



# Minnesota Judicial Branch Policy and Procedures

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## Human Resources Rules

### **I. POLICY**

Pursuant to Judicial Council Policy 300, Human Resources General Policy, these Rules are developed to ensure human resources programs attract, develop, and retain qualified, dedicated, and motivated employees to achieve the mission and strategic priorities of the Branch in a relationship which is mutually beneficial for the employees and the public they serve.

### **II. APPLICABILITY**

These Rules apply to all employees of the Minnesota Judicial Branch who are not covered by a collective bargaining agreement. Unless otherwise wholly or partially incorporated by reference in a negotiated labor agreement, the content of these Rules are a general summary of the policies and procedures applicable to unrepresented employees of the Minnesota Judicial Branch and are presented as a matter of information only. The Rules apply to Judges only as Judges function in the capacities of Administrative or Appointing Authorities, as defined by these Rules. These Rules are not intended to, nor are they to be construed, to constitute a contract between the Minnesota Judicial Branch and any individual.

### **III. DEFINITIONS**

Any word or phrase currently defined by the HR Rules is noted in Section 1.4.

**Revised October 21, 2021**

#### **IV. PROCEDURES**

The rules, practices, policies and benefits described in these Rules may be, in whole or in part, amended, changed or revoked at the discretion of the Minnesota Judicial Branch, at any time, with or without notice. In addition, the Minnesota Judicial Branch may choose not to follow the guidelines set forth in these Rules, where it decides such a course is in the best overall interests of the organization. These Rules supersede any previous rules, practices, policies, benefits or oral representations of the Minnesota Judicial Branch. All Minnesota Judicial Branch employees should be aware that other policies and procedures exist and employees should review the CourtNet website or consult their supervisors for the most current information.

#### **V. REVISION HISTORY**

August 23, 2019 – Amended to provide 8 hours of sick leave per fiscal year to attend funerals of non-family members and to add Paid Parental Leave as a benefit available to employees.

August 1, 2021– Amended to permit, for FY22-23 only, vacation leave to be accumulated to a maximum of 300 hours.

October 20, 2021 – Amended to increase amount of Paid Parental Leave available to eligible employees from 3 weeks to 6 weeks; make benefit-earning temporary employees eligible for floating holidays; and to add reference to statutory safety leave in the sick leave article.

## TABLE OF CONTENTS

<b>1.0 HUMAN RESOURCES SYSTEM PURPOSE AND SCOPE.....</b>	<b>1</b>
1.1 System Purpose. ....	1
1.2 System Scope. ....	1
1.3 Citation. ....	1
1.4 Definitions. ....	1
<b>2.0 RESPONSIBILITIES OF SYSTEM PARTICIPANTS.....</b>	<b>7</b>
2.1 Responsibilities of the Judicial Council. ....	7
2.2 Responsibilities of the State Court Administrator. ....	7
2.3 Responsibilities of the Director of Human Resources. ....	8
2.4 Responsibilities of Appointing Authorities. ....	8
2.5 Responsibilities of Minnesota Judicial Branch Employees.....	8
<b>3.0 CLASSIFICATION PLAN .....</b>	<b>8</b>
3.1 The Classification Plan. ....	8
3.2 Class Titles.....	9
3.3 Position Reclassification. ....	9
3.4 Effect of Position Reclassification. ....	9
3.5 Creation of New Classification.....	9
3.6 Assignment of Duties.....	10
3.7 Market Pay Band Change. ....	10
<b>4.0 PAY PLAN.....</b>	<b>10</b>
4.1 Preparation of the Pay Plan.....	10
4.2 Revisions of the Pay Plan.....	10
4.3 Assignment of Classes to Ranges. ....	10
4.4 Administration of the Plan.....	10
4.5 Position Management. ....	11
4.6 Position Control.....	11
4.7 Salary Changes.....	12
4.8 Pay Upon Employment. ....	12
4.9 Merit Increase Upon Exceptional Performance on Probation. ....	12
4.10 Pay Upon Reassignment. ....	13
4.11 Pay Upon Promotion. ....	13
4.12 Pay Upon Demotion. ....	14
4.13 Individual Salary Increases. ....	15
4.14 Stability Pay. ....	16
4.15 Individual Salary Decreases.....	17
4.16 Severance Pay. ....	17
4.17 Payroll Overpayments.....	18
<b>5.0 RECRUITMENT, APPOINTMENTS, AND STATUS .....</b>	<b>18</b>
5.1 Recruitment.....	18
5.2 Applications for Employment.....	18

5.3	Filing Period for Applications. ....	18
5.4	Qualifications of Applicants. ....	19
5.5	Determination of Qualifications. ....	19
5.6	Appointing Authority. ....	19
5.7	Types of Appointments. ....	20
5.8	Status. ....	24
<b>6.0</b>	<b>PERFORMANCE EVALUATIONS</b> .....	<b>27</b>
6.1	Performance Evaluations. ....	27
6.2	Continuous Feedback. ....	28
6.3	Consideration of Evaluations in Salary Decisions. ....	28
<b>7.0</b>	<b>SEPARATIONS</b> .....	<b>28</b>
7.1	Separations from the Minnesota Judicial Branch shall include: .....	28
<b>8.0</b>	<b>EMPLOYEE DISCIPLINE</b> .....	<b>30</b>
8.1	Disciplinary Actions. ....	30
8.2	HR Review. ....	31
8.3	Employee Notification. ....	31
8.4	Personnel Records. ....	32
8.5	Review of Personnel Records. ....	32
8.6	Employee Responses. ....	32
8.7	Investigatory Leave. ....	33
8.8	Exempt Employee Suspension. ....	33
8.9	Suspensions. ....	33
<b>9.0</b>	<b>GRIEVANCE PROCEDURE</b> .....	<b>33</b>
9.1	Scope. ....	33
9.2	Grievance Resolution. ....	33
9.3	Copy to Human Resources. ....	34
<b>10.0</b>	<b>APPEAL PROCEDURE</b> .....	<b>34</b>
10.1	Right to Appeal. ....	34
10.2	Filing of Appeal. ....	34
10.3	Appeal Board. ....	35
10.4	Appeal Process. ....	35
10.5	Extensions. ....	36
<b>11.0</b>	<b>HOLIDAYS</b> .....	<b>36</b>
11.1	Eligibility. ....	36
11.2	Observed Holidays. ....	36
11.3	Floating Holidays. ....	37
11.4	Holiday Pay Entitlement. ....	37
11.5	Work on a Holiday. ....	38
11.6	Religious Holidays. ....	38

<b>12.0 HOURS OF WORK.....</b>	<b>38</b>
12.1 Hours of Work.....	38
12.2 Changes to Work Schedules.....	39
12.3 Meal and Rest Periods.....	39
12.4 Overtime Hours and Eligibility.....	39
12.5 Recognition Leave for Exempt and Non-FLSA Covered Employees.....	40
12.6 Call In and Call Back.....	40
12.7 On Call.....	41
12.8 Shift Differential.....	41
12.9 Law Clerks.....	41
<b>13.0 SICK LEAVE .....</b>	<b>42</b>
13.1 Eligibility.....	42
13.2 Accruals and Accumulations.....	42
13.3 Transfer/Restoration of Sick Leave Hours.....	42
13.4 Use of Sick Leave.....	42
13.5 Sick Leave Charges.....	44
<b>14.0 VACATION LEAVE .....</b>	<b>45</b>
14.1 Eligibility.....	45
14.2 Accruals.....	45
14.3 Vacation Usage.....	46
14.4 Vacation Charges.....	46
14.5 Vacation Leave Credit.....	47
14.6 Vacation Leave Upon Separation.....	47
14.7 Vacation Donation.....	47
14.8 Length of Service Defined (For the Purpose of Vacation Accrual Only).....	47
<b>15.0 OTHER LEAVES OF ABSENCE.....</b>	<b>49</b>
15.1 Application for Leave.....	49
15.2 Paid Leaves of Absence.....	49
15.3 Unpaid Leaves of Absence – Mandatory.....	52
15.4 Unpaid Leaves of Absence - Discretionary.....	55
15.5 Termination of Leave.....	55
15.6 Return from Leave.....	55
15.7 Failure to Return from Leave.....	56
15.8 Absence without Leave.....	56
<b>16.0 BENEFITS .....</b>	<b>57</b>
16.1 Group Health, Dental and Life Insurance.....	57
16.2 Eligibility for Employer Contribution.....	57
16.3 Health and Dental Premium Accounts.....	58
16.4 Health Care Savings Plan.....	58
16.5 Medical/Dental Expense Account.....	58
16.6 Dependent Care Expense Account.....	58
16.7 Transit Expense Account.....	58

<b>17.0 WORKERS' COMPENSATION; INJURED ON DUTY PAY .....</b>	<b>59</b>
17.1 Job-Related Injuries. ....	59
17.2 Vacation and Sick Leave Accruals. ....	59
17.3 Insurance.....	59
<b>STABILITY PAYMENT SCHEDULE .....</b>	<b>61</b>
<b>SICK LEAVE ACCRUAL SCHEDULE .....</b>	<b>62</b>
<b>VACATION LEAVE SCHEDULE.....</b>	<b>63</b>
<b>VACATION LEAVE SCHEDULE FOR MANAGERS .....</b>	<b>64</b>
<b>VACATION LEAVE SCHEDULE FOR DIRECTORS, CHILD SUPPORT MAGISTRATES AND REFEREES.....</b>	<b>65</b>
<b>HOLIDAY PAY PRORATED BY FTE.....</b>	<b>66</b>
<b>APPENDIX A DEPENDENT ELIGIBILITY FOR HEALTH COVERAGE STATE EMPLOYEE GROUP INSURANCE PROGRAM (SEGIP).....</b>	<b>67</b>

## 1.0 HUMAN RESOURCES SYSTEM PURPOSE AND SCOPE

### 1.1 System Purpose.

The purpose of the Minnesota Judicial Branch Human Resources Rules is to establish and maintain equitable and uniform policies, procedures, job classifications and compensation plans in order to effectively:

- a. Provide equal opportunities to all applicants on the basis of merit without regard to race, color, creed, religion, national origin, sex, and marital status, status with regard to public assistance, disability, sexual orientation, veteran status, or age.
- b. Provide a system of compensation which bears direct relationship to the position occupied.
- c. Provide regular evaluations of employee performance in order that meritorious performance may be rewarded and unacceptable or substandard performance may be addressed.
- d. Provide comprehensive insurance and other benefits comparable to the other branches of state government.

The goals of the Minnesota Judicial Branch are to attract and retain qualified, dedicated employees for the mutual benefit of the employees and the public they serve.

### 1.2 System Scope.

As a separate branch of state government, these Rules are adopted by the Judicial Council to govern its relationship with employees of the Minnesota Judicial Branch who are not covered by a collective bargaining agreement. Judges are “elected officials” and, as such, are not considered “employees” for the purposes of these Rules. Judges are governed by these Rules only as they apply to Appointing or Administrative Authorities. A limited exception exists for prospective employees or applicants who are disqualified from employment under Minn. Stat. § 364.03.

### 1.3 Citation.

These rules shall be known and may be cited as the Minnesota Judicial Branch Human Resources Rules.

### 1.4 Definitions.

- a. Administrative Authority. The Judicial Council shall be the administrative authority for the Judicial Branch personnel system. It has the authority to approve Human Resources Policies pursuant to Judicial Branch Policies 102 – Policy Subject

Areas 103 – Policy Development; 300 – Human Resources General Policy, and additional 300-series Human Resources policies.

The State Court Administrator has the authority to approve branch-wide Human Resources Administrative Policies and Procedures that provide guidelines and directions for implementing the Judicial Council Human Resources policies.

- b. Americans with Disabilities Act (ADA). 42 U.S. Code §12101. Prohibits discrimination against individuals with disabilities.
- c. Anniversary Date. The annual date which marks the completion of one year of service.
- d. Applicant. Someone who seeks employment with the Minnesota Judicial Branch.
- e. Appointing Authority. The person or persons vested by these Rules, or as otherwise designated by the administrative authority, with the authority to select, discipline or discharge employees.
- f. Appointment. The act of an appointing authority by which a position is filled. Types of appointments include:

*Acting*. The temporary appointment to an authorized position of a current employee who meets the qualifications for the position.

*At-Will*. The appointment to a position in which the incumbent serves at the pleasure of a justice or judge, or the Supreme Court without the rights of permanent status or appeal. An at-will employee may be discharged at any time, with or without cause or notice.

*Demotion*. The appointment of an employee serving in a position in one class to a position in another class having a lower maximum salary.

*Original*. All appointments other than at-will, temporary, promotion, demotion, reassignment or acting.

*Promotion*. The appointment of an employee serving in a position in one class to a position in another class having a higher maximum salary.

- g. At-Will Employee. An employee appointed by and responsible to a justice, the Supreme Court, judge(s), referee, or an employee appointed as a director by and responsible to the state court administrator as provided in these Rules, and subject to the confidentiality requirements of the appointing authority, who must meet the minimum training and experience requirements of the class to which appointed, but who serves at the pleasure of the appointing authority without the rights of permanent status or appeal. At-will employees may be discharged at any time, with or without cause or notice.



- h. Authorized Position. A position that is authorized by the administrative authority, is ongoing, and has no specified duration.
- i. Class. A group of positions sufficiently similar in duties, authority, and responsibilities that the same descriptive title may be used; the same qualifications for appointment may be required; the same aptitude or proficiency tests may be used; and the same pay band may be applied.
- j. Class Series. A sequence of classes that are alike in kind but not in level, starting with an entry level position and advancing upward in duties, complexity, authority, and responsibility.
- k. Class Specification. The official written job description of a class of work which defines the class, lists some of the more typical tasks of the class, and the training, education, and experience standards required for the class.
- l. Classification Assessments. Classification reviews of all incumbents in a particular classification, series, job family, or positions with similar working titles in the same or different classifications.
- m. Clerical/Administrative. Positions involving a wide variety of office skills needed to carry out office processes and procedures, such as keeping records, processing paperwork, reviewing, entering and maintaining electronic data, operating computer systems, office machines and other technologies, and handling communications.
- n. Cohabiter. An adult of either the same or opposite sex as the employee, under circumstances in which the employee and other adult: 1) Have entered into a committed interdependent relationship with each other; 2) Are jointly responsible for each other's basic common welfare; 3) Share a common residence and intend to do so indefinitely; 4) Are not related by blood or adoption such that would prohibit marriage in Minnesota; are neither married nor registered in another domestic partnership; and, 5) Are legally competent and qualified to enter into a contract.
- o. Confidential. A position that requires access to and use of labor relations information, or actively participates in the meeting and negotiating on behalf of the public employer and is therefore excluded from bargaining unit representation.
- p. Court Organizational Unit. Separate court organizational units are the Supreme Court, the Appeals Court, State Court Administration, each Judicial District, the Law Library, the Board of Professional Responsibility, the Board of Continuing Legal Education, the Board of Law Examiners, and the Board of Legal Certification.
- q. Demotion. The appointment of an employee serving in a position in one class to a position in another class having a lower maximum salary.

- r. Director. Positions designated by the Judicial Council in the pay plan as Director which include the Chief Staff Attorney of the Court of Appeals, Deputy State Court Administrator, Director of the Boards of Law Examiners, Continuing Legal Education, Client Security, and Legal Certification Boards, Director of Public Affairs, Director of Court Services, Director of Finance, Director of Human Resources and Development, Director of Information Technology, Director of Legal Counsel Division, Director and Deputy Director, Office of Lawyers Professional Responsibility, Judicial District Administrators, State Court Administrator, State Law Librarian, and Supreme Court Commissioner.
- s. District HR Office. The department, office or unit within each of the ten Judicial Districts and the Minnesota Judicial Center responsible for the implementation of all human resources functions.
- t. Exempt Position. A position that has been determined to be exempt from the wage and hour provisions of the Fair Labor Standards Act (FLSA).
- u. Essential Functions. The principal tasks which are assigned to a position.
- v. Federal Family Medical Leave Act (FMLA). The federal law requiring employers to provide up to twelve weeks per year of job-protected unpaid leave to “eligible” employees, for certain family and/or medical reasons and up to twenty-six weeks per year for military reasons, that are defined under the FMLA. The Minnesota Judicial Branch recognizes this year on a fiscal year basis.
- w. Flex Schedule. A work schedule established for an employee that differs from the routine, normal hours of operation.
- x. Focal Point Review Date. Common annual due date for all employee performance evaluations.
- y. Full-time Position. A position normally scheduled for 80 hours of work per pay period.
- z. Grievance. A complaint filed by an employee pertaining to a dispute as to the interpretation or application of the terms and conditions of these Rules, excluding disciplinary actions.
- aa. Immediate Family. Family members included in the definition of “immediate family” can differ and are specifically defined in the Rules or the applicable policy or procedure governing the situation to which they are being applied.
- bb. Initial Date of Employment. Constitutes commencement of employment with the Minnesota Judicial Branch, adjusted as necessary for breaks in service caused by layoffs, reinstatement, or leave without pay. To determine eligibility for benefits, a person who becomes a state employee under the provisions of Minn. Stat. § 480.181 (Transfer of Employees to Judicial Branch), is considered to have begun employment with the Minnesota Judicial Branch on the date the person

became a county or judicial district employee as certified by that county's or district's appropriate authority.

- cc. Intermittent Employee. An employee who is hired to work on an as-needed basis with no regular schedule.
- dd. Intern. A student who is currently enrolled in a post-secondary educational institution who works for the Minnesota Judicial Branch (paid or unpaid) to accomplish specific tasks for a pre-determined period of time and as a result will receive academic credit or recognition for the work performed.
- ee. Job Description. The written summary of the duties and responsibilities assigned to a position.
- ff. Job Share. A single position/job that is shared, in equal or unequal parts, by two or more employees.
- gg. Layoff. The involuntary separation of an employee due to abolition of a position because of lack of work, lack of funds, or reorganization.
- hh. Manager. Classifications determined by the Director of Human Resources and Development as accountable for determining, securing and allocating human, financial and other resources needed to accomplish objectives. Positions in this category also are accountable for determining overall objectives, priorities and policies within a program area. Incumbents of these positions may have the authority to exercise discretionary powers on a regular basis. Positions designated as Manager are Accounting Manager I and II; Administrative Services Manager; Assistant Court Administrator/Chief Deputy Court Administrator; Attorney IV; Branch Audit Manager; Chief of Forensic Psychological Services; Clerk of Appellate Courts; Court Administrative Manager I and II; Court Administrator I, II, III, IV and V; Court Services Manager; Court Operations Manager; Deputy District Administrator A, B, and C; Deputy Director of Court Services; Deputy Director of Finance; Deputy Director of Information Technology; Education Development Manager; Finance Manager; Human Resources Manager I and II; Human Resources Program Manager; Information Technology Manager; Research and Evaluation Manager; Strategic Planning and Projects Office Manager; and Training and Development Manager.
- ii. Minnesota Judicial Branch Human Resources System. The system of personnel rules, regulations and procedures that apply to all state-funded judicial branch employees not covered by collective bargaining agreements, except judges.
- jj. Misconduct. Action unbecoming an employee of the courts, including employee conduct that demonstrates willful disregard of the employer's interests or disregard of the standards of behavior that the employer has a right to expect of its employees, including carelessness or negligence of such degree or recurrence as to manifest wrongful intent.

- kk. Non-Exempt Position. A position that has been determined to be covered by the wage and hour provisions of the Fair Labor Standards Act (FLSA).
- ll. Pay Band. A minimum and maximum pay rate assigned to a job class.
- mm. Payroll Status. Payment for hours worked or for hours on an approved paid leave.
- nn. Part-time Employee. An employee who is normally scheduled to work on a regular and recurring schedule of less than 80 hours in a pay period.
- oo. Permanent Status. Employment status attained by an employee following the successful completion of the prescribed probationary period in an original, promotion, demotion, or reassignment appointment to a different classification during their current, continuous period of employment. Employees with permanent status may invoke the appeal procedures set forth in these Rules. In no instance shall the term permanent status be construed to imply a permanent employment relationship.
- pp. Point Factor Analysis. A job evaluation method that assigns values and weights to compensable factors to assign classifications to pay bands.
- qq. Position. An individual job within the judicial system.
- rr. Probationary Period. The designated trial period for appointments as set forth in Rule 5.
- ss. Professional. A position that has primary responsibility for work that is (a) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (b) involving the consistent exercise of discretion and judgment in its performance; (c) of a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (d) requiring advanced knowledge in a field of learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from a general academic education, an apprenticeship, or training in the performance of routine mental, manual, or physical processes; or any employee who has completed the above described advanced instruction and works under the supervision of a professional person to qualify as a professional employee.
- tt. Promotion. Appointment of an employee from one class to another class having a higher maximum salary.
- uu. Qualified. For the purpose of meeting the qualifications of a position, qualified means the individual has the education and job-related knowledge, skills and abilities required for initial appointment to the position and necessary for satisfactory performance of the job.
- vv. Reclassification. The assignment of a position from one class of work to another

because of changes in the kind, responsibility or difficulty of work performed in the position.

- ww. State Service. Employment on a state payroll, in the Legislative, Executive or Judicial Branch.
- xx. Supervisor. A person who has been delegated by the appointing authority the ability to undertake a majority of the following supervisory functions in the interests of the employer: hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other employees, direction of the work of other employees, or adjustment of other employees' grievances on behalf of the employer, and whose position requires the use of independent judgment.
- yy. Suspension. Temporary removal from duty for disciplinary reasons ordered by an appointing authority. All suspensions are unpaid.
- zz. Technical. Positions that require a basic knowledge of the practice and procedures of a scientific or professional field. Work performed is normally supportive of a professional discipline, but does not require knowledge of the theoretical principles of the field. Some independence in judgment is normally required. Some positions in this category require licensing or registration.
- aaa. Temporary Position. A position that is established by an appointing authority for a specified period of time, normally not to exceed one year in duration.
- bbb. Trainee Position. An entry-level position established to provide on-the-job training.
- ccc. Transfer. The movement of an employee from one position to a different position within the same class and/or pay band.

## **2.0 RESPONSIBILITIES OF SYSTEM PARTICIPANTS**

### **2.1 Responsibilities of the Judicial Council.**

The Judicial Council is responsible for the approval of Minnesota Judicial Branch Human Resources Policies.

### **2.2 Responsibilities of the State Court Administrator.**

The State Court Administrator is responsible for the implementation of Human Resources Policies, pursuant to Judicial Branch Policy 300-Human Resources General Policy, and branch-wide Human Resources Administrative Policies and Procedures that provide guidelines and directions for implementing the Judicial Council Human Resources policies.

The State Court Administrator implements Branch policy, in part, through the approval and implementation of all Minnesota Judicial Branch Human Resources Rules and Human Resources Procedures.

2.3 Responsibilities of the Director of Human Resources.

The Director of Human Resources shall have the responsibilities assigned under these Rules and as delegated by the administrative authorities and shall, exclusively implement, through the respective District HR Offices, the procedures for the maintenance of all official personnel records and records pertaining to the Minnesota Judicial Branch human resources system.

2.4 Responsibilities of Appointing Authorities.

Each Appointing Authority has the following responsibilities:

- a. Selecting employees to fill job vacancies in accordance with standards defined in the classification plan.
- b. Providing performance feedback and completing required evaluations of each employee as designated in Section 6.0 of these Rules.
- c. Providing orientation and training to employees as appropriate.
- d. Performing and documenting disciplinary actions as necessary and in accordance with established procedures.
- e. Collecting and forwarding to the local HR Representative or designee all required data regarding personnel transactions such as leave requests, resignations, and disciplinary actions.

2.5 Responsibilities of Minnesota Judicial Branch Employees.

Unless specifically exempted, all employees are responsible for adherence to these Rules.

### **3.0 CLASSIFICATION PLAN**

3.1 The Classification Plan.

- a. After consultation with administrative authorities, the Director of Human Resources and Development shall prepare and maintain a classification plan by ascertaining the duties and responsibilities of all positions in the Minnesota Judicial Branch.

- b. The classification plan shall establish an appropriate title for each class, describe the typical duties and responsibilities of the positions in each class, and indicate the minimum qualifications for performance of the duties of the class.
- c. The classification plan shall be so developed and maintained that all positions substantially similar with respect to the kind, difficulty, and responsibility of work are included in the same class and that the same pay band may be applied to all positions in a class.
- d. The classification plan and any amendments or revisions thereto shall be in effect after consultation with administrative authorities.

### 3.2 Class Titles.

The assigned class title shall be the official title for every position in the Minnesota Judicial Branch for personnel transactions. Working or statutory titles may be used in the day-to-day business of the court or office. No person shall be appointed to or employed in a position under a title not included in the classification plan.

### 3.3 Position Reclassification.

When the duties of a position are changed, or a position appears to have been classified incorrectly, the Director of Human Resources and Development or designee, as defined in the Position Classification Procedure, shall, upon their own initiative, or upon the request of an employee, supervisor, or appointing authority, investigate the duties of the position. After conferring with the appointing authority and conducting job analysis and evaluation, the Director of Human Resources and Development or designee shall make a classification determination. The Director of Human Resources and Development shall be the final authority on any appeals pertaining to the reclassification of positions.

### 3.4 Effect of Position Reclassification.

When a vacant position has been reclassified the appointing authority shall fill the vacancy per HR Rule 5.0. When a position occupied by an incumbent is reclassified to a pay band with a higher band maximum the incumbent is eligible for promotional pay increase per Pay Upon Promotion language in Section 4.11 of these Rules. If the position is reclassified and remains in the same pay band they shall be continued at their same salary that was in effect prior to the reclassification pursuant to HR Rule 4.10. If a position is reclassified and moves to a lower pay band, compensation shall be determined in accordance with Section 4.12 Pay Upon Demotion.

### 3.5 Creation of New Classification.

To create a new classification, the appointing authority shall submit a request and a written position description questionnaire to the Director of Human Resources and Development, or designee. The SCAO Classification and Compensation Unit has authority to create new job classifications and to complete point factor analysis for the

new classification, and place the classification in the appropriate pay band in the Branch Classification & Compensation Plan.

3.6 Assignment of Duties.

The assignment of duties to a position, whether duties are primary or occasional, temporary or long term, incidental or essential, shall be the responsibility of the appointing authority and the classification plan shall not unduly limit or interfere with the appointing authority's ability to assign duties.

3.7 Market Pay Band Change.

When salary survey data indicates that the pay band assignment of a particular classification is no longer competitive, the Director of Human Resources and Development may allocate the classification and incumbents in it to a higher pay band in order to be able to attract and retain employees. Upon assignment to a higher pay band, the incumbents are eligible for promotional pay increase per Pay upon Promotion Section 4.11.

## **4.0 PAY PLAN**

4.1 Preparation of the Pay Plan.

The Director of Human Resources and Development or designee, after conferring with administrative authorities and conducting a wage and salary survey, shall prepare and maintain a pay plan approved by the Judicial Council which will provide a minimum and maximum rate of pay for each classification.

4.2 Revisions of the Pay Plan.

The Director of Human Resources and Development shall recommend to the Judicial Council for approval revisions in pay bands as needed to address changes in living costs, availability of labor supply, prevailing rates of pay and the financial condition of the Minnesota Judicial Branch.

4.3 Assignment of Classes to Ranges.

The Director of Human Resources and Development shall assign each classification to a pay band and shall prepare schedules showing the pay band for each classification unless the salary for the classification is restricted by statute.

4.4 Administration of the Plan.

Each employee shall be paid within the pay band adopted for their class, unless



otherwise specifically exempted.

Employees who are unrepresented because their appointment duration and hours worked do not meet the threshold for bargaining unit inclusion (anticipated at hire to work <67 days or <14 hours/week), are exempted. Such employees shall be paid within the pay band for the job class in the current collective bargaining agreement that would apply to the position if it met the eligibility threshold for inclusion.

#### 4.5 Position Management.

SCAO Human Resources shall maintain the record of the number of approved and budgeted positions for the MJB. All approved and budgeted positions shall be maintained using the Human Resources Information System (HRIS) and will include position number, status, funding source, intend to fill date and projected salary amount. Only positions with funding available and intend to fill dates will be maintained active in the HRIS system. Positions without funding or intend to fill dates will be abolished after confirmation from the appropriate Human Resources Manager and will not be counted in the record of MJB positions. The Director of Human Resources and Development shall maintain for each Court, administrative office, and board office a table of organization which shall reflect the Court's approved budgeted number of positions per classification.

No Court, office or board shall exceed the number of positions budgeted per classification.

#### 4.6 Position Control.

- a. Abolishment of a Position. If a court, board or office desires to abolish a vacant position, the appointing authority shall inform the District/MJC Human Resources office. Using appropriate personnel forms, the request shall then be submitted to SCAO Human Resources for position control/HRIS/classification system changes, as is appropriate.
- b. Creation of a Position. If a court, board, or office desires to create a new position, the appointing authority shall inform the district/MJC Human Resources office. District/MJC Human Resources shall allocate the classification of the new position or refer the decision to the SCAO Classification and Compensation Unit in accordance with the delegation of authority as outlined in the Position Classification Procedure. Using appropriate personnel forms, the request shall then be submitted electronically to SCAO Human Resources for position control/HRIS/classification system changes, as is appropriate.
- c. Change of Current Positions. If a court, office or board desires to change the classification of a current vacant position such action may be accomplished by a change of position. Such action shall be requested in writing and submitted to the District/MJC Human Resources office for consideration. District/MJC Human Resources shall allocate the classification of the new position or refer the decision to

the SCAO Classification and Compensation Unit in accordance with the delegation of authority as outlined in the position Classification Procedure. The necessary changes shall then be submitted to SCAO Human Resources for position control/HRIS/classification system changes, as is appropriate.

- d. Before final disposition of a request for changes in tables of organization, the Director of Human Resources and Development will consult with the Finance Director and determine the fiscal impact of the requested change.

#### 4.7 Salary Changes.

Any request for salary change must be made in writing by the appointing authority on appropriate personnel forms and delivered to the Director of Human Resources and Development or designee.

#### 4.8 Pay Upon Employment.

- a. Initial Employment within Branch: Pay upon first employment in any position shall be made at a salary up to the midpoint of the pay band. Upon recommendation of the appointing authority, the Director of Human Resources and Development may approve a higher rate of compensation within the approved pay band when the needs of the Court, office or board make such action necessary. Any such exception must be based on either the outstanding and unusual character of the employee's experience and ability over and above the qualification requirements specified for the position, or a determination that a critical shortage of applicants exist for the position. Where a trainee appointment has been approved, compensation shall be set at the next lower pay band, or a lower rate as approved by the Director of Human Resources and Development.
- b. Subsequent Employment within Branch: Whenever an employee is rehired to the same or lower classification within four (4) years of separation, within the appointing authority's discretion, the employee may return to the same rate of pay at the time of separation plus any non-discretionary adjustments that would have been granted had the employee been continuously employed, not to exceed the top of the pay band. Upon recommendation from the appointing authority, the Director of Human Resources and Development may approve a higher rate of pay within the approved pay band as described in Section 4.8a, above.

#### 4.9 Merit Increase Upon Exceptional Performance on Probation.

- a. Employees who have demonstrated exceptional performance during their probationary period may be eligible for a merit increase up to 5% if the employee's supervisor certifies that the employee has completed probation, and the employee has received all successful rating(s) and one or more exceptional rating(s) on competencies of their probationary performance evaluation.
- b. Any increase is subject to available funding and the discretion of the employee's

supervisor and requires appointing authority approval. Eligible probationary periods include original hire and promotion. Court administrators are eligible for this merit increase six months after their appointment only if they meet the criteria in Section 4.9a. Increase percent and approval must be submitted to Human Resources in conjunction with the completion of probation.

#### 4.10 Pay Upon Reassignment.

- a. Whenever an employee is reassigned to a position with the same pay band, they shall be continued at their same salary that was in effect prior to the reassignment. However, if in the best interests of the Branch, the Director of Human Resources and Development determines that an employee reassigning to a position within the same pay band should receive a higher rate of pay, the Director of Human Resources and Development may authorize a rate of pay of up to 5% or midpoint of the pay band.
- b. In situations where a Court Administrator is assigned responsibility for multiple county locations the following shall apply:
  - 1) If the combined total case filings (using three-year average case filings) falls into a higher classification level, the position will be reclassified upward and the employee will be eligible for pay upon promotion under Section 4.11.
  - 2) If the Court Administrator assigned the additional county location is not eligible for a promotional pay increase based on combined three-year average case filings, the employee will receive a pay increase commensurate with the additional duties if below the pay band maximum. The District Administrator may authorize a pay increase of a minimum of 5%, but not to exceed 10% or midpoint of the pay band, whichever is greater. Upon obtaining the approval of the Director of Human Resources and Development, the District Administrator may authorize a pay increase up to 20%, but not to exceed the maximum pay rate established for the position.

The established pay band maximum for current Court Administrators who assume Administrator responsibility for additional counties will be extended by 5% for court administrators with responsibility for two counties, by 10% for court administrators with responsibility for three counties, and by 12.5% over standard pay band maximum for four or more counties.

- c. In situations where a District Administrator is assigned responsibility for multiple districts, the pay band maximum will be extended by 5%.

#### 4.11 Pay Upon Promotion.

An employee appointed to a position with a higher pay band shall receive:

- A 5% increase or the minimum of the new pay band whichever is greater.
- Should the 5% increase not exceed midpoint of the new pay band, the Appointing Authority has discretion to assign a rate of pay greater than 5% but not exceeding midpoint.

Upon recommendation of the Appointing Authority, the Director of Human Resources and Development may approve an exception by authorizing a rate of compensation higher than midpoint of the new pay band.

- Any such Exceptions must be thoroughly documented and based on either the outstanding and unusual nature of the employee's experience and ability over and above the qualification requirements, or a determination that a critical shortage of applicants exist for the position.
- Multi-county court administrators who are assigned an additional county and because of the additional case filing volume are promoted to a higher classification shall receive promotional pay and pay band extension consistent with Section 4.10b Pay Upon Reassignment. District administrators who are assigned an additional district shall receive promotional pay and pay band extension consistent with Section 4.10c Pay Upon Reassignment.

#### 4.12 Pay Upon Demotion.

- a. Disciplinary Demotion. An employee who is demoted to a lower position for disciplinary reasons shall be paid at the salary rate specified in the order of discipline.
- b. Non-Disciplinary Demotion. An employee demoted for non-disciplinary reasons shall be paid at the rate agreed upon between the employee and the appointing authority. The rate of pay shall not exceed the rate at which the employee was paid in the higher class nor shall it exceed the maximum of the pay band for the classification of the position to which the employee is demoting, except under the following circumstances:
  1. When a classification is changed to a lower pay band as the result of a Classification Assessment, and the salary of the employee exceeds the maximum of the new pay band, the employee shall be placed in the new classification and shall retain their current salary. This applies only to positions demoted due to results of a Classification Assessment.
  2. Upon the written request of the Appointing Authority (as identified in HR Rule 5.6), and when the Director of Human Resources and Development determines that a lower classification will result from a re-engineering initiative, restructuring to enhance customer service, or the opportunity for substantial budget savings exists, the Director of Human Resources and Development may approve for the employee to retain a current salary rate

higher than the maximum of the newly classified and lower pay band. This could potentially include a classification in a lower pay band resulting from a Classification Assessment pursuant to the Position Classification Procedure (300(m)).

For consideration under this provision, the following shall apply:

- a) The Appointing Authority making the request shall submit a detailed written request on the prescribed form, specifying the re-engineering or restructuring circumstances, or describe the opportunity for substantial budget savings.
- b) The Director of Human Resources and Development shall review each request giving due consideration to the circumstances leading to the employee's resulting classification. The Director of Human Resources and Development may approve a salary adjustment beyond the new lower pay band maximum, if in the Director of Human Resources and Development's judgment it is in the best interest of the Minnesota Judicial Branch.
- c) The Director of Human Resources and Development will track all requests and determinations made under this policy to assess whether changes in the Classification Plan are warranted.

#### 4.13 Individual Salary Increases.

- a. Employees are eligible to advance through their pay bands by receiving performance-based (merit) increases granted at the discretion of an appointing authority when such increases are authorized as part of the appropriate Branch pay plan.

Employees must complete one year of service to be eligible to receive a performance-based merit increase. New Judicial Branch employees are eligible to receive their first merit increase on the one-year anniversary of their date of hire. Employees are then eligible for a merit increase in conjunction with the Branch's next occurring focal point review process, and annually on the focal point date thereafter.

Recommendations for merit increases shall be made by the appointing authority in writing or electronically through the performance management system to the local Human Resources Department and shall be based upon performance evaluation standards and other pertinent data.

- b. The amount of each merit increase shall be indicated as a percentage. The maximum percentage allowable shall be determined each fiscal year by the State Court Administrator. If the recommended increase would place the employee's salary over the maximum of the pay band, the employee's salary shall be adjusted to the maximum of the range. The appointing authority may deny, delay,

or approve a merit increase, subject to the approval of the Judicial District Administrator/State Court Administrator or designee.

- c. Salary change recommendations must be made in writing by the appointing authority on forms prescribed by the Director of Human Resources. Approved salary changes shall be effective when such increases are authorized as part of the appropriate Branch pay plan.
- d. Unique and Unusual Employment Situations. Upon the written request of the appointing authority (as identified in Section 5.6), and when the Director of Human Resources and Development determines that changes in employment situations create significant difficulties in attracting or retaining employees, or the opportunity for substantial budget savings exists, re-engineering initiative the Director of Human Resources and Development may approve an unusual employment situation adjustment to advance an employee within the pay band or to extend an employee's pay band.

For consideration under this provision, the following shall apply:

- 1) The Appointing Authority (as identified in Section 5.6) making the request shall submit a detailed written request, specifying the changes in circumstances that create difficulties in attracting or retaining an employee for the position, or that the opportunity for substantial budget savings exists;
- 2) The Director of Human Resources and Development shall review each request giving due consideration to salary rates paid to other employees in the same job classification. The Director of Human Resources and Development may approve a salary adjustment or a pay band extension of up to 5% beyond the pay band maximum, if in the Director of Human Resource and Development's judgment; it is in the best interest of the Minnesota Judicial Branch.
- 3) The Director of Human Resources and Development will report the granting or denial of a request under this policy to the State Court Administrator within 5 working days.
- 4) The Director of Human Resources and Development will track the granting of all requests under this policy to assess whether changes in the Pay Plan are warranted.

#### 4.14 Stability Pay.

Employees who have reached their pay band maximum, who were in unrepresented **state-funded court positions** on or before September 18, 1997, did not have longevity pay built into their hourly rate at the time of transition, and have not had a break in service are eligible for stability pay during years when stability pay is part of the pay plan. Stability payments are paid on the employee's anniversary date and are based on the length of court service and number of hours an employee has worked in the previous year. Calculation of the amount of the stability payment is shown in the

appendix to these rules.

4.15 Individual Salary Decreases.

Upon recommendation of the appointing authority and upon approval by the Director of Human Resources and Development, the salary of any employee may be reduced for unsatisfactory performance as indicated by performance evaluations or other pertinent data. Any person whose salary is so decreased may be eligible for a merit increase on the next focal point review date.

4.16 Severance Pay.

An employee shall be entitled to severance pay upon separation from the Minnesota Judicial Branch by reason of:

- Retirement at or after age 65;
- Retirement after 10 years of continuous State employment with immediate entitlement at the time of retirement to an annuity under a State retirement plan;
- Death;
- Layoff other than seasonal;
- Separation other than discharge after 20 years of continuous State employment;
- Termination without prejudice of an at-will employee after 5 years of continuous employment with the Minnesota Judicial Branch; or,
- Separation after 5 years of continuous employment as director in the Minnesota Judicial Branch.

Severance pay shall be a sum equal to the employee's regular rate of pay at the time of separation multiplied by 40 percent of the employee's accumulated but unused sick leave balance at the time of separation not to exceed 900 hours, plus 12.5 percent of the employee's accumulated but unused sick leave balance in excess of 900 hours.

Pursuant to HR Rule 13.3, an eligible employee who is appointed, reappointed or rehired to service with state employment within four years from the date of separation provided they separated in good standing shall have their previous sick leave balance, if any, restored. However, any employee being reappointed or rehired after receiving severance pay shall have their leave restored proportionately by deducting the hours which were paid out in severance.

Employees who have received a severance payment from state employment who are subsequently rehired may receive a second severance payment (if they are otherwise eligible); however, the second severance payment will be calculated upon a sick leave balance that has been reduced by the number of sick leave hours restored to the employee upon rehire.

An employee eligible for severance pay will receive the payment in a lump sum. Arrangements may be made for a one-time deduction to deferred compensation provided the employee satisfies all requirements of the administrator for the deferred

compensation plan.

If applicable, severance payments shall be subject to the Health Care Savings Plan (HCSP) provisions in accordance to the elected plan.

For budget reasons, an Appointing Authority may elect to distribute the severance payment over a period of up to two years from the date of separation. If the employee dies before the severance pay has been fully disbursed, the balance due shall be paid to a named beneficiary, if any, or to the employee's estate.

Employees who transfer to employment within the Minnesota Judicial Branch per the provisions of Minn. Stat. § 480.181 shall receive the severance provisions as defined by the terms and conditions of the county personnel plan if such employee appropriately elected to retain county benefits.

Employees who transfer to an Executive or Legislative Branch position where their leave balance will be recognized are not eligible for severance pay from the Minnesota Judicial Branch.

#### 4.17 Payroll Overpayments.

Overpayments discovered after 7/1/09 will be governed by the Executive Branch *Correction of Overpayment Procedure*.

## **5.0 RECRUITMENT, APPOINTMENTS, AND STATUS**

### 5.1 Recruitment.

The method to be followed in recruiting applicants shall be determined by the Director of Human Resources and Development or designee.

The Director of Human Resources and Development or designee may advertise positions in professional and trade publications and employ any other methods of publicizing positions which are considered appropriate to attract a sufficient number of qualified persons to meet the needs of the Minnesota Judicial Branch.

### 5.2 Applications for Employment.

Application for employment shall be made on forms prescribed by the Director of Human Resources and Development or as appropriate for the selection process.

### 5.3 Filing Period for Applications.

The Director of Human Resources and Development or designee shall prescribe the recruiting period during which applications will be accepted for filling vacant positions.



#### 5.4 Qualifications of Applicants.

For each classification, the Director of Human Resources and Development or designee shall establish standards or requirements concerning education, experience, physical capabilities, and other factors that are related to the duties of the classification.

#### 5.5 Determination of Qualifications.

- a. The determination as to whether a candidate is qualified for appointment shall be made by the appointing authority after review and verification of the candidate's academic credentials, work experience, examination results if required, and any other pertinent information.
- b. This determination shall be subject to review and approval by the Director of Human Resources and Development or designee,
- c. The effective date of any appointment shall not precede the review and approval by the Director of Human Resources and Development or designee of the person's qualifications.

#### 5.6 Appointing Authority.

The following persons are vested with the authority to select employees to fill authorized positions:

- a. The Clerk of the Appellate Courts / Supreme Court Administrator, State Law Librarian, the State Court Administrator and Supreme Court Commissioner shall be selected by the Supreme Court.
- b. The Directors of the Supreme Court boards shall be recommended by the respective boards to the Supreme Court for approval.
- c. Judicial Administrative Assistants and Appellate Law Clerks shall be selected by the Justice(s) and Judge(s) for whom they serve.
- d. Employees of the Chief Staff Attorney's office and employees of the Court of Appeals, other than Judicial Administrative Assistants, and Law Clerks, shall be selected by the Chief Judge of the Court of Appeals.
- e. Employees of the Supreme Court Commissioner's office shall be selected by the Commissioner, subject to the approval of the Supreme Court.
- f. State Court Administration employees shall be selected by the State Court Administrator or designee.
- g. Employees of the State Law Library shall be selected by the State Law Librarian.

- h. Employees of the Office of Lawyers Professional Responsibility, Law Examiners, Legal Certification Boards and Continuing Legal Education shall be selected by the Directors of the respective boards.
- i. The Chief Judge of the judicial district shall appoint a District Administrator, with the advice of the judges of the judicial district. The appointment of the District Administrator is subject to the approval of the Judicial Council.
- j. The Director of the Judicial Advisory Service shall be selected by the Executive Committee of the Minnesota District Judges Association.
- k. District Administration staff shall be selected by the District Administrator or designee.
- l. District Trial Court Law Clerks and Judicial Clerks shall be selected by the Referee or Judge(s) to whom the Law Clerk or Judicial Clerk is assigned.
- m. District Trial Court Judge Unit Paralegals shall be selected by the Judge(s) to whom the Judge Unit Paralegal is assigned.
- n. Court Reporters shall be selected by the Judge, Referee or judicial officer served. Official Court Reporters in a Court Monitoring Room classification are selected by and report to District Administration.
- o. Child Support Magistrates and judicial officers shall be selected by the Chief Judge of the district and approved by the Supreme Court.
- p. Referees shall be selected by the Chief Judge of the district.
- q. Court Administrators shall be selected by a majority of the District Court Judges.
- r. District Court Administration staff shall be selected by the Court Administrator or designee.

#### 5.7 Types of Appointments.

An authorized position shall be filled by one of the following types of appointments:

- a. At-Will.
  - 1) An at-will appointment is granted when an employee is appointed to a position in which the employee serves at the pleasure of the appointing authority without the right of attaining permanent status or appeal of disciplinary action. At-will employees may be discharged at any time, with or without cause or notice.
  - 2) Selection of at-will employees shall be guided by the principle of providing equal employment opportunities to all applicants.

Employees enumerated in Sections 5.6(a) and (b) are at-will employees who shall serve at the pleasure of the Supreme Court. Employees enumerated in Section 5.6(c) are at-will employees who shall serve at the pleasure of the Justices and Judges to whom assigned. Employees enumerated in Section 5.6(d) are at-will employees who shall serve at the pleasure of the Chief Judge of the Court of Appeals. Directors enumerated in Section 1.4(f) who are appointed by the State Court Administrator on or after May 9, 2002, are at-will employees. Employees enumerated in Sections 5.6(i), (n) and (o) are at-will employees who shall serve at the pleasure of a majority of the judges of the judicial district. Employees enumerated in Sections 5.6(l), (m) and (n) are at-will employees and serve at the pleasure of the Appointing Authority, except for Official Court Reporters in a Court Monitoring Room classification who are selected by and report to District Administration.

b. Original.

- 1) All appointments other than at-will, temporary, promotion, demotion, reassignment or acting shall be considered original appointments.
- 2) Upon original appointment to a class, an employee shall be given status in that class in accordance with these Rules.

c. Promotion.

- 1) An employee shall be given a promotion appointment when the employee is assigned from a position in one class to a position in another class having a higher maximum salary.
- 2) Upon promotion, an employee's status shall be determined in accordance with these Rules.

d. Demotion.

- 1) An employee shall be given a demotion appointment when the employee is assigned from a position in one class to a position in another class having a lower maximum salary.
- 2) When an employee who has not attained permanent status in any class is demoted, the employee shall be given a demotion appointment in the lower class in the same manner prescribed for original appointments in accordance with these Rules.
- 3) When an employee is demoted to a class in which the employee previously held permanent status during the current continuous term of employment, the demotion shall be with permanent status.

e. Reassignment.

- 1) An employee shall be given a reassignment appointment when moved from a position in one class to a different position in the same class or to a different class in the same pay band.
- 2) If an employee who has not attained permanent status in any class is given a reassignment appointment, the employee shall be appointed in the same manner prescribed for original appointments in accordance with these Rules.
- 3) An employee with permanent status who is given a reassignment appointment to a different position in the same class shall retain permanent status upon appointment to the new position.
- 4) An employee with permanent status who is given a reassignment appointment to a different position in a different class shall be given probationary status in the new class after the appointing authority has determined that the employee meets the minimum training and experience requirements for the class.
- 5) An employee's salary shall not be changed upon reassignment, except as authorized pursuant to Section 4.10a.

f. Acting ("Working Out of Class").

When a position is vacant due to separation or due to an approved leave of absence (Sections 15.3 and 15.4) of more than 30 days, the Appointing Authority may, with the approval of the applicable District or MJC Human Resources Manager, temporarily appoint an employee to perform the duties on an acting basis based on the following principles:

- 1) The Appointing Authority shall take action to fill the position on a permanent, non-acting basis if the incumbent has permanently vacated the position.
- 2) The acting employee shall meet the minimum qualifications established for the classification of the vacant position.
- 3) An acting appointment will generally be up to one (1) year in length. Extensions based on business need may be authorized by the Director of Human Resources and Development.
- 4) Documentation of the acting appointment shall be placed in the acting employee's personnel record.
- 5) If an employee receives an acting appointment to a position with a pay band higher than that of the employee's regular position, the employee shall be paid pursuant to Pay upon Promotion language contained within these Rules for the period of the acting appointment.

- 6) If an employee is acting in a position appointed to a pay band lower than that of the employee's regular position, the employee's salary shall not be diminished because of the acting appointment.
- 7) Filling an acting appointment shall not affect the acting employee's participation in the focal point review cycle or status in their regular position.

g. Acting – limited (“Mobility”).

When business needs require the appointment of a permanent employee to perform the duties of a temporary position, a special project, or a specialized skill set for a limited period of time, the Appointing Authority may fill the vacancy using a limited acting appointment. The following requirements apply:

- 1) The employee must have the necessary knowledge, skills and abilities to perform the essential functions of the job.
- 2) The appointment may be granted for a period of up to one (1) year subject to annual renewal at the appointing authority's discretion. The assignment may not exceed two (2) years without approval of the Director of Human Resources and Development.
- 3) Documentation of the limited acting appointment shall be placed in the employee's personnel file. (i.e., a limited acting appointment letter)
- 4) If an employee receives a limited acting appointment to a position with a pay band higher than that of the employee's regular position, the employee shall be paid pursuant to the Pay upon Promotion language contained within these Rules.
- 5) If an employee is acting in a position appointed to a pay band lower than that of the employee's regular position, the employee's salary shall not be diminished because of the limited acting appointment.
- 6) If an employee is acting in a position appointed to the same pay band as that of the employee's regular position, the employee's salary shall not be changed upon reassignment, except as authorized pursuant to Section 4.10a.
- 7) The employee shall participate in the focal point review cycle, with both appointing authorities, where applicable, working in conjunction to ensure the performance evaluation process is preserved.
- 8) Upon the return to the original or similar appointment, the employee's original salary rate shall be adjusted to include any non-discretionary increases and merit increases, if warranted by performance while acting in the limited appointment.
- 9) While it is typically the intent to return the employee to the same assignment

and position at the conclusion of the limited appointment, the employee may be returned to a similar position or the same position with a different assignment at the conclusion of the limited appointment.

- 10) A limited acting appointment shall not be used to temporarily fill a vacant position, such as described within Section 5.7f (Acting).

## 5.8 Status.

Upon appointment to an authorized position, an employee shall be given one of the following types of status:

- a. At-Will Status. An employee given an at-will appointment serves at the pleasure of the Appointing Authority and maintains at-will status for the duration of employment in that position. They can be discharged at any time, with or without cause or notice.
- b. Probationary Status.
  - 1) When Assigned. An employee who receives the following type of appointment shall be assigned a probationary status: Original, promotion, demotion, reassignment to a different classification, or a position change due to reclassification (except when an entire classification is changed due to a point factor review or market adjustment).
  - 2) Definition. A probationary appointment is a working test of the appointee's ability to render satisfactory service in the position in which the person is employed.
  - 3) Standard Probation Period. Except for specialized probationary periods as provided below, probationary periods shall be for a period of six months of satisfactory service. Upon the successful completion of the probationary period and upon the affirmative recommendation of an appointing authority, the employee shall be granted permanent status. An appointing authority's failure to discharge, demote or extend probation (through formal written documentation to the employee) prior to the expiration of the current probationary period shall result in a probationary employee's attainment of permanent status (See also, subsections 5, 6 and 7 of this section, below). The probationary period of an employee may be extended by the Director of Human Resources and Development upon written request by the appointing authority.
  - 4) Specialized Probation Period. Certain professional and technical, positions or job classes may require a longer working test than six months because of greater job complexity inherent in such positions. The Director of Human Resources and Development may establish initial probationary periods of one year for original appointments and promotions to such positions. To establish a one-year probationary period for a position, the Director of the court organizational unit shall submit a written request to the Director of Human Resources and Development detailing the rationale for the request. If approved by the Director of Human Resources and Development, the one-year probationary period

applies only to employees hired after the establishment of that one-year probationary period for that position or classification (a specialized probationary period cannot be retroactively applied). One-year probationary periods may be extended by the Director of Human Resources and Development upon written request by the Appointing Authority.

- 5) Dismissal during the Initial or Extended Initial Probationary Period. If at any time during the initial probationary period or extended initial probationary period the appointing authority determines that the work performance of any employee has been unsatisfactory, the employee may be discharged without the right of appeal or hearing.
- 6) Demotion from Position during Promotional Probationary Period. If an employee's work performance during a promotional probationary period is found to be unsatisfactory, the Appointing Authority may, in lieu of discharge, demote the employee to a vacant position in the class in which the employee previously served or to a vacant position for which the employee is determined to be qualified. The employee shall not have the right to appeal a demotion pursuant to this paragraph. If a demotion opportunity is undesired or unavailable, the employee shall be discharged without the right of appeal or hearing.
- 7) Completion of the Probationary Period. On or before the expiration of an employee's probationary period, the Appointing Authority shall complete a performance evaluation and shall notify Human Resources that the employee has either successfully completed probation, will continue in the position on extended probation, has been demoted to a vacant position or is discharged.
- 8) Probation within a Job Classification. An employee shall not serve a probationary period in a classification in which that employee has previously completed a successful probationary period.

c. Temporary Status.

- 1) When an employee is on extended leave or when the workload requires additional staffing, the Appointing Authority may authorize filling the position with a temporary employee. The Appointing Authority shall notify the temporary appointee at the time of selection that the appointee shall not obtain permanent status. If the position becomes available on a permanent basis, the position must be filled according to normal recruitment and selection procedures.
- 2) An employee serving in a position with temporary status of less than six months shall not be granted leave. A temporary employee serving in a position beyond six months shall accrue and be eligible for leave. Temporary employees are eligible for holiday pay; however, they are not eligible for the floating holiday. A new employee serving in a position with temporary status of less than ninety (90) days shall not be granted health insurance benefits. A new employee appointed to a position anticipated to extend beyond ninety

(90) days for an average of thirty (30) or more hours per week shall be granted health insurance benefits. A former employee who was benefits-eligible in their former position and returns to the Judicial Branch as a temporary employee within ninety-two (92) days of separation shall receive benefits equal to those received at time of separation. A former employee who was not benefits-eligible in their former position and returns to the Judicial Branch as a temporary employee within ninety-two (92) days of their date of separation will follow the rules as a new employee as written above.

d. Trainee Status.

An employee who does not meet the minimum qualifications for the class to which appointed, but who the appointing authority determines may meet the qualifications for the class after a period of on-the-job training of one year or less may be given trainee status.

- 1) Trainee appointments shall not be authorized when qualified applicants are available, except as approved by the Director of Human Resources and Development.
- 2) The salary of an employee serving with trainee status shall be determined in accordance with the Pay upon First Employment language set forth in these Rules.
- 3) An employee serving in a position with trainee status who has not previously attained permanent status in another class during the employee's current employment shall not attain permanent status while serving in trainee status.
- 4) Service while on trainee status shall not count towards satisfying the probationary requirements of any class.
- 5) Upon successfully completing all training requirements of the trainee appointment, an employee may be given probationary status and their salary determined in accordance with Pay upon First Employment language set forth in these Rules regarding original appointments.

e. Permanent Status.

- 1) An employee who has been granted an original, promotion, reassignment or demotion appointment to an authorized position and granted probationary status may attain permanent status in a class upon the satisfactory completion of the assigned probationary period as provided in these Rules.
- 2) An employee shall not attain permanent status in an at-will or acting appointment, a temporary position, or in a class while serving in temporary or trainee status.
- 3) When an employee who has not attained permanent status in a class is granted



leave of absence without pay, time spent on such leave shall not count towards completion of the employee's probationary period in that class.

- 4) Less than full-time employment shall count towards completion of a probationary period on a proportionate basis or as designated by the appointing authority upon hire.
- 5) An employee who attains permanent status in a class shall be vested with appeal rights and lay-off preference as provided in these Rules.

## **6.0 PERFORMANCE EVALUATIONS**

### **6.1 Performance Evaluations.**

Performance evaluations are used to inform the employee of strengths and weaknesses in performance, of training needs and of improvements expected; and are considered in determining merit increases, order of layoffs, promotions, demotions and dismissals.

- a. The Appointing Authority shall conduct performance evaluations for each employee. The Appointing Authority should conduct an evaluation at approximately the midpoint of the probationary period. Thereafter, a written performance evaluation shall be made prior to completion of six (6) months of service, at completion of one (1) year of service, and annually thereafter on the focal point date. Evaluations are made on forms – electronic or paper – prescribed by the Director of Human Resources and Development. Probation evaluations should be submitted to Human Resources prior to completion of probationary period. Evaluations should be submitted to Human Resources no later than the date designated by the Director of Human Resources and Development.
- b. The evaluation of each employee shall be made by the employee's immediate supervisor or by another qualified person designated by the Appointing Authority. A qualified person is one who is familiar with the employee's position and/or performance.
- c. All performance evaluations should be substantiated by pertinent statements over the signature of the evaluator or the Appointing Authority. If the evaluator is not the appointing authority, the evaluation is subject to review, approval, or modification by the Appointing Authority before the evaluation is final.
- d. The evaluation shall be submitted to the Appointing Authority for review and action as they may consider necessary after which the Appointing Authority shall sign the evaluation, transmit it to the local Human Resources office and furnish the employee with a copy. The employee shall have 30 days from the date of the receipt of the performance appraisal to file a written response in the employee's personnel file.

- e. A performance rating of “requires improvement” may result in disciplinary action, up to and including discharge.

6.2 Continuous Feedback.

Written performance evaluations should be supplemented by informal discussions between employees and their supervisors on a frequent basis, no less than quarterly.

6.3 Consideration of Evaluations in Salary Decisions.

Eligibility for merit increases are established through the performance evaluation process. The State Court Administrator issues an unrepresented pay plan each year/biennium. Parameters for any salary adjustment are noted in this pay plan and may change each fiscal year/biennium, depending on funding available.

## 7.0 SEPARATIONS

7.1 Separations from the Minnesota Judicial Branch shall include:

- a. Resignation. An employee's voluntary separation from service shall be defined as a resignation. An employee who desires to voluntarily terminate their employment shall submit a written resignation to the appointing authority. The resignation shall be attached to the termination form effecting the separation and be filed in the employee's personnel file. Failure of an employee to give at least ten working days' notice may result in loss of the privilege to be rehired in the Minnesota Judicial Branch. The period of notice may be reduced or waived at the discretion of the appointing authority.
- b. Abandonment of Position. An employee's unauthorized leave of absence of three consecutive work days shall constitute a resignation not in good standing. Employees who resign in this manner may, at the discretion of the appointing authority, forfeit all accrued annual leave. The appointing authority shall notify the Director of Human Resources and Development or designee of the separation.
- d. Dismissal/Discharge. The action taken by an appointing authority, after consultation with District or MJC Human Resources to separate permanently with prejudice an employee from service.
- e. Layoff.
  - 1) A layoff is defined as termination of employment when the Supreme Court, Court of Appeals, or majority of Judges within a district deems it necessary to abolish a position due to a shortage of funds or work, due to a material change in the duties or organization of a work unit. Layoffs must be in accordance with the

guidelines and process established by the Judicial Council.

- 2) A layoff shall be considered non-prejudicial and non-disciplinary.
- 3) The employee shall be notified at least fourteen calendar days prior to the effective date of layoff and shall be given written notice of reasons for the layoff, a copy of which shall be furnished to the Director of Human Resources and Development.
- 4) The Director of Human Resources and Development shall establish a procedure for layoffs in a manner approved by the Judicial Council. Seniority, work performance, job classification, type of appointment and status, and needs of the court shall be considered in determining the order of layoff.
  - a) Permanent employees will be laid off by job classification on the basis of performance and seniority. Where performance is substantially equal, seniority shall govern.
  - b) Seniority is determined to be the cumulative amount of time in the Minnesota Judicial Branch.
- 5) Whenever practicable, the appointing authority and the Director of Human Resources and Development shall attempt to place employees subject to layoff into other positions for which the employee is qualified.
- 6) Employees with permanent status who are laid off shall have the right upon recall to be appointed to a position in the class they held at the time they were laid off except that:
  - a) Such right shall not exceed one year from the effective date of layoff.
  - b) Such right may be waived by the employee.
- 7) Recall. If a recall occurs, employees will be called back to work in the inverse order of layoff.
- 8) A court, board or office which has laid off employees will not be allowed to permanently fill positions within those job classes vacated due to the layoff until all employees with recall rights have been re-employed or have waived their rights.
- 9) Insurance Contribution Continuation. An insurance-eligible employee who receives an employer contribution toward insurance, who has three or more years of continuous service as a Minnesota Judicial Branch employee, and who has been permanently laid off shall remain eligible for an employer contribution toward health and dental insurance premiums for six months from the effective date of layoff.

f. Retirement. Retirement is defined as a separation from service in accordance with

the provisions of the State (MSRS), public employees (PERA) or Minneapolis employees (MERF) retirement systems. Pursuant to state statutes, the right to a retirement annuity in the MSRS, PERA or TRA retirement systems may require a complete and continuous separation from employment as public employee and/or services provided as an independent contractor. Retiring employees should consult with their respective retirement system before renewing employment or contractual services with the judicial branch in order to comply with the rules and regulations of their retirement plan.

- g. Termination without Prejudice. An action taken to involuntarily separate an at-will employee but where, in the determination of the appointing authority, the separation is considered to be in good standing. Thirty calendar days notice of such separation shall be given to the affected employee.
- h. Eligibility for Rehire after Separation. Employees (excluding temps) who are separated from service with the Judicial Branch for reasons other than retirement (except for "Layoffs") shall not be eligible for rehire or reinstatement for a period equal to at least sixty (60) calendar days, unless reinstated pursuant to the appeal procedures of these Rules, or as approved by the Director of Human Resources and Development. Employees who retire from the Judicial Branch or the State of Minnesota shall not be eligible for rehire or reinstatement for ninety-two (92) calendar days, unless approved by the Director of Human Resources and Development.

## **8.0 EMPLOYEE DISCIPLINE**

### **8.1 Disciplinary Actions**

Discipline may include, in any order, the following: Oral reprimand, Written Reprimand, Suspension, Reduction in pay, Demotion, and/or Dismissal.

An employee who has earned permanent status shall be notified in writing that a specified disciplinary action will be taken. Suspensions in excess of 10 working days must have the approval of the Director of Human Resources and Development.

The following are examples of activities for which an employee may be disciplined. This is not intended to be an exhaustive list and is used for illustrative purposes only.

- 1) Unsatisfactory Work Performance. An appointing authority may, at any time, discipline an employee for unsatisfactory work performance which may include, but is not limited to, the following activities:
  - Failure to adequately meet the expectations of the position.
  - Carelessness or negligence with money or other property of the court.
  - Failure to maintain satisfactory and harmonious relationships with the public

or fellow employees.

2) Misconduct. An employee may be disciplined for misconduct which may include, but is not limited to, the following activities:

- Violation of a policy or procedure.
- Action unbecoming an employee of the court which reflects on the court adversely, such as;
  - Processing cases involving family, friends and coworkers;
  - Using employee's position with the courts to manipulate case processing Attempting to influence the outcome of a case, whether positively or negatively for any persons including yourself;
  - Engaging in, or failing to disclose any known requests for preferential or illegal treatment;
  - Inappropriate discussion of court business or court customers. Examples include but are not limited to:
    - Publicly speculating about the outcome of cases or conduct of parties,
    - Disclosing private or confidential data as defined by *The Rules of Public Access to Records of the Judicial Branch*
    - Inappropriate public discussion of Judicial Branch case information or records that employees have access to as a result of their position with the courts.
  - Engaging in outside business activities on court time, or without required court approval or using court property for such activity.
  - Failure to comply with a direct order of a superior or any court order.
  - Conviction of a crime involving moral turpitude.
  - The possession and/or use of illegal drugs or alcohol while on duty, or being under the influence of such substances while on duty.
  - Fraud or theft
  - Acceptance of gifts or favors in violation of court rules.
  - Diverting or converting money or property belonging to or in the custody of the court.
  - Offensive conduct that conveys or implies violence, intimidation, or threatened attack upon a supervisor, other employee, or a citizen.
  - Political activity in violation of Judicial Branch policy.

## 8.2 HR Review.

In the case of suspensions, reductions in pay, demotions or dismissals, for employees who have earned permanent status, the appointing authority shall first review the matter with the appropriate Judicial Branch Human Resources staff for approval of the action and written documentation.

## 8.3 Employee Notification.

The reasons for the disciplinary action should be communicated clearly to the employee. Any form of discipline other than an oral reprimand shall be in writing, shall specify the reasons for the action, and, where applicable, shall state the changes expected in the employee's job performance.

Employees who have earned permanent status shall, prior to receiving discipline in the form of a suspension, demotion, or termination, be given an opportunity to hear the reason for the discipline (including, if applicable, a summary of the evidence of wrong doing) and an opportunity to respond.

#### 8.4 Personnel Records.

A copy of all disciplinary notices shall be placed in the employee's official personnel file.

Removing Materials from File. Upon the request of the employee, a written reprimand disciplinary documentation shall be removed from the official personnel record under the following circumstances:

Disciplinary Documentation	Circumstances
Written Reprimand	After two (2) years provided that no disciplinary action of a similar nature has been administered.
Written Notice of Suspension	After three (3) years provided that no disciplinary action of a similar nature has been administered.

The written request for removal shall not become part of the personnel record. The ability to have a matter removed will not exist where the underlying infraction that caused the discipline was the violation of another individual's statutory rights: e.g. sexual harassment, race discrimination, gender discrimination. Such matters will remain as a file in the employee's official personnel record.

#### 8.5 Review of Personnel Records.

The contents of an employee's official personnel file shall be disclosed to the employee pursuant to the provisions of the Rules of Public Access to Records of the Judicial Branch and Minn. Stat. § 181.961.

#### 8.6 Employee Responses.

Oral and written reprimands may not be appealed. The employee shall have the option to reply to a written reprimand within 5 days of receiving the reprimand. Such written reply will be placed in the employee's official personnel file.

8.7 Investigatory Leave.

An Appointing Authority or designee may place an employee who is the subject of a disciplinary investigation on investigatory leave, with or without pay, provided a reasonable basis exists to warrant such leave. Investigatory leave with pay may not be appealed or grieved.

8.8 Exempt Employee Suspension.

Suspension, without pay, of an exempt employee may be imposed in a full week block of time or, for less than a full week block, if such suspension is tied to a violation of MJB Policies, Procedures and/or HR Rules (exclusive of attendance or performance).

8.9 Suspensions.

Suspension shall not be served on the date before or after a holiday.

## **9.0 GRIEVANCE PROCEDURE**

9.1 Scope.

- a. A grievance is defined as a dispute or disagreement as to the interpretation or application of the terms set forth in these Rules, other than disciplinary actions or layoff decisions. The provisions of this grievance procedure shall not apply to at-will employees.
- b. An employee who has earned permanent status who is aggrieved by an action contrary to these Rules shall have the right to file a grievance, except that an employee shall not have the right to file a grievance in response to a performance evaluation unless it is alleged that the evaluation was based on factors other than the employee's performance.
- c. Disciplinary actions and layoffs may not be grieved under this grievance procedure. (see Appeal Procedure in HR Rule 10.0).
- d. This grievance procedure does not apply to allegations of harassment or discrimination. Allegations of harassment or discrimination should be filed in accordance with the provisions noted within the Minnesota Judicial Branch Policy against Discrimination and Harassment.

9.2 Grievance Resolution.

- a. It is expected that employees will first attempt to resolve problems by discussing them informally with their immediate supervisors. Employees wishing to express a

formal grievance shall bring the matter to the attention of their immediate supervisors, in writing, within 10 calendar days of the incident giving rise to the grievance. A copy of this grievance shall be provided to the District or MJC Human Resources Office simultaneously. The writing shall clearly identify that it is a grievance. A written response shall be made within ten work days or as otherwise agreed upon with the employee.

- b. If the grievance is not resolved to the employee's satisfaction through the procedure described above, the employee may present a grievance appeal, in writing, to the next level supervisor within ten working days of the written response. The supervisor shall investigate the grievance as the supervisor deems appropriate, attempt to resolve it, and provide the employee with a written response within ten work days after its presentation or as otherwise agreed upon with the employee.
- c. If the grievance is not resolved to the employee's satisfaction, the employee may present the grievance appeal, in writing, within 10 work days to the appointing authority that will review the entire matter, conduct whatever investigation is deemed appropriate, and issue a written response within twenty work days following presentation of the grievance. This determination shall be final.

### 9.3 Copy to Human Resources.

An informational copy of the grievance and all written responses thereto shall be submitted to the Labor/Employee Relations Manager.

## **10.0 APPEAL PROCEDURE**

### 10.1 Right to Appeal.

An appeal is defined as a request by a permanent employee, other than an at-will employee, for reconsideration of a suspension, layoff, demotion, dismissal or disciplinary reduction in pay. An applicant disqualified from employment per Minn. Stat. § 364.03 shall have the right to appeal as provided in this section.

### 10.2 Filing of Appeal.

- a. An employee who wishes to file an appeal shall submit a written notice of appeal to the Labor/Employee Relations Manager with a copy to the Director of Human Resources and Development within 10 calendar days of the action being appealed. A copy of the written appeal must also be provided, by the employee, to the employee's appointing authority.

The written notice of appeal must clearly articulate that it is an appeal pursuant to



this provision of the HR Rules, identify the action being appealed and the date that action occurred, and provide a brief explanation of the reason for the appeal. A written appeal of a dismissal must include the employee's preferred contact information for correspondence about the appeal.

If an appeal is not made within the ten calendar day timeframe, it shall be considered waived.

- b. The Labor/Employee Relations Manager shall determine if the subject matter of the appeal is in accordance with the right of appeal and if all applicable timeframes have been adhered to. If deemed a proper appeal, the Labor/Employee Relations Manager shall forward the appeal to the Director of Human Resources and Development.
- c. The filing of an appeal shall not stay the action from which the appeal is taken unless otherwise ordered by the Appeal Board.

#### 10.3 Appeal Board.

The Director of Human Resources and Development shall convene a three-member appeal board. Board members shall be selected from Court organization units other than the one in which the appeal to be heard originated. The board shall consist of:

- a. One District Administrator/Director;
- b. One supervisory employee; and
- c. One non-supervisory employee.

A Human Resources Manager from a district other than the one in which the appeal originated shall be appointed to serve in an ex-officio capacity, to provide support to the board, serve as a subject-matter-expert, and guide the appeal process.

#### 10.4 Appeal Process.

- a. The employee shall be entitled to a hearing convened by the board in an expeditious manner.
- b. The appeal board shall be entitled to consider both the written record as well as oral testimony in arriving at its decision. Upon mutual agreement, the parties may submit written arguments rather than be present at the hearing.
- c. Upon application, the board may, at its discretion, stay any appealed action until the appeal is determined.
- d. The employee shall be entitled to counsel at the hearing at their own expense. Strict rules of evidence need not be followed in conducting the hearing. No verbatim record of the hearing shall be taken.
- e. In determining an appeal, the board shall not substitute its judgment for the

judgment of the Appointing Authority but rather the board shall determine whether the action taken by the Appointing Authority was reasonable under the circumstances.

- f. A written decision shall be issued within sixty calendar days from the date of the hearing. A copy shall be forwarded to the applicable local Human Resources Manager, the Appointing Authority, and the employee. The original appeal and the decision of the board shall be placed in the employee's official personnel file.
- g. Decisions of the appeal board shall be final.

#### 10.5 Extensions.

Once filed, time limits, except the initial filing, under this section may be extended by mutual written agreement of the parties involved or upon good cause, as determined by the Director of Human Resources and Development.

### **11.0 HOLIDAYS**

#### 11.1 Eligibility.

All full-time and part-time employees in payroll status, except intermittent employees, and paid interns, are eligible for paid holidays.

#### 11.2 Observed Holidays.

The following shall be observed as paid holidays:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

When a holiday falls on a scheduled day off, the scheduled work day before or after the holiday shall be the holiday unless other arrangements are agreed to between the appointing authority and the employee. When the county courthouse is closed as a result of a county paid holiday not observed by the Minnesota Judicial Branch, employees shall be required to work unless they take accumulated vacation or floating

holiday pay, or leave without pay, after securing the approval of the appointing authority or their designee.

### 11.3 Floating Holidays.

An eligible full-time or part-time employee, including a benefit-earning temporary employee, shall receive one floating holiday each year in accordance with their FTE allocation each fiscal year in addition to the observed holidays. The holiday shall be taken on an employee's regularly scheduled work day subject to mutual agreement between the appointing authority and the employee. The floating holiday may not be split and must be used in its entirety. The floating holiday shall be taken in the fiscal year in which it is earned, or it is lost.

### 11.4 Holiday Pay Entitlement.

In order to receive a paid holiday, (including both observed holidays and floating holidays), an otherwise eligible employee must have returned to work from their unpaid leave and have paid time within the pay period in which the holiday occurs. Employees may not receive a paid holiday when there is no paid time in the pay period, or while on an unpaid leave, excluding Military, and VUSSL.

- Employees who normally work less than 80 hours per pay period shall have their holiday pay pro-rated in accordance with their FTE allocation, not to exceed 8 hours. With supervisory approval, the employee may work additional hours within the work week or utilize accrued compensatory or vacation leave to make up for any loss of pay.
- Employees who do not work a regular recurring schedule shall have their holiday pay pro-rated consistent with their FTE allocation, not to exceed 8 hours. With supervisory approval, the employee may work additional hours within the work week or utilize accrued compensatory or vacation leave to make up for any loss of pay.
- Employees who work flex schedules (e.g., four 10-hour days) receive holiday pay based on the number of hours the employee would have been scheduled to work had there been no holiday, to a maximum of eight hours. With supervisory approval, the employee may work additional hours within the work week or utilize accrued compensatory or vacation leave to make up for any loss of pay.
- Employees who are in unpaid suspension (disciplinary) leave are not entitled holiday pay.

The estate of an eligible employee who has died on a holiday or holiday weekend shall be entitled to be paid for the holiday.

11.5 Work on a Holiday.

Hours worked on an observed holiday must be pre-approved. If pre-approval is given, a non-exempt employee shall be compensated at the appropriate overtime rate plus pay for the holiday. Exempt employees who are required to work on an observed holiday shall be granted an alternate day off. The alternate day shall be determined by the appointing authority after consultation with the employee.

11.6 Religious Holidays.

When a religious holiday not observed as one of those holidays listed above falls on an employee's regularly scheduled work day, the employee shall be entitled to time off to observe the religious holiday. Time to observe a religious holiday shall be taken without pay unless the employee uses their floating holiday, accumulated vacation leave or accumulated compensatory time. An employee shall notify their supervisor, in writing, of their intention to observe a religious holiday at least 21 days prior to the religious holiday.

## **12.0 HOURS OF WORK**

12.1 Hours of Work.

Non-Exempt Employees.

The work day/work week configuration for non-exempt employees shall normally consist of five (5) full shifts of eight and one-half (8½) hours each within each seven (7) calendar day period. Each full shift shall include an unpaid 30 minute lunch period and two 15 minute paid rest periods. Rest periods may not be accumulated and taken at a future time. During each work week, full time employees shall normally work a minimum of forty (40) hours, inclusive of holidays and approved leave. Each court, board or office shall establish the hours when court offices shall be open to the public. Appointing authorities or their designees shall establish the work schedule of their employees.

Exempt and Non-FLSA Covered Employees.

The work week for exempt employees shall normally consist of five (5) full workdays within each seven (7) calendar day period. The workday shall normally consists of eight (8) hours. Exempt employees may be required to work beyond the normal eight (8) hours of work without additional compensation. Due to the need for public accountability, exempt employees must account for a minimum of eighty (80) hours of work within a pay period (pro-rated for less than full-time employees) through hours worked, leave without pay, or the use of accrued paid leave.

## 12.2 Changes to Work Schedules.

An appointing authority may change work schedules without advance notice for such periods of time as the appointing authority determines that alternative schedules are necessary.

## 12.3 Meal and Rest Periods.

Each employee who works more than four hours per day shall normally have an unpaid lunch period of no less than 30 minutes or more than 60 minutes, the duration of which is at the discretion of the appointing authority. Each employee shall have a 15-minute paid rest period during each one-half of their standard work day or during each four hours of scheduled work, whichever is greater. The scheduling of employee rest periods is at the discretion of the appointing authority.

## 12.4 Overtime Hours and Eligibility.

- a. Work Week Defined. A fixed and regularly recurring period of 7 consecutive calendar days.
- b. Overtime Rates. Employees are eligible for overtime as provided below:
  - Non-exempt employees. Non-exempt employees are eligible for overtime at the rate of time and one-half. Overtime must be approved by the appointing authority, prior to the employee working overtime hours. Non-exempt employees are eligible for overtime pay for hours worked in excess of forty (40) in a work week. For purposes of calculating overtime, all paid leave time (vacation, holidays, sick leave, compensatory time off, or paid leaves of absence) shall be considered time worked. Employees shall have the option of choosing whether overtime compensation shall be paid in monetary compensation or compensatory time off. The Employer may on one occasion during each fiscal year reduce all non-exempt employees' compensatory time balances by 50% of the compensatory time bank, but not later than the last day preceding the start of the new fiscal year. Each non-exempt employee may, one time during each fiscal year, cash out up to 100% of the compensatory time balance on the first payroll period in December or the first payroll period in June, as long as the fiscal resources at the local level permit. Compensatory time may be accumulated to a maximum of 80 hours. Compensatory time may be used at a time mutually agreeable to the employee and the immediate supervisor, except in the same work week it was accumulated.
  - Exempt employees. Exempt employees are not entitled to overtime compensation. It is recognized that because of the nature of their work these employees may be required to work varied hours and work on holidays and weekends making the maintaining of consistent starting and stopping times or the assignment of the number of hours worked in one day sometimes impossible. Insofar as practicable, and without reducing the efficiency of work performance,

exempt employees are expected to complete normal routine work within a normal work day. In no instance will an exempt employee be paid for more than 80 hours in a pay period. When a non-exempt employee transfers or is promoted to an exempt position, 100% of the compensatory time balance shall be cashed out effective on the last date of work in the non-exempt position.

#### 12.5 Recognition Leave for Exempt and Non-FLSA Covered Employees.

It is recognized that exempt employees may exceed, with varying degrees of frequency, the work expectations of a normal work week. In those instances where an exempt employee's work regularly exceeds normal work week expectations, as demonstrated by results or outputs, the employee may be granted recognition leave. Recognition leave is paid time off in single day increments not charged to other leave. Recognition leave must not be based upon an hour for hour analysis of excess work time.

Recognition leave in single day increments, up to five (5) days may be granted to exempt employees with the approval of their Appointing Authority and the judicial district administrator/designee or state court administrator/designee for SCAO employees, with the exception of law clerks who shall also require the approval of the chief judge or chief justice for SCAO law clerks. If granted, the supervisor shall provide the employee with a written memorandum outlining the number of days of recognition leave granted and the employee's action(s) that supported the determination. A copy of this memorandum shall be forwarded to the appropriate Human Resources staff for placement in the employee's personnel file. The supervisor and the employee shall diligently work together to schedule recognition leave when the impact on the business operation will be minimized. Recognition leave must be used by the employee within twelve months of the time it is granted or it shall be deemed lost.

#### 12.6 Call In and Call Back.

Call In. A non-exempt employee who without more than twelve hours notice is called to work prior to the start of their regularly scheduled shift shall be paid at the appropriate overtime rate for all hours worked until their regular shift begins. The employee shall work the balance of their regular shift at their regular rate of pay. Exempt employees are not eligible for call in compensation.

Call Back. A non-exempt employee who without advance notice is called back to work after their regular shift had expired and after such employee has left the employer's premises shall be paid a minimum of two (2) hours at the appropriate overtime rate for all hours worked after their regular shift had expired. Non-exempt employees who are called back to work under this provision shall be reimbursed mileage for driving to and from their home and work station if they use their own vehicle. Exempt employees are not eligible for call back compensation.

## 12.7 On Call.

A non-exempt employee shall be on an on-call status if the employee's supervisor has instructed the employee, in writing, to remain available to work during an off duty period. A non-exempt employee who is instructed to be in an on-call status is not required to remain in a fixed location but must leave word where they may be reached by telephone or by an electronic signaling device.

A non-exempt employee who is instructed to remain in an on-call status shall be compensated for such time at the rate of fifteen (15) minutes straight time for each one (1) hour of on-call status. Such on-call compensation shall be limited to four (4) hours of straight time pay per calendar day.

A non-exempt employee called to work while in an on-call status shall not receive on-call pay for hours actually worked. Rather, such hours worked shall be compensated at the appropriate rate either in wages or compensatory time off as agreed by the employee and the supervisor. Employees shall not normally be assigned to on-call status for a period of less than eight (8) consecutive hours.

An effort shall be made to distribute on-call work as equally as possible among qualified employees in the same job class and in the same work area who are capable of performing the work and who request the on-call work. If practicable, employees shall be notified of an on-call assignment at least one (1) month in advance.

Exempt employees are not eligible for on-call compensation.

## 12.8 Shift Differential.

Non-exempt employees who are regularly assigned to work a shift that begins before 6:00 a.m. or which ends after 7:00 p.m. shall receive a shift differential of \$.60 per hour for all hours worked on that shift. A non-exempt employee working the traditional day shift who is required to work overtime by either coming in before 6:00 a.m. or working past 7:00 p.m. is not eligible for the shift differential; the payment of overtime shall be this employee's sole compensation. A non-exempt employee who regularly works a shift for which a differential is paid who is also required to work overtime shall be paid the sum of their overtime rate plus the differential. A non-exempt employee who elects to work a flex schedule which begins before 6:00 a.m. or ends after 7:00 p.m. is not eligible for the shift differential. Exempt employees shall not be eligible for any shift differential.

## 12.9 Law Clerks.

Law Clerks shall not be compensated for time spent taking the bar exam or attending a swearing-in ceremony unless accrued vacation time is used. Expenses associated with taking the bar exam and attending a swearing-in ceremony are not eligible for reimbursement.

## 13.0 SICK LEAVE

### 13.1 Eligibility.

All employees in payroll status except those who are appointed for less than six months, intermittent employees, and interns are eligible to accrue and use sick leave.

### 13.2 Accruals and Accumulations.

An eligible, full-time employee shall accrue sick leave at the rate of four hours per pay period. An eligible employee being paid for less than a full 80-hour pay period shall have their sick leave accrual prorated in accordance with the schedule set forth in the appendix to these Rules.

An employee within their first 6 months of being employed with the MN Judicial Branch may be temporarily credited with up to 80 hours (10 days) of sick leave for use in connection with a serious illness requiring surgery and/or ongoing treatment. Such credit shall be reduced proportionately as sick leave is accumulated. The employee's probationary period may be extended proportional to an absence in excess of two (2) weeks.

Eligible employees on an unpaid military leave pursuant to Minn. Stat. § 192.261 shall earn and accrue sick leave as though actually at work.

### 13.3 Transfer/Restoration of Sick Leave Hours.

An eligible employee who is appointed, reappointed or rehired to service with the Minnesota Judicial Branch within four years from the date of separation, provided they separated in good standing within Minnesota State government, or transfer without a break in service shall have their previous sick leave balance, if any, restored. However, any employee being reappointed or rehired after receiving severance pay shall have their leave restored proportionately by deducting the hours which were paid as severance.

Employees who transfer to employment within the Minnesota Judicial Branch per the provisions of Minn. Stat. § 480.181 and who elect state benefits under these Rules shall be given credit for accumulated but unused sick leave time, as certified by the County Auditor and District Administrator.

### 13.4 Use of Sick Leave.

Whenever practicable, an employee shall submit a written request for sick leave to the appointing authority in advance of the period of absence. When advance notice is not possible, an employee shall notify their supervisor at the earliest possible opportunity. An employee may use sick leave to the extent of their accumulation for the following:



<b>Sick Leave Use Reason</b>	<b>Familial Relationships Defined</b>
<b>Level 1:</b> <b>Illness, Medical, Chiropractor, or Dental Care</b>	<u>Employee and Employee's:</u> <ul style="list-style-type: none"> <li>• Spouse or Cohabiter</li> <li>• Any dependent of the employee or spouse as defined by the SEGIP definition found in APPENDIX A and including any person for whom the employee has legal guardianship or power of attorney.</li> <li>• Parents</li> <li>• Step parents</li> </ul>
<b>Level 2:</b> <b>Disability and Hospitalization</b> (including employee's inability to work, as certified by a doctor, due to being pregnant or giving birth)	<b>All Familial relationships noted in Level 1 above, plus the following:</b> <u>Employee's:</u> <ul style="list-style-type: none"> <li>• Adult Children</li> </ul> <u>Spouse or Cohabiter's:</u> <ul style="list-style-type: none"> <li>• Parents</li> <li>• Step Parents</li> <li>• Adult Children</li> </ul>
<b>Level 3:</b> <b>Illness and Injury</b>	<b>All Familial relationships noted in Levels 1 and 2 above, plus the following:</b> <u>Employee's:</u> <ul style="list-style-type: none"> <li>• Siblings (usage may be limited per MN Statute 181.9413)</li> <li>• Grandparents (usage may be limited per MN Statute 181.9413)</li> <li>• Grandchildren (non-dependent)</li> </ul>
<b>Level 4:</b> <b>Terminal or Catastrophic Illness</b>	<b>All Familial relationships noted in Levels 1, 2, and 3 above, plus the following:</b> <u>Employee's:</u> <ul style="list-style-type: none"> <li>• Adult Children's Spouse or Cohabiter</li> <li>• Step siblings</li> <li>• Step grandparents</li> </ul> <u>Spouse or Cohabiter's:</u> <ul style="list-style-type: none"> <li>• Adult Children's Spouse or Cohabiter</li> </ul>
<b>Level 5:</b> <b>In case of Death</b> (to attend the funeral for a reasonable period, including necessary travel time)	<b>All Familial relationships noted in Levels 1, 2, 3, and 4 above, plus the following:</b> <u>Employee's:</u> <ul style="list-style-type: none"> <li>• Great grandparents</li> <li>• Great-grandchildren</li> </ul> <u>Spouse or Cohabiter's:</u> <ul style="list-style-type: none"> <li>• Siblings</li> <li>• Step siblings</li> <li>• Grandparents</li> <li>• Step grandparents</li> <li>• Great grandparents</li> </ul> <p>Upon notice to the supervisor, an employee may take up to five (5) days of sick leave</p>

	<p>during a two-week period to attend the funeral, burial, or similar grieving ceremony, travel to and from the funeral, make funeral arrangements, grieve, or comfort others in a time of personal loss. Following the five (5) days, a reasonable amount of applicable leave (i.e. sick, vacation, unpaid leave, personal leave, medical leave) may be taken with supervisory approval and shall not be unreasonably denied.</p> <p>Once each fiscal year, an employee, upon request, shall be granted 8 hours from their sick leave accrual to attend the funeral of any person not listed above.</p>
<b>Birth or Adoption of a child by the employee</b>	Birth or adoption of an employee's child, <b>not to exceed five (5) days</b> , unless otherwise covered under the disability provisions of this section. The sick leave usage must begin effective the date of birth, hospital release date of infant, or placement date.
<b>Arrange for Nursing Care</b>	To arrange for necessary nursing care for family members listed levels 1, 2, and 3 above, <b>not to exceed five (5) days</b> .
<b>OTHER:</b>	Exposure to contagious disease which endangers the health of oneself and other persons; safety leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking in accordance with MN Stat. § 181.9413.
<b>Notes:</b>	Dependents, regardless of relationship, are outlined in the SEGIP definitions. In addition, dependents include any person for whom the employee has legal guardianship or power of attorney.

An employee using sick leave may be required to furnish a statement from the treating medical practitioner or a medical practitioner designated by the Appointing Authority confirming the employee's attendance at an appointment and/or indicating the nature and expected duration of the illness or disability.

The Appointing Authority may also require a statement from a medical practitioner if the Appointing Authority has reason to believe the employee is not able to work or has been exposed to a contagious disease that endangers the health of other persons.

Sick leave hours shall not be used during the pay period in which the hours are accrued. Sick leave accruals earned while on sick leave may be used by the employee with prior supervisory approval.

Once sick leave is exhausted, vacation or, at the discretion of the Appointing Authority, leave without pay, may be used.

### 13.5 Sick Leave Charges.

An employee using sick leave shall be charged for only the number of hours that the

employee would have been scheduled to work during the period of sick leave. Sick leave shall not be granted for periods of less than one quarter (1/4) hour except to permit usage of lesser fractions that have been accrued. Holidays that occur during sick leave increments will be paid as holidays and not charged as a sick leave day.

## **14.0 VACATION LEAVE**

### **14.1 Eligibility.**

All employees in payroll status except temporary appointments appointed for less than six months, intermittent employees, and interns are eligible to accrue vacation leave.

### **14.2 Accruals.**

An eligible employee shall accrue vacation leave each pay period in accordance with the schedule applicable for their position as set forth in the appendices to these Rules. An eligible employee being paid for less than a full 80-hour pay period shall have their vacation accrual prorated.

Attorneys on the staff of the Office of Lawyers Professional Responsibility shall accrue vacation at the rate of five (5) hours per pay period for zero through eight years of service.

#### **a. General Accrual Maximums**

Vacation leave may be accumulated to a maximum of 275 hours. An employee taking an approved salary savings leave pursuant to HR Rule 15.4a or 15.9 may accrue vacation in excess of 275 hours without penalty, provided that employee reduces their vacation accrual below 275 hours within two years of the date that they first exceeded the 275 hour maximum. For FY22-23 only, vacation leave may be accumulated to a maximum of 300 hours. Under no circumstances may an employee be compensated for more than 275 hours upon separation in accordance with HR Rule 14.6.

#### **b. Specific Accrual Maximums for Directors and Certain Other Employees**

Each eligible Director, Referee, Child Support Magistrate, Manager or Judicial Officer may accumulate vacation to any amount provided that once during each calendar year, the accumulation is reduced to two hundred seventy five (275) hours or less. This must be accomplished on or before the last day of the first pay period in January. If not, the accumulation balance shall be reduced to two hundred seventy five (275) hours on the last day of the first pay period in January.

For FY22-23 only, vacation leave may be accumulated to a maximum of 300 hours.

Under no circumstances may an employee be compensated for more than 275 hours upon separation in accordance with HR Rule 14.6.

The State Court Administrator and the Deputy State Court Administrator shall be eligible to accumulate a maximum of 480 hours.

c. Exception to Maximum Hours

In unique situations, the Director of Human Resources and Development, at their discretion, may temporarily suspend the maximum number of hours that may be accumulated for an employee. In the event such a suspension is authorized, the Director of Human Resources and Development shall determine and communicate a date by which any exceeding balances must be reduced. Any exceeding balances beyond the communicated date shall be deemed lost.

d. Exception with Classification Assessment Determination

If an employee's classification is changed due to a Classification Assessment and/or the classification is removed from the "manager" definition section, the employee shall retain manager vacation accrual rate, and vacation accrual maximum rights given to "managers."

14.3 Vacation Usage.

Employees may use accrued vacation immediately after hire. In all instances, however, vacation leave shall not be used during the pay period in which the hours are accrued.

An employee shall submit a written request to their Appointing Authority to use vacation leave prior to the absence. The Appointing Authority shall respond within a reasonable period and shall deny the request only when they determine that the denial is necessary to meet job related organizational needs. Except in emergencies, employees shall not normally be required to work during the employee's vacation once the vacation request has been approved. Any use of unpaid leave must be pre-approved. Employees are required to use their accrued vacation hours prior to the use of unpaid non-FMLA leave except in cases of emergencies, as approved by the District Administrator, Chief Judge, or Division Director.

14.4 Vacation Charges.

An employee who uses vacation leave shall be charged only for the number of hours they would have been scheduled to work during the period of absence.

Vacation leave shall not be granted in increments of less than one quarter (1/4) hour except to permit use of lesser fractions that have been accrued.

Holidays that occur during vacation periods shall be paid as holidays and not charged

as vacation leave.

Should an employee become ill or disabled while on a vacation, vacation leave shall be changed to sick leave, effective the date of illness or disability, upon timely notice to the employee's supervisor.

14.5 Vacation Leave Credit.

Upon initial entry to the Minnesota Judicial Branch in a unique or hard-to-fill manager position, an eligible employee shall be credited with 40 hours (5 days) of vacation leave with approval from the Director of Human Resources and Development. Upon initial entry to the Minnesota Judicial Branch in a unique or hard-to-fill director position, an eligible employee shall be credited with 80 hours (10 days) of vacation leave. Such credit shall be reduced proportionately as vacation leave is accumulated. Vacation hours credited upon entry to Branch service but not offset by accumulated vacation prior to separation from Branch service shall not be eligible for liquidation. If a current employee in State service is appointed to a Minnesota Judicial Branch manager or director position and that employee has their accumulated vacation leave hours transferred, the employee shall not be credited with additional vacation leave hours.

14.6 Vacation Leave Upon Separation.

An employee separated from the Minnesota Judicial Branch shall be compensated at the employee's current rate of pay for all vacation leave accrued and unused at the time of separation, up to a maximum of 275 hours. Vacation leave may not be used in combination with unpaid leave on separation to extend insurance coverage or be used in lieu of notice. The employee must be present at work on the effective date of their separation, except as otherwise authorized by the employee's Appointing Authority.

Vacation payout shall be subject to the Health Care Savings Plan (HCSP) provisions in accordance to the elected plan.

14.7 Vacation Donation.

Employees who receive state benefits shall be eligible to donate accrued vacation leave for the use of Minnesota Judicial Branch employees who have exhausted their sick leave, as permitted by Court policy.

14.8 Length of Service Defined (For the Purpose of Vacation Accrual Only).

The length of service provisions herein relate only to vacation credit and do not affect entitlement to stability payments or retirement.

Length of service does not include time on suspension or unpaid non-FMLA medical leaves of absence which exceed one full pay period in duration.

Length of Service may include time spent in other State of Minnesota government positions or other public jurisdictions, including county court administration offices, as stated below:

- a. Employees who transfer to employment with the Minnesota Judicial Branch under the provisions of Minn. Stat. § 480.181 and who elect to receive benefits from the State under the Judicial Branch Human Resource Rules, shall have their length of service and all accumulated but unused vacation time, as certified by the County Auditor and District Administrator, transferred. However, the employee's leave balances must be reduced to the specified Judicial Branch maximums by the end of the fiscal year of the transfer.
- b. An eligible employee who moves without a break in employment from any other position in any branch of Minnesota State government to the Minnesota Judicial Branch shall have their accumulated but unused vacation leave, to a maximum of 275 hours, and length of service date transferred.
- c. An eligible employee who is reappointed or rehired to service to the Minnesota Judicial Branch within four years from the date of previous separation in good standing within any branch of Minnesota State government shall accrue vacation leave according to the length of service the employee had attained at the time of separation.
- d. An eligible employee who has court/district administration experience working for a county or judicial district office in Minnesota, not otherwise recognized by these Rules, shall be granted credit for such service in accordance with the following:

The employee must have been eligible to earn vacation or personal time off during the term of the county or judicial district employment. Credit will not be given for time in a non-leave accruing position.

Less than four years elapsed between the date of separation in good standing from the county or judicial district employment and the commencement of the subsequent court/district administration position.

The employee must verify the dates of employment in court/district administration with a county or judicial district. Such dates of employment must be verified by the County Auditor or Court Administrator from the county in which the employee had previously been employed, or by the District Administrator from the district in which the employee previously was employed.

- e. On a limited and exceptional basis, the Director of Human Resources and Development may adjust an employee's length of service date to provide credit for all or a portion of directly-related experience in order to attract a job

candidate into a difficult to fill director, manager, or professional level specialized vacancy. For purposes of this rule, professional level specialized positions include professional level classifications in ITD, finance, research, human resources, attorney and education and organization development.

## **15.0 OTHER LEAVES OF ABSENCE**

### **15.1 Application for Leave.**

An employee shall submit a request for a leave of absence in writing to the immediate supervisor as far in advance of the requested absence as is practicable. The request shall state the reason for, and the anticipated duration of, the leave of absence.

### **15.2 Paid Leaves of Absence.**

Paid leaves of absence shall not exceed the employee's normal work schedule and shall be granted as follows:

- a. Court appearance leave for appearances before a court or other judicial or quasi-judicial body in response to a subpoena or other direction by proper authority for purposes related to the employee's employment with the Minnesota Judicial Branch. The employee shall receive regular pay for such appearances or attendance, including necessary travel time, provided that any fee received for the appearance or attendance, exclusive of paid expenses, is remitted to the Minnesota Judicial Branch.

Any employee who must appear and testify in private litigation, not as an officer of the Minnesota Judicial Branch but as a private individual, shall be required to use vacation leave, leave of absence without pay, or compensatory time unless, by mutual consent with the appointing authority, the employee is able to work an equivalent number of hours during the work week to compensate for the hours lost.

- b. Jury duty leave for time to serve on a jury provided that when not impaneled for actual service, but only on call for service, the employee shall report to work. The employee shall receive regular pay for such time as required for service, provided that any jury duty fee received, exclusive of paid expenses, is remitted to the Minnesota Judicial Branch. If the employee chooses to use vacation leave, they may retain the jury duty payment.
- c. Election Judge Leave pursuant to Minn. Stat. § 204B.195 for purposes of serving as an Election Judge in any election. The employee must request the leave in writing at least 20 calendar days in advance.
- d. Military leave in accordance with Minn. Stat. § 192.26 for members of a reserve component of the armed forces of this state or of the United States who are

ordered by the appropriate authorities to active service or to attend a training program. This leave shall be limited to 15 working days per calendar year. The employee must inform the Appointing Authority within seven (7) calendar days of receiving notification of duty. A copy of the military orders must accompany the employee's time sheet.

- e. Employees eligible to vote may take up to 2 hours of paid leave during an election day, for the purpose of voting in any regularly scheduled state primary or general election, or any election to fill a vacancy in the United States Congress or state legislature, provided the employee has made prior arrangements for such absence with their immediate supervisor.
- f. Emergency Leave:
  - 1. State-wide Closures: If a state-wide natural (including weather emergencies) or man-made emergency is declared or the Governor or the Commissioner of Minnesota Management and Budget (MMB) declares state offices to be closed, all Court offices will be closed. Employees will be notified of the closing, pursuant to the applicable policy. Employees shall be paid their regular rate of pay during the emergency closure, without loss of leave.
  - 2. County Specific Closures: Should MMB announce the closure of state offices within a specific county due to an emergency situation, Judicial Branch offices within that county will also be closed. Should a County determine that its facilities housing the court are closed due to an emergency situation, Judicial Branch offices within that county will be closed. The State Court Administrator or their designee may close specific Court offices. Affected employees will be notified of the closure, pursuant to the applicable Judicial Branch Policy. Employees shall be paid their regular rate of pay during the emergency closure, without loss of leave.
  - 3. Absence without Closure: Unless offices are closed, each employee is expected to report to work. However, if, in the employee's reasonable opinion, it is not possible to report to or remain at the work site safely, leave time must be used to account for the time not worked. The employee may use accrued sick, vacation, leave without pay, or, if non-exempt, compensatory time to compensate for time not worked. If a new employee has not been able to earn leave sufficient to cover the time absent from work due to a weather emergency, the employee may make arrangements with their supervisor to make up the time by working additional hours within the same work week.
- g. Athletic leave in accord with Minn. Stat. § 15.62 to prepare for and engage in World, Olympic, or Pan American games competition.
- h. Educational leave for work-related training conducted during normal working hours and approved at the discretion of the Appointing Authority shall be credited as active work time.



- i. Blood Donation Leave to donate blood to both onsite and offsite endorsed programs for up to three hours in a fiscal year.
- j. Leave for Bone Marrow Donation Minn. Stat. § 181.945. An employer must grant *paid* leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.
- k. Leave for Organ Donation per Minn. Stat. § 181.9456. An employer must grant *paid* leaves of absence to an employee who seeks to undergo a medical procedure to donate an organ or partial organ to another person. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours for each donation, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee for organ donation. If there is a medical determination that the employee does not qualify as an organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.
- l. Disaster Volunteer Leave per Minn. Stat. § 43A.185. A state employee who is a certified disaster service volunteer of the American Red Cross may be granted leave from work with 100 percent of pay, not to exceed 15 working days in each year, to participate in specialized disaster relief services for the American Red Cross. The employee must be released from work for this function upon the request of the American Red Cross for the services of that employee, and upon the approval of that employee's appointing authority. The Appointing Authority shall compensate the employee granted leave under this section at 100 percent of the employee's regular rate of pay for those regular hours during which the employee is absent from work. This leave, if granted by the Appointing Authority, may not affect the employee's vacation leave, pension, compensatory time, personal vacation days, sick leave, earned overtime accumulation, or cause a loss of seniority.
- m. Flu Shot Leave. Reasonable paid leave shall be granted to employees to obtain a flu shot one-time per year on or off site, not to exceed 2 hours for an off-site flu shot.
- n. Paid Parental Leave (PPL)
  - 1. Length of Leave. Paid parental leaves of absence of up to six (6) consecutive weeks shall be granted to eligible state employees who request such leave following the birth or adoption of a child.

2. Eligibility. Employees are eligible if they meet eligibility criteria for Family and Medical Leave Act (FMLA) leave, which generally means the employee has been employed by the Employer for twelve (12) months and has worked at least 1,250 hours during the year immediately preceding the leave. PPL is available to employees who experience the following qualifying events:
  - i. An employee or their spouse/partner gives birth to the employee's child;
  - ii. A child is placed in the employee's home for adoption; or
  - iii. A child is placed in the employee's home to adjudicate parentage in cases of surrogacy when the employee is the intended parent.
3. Use. Eligible employees must complete PPL within six (6) months of the qualifying event. At the Appointing Authority's discretion, employees may be allowed intermittent or reduced schedule use of leave. PPL not used within the required timeframe shall not be carried over or cashed out.

Employees must first exhaust accrued sick leave for reasons which qualify for sick leave use. PPL is to be used following the use of sick leave. PPL will be granted once per qualifying event, and for no more than one qualifying event per fiscal year.
4. Interaction with Other Leaves. Paid parental leave will run concurrently with any unpaid leave(s) that parents may be entitled to under other provisions of these Rules or provided by law. Employees shall not receive other types of paid leave provided by these Rules (e.g., sick, vacation, compensatory time) for hours for which they are receiving PPL.

### 15.3 Unpaid Leaves of Absence – Mandatory.

Unpaid leaves of absence shall be granted upon an employee's request as follows:

- a. Medical leave for a cumulative period of one year per illness or injury, unless extended by the appointing authority, when an employee has exhausted their accumulation of sick leave due to an extended illness or injury. The employee may be required to provide medical documentation substantiating the illness/injury.
- b. Family leave to a natural or adoptive parent for a period of six months when requested in conjunction with the birth or adoption of a child. In the case of adoption, the leave will begin on the date requested by the employee. In the case of a natural childbirth, the leave will begin either on the date requested by the employee or the date of the birth of the child, whichever comes first. Sick leave used prior to the birth of the child, with a medical practitioner's statement, will not reduce the duration of this leave. Sick leave, paid parental leave, or vacation leave used following the birth of the child will not extend the six month family leave. Upon request the appointing authority may, at its discretion, extend the

leave up to a maximum of one year.

- c. Military leave in accord with 38 U.S.C. 2024(d) for the period required to perform active duty for training or inactive duty training in the armed forces of the United States shall be granted with the employee being permitted to return to the employee's position with such seniority, status, pay, vacation, and sick leave as such employee would have had if the employee had not been absent due to service under this provision. Vacation leave may be accumulated, if otherwise eligible, to any amount provided that the amount is reduced to 275 hours within two (2) years of the employee's return to service within the Minnesota Judicial Branch. The employee must inform their Appointing Authority within seven calendar days of receiving notification of duty. At the employee's request, they shall be allowed to supplement unpaid military leave with accrued vacation leave. Any vacation leave used for this purpose must have been accumulated prior to the start of the military leave.
- d. Military leave in accord with Minn. Stat. § 192.261, subd. 1, for entry into active military service in the armed forces of this state or of the United States for the period of military service up to five years plus any additional time, in each case, as the employee may be required to serve pursuant to law. At the employee's request, they shall be allowed to supplement unpaid military leave with accrued vacation leave. Any vacation leave used for this purpose must have been accumulated prior to the start of the military leave. If military leave under this section results from an order to active service by the appropriate authority, the employee shall continue to accrue vacation and sick leave if otherwise eligible during the period of active service. Vacation leave may be accumulated to any amount provided that the amount is reduced to the appropriate rate as specified within these Rules hours within two (2) years of the employee's return to service within the Minnesota Judicial Branch.
- e. Leave for Civil Air Patrol Service per Minn. Stat. § 181.946. Unless the leave would unduly disrupt the operations of the employer, an employer shall grant a leave of absence without pay to an employee for time spent rendering service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions
- f. Leave for Immediate Family Members of Military Personnel Injured or Killed in Active Service per Minn. Stat. § 181.947. An employer must grant up to ten working days of a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces has been injured or killed while engaged in active service.
- g. Leave to Attend Military Ceremonies per Minn. Stat. § 181.948. Unless the leave would unduly disrupt the operations of the employer, an employer shall grant a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been ordered into active service in support of a war or other national emergency. The employer may limit the amount of leave provided under this subdivision to the actual time necessary

for the employee to attend a send-off or homecoming ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.

- h. The Family and Medical Leave Act (FMLA) provides eligible employees with unpaid leave for up to twelve (12) weeks in a twelve (12) month period for the birth or adoption of a child, for the care of a child, spouse, or parent who has a serious health condition, and for serious illness of an employee. It also entitles employees to job protection and the continuation of employer health insurance during the period of a qualifying leave. The Minnesota Judicial Branch has established that the twelve (12) month period coincides with its fiscal year. The usage of accrued paid leave while on FMLA counts toward the total 12 weeks and sick leave must be taken for an FMLA qualifying event. Medical documentation may be requested for all FMLA medical leaves. Employees who do not return to work for a minimum of 30 calendar days after leave will be liable for repayment of employer paid insurance premiums.

The National Defense Authorization Act for FY 2008 amended the FMLA to provide the following options for leave:

1. **Qualifying Exigency:** Eligible employees are entitled to up to 12 weeks of unpaid leave during the fiscal year for “any qualifying exigency” when the employee’s spouse, child, or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces (including the Reserves and National Guard) in support of a “contingency operation”.
  2. **Next of Kin:** An eligible employee who is the spouse, son, daughter, parent or next of kin of a service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. “Next of kin” means the nearest blood relative of the service member.
- i. **School Conference and Activities Leave** per Minn. Stat. § 181.9412. An employer must grant an employee leave of up to a total of 16 hours (*per child*) during any 12-month period to attend school conferences or school-related activities related to the employee's child, provided the conferences or school-related activities cannot be scheduled during non-work hours.
  - j. **Precinct Caucuses** per Minn. Stat. § 202A.19. Every employee who is entitled to attend a major political party precinct caucus is entitled, after giving the employer at least ten days' written notice, to be absent from work for the purpose of attending the caucus during the time for which the caucus is scheduled without penalty or deduction from salary or wages on account of the absence other than a deduction in salary for the time of absence from employment.
  - k. **Party Officers and Delegates to Party Conventions** per Minn. Stat. § 202A.135. If an employee gives at least ten days of written notice to the employer, the employee may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a

member of the committee, or may attend any convention of major political party delegates, including meetings of official convention committees, if the employee is a delegate or alternate delegate to that convention. An employee who gives proper notice as provided in this section shall suffer no penalty or deduction from salary or wages on account of absence other than a deduction in salary or wages for the actual time of absence from employment. A violation of this section by an employer is a misdemeanor

- I. Victims or Witnesses per Minn. Stat. § 611A.036. An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony reasonable time off from work to attend criminal proceedings related to the victim's case. An employer must allow a victim of a heinous crime, as well as the victim's spouse or next of kin, reasonable time off from work to attend criminal proceedings related to the victim's case.

#### 15.4 Unpaid Leaves of Absence - Discretionary.

Unpaid leaves of absence may be granted upon an employee's request at the discretion of the appointing authority as follows:

- a. Temporary leave for salary savings purposes provided that this leave shall not exceed 60 consecutive calendar days at any one time and that an appointing authority shall not hire a replacement for an employee on salary savings leave. This leave is to be used only when fiscal concerns of management warrant the granting of such leave. An employee on salary savings leave shall, if otherwise eligible, continue to accrue vacation leave, sick leave, and seniority and shall continue to be eligible for paid holidays and insurance benefits provided that any holidays pay shall be included in the first paycheck received following the employee's return from leave.
- b. Personal leave for a period of up to one year, subject to extension at the appointing authority's discretion. The appointing authority may require that the employee exhaust vacation leave prior to use of leave without pay for personal leaves of less than 10 working days.

#### 15.5 Termination of Leave.

An employee may terminate their leave of absence prior to the previously agreed upon date of the leave with the approval of the Appointing Authority. Leaves of absence or extensions of leaves which are subject to the discretionary authority of the Appointing Authority may be canceled by an Appointing Authority upon reasonable notice to the employee. Such notice shall ordinarily be in writing except in case of emergency.

#### 15.6 Return from Leave.

An employee returning from a leave of absence of two months or more shall notify

their appointing authority at least two weeks prior to the intended date of return. An employee may return from an approved leave of absence to a vacant position in the same class and agency. If a vacant position in the employee's class is not available, the Appointing Authority may offer the employee a vacant position in a different class of comparable duties and pay for which the employee is qualified.

An employee with more than one year of service returning from an unpaid leave of absence shall return to the same rate of pay they had been receiving at the time the leave commenced plus any adjustments that would have been granted had the employee been continuously in paid status during the period of absence.

Employees with less than one year of service in the Branch who return from an unpaid leave of absence or more than one full pay period in length shall have their performance review date adjusted to reflect the duration of unpaid non-FMLA designated leave time.

15.7 Failure to Return from Leave.

Failure to return at the expiration of the leave or to contact the Appointing Authority about an extension prior to the end of the approved leave shall be deemed to be a voluntary resignation.

15.8 Absence without Leave.

Any unauthorized absence from duty is an absence without leave and shall be without pay. If it is subsequently determined by an Appointing Authority that mitigating circumstances existed, the Appointing Authority may convert the absence without leave to other leave as appropriate. Absence without leave shall be subject to discipline up to and including discharge.

15.9 Mandatory Salary Savings Leave.

When fiscal concerns of management warrant, the Administrator of a Court Organizational Unit (COU), in consultation with the Chief Judge and Chief Justice, may require employees to take a temporary leave for salary savings purposes. Mandatory Salary Savings Leave will be designated by the Administrator. Mandatory leave time must be planned, scheduled, and the employee provided with a minimum of two weeks' notice. Mandatory Salary Savings Leave may be designated in the following manner:

- Incrementally, for up to 52 days per fiscal year, not to exceed eight hours per week or 416 hours per year.
- In block time, not to exceed one full work week (i.e. five consecutive work days) within a twelve month period.
- Salary Savings leave may be designated as a combination of block and incremental time, not to exceed 416 hours per fiscal year.

**Examples:**

**Employee A** takes one week of block time off.

*Employee A shall not be required to take another five day block of time off within the next twelve months.*

**Employee B** takes one day (eight hours) off every week for 52 weeks.

**Employee C** takes two half days (four hours each) off every week for 52 fiscal weeks.

**Employee D** takes one week of block time off and takes one day off each week for 47 weeks. *Employee D shall not be required to take another five day block of time off within the next twelve months.*

The Administrator shall not hire a replacement for an employee on mandatory salary savings leave. An employee on mandatory salary savings leave shall, if otherwise eligible, continue to accrue vacation leave, sick leave, and seniority at their normal rate and shall continue to be eligible for paid holidays and insurance benefits, provided that any holiday pay shall be included in the first paycheck received following the employee's return from leave.

## **16.0 BENEFITS**

### **16.1 Group Health, Dental and Life Insurance.**

The Minnesota Judicial Branch will participate in the Minnesota Advantage Health Plan and other dental, life and disability plans as defined and administered by the Minnesota Management and Budget (MMB). A summary plan description, including information on eligibility, employer contribution, outline of coverage, coverage changes and effective dates, can be obtained through the MMB website <https://mn.gov/mmb/segip/benefits/>. Directors shall be eligible to participate in the Managers Income Protection Plan. The Minnesota Judicial Branch reserves the right to deviate from the MMB criteria where it deems necessary.

### **16.2 Eligibility for Employer Contribution.**

- a. **Full Employer Contribution.** New employees scheduled to work at least thirty (30) hours weekly for a period longer than ninety (90) days receive the full employer contribution toward health insurance. Current employees who have worked or are anticipated to work more than ninety (90) days whose hours are increased to at least thirty (30) hours per week receive full employer contribution toward health insurance.

The Employer will conduct a yearly evaluation of hours worked. Employees who have worked an average of thirty (30) hours per week during the one-year look-

back period will receive full employer contribution toward health insurance in the following calendar year.

- b. Partial Employer Contribution. Part-time employees who work at least forty (40) hours but fewer than sixty (60) hours per pay period may elect to receive a partial employer contribution for health and dental coverage. The partial employer contribution for health and dental coverage is seventy-five (75) percent of the full employer contribution for both employee-only and employee/dependent coverage. Part-time employees also receive the full employer contribution for basic life coverage.

#### 16.3 Health and Dental Premium Accounts.

Employees eligible to participate in the health and dental insurance programs will have the employee portion of health and dental premiums deducted on a pre-tax basis as permitted by law or regulation. However, insurance-eligible employees may elect to pay for the employee portion of health and dental premiums on an after-tax basis by completing the necessary forms as provided by Human Resources.

#### 16.4 Health Care Savings Plan.

The Post Employment Health Care Savings Plan (HCSP) is a tax-free medical expense and premiums savings plan offered to Judicial Branch employees and Judges.

Participation: Eligible employees shall participate in the Minnesota Post Employment HCSP established under the Minn. Stat. § 352.98 (Minn. Supp. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan documents. All funds collected by the Employer on behalf of the employee will be deposited in to the employee's HCSP account. Upon separation, vacation and sick disbursements will be made in accordance to your elected plan.

#### 16.5 Medical/Dental Expense Account.

Insurance-eligible employees may participate in a medical and dental expense reimbursement program to cover co-payments, deductibles and other eligible medical and dental expenses or eligible expenses for services not covered by health or dental insurance on a pre-tax basis, as permitted by law or regulation.

#### 16.6 Dependent Care Expense Account.

Insurance eligible employees may participate in a dependent care reimbursement program for work-related dependent care expenses on a pre-tax basis as permitted by law or regulation.

#### 16.7 Transit Expense Account.



Employees are eligible to set aside pre-tax income to cover commuting costs incurred for parking or for purchase of passes, tokens and vouchers for mass transit, or to pay vanpool expenses as permitted by law or regulation. Employees who pay for parking or transit pass expenses through payroll deduction are automatically enrolled in a plan that deducts payments before taxes.

## **17.0 WORKERS' COMPENSATION; INJURED ON DUTY PAY**

### **17.1 Job-Related Injuries.**

An employee incurring an on-the-job injury shall be paid their regular rate of pay for the remainder of the scheduled work day without deduction from vacation or sick leave accruals. An employee who incurs a compensable illness or injury and receives workers' compensation benefits shall use accumulated sick leave, vacation, and/or compensatory time during an absence resulting from an injury or illness for which a claim for workers' compensation is made or while an award of benefits is pending. Such leave may be used on the following basis:

- The employee retains the workers' compensation benefit check and receives payments from sick leave, vacation leave and/or compensatory time in an amount which will total their regular gross pay for the period of time involved provided that the total rate of compensation shall not exceed the regular compensation of the employee (Minn. Stat. § 176.021, subd. 5). Employees shall notify the Appointing Authority in writing of whether and how they wish to supplement their workers' compensation check through use of sick leave, vacation leave and/or compensatory time. Sick leave must be exhausted before vacation leave or compensatory time is used.
- Alternatively, the employee retains the workers' compensation benefit check and takes an unpaid medical leave during the time they are unable to work.
- An employee shall return from disability leave upon appropriate release from workers' compensation status provided the employee is able to perform the work satisfactorily and safely as determined by competent medical authority.

### **17.2 Vacation and Sick Leave Accruals.**

An eligible employee receiving workers' compensation benefits supplemented by vacation and/or sick leave accruals or compensatory time shall accrue vacation and sick leave for the total number of hours compensated by workers' compensation, sick leave, compensatory time and vacation leave. An employee on unpaid workers' compensation leave does not accrue vacation or sick leave.

### **17.3 Insurance.**

An employee who receives an Employer Contribution and who is off the State payroll due to a work-related injury or a work-related disability remains eligible for an Employer Contribution as long as such an employee receives workers' compensation payments.

### STABILITY PAYMENT SCHEDULE

FULL YEARS OF SERVICE	STABILITY PAYMENT*
5	375
6	450
7	525
8	600
9	675
10	750
11	800
12	850
13	900
14	950
15 or more	1,000

\* Amount will be pro-rated for employees who have been in payroll status for less than 80 hours per pay period during the one year of service since the employee's previous anniversary date.

## SICK LEAVE ACCRUAL SCHEDULE

Number of Hours Works during pay period	Hours Earned per Pay period
Less than 9.5	0
At least 9.5, but less than 19.5	.75
At least 19.5, but less than 29.5	1
At least 29.5, but less than 39.5	1.50
At least 39.5, but less than 49.5	2
At least 49.5, but less than 59.5	2.50
At least 59.5, but less than 69.5	3
At least 69.5, but less than 79.5	3.50
At least 79.5	4

## VACATION LEAVE SCHEDULE

### EMPLOYEES OTHER THAN MANAGERS AND DIRECTORS

No. Hours Worked During Pay Period	0 through 5 years	After 5 years through 8 year	After 8 years through 12 years	After 12 years Through 18 years	Over 18 years Through 25 years	After 25 years through 30 years	After 30 years
Less than 9.5	0	0	0	0	0	0	0
At least 9.5, but less than 19.5	.75	1	1.25	1.50	1.50	1.75	1.75
At least 19.5, but less than 29.5	1	1.25	1.75	2.	2.	2.25	2.25
At least 29.5, but less than 39.5	1.50	2	2.75	3	3	3.25	3.50
At least 39.5, but less than 49.5	2	2.50	3.50	3.75	4	4.25	4.50
At least 49.5, but less than 59.5	2.50	3.25	4.50	4.75	5	5.50	5.75
At least 59.5, but less than 69.5	3	3.75	5.25	5.75	6	6.50	6.75
At least 69.5, but less than 79.5	3.5	4.50	6.25	6.75	7.0	7.5	8.0
At least 79.5	4	5	7	7.50	8	8.50	9

## VACATION LEAVE SCHEDULE FOR MANAGERS

No. Hours Worked in Pay Period	0 years through 5 years	After 5 years through 8 years	After 8 years through 12 years	After 12 years through 18 years	Over 18 years through 28 years	After 28 years
Less than 9.5	0	0	0	0	0	0
At least 9.5, but less than 19.5	.50	.75	1	1.25	1.5	1.5
At least 19.5, but less than 29.5	1	1.5	1.75	2	2.25	2.25
At least 29.5, but less than 39.5	1.5	2	2.75	3	3.25	3.5
At least 39.5, but less than 49.5	2.25	2.75	3.75	4	4.25	4.5
At least 49.5, but less than 59.5	2.75	3.5	4.5	5	5.25	5.5
At least 59.5, but less than 69.5	3.5	4	5.5	6	6.25	6.75
At least 69.5, but less than 79.5	4	5	6.5	7	7.5	7.75
At least 79.5	4.5	5.5	7.50	8	8.50	9

**VACATION LEAVE SCHEDULE FOR DIRECTORS, CHILD SUPPORT  
MAGISTRATES AND REFEREES**

No. Hours Worked in Pay Period	0 years through 5 years	After 5 years through 8 years	After 8 years through 10 years	After 10 years through 19 years	Over 19 years through 24 years	After 24 years
Less than 9.5	0	0	0	0	0	0
At least 9.5, but less than 19.5	.75	1.25	1.50	1.50	1.75	1.75
At least 19.5, but less than 29.5	1.50	1.75	2	2	2.25	2.25
At least 29.5, but less than 39.5	2.25	2.75	3	3	3.25	3.50
At least 39.5, but less than 49.5	3	3.50	3.75	4	4.25	4.50
At least 49.5, but less than 59.5	3.75	4.50	4.75	5	5.50	5.75
At least 59.5, but less than 69.5	4.50	5.25	5.75	6	6.50	6.75
At least 69.5, but less than 79.5	5.25	6.25	6.75	7	7.50	8
At least 79.5	6	7	7.50	8	8.50	9

### HOLIDAY PAY PRORATED BY FTE

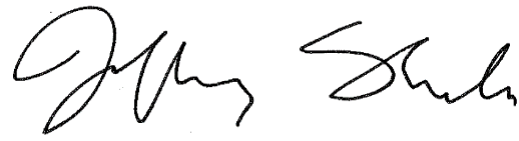
FTE	Holiday Hours Paid
.1	1.00
.2	1.75
.3	2.50
.4	3.25
.5	4.00
.6	5.00
.7	5.75
.8	6.50
.9	7.25
1.0	8.00



**Appendix A**  
**Dependent Eligibility for Health Coverage**  
**State Employee Group Insurance Program (SEGIP)**

<b>Dependent</b>	<b>SEGIP Eligibility Terms</b>
<b>Biological Children</b>	<ul style="list-style-type: none"> <li>• To age 26</li> </ul>
<b>Adopted Children</b>	<ul style="list-style-type: none"> <li>• To age 26 if adopted <b>or</b></li> <li>• To age 18 if placed with you for adoption</li> </ul>
<b>Step Children</b>	<ul style="list-style-type: none"> <li>• To age 26</li> <li>• You must be legally married to the child's parent</li> </ul>
<b>Foster Children (or ward, legal guardian, legal custody)</b>	<ul style="list-style-type: none"> <li>• To age 26</li> <li>• Full and permanent legal and physical custody</li> </ul>
<b>Grandchildren</b>	<ul style="list-style-type: none"> <li>• To age 25</li> <li>• Unmarried, dependent upon you for principal support and maintenance and lives with you; your child must be unmarried and less than age 19 <b>or</b></li> <li>• Financially dependent upon you and has resided with you continuously from birth,</li> <li>• <b>-OR-</b></li> <li>• If you have legally adopted your grandchild or are the foster parent of your grandchild follow the eligibility rules for each above.</li> </ul>
<b>Disabled Children</b>	<ul style="list-style-type: none"> <li>• Any age or marital status, includes dependent children incapable of self-sustaining employment by reason of development disability, mental illness or disorder, or physical disability, <b>and</b></li> <li>• Chiefly dependent upon you for principal support and maintenance</li> </ul>
<p>Definitions are from Dependent Eligibility Chart in the <a href="#">Your Employee Benefits</a> booklet published by SEGIP.</p>	

Approval:

Handwritten signature of Jeffrey Shorba in black ink.

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Jeffrey Shorba, State Court Administrator

October 21, 2021

Date