

LIMITED CONSIDERATION OF STATE EMPLOYEES

Description and Scope - The Commissioner of DOER may limit consideration for a vacancy to current state employees to comply with requirements for recall from layoff or to encourage employee development, mobility and promotion. As provided in M.S. § 43A.10, subdivision 6a, consideration may be limited to employees on an appropriate layoff list, employees of the state civil service or of one or more agencies or organizational units, or employees available for transfer and demotion. Consideration may also be limited to applicants available for reinstatement.

The requirements for limited consideration apply to both applicants from the employment database and those who self-nominate to the vacancy. No applicant who fails to meet the requirements for limited consideration will be included in the applicant pool for the vacancy.

Objective - To provide direction and assistance to agencies in filling vacancies where consideration is limited to certain state employees.

Definitions - Key Terms -

"Organizational unit" means a subdivision of an agency for hiring purposes. Organizational units may be established on the basis of geographic area, function, class of employment, funding or collective bargaining agreements.

Responsibilities -

A. Appointing Authorities:

- Provide information to DOER to assist in determining the extent of competition and any limits on consideration for each unlimited classified vacancy.
- Determine need for organizational units for hiring purposes and propose the basis for establishing these units.
- Limit consideration to employees on a layoff list for the job class of the vacancy as required to comply with the collective bargaining agreement or plan applicable to the vacancy.
- Where consideration is limited to employees available for transfer and demotion to the job class of the vacancy, consider only those applicants who satisfy the requirements of M.S. § 43A.15, subdivision 6, and Administrative Procedure 15.6.
- Where a vacancy announcement is limited to current employees of the state or of one or more agencies or organizational units, verify eligibility and consider only applicants who satisfy the requirements of Provision C below.

- Prepare promotional ratings when required as part of the selection process.
- Administer promotional ratings so that candidates are not rated by a supervisor who is also a applicant for the vacancy.
- Furnish the employee a signed copy of the final promotional rating and note, on the form, the date the signed copy was provided, before submitting it to the appointing authority conducting the selection process.
- Accept applications, admit applicants to the selection process and administer the selection process in the same manner as is done for vacancies open to the general public.
- Assess qualifications and notify applicants of selection process results in the same manner as is done for vacancies open to the general public.

B. Department of Employee Relations:

- Review and approve or disapprove agency requests for limited consideration of applicants as provided in M.S. § 43A. 10, subdivision 6a; Personnel Rule 3900.3100 and this Administrative Procedure.
- Approve or disapprove organizational units after considering proposals from appointing authorities.
- Provide notice of vacancies limited to state employees. Announcements shall include the title of the class/class option, typical job duties, minimum qualifications, location to which applications must be sent, location of the vacancy, employment conditions, travel status and job grouping, and any limitations to employee eligibility by agency or organizational unit.

Provisions -

A. Determination of Extent of Competition:

The Commissioner of DOER may restrict consideration for a vacancy to employees of one or more agencies or organizational units, or may extend consideration to all eligible employees of the civil service, Minnesota State Retirement System, Public Employees Retirement Association and Teachers Retirement Association. In determining whether a vacancy announcement will limit consideration to all eligible state employees or only eligible employees of one or more agencies or organizational units, the Commissioner will consider

1. Requests from appointing authorities which address agency needs and/or organizational considerations.
2. Collective bargaining agreement provisions, information on the availability of qualified employee applicants and any related factors which may limit the opportunity of employees outside an agency or organizational unit to receive realistic consideration for appointment.

3. Opportunities to meet affirmative action goals by limiting or expanding competition.
4. Possibilities of staff reduction and/or layoff which necessitate limiting or expanding competition.
5. Opportunities to optimize career mobility for state employees, considering the State of Minnesota as a single employer.
6. Opportunities for broad competition for professional and managerial positions.

B. Establishment of Organizational Units:

1. The appointing authority proposes subdivision of the agency for hiring purposes by submitting a written plan to DOER. The proposal must state the organizational units requested and the reasons for their establishment.
2. DOER considers the proposal and notifies the appointing authority of the determination.
3. DOER may cancel established organizational units upon notice to the appointing authority at any time such action is determined to be in the best interest of the state service.
4. The appointing authority posts a copy of the notice or otherwise informs affected employees of the establishment or cancellation of any organizational units.

C. Eligibility for Vacancy Announcements Open to Current Employees:

To be eligible for consideration for a vacancy announcement limited to state employees under M.S. § 43A.10, subdivision 6a (2), a person must hold or be on leave or layoff from a position (other than an internship or emergency appointment) in the civil service of the state and, if applicable, the agency or organizational unit to which consideration is limited. Eligibility ceases when a person is no longer employed in or on leave or layoff from the civil service (or the agency or organizational unit if consideration is limited to that agency or organizational unit).

D. Appeal of Ratings:

An employee may appeal the rating she/he receives in the selection process, except the promotional rating, in the same manner as provided in Personnel Rule 3900.4700. For a promotional rating given as part of a selection process conducted in accord with this Administrative Procedure, an employee may appeal to the appointing authority within 15 days of receipt of his/her copy of the final promotional rating. The appointing authority shall provide an appeal process for employees to challenge promotional ratings given them in a selection process. Such appeal process shall provide for reconsideration by the appointing authority within 30 days of receipt of the appeal. If the rating is revised, the employee and the appointing authority conducting the selection process shall be furnished a copy of the revised rating. Decisions of the appointing authority on such appeals are final and may not be appealed to the Commissioner of Employee Relations.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.10 – Selection process, eligibility to compete
- B. M.S. § 43A.11 - Veteran's preference.
- C. M.S. § 43A.15, subd. 6 – Appointments through transfer or demotion
- D. M.S. § 43A.15, subd. 15 - Reinstatement
- E. Personnel Rules 3900.3100-3400 -.
- F. Personnel Rules 3900.4100-4700 -
- G. Administrative Procedure 15.6 – Transfers/Demotions/Promotions
- H. Collective bargaining agreements - Provisions on promotional ratings and recall from layoff.
- I. Multi-source Recruitment and Selection Guidebook