

Updates to the 2019 – 2021 Managerial 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 – Work Schedule

- Specifies that when MMB authorizes emergency overtime, MMB determines whether and for what period of time overtime will be paid.

Chapter 3 – Holidays

- Adds the following provision for discretionary payment when a manager is directed to work on a regularly scheduled holiday:

Managers may be directed to work on a regularly scheduled holiday. Appointing authorities may, at their discretion and in addition to any Holiday Pay to which a manager is entitled, pay a manager for work performed on a holiday. If the Appointing Authority chooses to pay additional amounts for work performed on a holiday, that pay may be in either cash or vacation leave (not to exceed 8 hours). The manager must be eligible to accrue and use vacation leave under this Plan to receive payment as accrued vacation leave.

Chapter 4 – Vacation Leave

- Non-substantive change to move and specifically highlight provision about limitations on use of Vacation Leave upon Separation.

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” manager to distinguish from managers in a probationary appointment or managers in an unclassified 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 employees 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

- Limits unpaid medical leave to managers with permanent status; clarifies Appointing Authority discretion; adds requirement that manager must return for 6 months before being eligible for an additional 1 year of medical leave
- Limits 6-month unpaid parenting leave to managers with permanent status; adds requirement that manager must return for 6 months before being eligible for an additional 1 year of unpaid parenting leave
- 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 employees
- Adds section to reference other Statutory leaves not specifically referenced in the Plan.

Chapter 7 – Probationary Period

- Eliminated language that written notice of an extension of probation is required prior to the end of the probationary period
- Confirms extending probation is not subject to the dispute resolution procedure of Chapter 12
- In Attainment of Permanent Status, changes from passive (will be certified unless otherwise notified) to active requirement. New language:

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

- Clarifies that probationary appointments may be terminated at any time; adds requirement to notify manager of non-certification in writing; confirms non-certification is not subject to the dispute resolution procedure.
- Limits return rights for non-certified managers with return rights to a prior classified position in cases where non-certification was for misconduct or delinquency
- For managers 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 manager to return so long as the non-certification was for reasons other than misconduct or delinquency. In situations where a manager 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 – Management 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

- Added statutory language re: executive officers at Minnesota Correctional Facilities
- Clarified that termination of an unclassified, temporary, emergency, or provisional appointment 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 managers in a probationary status except in an emergency; limits voluntary requests to reduce work hours in lieu of layoff to permanent managers
- Emphasizes that termination of an unclassified appointment does not constitute a demotion or discharge for other provisions in the Plan.
- 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 managers

Chapter 11 – Disciplinary Action

- Adds preliminary definition of “permanent status” manager to distinguish from managers in a probationary appointment or managers in an unclassified appointment.
- Clarification that non-certification and termination of non-permanent status appointments is not discipline
- Removes reference to decision making leave as a type of discipline
- Adds vacation deduction as a discipline category (for managers with permanent status)
- Clarifies that managers without permanent status may be terminated at any time and that no provisions related to demotion or discharge apply
- Adds provision that managers do not have a right to representation during an investigation or in any discipline meeting
- Adds obligation in a written reprimand to notify managers of their option to appeal through Step 2 of the Dispute Resolution Procedure
- Clarifies how FLSA impacts what may be imposed in an unpaid suspension
- Provides more definition around must be included in notices for suspension and other disciplinary actions
- Replaces “right” with “option,” as appropriate
- (Non-substantive) move of Decision-making leave paragraph as its own section, not as a form of discipline

Chapter 12 – Resolution of Disputes

- Adds preliminary definition of “permanent status” manager to distinguish from managers in a probationary appointment or managers in an unclassified appointment.
- Clarifies termination of unclassified, temporary, emergency, or provisional appointments not subject to dispute resolution procedure
- Eliminated section for disciplinary appeals other than discharge
- Clarification of what procedures are available to managers without permanent status
- Clarifies a manager may pursue either an appeal of discipline or discharge in the Plan, or an appeal pursuant to M.S. 43A.33 subd. 3, but not both

Chapter 13 – Insurance

- Insertion of provision providing that after July 1, 2021, the Managerial 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
- Describes how to handle delayed increases for budget reasons vs performance reasons
- Increases achievement award language to match negotiated supervisor amount
- 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 manager returns to prior class upon non-certification into new class.
 - In Work out of Class pay, follow language on promotion / demotion, transfer as set forth above

- Addition of discretionary Student Loan Reimbursement

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 outdated provision that allowed pregnant women to refuse to use a computer.

Chapter 19 – Workers’ Compensation; Injured on Duty Pay

- Increased IOD pay to 300 (from 240)
- Clarifies insurance coverage continues if manager is on workers’ comp related medical leave

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 – Early Retirement Incentives

No changes.

Grids and Appendixes

- In Definitions section, adds section for “non-certification” and “probationary appointment; adds additional detail to definition of “permanent status.”
- Eliminate “monthly” column for wages, to improve accessibility for screen readers
- Adds grids to main / ITS grids to leave room for possible future range reassignments
- Changed Phased Retirement from Pilot to permanent program with no sunset date
- Clarifies language for C-700