

AGENDA

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA



Tuesday, March 13, 2012, 9:30 A.M.

**County Board Room, Second Floor
St. Louis County Courthouse
100 N. 5th Avenue West
Duluth, Minnesota**

**KEITH NELSON, Chair
Sixth District**

**FRANK JEWELL
First District**

**STEVE O'NEIL
Second District**

**CHRIS DAHLBERG
Third District**

**MIKE FORSMAN
Fourth District**

**PEG SWEENEY, Vice-Chair
Fifth District**

**STEVE RAUKAR
Seventh District**

County Auditor
Donald Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Patricia Stolee

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter which does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.****

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

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9:30 A.M. Pledge of Allegiance
Roll Call

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS ON THE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

9:35 A.M. Public hearing, pursuant to Resolution No. 12-121, adopted February 28, 2012, to consider the issuance of an off-sale intoxicating liquor license for Hi Banks Resort, Inc., d/b/a Hi Banks Resort, Fredenberg Township. **{12-87}**

9:40 A.M. Public hearing, pursuant to Resolution No. 12-090, adopted February 14, 2012, to receive citizen comments on the FY 2012 Action Plan for Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funding. **{12-88}**

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

1. Amendments to the St. Louis County Civil Service Rules. **[Without recommendation.]**
{12-086}

*** The Board will recess and reconvene after the Committee of the Whole meeting.**

BOARD LETTER NO. 12 – 86

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 3

MARCH 13, 2012 BOARD AGENDA NO. 1

DATE: February 28, 2012 **RE:** Civil Service Rule Amendments

FROM: Kevin Z. Gray
County Administrator

James R. Gottschald, Director
Human Resources

RELATED DEPARTMENT GOAL:

To administer personnel processing in accordance with applicable laws, labor contracts, policies and procedures.

ACTION REQUESTED:

The St. Louis County Board is requested to approve amendments to the St. Louis County Civil Service Rules.

BACKGROUND:

As part of the ongoing work to modernize the county's employment system, the Human Resources Department has continued its work in updating the St. Louis County Civil Service Rules. In 2009 and 2010, there were a number of housekeeping changes adopted. This year, more substantive changes are being proposed. A long-term goal of the county is to pursue changes in the civil service law itself. However, support of all labor groups has been difficult to achieve to date. The county will continue to pursue statutory reform at the time it is deemed achievable.

Human Resources Department staff have re-written most of the civil service rule chapters to make the rules easier to read, more understandable by stakeholders, and to reflect long-standing practices which were previously not clearly written within the context of the rules. A two-day retreat, hosted by the Human Resources Department and attended by representatives from the AFSCME, Teamsters, Civil Service Supervisory, Merit System Supervisory, Deputy Sheriffs, County Attorney's and Confidential units, was held in November 2011. The retreat provided the bargaining units with an opportunity to review and give input into the proposed civil service rule amendments.

Highlights of the proposed rule amendments include the following:

1. Clarifies the hierarchy for authority given any conflicting provisions as follows:
 - 1st – Any applicable State/Federal laws
 - 2nd – Any applicable St. Louis County collective bargaining agreements
 - 3rd – St. Louis County civil service rules
2. Changes notice requirements of public postings and distributions to include electronic email communications and internal/external county web site postings.
3. Changes to allow for alternate Civil Service Commission member for purposes of establishing a quorum.
4. Adopts a former civil service reform labor/management committee (CSRLMC) pilot project related to conducting position and classification audits.
5. Adds references of (or replicates) appeal language specific to certain rules in the applicable chapters; presently all appeal language is contained in rule 12.
6. Adds language to reflect long-standing practice of adjusting employee anniversary dates due to extended unpaid leaves of absence.
7. Changes references from “exam” to “assessment”, from “posting” to “employment opportunity”, and from “eligible list” to “employment list”.
8. Eliminates tie-breaking language used in establishing employment lists. Added language to refer the top three names (along with anyone with the same score as the third person – promotional) and to refer the top seven names (along with anyone with the same score as the seventh person – open).
9. Adds language to authorize temporary appointments in excess of three calendar months for employees working out-of-class, if collective bargaining agreements allow.
10. Adds discretionary probationary periods for current employees who transfer or demote.
11. Deletes obsolete definitions and added definitions for: “Anniversary Date”, “Assessment”, “Classification”, “Emergency Appointment”, “Hiring Authority”, “Part-time Employees”, “Primary Assignment”, “Salary Range”, and “Total Compensation”.

Civil Service Commission Rule 1.2 provides for rule amendments prepared and recommended by the (Human Resources) Director following a public hearing and approval by the Civil Service Commission and then approval by the County Board. The proposed rule amendments were unanimously approved by the Civil Service Commission at a public hearing on February 13, 2012

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the attached amendments to the St. Louis County Civil Service Rules.

Civil Service Rule Amendments

BY COMMISSIONER _____

WHEREAS, the St. Louis County Civil Service Rules are in need of revision; and

WHEREAS, the proposed amendments to the St. Louis County Civil Service Rules were approved by the St. Louis County Civil Service Commission following a public hearing on February 13, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the attached amendments to the St. Louis County Civil Service Rules.



S A I N T LOUIS COUNTY M I N N E S O T A

ST. LOUIS COUNTY CIVIL SERVICE RULES

These rules are intended to aid in the interpretation and application of the St. Louis County Civil Service Law, Minnesota Statutes §383C.03 – §383C.059. Readers should be aware that many of the subjects covered by these rules may also be covered by other federal and state laws, collective bargaining agreements of County employees, County Board policies, and policies and procedures of the St. Louis County Human Resources Department.

March 2012

RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION

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RULE 1

PURPOSE, ADOPTION AND AMENDMENT OF RULES

1.1 PURPOSE OF RULES. The purpose of these rules is to implement and supplement the provisions of the Civil Service Act, Minn. Stat §383C.03–§383C.059. The rules will be applied in accord with the purpose of the law and with County Board policy (Resolution No. 2008-199) which states that St. Louis County will establish and maintain employment policies and procedures which provide for:

- A. Selecting employees on the basis of merit and ability to perform the duties and responsibilities of the job;
- B. Maintaining equitable compensation consistent with appropriate market considerations, provided that equitable compensation is based on the value of the work performed. The value is determined using internal pay equity and external market comparisons.
- C. Training employees, as needed, to assure high quality performance;
- D. Retaining employees based on the quality of their work performance and work behavior, recognizing employees for their positive contributions, and addressing the performance of employees whose behavior cannot be corrected;
- E. Assuring equal employment opportunity and fair treatment of applicants and employees in all aspects of human resources management; and
- F. Assuring that employees are protected against political interference in their positions.

1.2 ADOPTION AND AMENDMENT OF THE RULES. These rules, and amendments to them, will be prepared and recommended by the Director and must be approved by the Civil Service Commission and the County Board of Commissioners following public hearings.

Any meeting of the Commission scheduled in accord with Rule 2 will constitute a public hearing for the purpose of amending the rules. Notice of a public hearing and proposed amendments to the rules shall be posted on the Human Resources Department's internal and external web sites, distributed electronically, and posted by other means deemed necessary at least 14 calendar days before the hearing.

Personnel actions taken prior to the effective date of new, abolished or amended rules will be governed by the rules in effect on the effective dates of those actions.

1.3 SCOPE OF RULES. These rules are applicable to positions and employees in the classified service and applicants for vacancies in the classified service, except where otherwise noted. The hierarchy for authority is as follows:

- 1st – laws (any applicable federal and state laws)
- 2nd – collective bargaining labor agreements
- 3rd – civil service rules

1.4 VALIDITY OF RULES. In the event that any part of these rules is found to be invalid for any reason, such invalidity does not impair or invalidate the remainder of these rules.

Reference: Minn. Stat. §383C.033(a) & Minn. Stat. §383C.034(c)

RULE 2

CONDUCT OF COMMISSION BUSINESS

2.1 MEETINGS. The Civil Service Commission will schedule meetings twice each month. Additional meetings may be scheduled by the Director or Commission as needed, and meetings may be canceled for lack of an agenda. The schedule of meetings will be distributed electronically and posted on the Human Resources Department internal and external web sites at the beginning of the calendar year. The Commission will schedule meetings in the northern part of the county at least four times a year. All other meetings will be held in Duluth.

At least 2 members, or 1 member and the alternate member, must be present for the transaction of business at any meeting.

2.2 MEMBERS. Members of the Civil Service Commission are appointed in accord with Minn. Stat. §383C.031. The St. Louis County Board of Commissioners will also appoint a fourth member to serve as an alternate member of the Commission for a term of 3 years. The alternate attends all meetings of the Commission, but will only act as a member of the Commission when requested by the Commission Chair or the Director in the absence of a member or when a member recuses himself or herself from participating in a particular decision. When asked to act as a member of the Commission, the alternate has the authority and responsibility of a Commission member. The alternate is eligible for reimbursement of expenses for Commission activities in the same manner as Commission members.

2.3 OATH OF OFFICE. Each new Commission member and alternate must sign a statement of belief in, and desire to support, the principles of a civil service system of employment and of his or her commitment to faithfully discharge the duties of a member of the Civil Service Commission.

Reference: Minn. Stat. §383C.031 & Minn. Stat. §383C.033

RULE 3 POSITION CLASSIFICATION

3.1 RESPONSIBILITIES. The Director is responsible for maintaining a classification plan in accord with Minn. Stat. §383C.037 and §383C.039. The plan is a list of all classified and unclassified county job classes. Positions will be assigned to each class based on their similarity of duties and responsibilities. The Director is responsible for ensuring that each position designed, or redesigned, by a hiring authority is assigned to its proper class.

3.2 CLASS SPECIFICATIONS; INTERPRETATION AND APPLICATION. The Director, with the approval of the Commission, will provide, and may add or revise as needed, classes or written specifications for each class. Class specs describe the most important elements of a class, such as purpose, responsibilities and general qualifications. They are used as the benchmark for comparing positions and deciding the class to which each should be allocated. Class specs are also referred to as “job descriptions”.

Class specs are descriptive and not restrictive. They provide illustrative examples of the kinds of duties, responsibilities and qualifications which would be typical of positions assigned to each class. Positions may be assigned duties which are not described in the class spec and not all positions will perform every job duty found in the class spec. Class specs are not to be interpreted as limiting the authority of a supervisor to assign duties or responsibilities to an employee.

Staff members of the Human Resources Department (and others who have been trained) use their professional experience, training and judgment to decide the appropriate class to which each position should be assigned. In making that decision, they will consider the description of each class as a whole. They will also compare the duties and responsibilities of the position with those assigned to other positions.

The minimum qualifications described in a class spec will include any legally required qualifications, such as a specific license. They will also include other types of qualifications that would be typical for positions assigned to the class. They are not intended to be definitive except for those which are legally required.

3.3 POSITION ALLOCATION. When a new position is created, the hiring authority must submit a written request to Human Resources to have the position allocated to a class. Positions cannot be filled until they have been allocated to a class and formally established.

3.4 POSITION REALLOCATION. When a hiring authority significantly redesigns a position by adding, subtracting or otherwise substantially and permanently changing the major duties and responsibilities of a position, a written request must be submitted to the Human Resources Department to determine if the position should be reallocated. The Director will, upon their initiative, or upon the request of an employee, supervisor, or hiring authority, investigate the duties of the affected position and may reallocate the position as deemed appropriate.

3.5 JOB AUDITS. A job audit is an analysis of a position's duties and responsibilities. There are 2 types of job audits:

- A. Position Audits. A position audit is a review and analysis of the duties and responsibilities of an individual position to determine the correct class to which the position should be allocated or reallocated. Position audits may be requested by a department head/designee or by the incumbent of the position. An incumbent/supervisor may request an audit of the position only once every 3 years.
- B. Class Audits. A class audit is a review and analysis of the duties and responsibilities of all, or almost all, positions in a class. That information is then used in a job evaluation to determine if the class is appropriately compensated. Class audits may only be requested by a department head.

Job audits will not be used to avoid the provision of these rules with regard to layoff, promotion and dismissal or other personnel actions.

3.6 EFFECT OF JOB AUDITS. When an employee is in a position that is re-allocated to a different class, the employee remains in the position and is appointed to the new class without examination. The employee's salary is handled as provided in Rule 4.5.

3.7 APPEALS. The decision resulting from a job audit may be appealed by the position's incumbent or supervisor in accord with Rule 12.

Reference: Minn. Stat. §383C.037 & Minn. Stat. §383C.039

RULE 4

COMPENSATION

4.1 POLICY. It is the policy of St. Louis County to establish and maintain compensation practices which will attract and retain qualified employees in a manner that is externally competitive with the relevant job market, is internally consistent, and complies with all state and federal laws and regulations.

4.2 SALARY RANGES, RATES AND LIMITS

- A. Each county position is allocated to a job class. Each class, except those for which a salary rate or range is established by law, is assigned to a salary range. Each range is assigned a grade number designation within the pay plan to which it is assigned.
- B. All salaries are based on hourly rates of pay. The salary rate for each employee must be on a step within the applicable salary range except as otherwise noted below. No person may be paid more than the local government salary cap (see Minn. Stat. §43A.17, Subd. 9) unless the County Board requests and receives approval for a waiver of the salary cap from the State.
- C. The County Board may approve negotiated adjustments to salary ranges, e.g., a 1% increase to all ranges. Employees paid within the range will receive the value of the adjustment up to the maximum of the range. Employees whose rates are already over the maximum of the salary range will not receive a salary increase until their salary again falls within the range. They will then receive only the amount of the adjustment that will move them to the maximum of the range. In other words, a salary range adjustment may not result in an employee being paid over the maximum of their salary range.

4.3 STARTING SALARIES. New employees are started at Step 1 of the applicable salary range. With the approval of the Director they may be paid at a higher step within the applicable range (exclusive of the longevity steps) based on relevant factors such as experience, education or market.

Salaries of skilled workers in the classes of Automotive Technician, Blacksmith, Carpenter, Heavy Equipment Mechanic, and Stationary Engineer who have completed an officially accepted apprenticeship or training program and are rated as Journeyman, first class mechanics or stationary engineers-first class for the position they hold, and who have submitted acceptable evidence of such rating, will be at the minimum prescribed rate during the probationary period, but subsequent increments within the established pay grades, excluding longevity, will be made at six month intervals thereafter. No retroactive salary increase will be made to an employee who fails to produce the necessary proof when eligibility occurs.

4.4 PROGRESSION THROUGH THE SALARY RANGE. Progression through the range will only be granted to permanent employees. Full-time employees will receive an increase to the next higher step in their salary range each year up to longevity steps provided that their performance during the preceding year has been “competent” (or equivalent) or better.

Part-time employees will receive step increases on the first of the month following completion of one full-time equivalent year of paid work. Part-time employees must work at least 1,000 hours in a payroll year to gain one year of credit toward longevity increases.

The effective date for annual step increases will be:

- A. The first day of the month following the last annual step increase for employees hired before January 1, 1980, or
- B. The first day of the month following the date of employment for employees hired on or after January 1, 1980. If the employment date is the first of the month, that month will be the annual step increase date.
- C. If the first day of the month was the employee’s last annual step increase date, that will be the employee’s ongoing annual step increase date.

The effective date for longevity-based increases for all employees will be the first of the month following their anniversary date of employment.

The step/longevity increase date remains the same throughout the tenure of the employee, except when adjusted due to an unpaid leave of absence of one or more calendar months.

4.5 SALARY ON CLASS CHANGE. Movement between classes covered by this plan is defined as a promotion, transfer or demotion. The movement may be between 2 positions allocated to different classes, or in the same position when the position is reallocated from one class to another. Salary rates on promotion, transfer or demotion must fall within the range of the new class except as otherwise noted below.

- A. Salary on Promotion. “Promotion” means the movement of an employee from one class to another class assigned to a pay grade that is one or more pay grades higher at the maximum rate of pay. The salary of an employee who is promoted will be increased to the step in the new grade which is equal to a 2-step increase from the employee’s current rate. If there is not a corresponding rate, the employee will be paid at the rate of the next highest step in the new grade. The employee may not be placed in a longevity step for which the employee is not eligible. If a 2-step increase results in placement on a step which is less than the step from which promoted, the employee will receive a step increase annually on their anniversary date until they reach the step corresponding to their length of service.

- B. Salary on Transfer. "Transfer" means the movement of an employee from one class to another class assigned to the same pay grade, or to a position in another class assigned to a pay grade whose maximum rate of pay is less than one step of the maximum of the employee's current grade. The employee will move to the same step in the new grade.
- C. Salary on Demotion. "Demotion" means the movement of an employee from one class to another class assigned to a pay grade that is one or more salary grades lower at the maximum rate of pay.
 - 1. Salary on Reassignment to a Lower Class or Demotion in Lieu of Layoff. The salary rate of an employee whose position is reassigned to a class in a lower salary grade, or who accepts a demotion in lieu of layoff, will remain the same if it is within the range of the new class. If that rate falls on a longevity step, the employee will be frozen at that rate until they have sufficient length of service to move beyond that longevity step.

If the current rate of pay exceeds the maximum of the new salary range, the rate will be reduced to the new maximum unless the Human Resources Director approves a request to pay the person at a rate which exceeds the new maximum. If such a request is approved, the employee will not be eligible for any future increase until the person's rate falls within the range for the new class and the employee has sufficient length of service to move beyond rate.

- 2. Salary on Voluntary or Disciplinary Demotion. The salary of an employee who voluntarily demotes or demotes as a result of discipline will be decreased to the step in the new grade to which they are eligible based on length of service.

4.6 SALARY ON REASSIGNMENT OF A CLASS TO A DIFFERENT SALARY RANGE. If a class is reassigned to a different salary range, the affected employees will receive a salary in accord with the provisions of Rule 4.5.

4.7 OTHER SALARY CONSIDERATIONS.

- A. Salary on Reemployment from Layoff. A person who is reemployed from layoff to the same class will be placed on the same step they had been on when they last worked for the county. If the person returns to a different class, the person's salary rate will be placed on the equivalent step provided the new rate is within the salary range for the new class.
- B. Salary on Reemployment from Resignation. The salary rate of a person who returns to county employment following resignation may be set at any step within the range, up to and including the step they were at when they separated, at the discretion of the department head or designee. Their salary rate may not exceed the range maximum of the class.

- C. Salary on Return from a Leave of Absence of More than One Year. A person who returns from a leave of absence of more than one year will be placed on the same step they had been on when last working for the county.
- D. Work Out Of Class Pay. An employee who is assigned to perform substantially all of the duties of a promotional position which is temporarily vacant, or who is assigned to a special project with higher level duties, will receive a salary increase in accord with the "Salary on Promotion" language above if the assignment is expected to last longer than 10 consecutive work days. There is no salary adjustment for doing the work of a class which would be a transfer or demotion from the employee's current class.
- E. Public Pay From More Than One Source. In every case in which part of the compensation for services in a position, exclusive of overtime services, is paid by another department, branch or subdivision of a department, or outside agency such as a city, state, or federal government or from a different fund or account, unless authorized by the Civil Service Commission, all such payments shall be deducted from the compensation as basic salary of the employee concerned to the end that the total compensation of any employee, from all sources combined for any period, shall not exceed the amount payable at the rate prescribed for the class of position concerned, except that participants in the Veterans Administration On-The-Job-Training Program may receive from the federal government additional amounts in accordance with the Veterans Administration Rules.

RULE 5

RECRUITMENT AND APPLICANT ASSESSMENT

5.1 ANNOUNCEMENT OF EMPLOYMENT OPPORTUNITIES. Employment opportunities will be publicized on the Human Resources internal and external web sites and in any other manner determined necessary to attract qualified applicants. Announcements will specify, at a minimum, the title and salary range of the class, the nature of the work to be performed, the required and desirable qualifications, and the application and assessment processes.

Employment opportunities will be announced as "open" or "promotional".

- A. Open: Any qualified person (employee or non-employee) may apply.
- B. Promotional: Qualified county employees with permanent status in the classified service may apply.

5.2 APPLICATION PROCESS. Applications must be completed and submitted according to the process specified in the employment opportunity announcement. Applicants will be asked to certify that the information they provide is true and accurate.

Applicants claiming veterans preference in accord with Minn. Stat. §197.455 must submit a copy of an official DD214 document or other applicable documentation as required

by the Veterans Administration.

5.3 QUALIFICATIONS OF APPLICANTS. The Director will establish job-related qualifications relating to the ability of candidates to perform the duties of a position in the class for which the employment opportunity is being announced.

5.4 TYPES OF ASSESSMENTS. Assessments may include, but are not limited to, any one or a combination of the following:

- A. Written assessments;
- B. Oral assessments;
- C. Ratings of experience and training;
- D. Physical and performance assessments;
- E. Length and quality of service of county employees applying for promotional opportunities.

5.5 TESTING FOR PEOPLE WITH DISABILITIES. People with disabilities as defined by the Americans with Disabilities Act will be assessed in a manner which evaluates their ability to perform the essential functions of the position and/or class of positions with or without reasonable accommodation. Applicants who believe they may need an accommodation in the testing process itself may make a reasonable accommodation request as soon as possible after being informed of the type(s) of assessment(s) that will be used to evaluate the applicants' qualifications.

5.6 SCORING OF ASSESSMENTS. The final rating of applicant assessments will be based on all parts of the assessment process and on applicable State and Federal requirements including veteran's preference in accord with Minn. Stat. §197.455. Applicants will be required to obtain a minimum score on each part of the assessment and obtain an overall passing score. All applicants will receive notice of their final rating.

5.7 REJECTION OF APPLICANTS. The Director may reject applications from persons who are found to lack any of the requirements established for the position or class of positions for which the employment opportunity is announced. The Director may also reject any applicant who:

- A. Has been convicted of any crime which has a direct relationship to the position sought in accord with Minn. Stat. Chapter 364.
- B. Has been discharged or allowed to resign in lieu of discharge from any employment.
- C. Practices or attempts to practice deception or fraud in their application,

assessment or appointment.

- D. Has previously resigned “Not in Good Standing” from any county position.
- E. If a current employee, has a less than “competent” (or equivalent) performance review during their most recent performance appraisal period.

See also: Minn. Stat. §383C.042.

5.8 POSTPONEMENT OR CANCELLATION OF ASSESSMENT. In the event a sufficient number of qualified candidates have not made application for an assessment or for other good cause, either open-competitive or promotional, the Director may postpone the application deadline and the assessment process, or cancel the assessment to serve the best interests of the county. If that occurs, the applicants will be notified.

5.9 APPEALS. The actions described in Rule 5.6 or Rule 5.7 may be appealed in accord with Rule 12. The actions described in Rule 5.7 may be appealed in accord with Minn. Stat. Chapter 364.

*Reference: Minn. Stat. §383C.034(g) Duties of Director;
Minn. Stat. §383C.041 Civil Service Director; Tests
Minn. Stat. §383C.042 Powers of Director*

RULE 6

EMPLOYMENT LISTS

6.1 EMPLOYMENT LISTS. The Director will establish and maintain employment lists necessary to meet the needs of the county.

A. Reemployment Lists. There are 3 types of reemployment lists.

1. Reemployment-Layoff Lists. Permanent and probationary employees who are laid off will be placed on a reemployment-layoff list for one year from the date of layoff. The duration may be extended to a second year at the discretion of the Director. The Human Resources Department will maintain layoff lists for each job class. Employees will be placed on the layoff lists in seniority order or as otherwise provided in collective bargaining agreements.
2. Reemployment-Return from Extended Leave of Absence Lists. Permanent employees who have been on authorized unpaid leaves of absence for more than one year may submit a written request to be placed on the reemployment list for the class from which they went on leave. Names will be placed on the list in the order in which they are received, and will be removed after one year.
3. Reemployment-General. Former permanent employees who have resigned in good standing within the last year may submit a written request to be placed on the general reemployment list for the class from which they resigned. Names will be placed on the list in the order in which they are received and will be removed one year from their resignation date.

B. Promotional Lists. Promotional lists contain the names of eligible employees who passed the assessments for the position or class of positions for which an employment opportunity was announced. Upon written request of a hiring authority, the Director may approve the establishment of department or division specific promotional lists. Names are placed on promotional lists in order of final score as determined by the merit-based assessments described in Rule 5. Names of employees with tied scores will go on the lists in alphabetical order.

C. Open Lists. Open lists contain the names of all applicants who passed the assessments for the position or class of positions for which the employment opportunity was announced. Names are placed on open lists in order of final score as determined by the merit-based assessments described in Rule 5. Names of applicants with tied scores will go on the lists in alphabetical order.

6.2 DURATION OF EMPLOYMENT LISTS. The initial duration of an employment list may not exceed one year, but a list may be extended to a maximum of 2 years by the commission in accord with Minn. Stat. §383C.041. When the Director deems it necessary, a new eligible list may be combined with the existing eligible list or a new promotional list with an existing promotional list by placing the names of eligible candidates in order of final ratings according to Rule 6.1. An eligible candidate on the older list who did not compete in the examination to establish the new list shall be placed on the combined list only for the period for which the older list was originally established. On the combined list the rank of an eligible whose name appears on both lists will be determined by the higher of the 2 final ratings except that, if the higher rating was made in the examination to establish the older list, they will continue in such rank on the combined list only for the period for which the older list was established. Thereafter, their rank will be determined by final rating in the new examination.

6.3 REMOVAL OF NAMES FROM EMPLOYMENT LISTS. The Director may remove names from employment lists permanently or temporarily for any of the following reasons:

- A. Appointment to a position from that list.
- B. Appointment to another class with the same or higher salary range maximum. However, at the request of the appointee in such case, their name may be continued on lists other than the one from which the appointment was made for the duration of such lists.
- C. Separation “not in good standing” from the county.
- D. Failure to respond to an interview notice or to accept appointment when offered within seven days or failure to report for duty within the time prescribed by the hiring authority.
- E. Failure to maintain current contact information in the Human Resources Department’s electronic application system.
- F. Failure to be offered employment after being interviewed four times by the same Hiring authority or six times by different hiring authorities, except from promotional lists.

6.4 APPEALS. The actions described in Rule 6.3 may be appealed in accord with Rule 12.

*Reference: Minn. Stat. §383C.034(g) Duties of Director
Minn. Stat. §383C.04 Layoffs [Note: This section is about the reemployment list.]
Minn. Stat. §383C.041 Civil Service Director; Tests
Minn. Stat. §383C.042 Powers of Director
Minn. Stat. §383C.043 Vacancies*

RULE 7

APPLICANT REFERRAL AND APPOINTMENTS

7.1 REQUESTS TO FILL VACANT POSITIONS. Before a position may be filled, the hiring authority must submit a requisition to the Human Resources Department. At a minimum, the requisition must provide the following information about the vacancy:

- A. Permanent or temporary
- B. Full-time equivalency (FTE)
- C. Geographic location
- D. Type of appointment

Special Qualifications. A hiring authority may also indicate that the vacancy requires special qualifications, provided that the special qualifications are included in the class spec, and request referral of only the candidates who possess the special qualifications. If the special qualifications are approved by the Director, only candidates possessing the special qualifications may be considered for appointment to the vacant position.

7.2 REFERRAL AND APPOINTMENT FROM AN EMPLOYMENT LIST. A hiring authority has several options for filling a position. The choices, their constraints and requirements, and how they are used are explained below.

- A. Permanent Appointment. If the position to be filled is a permanent position, it is to be filled from an employment list. Employment lists will be referred in the following order. The previous lists must be exhausted before a supervisor can go to the next list.
 - 1. Reemployment-Layoff List. The top 3 names will be referred.
 - 2. Reemployment–Return from Extended Unpaid Leave of Absence List. The top 3 names will be referred. If there are fewer than 3 names available, those names will be referred along with names from the next reemployment list to make a total of 3 names.
 - 3. Reemployment-General List. The top 3 names will be referred.
 - 4. Promotional List. The top 3 names will be referred along with anyone who has the same score as the third person. Promotional lists established for a department, division or other organizational unit may take precedence over County-wide promotional lists so that applicants on agency, department or division lists will be

referred first and then followed by applicants on the County-wide lists, if needed to make a complete referral.

Promotional lists will take precedence over open lists and if fewer than 3 applicants are available on the appropriate promotional list, no additional names will be referred and any appointment to the position in question will be made from the remaining applicants on that list.

5. Open List. The top 7 names will be referred along with anyone who has the same score as the seventh person. When there is a significant underrepresentation of a protected group with respect to race or sex, and there are no members of the underrepresented group(s) in those to be referred, the highest ranking person from that group(s) will be added to the referral list. *Reference: Minn. Stat. §383C.034 (h).*

If more than one vacancy is to be filled at the same time from the same referral, the number of names referred will be increased by one for every additional vacancy, along with anyone else who has the same score as the additional person.

If the appointment is for dual-class positions, the Director may refer only the applicants meeting the minimum qualifications of both classes. The Director will refer names in the order they appear on the primary assignment employment list.

- B. Emergency Appointment. This type of appointment may be used for a period not to exceed 10 working days. *Reference: Minn. Stat. §383C.034 (h).*

Temporary Appointment. This type of appointment may be made to fill a temporary position or to temporarily fill a permanent position. A temporary appointment may not exceed 3 consecutive calendar months except as provided below. A typical use of a temporary appointment is a short-term project or back filling an employee on leave.

If a temporary appointment is used to pay an employee for a work out of class assignment, a temporary appointment may last longer if the collective bargaining agreement allows for temporary appointments in excess of 3 calendar months.

A hiring authority may request referral of applicants available for temporary work from the appropriate employment list or, with advance approval of the Director, they may appoint anyone who meets any legally required qualifications for the position for a period not to exceed four calendar months.

- C. Demotion. At the discretion of the hiring authority, an employee with permanent status may demote to a vacant position in a lower class in which the employee previously served and had achieved permanent status or to a different class in a lower grade if the employee passes a qualifying assessment for the class. If the employee

demotes to a different class in which the employee does not have permanent status, the hiring supervisor has the option to require the employee to serve a probationary period.

- D. Transfer. At the discretion of the hiring authority, an employee with permanent status may transfer to another position in the same class or to a position in a different class in a comparable salary range (see Rule 4.5B) if the employee passes a qualifying assessment for the class. In accord with Minn. Stat. §383C.044, a voluntary transfer may be denied by the employee's current department head based on the business needs of the department. The hiring authority has the option to require a probationary period for transfers to a different class or department.

7.3 PRE-EMPLOYMENT PHYSICALS. A pre-employment physical may be required as a condition of employment in a class as determined appropriate by the Director for:

- A. new hires;
- B. appointments or changes of current employees to a class/position in a higher physical activity category or where additional medical exams are mandated by law or other rule or policy; and
- C. reemployments in which the individual was off work for 6 months or longer and is returning to a class requiring a physical or other medical exam.

Classes/positions are assigned to physical activity categories by the Director according to the physical/medical requirements of the position. Pre-employment physicals are based on the essential functions, work environment information, and on-site job analysis information for each class/position.

The examining medical practitioner(s) will be those designated by the Director. The cost of pre-employment physicals will be paid by the county. The medical practitioner(s) will be asked to evaluate the individuals and report their recommendations to the county for each person as follows:

- A. Recommended for employment without apparent restrictions.
- B. Recommended for employment with the following restrictions.
- C. Not recommended for employment for the following reasons.

Failure to meet all established requirements will result in disqualification of the applicant except when reasonable accommodation is requested and can be made without causing undue hardship.

7.4 UNCLASSIFIEDCONVERSION. Whenever an occupied unclassified position is moved to the classified service, the incumbent is automatically appointed to the newly classified position but does not attain permanent status in the classified service until they have successfully completed a probationary period of 6 to 12 months, as specified by the hiring authority.

*Reference: Minn. Stat. §383C.034(h) Duties of Director
Minn. Stat. §383C.042 Powers of Director
Minn. Stat. §383C.043 Vacancies*

RULE 8

PROBATIONARY PERIODS

8.1 OBJECTIVE. The purpose of a probationary period is to provide supervisors the opportunity to observe an employee performing the duties of the job to ensure the required work can be performed as expected. As such, probationary periods are considered to be an extension of the selection process.

8.2 DURATION. Probationary periods are a minimum of 6 months for full-time employees and may be extended up to 12 months. Part-time employees serve probationary periods that are the full-time equivalent length of time. With the approval of the Director, a department head may initially establish a longer probationary period, to a maximum of 12 months, provided that the same duration is applied to all appointees to a class when a probationary period is required. Time away from work may be added to the length of any probationary period at the request of the hiring authority and with the approval of the Director. Other extended absences may be added on to the length of any probationary period at the request of the hiring authority and the approval of the Director.

8.3 MANDATORY PROBATIONARY PERIODS. All new county employees appointed to classified positions are required to serve a probationary period. Current county employees promoted to different positions in a higher class must also serve a probationary period.

8.4 OPTIONAL PROBATIONARY PERIODS. A hiring authority has the option of requiring a probationary period for current employees who:

- A. Transfer to a position in the same class in a different department;
- B. Transfer to a position in a different class;
- C. Demote to a position in a class in which they already have permanent status if the position is in a different department;
- D. Demote to a position in a different class.

A probationary period is also optional for people who are reemployed or appointed from a general reemployment list, or who are appointed from a layoff or return-from-leave reemployment list if the new appointment is to a different class from that which they were in when they left.

In all cases, if a hiring authority decides to require a probationary period, they must

provide written notice of the requirement of the probationary period to the person and the Director in advance of the effective date of the appointment.

8.5 PERMANENT STATUS. An employee who successfully completes a probationary period will be granted permanent status in the classified service in that class. If a probationary period is extended, the employee may be granted permanent status at any time during the extended period.

Failure to pass probation will result in termination of a new county employee. County employees who have already achieved permanent status in the classified service, but who fail to pass probation on a subsequent appointment will be returned to a position in their former class and department. In the event the employee is unable to be returned to their position in their former class and department, the employee will receive a layoff notice and will be able to exercise any contractual bumping rights.

8.6 NO RIGHT OF APPEALS. Probationary employees do not have the right to appeal extensions of their probationary period during or non-certification at the end of their probationary period.

*Reference: Minn. Stat. §383C.034 (i) Duties of Director
Minn. Stat. §383C.043 Vacancies*

RULE 9

PERFORMANCE REVIEWS

9.1 GENERAL. The purpose of performance reviews is to establish mutual understanding between a supervisor and employee regarding performance expectations as a county employee, and for the supervisor to clearly communicate how well the employee is meeting expectations. Reviews must be documented in writing at least once a year, but supervisors are encouraged to provide performance feedback to employees on a regular and ongoing basis.

9.2 PROBATIONARY EMPLOYEES. A supervisor is encouraged to regularly evaluate and provide feedback about the employee's performance during the probationary period and any extension thereof. A probationary period may be extended as described in Rule 8.2 if the employee and the Director receive written notice of the extension and a copy of the written performance review with an overall rating of less than "Competent" (or its equivalent) in advance of the original probation end date. A probationary employee who received a "Competent" (or equivalent) rating will gain permanent status in that class unless departmental policy provides for routine extension of probationary status. A rating of "Requires Improvement" (or equivalent) will extend the probationary status and a rating of "Unsatisfactory" (or equivalent) will result in dismissal.

9.3 PERMANENT EMPLOYEES. The performance of permanent employees will be evaluated in writing annually at least 7 calendar days prior to the employee's anniversary or salary increase date. The employee must be notified at least 3 calendar days in advance of the annual performance review meeting to allow for preparation. The supervisor will complete the employee's performance review, discuss the review with the employee, then submit it to the Human Resources Department. The employee's overall performance will be rated as "Competent", "Requires Improvement", or "Unsatisfactory" (or any equivalent ratings proposed by a department head and approved by the Human Resources Director). Ratings less than Competent (or equivalent) require a written explanation describing deficiencies and expectations for improvement.

- A. An employee with a "Competent" (or equivalent) rating will receive any step or longevity increases for which the employee is eligible and may apply for promotional employment opportunities.
- B. An employee with a "Requires Improvement" (or equivalent) rating will not be eligible for step/longevity increases or be referred for promotions. The supervisor must rate the employee again within 6 months. An overall rating at that time of "Competent" (or equivalent) will entitle the employee to receive step/longevity increases for which they are eligible and the employee will again be eligible to be referred for promotions. A salary increase for which the employee is now eligible is not retroactive.

- C. An employee with an "Unsatisfactory" (or equivalent) rating will not be eligible for any step/longevity increases or be referred for promotions and will be grounds for corrective action.

9.4 **APPEALS**

- A. Employees in a Probationary Status. An employee serving a probationary period does not have the right to appeal a performance review.
- B. Employees Not in a Probationary Status. Employees with permanent status whose overall rating is less than "Competent" (or equivalent), may object to that rating in accord with Rule 12.

Reference: Minn. Stat. §383C.034(j) Duties of Director

RULE 10

HOURS AND LEAVES

10.1 VACATION. Vacation leave with pay will be granted in accord with the current collective bargaining agreement with changes in vacation accruals effective the first of the month following the employee's required years of service.

A. Full-time Employees. No vacation will be earned for any pay period during which the employee is in "no-pay" status for the equivalent of 2.50 days, (i.e., 18.75 hours for 7 1/2 hour employees and 20 hours for an 8 hour day employee).

B. Part-time Employees. Permanent employees working on a part-time basis will earn, accumulate and be compensated for vacation in accord with the following conditions:

1. Employees must work a minimum of 6 months or 1,000 hours, whichever is later.

2. The formula for computing vacation hours for part-time employees will be as follows:

Number of hours worked divided by number of hours in the employee's negotiated pay period (i.e., 75 for 7 1/2 hour day employees and 80 for 8 hour day employees), and then multiplied by the applicable hourly factor according to years of service as outlined in the union contract not to exceed the maximum accrual for each factor. This hourly figure will be rounded up to the nearest one-quarter hour.

Whenever an employee is about to lose vacation because of the limitation of vacation accumulation, the hiring authority, upon the request of the employee, will make arrangements to permit the employee to use their current pay period accrual to prevent such loss. However, upon prior written agreement between the employee and their hiring authority, a copy of which will be filed with the Director, vacation earnings in excess of the negotiated maximum accrual may be accumulated during the payroll year only. Such excess vacation accumulation will be made available for use by the employee prior to the end of the payroll year at the time and in the amount as directed by the hiring authority to prevent the loss of such excess vacation accumulation by the employee.

C. Use of Vacation. Hiring authorities will review and approve employee requests for vacation leaves that meet the needs of the county.

No vacation or compensation for vacation will be allowed for an employee unless the employee has worked a minimum of 6 months or 1,000 hours,

whichever is later.

- D. Transferred Employees. Any employee who is transferred or accepts employment with another county department, without interruption of their county service, will carry forward their accrued unused vacation unless the employee requests payout at the time of transfer.
- E. Employees on Military Leave. An employee on military leave as provided in these rules will not be limited to the negotiated maximum accrual of vacation leave. Upon reinstatement from military leave, all vacation leave in excess of the maximum allowed accrual must be used as follows:
 - 1. An employee may elect to take the excess vacation immediately following reinstatement from military leave with or without the consent of their hiring authority.
 - 2.
 - 3. An employee may elect to be credited with the vacation leave in excess of the negotiated maximum accrual, but such leave must be taken within 2 years of the date of reinstatement and is subject to supervisory approval. [See Also: Minn. Stat. §192.261.]
- F. Payment of Vacation Upon Resignation, Termination or Layoff. A permanent employee who has resigned, has been terminated or who has been laid off, will be paid for the balance of their accrued unused vacation.
- G. Payment of Vacation Upon Death. In case of death of an employee, the balance of any unused accrued vacation will be paid to the employee's spouse in accord with Minnesota Law or to the employee's estate.

10.2 SICK LEAVE. Sick leave with pay will be granted in accord with the current collective bargaining agreement. Changes in sick leave accruals are effective the first of the month following the employee's required years of service.

- A. Full-time Employees No sick leave will be earned for any pay period during which the employee is in "no-pay" status for the equivalent of 2.50 days (i.e., 18.75 hours for a 7 ½ hour day employee or 20 hours for an 8 hour day employee).
- B. Part-time Employees. Permanent employees working on a part-time basis will earn, accumulate and be compensated for sick leave in accord with the following conditions:

Number of hours worked divided by number of hours in the employee's negotiated bi-weekly pay period (i.e., 75 for 7 1/2 hour day employees and 80 for 8 hour day employees), and then multiplied by the applicable hourly factor

according to years of service as outlined in the collective bargaining agreements not to exceed the maximum accrual for each factor. This hourly figure will be rounded up to the nearest one-quarter hour.

Sick leave may be granted to an employee only during periods of regular employment during which the employee is expected to perform the duties of their position, provided that when an employee is not able to report for duty, due to illness, they will immediately report that fact to their immediate supervisor or the hiring authority. Failure to report an absence due to illness shall be cause for a hiring authority to refuse payment for such leave.

Sick leave will be computed on a biweekly payroll period basis and no sick leave will exceed the negotiated maximum as of the beginning of the payroll year.

C. Use of Sick Leave.

Sick leave cannot be used during an employee's previously scheduled vacation. However, if an employee is hospitalized during their scheduled vacation, they can use sick leave for the hospitalization period plus a reasonable post-hospitalization recovery period, by submitting documentation to the Director.

All sick leave accumulated will expire on the date of separation from county service. Any sick leave used due to a Workers' Compensation claim will be reimbursed to the employee upon their retirement, providing the employee has not attained the maximum sick leave accumulation.

D. Transferred Employees

An employee who is transferred or accepts employment with another county department, without interruption of their county service, will carry forward their unused sick leave.

10.3 WORKERS' COMPENSATION ADDITIONAL BENEFITS.

- A. An employee may elect to receive payment of additional benefits in accord with provisions of Minn. Stat. §176.021 and by requesting additional benefits at the time the injury report is filed with the county or may elect to receive Workers' Compensation benefits only.
- B. Charges against the employee's accrued paid leave will be made as follows:
 - 1. If the employee chooses the additional benefits, they will receive full salary as though they were working and charges against accrued unused sick leave shall be made first, accrued unused vacation second, and accrued unused compensatory time third. These charges shall be prorated on a bi-weekly basis. Example: (Based upon salary of \$562.50

per week at \$15.00 per hour).

\$562.50 less Workers' Compensation payment of \$500.00 = \$62.50.
 $\$62.50 \div \15.00 (hourly rate) = 4.16 hours per week x 2 (if for the entire 2 week pay period) = 8.32 hours per pay period.

2. Essential employees represented by the Deputy Sheriff's Bargaining Unit will not be charged sick leave, vacation or compensatory time, etc., for additional benefits paid during the first 6 months of temporary disability.

10.4 LEAVE WITHOUT PAY. Permanent employees may be granted a leave of absence without pay for a period not to exceed 1 year for sickness, disability or other good and sufficient reason which is considered to be in the best interest of the county. Upon approval of the hiring authority, the 1 year leave of absence may be extended up to 1 additional year.

The employee will provide documentation of sickness or disability and the continuance thereof during said 1 year period. The Director may require that the employee produce medical certification from a health care provider that they are fit for work before returning the employee to the job.

A request for a leave of absence must be submitted in writing by the employee and will require written approval by the hiring authority. The hiring authority will refuse to approve any proposed leave without pay which is, in their judgment, contrary to the best interest of the county.

Any unpaid leave of absence which exceeds one full calendar month will result in an adjustment to anniversary dates used for calculating step/longevity increases and paid leave accrual rate increases on a month-for-calendar month basis.

10.5 RETURN FROM LEAVE WITHOUT PAY. An employee who returns from an approved leave without pay that is 1 year or less in duration will be reinstated to their former position. However, if the position has been abolished, the employee will be returned to another vacant position in that class and department. If a vacant position does not exist, the returning employee is placed in the position of the least senior employee in the same class and department provided the returning employee has more seniority than the incumbent of that position. If the returning employee is unable to exercise seniority to a position in the same class in the department, they may request in writing to be placed on a reemployment list for the class last held.

If the leave is in excess of 1 year, the returning employee will be reinstated to a vacant position in the same class and department as held at the time the leave was granted. If a vacant position does not exist in the department they most recently served, the returning employee may request in writing to be placed on a reemployment list for the class last held.

Failure to report within 3 days of the expiration date of the approved leave of absence will be deemed a resignation not in good standing.

The Director, upon notice to the employee and hiring authority, may cancel an approved leave of absence at any time with 15 days due notice if they find the employee is using the leave for purposes other than those specified at the time of approval. Failure to return by the specified return to work date will be deemed a resignation not in good standing.

10.6 OTHER LEAVES WITH PAY. Upon approval of their hiring authority, an employee will be granted a leave of absence with pay for appearance before a court, legislative committee, or other judicial or quasi-judicial bodies as a witness in action involving Federal Government, State of Minnesota, County of St. Louis or a political subdivision thereof in connection with an employee's official duty. Such attendance will include the travel time required going to the court and returning to the employee's worksite.

Any absence, whether voluntary or in response to a legal order to appear and testify in private litigation not as an officer or employee of the county, but as an individual, will be taken as leave without pay or as a deduction from accrued vacation, personal leave or compensatory time.

10.7 UNAUTHORIZED LEAVE. Any absence of an employee that is not covered by paid time off or on approved leave will be considered unauthorized leave. Any unauthorized leave may be grounds for disciplinary action. An unauthorized absence by any employee for 3 consecutive work days will be considered a resignation not in good standing. Such absence may be covered by another leave provision.

10.8 LEAVES OF ABSENCE FOR UNCLASSIFIED SERVICE. Upon approval of the hiring authority and the Director, a permanent employee in the classified service may be granted a leave of absence for an unlimited period to accept appointment to an unclassified service position in the same department. If the approved leave of absence is terminated within 1 year, the employee may exercise rights in accordance with Rule 10.4. If such leave of absence exceeds 1 year in duration, the employee will have the right to return to a position in the same class and department as held at the time leave was granted provided the employee is in good standing upon termination of the leave and no employee having status in the class is displaced.

10.9 PAYOFF OF ACCRUED VACATION AND COMPENSATORY OVERTIME DURING APPROVED LEAVES OF ABSENCE WITHOUT PAY. Upon written request to and approval by the Director and the hiring authority, an employee on an approved leave of absence without pay in excess of 30 days, may receive a lump sum or partial payoff of accrued, unused hours of vacation leave and compensatory time. If no written request is received by the Director prior to start of the approved leave, the employee's accrued vacation and compensatory time will be carried forward for the duration of the leave of absence. An employee on an approved military leave of absence without pay for active duty may, upon written request from the employee

and the approval of the Director and the hiring authority, receive a lump sum or partial payoff of accrued vacation and compensatory time, and thereafter receive quarterly payments for vacation hours earned during the period of such military leave.

RULE 11

SEPARATIONS

11.1 RESIGNATION.

- A. Resignation in Good Standing. To resign in good standing, employees must give their supervisors at least 2 weeks notice before the effective date of their separation. Upon resignation in good standing, all rights and benefits of county employment are forfeited, except the right to reemployment or reinstatement as provided in Rules 6 and 7. A former employee who returns to county employment within one year of separation in good standing may, at the discretion of the department head, have their former sick and vacation leave accrual rates (but not their balances) restored.
- B. Resignation Not in Good Standing. A resignation not meeting the notice requirements of 11.1A or resulting from an unauthorized absence from work for 3 consecutive work days or failure to return from an approved leave of absence will be considered a resignation not in good standing. A resignation not in good standing is grounds for denial of future employment with the county.

An employee who has submitted their resignation, may, with the approval of the hiring authority and the Director, withdraw such resignation within 10 days from the effective date thereof and be continued in their position as though the resignation had not been filed if there is a vacancy in that class and organization unit at the same rate of pay. The employee may withdraw their resignation within one year and the Director will place their name on the re-employment list for the appropriate class. Re-employment rights of an employee who has withdrawn their resignation will be for one year only from the date of the resignation unless extended for an additional year by the Director.

11.2 LAYOFF. Layoffs of employees will be handled in accord with Minn. Stat. §383C.045 and as described in this section. As noted in Rule 1, different provisions in a collective bargaining agreement will apply instead of the language in this section.

- A. Notification of Layoff. An employee being laid off, or being bumped by another employee being laid off, will receive written notice of the action at least 2 calendar weeks before the effective date.
- B. Order of Layoff. Temporary and emergency employees in the same class and department must be terminated before a probationary or permanent employee may be laid off. Layoffs will be made in inverse order of seniority in the class (and seniority unit, if applicable) within a department.

“Seniority” is based on the most recently published Seniority List. Seniority lists are established by the Human Resources Department and brought up to date annually,

or in cases of layoffs that would require an updated seniority list, a copy would be sent to each department and appropriate bargaining unit. Seniority is based on probationary or permanent time served in a class and department. Ties in seniority are broken in order by: (1) total time in class seniority; (2) total years of service; and (3) original test score. "Time served" includes all paid leave time, but does not include overtime hours worked (except for part-time employees) or unpaid leave time. Seniority in a class continues when an employee promotes to higher classes within the classified service. Seniority will not be lost due to absence by illness, authorized leaves (filed in writing) or temporary layoffs. An employee who voluntarily demotes to a lower classification as the result of a budgetary layoff, or as a reasonable accommodation associated with a County Workers' Compensation case, shall retain rights in their higher classification.

Seniority is forfeited when an employee separates from the county by reason other than layoff.

"Department", for this purpose, means the departments in existence as approved by the County Board at the time of the action. When departments are consolidated, or when part of one department is merged into another department, the seniority of all affected employees will be combined. The resulting Seniority List will be used in determining employment rights for the employees of the consolidated or merged department.

"Seniority unit" means a specific organizational unit of a department as listed in this section. Current seniority units are:

- Public Works Department
 - a. Highway Maintenance Divisions
 - b. Engineering Division
 - c. Land Survey Division
 - d. Motor Pool Division

- C. Options to Avoid Layoff. When an employee receives a layoff notice, the following options may apply in an attempt to avoid the loss of employment:
 - 1. Reassignment to a Vacancy in the Same Class. The employee will be reassigned to a vacant position in the same class in a different department and/or seniority unit.
 - 2. Transfer/Demotion in Lieu of Layoff. The employee may be considered for transfer or demotion to a vacant position in a class in which the employee has not previously served if the employee passes a qualifying assessment for the class.

3. Bumping. The employee has the right to bump back to a lower class provided the employee has permanent status in that lower class and more seniority than the least senior employee in that class. Bumping must occur first within the employee's seniority unit, then within the employee's department and lastly, within other departments in which the employee has seniority rights.
4. Accept the Layoff. The employee can choose to accept the layoff rather than exercising bumping rights or accepting a demotion in lieu of layoff.

11.3 OTHER TYPES OF SEPARATIONS. In addition to resignation and layoff, employees may also separate from county employment by:

- A. Failure to pass probation if a new county employee
- B. Discharge
- C. Death
- D. Retirement

*Reference: Minn. Stat. §383C.045 Layoff of Employees
Minn. Stat. §383C.051*

RULE 12

APPEALS & COMMISSION HEARINGS

12.1 APPEALS. Appeals, other than a veteran's appeal, must be made first to the Director. If the Director does not grant the appeal, the action may be appealed to the Commission. The Commission will handle the following types of appeals:

- A. Actions taken (or decisions made) in accord with St. Louis County Civil Service Law and these Rules are appealable as specified in the applicable law/rule;
- B. Any allegation that a provision of the law/rules has been incorrectly applied may be appealed;
- C. Veterans' appeals in accord with Minn. Stat. §197.46; and
- D. Appeals of other matters referred to the Commission by the Director.

12.2 HOW TO APPEAL. An appeal, other than a veteran's appeal in accord with Minn. Stat. 197.46, must be submitted to the Director in writing within 14 calendar days of the date of the action or decision, or notification thereof, whichever is later. The written appeal must specify the action or decision being appealed, contain a detailed description of why the action/decision was in error and identify the remedy requested.

A veteran's appeal must be filed in accord with the provisions of Minn. Stat. §197.46.

12.3 DIRECTOR'S REVIEW OF APPEALS. Appeals go first to the Director so that if the applicable law/rule was incorrectly applied, it may be corrected. The Director will generally respond in writing to appeals within 14 calendar days of receiving them. If more time is needed to investigate the matter, the person making the appeal will be notified within the 14 day period and will be given an estimate of when a decision will be provided.

If an appeal is denied by the Director, it may be appealed to the Commission by written request to the Director (who serves as the secretary to the Commission) within 14 calendar days of being notified of the Director's decision.

12.4 COMMISSION REVIEW OF APPEALS.

- A. Open Meetings. Appeals made to the Commission in accord with Rule 12.3 will be heard during a regularly scheduled meeting of the Commission unless circumstances exist which would justify calling a special meeting. The Commission is a public body appointed by the County Board, so its meetings are subject to the

Open Meeting Law (Minn. Stat., Chapter 13D). All meetings must be open to the public unless closed in accord with a provision of the Open Meeting Law. A person filing an appeal should assume that the appeal will be heard in a public meeting unless notified otherwise.

Commission Hearing Procedures. Commission hearings are intended to be a process for a person to have their appeal heard by a third party. Generally, commission hearings will proceed as follows:

1. The Director will introduce the appeal.
 2. The person bringing the appeal will explain their reason for appealing and the remedy requested.
 3. The Director or designee will explain the basis for the action resulting in appeal.
 4. Commission members may ask questions of participants at any time.
 5. The chair of the Commission will bring the discussion to a close when
 - a. s/he has determined they have sufficient information to reach a decision, or;
 - b. the Commission cannot reach a decision without additional information.
 6. The Commission will discuss what they have heard and make a decision on the appeal.
- B. Commission Decisions. The Commission may grant the appeal, deny the appeal, or table the appeal pending the collection of additional information. After the Commission has issued its final decision on the matter, the Director will send the person filing the appeal a copy of the meeting minutes documenting the decision. The Commission's decision on all appeals, except veterans' appeals in accord with Minn. Stat. §197.46, is final.

RULE 13

DEFINITIONS

The following words and terms as used in the application of these rules have the meanings indicated below:

“Anniversary Date” means the first of the month following the date the employee first began employment with the county exclusive of any adjustments made as a result of unpaid leave(s) of absence.

“Appointment” means the official designation by the hiring authority of a person to perform the duties of a position.

“Assessment” means the methods used to measure applicant qualifications for possible appointment to a position or class. See Rule 5.4.

“Civil Service” means a government personnel system based on the principle that employment decisions are based on individual merit. Federal law requires that state and local governments manage their employees using merit-based personnel systems in order to receive federal funds. The federal merit system principles include: (1) recruiting, selecting, and promoting employees based on job-related abilities, knowledge and skills; (2) providing equitable and adequate compensation; (3) retaining employees on the quality of their performance; (4) training employees as needed; and (5) fair treatment of applicants and employees based on job-related considerations.

“Class” means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class; that the same general types of qualifications are needed for the performance of the duties of the same class; and that the same pay rate(s) or range(s) may be applied with equity to all positions in the class under the same or substantially the same employment conditions.

“Classification” means the division of positions into sets of duties and responsibilities and the assignment of those positions into groupings of similar positions called “classes”.

“Classification Plan” means the list maintained by the Director in accord with Minn. Stat. §383C.037 of each county class in the classified and unclassified services.

“Classified Service” means all positions in county service except those specifically placed in the unclassified service as defined by Minnesota Statutes §383C.035 or other provisions of law.

“Commission” means the St. Louis County Civil Service Commission.

“Compensation” means the salary, wages, fees, allowances and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, but it does not include expense reimbursements. See also: “Total Compensation”.

“County Board” means the Board of County Commissioners of St. Louis County.

“Days” means calendar days except where otherwise specified.

“Director” means the Director of the St. Louis County Human Resources Department.

“Emergency Appointment” refers to appointments lasting no longer than 10 calendar days or hourly equivalent.

“Grade” means the level on a pay plan to which classes of comparable work value are assigned. All jobs in the same pay plan and grade have the same salary range.

“Layoff” means the removal of any employee from a position, class, and/or county employment because of lack of work, lack of funds, abolition of the employee’s job, or other reasons outside the employee’s control and which do not reflect negatively on the employee or the employee’s service.

“Hiring Authority” means any person or group of persons having power by law, or by lawfully delegated authority, to make appointments to any position in the classified service in the county.

“Merit” means that employment decisions are based on what a person deserves based on their knowledge, skills, abilities, work performance, work behavior or other important employment considerations.

“Military Leave” means a leave of absence granted by state law to employees entering active duty in the armed forces of the State of Minnesota or the United States.

“Minimum Qualifications” means the requirements set by the Director or by federal or state law which applicants must meet in order to be considered eligible for appointment to a position and/or class.

“Not in Good Standing” means that an employee has left county service in negative circumstances which the county considers as sufficient cause not to re-hire the person. Circumstances which can result in a designation of “not in good standing” include, but are not limited to, discharge, resignation without 2 weeks advance notice, resignation due to absence without approved leave for 3 days, and failure to return from an approved leave of absence upon the required/approved return date.

“Part-time Employees” Employees working a position that is less than full-time.

“Pay Plan” means a table or grid of salary rates and/or ranges established for the classes assigned to each bargaining unit for represented employees. Each set of rates and/or ranges is assigned to a “grade” on the pay plan. New pay plans are created whenever there is an adjustment to all of the rates and/or ranges contained in that pay plan.

“Permanent Employee” means an employee who has gained permanent status in the classified service by satisfactorily completing as a new county employee a trial work experience called a probationary period.

“Permanent Position” means any position which is fully funded and does not have a designated end date.

“Position” means a group of duties and responsibilities generally requiring the full-time or part-time employment of one employee. In some cases, the duties and responsibilities of a single position may be shared by more than one employee.

“Primary Assignment” an employee’s main job when working in more than one position.

“Promotion” means the movement of an employee from a position in one class to a position in another class in a higher salary grade.

“Promotional Employment Opportunity” means an exam which is open only to current employees who have attained permanent status.

“Promotional List” means the names of classified employees arranged in order of merit who have been found qualified through suitable tests for promotion to positions in higher classes than the class of position they are currently occupying.

“Qualifying Exam” means an exam given on a pass/fail basis to determine an employee’s qualifications to transfer or demote to a class in which the employee has not previously served, or to promote to the higher level in a junior/senior class series.

“Reallocation” means the change of an individual position to a higher class, a lower class, or another class at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in the position.

“Salary Range” means the range of pay rates from minimum to maximum set for a pay grade or class.

“Seniority Unit” means any geographical or functional division within a department necessitated by the administrative policy of the department.

“Supervisor” means a person who has been authorized to direct and manage the work and performance of other employees on behalf of the county. Supervisors are typically county employees who have been designated “supervisors” as defined in Minn. Stat. §179A.03, Subd. 17, that is, the employee must use independent judgment in performing (or effectively recommending) a majority of the following supervisory functions: hiring, promoting, transferring, disciplining, suspending, discharging, rewarding, assigning work, directing work, or adjusting employees' grievances on behalf of the employer.

“Temporary Employee” means an employee appointed to a position for a limited period of time. Typically this does not exceed 3 calendar months.

“Total compensation” includes all things defined as “compensation”, plus the value of fringe benefits (such as vacation leave, sick leave, and personal leave); the county’s contribution to health, dental and other insurance for the employee (and dependents); and the county’s contributions on behalf of the employee to Social Security, Medicare, and the Public Employees Retirement pension funds. See also: “Compensation”.

“Unclassified Employee” means any employee occupying a position in the unclassified service as designated by Minnesota Statutes §383C.035 or other provisions of law.

“Vacancy” or “Vacant Position” means an unoccupied permanent position which a hiring authority intends to fill.

“Veteran” means all persons defined as a veteran by Minnesota Statutes §197.447.

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CIVIL SERVICE RULES
HISTORY

Board Resolution Number	Date	Other
	December 1, 1943	First Civil Service Rules proposed by the Civil Service Director
	May 10, 1944	First Civil Service Rules adopted
	July 1978	
1978-991	November 27, 1978	Amended Rule 5.3 Qualifications of Applicants
1979-170	March 12, 1979	Amended Rules 9.2 and 9.3 regarding Service Ratings
	September 1997	Amended Rule 11.3 regarding disciplinary demotions
2008-424	August 5, 2008	
2009-256	June 2, 2009	County Board File # 58955
2010-337	July 6, 2010	County Board File # 59094
2012-		County Board File #

**Public Hearing to Consider Off-Sale Intoxicating Liquor License
(Fredenberg Township)**

BY COMMISSIONER _____

WHEREAS, Hi Banks Resort, Fredenberg, Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statutes, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on March 13, 2012, at 9:35 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license, Hi Banks Resort has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB12145) shall be issued to Hi Banks Resort, Inc., d/b/a Hi Banks Resort, located in Area 3, for an annual fee of \$150.00.

RESOLVED FURTHER, that said liquor license shall be effective March 13, 2012, through June 30, 2012.

RESOLVED FURTHER, that said license is approved contingent upon payment of real estate taxes when due.

RESOLVED FURTHER, that if named license holder sells the licensed place of business, the County Board, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of license fee to the license holder.

The advisory committee conducted a public meeting on January 19, 2012, to receive comments on its funding recommendations. Following the meeting, the advisory committee finalized funding recommendations for transmittal to the County Board.

The Northeast Minnesota HOME Consortium Advisory Committee will meet on March 16, 2012, to recommend funding awards. HOME funding is allocated to affordable housing development activities and for home buyer assistance.

The proposed use of Emergency Solutions Grant program funds is subject to filing of a HUD-required amendment to the FY 2011 Action Plan. The FY 2012 Action Plan is required to be submitted prior to completion of the FY 2011 amendment process, therefore, St. Louis County intends to combine the award processes for the 2011 and 2012 ESG allocations. The planning and award process for ESG is also under transition to facilitation by the St. Louis County Public Health and Human Service Department (PHHS). PHHS staff already facilitates the St. Louis County Continuum of Care and has established a newly formed Heading Home St. Louis County Leadership Council. The Leadership Council is expected to guide, evaluate, and recommend homeless policy and funding award. ESG funds are allocated to activities that provide homeless prevention and re-housing assistance to homeless families.

HUD requires the county to conduct a public hearing to solicit citizen comments on use of proposed resources and on priority needs and objectives prior to approval of the plans. The draft FY 2012 Action Plan was made available for public comment on February 1, 2012. The FY 2012 funding sources and uses for the St. Louis County 2012 Action Plan are attached.

RECOMMENDATION:

A public hearing has been scheduled during the regular board meeting on Tuesday, March 13, 2012, to meet HUD's timeline for submittal of the 2012 Action Plan. Following the hearing, it is recommended the St. Louis County Board approve the 2012 Action Plan and direct the Planning and Community Development Director to prepare and submit all documents associated with the plan.

Upon HUD approval of the St. Louis County 2012 Action Plan, the grant agreements between St. Louis County and HUD for the CDBG, HOME, and ESG programs will be presented to the County Board for approval.

Submission of 2012 Action Plan CDBG, HOME and ESG Funds

BY COMMISSIONER: _____

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, establishes the Community Development Block Grant Program (CDBG) for the purpose of developing viable communities by providing decent housing and a suitable living environment, and by expanding economic opportunities principally for low- and moderate-income persons; and

WHEREAS, Title II of the Affordable Housing Act of 1990, as amended, establishes the HOME Investment Partnerships Program (HOME) for purposes of expanding the supply of affordable housing units for low-income families; and

WHEREAS, Subtitle B of Title IV of McKinney Homeless Assistance Act of 1987, as amended and reauthorized under the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, establishes homeless assistance programs including the Emergency Solutions Grant Program (ESG) for purposes of providing homeless prevention and re-housing assistance to homeless families; and

WHEREAS, the Secretary of Housing and Urban Development (HUD) is authorized to make grants to cities and counties to finance local CDBG, HOME and ESG Programs, submitted and approved in accordance with the Consolidated Plan regulations; and

WHEREAS, the St. Louis County Board desires to continue to carry out the 2010-2014 Consolidated Plan HUD entitlement programs, including CDBG, HOME, and ESG.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the Planning and Community Development Director to prepare and submit the 2012 Action Plan and amendments thereto, and all assurances and understanding contained therein, to the United States Department of Housing and Urban Development for those projects and corresponding funding levels as set forth in the plan in County Board File No. _____, and to act in connection with its submission and subsequent activity, and to provide such additional information as may be required.

2012 HUD Funding Sources

CDBG Allocation	1,713,363
CDBG Estimated Program Income	25,000
CDBG Unexpended and Reprogrammed Funds	77,000
Total CDBG	1,815,363
HOME Allocation	439,667
HOME Estimated Program Income	50,000
Total HOME	489,667
ESG Allocation	190,582
Total ESG	190,582
Total Funds for FY 2012 Action Plan St. Louis County and Consortium	2,495,612

Proposed Uses of Funding By Program

FY 2012 CDBG Program

Project	Objective	Outcome	Indicator	Amount
Housing				
AEOA Single Family Housing Rehabilitation	Decent Housing	Sustainability	14 units	300,000
Meadowlands Manor Rental Rehabilitation	Decent Housing	Sustainability	12 units	25,000
Northern Communities Land Trust	Decent Housing	Accessibility	1 unit	45,000
North St. Louis County Habitat for Humanity	Decent Housing	Accessibility	1 unit	30,000
<i>Subtotal</i>				<i>400,000</i>
Economic Development				
NE Entrepreneur Micro-enterprise	Econ Opportunities	Accessibility	60 people	20,000
<i>Subtotal</i>				<i>20,000</i>
Physical Improvement				
Babbitt City Infrastructure	Suitable Living	Sustainability	1,670 people	115,000
Breitung Township-Soudan Infrastructure	Suitable Living	Sustainability	551 people	75,000
Buhl City Infrastructure	Suitable Living	Sustainability	890 people	35,000
Chisholm City Infrastructure	Suitable Living	Sustainability	719 people	100,000
Cook City Infrastructure	Suitable Living	Sustainability	540 people	60,523
Ely City Infrastructure	Suitable Living	Sustainability	1,414 people	120,000
Eveleth City Infrastructure	Suitable Living	Sustainability	1,630 person	200,000
Hibbing PUC Infrastructure	Suitable Living	Sustainability	719 people	110,000
St. Louis County Neighborhood Revitalization Program	Suitable Living	Sustainability		0
<i>Subtotal</i>				<i>815,523</i>
Public Service				
AEOA Homeless Shelter	Suitable Living	Accessibility	140 people	40,000
AEOA Homeless Youth Services	Suitable Living	Accessibility	50 people	24,000
Legal Aid Service of NE MN Housing Counseling	Suitable Living	Accessibility	250 people	32,000
Range Transitional Housing	Suitable Living	Accessibility	50 people	43,000
Range Women's Advocates Children's Program	Suitable Living	Accessibility	150 people	24,500
Salvation Army Hibbing Melting Pot Meals Program	Suitable Living	Accessibility	3,100 people	16,500
Salvation Army Virginia Virginia Supper Club Meals Program	Suitable Living	Accessibility	3,600 people	16,500
Sexual Assault Youth Outreach Services	Suitable Living	Accessibility	150 people	23,500
SOAR Career Solutions	Econ Opportunities	Accessibility	30 people	25,000
<i>Subtotal</i>				<i>245,000</i>
Administration	N/A	N/A	1 org	334,840
Total FY 2012 CDBG Program				
Housing				400,000
Economic Development				20,000
Physical Improvements				815,523
Public Service				245,000
Administration				334,840
TOTAL				1,815,363

**FY 2012 HOME Program
Northeast Minnesota HOME Consortium**

Project	Objective	Outcome	Indicator	Amount
Housing Development and Home Ownership Assistance	Decent Housing	Affordability	40 Housing units	357,768
CHDO Set-Aside Projects	Decent Housing	Accessibility	2 units	65,950
CHDO Operating Expense	Decent Housing	Accessibility	3 orgs	21,983
Administration	N/A	N/A	1 org	43,966
Total				489,667

FY 2012 ESG Program – St. Louis County

Project	Objective	Outcome	Indicator	Amount
ESG Program	Suitable Living	Accessibility		190,582
Total				190,582