
Policy Number: 103.011
Title: Mobility and Work Out of Class Assignments
Effective Date: 1/12/22

PURPOSE: To ensure consistency in the administration of mobility and work out of class (WOOC) assignments throughout the department, and to ensure the department follows collective bargaining agreements (CBAs) and plans, Minnesota Management and Budget (MMB) administrative procedures and guidelines, and human resources (HR) practices regarding mobility and WOOC assignments.

APPLICABILITY: Department - wide

DEFINITIONS:

Appointing authority – a warden, superintendent, or manager who has been delegated as the authority for personnel transactions by the commissioner.

Finalist(s) – the top candidate(s) for a WOOC or mobility assignment

Mobility within the DOC – a limited assignment of an employee to another facility/location within the DOC performing work in the same job classification.

Mobility to a different state agency – a limited assignment of an employee to alternate duties in another state agency, public jurisdiction, federal government, or private industry, which may be performing work in the same or a different job classification.

Work-out-of-class (WOOC) assignment – a limited assignment of an employee to perform substantially all of the duties in a temporarily unoccupied position in the classified service, which is allocated to a different job classification within the same or a different facility/location. Assignment must meet the minimum time requirements specified in the applicable collective bargaining agreement or plan to be considered a WOOC.

PROCEDURES:

- A. General guidelines
1. A mobility or work-out-of-class (WOOC) assignment normally lasts no more than one year in duration, but may be extended under the provisions of Minnesota Management and Budget (MMB) Administrative Procedure 1.1 “Employee Mobility,” or 17.1 “Work Out of Class,” if not otherwise limited by the employee’s collective bargaining agreement (CBA) or plan.
 2. Employees in a mobility or WOOC assignment retain their permanent classification and status in their current bargaining unit and accrue seniority, holiday pay, and benefits accordingly. Wages and eligibility for overtime are based upon the Fair Labor Standards Act (FLSA) and the CBA or plan of the employee’s WOOC assignment job classification.
 3. Employees may not receive additional compensation for performing tasks for the requesting agency that are part of the employee’s assigned duties and responsibilities at the home agency. Employees may not be paid for working for another state agency during

periods of paid leave from the home agency (per a State of Minnesota Attorney General opinion).

4. The sending and receiving appointing authorities, if applicable, must approve an employee to be considered for and accept a mobility or WOOC assignment (and any extensions) in writing to the hiring supervisor prior to confirming the assignment. Approval for all mobility or WOOC assignments is discretionary and based upon business needs.
5. Regional human resources (HR) staff post mobility or WOOC assignments for employees to submit an application. The posting requirements generally follow the standard practice for the job classification and location.
6. Regional HR staff maintain the mobility or WOOC records. This includes:
 - a) Transaction request form (TRF);
 - b) Position description;
 - c) Organizational chart;
 - d) Written justification for the need for the opportunity;
 - e) A copy of the mobility or WOOC assignment notice if posted;
 - f) Documentation regarding business reason(s) to shorten the posting period along with the rejection or approval of the appropriate deputy commissioner and the agreement of the assistant commissioner of operations support;
 - g) Selection criteria;
 - h) Sending appointing authority approval;
 - i) Interview questions and notes; and
 - j) Employee reference check documentation.
7. Regional HR staff must record the mobility or WOOC assignment on the transaction log.
8. HR transaction staff record employment data in SEMA4.

B. The supervisor must:

1. Request and receive approval from the supervisor's appointing authority to post a mobility or WOOC assignment for a vacancy.
2. Contact the regional HR representative to discuss mobility or WOOC assignments.
3. Consider filling the position in a manner that furthers the department's commitment to affirmative action.
4. Review and follow the CBA or plan during filling considerations.
5. Complete a TRF to request to fill the assignment using "Mobility" or "WOOC" selection, attach an up-to-date copy of the proposed position description and organizational chart, and provide written justification for the need for the assignment.
6. Confirm the sending and receiving appointing authorities have approved the mobility or WOOC assignment in writing.
7. Obtain a copy of the approval(s) prior to confirming the assignment and forward copies of the approval to the regional HR staff.

8. Forward documentation of selection criteria, appointing authority approval, interview questions and responses and reference check results to the regional HR staff for the mobility or WOOC assignment record at the end of the selection process.

C. Regional HR staff must:

1. Review the position description and consult with a central office staffing representative if there are questions about the appropriate job classification of the position.
2. If no interested or qualified candidates are available or other factors exist that may impact the use of the mobility or WOOC assignment, consult with the staffing representative regarding other options in addition to a mobility or WOOC assignment and refer the supervisor as appropriate.
3. Review mobility or WOOC requests to determine the appropriate duration of the assignment and if it needs to be posted.
4. Post the mobility or WOOC assignment if applicable.
5. Complete an Inter-agency Request for State Employee Services (attached) if the mobility is coming from another state agency.
6. Review the proposed inter-agency agreement for possible conflicts of interest and discuss with the regional human resources director.
7. If the assignment is to another public jurisdiction, federal government, or private industry, follow Administrative Procedure 1.1 to process the mobility assignment.

D. Mobility or WOOC assignments

1. Staff must follow MMB Administrative Procedure 17.1 for WOOC assignments and MMB Administrative Procedure 1.1 for mobility assignments to another DOC facility/location, another public jurisdiction, federal government, or private industry.
2. An employee selected for a WOOC assignment need not meet all of the job requirements for the job classification of the assignment; however, the employee must meet any licensure or certification requirement(s) of the position.
3. Payment during a mobility or WOOC assignment must be consistent with the requirements of CBAs/plans and the FLSA.
 - a) If a WOOC assignment exceeds ten consecutive work days, the employee is paid in accordance with the CBA or plan.
 - b) Generally, the employee is paid for all hours:
 - (1) At the employee's current salary, if assigned to work in a lower or equal classification; or
 - (2) At a rate within a higher range that is equal to the minimum rate for the higher classification or at a rate that is at least one step higher than the employee's current salary, whichever is greater.
4. WOOC assignments over 59 days must be posted for a minimum of five days.

- a) AFSCME positions must be posted within the seniority unit; however, a supervisor may choose to advertise beyond the seniority unit.
 - b) Positions in all other CBAs/plans must be posted agency-wide.
5. If the hiring supervisor has a business reason to shorten or waive the posting period, the supervisor must obtain approval from the supervisor's chain of command, up through the manager who reports directly to the DOC Commissioner, and the manager discusses the request with the assistant commissioner of operations support prior to approving.
 6. If a WOOC assignment originally anticipated to be 59 days or fewer needs to be extended beyond 59 days and was not previously posted, it must be posted for competition in accordance with Procedure D.5 of this policy, unless approved for extension without posting by the supervisor's chain of command and the assistant commissioner of operations support.
 7. Structured interviews are conducted with qualified candidates for posted WOOC assignments and are encouraged for posted mobility assignments.
 8. Supervisors are encouraged to review attendance (including sick leave use), discipline history, and past performance of mobility or WOOC finalists. Qualified finalists with (1) excessive sick leave use or poor attendance, (2) recent (past two years) significant discipline, and/or (3) less than satisfactory performance ratings (past two years) must generally not be considered for the mobility or WOOC assignment.
 9. The Mobility and Work Out of Class Candidate Review form (attached) may be used by supervisors to compare candidates.

INTERNAL CONTROLS

- A. HR staff maintain the mobility and WOOC assignment records and applicable documents and information.
- B. Employment data is maintained in the state's SEMA4 system.

ACA STANDARDS: None

REFERENCES: [Administrative Procedure 1.1, "Employee Mobility"](#)
[Administrative Procedure 14, "Appointments"](#)
[Administrative Procedure 17.1, "Work Out of Class"](#)
[Fair Labor Standards Act](#)
[MMB Fair Labor Standards Act Resources](#)
Minn. Stat. §§ [43A.15, subd. 5](#); [43A.17, subd. 1](#); and Chapters [15](#) and [179](#).
[Collective bargaining agreements and compensation plans](#)

REPLACES: Policy 103.011, "Mobility and Work Out of Class Assignment" 12/31/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Inter-agency Request for State Employee Services](#) PE-00268-08
[Mobility and Work Out of Class Candidate Review form](#) (103.011A)
(Also available on HR iShare page at: [103.011A](#))

APPROVED BY:

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