

Administrative Procedure 8.1B

Effective Date: 06/24/2024

Statutory Reference: M.S. 43A.08, subd. 1

Designation of Academic Professional Unclassified Positions

OVERVIEW

Description

The Commissioner of Minnesota Management and Budget (MMB), or the Commissioner’s delegate, may authorize to Minnesota State the designation of a position in the academic unclassified service for employees who are professionals in academic and academic support programs.

Objective

To assist Minnesota State Colleges and Universities system to properly designate positions as academic professional unclassified and to provide a procedure to resolve disputes about the designation of positions in the academic professional unclassified service.

Scope

This administrative procedure applies to the Minnesota State Colleges and Universities system, and employees employed in academic professional unclassified appointments.

Definitions and Key Terms

Key Term	Definition
<i>Academic Program</i>	Set of related courses that comprise a field of study. A Program of any length and type which could result in a certification in a skilled trade up to a new PhD degree in an academic area.
<i>Academic Support Program</i>	Programs that provide administration or service to students, the institution, and the community such as but not necessarily limited to financial aid, admissions, registration, residential life, career services, alumni services, athletics, institutional research, advancement.

Exclusions

N/A

Legal References

Minn. Stat. §. 43A.08, subd. 1, Unclassified positions

Minn. Stat. §. 43A.15, subd. 7, Appointments for unclassified incumbents of newly classified positions

GENERAL STANDARDS AND EXPECTATIONS

I. Designation of a Position as Academic Professional Unclassified

MMB, or the delegated entity, determines the designation of a position as academic professional unclassified through a job audit performed at the time the position is created.

For a position to be designated as academic professional unclassified, the job audit must show that **all** of the following criteria are met:

- Positions are professionals in academic and academic support programs at two-year higher education institutions or the system's centralized office;
- Positions within the academic professional series are involved in performing academic research, academic program administration, academic program outreach or academic public service responsibilities such as institutional relations, alumni and foundation activities, and;
- Position duties are not appropriate for placement into a classification outside of the academic professional series.

Upon request to the appointing authority, an employee appointed to an academic unclassified position must be provided a written explanation for the academic unclassified designation within 15 business days.

II. Procedure for Review of Academic Professional Unclassified Designation

If an employee in an academic professional unclassified position believes their position has been improperly designated as academic unclassified, they may request a review of the designation as provided below. This review procedure is available only to academic professional unclassified employees who were hired for their academic professional unclassified position through an open competitive selection process in accordance with HR/LR Policy #1434, Recruitment & Selection.

The review procedure is as follows:

- 1) The employee submits a request in writing to the Campus HR Department to review the academic unclassified designation of their position. The request must state the basis for the employee's assertion that their position is not appropriately designated as academic unclassified and must include any supporting documentation the employee wishes the employing campus to consider. The Campus HR Department will immediately submit the request to the Minnesota State System Office for review.

- a) The Minnesota State System Office must provide a written determination to the requesting employee within 45 business days of its receipt of the employee's request.
 - i) If the Minnesota State System Office determines the position is properly designated as academic unclassified, the written determination must include an explanation for the decision upholding the designation. The Minnesota State System Office determination does not require a job audit.
 - ii) If the Minnesota State System Office determines the position is not properly designated as academic unclassified, the Minnesota State System Office shall convert the academic unclassified position to the classified service. If there is an incumbent in the position at the time of conversion, the Minnesota State System Office may authorize the probationary appointment of the incumbent if the incumbent satisfies all criteria for conversion as set forth in Section III below. The Minnesota State System Office must perform a job audit to convert the position. The job audit must include the criteria listed in Section III below.
 - b) The Minnesota State System Office failure to provide a written determination to the employee within 45 business days will be considered a decision by the Minnesota State System Office to uphold the academic unclassified designation of the position.
- 2) If Minnesota State System Office decides to uphold the academic unclassified designation (including by failing to provide a written determination to the employee within 45 business days), the employee may request review of the designation by MMB. Such a request to MMB must be made within 30 business days of the Minnesota State System Office decision to uphold the academic unclassified designation. If the employee does not request MMB review, the Minnesota State System Office decision is final and is not grievable.

The employee's request for MMB review must be in writing, addressed to the MMB Deputy Commissioner of Enterprise Employee Resources, with a copy to the employing campus and Minnesota State System Office, must state the basis for the employee's assertion that the position is not appropriately designated as academic unclassified, and must include any supporting documentation the employee wants MMB to consider.

- a) Within 15 business days of its receipt of the employee's request to MMB, the employing campus must provide MMB the following information, with a copy provided to the employee: a written justification for the academic unclassified designation; the employee's position description; the organization chart; any other information MMB requests; and any supporting documentation the employing campus wants MMB to consider.
- b) Within 45 business days of its receipt of all of the submissions, MMB will provide a written determination to the employee, Minnesota State System Office, and the employing campus. MMB's decision is final and is not grievable.
 - i) If MMB determines the position was properly designated as academic unclassified, the written determination will include an explanation for the decision upholding the designation. This determination does not require a job audit.
 - ii) If MMB determines the position is not properly designated as academic unclassified, and if the Minnesota State System Office determines to convert the academic unclassified position to the classified service, MMB or the Minnesota State System Office must perform a job audit to convert the position. The job audit must include the criteria listed in Section III below.

III. Conversion of an Academic Professional Unclassified Position to Classified Service; Appointments

MMB, or Minnesota State System Office, shall convert a position from academic unclassified to the classified service if the position was not properly designated as academic unclassified when the position was created, or because a job audit shows that a change in circumstances justifies conversion.

When an academic unclassified position is converted to a classified position, MMB, or Minnesota State System Office, may authorize the probationary appointment of the incumbent employee to the newly classified position under Minnesota Statutes section 43A.15, subd. 7, if the incumbent has met all of the following criteria:

- 1) The incumbent meets all of the minimum qualifications of the newly classified position.
- 2) The incumbent was hired for the academic unclassified position through an open competitive selection process in accordance with HR/LR Policy #1434, Recruitment & Selection and Administrative Procedure 10 Limited Consideration of State Employees.

If the incumbent employee is appointed to the newly classified position, the incumbent's classification seniority in the classified position starts as of the effective date of the incumbent's probationary appointment to the classified position.