

## **Updates to the 2019 – 2021 Medical Specialists’ Addendum to the Commissioner’s Plan**

### **In General**

- Replaces gender-specific pronouns with inclusive language throughout.
- Terminology change, from “Agreement” to “Plan” throughout.

### **Chapter 1 – Coverage**

- Clarifies that unless otherwise specified, the Plan is effective the date of approval by the LCC or ratification by the legislature, whichever comes first.

### **Chapter 2 – Hours of Work**

- No Changes

### **Chapter 3 – Holidays**

No Changes

### **Chapter 4 – Vacation Leave**

- Clarification that Appointing authority has discretion to match up to the maximum allowed for vacation accrual earned by most recent employer.
- Non-substantive change to move language emphasizing that vacation leave cannot be used in combination with unpaid leave upon separation to extend insurance coverage.

### **Chapter 5 – Sick Leave**

Modifications to mirror statutory provisions on required and permitted Sick Leave usage

### **Chapter 6 – Other Leaves of Absence**

- Adds preliminary definition of “permanent status” medical specialist to distinguish from employees in a probationary, unclassified, temporary, emergency, or provisional appointment.
- Clarifies that determining eligibility for FMLA leave (for purposes of Paid Parental Leave) will count all time with any agency or entity in the State of Minnesota
- Adds Tribal Voting to paid voting time leave section
- Clarifies Commissioner’s discretion to excuse medical specialists with pay during an emergency
- Clarifies Athletic Leave is at the Appointing Authority’s discretion
- Restricts blood donation leave, as per M.S. 43A.187 to locations away from the workplace; for no more than 3 hours in a 12-month period; and with a 14-day notice requirement
- Clarifies decision making leave is at the Appointing Authority’s discretion
- Limits unpaid medical leave to medical specialists with permanent status; clarifies Appointing Authority discretion; adds requirement that medical specialist must return for 6 months before being eligible for an additional 1 year of medical leave
- Limits 6-month unpaid parenting leave to employees with permanent status; clarifies that an employee must return for 6 months before becoming entitled to additional leave for a subsequent qualifying event
- Removed political office leave as a mandatory leave type, as not required by statute

- Provides examples of discretionary personal leave that may be available to non-permanent status medical specialists
- Adds section to reference other Statutory leaves not specifically referenced in the Plan.

## **Chapter 7 – Probationary Period**

- Confirms extending probation is not subject to the dispute resolution procedure of Chapter 12 or 22
- Eliminates requirement to provide notice of probationary period extension prior to when the extension begins
- In Attainment of Permanent Status, changes from passive (will be certified unless otherwise notified) to active requirement. New language:

A medical specialist shall attain permanent status if the Appointing Authority certifies in writing that the medical specialist has successfully completed the probationary period.

- Clarifies that failure to attain permanent status includes evaluation of both initial and probationary period; adds requirement to notify medical specialist of non-certification in writing; confirms non-certification is not subject to the dispute resolution procedure.
- Limits return rights for non-certified medical specialist with return rights to a prior classified position in cases where non-certification was for misconduct or delinquency
- For medical specialist who are non-certified in a new position, and who have not yet completed probation in a prior position, the prior agency has discretion to permit the medical specialist to return so long as the non-certification was for reasons other than misconduct or delinquency. In situations where a medical specialist returns to complete probation in a prior position, the probationary period resumes at the point it was interrupted if it is the same position the manager left; if returned to different, vacant position, the probationary period begins anew.

## **Chapter 8 – Professional Development**

- Changed “Mobility” to “Interchange” to comply with statutory language and forthcoming Administrative Procedures (non-substantive change)

## **Chapter 9 – Limited Interruptions for Work and Permanent Non-disciplinary Separations**

- Clarified that termination of an unclassified, temporary, emergency, or provisional appointment is at the discretion of the Appointing Authority and does not constitute a demotion or discharge

## **Chapter 10 – Seniority, Layoff, Termination of Unclassified Appointment, and Reemployment**

- Eliminates agency discretion to offer layoff rights for medical specialist in a probationary status except in an emergency; limits voluntary requests to reduce work hours in lieu of layoff to permanent managers
- Clarification that when emergency layoff has ended, clarification that permanent managers are recalled to old position; probationary / unclassified managers placed on emergency layoff may or may not be recalled and Appointing Authority may terminate appointment
- Limits return rights to permanent, classified medical specialist

## **Chapter 11 – Disciplinary Action**

- Adds preliminary definition of “permanent status” medical specialist to distinguish from employees in a probationary or unclassified appointment.
- Clarification that non-certification and termination of non-permanent status appointments is not discipline
- Eliminates decision-making leave as a form of discipline; adds vacation deduction
- Provides that medical specialists may have a co-worker present during some investigatory interviews
- Provides more definition around must be included in notice for suspension and other disciplinary actions
- Clarifies how FLSA impacts what may be imposed in an unpaid suspension for exempt employees
- Replaces “right” with “option,” as appropriate
- Clarifies that employees cannot simultaneously appeal discipline / discharge through both the Plan and the statutory process set forth in 43A.33
- Moves decision-making leave into its own section, separate from a disciplinary category

## **Chapter 12 – Resolution of Disputes**

- Adds preliminary definition of “permanent status” medical specialist to distinguish from employees in a probationary or unclassified appointment.
- Clarification that non-certification and termination of non-permanent status appointments is not discipline
- Clarifies which dispute resolution steps are available for which types of discipline

## **Chapter 13 – Insurance**

- Insertion of provision providing that after July 1, 2021, the Commissioner’s plan automatically adopts insurance benefits as collectively bargained by the State and AFSCME or MAPE provided at least one of the contracts has been approved:

... After July 1, 2021, the provisions of this Chapter are superseded and replaced by insurance benefits as collectively bargained between the State and participating labor unions and approved for at least one collective bargaining agreement, by either the Subcommittee on Employee Relations (SER) or the full legislature.

- Updates to cost of benefits table
- Introduction of \$70 first dollar credit to individual deductible conditional upon qualifying activities in State of Wellbeing program beginning in 2021.
- Limits \$250 contribution to Post Retirement Health Care benefit to managers who separate from state service for reasons other than termination or discharge.
- Clarification that an individual may only be covered under one life coverage policy
- Adds negotiated provision on vision coverage

## **Chapter 14 – Salary Administration**

- 2.25% general adjustment increase on July 1, 2019; 2.5% general adjustment increase on July 1, 2020.
- Removes provision that those above the range receive general adjustment increase in 2020
- Distinguishes how to handle delayed increases for budget reasons vs performance reasons
- Adds Equity Adjustment language:

Upon request of the Appointing Authority, MMB may make equity adjustments and advance incumbents within a range, and/or provide a one-time lump sum of no more than \$2,500 to a manager at the top of their salary range, to maintain internal equity.

- Only those with documented “satisfactory” or better performance are eligible for an equity adjustment.
- Any request for an adjustment under this section must include an explanation of the inequity, and documentation to support an equity adjustment for an incumbent.
- This provision is not subject to the dispute resolution process.
- Change in process for determining rates of pay upon promotion to transfer; directs agencies to make salary determinations based upon qualifications, years of experience, the existing labor market, and internal equity within the Agency
- Clarify process of determining rates of pay upon voluntary demotion or demotion for cause
- Identifies circumstances when MMB must make determination of whether to maintain a salary above the salary range maximum
- In Salary upon Range Reassignment, reference salary on promotion / transfer language
- Distinguishes how pay is treated if a medical specialist returns to prior class upon non-certification into new class: if they had attained permanent status, salary is as it would have been if they had remained in the class, but if they had not yet been certified, salary is at rate of pay prior to moving to new position

## **Chapter 15 – Expense Reimbursement**

- Eliminates lunch reimbursement unless the manger is away from home overnight
- Reference to IRS high cost localities for higher reimbursement rates rather than list of identified cities / localities
- Eliminates reimbursement for personal phone calls and baggage handling fees

## **Chapter 16 – Relocation Expenses**

No changes.

## **Chapter 17 – Housing**

No changes.

## **Chapter 18 – Manager Safety**

- Clarify joint responsibility of MMB and Admin to maintain effective health and safety programs.

- Eliminates provision that allows pregnant women to refuse to use a computer.

#### **Chapter 19 – Workers’ Compensation; Injured on Duty Pay**

- No changes

#### **Chapter 20 – Americans with Disabilities Act**

- Changes obligation to provide reasonable accommodation from Employer to Appointing Authority; clarifies that accommodations cannot impose an undue hardship.
- Clarifies duty for reasonable accommodation does not require modification to essential duties

#### **Chapter 21 – DHS Credentialing, Medical Staff Membership, and Clinical Privileges**

No changes.

#### **Chapter 22 – DHS: Resolution of Disputes – Medical Practices**

- Reiteration of definitional changes and clarifications made to Chapter 12 of this Plan
- Amended section of privileges to reference applicable medical staff bylaws

#### **Grids and Appendixes**

- In Definitions section, adds section for “non-certification” and “probationary appointment”; amended definition of “Permanent Status”
- Changed Phased Retirement from Pilot to permanent program with no sunset date
- Clarifies language for C-700