

OVERVIEW

Description

This administrative procedure only applies to Collective Bargaining Agreements that are effective prior to January 1, 2024. This administrative procedure will sunset upon ratification of successor contracts.

This procedure applies to transfers, demotions, and promotions within the classified service. The compensation provisions also apply to movements between the unclassified and classified services or within the unclassified service. All transfers, demotions, and promotions within the classified service will be processed as such regardless of how the transactions are initiated.

Objective

To enhance employee mobility, ensure equitable treatment of employees within and between departments and to provide appointing authorities with guidelines for appropriate and consistent salary administration.

Scope

This administrative procedure applies to all employees of agencies in the executive branch, as defined in Minnesota Statutes, section 43A.02, subdivisions 2 and 22, and employees of the Minnesota State Retirement System, the Public Employees Retirement Association, and the Teachers Retirement Association.

Definitions and Key Terms

Key Term	Definition
<i>Promotion</i>	Generally, movement of an employee to a class assigned to a salary range which is <u>two or more steps</u> higher at the maximum.
<i>Transfer</i>	Lateral movement of an employee between positions
<i>Demotion</i>	Generally, movement of an employee to a class assigned to a salary range which is <u>two or more</u> steps lower at the maximum.

RESPONSIBILITIES

I. Appointing Authorities

- Make selection decisions based upon merit, ability to perform the duties of the position, the needs of the agency and provisions of laws, rules, administrative procedures and collective bargaining agreements or compensation plans.
- Apply the compensation provisions of this policy to determine if a transaction is a transfer, demotion, or promotion.
- Check collective bargaining agreements or compensation plans for provisions regarding transfer/demotion/promotion, and the appropriate salary treatment.
- Arrange qualification assessment and obtain advance approval of proposed transfers/demotions from Minnesota Management and Budget - Human Resource Management.
- Inform employee and prior appointing authority of type of appointment, salary treatment, duration of probation, and the employee's rights to return to the former class/position.

II. Minnesota Management and Budget

- Determine the type of transaction and the appropriate salary treatment.
- Determine if an employee meets the qualifications for the new class.
- Review and make determinations on requests for exceptions to the general requirements (see Provisions I.B) and communicate these decisions to appointing authorities.

PROVISIONS

I. Compensation

A. General Requirements

- "Transfer" is the lateral movement of an employee between positions:
 - In the same class in different agencies or organizational units; OR
 - In different classes which are assigned to the same salary range; OR
 - In different classes assigned to salary ranges which differ by less than two steps at the minimum and maximum; OR
 - In different classes assigned to salary ranges which differ by less than two steps at the maximum but differ by more than two steps at the minimum if less than a two-step increase is required to pay the employee at the minimum of the new range.
- "Promotion" is the movement of an employee to a class assigned to a salary range which is two or more steps higher at the maximum or which requires an increase of two or more steps to pay the employee at the minimum of the new range.
- "Demotion" is the movement of an employee to a class assigned to a salary range which is two or more steps lower at the maximum.

When movement is between salary grids, step differences are calculated using the grid with the smallest percent difference between steps.

B. Exceptions to General Requirements

Within the same bargaining unit, advancement in a class series where the class title is the same with the exception of a higher level indicator is considered a promotion, and the reverse is considered a demotion regardless of the compensation code.

Movement of an employee from a non-supervisory, non-management position to a supervisory or management position is a promotion when the range maximum assigned to the supervisory or management position is equal to or higher than the range maximum of the non-supervisory position. Conversely, movement of an employee from a supervisory or management position into a non-supervisory or non-management position is a demotion when the non-supervisory, non-management position is assigned to a range with lower maximum.

The Commissioner may approve exceptions to the general requirements based upon the classes' relative job content and complexity and the effect on the State's classification and compensation plan. Exceptions may include:

- Determining the transaction to be a promotion when the move is to a class requiring significantly greater skill, effort, and responsibility.
- Determining the transaction to be a transfer when the move is between classes in different class series and a reasonable career interchange exists.

C. Salary Treatment

Unless provided otherwise in collective bargaining agreement or compensation plan:

- Upon transfer, salary is unchanged unless an increase is required to pay the employee at the minimum of the new range. In addition, employees who have been at the top of their salary range for long enough to have missed the opportunity for a progression or anniversary increase are eligible for a single delayed step or progression increase upon transfer if they are transferring into a position assigned to higher salary range that is less than two steps greater at the maximum.
- Upon transfer/demotion/promotion eligibility for salary adjustments shall be as provided in the collective bargaining agreement or compensation plan covering the position to which the employee is transferring/demoting/promoting.
- When an employee moves to a position covered by a step progression/anniversary increase system and the move is between salary grids, the employee remains off-step until the next progression/anniversary increase, unless otherwise provided in the applicable contract/plan. The employee then receives one full step plus the amount necessary to place the employee on-step, not to exceed the maximum of the range.

II. Qualification Requirements for Transfer/Demotion/Promotion

An employee must meet the qualifications required for the new class through evidence of prior testing and/or qualifications assessment on an advisory basis.

In the following situations, employees are assumed qualified and the appointing authority may process transfers, demotions, or promotions without Minnesota Management and Budget advance individual approval, once the appointing authority verifies possession of any mandatory qualifications for the new class:

- Same class transfer
- Referral from an eligible list or as part of an applicant pool (Agencies are cautioned to verify that salary comparisons still meet transfer/demotion definitions.)

- Return to any class in which employee had permanent or probationary status, if the employee separated in good standing
- Transfer/demotion to a Routine Service class
- Transfer/demotion as a result of a reallocation
- Demotion to a lower class within the same class series

RELEVANT AUTHORITIES

The following authorities should be reviewed for a complete understanding of the subject:

[M.S. 43A.02, Subd. 6](#) Appointment

[M.S. 43A.15, Subd. 6](#) Appointments through transfer or demotion

[M.S. 43A.16](#) Probationary periods

[M.S. 43A.17, Subds. 5 and 6](#) Salary on demotion; special cases and Salary on transfer

[Personnel Rule 3900.7500](#) Appointments

[Administrative Procedure 14](#) Appointments

Collective Bargaining Agreements and Compensation Plans established pursuant to [M.S. 43A.18](#)