

The following are proposed changes to the administrative rules of the Regent Merit System. Only those sections where changes are proposed are included below.

681 -- 3.2(19A) Covered employees. All employees of the board of regents, except those exempted by the state merit employment Act Iowa Code chapter 19A.3, will be covered under the rules of this system. Employees hired into permanent positions one year or more prior to the date of implementation of these rules will be given permanent status and full rights hereunder. Employees hired less than one year prior to the date of implementation of these rules will be required to complete a probationary period in accordance with 3.90(19A). Service immediately prior to the date these rules are implemented will count as probationary time.

681 -- 3.3(19A) Administration. Under authority of the board of regents and the supervision of its executive director, a merit system director will be appointed who will be responsible for the development, operation and evaluation of the system in compliance with the objectives and intent of the state merit employment Act Iowa Code chapter 19A and regents merit rules. At each board of regents institution the head thereof will designate an administrator to serve as resident director of the system. The resident director will be responsible through the chief executive at the institution for conducting a program of personnel administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions and will be responsible for the direction of the merit system and have the authority to ensure the uniform administration of the merit system under provision of these rules.

681 -- 3.14(19A) Definitions.

"Advanced starting rate" is a rate or step of on the pay grade which is greater than the minimum rate (Step 1) of the pay grade for a specific class as provided for in the approved pay plan.

"Certification" is the determination, in accordance with the rules, by the resident director of the people from which an employing department may select to fill a vacancy. means the referral of qualified applicants from an eligibility register to a department for the purpose of making a selection in accordance with these rules.

"Class" or "class of position" means one or more positions, which are sufficiently similar in duties and responsibilities, that each position in the group can be given the same job title, require the same minimum qualifications as to education and experience, can be filled by substantially the same test of ability or fitness, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"Classify" or "allocate" means to make the original assignment of a position to an appropriate class on the basis of the duties and responsibilities assigned and to be performed.

"Eligibility lists" are lists of names of qualified applicants who have passed the examination prescribed for a particular class of position.

"Eligibility register" consists of the names of the applicants from on the appropriate eligibility list who received the highest six scores certified for a specific vacancy.

"Examination" is the screening of applicants a test of fitness that is applied to determine the eligibility of an applicant for a class.

"Lateral Transfer" means a change from a position in one class to a different position in the same class or another class in the same pay grade in another department or institution, or to a position in a different class having the same last two digit pay grade designation.

"Maximum rate" is the final step value of the pay grade to which a classification is assigned. A "red-circled" rate is above the maximum.

"Minimum rate" is Step 1 the minimum value of the pay grade to which a classification is assigned. It is less than an "Advanced starting rate."

"Pay grade" or *"grade"* is means the numerical designation of a on the pay schedule to which individual classes are assigned. having a minimum and maximum with intermediate steps establishing rates of pay. The last two digits of a pay grade shall govern the level of a grade and determine whether a class is lower, higher, or the same as a another class to determine demotion, promotion, or transfer.

"Permanent employee" is an employee who has completed the initial probationary period and thereby acquired permanent status in accordance with the rules of the system.

"Probationary period" is a six-month work test period that is a part of the examination process following an original appointment, reinstatement or reemployment to a class not previously held. A subsequent probationary period is required for a promotion, voluntary demotion out of series or lateral transfer out of class to determine an employee's fitness for the position. A probationary period is required for an original appointment, reinstatement, reemployment to a class not previously held, promotion, voluntary demotion out of series or lateral transfer out of class.

"Promotion" means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.

"Rate of pay" or *"rate"* means the dollar amount of salary or wage prescribed at each step of each pay grade in the approved pay plans (matrices).

"Reclassify" or *"reallocate"* means to make a reassignment or change in the classification allocation of a position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or

difficulty of the tasks, duties, and responsibilities in such position, or because of an amendment to the classification plan, and officially assigning to that position the class title for such appropriate class of position.

"Reemployment" is the reappointment of an employee from a reemployment list register. An employee may be placed on a reemployment list as a result of (a) layoff or voluntary demotion in lieu of layoff, or (b) medically related disability leave and exhaustion of vacation and medically related disability leave credits, or (c) failure to pass a subsequent probationary period on a promotion, lateral transfer out of class, or demotion out of series.

"Step" is the value established through the collective bargaining process or by the merit system director for the purposes of applying the rules on compensation and the setting of advanced starting rates.

"Suspension" is a an enforced leave of absence with or without pay ~~enforced as for purposes of conducting an investigation or as a disciplinary measure~~.

681 -- 3.25(19A) Preparation and maintenance of the classification plan. The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, shall develop and maintain a classification plan so that all positions that are substantially similar and comparable in regard to the kind and difficulty of work and the level of responsibility are included in the same class, so that the same minimum qualifications are required for all positions in the same class [except as provided in 3.69(2)], ~~so that the same examination may be used in filling all positions in a class,~~ and so that the same pay schedule may be equitably applied (except for geographical differences) to all positions in the class. For each class of position the plan will include a class title, a definition of the job, examples of the kind of work performed, statements of knowledges, skills and abilities, and the minimum qualifications for the class ~~including special requirements when applicable~~.

681 -- 3.26(19A) Administration of the classification plan. The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend classifications and reclassifications. Employing departments and employees may appeal classification and reclassification in accordance with 3.127(19A) of these rules.

The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, may establish new classes and change or abolish existing classes which affect the merit system pay plan in order to meet the needs of the institutions and to properly reflect changes in work and the organization thereof. When the changes do not affect the pay plan of the merit system the merit system director may, in consultation with the resident directors, change existing classes and report such changes annually to the board of regents. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided the incumbent meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, the incumbent may be transferred, promoted, demoted or laid off in accordance with the rules. Changes in 3/6/2002

classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions and dismissal.

A review of individual ~~the allocation of positions to classifications~~, class series, or group of classes may be initiated by the merit system director on a systemwide basis. The administrative review shall preempt the classification appeal procedure provided in 3.127(19A) of these rules. Changes in the classification of positions resulting from a systemwide review shall be effective at the beginning of the next fiscal year unless the merit system director establishes an earlier date for implementation.

681 -- 3.37(19A) Preparation, content and adoption of the pay plan. The board of regents will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of a schedule or schedules of numbered grades with minimums, and maximums and intermediate steps for each grade. Each class will be assigned to a pay grade. The plan will be developed to reflect the relative difficulty and responsibility of the work involved in the various classes, what is paid for similar work by other employers in the pertinent labor market, and the availability of funds with due regard to the results of a collective bargaining agreement negotiated under the provisions of the Iowa Code chapter 20. The plan will be uniformly applicable to all regents institutions except for variances approved on the basis of geographical differences. Prior to final approval by the board of regents, the plan will be the subject of a public hearing conducted after reasonable and adequate notice at each board of regents institution. After approval by the board of regents, the plan will be submitted for approval to such other authority as required by law.

681 -- 3.39(19A) Administration of the pay plan. Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classes in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid between the minimum and maximum of at one of the steps of the pay grade to which the employee's class is assigned and such pay will constitute the total cash remuneration the employee receives for the employee's work in that position. Perquisites such as subsistence and maintenance allowances will be considered a part of pay and the value of such will be deducted from an employee's rate of pay. Any employee who is approved for participation in a phased retirement program as provided for by state law and regent policy shall have the salary provided under these rules adjusted as specified by such law and regent policy.

3.39(1) Entrance salaries. The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that class of position is assigned or in accordance with the approved pay plan, except as provided by the following:

b. Appointment based on exceptional qualifications. Employees whose qualifications substantially exceed the minimum required for the class, or who possess outstanding experience relative to the demands of the position may at the request of an employing department, be appointed at a rate

higher than the minimum, provided that the pay of all other employees with similar qualifications working under the same conditions at the same institution are raised to that higher rate. Such appointments must be approved by the resident director and reported to the merit system director. Such appointments which necessitate the adjustment of the salaries of employees other than the appointee will, in addition, require prior approval of be reported to the merit system director.

3.39(2) Merit increases. ~~Nonbargaining Permanent and probationary employees on Step 1 in a pay grade will be eligible for a step merit increase following one year upon completion of six months of satisfactory performance in their assigned classification at the same step with the exception that permanent and probationary employees paid at the minimum of a pay grade will be eligible for a merit increase upon completion of six months of satisfactory service in their assigned classifications and every 12 months thereafter.~~ Permanent and probationary employees at on the equivalent of one step 2 or above in a pay grade will be eligible for a step merit increase upon completion of one year of satisfactory performance in their assigned classification at the same rate of pay step except that No merit increase will be granted above the maximum of last step in the pay grade. The period of satisfactory performance will be measured from the last merit review date if such date has been established. Merit increases in pay will not be made retroactively, but may be denied or deferred by the employing department on the basis of work performance. Employees whose merit increases are denied or deferred will, prior to the scheduled effective date of increase, be informed of such action by written statement from their employing department which specifies the reason for the denial or deferral. Denials or deferrals of a merit increase for six months or less for reason of unsatisfactory work performance will not result in the establishment of a revised merit review date. (new paragraph)

Deferrals resulting from leaves of absence without pay or layoff exceeding 30 calendar days will cause a change of the merit review date equal to the time away from work.

(make new section 3.39(10))

3.39(10) Pay for exceptional performance. An employee may be given pay for exceptional performance, not to exceed 5 percent of an employee's current annual salary, at the written request of the employee's department head with appropriate administrative approval and the prior approval of the resident director. The request will describe the nature of the exceptional job performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review. To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump

sum award and will not change the employee's established salary rate. No employee will be eligible for more than one award a year

3.39(3) Pay on promotion. An employee who is promoted will be moved to the minimum rate of the new grade, or to a the next higher rate on the new grade which provides an adjustment that is the salary equivalent of ~~not less than the value of a one step~~ higher than the employee's present base pay. In no event will the adjustment result in pay above the maximum of the new grade.

If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing department, an increase that is equivalent to the value of two steps higher than the employee's present base pay.

For the purpose of calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, on-call pay, pay for overtime, or pay for call back shall be excluded as part of the employee's present base pay.

The merit review date will be computed from the effective date of promotion and in accordance with 3.39(2). Pay on promotion in accordance with the provisions of subrule 3.39(1) paragraph "b" may be authorized by a resident director and will be reported to with the approval of the merit system director.

3.39(4) Pay on demotion. Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any step rate within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted. Merit review date will not change.

If the salary of an employee who is demoted as the result of reclassification of the employee's position exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. An extension not to exceed one additional year may be approved by the merit system director.

If an employee accepts voluntary demotion in lieu of layoff, the salary shall be retained providing funding is available. In no event will the salary exceed the maximum of the new pay grade.

3.39(5) Pay on reinstatement, reemployment or return from leave.

a. An employee who is reinstated to the previously occupied class or a class in the same pay grade as the previously occupied class will be paid at a rate no less greater than what the employee was last paid and between the minimum and maximum of the pay grade or in accordance with subrule 3.39(1)(b) appointment based on exceptional qualifications and no higher than the maximum of the pay grade that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. An employee who is reinstated to a lower class, or who is returned to a merit system position from a professional position, will be paid in accordance with subrule 3.39(4) pay on demotion. The date of

reinstatement will be the merit review date.

- b. An employee who is reemployed to the previously occupied class, will be paid at a rate no less greater than what the employee was last paid and between the minimum and maximum of the pay grade that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. When a merit increase has been granted to an employee in a position taken through voluntary demotion in lieu of layoff and the merit increase results in a higher rate of pay than last paid to the employee prior to the voluntary demotion in lieu of layoff, the employee may be reemployed to the previously occupied class with the higher rate of pay. Reemployment to the previously occupied position or class of position from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion. The merit review date will not change as a result of the voluntary demotion in lieu of layoff, nor as a result of reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff.
- c. An employee who is reappointed to the previously occupied position or a position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on reemployment as provided above.

3.39(7) Pay on lateral transfer. Employees who are transferred from:

- a. One position to another position in the same class shall receive no adjustment in base pay;
- b. One class position to another position class in a different class but in the same pay plan (matrix) grade shall receive no adjustment in base pay except as set forth in "c" and "d" and "f" below;
- c. One class to another class not in the same pay plan (matrix) shall receive an adjustment to the closest rate that provides no reduction in base pay except as set forth in "d" and "f" below;
- d. One class with a lower or no advanced starting rate to a class with a higher advanced starting rate shall receive:
(1) An adjustment to the higher advanced starting rate if the base pay prior to lateral transfer is less than the higher advanced starting rate, and if the minimum qualifications are met for the class. When the base pay adjustment is the salary equivalent of a the value of a step or greater an adjustment in merit review date will result, and be computed from the effective date of lateral transfer and in accordance with 3.39(2); or
- e. No adjustment in base pay if the employee's base pay prior to lateral transfer is not less than the higher advanced starting rate, and if the minimum qualifications are met for the class and the classes are in the same pay plan (matrix); or
- f. An adjustment to the closest rate that provides no reduction in base pay if the employee's base pay prior to transfer is not less than the higher advanced starting rate, and if the minimum qualifications

- e. are met for the class and the classes are not in the same pay plan (matrix). One position in a class with a higher advanced starting rate to a position in a class in the same pay grade but with a lower or no advanced starting rate shall be paid in accordance with rules for "Pay on demotion" (3.39(4) in the same plan (matrix) shall receive, with prior approval of the resident director:
- (1) No adjustment in base pay; or
- (2) An adjustment to any rate that is below the base pay prior to transfer.
- f. One class with a higher advanced starting rate to a class with a lower or no advanced starting rate not in the same grade pay plan (matrix) shall receive, with prior approval of the resident director:
- (1) An adjustment to the closest rate that provides no reduction in base pay; or
- (2) An adjustment to any rate that is below the base pay prior to transfer. The above provisions notwithstanding, no employee will receive base pay above the maximum step of the class following transfer. If the base pay is adjusted to Step 1 the minimum of the pay grade, the merit review date shall be changed in accordance with 3.39(2) if scheduled more than six months from the effective date of transfer; otherwise it shall remain unchanged In no case may an employee be paid below the minimum or above the maximum for a classification.

3.39(8) Pay on reassignment upon change in paygrade of class of a revised class of position to a different pay grade. If the class of position is revised and reassigned to a higher pay grade, subrule 3.39(3) "Pay on promotion" will apply.

If the class of position is revised, and reassigned to a lower pay grade, subrule 3.39(4) "Pay on demotion" will apply.

3.39(10) Reserved.(Move Pay on Exceptional Performance to this section)

3.39(12) Pay for Lead worker status. On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to regular duties, may be designated as lead worker in the classification assigned, and paid during the period of such designation the employee's base salary plus the equivalent of one step a salary equivalent to a one step increase.

3.39(13) Pay for trainees and apprentices. The schedule of wages for trainees and apprentices will consist of a step in the pay matrix for every year of training required. Each employee whose performance is satisfactory as determined by the employing department will progress one-half of the value of a step every six months from the first step minimum of the pay grade schedule to the entrance rate established for the journey class at the completion of time established for training or apprenticeship.

3.39(14) Pay for returning veterans. Veterans who return from military leave will have their ~~rate of pay~~ set at the appropriate salaries ~~rate merit step~~ they would have attained had they continued in service at the regent institution from which they took military leave.

3.39(17) Pay for time on-call. At the request of an institution, the board of regents may authorize the compensation of employees for time spent on call. At the request of the employer, employees who are off duty and free to engage in their own pursuits shall be considered on-call, provided (a) that they leave word with the employer where to be reached if needed, and (b) that they are able to report ready for work within a specified time after being contacted by the employer. The rate for on-call pay shall be determined by the merit system director

681 -- 3.50(19A) Applications. Applications for employment will contain no question so formed as to elicit any information prohibited by state or federal statute, and the truth of statements made on the application will be certified by the signature of the applicant. Public announcement of vacancies will be made for 10 calendar days in classifications for which applications are not accepted on a continuous basis. Persons with disabilities may request specific examination accommodations. Reasonable accommodations will be granted in accordance with policies established by the institution. Applications will be kept on file at the institution for a period of time to be designated by the resident director.

681 -- 3.51(19A) Examinations. Entrance to the service will be conducted on an open competitive basis. Examinations must be approved by each institution's resident merit system director. Examinations may, at the designation of the resident director, be conducted on a continuous basis, or they may be offered periodically as need or anticipated need for employees arises. Examinations will be practical in nature, constructed to reveal the capacity to successfully perform the job for which the applicant is competing, and will be rated objectively. They will be structured for necessary minimum levels of competence. (combine these two sections)

681 -- 3.52(19A) Character of examinations. Examinations may be assembled or unassembled and may be include written, or oral, and may include physical, or performance tests, or any combination of these. They may take into consideration screen for such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes which enter into the determination of the relative fitness of applicants. The examination process must be approved by each institution's resident director.

3.52(1) Assembled examinations. Assembled examinations will may be conducted for vacant positions in those classes for which written tests are practical. Such examinations may include one or more of the following in addition to the written tests: skill demonstration tests, physical tests, oral interviews and evaluations of training and experience.

3.52(2) Unassembled examinations. For those classes of a craft nature or where peculiar and exceptional qualifications are required and competition through an assembled examination is impractical, an unassembled examination may be held used.

Such examinations will consist of an evaluation of a statement of training and experience and such other materials as the applicants may be required to submit as evidence of fitness for a position, and may include oral interviews for evaluation of personal and technical qualifications and evaluations of other factors which enter into the determination of the relative fitness of applicants.

3.52(3) Simplified examination procedure. For positions involving unskilled work, where the character or conditions of employment make it impractical to supply the needs of the institution through procedures prescribed above, the merit system director may authorize the use of such other procedures as the merit system director determines to be appropriate which will assure the selection of such employees on the basis of merit and fitness. Examinations so given will conform with and utilize such methods, forms, and techniques as the director may require.

3.52(4) Special examination procedure for applicants with disabilities. When the merit system resident director determines that an examination procedure has the effect of screening out otherwise qualified persons with disabilities on the basis of their disability, the merit system resident director may authorize the use of a modified procedure which will appropriately measure the applicants' ability to perform the essential functions of the position. Persons with disabilities may request specific examination accommodations. Reasonable accommodations will be granted in accordance with policies established by the institution.

681 3.53 3.52(1) (19A) Announcement of examinations vacancies. Announcement of examinations will be made publicly and will include the title, the minimum qualifications for the class and the application procedure. Announcements of examinations will, in addition to other publication or distribution prescribed by the resident director, be displayed in the institution's employment office and distributed provided to all the state employment offices of the Iowa department of employment services.

3.53(1) 3.51(1) Continuous examinations Announcement of examinations that are conducted on a continuous basis will be made at least once every six months, and will include a statement to the effect that applications will be accepted until further notice.

3.53(2) Noncontinuous examinations. Announcements of examinations not conducted on a continuous basis will include a statement indicating the latest date for filing application, and will be made public at least fifteen calendar days before the closing date for accepting applications. If, at the closing date, the resident director determines that the number of qualified applicants is insufficient to warrant offering the examination, the resident director may extend that date and

~~reschedule the examination, providing that persons who have applied to take the examination are notified.~~

681 -- 3.54(19A) Eligibility to compete in for examinations. Anyone who applies for employment in a specific vacancy class at a regents institution and who meets the minimum qualifications prescribed for that class, and who is not rejected or disqualified under 3.55(19A), will have the right to take an examination if when offered for that class vacancy.

681 -- 3.55 3.52 (19A) Rejection or disqualification of applicants. The resident director may reject any applicant or, after examination, may refuse to certify any candidate if it is found that the person:

1. Does not meet the minimum required qualifications for the class;
2. Cannot perform the essential functions of the position ~~due to a disability with or without a reasonable accommodation~~;
3. Habitually uses narcotics or uses intoxicating beverages to excess;
4. Has made a false statement of material fact in the application;
5. Has information concerning the examination to which the person is not entitled;
6. Has been convicted of a felony crime which makes the person unsuitable for employment in a particular class or position;
7. Has been dismissed from private or public service for a cause that would be detrimental to the regents institution employing the applicant.

A disqualified applicant ~~or eligible~~ will promptly be notified in writing of such action at the last known address. A disqualified applicant ~~or eligible~~ may request review of the reason for disqualification. Such request will be in writing and upon the receipt, the resident director will give full consideration to the request, and notify the applicant of the resident director's decision in writing.

681 -- 3.56 (19A) Administering the examination program.

3.56(1) Security. Necessary security precautions and procedures will be exercised by the resident director to maintain the highest integrity in the examination program.

3.56(2) 3.54(1) Notification of results. Applicants will be notified in writing of the results of their test(s) ~~examination(s)~~ as soon as possible, and test scores ~~examination results~~ will be made available only to the applicant, the resident director and the director's staff, prospective employing ~~the departments where the vacancy is located, and to the merit system director, if requested~~.

3.56(3) 3.54(2) Review of ratings. Any applicant may request a review of the applicant's test ~~examination~~ ratings, provided such a request is made within 15

~~working days after notification of examination results. Such reviews will be made available only to the applicant and prospective employment the departments where the vacancy is located~~

3.56(4) Retaking examinations. Applicants may apply to retake examinations, but may not take the same form of a written examination more than once in any three-month period. Performance examinations, such as typing and shorthand tests, may at the discretion of the resident director, be retaken after one week but may not thereafter be repeated more than once a month.

3.56(5) Transfer of examination results. At the request of an applicant whose name is on the eligibility list for a class at any regents institution, the results of the examination(s) the applicant has taken for that class will be forwarded to any other regents institution, and the name of that applicant will be placed on the eligibility list for that class at that institution in accordance with these rules. Such a request will be made by the applicant in writing to the resident director at the institution where the examination was taken, will specify the other regents institutions at which the applicant wishes to be considered for employment, and will contain a statement from the applicant indicating that the applicant will be reasonably available for interviews should the applicant's name be certified for appointment. The examination results will be forwarded by the resident director at the examining institution to the resident director at the institution(s) specified by the applicant and the resident director who receives the examination results will notify the applicant of said receipt.

3.56(6) Applicant's address. It will, at all times, be the responsibility of the applicant to see that the applicant's address on file with the resident director is current and correct. Failure to do so may result in the removal of the applicant's name from an eligibility list as set forth in 3.67(1) "f."

3.56(7) Disposition of examinations applications. After an examination is completed and scored, the completed examination will be kept on file at the institution by the resident director for a period of time to be designated by the merit system director.

3.56(8) 3.53 Veterans preference. Veterans preference shall be applied given by the addition of extra points to examination scores as provided by law (19A.9(21)).

681 -- 3.67(19A) Eligibility lists. Insofar as possible, eligibility lists will be established and maintained by the resident director to fill the employment needs of the institution. Three kinds of eligibility lists will be established are provided: reemployment, employment, and promotional, each of which will be maintained by class of position.

Reemployment lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically related disability leave, in accordance with 3.104(4)"j" and

3.143(19A) or in accordance with 3.90(4). These lists will be maintained in order by retention points calculated in accordance with the approved formula rules for reduction in force, beginning with the person with the highest number of points. Reemployment rights apply only to classes for which the employee is eligible in accordance with these rules.

Employment lists will include be established as the result of competitive examinations and will consist of the names of all applicants who meet the qualifications for a classification. have qualified by passing examinations and who have not been disqualified in accordance with these rules. Employment lists will be maintained in order of test score achievement beginning with the highest for specific classifications designated for continuous acceptance of applications in accordance with 3.50.

Promotional eligibility lists will consist of the names of all permanent employees who are qualified and have requested consideration for promotion unless an employing department requests that the promotional list be limited to permanent employees of that department.

3.67(1) Removal of names from eligibility lists. In addition to the causes for rejection or disqualification set forth under 3.55(19A), the resident director may permanently or temporarily remove names from eligibility lists for the following reasons:

- a. On Upon receipt of a written statement notification from eligibles that they no longer desire consideration for a position in the class.
- b. Appointment through certification from such eligibility list to fill a permanent position.
- c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.
- d. Declination of appointment without good cause or under conditions which the eligibles previously indicated they would accept.
- e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.
- f. Failure to maintain a record of their current address with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.
- g. Willful violation of any of the provisions of these rules.
- h. If a department passes over the name of an applicant certified to fill a vacancy in the same class and employs applicants with lower scores on three separate occasions, the department may request that the resident director not refer the applicant to that department for future vacancies in that class for a period not to exceed two years.

3.67(2) Duration of eligibility lists. Employment and promotional eligibility lists will exist for a period of time no less than one year and no more than three years as designated by the resident director. Eligibility lists may be continuous or closed after a vacancy is filled. Reemployment eligibility lists will exist for a period of two years. Names may be added to or deleted from eligibility lists in accordance with these rules. The names of applicants who have not been appointed or otherwise removed from lists will be removed at the termination of the designated period

of time designated by the resident director.

3.67(3) Notification of removal from eligibility lists. Applicants whose names are removed from eligibility lists for any reason other than 3.67(1)"a", 3.67(1)"b", 3.67(1)"c", or 3.67(1)"f" will be immediately notified of such removal in writing by the resident director.

3.67(4) Precedence of eligibility lists. For appointment to permanent positions, eligibility lists will be used as follows:

Reemployment lists will supersede employment and promotional lists.

681 -- 3.68(19A) Personnel requisitions. Requests to fill vacancies in permanent positions will be initiated in writing by the requesting department and forwarded to the resident director. The request will include the class of the position to be filled, the number of vacancies and the date of need.

681 -- 3.69(19A) Certification from eligibility lists. The resident director will certify the names of eligible candidates in the following manner:

From a reemployment list the resident director will certify for appointment in the following order:

1. If the vacancy occurs in a college or operating division in which employees on the reemployment list for that class were last employed, the resident director will certify the one employee highest with the greatest number of retention points on the list who was laid off, demoted or took a medically related disability leave from that college or division; or
2. If the vacancy occurs in a college or operating division other than the one in which any employee on the reemployment list for that class was last employed, the resident director will certify the names of the six employees standing highest on the reemployment list.

When the reemployment list for a class has been exhausted, employing departments may request either the employment list or promotional list or both, and the resident director will certify the registers for employment candidates on the eligibility register of the employment list for the appropriate class or names of candidates on the promotional lists for the appropriate class. Employing departments may request the names of candidates from either or both lists.

3.69(1) Eligibility registers. An eligibility register will consist of the names of the certified applicants for a specific vacancy. on the appropriate employment eligibility list who received the highest six scores. In the interest of speed and efficiency in the selection process, candidates may be certified and referred to more than one vacancy at the same time. However, with reasonable regard for candidates standing highest on eligibility lists, a resident director will not be required to make simultaneous certification of the same name on different certifications made concurrently for the same class of position. If more than one

~~vacancy in the same class exists at the same time in one department, the resident director may certify and refer to that department the names of applicants on the eligibility list who received the next score below those included on the register. Such an additional certification may be made for each vacancy in excess of one.~~

~~For positions in traditionally segregated job classes in which there is a manifest imbalance reflecting substantial underrepresentation of women or minorities, the resident director shall, if possible, certify for inclusion on the eligibility register the names of female or minority applicants receiving the highest score on the competitive examination if women or minorities are not already included in the highest six scores.~~

~~Traditionally segregated job classes in which there is a manifest imbalance reflecting substantial underrepresentation of women or minorities shall be identified as problem areas in the most recent affirmative action plan of the regent institution in which the position is available.~~

3.69(2) Special qualifications. An employing department may request in writing that the resident director certify ~~for appointment~~ candidates applicants who have special qualifications in addition to the minimum qualifications prescribed in the class specifications. If, in the judgment of the resident director, such a request is validly related to job performance, the resident director may certify, ~~in the order of their standing on the eligibility list,~~ only the names of ~~eligibles~~ applicants who have such special qualifications.

3.70(19A) Selection of employees. ~~Employing departments will notify the resident director of all vacancies in permanent positions as far in advance of the date of need as possible. The resident director will certify as approved for appointment names of candidates in accordance with these rules. Final selection will be made by the employing department. Nothing in these rules will require the hiring of any candidate~~ applicant. When a properly certified ~~candidate~~ applicant is selected by a department, the department will so notify the resident director.

681 -- 3.82(19A) Temporary appointments. Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Appointments may be made without reference to the provision of these rules regarding minimum qualifications, certification, and selection. Employees appointed on this basis will not work more than 960 ~~780~~ hours in any fiscal year, but may, at the request of the employing department, be returned to duty in successive years.

681 -- 3.83(19A) Emergency appointments. Appointments may be made without reference to the provisions of these rules regarding minimum qualifications, certification and selection, to provide for services needed in cases of emergency. Appointments shall not exceed 480 hours during a fiscal year for any individual at any or all employing departments of board of regents institutions.

681 -- 3.85(19A) Project appointment. When it is known that a particular job, project,

grant or contract will require the services of an employee for a limited duration, a project appointment may be made. Such an appointment will not be made for more than one year. While an extension beyond one year may be approved by the merit system director on the basis of a limited need that could not otherwise be efficiently and effectively filled, successive project appointments will not be allowed.

Such appointments will not confer to the individual any right of position, transfer, demotion, or promotion, but incumbents shall be eligible for vacation and sick leave, except that a project appointment made for less than ~~120 days or 960~~ 780 hours will be considered a temporary appointment under rule 3.82(19A) without conferring rights or eligibility for vacation or sick leave.

681 -- 3.86(19A) Provisional appointments. In the absence of an eligibility list, the resident director may approve a provisional appointment for a person who meets the minimum qualifications of the class in which the vacancy exists but who has not passed the examination for that class. A provisional appointee must immediately apply for examination and be examined as soon as practical. After certification from an appropriate register and successful completion of six months of active service in the class in accordance with 3.90(2) of these rules, provisional appointees will have completed their probationary period and will have permanent status.

A provisional appointment will not exceed six months and successive provisional appointments will not be allowed.

681 -- 3.87(19A) Permanent appointments. An candidate applicant who is certified from an eligibility register and appointed with the approval of the resident director to a permanent position, and who successfully completes a probationary period in accordance with these rules, will have permanent status.

681 -- 3.88(19A) Work test appointments. Work test appointments may be made and approved by the resident director to those positions for which a simplified examination procedure [3.52(3)] has been approved. At the successful completion of six months of service in a class to which a person received a work test appointment, the person will have permanent status in that class.

681 -- 3.89(19A) Reinstatement. A permanent employee who has resigned in good standing may be reappointed without certification from an eligibility list to a position in the same class or pay grade from which the employee resigned or a lower class for which qualified, provided that such reappointment is made within a period of time no greater than the period of the employee's previous employment and in no case more than two years after the date of the employee's resignation and provided there is no reemployment list for that class.

With approval of the resident director, an employee who achieved permanent status in a merit system classification and was promoted subsequently to a professional position at a regent institution may be returned during the employee's current continuous employment to a vacant position in the employee's previous classification or to a vacant position in a lower classification provided the employee meets current minimum requirements and there is no reemployment register for the class.

681 -- 3.90(19A) Probationary period.

3.90(2) Duration of probation. An candidate employee on original appointment or who is reinstated or reemployed to a class not previously held certified from an employment list and appointed to a permanent position will be on probation until the person completes six months of active service in the position to which appointed. If a probationary employee is not dismissed during this time, the person will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service.

Permanent Employees who are promoted from one class to another, or who transfer out of class, or who demote will serve a period of probation for either three or of six months in the position to which appointed. If the employee is not dismissed during this time, the employee will, at the conclusion of the probationary period have permanent status in the class. during which time they will retain all of their rights under the merit system except that of permanency in the new class. The duration of said probation shall be three months unless prior to the promotion the employee's department head requests and receives approval of the resident director to provide a six month probationary period, and so informs the employee. Employees who voluntarily demote out of a classification series will serve a period of probation for three six months during which time they will retain all of their rights under the merit system except that of permanency in the new class.

3.90(3) Layoffs during probation. Certified Employees who are laid off without prejudice during their probationary period will, upon written request to the resident director, be placed on returned to the appropriate eligibility list from which the were certified.

3.90(4) Dismissal during probation. Certified Employees on original appointment or who have been reinstated or reemployed who are rejected and dismissed during their probationary period, may be returned to the eligibility list from which they were appointed or placed on the reemployment list for a previously held classification in the case of a promotional probationary if, in the judgment of the resident director, they may be able to perform satisfactorily in another position. Employees who are promoted from one class to another or who transfer out of class, or who demote out of class series and are dismissed during their probationary period may be placed on the reemployment list for a previously held classification if, in the judgment of the resident director, they may be able to perform satisfactorily in another position.

3.104(4) Reduction in force. Nothing herein shall be construed as a guarantee of hours of work per day or per work period. An institution may lay off an employee when it deems necessary because of shortage of funds or work, a material change in duties or

organization or abolishment of one or more positions.

The individual whose position is eliminated or reduced in hours will be reassigned to a vacant position in the same classification provided he/she can perform the essential functions of the position and possess any required special qualifications. If there is no vacant position to which the individual can be reassigned, When individual(s) directly affected is identified the individual(s) may request and accept layoff with reemployment rights as provided in 3.104(4)"j." If an individual(s) directly affected does not request layoff with reemployment rights, the reduction in force procedures which follow shall be implemented.

Reduction in force will be accomplished in a systematic manner ~~and will be made in accordance with formula developed by the institution and reviewed and approved by the merit system director for its conformance to these rules; however, the layoff rules established in this subrule shall not apply to temporary layoffs of less than 20 workdays or 160 hours of work per calendar year:~~

- a. Reduction in force will be made by class of position.
- b. Reduction in force may be made by organizational unit within an institution or institutionwide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.
- c. The order of reduction in force will be by type of appointment as follows: Emergency, Temporary, provisional, trainee, initial probationary, permanent.
- d. Each permanent employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 20 working days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.
- e. There will be competition among all employees in the class of position or positions affected by the layoff based on a retention points system that will consist of points for length of service and performance evaluation of all employees in the class within the organizational unit or units affected. Retention points will be calculated as follows:
 - (1) Length of service credit will be allowed at the rate of one point for each month of service. For the purpose of computing length of service credits, the institution will include all continuous periods of employment between the date of the original appointment and the date of layoff or as provided otherwise by law. Periods of leave without pay exceeding 30 days will not be counted. Approved leaves of absence without suspensions and layoffs for periods exceeding 15 consecutive days will not be counted; however the periods of service immediately preceding and following such periods will be counted. An employee who is returned to duty following approved military service will have all such time counted as continuous service. When employees are off the payroll of the institution for more than 15 consecutive days for a reason other than an approved leave of absence, suspension, layoff or military service, the date that they return to duty will be considered the date of original appointment for purposes of computing retention points.
 - (2) Performance evaluation credit will be allowed at the rate of one point for each month of satisfactory service ~~rated as satisfactory~~

~~under a performance evaluation plan approved by the institutions and the merit system director. An additional point will be added for each month of service during which performance is rated one or more levels above satisfactory. No credit will be allowed for service rated less than satisfactory. No performance evaluations which are made less than three months prior to a reduction in force will be used in determining performance evaluation credits. In the absence of a performance evaluation review, service will be considered as satisfactory and one point will be given for each month thereof. If there is no record of performance evaluation for a specific time period, it shall be presumed that the employee's performance is satisfactory.~~

- (3) Length of service and performance evaluation points for service less than full time will be prorated in accordance with the percent of fractional employment. Reduction in force retention points will be the total of length of service and performance evaluation points in accordance with the approved formula.
- f. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at top. Layoffs will be made from the list in reverse order ~~unless the employee with the least retention points has special skills and abilities~~. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.
- g. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee ~~who has the highest total earnings in the class of position affected by the layoff excluding pay for special assignment, overtime, call back, leadworker status, shift differential, and on-call with the longest time in class~~.
- h. The reduction in force ~~formula plan~~ approved by the merit system director will be posted ~~made available~~ by the resident director so that all employees will have access to it.
- i. An affected employee may appeal a reduction in force by filing, within five days after notification as provided in paragraph "d" of this subrule, a written grievance with the resident director (at Step 3 of the grievance procedure provided in 3.129(19A) or at a comparable step of a procedure approved under 3.129(1)). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.
- j. A permanent employee in a ~~class of position~~ in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower ~~class of position~~ in the same series utilized at the institution, or, in the absence of a lower class in the same series, to a ~~class of position~~ which the employee

has formerly occupied while in the continuous employment of the institution. The employee must possess any special qualifications required and have the ability to perform the essential functions of the position. Such demotion or the occupying of a formerly held position will not be permitted, however, if the result thereof would be to cause the layoff of a permanent employee with a greater combined total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held position classification in lieu of layoff, the employee must notify the resident director in writing of such election not later than five calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

Employees who are laid off or who accept voluntary demotion in a series or assignment to a previously held position in lieu of layoff will, at their request, have their names placed on the reemployment eligibility list(s) for the class from which they were laid off for a period of up to two years from the date of layoff for the class from which they were laid off, either the lower class(es) in the same series or a class formerly occupied in accordance with 3.67(19A) to 3.70(19A), or both.

Employees who are laid off, will, at their request, have their names placed on the reemployment eligibility list for for the class from which they were laid off and lower class(es) in the same series from which laid off and/or class(es) formerly occupied in accordance with 3.67(19A) to 3.70(19A) for a period of up to two years from the date of layoff. Acceptance of reemployment in a lower or previously held class will not affect their standing on the reemployment list for the class that the employee formerly occupied.

3.116(1) Suspension. A department head may, for cause in accordance with 3.115(19A), suspend any employee for such length of time as it considers appropriate but not to exceed ten days at any one time or 20 days in any 12-month period. The department head will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee's personal personnel file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or to a comparable step in the grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

3.116(2) Reduction of pay within grade. A department head may, for cause in accordance with 3.115(19A), reduce the pay of an employee to a lower rate of pay step within the pay grade assigned to the class of position. The department head will notify the affected employee of the reduction, the reasons therefor and the duration thereof, in writing within twenty-four hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee's personal personnel file. Employees may appeal the action directly to step 2 of the grievance procedure

specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.

3.116(3) Demotion. A department head may, for cause in accordance with 3.115(19A), demote an employee to a vacant position in a lower class provided the employee meets the qualifications for that lower class. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of demotion will be sent by the department to the resident director and will be maintained in the employee's personal personnel file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.

3.116(4) Discharge. A department head may, for cause in accordance with 3.115(19A), discharge any employee. The department head will notify the affected employee of the discharge and reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of discharge will be sent by the department to the resident director and will be maintained in the employee's personal personnel file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

681 -- 3.143(19A) Medically related disability Sick leave. Permanent and probationary employees will accrue medically related disability sick leave as provided by law and will be entitled to such leave on presentation of satisfactory evidence of medically related disability. Permanent part-time employees will accrue medically related disability sick leave in an amount equivalent to their fractional employment, and no employees will be granted medically related disability sick leave in excess of their accumulation.

An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated medically related disability sick leave as a result thereof.

Permanent employees who have recovered are still incapacitated after exhausting all accumulated medically related disability sick leave and vacation time and have medical release to return to work will, at their request, be placed on the reemployment list for the class of position they previously occupied and on reemployment lists for lower level classes for which qualified, when employees are able and qualified to return to work. Such employee acceptance of reemployment in a lower class will not affect their standing on the reemployment list for the class that the employee formerly occupied.

681 -- 3.144(19A) Military leave. Permanent and probationary employees will be granted military leave as provided by law, with pay not to exceed 30 calendar days in any 12-month period a calendar year.

681 -- 3.147(19A) Voting leave. If an employee's working hours do not allow a three-hour period outside of working hours during which the polls are open, ~~a~~Any person entitled to vote in a public election is entitled to time off from work with pay on any public election day for a period not to exceed two hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor. ~~Time off for voting may be granted only if the employee's working hours do not allow a three hour period outside of working hours during which the polls are open.~~

681 -- 3.148(19A) Emergency and funeral leave. An employing department will, when satisfied by evidence presented, grant an employee time off with pay:

1. Not to exceed three days for each occurrence in the case of death in the employee's immediate family.
2. Not to exceed one day for each occurrence for service as a pall-bearer at the funeral of a person not a member of the employee's immediate family; and
3. Not to exceed five days a year for the temporary emergency care of ill or injured members of the employee's immediate family for the time necessary to permit the employee to make other arrangements.

All such time off will be charged to the employee's ~~accrued medically related disability sick~~ leave and will not be granted in excess of the employee's accrued leave. For the purpose of this rule, immediate family is defined as ~~and limited to spouse, children (and their spouses), parents, grandparents, grandchildren, foster children (and their spouses), brothers (and their spouses), sisters (and their spouses) of the employee or spouse; aunts and uncles of the employee; or other relatives residing in the employee's immediate household~~ the employee's spouse, children, grandchildren, foster children, step children, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse, and other persons who are members of the employee's household.