

By Johnson

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.820 of the above-entitled ordinance be amended to read as follows:

20.820. Purpose and intent. It is the purpose and intent of the city in establishing the job bank program ~~by this article~~ to provide the information, options, and assistance to classified city employees, under council jurisdiction whose jobs are eliminated as a result of restructuring or economic considerations, so that employees can make informed choices about their future with the city, and at the same time, utilize the competencies of city employees whenever possible in staffing vacant city positions. ~~This program shall replace the unassigned workers program.~~

It is also the purpose and intent of the city in establishing the job bank program to assist classified city employees who work under council jurisdiction and are injured in the course and scope of employment, by providing job bank services to injured employees when they are unable to return to their pre-injury job as a result of permanent work restrictions attributable to their work injury.

~~Unclassified, or appointed, employees, sworn employees in the fire department, sworn employees in the police department, and temporary or seasonal employees shall not be entitled to any of the provisions of this article or of the job bank program. Sworn employees in the fire and police departments shall not be entitled to any of the provisions of this article or of the job bank program unless otherwise authorized by their respective collective bargaining agreements. (97-Or-004, § 1, 1-24-97; 2003-Or-032, § 2, 3-21-03)~~

Section 2. That Section 20.840 of the above-entitled ordinance be amended to read as follows:

20.840. Job bank. Provisions for employees whose jobs are eliminated, ~~either~~ as a result of restructuring or economic considerations, are contained in section 20.850 of this Code. Provisions for employees with permanent restrictions, resulting from injuries arising in the course and scope of employment for the city, that prevent return to the employee's pre-injury job, are contained in section 20.860 of this Code. (97-Or-004, § 1, 1-24-97)

Section 3. That Section 20.850 of the above-entitled ordinance be amended to read as follows:

20.850. Procedure. Job bank procedures; restructuring/economic component.

(a) The provisions of subdivisions (a)(1) to (a)(56) shall only apply to employees whose jobs are eliminated as a result of restructuring or economic considerations.

- (1) *Advance notice of position elimination.* Once a position has been identified to be eliminated, an advance notice of position elimination shall be given to the affected employee consistent with section 20.850(a)(2) of this ordinance. The notice may inform the employee of the options, training assistance, and out placement services available to that employee. If a position is to be eliminated in any department, the employee with the least amount of seniority in the particular job class will be placed in the job bank, regardless of performance, assignment, function or other consideration.
- (2) *Tenure in job bank.* Once an affected employee is given the advance notice of position elimination provided by this article, that employee shall begin their day tenure in the job bank. Employees whose positions have been eliminated based on the City's regular annual budget process, including the mayor's proposed budget and/or the final annual city budget as passed by the city council, or as otherwise ordered by the city council, are entitled to a sixty (60) day tenure in the job bank. All positions eliminated based on the mayor's proposed budget and/or the final annual city budget as passed by the city council must be so eliminated after the mayor's proposed budget is announced but no later than January 1 of the next budget cycle. All attempts shall be made to place the job bank employee into a vacant city position. If during the job bank tenure the employee is not able to exercise displacement or bumping rights and has not been placed in another city position, the employee shall be laid off and placed on the appropriate layoff list with all rights as pursuant to the relevant collective bargaining agreements, if any, and all applicable civil service rules.

~~Employees whose positions have been eliminated based on the city's regular annual budget process, including the mayor's proposed budget and/or the final annual city budget as passed by the city council, or as otherwise ordered by the city council, are entitled to a sixty (60) day tenure in the job bank. All positions eliminated based on the mayor's proposed budget and/or the final annual city budget as passed by the city council must be so eliminated after the mayor's proposed budget is announced but no later than January 1 of the next budget cycle.~~

Employees whose positions have been eliminated based on any mid-cycle budget or revenue reductions not controlled by the mayor and the city council, are entitled to a thirty (30) day tenure in the job bank.

- (3) *Job bank programs.* Employees of the city who are notified of the pending elimination of their position by the provisions of this article shall be placed into the job bank. Employees in the job bank shall retain their job title, salary, benefits and representation, if any, during their tenure in the job bank. Employees in the job bank will continue their job duties but will be allowed a reasonable amount of paid time off to engage in job bank related activities. Each eEmployee in the job bank shall, to the extent feasible, work with a

placement coordinator and shall, upon request of the employee, receive skills assessment, training or retraining, assistance in finding a vacant position within the city or, finally, out placement assistance. These services shall be provided to the job bank employee at no cost to the employee.

(4) Lateral Transfers. Employee in the job bank may request to be transferred to a vacant position in another job classification at the same Minneapolis Civil Service Commission (MCSC) grade level provided they meet the minimum qualifications for the position.

a. Senior Upon Transfer. In addition to earning job classification seniority in their new title, transferred employees shall continue to accrue job classification seniority in their former title and they shall have the right to return to their former title if the position to which they have transferred is later eliminated. In the event the transfer is to a formerly held job classification, seniority in the new (formerly held) title shall run from the date upon which they were first certified to the former classification.

b. Pay Upon Transfer. The employee's rate of pay in the new position will be their former rate of pay or that of the next available step in the pay progression schedule for the new title which provides for an increase in the rate of pay if no equal pay progression step exists. If the employee's rate of pay in the former position is greater than the maximum rate of pay applicable to the new title, the employee's rate of pay will be red circled until the maximum rate of pay salary for the new title meets the employees' red circled rate. Such employees shall, however, be eligible for fifty (50) percent of any city council approved general increase. Lateral transfers shall not affect anniversary dates of employment for pay progression purposes.

c. Probationary Periods. Employees transferring to a different title will serve a six (6) calendar month probationary period. In the event that probationary period is not satisfactorily completed, the affected employee shall be returned to the job bank and the employee's "bumping", layoff or transfer rights under MCSC rules or other applicable authority shall be restored to the same extent such rights existed prior to the employee taking the probationary position. Upon the affected employee's first such return to the job bank, the employee shall be entitled to remain in the job bank for the greater of ten (10) business days, or the duration of the applicable job bank period, as determined under section 20.850(a)(2) of this ordinance, that remained as of the date the employee began in the probationary position. The rate of pay for the remainder of the employee's time in the job bank will be the same as the rate in effect as of the employee's last day in the probationary position. Return to the job bank terminates the employee's work in the probationary assignment and, therefore, time served following the return to the job bank shall not be construed to count toward the completion of the probationary period. Displacement and bumping rights shall be forfeited unless exercised by the deadlines specified in this paragraph.

~~(4)(5) Displacement and bumping. Job bank employees who have displacement or bumping rights may exercise those rights immediately. No denial of displacement or bumping rights shall be allowed once the employee's job has been actually eliminated.~~

a. Definitions.

1. Primary impact employee means an employee who enters the job bank due to the elimination of their position.
2. Secondary impact employee means an employee who enters the job bank because they may be displaced or bumped by a primary impact employee.

b. Procedures. Affected employees may exercise their displacement, "bumping" and/or layoff rights immediately.

1. A primary impact employee entitled to sixty (60) days in the job bank must exercise displacement or bumping rights within forty-five (45) days of entering the job bank. Such primary impact employee who exercises their rights within the first thirty (30) days from entering the job bank shall have eight (8) hours added to their vacation bank.
2. A primary impact employee entitled to thirty (30) days in the job bank must exercise displacement or bumping rights within twenty-two (22) days of entering the job bank. Such primary impact employee who exercises their rights within the first fifteen (15) days shall have eight (8) hours added to their vacation bank.
3. A secondary impact employee must exercise their displacement or bumping rights within seven (7) calendar days of being displaced or bumped.
4. Displacement and bumping rights shall be forfeited unless exercised by the deadlines specified in this section. Regardless of when bumping rights are exercised, any change in the rate of pay of the employee resulting from the exercise of bumping rights shall not take effect until after the employee's tenure in the job bank would have expired had the employee remained in the job bank for the maximum period.

~~(5) Displaced employees in job bank. All employees of the city who are notified of the pending elimination of their position by the provisions of this article shall be placed into job bank, pursuant to the provisions of this ordinance. All employees in the job bank shall retain their job title, salary, benefits and representation, if any, during their tenure in the job bank. Employees in the job bank will continue their job duties but will be allowed a reasonable amount of paid time off to engage in job bank programs, training and out placement. (97-Or-004, § 1, 1-24-97; 2003-Or-032, § 4, 3-21-03)~~

(6) Layoff. If during the job bank tenure the employee is not able to exercise displacement or bumping rights and has not been placed in another city position, the employee shall be laid off and placed on the appropriate recall list with all rights as pursuant to the relevant collective bargaining agreement, if any, and all applicable MCSC rules.

Section 4. That Section 20.860 of the above-entitled ordinance be amended to read as follows:

20.860. Job bank procedures; injured employee component.

(a) The provisions of subdivisions (a)(1) to (a)(4) shall only apply to employees whose injuries are covered by the Minnesota Workers' Compensation Act.

- (1) *Advance notice of participation in job bank.* When a determination is made by the city that an eligible injured employee is ready to enter the job bank, the employee will be given official notice of one hundred twenty (120) days eligibility for the job bank.
- (2) *Tenure in job bank.* Employees who sustain injuries on or after June 1, 1995, and receive notice of eligibility shall begin one hundred twenty (120) days tenure in the job bank. The injured employee provisions in section 20.860 will also cover permanently certified or appointed employees who are in permanent or temporary job assignments as a result of work injury, if their job is eliminated.¹ Eligibility will be determined by the city and will begin when medical reports² indicate that permanent medical restrictions will prevent the eligible employee from returning to their pre-injury job, with or without reasonable accommodation. If during this one hundred twenty (120) day period the injured employee has not been placed in another city position, the employee shall be separated from city service.
- (3) *Compliance with Workers' Compensation Act.* Injured employees who are placed in the job bank must comply with the provisions of the Minnesota Workers' Compensation Act as a condition of continuing eligibility for workers' compensation benefits and the Return to Work Job Bank.
- (4) *Injured employees in job bank.* All injured employees, during their tenure in the job bank, shall be paid their pre-injury wage and fringe benefits. While in job bank, injured employees will continue performing temporary or alternate duties assigned, while being allowed some paid time off to engage in job bank programs, training and outplacement, for examples.

¹The provisions of section 20.850 will not apply to these employees.

²In administering this ordinance, the city will rely on medical reports from physicians appointed by the city if there are conflicting opinions.

(97-Or-004, § 1, 1-24-97; 2003-Or-032, § 5, 3-21-03)

Section 5. That Section 20.870 of the above-entitled ordinance be amended to read as follows:

20.870. Position vacancies. The following provisions will apply to all employees who become eligible for job bank services.

(a) All vacancies in job bank. *Filling vacant positions.*

(1) All vacant positions which are to be filled and come under council jurisdiction shall be placed into the job bank. Position vacancies to be filled shall first be offered to employees that have been laid off and are on a recall list for the involved job title, or who may have a right to bump or transfer to the position ("absolute rights").

(2) Only those positions in the approved annual budget shall be filled in the budget year. If no employee has absolute rights to a vacant position, the following shall be given consideration in priority order:

1st Priority: Qualified job bank employees

2nd Priority: Other qualified employees on a recall list

3rd Priority: Employee applicants from a list of eligibles

4th Priority: Displaced certified temporary employees

5th Priority: Non-employee applicants from a list of eligibles

(3) All placements resulting solely from economic layoff or restructuring made through job bank shall be made by the director of human resources after consultation with the hiring authority and the employee. Employees who refuse a reasonable job offer will be terminated from further job bank participation, and their workers' compensation benefits will be discontinued in accordance with the provisions of the Minnesota Workers' Compensation Act. *Minimum qualifications:* The qualifications of an employee in the job bank or on a recall list shall be reviewed by the human resources department to determine whether the employee meets the qualifications for a vacant position. Whether the employee can be trained for a position within a reasonable time (not to exceed three months) shall be considered when determining the qualifications of an employee.

a. *Refusal of job offer.* Employees in the job bank who do not participate in good faith or refuse a reasonable job offer will be terminated from further job bank participation, and their workers' compensation benefits will be discontinued in accordance with the provisions of the Minnesota Workers' Compensation Act.

b. *Job bank employees.* If it is determined that an employee is qualified for a vacant position, the employee shall be selected. The appointing authority may appeal the issue of whether the employee is qualified for a vacant position. The dispute shall be presented to and resolved by the job bank committee. If it is determined that an employee does not meet the qualifications for a vacant position, the employee may appeal to the director of human resources.

c. *Other employees on a recall list.* If it is determined that an employee on a recall list is qualified for a vacant position, the employee will be given priority consideration and may be selected. Appeals regarding employees on a recall list and their qualifications for a position will be handled by the MCSC.

~~(4) Subject to civil service rules and bargaining unit agreements, all vacant positions throughout the city shall first be attempted to be filled through job bank. If a position cannot be filled through job bank, then the attempt to fill the position will be made through active city employees. Only if the position cannot be filled through job bank and currently employed city employees not in job bank may the vacant position be filled from outside city service.~~

~~(b) Job bank programs. Each employee in the job bank shall work with a placement coordinator and shall receive assistance in finding a vacant position within the city. In addition, the employee may receive skills assessment, training or retraining or outplacement assistance. These services shall be provided to the job bank employee at no cost to the employee. (97-Or-004, § 1, 1-24-97; 2003-Or-032, § 6, 3-21-03)~~

Section 6. That Section 20.900 of the above-entitled ordinance be amended to read as follows:

20.900. - Insurance continuation.

~~(a) Beginning April 1, 2009. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance.~~

~~(1) If an employee has medical coverage or medical and dental insurance coverage on the date of layoff and the employee elects to continue medical insurance through COBRA or medical and dental insurance through COBRA, the city shall make the following contribution to the employee's Health Reimbursement Arrangement Plan account:~~

	Contribution	
	Medical Coverage Level	
1st Month of COBRA Eligibility	Single	Family
May 2009	\$1,430	\$4,470
June 2009	\$1,450	\$4,540
July 2009	\$1,470	\$4,600
August 2009	\$1,490	\$4,670
September 2009	\$1,520	\$4,740
October 2009	\$1,540	\$4,800
November 2009	\$1,560	\$4,870
December 2009	\$1,580	\$4,940
January 2010 through March 2010	\$1,600	\$5,000

- ~~(2) If an employee has only dental insurance coverage on the date of layoff and the employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.~~

~~The terms of this section 20.900(a) will expire on February 28, 2010.~~

~~(b) Beginning March 1, 2010. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance:~~

- ~~(1) If an employee elects to continue medical insurance through COBRA, the city shall pay one hundred (100) percent of the premium for medical insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the medical plan in effect on the date of the layoff.~~
- ~~(2) If an employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.~~

~~The terms of section 20.900(b) will expire on December 31, 2011. The city council must take specific action to extend the terms of section 20.900(b) relating to the continuation of insurance benefits if the city council wants those specific insurance benefits to apply to laid off employees after December 31, 2011. (97-Or-004, § 1, 1-24-97; 2003-Or-032, § 8, 3-21-03; 2005-Or-132, § 1, 11-18-05; 2008-Or-076, § 1, 9-26-08; 2009-Or-031, § 2, 4-10-09; 2010-Or-004, § 2, 1-29-10)~~

(a) Coverage. Employees whose positions are eliminated pursuant to this article and who are laid off shall be provided with six (6) months of medical and dental plan coverage as described in Section (b) below.

(b) Procedures.

- (1) If an employee is eligible for and elects to continue medical insurance under federal COBRA law, the city shall pay one hundred (100) percent of the monthly premium for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the medical plan in effect or last elected on the date of the layoff.
- (2) If an employee is eligible for and elects to continue dental benefits under federal COBRA law, the city shall pay one hundred (100) percent of the monthly cost for the first six (6) months of COBRA continuance at the level of

coverage, single or family, in effect on the date of the layoff and for the dental plan in effect or last elected on the date of the layoff.

- (3) If an employee and/or his eligible dependent(s) are eligible for coverage under the federal Medicare program, the human resources department shall negotiate the optimal arrangement for continued medical and dental coverage protecting the interests of both the City and the employee.