This Administrative Procedure establishes a priority referral process for employees who are injured on the job and who are unable to continue in or return to their jobs due to the permanent nature of their injury or illness. The provisions apply only to unlimited classified employees eligible for transfer and demotion.

Objective - To provide procedures for the referral, consideration and appointment of employees with active workers' compensation claims who are unable to continue in their former jobs and who qualify for appointment by transfer or demotion.

Definitions - Key Terms

"Active workers' compensation claim" means that a claim has been made for workers' compensation benefits and the employee is either receiving compensation and/or rehabilitation services or the claim has not been resolved.

"Qualified Rehabilitation Consultant (QRC)" means a person who is professionally trained and experienced and who is approved by the Commissioner of Labor and Industry to develop and monitor an appropriate plan for evaluation and provision of physical and vocational rehabilitation services for an employee entitled to rehabilitation benefits under M.S. § 176.102.

Responsibilities -

A. Employee's Appointing Authority:

- Determine that the employee is unable to continue in or return to his/her job because of the permanent nature of a work-related injury or illness
- Explore possibilities for restructuring or modifying the job based on the changed capabilities of the employee.
- Review other vacancies in the employee's class within the agency to identify alternatives.
- Work with the employee, the Workers' Compensation/Disability Placement Coordinator and, if applicable, the employee's QRC to identify other employment opportunities both inside and outside the agency for which the employee's capabilities and qualifications may be appropriate.
- Refer the employee to the Workers' Compensation/Disability Placement Coordinator for qualification assessment, if appropriate.

B. Department of Administration:

- Determine employee eligibility for priority referral and consideration under this Administrative Procedure.

- Obtain applications and resumes from eligible employees and, upon receipt of necessary information, ensure that eligible employees are added to the employment database.

- When eligible employees are referred or nominate themselves to fill vacancies under the provisions of this Administrative Procedure, provide the appointing authority with the employee's resume and information on his/her limitations.

- Assist the appointing authority of a vacancy in determining whether the position is a suitable placement for the employee and, where the vacancy is in a different class, whether movement is a transfer or demotion and the employee is qualified.

- Determine eligibility for continued referral and consideration under this Administrative Procedure and extend and terminate eligibility consistent with Provision B below.

- If applicable, authorize an eligible employee to qualify for transfer or demotion to a different class through the on-the-job demonstration process of M.S. § 43A.15, subdivision 14.

C. Minnesota Management & Budget

- Add resumes from eligible employees to the employment database as requested.

- Refer eligible employees to appointing authority vacancies consistent with Provisions A and B below.

- Ensure that statewide selection system policies and procedures are consistent with the provisions of this Administrative Procedure.

D. All Appointing Authorities:

- Consider available and qualified employees eligible under this Administrative Procedure consistent with Provision A below.

- Make a written job offer to an employee selected through this process.

- Determine whether a probationary period will be required and provide prior written notice to the employee, in accordance with the collective bargaining agreement or plan applicable to the vacancy.

- Inform the employee and his/her appointing authority of the type of appointment, salary treatment and right to return to the former agency.

- Notify the State Workers' Compensation/Disability Placement Coordinator when interviews and job offers are accepted and refused and when any of the conditions of Provision B apply to employees considered for a vacancy under this Administrative Procedure.

Provisions –

A. Consideration of Employees Eligible under this Administrative Procedure.

After bidding, claiming and recall from layoff provisions of the collective bargaining agreement or plan applicable to the vacancy have been met, the appointing authority shall consider employees eligible under this Administrative Procedure as follows:

- If consideration for the vacancy is limited to current employees of the agency, the appointing authority will also consider referrals and self-nominations of employees who are eligible under this Administrative Procedure, who indicate that they meet the minimum qualifications and are available for the employment condition and location of the vacancy, and for whom movement to the vacancy would be a transfer or demotion.

- In any other situation, the appointing authority will consider only referrals and self-nominations who are eligible under this Administrative Procedure, who indicate that they meet the minimum qualifications and are available for the employment condition and location of the vacancy, and for whom movement to the vacancy would be a transfer or demotion. The appointing authority will first consider those who are employees of the agency.

B. Duration of Eligibility

The names of employees eligible under this Administrative Procedure may be referred for a period of one year from the date the employee is added to the employment database. Employees who continue to have active workers' compensation claims will be extended for additional one year periods, to a maximum of three years, unless removed from consideration for one of the reasons described below.

An employee's name will no longer be referred or considered under the provisions of this Administrative Procedure if the employee:

- No longer has an active workers' compensation claim.

- Separates from state service;

- Is appointed to an unlimited classified position;

- Declines appointment under conditions the employee previously indicated would be acceptable; or

- Fails to report for a scheduled employment interview or for work within the time period prescribed by an appointing authority.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

A. Administrative Procedure 15.6 - Transfers/Demotions/Promotions.

B. Administrative Procedure 14 - Appointments.

C. Collective bargaining agreement and plans established pursuant to M.S. § 43A.18.

D. MMB Operating Policy/Procedure HR042 - Payment of Salary for Employees with Active Workers' Compensation Claims Appointed According to Administrative Procedure.

E. Multi-source Recruitment and Selection Guidebook.