



# CIVIL SERVICE EMPLOYMENT RULES

Approved by the University of Minnesota  
Board of Regents

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## **RULE 1 History, Purpose, Amendment of Rules**

### **1.1 History and Purpose of the Rules**

1.1.1 These rules, through June 30, 2011 prepared and recommended by the Vice President for the Office of Human Resources and the duly appointed Civil Service Committee in accordance with the authority vested in them by the Basic Law for Civil Service of the University of Minnesota, as approved by the Board of Regents on November 24, 1945, were until the adoption of the Civil Service Senate Constitution known as the Civil Service Rules, or Rules.

1.1.2 Henceforth prepared and recommended by the Vice President for the Office of Human Resources and the Civil Service Consultative Committee under the authority vested in them by the Board of Regents and the Civil Service Senate Constitution, they shall be known as the Civil Service Employment Rules, or Rules, and shall govern the operation of the University of Minnesota Civil Service personnel system from July 1, 2011 onward.

1.1.3 The words "Vice President" as used in these Rules shall refer to the administrative head or designee of the Office of Human Resources. The words "the President" shall refer to the President of the University of Minnesota. The words "Consultative Committee" or "the Committee" as used in these Rules shall refer to the Civil Service Consultative Committee, with powers and duties designated by the governing documents of the Civil Service Senate and by these Rules.

### **1.2 Application of the Rules**

The Civil Service Employment Rules cover all University employees in job classifications included in the Civil Service Employee group (see "Definitions") except that temporary no-post and non-public employees (also see "Definitions") are specifically excluded from coverage.

### **1.3 Amendment of the Rules**

1.3.1 Any University civil service employee may propose an amendment to the Consultative Committee at any time. The Committee will solicit and review additional proposals, conduct public hearings, and recommend amendments to the President as deemed appropriate. A complete Rules review will be conducted at an interval no greater than every three years.

1.3.2 Public hearings are required before Rules amendments are proposed to the President. Notice of intention to amend the Rules specifying the date, hour, and place of the hearings shall be published in campus publications not less than 14 days before said hearing.

1.3.3 Proposed revisions will be made available at least seven days before the public hearings on the Office of Human Resources worldwide web home page currently at <http://humanresources.umn.edu/> or through the Office of Human Resources.

1.3.4 The Vice President and Consultative Committee shall recommend to the President all proposed amendments. After consultation with the Vice President and the Consultative Committee, the President shall make recommendations to the Board of Regents for their consideration. The members of the Board of Regents shall be provided with copies of the proposed amendments.

1.3.5 Amendments shall become effective upon adoption by the Board of Regents except as otherwise specifically provided. The Vice President shall promptly transmit notification to administrators and shall make the Rules and amendments available to employees.

1.3.6 New or amended Rules shall not retroactively affect personnel actions that were completed before the new Rules went into effect.

1.3.7 Before issuing the Civil Service Employment Rules, the Vice President or designee may correct spelling and/or grammatical errors.

1.3.8 Electronic links to external documents are subject to administrative change; such changes are not considered amendments.

#### **1.4 Distribution of the Rules**

All employees shall have access to the Rules at: <http://humanresources.umn.edu/union-relations/contracts> or from the Office of Human Resources, <http://humanresources.umn.edu/>

## **RULE 2 Code of Conduct, Discrimination, Harassment, Nepotism and Political Activity**

### **2.1 Discrimination**

2.1.1 Discrimination and harassment on the basis of race, color, creed, religion, sex, marital status, sexual orientation, public assistance status, disability, age, national origin, or veteran status are forbidden by the University of Minnesota. Additionally, discrimination on the basis of political opinions or affiliation with any union or other organization representing the interest of public employees is forbidden by the University of Minnesota.

2.1.2 It is unlawful for any person in the University of Minnesota service, on the basis of prohibited discrimination, to (1) refuse to hire an individual; (2) maintain a system of employment that unreasonably excludes an individual from employment; (3) discharge an individual; or (4) discriminate against an individual with respect to hire, employment terms, promotion, or privileges of employment. A person in the University of Minnesota service may not encourage or compel, or attempt to encourage or compel, any action covered by this section.

### **2.2 Political Activity**

No employee of the University Civil Service shall be required to pay or be allowed to solicit or receive any assessment, contribution, or subscription for political purposes whatsoever during work hours. No officer or employee of the University shall directly or indirectly use the officer's or employee's authority or official influence to compel any officer or employee in University Civil Service to apply for membership in or become a member of any political organization; or to pay or promise to pay any assessment, subscription, or contribution; or to take part in any political activity.

### **2.3 Employee Rights and Responsibilities**

Employees shall be granted all rights, benefits, and considerations under the policies and procedures referenced in these Civil Service Rules and exercise all rights not denied them or otherwise prohibited by these Rules or other applicable policies and procedures.

### **2.4 Regents' Code of Conduct**

Employees must not engage in, nor permit harassment and are entitled to a respectful and safe work environment consistent with the Regents' Code of Conduct. Current policy can be accessed at <http://regents.umn.edu/policies/index> or from the Office of Human Resources <http://humanresources.umn.edu/>.

### **2.5 Nepotism**

The Regents' policy on nepotism covers all University employees. Current policy can be accessed at <http://regents.umn.edu/policies/index> or from the Office of Human Resources, <http://humanresources.umn.edu/>.

## **RULE 3 Civil Service Consultative Committee, Human Resources, University Administration**

### **3.1 Civil Service Governance**

In accordance with the governing documents of the Civil Service Senate, there shall be a Civil Service Consultative Committee having specific powers and duties with respect to these Rules.

### **3.2 Powers and Duties of the Civil Service Consultative Committee with respect to these Rules**

The Civil Service Consultative Committee shall:

3.2.1 review, conduct public hearings, and present recommendations to the President regarding Civil Service Rules, in accordance with Rule 1.3;

3.2.2 act as an appeals board in all cases involving supervisors or employees appealing decisions made by the Vice President in accordance with Rules 4, Position Classification Plan; and 5, Compensation System; Appeals shall be handled by panels consisting of at least three Consultative Committee members and/or alternates.

3.2.3 make investigations at the request of the Board of Regents, the President, the Vice President, Civil Service staff, or on its own initiative concerning personnel administration in University Civil Service;

3.2.4 interpret the intent or meaning of the Rules in cases of questions or dispute;

3.2.5 as consultants to the Vice President in developing performance appraisal plans (Rule 9.1);

3.2.6 review the creation of new and elimination of obsolete job classifications (Rule 4);

3.2.7 review and approve proposed changes to the compensation plan (Rule 5.1);

3.2.8 review proposed changes in any salary range that are requested by the Vice President (Rule 5.2);

3.2.9 appoint civil service representatives to the Conflict Resolution Advisory Committee, and nominate civil service employees for selection to serve on the Hearing Officer Roster and the Panelist Roster (Rule 14);

3.2.10 appoint civil service representatives to other University committees and task forces as requested by the President; and

3.2.11 perform such other duties as may be assigned to it by the President or these Rules.

### **3.3 Role of the Vice President for Human Resources with respect to these Rules**

The Vice President or designee shall:

3.3.1 consult with the President on proposed rule amendments (Rule 1.3.6);

3.3.2 maintain the civil service job classification system (Rules 4.4.1 and 4.4.2);

3.3.3 prepare, consult with the Consultative Committee, and obtain approval of the President for a compensation plan (Rule 5.1);

3.3.4 determine salary range changes (Rule 5.2.1);

3.3.5 establish compensation policies (Rule 5.3);

3.3.6 determine the forms and manner for applications for civil service positions (Rule 6.4);

3.3.7 prescribe and maintain the application system for civil service positions (Rule 6.5);

3.3.8 approve certain probationary period requirements (Rule 7.2.2) and determine and publish probationary periods for job classifications (Rule 7.2.3); and

3.3.9 develop and administer a performance appraisal plan (Rule 9.1).

#### **3.4 Powers and Duties of Responsible University Administrators and Supervisors with respect to these Rules**

Responsible administrators and supervisors (see “Definitions”) shall administer the policies and procedures referenced in these Civil Service Rules and exercise all rights (unless denied them or otherwise prohibited by these Rules) inherent in the management process with respect to the supervision of employees.

### **RULE 4 Position Classification Plan**

#### **4.1 Preparation of the Position Classification Plan**

The Vice President shall classify all positions in the University Civil Service System according to the nature and difficulties of duties and responsibilities assigned to and performed by the employees appointed to such positions and shall assign to each a classification title, number, and salary range.

#### **4.2 Job Evaluation Questionnaires**

4.2.1 Employees may submit, through supervisory and administrative channels, properly completed job evaluation questionnaires when changes in the tasks, duties, and responsibilities of their position have occurred due to reorganization of work, staffing requirements, or technology, or when they believe their positions are inappropriately classified.

4.2.2 A reclassification of any position can result in a promotion, demotion, or change to a different classification which does not constitute a promotion, or demotion (see definitions); or no change in classification. No probation is required after a reclassification unless requested by the supervisor and approved by the Vice President.

4.2.3 The reclassification of any position shall be made effective on the first day of the payroll period after the employee submits a signed and dated JRQ/JEQ to their immediate supervisor.

4.2.4 Reclassifications resulting in a demotion and reduction in salary will be made effective the first payroll period following notification of the decision by the Office of Human Resources.

4.2.5 The questionnaire shall be forwarded for review and signature within periods of no more than five work days to each designated administrative level starting with the immediate supervisor and ending with the appropriate human resources office. Copies of the completed questionnaire will be sent to the employee and the responsible administrator when a final version of the questionnaire has been determined.

4.2.6 A supervisor cannot change or require the employee to change the employee's responses on the questionnaire.

4.2.7 The appropriate human resources office shall rule on the requested reclassification within 25 workdays after receiving the questionnaire and shall convey the decision in writing to the employee and the responsible administrator who is expected to comply with the ruling.

4.2.8 The appropriate human resources office's decision may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Consultative Committee. Please refer to the classification appeal process found here: <http://www1.umn.edu/csc/csdocuments/Final-JEQ-JRQ-Appeal-Proc.pdf>.

### **4.3 Periodic Surveys**

4.3.1 An administrator or supervisor initiates a review of a Civil Service position within a unit by completing a Periodic Survey. Reclassifications resulting from the Periodic Survey will become effective on the first day of the pay period mutually agreed to by the appropriate human resources office and the administrative unit, and specified in writing.

4.3.2 The decision of the appropriate human resources office may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Consultative Committee.

### **4.4 Maintenance of the Classification Plan**

4.4.1 The creation of new job classifications, the elimination of obsolete ones, and changes in titles or pay ranges of existing classifications shall be recommended by the Vice President for review by the Consultative Committee and approved by the University administration.

4.4.2 In cases of emergency, the Vice President may establish a job classification on a provisional basis, assign it to an appropriate salary range, and approve the appointment of individuals to positions in the classification until the classification and salary range can be reviewed by the Consultative Committee and approved by the University administration.

## **RULE 5 Compensation System**

### **5.1 Preparation of Compensation Plan**

The Vice President shall prepare a compensation plan that includes provisions for any salary increases. The policy of equal pay for equal work, the University's ability to pay, labor market competitiveness, and internal pay equity will be the major considerations in formulating the compensation plan. The Vice President shall obtain approval of the Consultative Committee and the Board of Regents. The current compensation plan can be viewed on the worldwide web at <http://humanresources.umn.edu/pay-and-taxes/salary-plans> or be obtained from the responsible administrator.

### **5.2 Salary Range Changes**

5.2.1 The Vice President shall consider all written requests for changes in salary ranges from employees, supervisors, and responsible administrators. The Vice President shall notify all affected parties of the decision for or against a change. The Consultative Committee shall review and the Vice President shall approve any proposed recommendations regarding salary range changes. Salary increases commensurate with the amount of the range adjustment shall be given to employees in job classifications that are affected, except where documented performance or documented funding considerations warrant withholding part or all of the increase or where such range adjustments are made for administrative purposes to improve the salary structure.

5.2.2 The Vice President's decision may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Consultative Committee.



### 5.3 Compensation Policies

5.3.1 The Vice President shall establish compensation policies for the regulation of salary increases, hiring rates, on-call rates, augmentation rates, in-range adjustments, outstanding achievement awards, and salary changes in cases of promotion, demotion, transfer, reinstatement, shift differential, and return from leaves of absence. Administrative units have full managerial discretion within the framework of the policies except for the following:

5.3.2 No one can be hired above or below a salary range, except that trainees must be hired below the salary range (Rule 6.6).

5.3.3 Promoted employees (see “Definitions” and Rule 4) must receive a minimum salary increase of four percent unless that increase would:

- a) place the salary below the minimum salary or
- b) place the salary over the maximum of the range of the higher level classification.

5.3.3.1 If the minimum increase of four percent does not bring the salary to the minimum salary of the higher classification, then the employee must receive whatever percent increase is necessary to reach the new base.

5.3.3.2 If the four percent increase places the salary over the maximum, then the employee's salary shall be set at the maximum of the range of the higher level classification.

5.3.4 Employees who have been demoted and who have:

- 1) not experienced reductions in salary as a result of the demotions, and
- 2) who are subsequently promoted to classifications at or below their former salary ranges (but not below the minimum salary of the classifications in which they have been promoted), shall not receive a promotional salary increase without the approval of the Vice President.

5.3.4.1 If, however, the employees' salaries are below the minimum salary of the classifications to which the employees have been promoted, the employees must receive the minimum salary of the higher classification (see “Definitions” and Rule 4).

5.3.5 An employee who is demoted (see “Definitions” and Rule 4) shall be paid at or below the maximum of the salary ranges for the job classification into which the employee is being demoted. Depending upon administrative unit discretion, the salaries within the range after demotion should reflect the employee's experience and performance. The salary may not, however, exceed the employee's salary before the demotion.

5.3.6 Employees who transfer (see “Definitions”) may receive an increase in salary over their former salary. If the beginning rate for the new position is higher than the rate the employee was at in the former position, the employee's salary shall move to the beginning rate for the new classification. Conversely, if the employee's salary in the former position exceeds the maximum of the range for the new position, the employee's salary must be decreased to the maximum of the range for the new position.

5.3.7 Employees returning from unpaid leaves of absence shall be compensated at the same rate of pay they received when the leaves commenced plus any non-discretionary increases which became effective during the time of the leaves. For increases requiring a specific length of service in order to be eligible for consideration, the period of the leave of absence is not counted toward eligibility. However, if employees gain additional experience or education that is relevant to their work during the leaves of absence, the time of the leaves may, at the administrative unit's discretion, be counted toward eligibility for discretionary increases.

5.3.8 Employees shall receive on-call (see definition) and augmentation pay, as provided for by University policy (see OHR web site and refer to Civil Service pay plan). Employees shall also be provided with off-cycle checks under the circumstances specified by University policy.

5.3.9 An employee who performs work in a higher classification for longer than five consecutive workdays shall receive a temporary salary augmentation during the remainder of the time the employee works out-of-class. The augmentation must be a minimum of four percent of the employee's current hourly rate, or the percent of the employee's current hourly rate necessary to reach the minimum rate of the higher classification, whichever is greater. Any overtime shall include the augmentation. If the responsibilities of the higher classification become permanent duties of the employee, that employee has the right to submit a job a JEQ/JRQ questionnaire.

## **5.4 Total Remuneration**

5.4.1 Employees shall not receive perquisites, which may include but not be limited to residence, board, room, laundry, commutation, or any combination thereof, as a part of the employee's regular compensation unless these perquisites are required for the satisfactory performance of assigned duties.

5.4.2 Whenever employees are required to wear uniforms as a condition of employment, the employer shall, according to administrative policies, either provide employees with uniforms or provide funding to the employees for purchasing uniforms. Laundering of lab coats when employee works in hazardous environments shall be the responsibility of the lab per the guidelines when working in hazardous environments: ([http://www.dehs.umn.edu/ressafety\\_hsr\\_epc.htm](http://www.dehs.umn.edu/ressafety_hsr_epc.htm), [http://www.dehs.umn.edu/ressafety\\_rsp\\_aep.htm](http://www.dehs.umn.edu/ressafety_rsp_aep.htm))

5.4.3 Likewise, whenever badges, ID Cards, keys, electronic access or communication devices (e.g. internet connections, pagers, cell phone) are required as a condition of employment, the employer shall provide them or provide funding for their purchase. Employees may be assessed reasonable refundable deposits including interest, or charged reasonable replacement fees for items that are lost or negligently damaged.

## **RULE 6 Recruitment and Employment**

### **6.1 Request to Establish Position to Fill Vacancy**

When a newly created position or a vacancy in an existing position is to be filled, the responsible administrator shall submit a personnel requisition to the appropriate human resources office. Upon receipt of the requisition, human resources personnel will review the position to approve the requested classification or reclassify it after consulting with the hiring authority before posting.

### **6.2 Announcement of Employment Opportunities**

6.2.1 Announcements of all vacancies shall be publicly posted and available through the Office of Human Resources on the worldwide web. Information on the benefits and rights attached to temporary positions, as well as those not attached to temporary positions, shall be available through the Office of Human Resources home page at <http://humanresources.umn.edu/>.

6.2.2 A minimum of seven calendar days (excluding holidays) shall elapse between the initial posting of an announcement concerning a vacancy in a continuing or temporary posted position and the date of hire by a responsible administrator (Rule 6.3), except when a laid-off or injured worker is re-employed.

### **6.3 Hiring and Certification**

6.3.1 Applicants who have been certified by the Office of Human Resources as meeting the qualifications of a vacancy shall be considered and interviewed for employment in the following order:

1. Former employees whose names appear on the layoff list, with layoff rights to the posted vacancy according to the provisions of Rule 12.3.
2. Former employees on the job transfer list because of eligibility under state or federal disability laws, in accordance with Rule 12.3. <http://humanresources.umn.edu/leader-manager-resources/managers-tools>.
3. Former employees on the job transfer list because of an on-the-job injury, in accordance with Rule 12.3.

6.3.2 Should no individual be eligible and/or hired from the above listed groups, additional applicants may be considered in the following order:

1. Individuals whose names appear on the layoff lists and who do not have layoff rights to the posted vacancy and current University Civil Service employees, whether their current positions are posted temporary or permanent.
2. Other applicants may then be considered.

The order of preference may be changed under special circumstances by the University Equal Opportunity Officer in accordance with affirmative action policies of the Board of Regents.

#### **6.4 Employment Procedure and Files**

6.4.1 Applications for all Civil Service employment shall be made on the appropriate forms and in such manner as prescribed by the Vice President and, upon submission to the Office of Human Resources, become the property of the Board of Regents of the University of Minnesota.

6.4.2 Official individual employee personnel files are maintained by the Office of Human Resources at the respective campuses (Crookston, Duluth, Morris, Rochester and Twin Cities). Employees shall have a right to see their own personnel files upon request, in the Office of Human Resources, in the presence of an appropriate Human Resources staff member.

6.4.3 The University policy concerning file access conforms to applicable State and Federal laws. Contact the Office of Human Resources for more information.

6.4.4 Employees have the right to include or update information in their files that may be pertinent to their performance of job duties.

#### **6.5 Types of Appointment**

6.5.1 No appointment shall be authorized by a responsible administrator or immediate supervisor without prior certification by the appropriate human resources office that the candidate is qualified. All appointments shall be subject to the ratification of the Vice President and the Equal Opportunity and Affirmative Action Office, under provisions of Rule 6, Section 3.

6.5.2 Trainee appointments may be made when the Vice President approves trainee programs to qualify persons for a particular work classification. An employee hired as a trainee shall be hired at a rate, as established by the Vice President in consultation with the responsible administrator, below the salary range for the class, and may be granted incentive increases as the employee progresses through an organized training program.

6.5.3 After successfully completing the program, the employee will reach the minimum salary of the range for the class. The employee shall then be required to successfully complete the probationary period assigned to the class before receiving a continuing appointment.

6.5.4 Continuing appointments shall be made to any position in which the assigned work time is at least 50 percent of full-time and of a continuing nature and when the employee has successfully completed the probationary period for the class of work.

6.5.5 Temporary appointments may be made to any position and must have a beginning and ending date. Temporary appointments may be part-time or full-time and employees shall not serve a probationary period during the period of the temporary appointment. See "Definitions" for different types of temporary appointments.

6.5.6 The following rights accrue to employees on temporary appointments of 50 percent time or more, within the same classification within the same administrative unit in conformance with Rule 6:

- 6.5.6.1 Classification seniority and rights to the layoff list shall be granted after more than one calendar year of service. Classification seniority will be retroactive to the date of entry into the classification in the administrative unit.

6.5.6.2 Grievance rights for termination for just cause shall be granted after more than one calendar year of service, within the same administrative unit within the same classification.

6.5.7 The following rights accrue to employees on temporary appointments of 50 percent time or more, within the same position including reclassifications of that position, within the same administrative unit in conformance with Rule 6:

6.5.7.1 A temporary appointment will become a continuing appointment with all rights and benefits after more than two consecutive calendar years of service and a probationary period will be considered to be completed.

6.5.7.2 An employee with continuing status who promotes or transfers to a temporary position forfeits all rights and benefits given to a continuing position and shall be governed by the rules for temporary employees.

6.5.7.3 A former employee with continuing status, whether on the layoff list or not, who is re-employed in a temporary position, assumes the status of a temporary employee, and classification and unit seniority credits cannot be reinstated.

6.5.7.4 An employee with continuing status who is laid off and bumps an employee in a temporary position retains the status of a continuing employee.

6.5.8 At the time of the initial interview, individuals being considered for temporary positions shall be informed of the temporary nature of these positions and the consequences of accepting temporary positions.

6.5.9 Individuals who accept temporary positions must be notified in writing of the temporary nature of their appointments. This written notification shall also include the beginning and ending dates of the position and the benefits and rights inherent to and denied a temporary appointment. This temporary letter shall be given to the employee within five workdays after the initial hire or, if this is not possible, within five workdays after the employee completes administrative unit orientation meetings, and must be signed by the employee. The original of the temporary letter shall be forwarded to the Office of Human Resources at: <http://humanresources.umn.edu/supervisor-resources>.

6.5.10 Part-time appointments may be made to any position in which the assigned work time is less than 100 percent time. Such an appointment may be temporary or continuing.

## **RULE 7 Probationary Period and Orientation**

### **7.1 Intent of Probation**

The probationary period shall be an integral part of the selection process for appointment to any position in which the assigned work time is at least 50 percent of full-time and of a continuing nature. The supervisor shall use the probationary period to inform employees of their job responsibilities and duties and of the administrative unit's expectations; to evaluate the employee's work performance; and to inform employees of their work performance.

### **7.2 Application of Probationary Period**

7.2.1 A probationary period of employment shall be designated for each class of work, shall be served by every employee hired in any continuing position to work 50 percent time or more regardless of whether such employment occurs as an original appointment, promotion, transfer, or demotion and shall be successfully completed before the employee can be given a continuing appointment to the position.

7.2.2 Unless probation is requested in writing by the responsible administrator and approved by the Vice President, no probationary period shall be required of an employee who bumps back into any position in a classification in which the employee has previously passed probation (Rule 12.3 ); who is an incumbent in a reclassified position; who is assigned to a different position in the same job class in the same administrative unit or who is recalled in the same class and administrative unit following layoff or reinstatement after resignation. Employees affected by this request to serve probation shall be notified in writing that a probationary period must be served.

7.2.3 The Vice President shall determine and publish the length of the probationary period for each class of positions in the University Civil Service. This period may not be less than three months nor more than one year. Related and comparable classes shall have probationary periods of the same length. All employees working less than full time (but at least 50 percent time) shall work the same number of calendar months as full-time employees to complete their probationary periods.

7.2.4 Any absences without pay shall automatically extend the probationary period.

### **7.3 Orientation**

Employees shall be provided with University orientation information and shall be allowed to attend orientation sessions when offered by the Office of Human Resources. See: <http://humanresources.umn.edu/new-employees> .

### **7.4 Probationary Rating**

All probationary employees will have a minimum of one verbal performance appraisal and one written performance appraisal during their probationary period, except where immediate removal from the position is warranted, such as serious job misconduct -- for example, falsification of records or misappropriation of University resources -- or workplace actions that endanger the health or safety of the employee or others. Supervisors must inform the probationary employee of any performance issues and develop a plan to remedy any performance issues which may be cause for not passing probation within 30 days of the expiration date of the probation period. Supervisors must use either the standardized University evaluation form or other Human Resources approved evaluation form, pursuant to Rule 9.1. The Vice President may, at any other time during the probationary period, ask the responsible administrator for additional oral and/or written statements regarding the employee's work performance. If a written performance appraisal is not given before the actual expiration date of an employee's probationary period, the employee will pass probation.

### **7.5 Rights of Probationary Employees**

Probationary employees are entitled to all rights under these Rules, including the right to grieve any alleged Rules violations unless specifically denied by these Rules.

### **7.6 Termination of Employment During Probationary Period**

7.6.1 If the responsible administrator or immediate supervisor determines, after complying with Rule 7.4, during the probationary period, that the employee's appointment will not continue, the employee's appointment shall not be continued. Just cause is not required for termination of a probationary appointment and it is not grievable except under the discrimination clause of Rule 2.

7.6.2 The responsible administrator or immediate supervisor shall give an employee who fails to pass the probationary period at least 10 workdays written notice before termination. These 10 workdays may be given as a leave of absence with pay. See: <http://humanresources.umn.edu/supervising-u/template-letters> .

7.6.3 An employee who is being terminated during the probationary period (Rule 12.3) but held a prior position shall have the right to return to the prior position within 10 workdays after notifying the responsible administrator in charge of the prior position, provided the employee:

7.6.3.1 has successfully completed the probationary period for the prior position; and

7.6.3.2 was promoted or transferred from the prior position; and

7.6.3.3 notifies the prior responsible administrator by the termination date of the currently held probationary position of the intent to return to the prior position.

7.6.4 The prior position referred to in this Rule is the position an employee last held before being promoted or transferred to the position requiring the probationary period.

7.6.5 If an employee's prior position no longer exists (has been abolished or reclassified) or if the employee does not choose to return to a prior position (Rule 12.3), the employee may notify the prior responsible administrator by the termination date of the probationary position, of intent to be placed on the layoff list.

7.6.6 If the prior position was a temporary position the employee held for one year or less, there will be no right of return or right of placement on the layoff list.

7.6.7 If the prior position was a temporary position the employee held for more than one year, but not more than two years, there will be right of placement on the layoff list provided the employee notifies the prior responsible administrator by the termination date of the probationary position of intent to be placed on the layoff list, but there will be no right of return.

7.6.8 If the prior position was a temporary position the employee held for more than two years, there will be right of return; but if the prior position is now on temporary status, the employee will lose his or her continuing status upon return to that position. The employee shall notify the responsible administrator in charge of the prior position of intent to return to the prior position by the termination date of the currently held probationary position, and return to the prior position shall be within 10 workdays after notification. If the employee does not choose to return to the prior position under these circumstances, there will be right of placement on the layoff list provided the employee notifies the prior appropriate human resources office by the termination date of the probationary position of intent to be placed on the layoff list.

7.6.9 A probationary employee who is discharged from the University for disciplinary reasons shall forfeit all rights to return to any prior position or to the layoff list.

### **7.7 Academic Conversions to Civil Service Positions**

If an academic employee accepts a Civil Service appointment, the employee will be required to serve the designated period of probation in the Civil Service classification. If an academic employee's position is converted to a Civil Service classification with no change in job duties, no probationary period will be required.

### **7.8 Civil Service Conversions to Academic Positions**

Per the Board of Regents resolution passed December 12, 1980, no individual currently in another personnel category (faculty or civil service) shall be moved to the Academic Staff category unless the individual requests to do so and the request is approved by all concerned.

## **RULE 8 Continuing Education and Required Courses**

### **8.1 Continuing Education**

Employees shall be allowed the opportunity, within the limits of these Rules, to improve their performance, continue their education, and expand their promotional possibilities by taking courses (see Rule 11.9). The University encourages employees to participate in professional development activities (refer to Rule 3.4, Regents' Code of Conduct).

### **8.2 Required Courses**

If an employee is required to take coursework as a condition of continuing employment, the course shall be treated as paid work time with travel time computed in accordance with the Fair Labor Standards Act. Supervisors shall allow employees to attend at least 8 hours per year of continuing education in the form of seminars, workshops, and professional development activities during scheduled work hours as paid work time.

## **RULE 9 Performance Appraisal**

### **9.1 Plan**

The Vice President shall be responsible for developing and administering a performance appraisal plan. The plan shall be implemented after consultation with and input from the Consultative Committee and other appropriate University personnel. Use of alternate plans must be approved by the Vice President after consultation with and input from the Consultative Committee (refer also to Rule 7.4 Probationary Appraisal).

### **9.2 Frequency of Appraisals**

9.2.1 Performance appraisals for all Civil Service employees shall be submitted at least once each year. Within this framework, the Vice President shall establish the frequency with which appraisals shall be submitted.

9.2.2 Employees shall be evaluated by their supervisors. Reviews by employee's peers and/or subordinates may be combined with the supervisory review if it is done in accordance with an approved performance appraisal plan in use by the employee's administrative unit.

9.2.3 The original performance appraisal shall be placed in the employee's official personnel file. Employees have the right to review their official personnel files upon request (Rule 65).

### **9.3 Employee Review of Appraisals**

9.3.1 Supervisors are to provide to each employee an annual written assessment of performance. The review is to include performance strengths and key areas for improvement. Supervisors are expected to support employees in efforts to improve.

9.3.2 Each employee has the right to add written comments regarding their review on the performance appraisal form, at the time of the initial review and when any changes are made to the form. The employee's signature on the performance appraisal form signifies that the performance appraisal has been reviewed with the employee, but does not signify that the employee agrees with the appraisal.

9.3.3 Each employee shall have the right to see any changes, deletions, or additions to the performance appraisal made by their supervisor, or other appropriate responsible administrator. Such changes shall be discussed with the employee.

## **RULE 10 Hours of Work, Overtime, Holidays, Reporting, and Callback**

### **10.1 Standard Hours of Work**

10.1.1 The full-time workweek for all work classifications in the University Civil Service shall be 40 hours per seven-day workweek.

10.1.2 Whenever possible the 40 hours shall be consecutive workdays with two or more consecutive days off; however, administrators and supervisors may reschedule work time as necessary.

10.1.3 Scheduled unpaid meal periods interrupting a work shift shall be not less than 30 minutes nor more than one hour in length. If a shift is extended to more than eight hours of work, additional or longer meal periods should be implemented, if warranted.

10.1.4 Employees are entitled to and shall be granted two 15 minutes paid break periods during eight hours of work. The scheduling of paid break periods is at the sole discretion of the supervisor. Paid break periods are not cumulative from one day to the next. Break periods for employees working other than eight-hour workdays shall be proportionally calculated.

10.1.5 Split shifts (see “Definitions”) shall be avoided whenever possible. No split shift shall extend the working hours of an employee to more than 12 hours in any 24-hour period, except that in agricultural operations, working hours may extend to 14 hours in a 24-hour period.

10.1.6 In emergency situations two eight-hour shifts may occasionally be scheduled in a 24-hour period.

10.1.7 Shift differential shall be paid to employees whose scheduled work shift begins before 6:00 a.m. or begins/ends after 7:00 p.m. Scheduled shifts must be at least six hours in duration. For shift differential rate, please see the Civil Service pay plan at: <http://humanresources.umn.edu/supervising-u/compensation-classification>.

## **10.2 Overtime**

10.2.1 As a condition of employment, employees may be required to work overtime. Overtime is the work time (see “Definitions”) in excess of 40 hours per workweek on one or more University jobs. All overtime must be approved by the appropriate responsible administrator prior to being worked. Failure to obtain approval may result in disciplinary action.

10.2.2 All employees, except those whose jobs are designated as V-class (Rule 11.2), shall be paid overtime or given compensatory time off, at the discretion of the employee, at the rate of time and one-half for work in excess of 40 hours per workweek on one or more University jobs (see “Definitions” for what is included as work time).

10.2.3 An employee may use compensatory time within a reasonable period after a request to do so unless the use would unduly disrupt the operation of the administrative unit.

10.2.4 Administrative units have full discretion to reasonably restrict the amount of compensatory time off that can be accumulated and the length of time a compensatory time-off balance can be carried forward, except that maximum limits imposed by the Fair Labor Standards Act (currently 240 hours) will be strictly followed.

## **10.3 Holidays**

10.3.1 There shall be a total of eleven paid holidays, including observed holidays, each fiscal year for employees appointed at a designated percentage of time.

10.3.2 The observed holidays are New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

10.3.3 Four of the eleven holidays shall be floating Holidays, scheduled annually upon recommendation to the President. One of the floating holidays shall be a personal holiday to be taken at the employee's discretion with the supervisor's approval and in accordance with the Vice President's guidelines on the use of personal holidays. This paragraph does not apply to the Crookston, Duluth and Morris campuses, which establish their own holiday policies.

10.3.4 Observed holidays that fall on Saturday shall be observed on the preceding Friday. Observed holidays that fall on Sunday shall be observed on the following Monday.

10.3.5 An employee appointed at a designated percentage of time who is required to work on a holiday shall receive regular pay for the day plus additional pay or time off at the rate of time and one-half for the hours worked. Employees may choose between time off or pay for the additional hours. For example, a full-time employee who works eight hours on a holiday shall be paid at the normal rate for the eight hours plus 1.5 x 8 for a total of 20 hours. An employee who is not appointed at a designated percentage of time and is required to work on any day recognized as a holiday shall be paid at the rate of time and one-half for the hours worked.

10.3.6 Employees in administrative units operating seven days per week shall receive the same number of holidays off or pay in lieu thereof as employees who work in administrative units operating five days per week.

10.3.7 When a holiday falls on an employee's day off, the employee shall receive an additional day off or proportionate time off (based on the percentage time of appointment) as agreed upon between the employee and the supervisor.



10.3.8 To qualify for holiday pay, an employee must either work or be on an approved paid leave (such as vacation) on the employee's regularly scheduled workday before or following the holiday.

#### **10.4 Reporting to Work**

A full-time employee who is required to report to work for full-time service (eight hours) shall be given a minimum of four hours of work on the day of reporting. In the absence of at least four hours of work, the employee shall receive four hours of pay at the employee's regular straight-time hourly rate or overtime, whichever is applicable. However, an employee who reports for work, and who because of illness or physical disability cannot be employed for the protection of either the employee's own well-being or that of others, shall receive pay only for actual hours worked.

#### **10.5 Non-Standard Work Hours**

##### **10.5.1 Callback**

10.5.1.1 An employee who is called in because of an emergency shall receive a minimum of two hours of pay at time and one-half or compensatory time off (at the employee's option) provided the employee:

- a) has completed a regular workday and left the workplace for at least 30 minutes; or
- b) is called in on a non-workday; or
- c) is called in early but will not work a continuous shift.

10.5.1.2 If compensatory time off is chosen, the dates selected must be pre-approved by the supervisor.

10.5.1.3 This rule shall not apply to part-time employees (regardless of hourly or percentage of time status, unless otherwise specified in these Rules); employees living on the premises; or those positions that require frequent on-call duty as described in the job specifications.

10.5.1.4 Reporting and callback procedures could be affected by the University's Emergency Closing Policies and Procedures or by administrative unit closing policies. Please consult either for further information.

##### **10.5.2 On-Call**

- 1) An employee who has been instructed by their supervisor, in writing, to remain available to work during an off-duty status shall be considered in an on-call status. On-call work shall follow the practice and procedures as established by the Vice President of Human Resources (see Rule 5.3.1) and indicated in the Civil Service pay plan: <http://humanresources.umn.edu/supervising-u/compensation-classification>. Expectations at time of hire of any on-call time shall be included in the written job description and given to the employee.
- 2) An employee who is called in to work from an on-call status shall receive the designated premium pay. This rule does not apply to those whose jobs are designated as V-class or otherwise exempt (see also Definitions for Return to Work).

##### **10.5.3 Other Work Arrangements**

Types of flexible work arrangements can include flextime, compressed work weeks, job sharing, telecommuting, or reduced-time/part-time arrangements (see "Definitions"). Please refer to the telecommuting agreement in your department or unit. (Guidelines and more explanation for flexible work arrangements can be found at: <https://humanresources.umn.edu/supervising-u/template-letters#tele>).

## **RULE 11 Absences**

### **11.1 Absence Without Authorization**

When an employee is absent from work without authorization such absence shall be grounds for disciplinary action (Rule 13). An employee absent for three consecutive workdays without authorization shall be considered as having resigned.

However, a person may subsequently apply for a retroactive leave of absence without pay to cover the unauthorized time off, and such a request may be considered and granted by the responsible administrator or immediate supervisor (see Rule 11.6 and 11.7).

## **11.2 General Regulations Governing Authorized Absences**

Leaves of absence, which may be granted at the discretion of responsible administrator and/or immediate supervisor, include, but are not limited to: vacation, sick leave, and professional meetings. Non-discretionary leaves of absence include, but may not be limited to: jury duty, military duty, and official court appearances (when job-related).

11.2.1 Leaves of absence may be granted only when employees submit requests to their supervisor or responsible administrator within a reasonable time before the desired leave. In the case of sick leave or emergencies, the request should be made as soon as possible after the illness, death, or emergency arises.

11.2.3 Use of vacation leave, sick leave, and accumulated overtime or holiday leave shall be charged in units of one-tenth hour rounded to the nearest tenth hour.

11.2.4 When eligible, an employee shall earn vacation and sick leave during a paid leave of absence.

11.2.5 Employees have the right to receive from their administrative unit a report of their vacation and sick leave accumulations.

## **11.3 Vacation**

### **General Provisions for Vacation Leave**

11.3.1 Full- and part-time Civil Service employees on continuing or temporary appointments who are employed in one administrative unit on a prearranged and assigned schedule of 50 percent time or more shall earn vacation with pay at the following rates:

- a. 3.00 minutes of vacation leave accumulation for each straight-time paid work hour during the first 10,400 hours of continuous service (equivalent to five years of full-time employment);
- b. 3.75 minutes of vacation leave accumulation for each straight-time paid work hour from 10,401 through 16,640 hours of continuous service (equivalent to six through eight years of full-time employment);
- c. 5.25 minutes of vacation leave accumulation for each straight-time paid work hour from 16,641 through 24,960 hours of continuous service (equivalent to nine through twelve years of full-time employment);
- d. 5.65 minutes of vacation leave accumulation for each straight-time paid work hour from 24,961 through 41,600 hours of continuous service (equivalent to 13 through 20 years of full-time employment);
- e. 6.00 minutes of vacation leave accumulation for each straight-time paid work hour from 41,601 through 52,000 hours of continuous service (equivalent to 21 through 25 years of full-time employment);
- f. 6.375 minutes of vacation leave accumulation for each straight-time paid work hour from 52,001 through 62,400 hours of continuous service (equivalent to 26 through 30 years of full-time employment); and
- g. 6.75 minutes of vacation leave accumulation for each straight-time paid work hour for more than 62,401 hours of continuous service (equivalent to 31 years of full-time employment).

11.3.2 A year of continuous service shall consist of 2,080 straight-time paid work hours.

11.3.3 Vacation leave accumulated for any one pay period becomes available for use during the same pay period.

11.3.4 When eligibility for a higher vacation accumulation rate occurs within a pay period, the extra vacation allowance starts the following pay period.

11.3.5 Employees who at the University's request regularly work a five and one-half or six-day week shall earn an extra .75 minutes per straight-time paid work hour of employment.

11.3.6 Each year of continuous employment shall be extended by adding to such periods the number of workdays the employee has been absent without pay.

11.3.7 Employees may request vacation time subject to the convenience of the administrative unit concerned. Within an administrative unit, choice of available vacation time shall be determined by unit seniority. If an employee must be called in to work while on approved vacation leave, the employee must be paid one and one-half times that employee's regular rate for the hours worked.

11.3.8 Full-time employees in those supervisory and professional classes of work designated by V after the job classification number shall accumulate an additional 1.385 minutes of vacation time (in lieu of overtime) for each straight-time paid hour of service.

11.3.9 Part time employees in V-classifications will be paid straight time hours for all hours worked above their percent appointment up to a maximum of 40 hours per week. If the employee works more than 40 hours per week, they will be compensated in pay or compensatory time at time and one-half pay for all hours worked over 40.

11.3.10 The maximum amount of accumulated vacation time may not exceed the amount of vacation time that may be earned within two work years.

#### **11.4 Pay for Vacation Leave**

11.4.1 Upon separation from the University, all Civil Service employees with ten (10) or more years of service and more than two hundred (200.001) hours of accrued vacation time shall have their unused vacation and compensatory time accrual paid directly into a Health Care Savings Plan (HCSP). The Plan will be administered by Minnesota State Retirement System (MSRS).

11.4.2 Any employee with vacation available for use who changes to a work schedule of less than 50 percent time shall be entitled to be paid for any unused portion of vacation leave.

11.4.3 Any employee who is about to lose vacation because he/she has been denied a vacation request made in accordance with an administrative unit's leave policy and will reach the maximum accumulation, shall be entitled to take up to one week of vacation to prevent loss of vacation earned upon advance notice of seven (7) calendar days to their supervisor, or shall be allowed to cash out up to (1) one week of vacation earnings based upon percent time of appointment.

11.4.4 In addition, any employee may request to cash out one week of their accumulated vacation time each fiscal year at the unit's discretion.

#### **11.5 General Provisions for Sick Leave**

11.5.1 Full-time and part-time Civil Service employees on continuing or temporary appointments who are employed in one administrative unit on a prearranged and assigned schedule of 50 percent time or more shall accumulate sick leave with pay. Sick leave will accumulate at the rate of 3 minutes per basic straight-time paid work hour.

11.5.2 Sick leave accumulated for any one pay period becomes available for use during that pay period. An employee with sick leave available for use who leaves University employment or who changes to a work schedule of less than 50percent time shall lose unused sick leave. When a sick-leave accumulation of 400 hours has been reached, one-quarter of any sick leave accumulated thereafter (.75 minute per hour) may be credited to the employee's vacation accumulation if the employee's sick-leave accumulation is maintained at 400 or more hours. Three-quarters of such sick leave accumulated thereafter may be credited to sick leave.

11.5.3 When a sick-leave accumulation of 800 hours has been reached, one-half of any sick leave accumulated (1.5 minutes per hour) thereafter may be credited to the employee's vacation accumulation if the employee's sick-leave accumulation is maintained at 800 or more hours, and one-half of such sick leave accumulated thereafter may be credited to sick leave.

11.5.4 Employees must request and receive approval for use of sick leave from the supervisor or responsible administrator as soon as possible after the onset of illness. Supervisors or responsible administrators may require a statement from a physician

or dentist before approving use of accumulated sick leave. Any documents regarding a University employee's disability, injury, or prolonged illness must be centralized at the Disability Resource Center (<https://diversity.umn.edu/disability/>) rather than in the Office of Human Resources or any other location on campus. In the case of extended or chronic illness, the supervisor or responsible administrator may require proof of illness, including statements from a physician or dentist, before granting further sick leave or before allowing the employee to return to work. Abuse of sick leave shall be one form of just cause for disciplinary action.

11.5.5 A supervisor may require an employee to return home or to see a physician, or both, if the employee is unable to perform in an up-to-standard manner because of what appears to be a health condition. Such time shall be charged against sick leave if available.

11.5.6 Accumulated sick leave may be used to supplement Worker's Compensation benefits during periods of lost work time due to on-the-job accidents.

11.5.7 If sick leave is exhausted, an employee may use vacation leave, overtime accruals, or holiday leave subject to the conditions of Rule 11.2 and .4, and Rule 10.3.

11.5.8 Approved sick leave allowance may be used by an employee who is unable to perform duties because of illness or injury; or who would expose other employees or the public to contagious or infectious diseases; or who must keep medical or dental care appointments or for safety leave as defined in Minnesota Statute 181.9413.

11.5.9 Approved sick leave may be used when a woman is unable to perform the duties of her job due to pregnancy. If no sick leave is available, an employee may be required to use accumulated vacation leave in accordance with Rule 11.2, and University policy, federal, and state law.

11.5.10 Approved sick leave may be used to care for or arrange care for an employee's child, including medical and dental appointments. Approved sick leave to care for an employee's sick child is not limited. Employee's child as used in this portion includes adoptive, biological, step-child, or foster child of the employee or employee's spouse or domestic partner.

11.5.11 Up to 160 hours in any 12 month period may also be used by an employee to care for or make arrangements for the care of an ill member of the employee's immediate family or to provide assistance for safety leave to the immediate family. Immediate family as used in this portion of the Rule shall mean adult child, spouse, domestic partner, siblings, parents, parents-in-law, grandchildren, grandparent, stepparent, and wards of the employee or employee's spouse or domestic partner.

11.5.12 Accumulated sick leave of up to 16 hours per year can be used by an employee to participate in a personal health maintenance program (e.g., weight control, stress management, stop smoking). An acceptable program is one which is sponsored by, offered by, or accepted by health, medical and fitness/wellness professionals as a health maintenance program. Supervisory approval is needed to schedule sick leave for such purposes.

11.5.13 Sick leave may be used with appropriate notification when a death occurs in the employee's family. Employee's family in this instance shall mean spouse, domestic partner, children (including foster children and step children), siblings, parents, parents-in-law of the employee, grandparents, guardian, wards or grandchildren of the employee or employee's spouse or domestic partner. The time shall be limited to what is reasonably necessary to make funeral arrangements and/or to attend funeral services.

11.5.14 In addition, with the approval of the supervisor or responsible administrator, employees may use sick leave to serve as pallbearers or attend funerals of other individuals not identified above.

11.5.15 If an employee becomes ill while on vacation leave and presents satisfactory proof of illness or injury, the supervisor or responsible administrator may approve the use of sick leave in lieu of vacation leave.

## **11.6 Vacation Donation Program**

Employees may have the option of donating vacation for use by qualified employees. Information about the program is available at: <http://policy.umn.edu/hr/vacationdonation>.

## **11.7 Parental Leave**

### **11.7.1 Eligibility for Parental Leave**

11.7.1.1 Employees must have completed nine (9) consecutive months of employment at an average of 20 hours or more paid work time per week. This policy applies regardless of the percentage time of appointment and the two (2) year requirement for certain other benefits that are provided in these Rules.

11.7.1.2 The employee must give notice of intent to use parental leave and other leaves used in conjunction with parental leave to their supervisor at least four (4) weeks in advance, except under unusual circumstances.

### **11.7.2 Paid and Unpaid Leaves**

11.7.2.1 All new birth or adoptive parents, regardless of gender, shall be granted a two week paid parental leave. A birth mother shall also be granted an additional four weeks of paid parental leave, for a total of six weeks, for the recovery from the act of giving birth. This parental leave shall not be charged against the employee's accumulated vacation or sick leave. The parental leave shall begin at a time requested by the employee, although the leave may not begin more than six weeks after the birth or adoption. In the case where the child must remain in the hospital longer than the birth mother, the leave must begin no later than six (6) weeks after the child leaves the hospital. This leave must be consecutive and without interruption and must be taken during the term of appointment.

11.7.2.2 The birth mother or adoptive parent may use accumulated vacation leave immediately following the sick leave or parental leave. These leaves must be consecutive and without interruption and must be taken during the term of appointment. An unpaid leave of absence shall be granted to an employee for a period of up to six months, when requested in conjunction with the birth or adoption of the employee's child. This leave of absence without pay may be extended up to an additional six months upon the employee's request and with responsible administrator approval.

## **11.8 Sick Leave Without Pay**

11.8.1 Upon application, a leave of absence without pay may be granted by the appropriate responsible administrator or supervisor for the entire period of temporary disability due to sickness or injury. The duration of such leave shall be subject to the recommendation of this administrator, governed by applicable University policy and federal and state law.

11.8.2 During this leave, the responsible administrator or the Vice President or appropriate human resources personnel may periodically require that the employee submit a certificate from the attending physician or from a designated physician. Any documents regarding a University employee's disability, injury, or prolonged illness must be centralized at Disability Resource Center (<https://diversity.umn.edu/disability/>) rather than in the Office of Human Resources or any other location on campus. Supervisors should contact and work with the Disability Resource Center for additional information regarding requesting physician certification. In the event of failure or refusal to supply such certificate, or if the certificate does not clearly show sufficient disability to prevent the employee from performing assigned duties, the responsible administrator, with the approval of the appropriate human resources personnel may cancel such leave and require the employee to report for duty on a specified date.

11.8.3 Sick leave without pay may be granted to an employee who is considered permanently and totally disabled according to any disability insurance program in which the University participates. Should employees on such leave recover to the point that they are employable, they shall be treated as though they were laid off and will be eligible to compete for vacancies in accordance with the policies and regulations covering laid-off employees. An employee on this type of leave will not be allowed to replace or bump an incumbent from the employee's most recently held position, unless approved by the hiring authority. If an employee who is receiving workers compensation benefits chooses to take a position outside the University instead of accepting a suitable position (as defined by workers compensation law) at the University of Minnesota, the employee will be considered to have resigned and their administrative unit may terminate them.

## **11.9 Other Leaves Without Pay**

11.9.1 An employee may request a leave of absence without pay. This leave must be approved in advance by the responsible administrator or immediate supervisor. Seniority and vacation and sick leave are not earned during unpaid leaves.

11.9.2 Employees who are drafted or volunteer for military service during times of war or declared emergencies shall be entitled to military leaves of absence without pay, not to exceed four years, for service in the armed forces of the United States or of the state of Minnesota. Employees shall accumulate seniority during these periods of military service.

11.9.3 For determining vacation accumulation rates, military leave without pay shall be counted the same as normal straight-time hours that would have been worked. Vacation leave is accumulated during a military leave of absence without pay for all military service (reserve or regular armed services component) in time of war or declared emergencies, or when an employee is drafted. Additionally, vacation is accumulated during a reservist's initial period of active duty for training of three or more consecutive months and during all active and inactive duty for training in the military forces. The complete policy on military leaves may be viewed on the worldwide web at or may be obtained from the Office of Human Resources.

## **11.10 Leaves of Absence With Pay**

11.10.1 Upon request an employee shall be granted a leave of absence with pay for:

11.10.1.1 service on a jury provided the employee is regularly employed at a designated percentage of time of 50 percent or more. An employee serving on a jury is expected to report for work during any work hours when the jury is recessed. The employee may be requested to render some additional services to the administrative unit in order to minimize the interruption of service caused by this absence.

11.10.1.2 voting in any state-wide general or state-wide primary election, or in an election to fill a vacancy in the office of U.S. Senator or U.S. Representative during the election day.

11.10.1.3 court attendance in connection with an employee's official duty. Such attendance shall include transportation to and from the employee's headquarters to court. Any absence, as an individual rather than as an officer or an employee of the University, whether voluntary or in response to a legal order to appear and testify in private litigation, shall be taken as vacation leave, leave of absence without pay, or as deduction from authorized accumulated overtime.

11.10.1.4 tour of duty in the reserve military forces of the United States or National Guard, not to exceed 15 workdays in any calendar year.

11.10.2 The responsible administrator has the discretion to determine whether a leave of absence with pay will be granted for:

11.10.2.1 a reasonable amount of time in University service, collegiate, campus or University committees, governance bodies, etc.;

11.10.2.2 appearance before a court, legislative committee, for other judicial or quasi-judicial body as a witness in action involving the federal government, the state of Minnesota, or a political subdivision thereof, or the University, in response to subpoena or other direction by proper authority;

11.10.2.3 attendance at professional and scientific meetings and other approved educational activities; (Regents Policy, Employee Development, Education and Training, Section VI, VII);

11.10.2.4 educational leave for not more than four hours per week (or more if make-up schedule for additional time is approved by supervisor) to be used for such purposes as attending class on a Regents' Scholarship; (Regents Policy, Employee Development, Education and Training, Section V): <http://regents.umn.edu/policies/index>.

11.10.2.5 the time required to complete an investigation and decide whether disciplinary action is warranted; and the time period between an employee's receiving a notice of termination of employment and the effective date of termination (Rule 7.6; Rule 13.2).

11.10.3 Compensation for hours not worked or for extra hours worked due to University-wide or individual campus closings for weather or other emergencies is covered in an emergency closing policy and procedure document. The current emergency closing policy may be viewed at: <http://policy.umn.edu/operations/emergencyclosing> or a copy may be requested from the Office of Human Resources.

### **11.11 Reinstatement From Leave of Absence**

11.11.1 Except as otherwise provided by these Rules, an employee granted a leave of absence must return to employment in the same classification and administrative unit at the expiration of the leave. This employee may return to employment before the leave expires upon approval of the responsible administrator.

11.11.2 An employee who is laid off before the leave expires because that individual's position has been abolished shall be entitled to re-employment consideration in accordance with these Rules (Rule 12.3).

## **RULE 12 Seniority, Layoff, and Resignation**

This rule refers only to employees moving from a civil service job to a civil service job unless otherwise indicated.

### **12.1 Seniority Unit**

12.1.1 Seniority unit (see "Definitions") is determined at the college or appropriate senior administrative level, with the approval of the appropriate human resources office. Employees must be informed of the seniority unit in which they have rights at the time they become eligible to earn seniority, usually after they have passed probation. (See Rule 12.2 for other examples of eligibility to earn seniority.)

12.1.2 Prior to an individual employee's change in assigned seniority unit, the employee must be notified of:

- a) the current seniority unit in which the employee has rights;
- b) the seniority unit the employee will have rights in during a transition period;
- c) the seniority unit the employee will have rights in after the organizational change in the unit is complete; and
- d) the dates these changes become effective.

### **12.2 Unit and Classification Seniority**

12.2.1 Unit seniority shall mean cumulative length of service (total paid straight-time work hours) in all classifications held within a seniority unit by an employee; an employee accumulates and retains unit seniority in each of the seniority units in which the employee has worked. Unit seniority shall be acquired only after the completion of the probationary period, but shall begin at the date of entry into the class in the seniority unit.

12.2.2 Classification seniority shall be acquired only after the completion of the probationary period in each classification, but shall begin at the date of entry into each classification.

12.2.3 Temporary employees do not accumulate classification seniority until they have completed more than one calendar year of service of 50 percent time or more within the same classification, within the same administrative unit. Classification seniority shall be retroactive to the date of entry into the classification in the administrative unit. Employees moving from continuing to temporary positions forfeit all rights and benefits given to a continuing position and will be governed by the rules for temporary employees.

12.2.4 Classification seniority shall mean length of service (total paid straight-time hours) in a particular classification; an employee accumulates and retains classification seniority in each of the classifications in which the employee has worked. Temporary employees who have become continuing employees in accordance with Rule 6, Section 6, shall be granted unit seniority. Unit seniority shall begin on the first day after the two-consecutive-calendar-year anniversary and is not retroactive to the date of entry into the classification in the administrative unit. When an employee holds a particular classification within an administrative unit and has passed probation, and a vacancy exists on another shift in that classification and administrative unit that employee, if qualified, shall be granted a change between work shifts in order of classification seniority if the employee has applied for such change in writing.

12.2.5 When overtime is required, the employee who usually performs the work shall be given first opportunity to work the overtime (including holidays). If the employee chooses not to accept overtime, other employees who are able to perform the work and wish to work overtime shall be permitted to work such overtime in classification seniority order with the most senior employee in that classification being given first consideration. If all employees decline to work such overtime, the person with the least amount of classification seniority shall be required to work the overtime (See Rule 10.2.)

12.2.6 Unit and Classification seniority credits accrued up to the time of transfer from a unit shall be reinstated upon an employee's re-employment in that original unit (regardless of administrative or collegiate unit), provided the employee has not terminated employment with the University during the interim or had that appointment reduced below 50 percent time for a period of four consecutive calendar months.

12.2.7 Unit and Classification seniority credits of a former employee who is re-employed shall begin on the date of re-employment unless seniority is reinstated under Section 4 of this rule. When the former employee is re-employed to a temporary position, classification and unit seniority credits cannot be reinstated.

## **12.3 Layoff, Bumping, and Job Transfer**

### **12.3.1 Layoffs**

12.3.1.1 A responsible administrator may lay off an employee because of abolition of position; shortage of work or funds; reorganization of the administrative, collegiate, departmental unit; or other reasons beyond the employee's control that do not reflect discredit on the employee's services.

12.3.1.2 When two or more persons have equal unit seniority in the unit in which the layoff is to be made, the order of layoff shall be determined by the classification seniority of the individuals involved. If the unit and classification seniorities of the affected persons are equal, the responsible administrator shall decide the order of layoff.

12.3.1.3 At least twenty-eight (28) days before the effective date of an employee's layoff from a continuing position, the responsible administrator shall give written notice to the employee, with a copy to the appropriate human resources office. This written notice shall include an explanation of the employee's bumping rights and, in case bumping rights are not exercised, regulations concerning unemployment benefits.

12.3.1.4 Instead of layoff an employee may choose transfer or demotion into a position for which the employee is qualified within the unit where the layoff occurs if a vacancy exists.

### **12.3.2 Bumping Rights**

12.3.2.1 In accordance with the above, employees whose jobs have been eliminated, or whose appointment(s) are involuntarily reduced to below 75 percent, or employees on 50 to 74 percent appointments whose appointments are involuntarily reduced to below 50 percent, shall be allowed to the following, in the order listed:

- 1) bump the least senior (based on unit seniority) or probationary employee who is performing essentially the same duties within the same unit and classification.

12.3.2.2 If this is not possible, an employee may:

- 2) bump into the position identified by the following criteria:
  - a) The position is in the same classification and unit;
  - b) The duties are not essentially the same;
  - c) The bumping employee is qualified for the position;
  - d) The employee to be bumped is less senior (based on unit seniority) than the bumping employee. If more than one position meets the above criteria, the employee to be bumped shall be the least senior (based on unit seniority) or probationary employee in that set of positions.

12.3.2.3 If this is not possible, an employee may:

- 3) bump into the position identified by the following criteria:
  - a) the position is in a previously held classification in which the bumping employee passed probation in the same unit;
  - b) the position is in the same unit;



- c) the bumping employee is qualified for the position;
- d) the employee to be bumped is less senior (based on unit seniority) than the bumping employee.

12.3.2.4 If the bumping employee is eligible to bump to more than one previously held classification, this bumping option shall be applied to those classifications in the inverse order in which they were held. If more than one position in a particular classification meets the above criteria, the employee to be bumped shall be the least senior (based on unit seniority) or probationary employee.

12.3.2.5 If none of the above options are possible in the order listed, the employee may:

- 4) exercise the right to any posted vacancy within the system as identified by the following criteria, and shall be hired in classification seniority order:
  - a) the position is in a previously held classification in which the employee passed probation;
  - b) the employee is qualified for the position.

12.3.2.6 Rate-arranged employees follow the same criteria for bumping as other employees; however, they are only eligible to bump into the same classification in the same established salary range.

### **12.3.3 Layoff List**

12.3.3.1 Employees who have successfully completed probation and who cannot or do not exercise their bumping rights and are laid off shall be placed on a University layoff list provided the employee submits a written request to be placed on the layoff list. These employees shall be rehired (if qualified to perform the work), in classification seniority order ahead of all other applicants (except for recalled employees), for vacancies within a previously held classification for which they apply.

12.3.3.2 An employee who is being terminated during the probationary period may choose not to exercise the option to bump another employee from a previously held continuing (non-temporary) position. The employee being terminated may then be placed on the layoff list, in accordance with Rule 7.5.

12.3.3.3 An employee on the layoff list must be recalled when a vacancy occurs in the unit and classification from which the layoff occurred, provided the employee is qualified to perform the work.

12.3.3.4 After receipt of recall notice, the employee shall have seven workdays during which to indicate intent to return and at least 22 additional workdays to report to work. Failure to accept recall shall constitute a resignation that includes removal from the layoff list.

12.3.3.5 Employees on the layoff list may apply for any vacancy, but are not entitled to hiring preference as laid-off employees except where the vacancy occurs in a previously held classification.

12.3.3.6 Rate-arranged employees follow the same protocol for access to the lay-off list as other employees but may only exercise layoff list rights in the same classification in the same established salary range.

### **12.3.4 Job Transfer List**

12.3.4.1 An employee who has passed probation and is determined by the University to be eligible for job transfer under state or federal disability laws shall be placed on the job transfer list.

<http://humanresources.umn.edu/leader-manager-resources/managers-tools>

12.3.4.2 An employee who has passed probation but whose on-the-job injury now prevents the employee's performance of the essential functions of the position shall be placed on the job transfer list.

12.3.4.3 An employee who has been notified of failure to pass probation or dismissal and who is subsequently injured on the job or asserts a disability for the first time shall not be eligible for placement on the job transfer list.

12.3.4.4 An employee on the job transfer list shall be hired for vacant positions for which the employee is qualified to perform the essential functions at the same or lower pay range as the employee's last position, ahead of all other applicants except eligible employees on the layoff list.

### **12.3.5 Re-employment**

12.3.5.1 Classification and unit seniorities of an employee who is re-employed from a layoff list shall begin on the date of re-employment, except when re-employment is in a temporary position. If re-employment occurs in the previous administrative unit of employment, the classification and unit seniorities at the time of termination shall be restored, except when re-employment is in a temporary position.

12.3.5.2 When an employee is re-employed from the layoff or job transfer lists, unused sick leave and time accumulated toward eligibility for vacation allowance shall be restored, effective on the date of re-employment.

12.3.5.3 An employee's name shall remain on the layoff or job transfer lists for a period not to exceed two years or until the employee has returned to work at the University within that time. An employee has the right to refuse re-employment to the first position of equivalent classification, same campus or experiment station location, and reasonably close salary offered, but must accept the second position or be removed from the layoff list. An employee on the job transfer list has the right to refuse re-employment to the first position at the same or lower pay range as the employee's last position and reasonably close salary offered, but the employee must accept the second position or be removed from the job transfer list.

12.3.5.4 An employee who has exhausted rights on the layoff list shall be considered as having resigned in good standing.

### **12.3.6 Layoffs and broadbanded classifications**

12.3.6.1 For civil service positions which are broadbanded, both the classification and the level within the classification will be considered for purposes of bumping rights and placement on the layoff list. When a layoff occurs, the administrative unit will have the responsibility to identify the current level of work of the affected employee.

12.3.6.2 The employee can bump the least senior employee performing essentially the same work and at their same level (if qualified); can bump the least senior employee performing different work at their same level (if qualified); and can bump the least senior employee at a lower level (if qualified) even if the employee never was classified at the lower level. The employee cannot bump to a higher level, even if qualified.

12.3.6.3 The employee will be placed on the layoff list for the class and the level from which they were laid off, all lower levels within the same broadbanded classification, and all other classifications for which they have passed probation. The employee will be referred and has hiring rights for those classifications and levels for which they meet the required qualifications on the posted job requisition.

### **12.4 Resignation and Reinstatement**

12.4.1 An employee may resign by presenting a resignation in writing to the responsible administrator. To resign in good standing, an employee must give the responsible administrator or immediate supervisor at least 10 work days prior notice. An employee may request withdrawal of the resignation if at least 10 workdays notice was given and the employee requests withdrawal of the resignation in writing before the actual termination date. The decision to accept the request for withdrawal is at the discretion of the responsible administrator.

12.4.2 As long as the University has a record on file, a former employee who was employed on a prearranged and assigned schedule of at least 50 percent time and who is re-employed in a position of at least 50 percent time shall have any or all of these items reinstated: unused sick leave, classification and unit seniority credit (if applicable under Rule 12.2, and except when re-employed to a temporary position), vacation leave accumulation rate and eligibility, and waiver of probationary period within a formerly held classification (if applicable under Rule 7.2). Reinstatement is not possible for former employees who have negotiated a settlement agreement with the University.

## **RULE 13 Discipline, Dismissal, and Protection from Retaliation**

### **13.1 Discipline**

13.1.1 Supervisors may discipline employees only for just cause (see “Definitions”). Disciplinary action may take the form of oral warning, written warning, suspension without pay, reduction in pay, and dismissal. Discipline shall be commensurate with the severity of the infraction and shall take into consideration factors such as, but not limited to, the employee's length of service, job history, and nature of the problems. A supervisor may require an employee to take a leave of absence with pay in order for the supervisor to conduct an investigation that may result in disciplinary action.

13.1.2 Supervisors must make a record of disciplinary action except for oral warnings, with a copy to the official personnel file and a copy to the employee. Disciplinary actions entered into an employee's Human Resources file shall be removed from departmental files after one calendar year, if no further disciplinary actions have been taken during that year. Records of suspension shall be retained in the official personnel file for eighteen (18) months, with the exception of suspensions for issues related to sexual or racial harassment, which shall be retained in the employee's official personnel file for five (5) years; and physical abuse or violence which shall remain in the employee's official personnel file with the totality of the circumstances retained.

13.1.3 Disciplinary action shall become effective when the supervisor communicates the action to the employee. An employee may appeal any disciplinary action in accordance with Rule 14.

### **13.2 Dismissal**

13.2.1 Employees who have passed probation, and temporary employees who have completed more than one calendar year of service in a 50 percent time or more appointment within the same classification, within the same administrative unit (see Rule 6.6), may be dismissed from a position for just cause (see definitions). Just cause is not required for dismissal of any other employee.

13.2.2 A written notification of reasons for dismissal shall be handed to the employee by the supervisor or responsible administrator or sent by registered mail to the employee's last known address with return receipt requested. A copy of this notification shall be placed in the employee's official personnel file. The statement shall allow 10 workdays prior to the effective date of dismissal. These 10 days may be given as a leave of absence with pay. In cases of alleged misconduct the employee shall be placed on leave without pay during this period.

13.2.3 The employee may appeal a dismissal during the six-week period in accordance with Rule 14. The appeal shall not affect the effective date of the dismissal.

13.2.4 An employee who willfully practices or has attempted to practice any deception or fraud concerning the employee's eligibility for appointment may, upon discovery and proof thereof, be dismissed or otherwise appropriately disciplined. Charges alleging such deception or fraud may be initiated by the responsible administrator under which the employee is working at the time, or by the Vice President, in conformity with the provisions of those rules relating to notice of dismissal and hearing.

13.2.5 Absence for three consecutive workdays without authorization shall be considered a resignation, in accordance with Rule 10.5.

### **13.3 Protection from Retaliation**

13.3.1 Supervisors may not take disciplinary action against an employee who, in good faith, reports a violation of any federal or state law or regulation to the employer, a governmental body or law enforcement official. Employees may report any good faith concerns to the University's confidential reporting service (toll-free 1-866-294-8680 or via a confidential Web link (<https://secure.ethicspoint.com>)). Disciplinary action may not be taken against an employee who is requested by a public agency to participate in an investigation, hearing, or inquiry as well as an employee who refuses to participate in any activity that the employee has an objective basis in fact to believe violates state or federal law and the employee informs the employer that the refusal is based on that reason.

13.3.2 University Policy “Reporting and Addressing Misconduct” outlines the procedure to report concerns without fear of retaliation. This policy can be found at: [http://www.policy.umn.edu/groups/ppd/documents/Policy/Reporting\\_Violations.cfm](http://www.policy.umn.edu/groups/ppd/documents/Policy/Reporting_Violations.cfm) or a copy may be requested from the Office of Human Resources.

13.3.3 Supervisors may not take disciplinary action against an employee who refuses to perform non-work-related tasks on paid work time.

## **RULE 14 University Conflict Resolution**

**14.1** This policy applies to all University of Minnesota employees not represented by a union, but all Civil Service Rules, including Rule 14, cover only employees specified in Rule 1, Section 2 of these rules. For the most current policy, refer to [www.umn.edu/ocr](http://www.umn.edu/ocr) or contact the Office for Conflict Resolution. The Office of Institutional Compliance has additional resources available at: <http://www.compliance.umn.edu/complianceReportResources.htm>.

**14.2** The Office for Conflict Resolution will consult with the Consultative Committee periodically regarding Rules interpretation issues that have arisen in matters brought to that office, and report the Rules that have been cited in petitions filed by Civil Service employees (Rule 3.2.4).

## **RULE 15 Health and Safety and MERTKA**

**15.1** At the time of hire or re-employment, employees shall be informed by their supervisors of the Minnesota Employees Right-To-Know Act (MERTKA), regarding potentially hazardous substances or situations encountered in the workplace.

**15.2** Administrative units are responsible for providing and maintaining work areas that meet the health and safety standards required by State and Federal law. Each administrative unit should have a designated safety coordinator to be the unit liaison with the University's Department of Environmental Health and Safety. Supervisors shall take steps for the safety of employees within the work area.

**15.3** Employees shall report health and safety concerns and problems to their supervisors. Supervisors must respond promptly to the concerns and/or problems until such time as the problem is resolved. Supervisors should consult with their unit safety coordinator to determine if there is a need to make use of the services of the Department of Environmental Health and Safety Services. These services include such items as fire safety evaluations, measurement of noise and radiation levels, and analysis of biological, chemical, and all other hazards.

**15.4** Employees shall immediately report on-the-job accidents and injuries to their supervisors. The supervisor shall take appropriate steps to insure that the employee's injury is not further aggravated and to enable the employee to obtain care for the injury. This may include the provision of first aid services, medical services, ambulance services, or transportation to a hospital or it may require taking or sending the employee home. The supervisor shall report these incidents, whether or not injury resulted, to the administrative unit and submit an accident report (First Report of Injury) to the Workers Compensation Office.

**15.5** Additional information and policies regarding health and safety are available from the Office of Human Resources and other appropriate University administrative units.

**15.6** Insurance and Workers Compensation.

The University of Minnesota shall offer insurance coverage that includes, but is not limited to: group life, health, medical, workers compensation, and dental benefits. Contact Employee Benefits <http://humanresources.umn.edu/benefits> for additional information.

## DEFINITIONS

The following words and terms, wherever used in these Rules, shall have the meaning indicated below. Definitions are to be considered as part of the Rules for the purpose of grievance.

**Administrative unit.** Any administrative, department, collegiate, campus, or central unit.

**Administrative authority.** Official University authorization to manage the business and/or fiscal activities of an administrative unit.

**Appointing authority.** Any administrator, department head, or supervisor who has been delegated authority to appoint and terminate employees.

**Appropriate Human Resources Office/Personnel.** Describes the collegiate, campus, or central administrative human resources office responsible for area in which employee works.

**Appropriate Senior Administrator.** Describes the most senior administrator for the collegiate, campus, or central administration human resources office responsible for area in which employee works.

**Bumping.** Seniority-based process by which one employee may take the job of another in order to avoid layoff. A Civil Service employee may bump only within his/her own seniority unit.

**Calendar week.** 12:01 a.m. Sunday to midnight Saturday. (Should not be confused with the workweek, which may be different.)

**Callback.** The act of requiring an employee to report to work in an emergency outside the employee's regular work hours, as covered in Rule 10.4.2.

**Civil Service Employee.** The University of Minnesota civil service staff does professional and/or supervisory, non-academic work and is not currently represented by a union. Job classification numbers begin with 0, 3, 7 or 8 (see also Temp or casual appointment definitions).

**Classification.** Descriptive title given to a position or a group of positions with similar duties and responsibilities.

**Classification Seniority.** Classification seniority shall mean length of service (total paid straight-time hours) in a particular classification; an employee accumulates and retains classification seniority in each of the classes in which the employee has worked. Classification seniority for continuing appointments shall be acquired only after the completion of the probationary period in each classification, but shall begin at the date of entry into each classification. Classification seniority for temporary appointments shall be acquired only after the completion of more than one calendar year of service in a 50 percent time or more appointment within the same classification, within the same administrative unit but shall begin at the date of entry into the classification.

**Committee.** Civil Service Consultative Committee of the University of Minnesota.

**Compensatory time.** Time off allowed for time worked in excess of forty (40) hours in a work week. Non-exempt employees shall be compensated at time and one-half (also see overtime definition).

**Continuing position.** A position within a classification of the University Civil Service that is considered by an administrative unit to be a regular, ongoing non-temporary position. Employees must serve a probationary period. Temporary appointments will become continuing appointments with all rights and benefits thereof after more than three calendar years of service in a temporary appointment of 50 percent time or more within the same classification, within the same administrative unit including reclassification of the position. In these cases, a probationary period will be considered to be completed.

**Demotion.** An employee's change from a position in one classification to a position in another classification assigned to a lower pay range in the same schedule, or, an employee's change from a position in one classification to a position in another classification on a different schedule where the midpoint of the new classification's range is lower than the midpoint of the old classification's range by 4 percent or more.

**Discharge, Dismissal.** Involuntary termination.

**Discretionary increase.** Wage and salary increases (incremental, percentage, or lump sum) that may vary in amount from employee to employee (within limits prescribed in the compensation plan) based on performance appraisals.

**Domestic partner.** Two persons of the same or different sex who are (1) engaged in a committed relationship, and (2) not related by blood closer than permitted under Minnesota marriage laws.

**Employee's child.** Includes adoptive, biological, step-child, or foster child of the employee or employee's spouse.

**Exempt.** Classification of work not regulated under the Fair Labor Standards Act. For further information, call the Office of Human Resources.

**Flex-time.** Work arrangement in which employees choose their own work hours within the limits established by the area manager. Core hours are established and employees are allowed to determine their stop and start times. Flex-time does not alter the total number of hours worked in a week.

**Full-time appointment.** One hundred percent time for the period of appointment.

**Illness.** Includes both mental and physical illness.

**Job transfer list.** A record of former employees who have passed probation and whose University on-the-job injuries prevent performance of the essential functions of their positions, or who are determined by the Office of Human Resources to be eligible for job transfer under state or federal disability laws, without delinquency or misconduct on their part.

**Just cause.** A standard or test often applied to determine the appropriateness of disciplinary action. The factors that may be considered in determining just cause include but are not limited to: (1) Forewarning; (2) Reasonableness of the rule or standard that was violated; (3) The presence of a supervisory or other type of investigation to verify employee culpability and the circumstances of the violation; (4) Establishment of proof at a level consistent with the disciplinary action being taken;

(5) Prior consistent enforcement of the rule or standard that has been violated; (6) Disciplinary action proportional to the offense.

**Layoff list.** A record of former employees who have been laid off due to lack of work or funds within the past 24 months, without delinquency or misconduct on their part.

**Nondiscretionary increase.** Wage and salary increases (incremental, percentage, or lump sum) that are granted to all employees or to specific groups of employees (e.g., all those on a particular schedule or in a particular classification) across the board, without regard to the employee's job performance.

**Nonexempt.** Classification of work regulated by the provisions of the Fair Labor Standards Act. For further information, call the Office of Human Resources.

**Non-public employee.** Refer to the Minnesota Public Employee Labor Relations Act 179A. Contact the Office of Human Resources for additional information. These are appointments <36%.

**Official employee personnel file.** The official employee personnel file is the file maintained by the Office of Human Resources at the respective campuses (Crookston, Duluth, Morris, Rochester and Twin Cities). All disciplinary, performance appraisal, payroll, and similar documents must be filed in this file to be used in any action related to an employee's appointment.

**On-call:** Employees, at times outside of their scheduled work hours, who are required to be available to respond to telephone calls or return to work (see “return to work” definition) if necessary. On-call work shall follow the practice and procedures as established by the Vice President for Human Resources.

**Overtime.** Overtime is the work time in excess of 40 hours worked or paid time off per workweek on one or more University jobs (also see work time definition). Full-time V-classifications are not eligible for compensated overtime. Part-time V-classifications are eligible for compensated overtime for hours worked beyond 40 hours per workweek. Exempt employees (non-V) are eligible for compensated overtime for hours worked beyond 40 hours per workweek.

**Part-time appointment.** An appointment at less than one hundred percent time for the period of the appointment. These are appointments >36%. <http://www.revisor.leg.state.mn.us/stats/179A/03.html>.

**Performance appraisal plan.** A plan shall include the following elements: goals of the performance program, appraisal forms, and rating standards and factors.

**Position.** A group of current duties assigned or delegated by responsible authority, requiring the full-time or part-time employment of one person.

**Position classification plan.** The schedule of classifications and revisions adopted by the Board of Regents on September 22, 1945, together with the subsequent amendments and revisions adopted by the Board of Regents.

**Probationary period.** Part of the selection process during which an employee new to a position is required to demonstrate fitness for the position by actual performance of the position's duties.

**Promotion.** An employee's change from a position in one classification to a position in another classification that is assigned to a higher pay range on the same schedule, or an employee's change from a position in one classification to a position in another classification on a different schedule where the midpoint of the new classification's range is higher than the midpoint of the old classification's range by 4 percent or more. Probation is required.

**Qualifications:** Criteria for a specific job for which an employee is hired. Qualifications include required and preferred qualifications. Required qualifications are what you have to have in order to perform the job duties. Preferred qualifications are what would be helpful to have, but which an employee can receive training for if they do not possess them at the time of hire.

**Qualified:** Possesses the required qualifications for a particular position.

**Recall.** When a vacancy occurs in an administrative unit and in a classification from which an employee was laid off and the employee is qualified to perform the work, the employee must be notified of their right to return to work.

**Reclassification.** A change in classification of an individual position by raising it to a higher classification, reducing it to a lower classification, or moving it to another classification at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed. No probation is required unless requested by the supervisor and approved by the Vice President.

**Regularly scheduled.** Working hours scheduled in a recurring pattern on a continuing basis.

**Responsible administrator.** The administrator who has administrative authority for the unit, department, college, campus, or central administration for which the employee works.

**Return to work.** Reporting back to work after a lay-off or leave of absence.

**Return to work (from on-call status).** An employee who is working in an on-call status and must return to the work place.

**Seniority credit.** Credit given in personnel processes to the length of service of an employee in a particular kind of work in a specific seniority unit, determined and granted in the manner established by these Rules.

**Seniority unit.** The unit in which employees earn seniority. This can be a department, a group of departments, an administrative unit, a college, or an entire campus. Seniority units are determined at the collegiate or vice presidential level, with the approval of the Vice President.

**Sexual harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

**Shift differential.** Base salary supplements that compensate employees for the inconvenience of working certain hours other than the traditional business hours of 8:00am – 5:00pm.

**Straight time pay.** Base hourly rate of pay for an employee.

**Supervisor.** A person who exercises major supervisory functions over another employee or employees. These functions are hiring, evaluating, assigning work, disciplining, and dismissing.

**Telecommuting.** A work arrangement in which an employee carries out all or some of the duties of the job at home or another alternate work location. The toolkit for implementing this work arrangement can be found at:  
<https://humanresources.umn.edu/supervising-u/template-letters#tele>.

**Temporary appointment.** Appointment to a posted position that has a specified beginning and ending date. It may be part-time or full-time (<2 years, > 36%). A temporary employee does not serve a probationary period and does not have the rights that accrue to an employee on a continuing appointment (>2 years, > 36%), except as defined in these Rules. Employees on a temporary appointment shall be notified, in writing, of the temporary nature of their appointment. Temporary appointments will become continuing appointments with all rights and benefits thereof after more than two (2) calendar years of service in a temporary appointment of 50 percent time or more within the same position, including reclassifications of that position, within the same administrative unit. In these cases, a probationary period will be considered to be completed. (See Rule 6.5.6)

**Temporary or Casual Appointments** (0001, 0007, 0011) appointments are not covered under the rules.

- <http://www1.umn.edu/ohr/policies/hiring/temporary>
- Technical Consultant Appointments
- <http://www1.umn.edu/ohr/policies/hiring/technical.html>

**Temporary no-post.** A temporary position of 12 (twelve) months or less that has not been posted and is filled by an applicant not referred by the appropriate human resources office. Temporary no-post positions are not covered by Civil Service Rules. (See Rule 1.2)

**Termination.** Discontinuance of University employment.

**Transfer.** An employee's change from a position in one administrative unit to a position in the same schedule and pay range in another administrative unit, a change of classification within the same administrative unit when the new position is assigned to the same schedule and pay range as the former position; or an employee's change from a position in one classification to a position in another classification on a different schedule where the difference in the midpoints of the two ranges is less than 4 percent. Probation is required.



**Unit seniority.** Unit seniority shall mean cumulative length of service (total paid straight-time work hours) in all classifications held within a unit by an employee; an employee retains unit seniority in each of the units in which the employee has worked. For an employee who is hired into a continuing appointment, seniority shall be acquired only after the completion of the probationary period, but shall begin at the date of entry into the class in the unit. For an employee who is hired into a temporary appointment, unit seniority shall be acquired only after the completion of two calendar years of service in a 50 percent time or more appointment, within the same position, including reclassifications of that position, within the same administrative unit. (See Rule 6.6) Unit seniority shall begin on the first day after the three-year anniversary and is not retroactive to the date of entry into the class.

**V-class.** A designation given to some supervisory and professional classifications that allows full-time employees in those classifications to accrue an extra one-half day of vacation per month in lieu of being paid for overtime. V-class part-time employees shall be paid or receive compensatory time off at the straight-time rate for all hours worked in excess of their appointment percentage up to the total number of hours that would constitute full-time employment. (See Rule 11.2.) In order to be eligible for this designation, the classification must be exempt from the United States Fair Labor Standards Act.

**Vacancy.** A position opening that exists when a new position is created or when an existing position opens up due to the termination (dismissal, resignation, promotion, etc.) of an employee. A position is not vacant for purposes of permanent shift selection when the incumbent is on approved leave. Adjusting the work shift or the responsibilities of an incumbent's individual position does not create a vacancy.

**Vice President.** The Vice President for the Office of Human Resources of the University of Minnesota or a designated representative.

**Work shift.** This term means both a period of work that has a predetermined starting and ending time and the regularly scheduled configuration or pattern of work periods and days off. This configuration may repeat itself on a weekly, biweekly, or longer-term basis.

**Work time.** Time scheduled for employees to be on work duty; and time spent on authorized paid leaves of absence such as vacation leave, sick leave, compensatory time off, paid military leave, and so forth.

**Workweek.** A fixed and regularly recurring period of 168 hours; seven consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. The beginning of the workweek shall be established by the responsible administrator and, once established, it remains fixed. However, it may be changed by the responsible administrator if the change is justifiable for business reasons. Different workweeks may be established for different employees or groups of employees.

**Work year.** One year at 100 percent time = 2,080 straight-time paid work hours; one year at 75 percent time = 1,560 straight-time paid work hours; one year at 50 percent time = 1,040 straight-time paid work hours.