DEPARTMENT OF CORRECTIONS

Policy Number: 103.011
Title: Mobility and Work Out of Class Assignments
Effective Date: 11/9/22

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. The assignment must meet the minimum time requirements specified in the applicable collective bargaining agreement or plan to be considered a WOOC. The length of the assignment may not exceed one year except as provided in Minnesota Management and Budget (MMB) Administrative Procedures, if not otherwise limited by the employee's collective bargaining agreement (CBA) or plan.

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 current supervisor and 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. Human resources (HR) staffing unit 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. Exceptions to posting may be granted in limited circumstances (for example, due to regulatory obligations).

6. HR staffing unit staff maintain the mobility or WOOC records through the Transaction Request Form (TRF) or the Personnel Transaction Request (PTR). This includes:
   a) Position description;
   b) Organizational chart;
   c) Written justification for the need for the opportunity;
   d) A copy of the mobility or WOOC assignment notice if posted;
   e) 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;
   f) Selection criteria;
   g) Sending appointing authority approval;
   h) Interview questions and notes; and
   i) Employee reference check documentation.

7. HR staffing unit staff must communicate the mobility or WOOC assignment to the HR transactions unit through an appointment memo e-mail sent to the shared e-mail box or by routing the PTR.

8. HR transactions unit 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 opportunity for a vacancy.

   2. Contact the HR staffing unit to discuss a mobility or WOOC opportunity.

   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/PTR to request to temporarily fill the vacancy 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 HR staffing unit.

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

C. The HR staffing unit staff:

1. Review the position description and consult with an HR staffing unit lead or HR director 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 an HR staffing unit lead or HR director 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 any specifics for the posting.

4. Post the mobility or WOOC opportunity. Exceptions to posting may be granted in limited circumstances (for example, to meet regulatory obligations).

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 agency HR director or regional HR director for a mobility within the DOC.

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 minimum qualifications 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 must be posted for a minimum of seven calendar 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 a recommendation from the HR staffing unit prior to obtaining approval from the appropriate appointing authority.

6. Structured interviews are completed with candidates for WOOC assignments and are encouraged for posted mobility assignments. Exceptions to completing an interview may be granted in limited circumstances.

7. 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.

8. The Mobility and Work Out of Class Candidate Review form (attached) may be used by supervisors to compare candidates.

9. Staff in the HR staffing unit provide the selected employee and supervisors with a confirmation memo of the WOOC appointment, and retain a copy according to the retention schedule.

10. Staff in the HR staffing unit discuss the necessity for any assignment extensions prior to the initial assignment end date and up to the one-year duration date from the start of the assignment. Prior to the one-year duration date, determination of an extension request beyond the one-year point must be assessed in compliance with the Work Out of Class Administrative Procedure 17.1.

11. HR staff maintain the mobility and WOOC assignment records and all applicable documents and information, and enter employment data into the state's SEMA4 system.

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"
HRLR Policy #1445 Code of Ethical Conduct
DOC Policy 103.220, Personal Code of Conduct of Employees
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" 1/12/22.
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)
Personnel Transaction Request (PTR) (103.011B) (on the HR iShare page)

APPROVED BY:
Deputy Commissioner, Reintegration and Restorative Services
Deputy Commissioner, Facility Safety and Security
Assistant Commissioner, Organizational and Regulatory Services
Assistant Commissioner, Chief of Staff
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