

DEPARTMENT OF EMPLOYEE RELATIONS
ADMINISTRATIVE PROCEDURE 4

STATUTORY
REFERENCE 43A.04

Subd. 4

COMMISSIONER'S SIGNATURE

Cal R. Lulama

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ESTABLISHMENT OF ADMINISTRATIVE PROCEDURES

Description and Scope - The Commissioner of Employee Relations is required to develop Administrative Procedures designed to make operational specific provisions of the Minnesota Personnel Act. The procedures define and/or describe employee relations program activities and elements. In addition, they delineate responsibilities of state agencies, appointing authorities, the Commissioner and staff of the Department of Employee Relations (DOER) and state employees, and establish procedures for effectively implementing these programs and activities. Administrative Procedures do not include provisions and/or procedures that directly affect the rights or processes available to the general public. These procedures do not modify, waive or abridge any rights or processes which are provided in collective bargaining agreements.

The following Administrative Procedures apply to all Executive Branch employees of the civil service unless specifically stated otherwise in the Administrative Procedure. The DOER may delegate authority to agencies in accord with the provisions of Administrative Procedure 36.

Objectives - To establish a set of procedures consistent with statutory requirements which clearly define provisions of the Minnesota Personnel Act as they relate to current state employees and to state agencies

Definitions - Key Terms - Unless specifically defined, the definitions in Administrative Procedures are those contained in M.S. Ch. 43A and Personnel Rules.

"Collective Bargaining Agreements" means agreements between the State and exclusive representatives of state employees as directed under M.S. Ch. 179A.

"Minnesota Personnel Act" means Minnesota Statutes, Chapter 43A, which establishes the state personnel system.

"Personnel Rules" means rules promulgated pursuant to M.S. Ch. 14 to implement the provisions of M.S. Ch. 43A which directly affect the rights of or processes available to the general public. Personnel Rules are designated 3900.0100 thru 3900.9500.

Provisions -

- A. Administrative Procedures are numbered to correspond to the section (and where appropriate, the section subdivision) of the Minnesota Personnel Act upon which they are based. When more than one Administrative Procedure pertains to a single statutory section or section subdivision, they are differentiated by letters assigned in alphabetical order.

B. Posting

1. The Commissioner shall post new and revised Administrative Procedures for general review and comment for 15 days prior to implementation
2. DOER shall post new and revised Administrative Procedures on its agency web site and furnish copies to agency human resource offices for posting, to exclusive representatives of collective bargaining units and, upon request, to state employees
3. The Commissioner shall consider any comments received from persons, agencies or organizations during the posting period and may amend proposed Administrative Procedures accordingly.
4. The Commissioner may implement, without posting, style or form revisions which do not materially change an Administrative Procedure's substance or effect. These include changes to:
 - a. correct spelling, grammar or typography.
 - b. correct references to statute, rules or procedures.
 - c. correct or implement processing instructions.
5. Proposed changes that materially change the substance or effect of an Administrative Procedure will be posted for comment in the same manner as described above.

C. Appeals

1. Specific appeal procedures may be contained in M.S. Ch. 43A, Personnel Rules, collective bargaining agreements or plans established pursuant to M.S. § 43A.18.
2. In the absence of specific appeal processes, agencies or employees may request review and investigation by the Commissioner under the provisions of M.S. § 43A.04, Subd. 1(c).