

House Research Act Summary

CHAPTER: 207

SESSION: 2004 Regular Session

TOPIC: State Civil Service

Date: May 20, 2004

Analyst: Mark Shepard, 651-296-5051

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

Amends laws governing the state civil service. Generally, these changes reflect the way the system has operated since establishment of a pilot project in 1995. The changes eliminate the traditional system under which only a limited number of applicants who score highest on exams are considered for state jobs. Under the new system, hiring agencies can consider all applicants who meet minimum qualifications. The bill strikes references to terms such as “examinations” and “eligible lists”, and instead uses terms such as “selection procedures”.

Section

- 1 **Applicant.** Amends the definition of applicant in the state civil service law to mean a person who has satisfied the minimum requirements for application.
- 2 **Applicant pool.** Defines applicant pool to mean applicants who satisfy limits on consideration for the position, and who have been determined to meet minimum qualifications.
- 3 **Appointment.** Refers to selection from a finalist pool, rather than an “eligible list”.
- 4 **Class.** In definition of state job “class” strikes requirement that “same general qualifications are needed for performance of the duties of the class”.
- 5 **Finalist pool.** Defines “finalist pool” for state civil service jobs to mean members of the applicant pool who have been determined to best meet the qualifications.
- 6 **Layoff list.** Amends definition of “layoff list” to mean former employees of a job class who are eligible to be recalled, under the terms of a collective bargaining agreement or compensation plan.
- 7 **Probationary period.** Changes definition to refer to a selection process instead of an

Section

examination process.

- 8** **Qualifying appointment.** Changes definition to reflect use of the terms “finalist pool”, “applicant”, and “selection process”, rather than old terms “eligible list”, “candidate”, and “examination”.
- 9** **Rules.** Amends current law authorizing rules to refer to “selection procedures”. Strikes current references to terms such as examinations, ranking candidates and eligible lists.
- 10** **Administrative procedures.** Amends current law authorizing the commissioner of DOER to issue administrative procedures on certain topics to strike references to competitive exams and ranking and certification.
- 11** **Duties.** Amends law listing duties to strike references to examinations and preparation of eligible lists, and to refer instead to administration of systems for employee selection.
- 12** **Selection process.** Amends laws governing initial entrance to the state classified civil service. Strikes references to examination and certification. Establishes a new process under which DOER will establish and maintain a database of applicants, and the appointing authority will enforce minimum requirements for those applicants who express interest directly to the appointing authority.

Provides that the term of eligibility for people on layoff lists will be determined by collective bargaining agreements or compensation plans.

Authorizes the commissioner of DOER to limit consideration to only applicants who meet the minimum qualifications and are available for the geographic location and other job requirements. In addition, DOER may limit consideration to applicants who are: (1) on layoff lists; (2) current employees; (3) former employees who left within four years; or (4) current employees available for transfer or demotion.

States grounds for which DOER may remove an applicant from consideration.

- 13** **Disabled veteran.** Strikes part of the definition that refers to competitive promotional pools.
- 14** **Ranking of veterans.** Provides that applicants who meet minimum qualifications for a position and claim disabled veteran’s preference shall be listed in the applicant pool ahead of all other applicants. Applicants who meet minimum qualifications and claim nondisabled veteran’s preference shall be listed in the applicant pool after those claiming disabled veterans preference and ahead of nonveterans.
- 15** **Notification.** Changes terminology consistent with other changes in the bill to refer to applicants and to strike references to “eligibles” and “examinations”.
- 16** **Rejections.** Provides that when an appointing authority rejects a member of the finalist pool (rather than a “certified eligible”) who has claimed veteran’s preference, the appointing authority must notify the person in writing of the reasons for the rejection.
- 17** **Ranking of applicant pool.** Provides that applicant referred from a layoff list must be ranked as provided in collective bargaining agreement or compensation plan. All other names must be ranked according to the veterans preference provisions, and then in descending order of the number of skill matches.
- 18** **Terminology.** Refers to finalist pool, rather than “eligible lists”.
- 19** **Emergency appointments.** Provides the emergency appointments may be for 45 working days instead of 30. Strikes language allowing DOER to extend appointments for up to 15 working days.
- 20** **Provisional appointments.** Authorizes a provisional appointment if no applicant is suitable

Section

(replacing current law which refers to an “incomplete certification”.) Strikes language requiring provisional appointments to be kept to a minimum.

- 21 Terminology.** Refers to selection process instead of examination.
- 22 Routine service.** Strikes reference to qualifying skills test for entry-level clerical positions.
- 23 On-the-job demonstration.** Refers to applicants and selection process instead of candidates and examinations.
- 24 Reinstatement.** Provides that the current four-year limit on reinstatement of a former employee not does apply to former employees receiving disability benefits under a state retirement plan.
- 25 Reemployments.** In law dealing with probationary periods, strikes reference to “reemployments”.
- 26 Audits.** Changes references to subdivisions dealing with noncompetitive appointments.
- 27 Cooperation.** Requires DOER to make the applicant database available to appointing authorities to use in making appointments to the unclassified service.
- 28 Prohibited acts.** Strikes references to examination and certification and refers instead to the selection process.
- 29 Veterans preference.** Re-writes the laws that require local governments to give veterans preference. The current law refers to the state process, which this bill re-writes. This section writes into the local government law the substance of what had been in the state law; e.g. the five-point examination credit for nondisabled veterans and a ten-point credit for disabled veterans.
- 30 Study.** Requires the Legislative Coordinating Commission to study and report on the impacts of the political subdivision compensation limit on units of local government.
- 31 Repealers.**
- 43A.02, subdivisions 7, 8, 15, 16, 19, 20, and 37: Definitions of candidate, certification, competitive open, competitive promotional, eligible, eligible list, and reemployment list.
 - 43A.11, subdivisions 3 and 4: nondisabled and disabled veteran’s credit.
 - 43A.12: Ranking of eligibles
 - 43A.13: certification of eligibles
 - 43A.15, subds 8,9, and 11: exceptional appointment, labor service appointment, appointments to positions in shortage occupations
 - Minnesota Rules: relating to examinations, eligible lists, certification from eligible lists, transfers from other public jurisdictions, exceptional appointments, shortage occupation appointments.