

**Union Proposal #27  
Reallocation & Job Audits**

**April 6, 2021**

ARTICLE 16: VACANCIES, FILLING OF POSITIONS

SECTION 5. RECLASSIFICATION

**Section 5. Reclassification.** Employees may submit requests for job audits directly to Minnesota Management & Budget, or their own Appointing Authority if it has delegated classification authority, pursuant to Minn. Stat. 43A.07, Subd. 2, and the Minnesota Management & Budget Administrative Procedure 7. Minnesota Management & Budget or an Appointing Authority with delegated classification authority, shall acknowledge, in writing, receipt of an employee-initiated request for an audit of their position within ~~thirty (30)~~ **ten (10)** calendar days of receipt of the request. Minnesota Management & Budget or an Appointing Authority with delegated classification authority, shall meet with the employee and association representative, upon request, within thirty (30) days to discuss the job audit process. Upon request, the agency Human Resources office shall provide an update of the job audit status.

An employee may have association representation for this Section, including Parts A and B.

Minnesota Management & Budget or an Appointing Authority with delegated classification authority, shall conclude a reclassification request within six (6) months from the initial receipt of the request. The six (6)-month deadline may be extended based on mutual agreement of the Appointing Authority and employee.

An employee shall be notified, in writing, of a downward reclassification of their position before such action occurs.

Upon request, Minnesota Management & Budget or an Appointing Authority with delegated classification authority, shall provide the employee a copy of the original job audit and classification documentation. This documentation shall include the specific rationale for the classification determination.

An employee who ~~desires to protest~~ **appeals** a reclassification decision regarding their position may do so by following the provisions of Minn. Stat. 43A.07, Subd. 3; ~~but the~~ The decision of the Commissioner of Minnesota Management & Budget or the agency with delegated authority pursuant to this Section, including Parts A and B, shall not be subject to the grievance and arbitration provisions of this Agreement.

Minnesota Management & Budget or an Appointing Authority with delegated classification authority, shall notify the Association President regarding any class studies they plan to undertake. Prior to the actual implementation of any class study results, the Association shall be offered the opportunity to meet and confer with the appropriate authority regarding the results and the implementation plans.

**A. Effect of Change in Position Allocation on the Filling of Positions.** When the allocation of a position has been changed as the result of changes in the organizational structure of an agency or abrupt changes in the duties and responsibilities of this position, such positions shall be considered vacant under the provisions of this Article and filled in accordance with Sections 1- 4.

**B. Effects of Reallocation on the Filling of Positions.** When the allocation of a position has been changed as the result of changes over a period of time in the kind, responsibility, or difficulty of the work performed in a position, such situation shall be deemed a reallocation and not considered a vacancy under the provisions of this Article.

Minnesota Management & Budget or an Appointing Authority with delegated authority of a reallocation request, shall acknowledge, in writing, receipt of a reallocation request to the employee for their position within ten (10) calendar days of receipt of the request. .

If requested by the employee, Minnesota Management & Budget or an Appointing Authority with delegated authority of a reallocation request, shall meet with the employee and, if requested, association representation within thirty (30) days to discuss the reallocation process. Upon request, the agency Human Resources office shall provide an update of the reallocation status.

Minnesota Management & Budget or an Appointing Authority with delegated authority of a reallocation request, shall conclude a reallocation request within six (6) months from the initial receipt of the request. The six (6)-month deadline may be extended based on mutual agreement of the Appointing Authority and employee.

Upon request, Minnesota Management & Budget or an Appointing Authority with delegated authority of a reallocation request, shall provide the employee a copy of the original reallocation request and classification documentation. This documentation shall include the specific rationale for the classification determination.

The incumbent employee shall be appointed to the reallocated position provided the employee has performed satisfactorily in the position and possesses any licensure, certification, or registration which may be required. In any case where the incumbent of a position which has been reallocated is ineligible to continue in that position in the new class/class option, the employee shall be removed from the position within thirty (30) calendar days from the date of notification to the Appointing Authority of the employee's ineligibility. The position shall then be considered vacant under the provisions of this Article and filled in accordance thereof. Where the incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the layoff provisions of Article 17 shall apply.

Except for reallocations resulting from a study of an agency or division thereof initiated by Minnesota Management & Budget or an Appointing Authority, if the incumbent of a position which is reallocated upward receives a probationary appointment to a reallocated position, pay and classification seniority for the reallocated position shall commence fifteen (15) calendar days after the initial receipt in Minnesota Management & Budget or an agency with delegated authority of a reallocation request ~~determined to be properly documented~~, and it shall continue from that date until the effective date of the probationary appointment.

The Employer shall provide the Association notice of any reallocations that occur within the bargaining unit within thirty (30) days of the effective date of the probationary appointment. Such notice shall include, but not be limited to: 1) name of the employee; 2) department or agency name; 3) original classification of the employee; 4) reallocated classification of the employee; and 5) date of the reallocation.

An employee who is demoted as a result of a reallocation shall have their name placed on the Seniority Unit and Bargaining Unit Layoff Lists for the class from which they were reallocated downward.