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# Report on Experimental Selection Projects

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Submitted to  
Joint Subcommittee on Employee  
Relations  
FY 2003

DOER Department  
of Employee  
Relations



## **REPORT ON EXPERIMENTAL SELECTION PROJECTS**

### **M.S. 43A.04, Subdivision 9. Experimental or research projects.**

The commissioner of employee relations may conduct experimental or research projects designed to improve recruitment, selection, referral, or appointment processes for the filling of state classified positions.

The commissioner shall meet and confer with the affected exclusive bargaining representative of state employees concerning the design and implementation of experimental and research projects under this subdivision.

Any provision in sections 43A.09 to 43A.15, associated personnel rules adopted under subdivision 3, or administrative procedures established under subdivision 4, is waived for the purposes of these projects. The number of appointments under this subdivision may not exceed five percent of the total number of appointments in the preceding fiscal year.

The commissioner shall report by September 1 to the legislative commission on employee relations the results of the experimental research projects conducted in the preceding fiscal year.

### **Experiments conducted during fiscal year 2003**

The Department of Employee Relations, in cooperation with state agencies, conducted one selection experiment during the past fiscal year.

- Qualifying for transfer/demotion through on-the-job training and experience
  - Supervisory positions in the Middle Management Association (page 2)

### **Summary:**

With the expansion of the state's new Multi-Source Recruitment and Selection Process, it has no longer been necessary to conduct as many experimental examinations to meet agency needs. The experiment with MMA, while existing in their bargaining unit agreement, has only been used once since it was begun in 1993.

### **Costs of producing this report:**

As required by Laws of 1994, Chapter 559, the estimated cost of preparing this report is \$50.

**Experiment 1:** Use of on-the-job experience and training to demonstrate qualifications for transfer or demotion.

**Description:** Instead of passing the standard selection process for the class, supervisors on notice of permanent layoff may demonstrate their qualifications to transfer or demote to a new job class through a trial period of up to 18 months in the job.

**Date Begun:** November 5, 1993

**Participating Organizations:** Middle Management Association and all state agencies

**Number of Appointments:** 1 since November 1993

**Explanation:** During negotiations for the 1993-1995 contract, the Middle Management Association, representing state supervisors, raised concerns about the ability of its members to locate other state employment when displaced by layoff. As agencies reorganize to flatten organizations, one group particularly affected is supervisors. The Association expressed concern about what it sees as a trend toward a smaller number of supervisors. At the same time supervisors are being impacted by downsizing and restructuring, the lack of new supervisory positions and the low turnover among supervisors mean those facing layoff have less opportunity for placement in another state position.

In order to address those concerns, the Department of Employee Relations and the Middle Management Association jointly developed this experiment to allow additional flexibility in placing supervisors who might otherwise be laid off. This was the first experiment designed cooperatively by the department and an exclusive representative. The experiment was subsequently extended for the 1995-1997, 1997-1999, 1999-2001, 2001-2003 contracts.

Under several of the agreements between the State and its exclusive representatives, employees notified of layoff are eligible to claim vacancies in other job classes and agencies. However, to be considered for the position, the employee must receive a passing score on the existing examination for the job class. Under this experiment, supervisors notified of permanent layoff may express interest in transfer/demotion to a vacancy for which they do not qualify through the normal selection process. (If the supervisor is able to qualify, the normal provisions of the contract apply instead.)

The agency with the vacancy compares the supervisor's qualifications to their needs and the requirements of the position. Based on this review, the agency determines whether the supervisor might reasonably demonstrate the necessary knowledge, skills and abilities

for the vacancy through a period of experience and training in the position. If so, the agency may place the supervisor in the position for a period of up to 18 months. During that time, the hiring agency is expected to provide experience and training to allow the supervisor to develop and demonstrate qualifications for the job. The agency is also responsible for evaluating and documenting the supervisor's possession of the knowledge, skills and abilities essential for the position. If the agency determines that the supervisor has demonstrated these during the trial period, the supervisor may be appointed to the vacancy on an unlimited basis. If, during the 18 months, the agency finds that the supervisor is not successfully demonstrating qualifications for the position, the supervisor is placed on layoff from the original agency and job class.

**Results/Analysis:** Information about the experiment was included in the 1993-1995, 1995-1997, 1997-1999, 1999-2001, and 2001-2003 MMA agreements to make supervisors aware of this new alternative. Materials explaining the experiment and encouraging agency participation were distributed to all state agencies.

In the first fiscal year of the experiment (FY 94), no appointments were made. One appointment occurred at the end of FY 95. The supervisor, on notice of layoff from an accounting job, accepted an experimental appointment to a supervisory vacancy in the information technology field. After just over two months on the job, the supervisor decided he preferred to remain in his previous field and subsequently accepted demotion to a supervisory accounting position in another agency. There have been no further appointments under this experiment.

**Assessment:** The experiment has produced only one appointment since November of 1993. However, the number of permanent layoffs among supervisors has limited opportunities for its use. Even fiscal year 2003 with 72 layoffs did not result in any use of this experiment. From the time of the distribution of the procedures through the end of the first fiscal year, there were no permanent layoffs in the MMA bargaining unit. Any supervisors notified of layoff were able to locate other positions within state government. During FY 95, there were four layoffs among supervisors where the individual was unsuccessful in locating another state position. In FY 96, agencies laid off 17 employees in MMA, 18 in FY 97, nine in FY 98, three in FY 99, six in FY 00, one in FY 01 18 in FY 02, and 72 in FY 03.

While initial use of this experiment by state agencies had been disappointing, we continued it for yet another biennium, especially in view of continuing layoffs. The approach represents a win/win situation for both the State and the employee and offers the opportunity for significant savings to the State if we can avert a layoff. When permanent layoffs occur, we will continue to encourage agencies and supervisors to explore the use of this alternative.

