

whom and for what purpose orders are drawn upon the treasurer, the annual statement to be published as required by this section may be summarized in such form as the state auditor may prescribe; and

(d) Submit within 90 days after the close of the fiscal year a copy of the statement to the state auditor in such summary form as the state auditor may prescribe.

Sec. 6. This act is effective the day after final enactment.

Approved June 5, 1979.

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#### CHAPTER 331—H.F.No.1392

*An act relating to labor; requiring operators of motor vehicles to stop and proceed with caution at certain entrances and exits; imposing a penalty.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[179.121] OPERATION OF VEHICLE WHERE DISPUTE IS IN PROGRESS.** Any person who operates a motor vehicle which is entering or leaving a place of business or employment where there is a clear notice that a labor dispute is in progress, and who fails to bring the vehicle to a full stop at the entrance to or exit from that place, or who fails to exercise caution in entering or leaving that place, is guilty of a misdemeanor.

Approved June 5, 1979.

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#### CHAPTER 332—H.F.No.1467

*An act relating to state government; setting wage and fringe benefits to employees in the executive and judicial branches of state government; ratifying certain collective bargaining agreements; making changes in the state civil service and personnel laws; making changes in public employment labor relations law; creating a legislative commission on employee relations; providing for a study of state employment and labor relations practices; providing for attrition in state funded personnel positions; transferring certain duties from the public service commission to the department of agriculture; appropriating money; amending Minnesota Statutes 1978, Sections 15.0411, Subdivision 2; 15A.081; 15A.083, Subdivisions 1, 2, and 4; 15A.13; 16A.123; 43.01, Subdivisions 10, 11, 14 and by adding a subdivision; 43.05, Subdivision 2; 43.055; 43.064; 43.09, Subdivisions 2 and 2a; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 8a, 10, 12, 14, 15, 16, 17, 23, 24, 25 and by adding subdivisions; 43.122, Subdivision 5; 43.126, Subdivision 1; 43.127, Subdivision 6; 43.15, Subdivision 5; 43.17, Subdivisions 3 and 4a; 43.19; 43.20, Subdivisions 3 and 5; 43.227; 43.24; 43.32; Subdivision 4; 43.327, Subdivisions 2 and 3; 43.43, by adding a subdivision; 43.44, Subdivision 2; 43.47, Subdivision 2; 43.491, Subdivision 5; 43.50, Subdivision 1; 43.51; 62D.22, Subdivision 7; 179.63,*

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*Subdivision 11; 179.64, Subdivision 7; 179.65, Subdivision 6; 179.66, Subdivision 1; 179.67, by adding a subdivision; 179.72, by adding subdivisions; 179.74, Subdivisions 4 and 5; 223.02; 229.01, Subdivision 2; 229.07; 231.01, Subdivisions 1 and 2; 232.01, Subdivision 1; 233.01, Subdivision 1; 233.03; 234.02; 234.10; 235.01; 236.01, Subdivision 5; 299D.03, Subdivisions 2, 3 and 9; 355.12; 355.17; 355.207; 355.23, Subdivision 3; 355.286; 355.295; 355.308; 355.45; 355.60; 355.76; 645.44, Subdivision 5; and Chapter 3, by adding a section; repealing Minnesota Statutes 1978, Sections 15A.083, Subdivision 4a; 43.03; 43.06; 43.062; 43.063; 43.064; 43.065; 43.067; 43.068; 43.069; 43.07; 43.09; 43.111; 43.12; 43.121; 43.122; 43.126; 43.127; 43.128; 43.13; 43.14; 43.162; 43.17; 43.18; 43.19; 43.20; 43.21; 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; 43.245; 43.321; 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; 43.45; 43.46; 43.48; 43.49; 43.50; and 43.51.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### ARTICLE I

Section 1. **TEMPORARY PROVISION: WAGE AND ECONOMIC FRINGE BENEFITS; AGREEMENTS APPROVED.** Subdivision 1. PREAMBLE. The legislature finds that public employees provide a significant public service to the people of Minnesota. The legislature further finds that there is a need to study, clarify and change the laws relating to civil service and public employee labor relations in order to preserve equity in public employment wages, promote employee morale, expedite labor negotiations, and promote efficient management in the state civil service.

Subd. 2. The commissioner of personnel is authorized to implement those provisions of the agreements negotiated with the Minnesota state employees union, American federation of state, county and municipal employees, Council No. 6, AFL-CIO, the Minnesota teamsters public and law enforcement employees union, local No. 320, the international union of operating engineers, locals No. 34 and 49, the independent Minnesota association of government employees, the Minnesota highway patrol officers' association, the bureau of criminal apprehension association of forensic scientists, the bureau of criminal apprehension agents association, the Minnesota state university association of administrative and service faculty/Teamsters, the professional employee pharmacists of Minnesota, the middle management association, the Minnesota community college faculty association, the Minnesota conservation officers association, the Minnesota highway patrol supervisors association, the Minnesota nurses association, the Minnesota government engineers council, the association of institutional dentists, the state residential schools education association, the Minnesota administrative hearing officers association, the inter-faculty organization/Minnesota education association, and the Minnesota state fire/arson investigators and fire inspectors, local No. S-13, I.A.F.F., which establish wages and economic fringe benefits.

Sec. 2. Minnesota Statutes 1978, Chapter 3, is amended by adding a section to read:

[3.855] **LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.** Subdivision 1. ESTABLISHMENT. There is created the legislative commission on employee relations. The commission shall consist of six members of the senate and six

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members of the house of representatives. The senate members shall include the majority leader, the minority leader, the chairman of the governmental operations committee, the chairman of the finance committee, the chairman of the tax committee, and an additional member designated by the minority leader, or their designees. The house members shall include the speaker, the minority leader, the chairman of the governmental operations committee, the chairman of the appropriations committee, the chairman of the tax committee, and an additional member designated by the minority leader, or their designees. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. The commission shall elect its own officers who shall serve for terms of two years. The chairmanship of the commission shall alternate between a member of the senate and a member of the house.

Subd. 2. STATE EMPLOYEE NEGOTIATIONS. Prior to the commencement of collective bargaining activities with state employees, the commission shall conduct hearings at which public employees, representatives of public employees and the commissioner of personnel shall be allowed to testify as to their beginning negotiating positions. The commissioner of personnel shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employment labor relations act. The commission may make recommendations to the commissioner as it deems appropriate. The commissioner shall submit to the chairman of the commission any negotiated agreements or arbitration awards which the commissioner has approved within five days of the making thereof. If the commission disapproves of any agreement or award, the commission shall specify in writing to the parties those portions with which it disagrees and the reasons therefor. Upon receipt of the notice of disapproval from the commission, the commissioner of personnel will reopen the negotiations. If the commission approves of an agreement or award, it shall cause the matter to be submitted to the legislature to be accepted or rejected pursuant to section 179.74. Failure of the commission to disapprove of affected portions of an agreement or award within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the entire legislature.

Subd. 3. OTHER DUTIES. In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) Continually monitor the state's civil service system, chapter 43, and collective bargaining process, sections 179.61 to 179.76, as applied to state employees;

(b) Research and analyze the need for improvements in those statutory sections;  
and

(c) Perform such other related functions as are delegated to it by the legislature.

Sec. 3. [16A.75] DEFINITIONS. Subdivision 1. As used in sections 3 to 7, the terms defined in this section have the meanings given them.

Subd. 2. "State agency" means every department and agency in the executive branch of state government having more than 40 state funded positions, but not including the constitutional officers, the state university system, the community college system nor

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the University of Minnesota.

Subd. 3. "State-funded positions" means all full-time equivalent personnel positions however authorized, except those funded entirely by federal money and those which provide direct care to residents at state hospitals.

Subd. 4. "Normal attrition" means vacancies occurring due to voluntary resignations, retirements, and deaths. It does not include vacancies due to involuntary dismissals and terminations.

**Sec. 4. [16A.751] REDUCTION OF STATE LABOR FORCE.** Subdivision 1. PLAN PREPARATION. The commissioner of finance shall submit to the chairmen of the senate finance and house appropriations committees, and the legislative commission on employee relations by October 1, 1980, a plan for reducing the number of state funded positions pursuant to sections 3 to 7 during the 1981-1983 biennium. The plan shall include (1) a description of the number and types of reductions in positions, (2) an analysis of how the reductions coordinate with departmental long range program plans, and (3) an analysis of the ratio of supervisory to non-supervisory employees in the agency.

The commissioner of finance shall, in consultation with the commissioner of personnel, prescribe procedures by which each state agency shall submit to the commissioner of finance the information necessary for him to comply with sections 3 to 7. The position reduction program shall be integrated to the extent possible with the program budgeting system and the evaluation of program functions conducted as part of the budgeting process.

Subd. 2. PLAN APPROVAL. Notwithstanding the provisions of sections 5 to 7, the plan prepared pursuant to subdivision 1 shall not be implemented until it has been reviewed by the senate finance committee and the house appropriations committees. The senate finance and house appropriations committees may accept, reject, or modify the plan. Any provisions of the plan which are accepted shall be submitted to the entire legislature for its approval.

**Sec. 5. [16A.752] POSITION REDUCTIONS.** Subdivision 1. VACANT POSITIONS. The commissioner of finance shall cancel every state funded position that has remained vacant for more than 90 days, unless (a) the commissioner of personnel has certified that the position has not been filled because the department of personnel was unable to certify any names pursuant to section 43.18, or (b) an exception has been requested pursuant to subdivision 4. If the exception is denied, the position shall be cancelled.

Subd. 2. NORMAL ATTRITION. The total number of state funded positions authorized on July 1, 1981, shall be reduced by up to four percent. Reductions shall be accomplished solely by cancellation pursuant to subdivision 1 and normal attrition. Subject to the needs of the state agency, the reductions shall be distributed among salary schedules in approximate proportion to the number of employees in each schedule. Positions providing custodial control of inmates of state correctional institutions, maintenance of state highways, or enforcement of state laws on state highways or public

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lands and waters shall not be eliminated unless the agency shows that it has no other feasible and prudent alternative. To the maximum extent feasible, one-half of the reduction shall be accomplished by June 30, 1982, and the remainder by June 30, 1983.

Subd. 3. TRANSFERS. A state agency may transfer positions to another agency pursuant to Minnesota Statutes, Section 16.125, but the number of positions on July 1, 1981 for each agency affected shall be adjusted to reflect the transfer. A position that is eliminated by transferring an employee to part-time, seasonal, or other status of employment by the same state agency does not count as a position reduction for purposes of meeting the goals set by this section.

Subd. 4. EXCEPTIONS; SHIFTS. Where the position cancellations and reductions required by this section would unduly impair the ability of a state agency to perform the duties assigned to it, the state agency may apply to the commissioner of finance for an exception permitting the agency to avoid the cancellation or make a lesser reduction than would otherwise be required.

Sec. 6. [16A.753] SPENDING PLANS. Subdivision 1. TRANSFERS. A state agency shall not transfer any money to or from personal services as shown on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, without the written approval of the commissioner of finance.

Subd. 2. SALARY SAVINGS. The commissioner of finance shall reduce the amount allotted or to be allotted to each state agency by the amount of any saving that can be effected upon previous spending plans through the position reductions required by section 5.

Sec. 7. [16A.754] REPORTING AND REVIEW. Subdivision 1. The commissioner of personnel shall report monthly to the commissioner of finance the number of vacancies occurring in each state agency due to normal attrition.

Subd. 2. The commissioner of finance shall report monthly to the chairmen of the senate finance and house appropriations committees and to the legislative commission on employee relations the number of vacancies occurring in each state agency due to normal attrition, the number of state funded positions that have been eliminated as required by section 5, and a summary of personnel employed by each state agency showing by fund the number of full-time and full-time equivalent state funded and federal positions and the number of persons actually employed by the agency.

Subd. 3. The legislative commission on employee relations shall periodically review the progress of the state agencies in meeting the requirements of section 5.

Sec. 8. Minnesota Statutes 1978, Section 15.0411, Subdivision 2, is amended to read:

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a court, having a statewide jurisdiction and authorized

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by law to make rules or to adjudicate contested cases. "Agency" also means the capitol area architectural and planning board. Sections 15.0411 to 15.052 do not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in sections 12.31 to 12.37, (c) corrections board and pardon board, (d) the unemployment insurance program in the department of economic security, (e) the director of mediation services, (f) the workers' compensation division in the department of labor and industry, (g) the workers' compensation court of appeals, (h) board of pardons, or (i) the department of military affairs. Sections 15.0418 to 15.0426 do not apply to the Minnesota municipal board or the public employment relations board .

Sec. 9. Minnesota Statutes 1978, Section 15A.13, is amended to read:

**15A.13 OTHER TERMS AND CONDITIONS OF EMPLOYMENT.** *The annual salaries prescribed by chapter 15A for positions in the unclassified service of the executive branch of the state government are in addition to other terms and conditions of their employment as now or hereafter prescribed by law or the commissioner of personnel pursuant to section 43.127, subdivision 6 .*

Sec. 10. Minnesota Statutes 1978, Section 16A.123, is amended to read:

**16A.123 APPROVED COMPLEMENT.** *The approved complement set for an agency by law limits the number of ~~persons who may be employed by personnel positions~~ in the agency at any one time. ~~The approved complement does not apply to independent contractors.~~ In addition to the approved complement, part-time employees, seasonal or intermittent employees as defined by the commissioner of personnel, summer student help, service workers, preservice trainees employed pursuant to affirmative action programs approved by the commissioner of personnel, CETA employees, or employees *engaged in repair or construction projects may be employed with the advance approval of the commissioner of finance who shall determine the need for them and that money is available.* The approved complement applies to ~~persons employed by positions~~ in the agency regardless of the fund or appropriation from which they are paid. ~~If more than one approved complement figure for an agency is shown in a law, the figures may be taken as cumulative, or a larger figure may be taken as a total or subtotal of related smaller figures, as the context indicates.~~ Approved complement figures for an agency shown in separate laws enacted at the same biennial session of the legislature are cumulative.*

Additional full-time ~~employees positions~~ positions over the number of the approved complement may be ~~employed created~~ created on the basis of public necessity or emergency. If the ~~employee position~~ position is to be paid from a ~~direct an~~ direct appropriation of ~~money other than federal money~~ money other than federal money , the addition shall not be made without the written approval of the governor. The governor shall not approve the addition until after he has consulted with the legislative advisory commission and the commission has made its recommendation on the matter. The recommendation is advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If the ~~employee position~~ position is ~~not~~ not to be paid from a ~~direct an~~ direct appropriation of ~~federal money~~ federal money , the addition may be made with the written approval of the commissioner of finance who shall determine the need for it and that money is available. The commissioner of finance shall

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promptly notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the additions.

Sec. 11. Minnesota Statutes 1978, Section 43.01, Subdivision 10, is amended to read:

Subd. 10. **POSITION.** "Position" means ~~an office, position, or employment a~~ group of current duties and responsibilities assigned or delegated by competent authority, requiring the full time or part time employment of one person .

Sec. 12. Minnesota Statutes 1978, Section 43.01, Subdivision 11, is amended to read:

Subd. 11. **APPOINTING AUTHORITY.** "Appointing authority" means ~~the appointing officer or authority of any state office or department a~~ person or group of persons empowered by the constitution, by statute, or executive order to employ or to make appointments to positions in the state civil service .

Sec. 13. Minnesota Statutes 1978, Section 43.01, Subdivision 14, is amended to read:

Subd. 14. **RECLASSIFICATION.** "~~Reallocation~~" "Reclassification" means a ~~reassignment~~ reallocation, or change in allocation, of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level; ~~on the basis .~~ A reclassification shall be considered a "reallocation" when the reclassification is the result of significant changes over a period of time in the kind, difficulty, or responsibility of the work performed in such position. A reclassification shall be considered a "change in allocation" when the reclassification is the result of changes in the organizational structure of an agency or abrupt changes in the duties and responsibilities of the position.

Sec. 14. Minnesota Statutes 1978, Section 43.01, is amended by adding a subdivision to read:

Subd. 23. **PERMANENT.** "Permanent" means the employment status of an employee in the classified civil service who has been appointed to a position after successfully completing an initial probationary period as set forth in section 43.21.

Sec. 15. Minnesota Statutes 1978, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. **SPECIFIED DUTIES.** The commissioner shall:

(1) Attend all meetings of the board;

(2) Prepare Promulgate personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all ~~officers and~~ employees subject to the provisions of this chapter; the manner of completing appointments and

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promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfers, reinstatements, layoffs, vacations, and hours of work; public notice of examinations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor or dependent children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3) ~~Appoint temporary and permanent employees and officers as are necessary to carry out the provisions of this chapter; these employees and officers shall be chosen in accordance with and shall be subject to, the provisions of this chapter;~~

(4) ~~Keep in the office of the department of personnel an official roster of the state civil service Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing the their employment history of each and every person who has been appointed to; employed; promoted; reduced; or reinstated in any position in the service; which roster shall show, in connection with each name, histories including the date of appointment, employment, promotion, reduction demotion , reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, sick or annual leaves, and separations from the service; and the commissioner shall have access to all public records and papers private personnel data kept by an appointing authority , the examination of which will aid in the discharge of his duty in connection with the roster duties ;~~

(5) ~~(4) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;~~

(6) ~~(5) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;~~

(7) ~~(6) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;~~

(8) ~~(7) Discharge such duties as are imposed upon him by this chapter;~~

(9) ~~(8) Establish, publish and continually review logical career paths in the classified civil service;~~

(10) ~~(9) Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and~~

(11) ~~(10) Prepare rules regulating the temporary placement designation of positions in the unclassified civil service;~~

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~~(42)~~ (11) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

~~(43)~~ (12) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 16. Minnesota Statutes 1978, Section 43.055, is amended to read:

43.055 **EXTENT OF AUTHORITY.** Whenever any power or authority is given to the commissioner of ~~personnel~~ by any provision of ~~chapters 15A or~~ chapter 43, such power or authority shall extend to all ~~departments~~ agencies in the executive branch, but shall not extend to any ~~subdivisions~~ or employees in the judicial branch or legislative branch. The classified employees in the office of the legislative auditor, the Minnesota state retirement system, and teachers retirement association, however, shall be subject to the powers or authority of the commissioner of personnel.

Sec. 17. Minnesota Statutes 1978, Section 43.064, is amended to read:

43.064 **OTHER SALARIES SET BY COMMISSIONER OF PERSONNEL.** Notwithstanding any other law to the contrary, salaries compensation for all unclassified positions in the executive branch not enumerated in the listing described in section 15A.081, shall be established by the commissioner of ~~personnel~~ except for the following: (1) ~~positions listed in section 15A.081;~~ (2) positions listed in section 299D.03; (3) (2) employees in the office of the governor whose salaries shall be determined by the governor; (4) (3) employees in the office of the attorney general; (5) (4) positions in the state university system, the community college system, and in the higher education coordinating board whose primary duties consist of instructing and counseling students, directing academic programs of schools, divisions or departments of colleges and community colleges, or conducting research on academic subjects, or conducting academic support programs; and the positions of state university and community college presidents. Individual salaries for positions enumerated in clauses (3) and (4) and (5) for classified hearing examiners in the office of hearing examiners shall be determined by the attorney general, the state university board, the state board for community colleges, ~~and the higher education coordinating board~~, and the chief hearing examiner, respectively, within the limits of salary plans which shall have been approved by the commissioner of ~~personnel~~ before becoming effective.

No provision of any subsequent law relating to salaries of state employees shall be construed as inconsistent with this section unless it is expressly provided in such subsequent act that the provisions of this section shall not be applicable or shall be superseded, amended, or repealed.

Sec. 18. Minnesota Statutes 1978, Section 43.09, Subdivision 2, is amended to read:

Subd. 2. **UNCLASSIFIED SERVICE.** The unclassified civil service comprises **Changes or additions indicated by underline deletions by strikeout**

positions held by state ~~officers or~~ employees who are:

- (1) Chosen by election or appointed to fill an elective office;
- (2) Heads of department required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, divisions and institutions specifically established by law, except that with respect to state institutions, the provisions of section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now existing in the department of labor and industry ; ~~nor to the director of the division of vocational rehabilitation in the department of education ;~~
- (3) Except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk, or employ e to the secretary of state, state auditor, and state treasurer;
- (4) Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;
- (5) Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;
- (6) Officers and employees of the senate and house of representatives of the legislature including temporary or permanent employees of legislative committees or commissions. Employees of the legislative audit commission, except for the legislative auditor, his deputy, and his confidential secretary, however, shall be employees in the classified civil service of the state;
- (7) Teachers, research assistants, student employees on less than half-time pay basis or eligible under terms of the federal economic opportunity act work study program, presidents, deans, and administrative officers in the state universities and community colleges; but this clause shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing duties in connection with the business administration of these institutions;
- (8) Officers and enlisted persons in the national guard;
- (9) Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;
- (10) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;
- (11) ~~Patient and inmate help in state institutions;~~
- (12) Members of the state highway patrol; provided that selection and appointment of highway patrol ~~officers~~ troopers shall be made in accordance with applicable laws governing the classified state civil service;

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~~(13) The deputy commissioner of agriculture, and the deputy director and assistant director of the Minnesota pollution control agency;~~

~~(14) One employee of the state treasurer, for the purpose of receiving and safekeeping assets deposited and maintained with the state treasurer, pursuant to Laws 1943, Chapter 591, and whose salary or compensation is to be reimbursed to the state under said act;~~

~~(15) (12) Seasonal help employed by the department of revenue;~~

~~(16) (13) Employees of the department of administration permanently assigned to the ceremonial house ;~~

(14) Examination monitors and intermittent training instructors employed by the department of personnel;

(15) Student workers;

(16) Unclassified pursuant to other statutory authority .

Sec. 19. Minnesota Statutes 1978, Section 43.09, Subdivision 2a, is amended to read:

Subd. 2a. **ADDITIONAL UNCLASSIFIED POSITIONS.** Notwithstanding any other law to the contrary, the personnel board, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (4).

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees. An incumbent of a position that is declassified pursuant to this subdivision, if he so requests within 120 days after being removed from that position, shall be appointed to a classified position comparable to the position that was declassified, or if such a position is unavailable, to a position comparable to that which he held immediately prior to being appointed to the position that was declassified. If a position is declassified and the incumbent at the time the position was declassified had no classified status immediately prior to the appointment to the position that was declassified, he shall, if he so requests within 120 days after being removed from that position, be appointed to a comparable or lower classified position within two salary ranges of the position that was declassified.

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(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, shall be reappointed to a classified position comparable to that which he held immediately prior to being appointed to the unclassified position ~~that was declassified~~.

(4) Positions so established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, ~~and personnel~~ and the housing finance agency; to four in the departments of agriculture, and economic development; to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights, the crime control planning board and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available.

Sec. 20. Minnesota Statutes 1978, Section 43.12, Subdivision 2, is amended to read:

Subd. 2. **SALARY RANGES.** The following procedure will be used in establishing rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the professional salary schedule, which schedule shall be known as salary schedule "A". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed minimum monthly rate of pay and extending upward by a maximum of 33 additional salary increments. Salary range assignments for each class of employment in this schedule shall include no more than ten salary steps. Effective July 6, ~~1977~~ 4, 1979, the prescribed minimum monthly rate of pay shall be ~~\$932~~ \$981. The maximum monthly rate of pay shall be ~~\$3,394~~ \$3,598.

Sec. 21. Minnesota Statutes 1978, Section 43.12, Subdivision 3, is amended to read:

Subd. 3. All employees whose rates of pay are established according to salary schedule "A", effective July 6, ~~1977~~ 4, 1979, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date to the comparable step in the new salary range for their class or to the new minimum rate of pay for their class, whichever rate is greater.

Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, ~~1977~~, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate established for a classification as of July 6, ~~1977~~, is equal to or less than the employee's salary on July 5, ~~1977~~, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, ~~1977~~.

Sec. 22. Minnesota Statutes 1978, Section 43.12, Subdivision 5, is amended to read:

Subd. 5. The following procedure shall be used to establish rates of pay for all state  
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employees in the classified civil service whose positions are assigned to classes in the maintenance and related trades schedule, which schedule shall be known as salary schedule "B". Classes shall be assigned an orientation and base rate, one consecutive wage step apart. The orientation rate shall be paid during the first six calendar months of service and the base rate shall be paid commencing at the beginning of the pay period nearest the completion of six calendar months of service. In assigning rates of pay to classes of work covered by this schedule, the commissioner shall give primary consideration to the median of rates paid by other public and private employers for similar types of work. Supplementary pay practices shall be evaluated and costs considered in comparing the rates being paid by other employers. The commissioner is authorized to establish a percentage differential based upon full annual employment and tenure where such advantages are not common in employment outside of the state service.

Effective July 6, ~~1977~~ 4, 1979, the minimum hourly rate of pay in the salary schedule "B" shall be ~~\$4.74~~ \$5.38. The schedule shall provide for 19 additional wage steps with a maximum rate of ~~\$8.24~~ \$9.51 per hour. Effective July 2, 1980, the hourly rates of pay in salary schedule B shall each be increased by 2-1/2 percent, rounded to the nearest cent.

Notwithstanding any provision of this chapter to the contrary, the commissioner is authorized to establish (a) hourly equipment rates to provide appropriate compensation to employees intermittently engaged in operating maintenance equipment, (b) an hourly rate to provide appropriate compensation to employees intermittently assigned to first level highway foreman work, (c) ~~an eight percent a 60 cent per hour differential rate rounded to the nearest cent~~ for journeyman skilled trade classes assigned to salary schedule B and employed at adult institutions of the department of corrections, and (d) a ten cent per hour differential for skilled trade classes assigned to salary schedule B and employed by the department of administration. The commissioner shall establish ~~regulations~~ rules and procedures to equitably implement such rates.

Sec. 23. Minnesota Statutes 1978, Section 43.12, Subdivision 6, is amended to read:

Subd. 6. All employees with more than six calendar months of service whose rates of pay are established according to salary schedule "B", effective July 6, ~~1977~~ 4, 1979, shall be advanced in salary to the established base rate for their class.

Employees with less than six calendar months of service whose rates of pay are established according to salary schedule "B", effective July 6, ~~1977~~ 4, 1979, shall be advanced in salary to the established orientation rate for their class.

~~Employees who are classified as highway maintenance worker, senior and who are employed by the department of transportation and assigned to the central office and districts 5 and 9 shall, in addition, be granted a one time lump sum payment of \$400.~~

~~Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5,~~

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1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.

Sec. 24. Minnesota Statutes 1978, Section 43.12, Subdivision 7, is amended to read:

Subd. 7. The following procedure shall be used to establish rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the general service salary schedule, which schedule shall be known as salary schedule "C". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed ~~monthly~~ hourly rate of pay and extending upward ~~34~~ 37 additional fixed salary increments. Salary range assignments for each class of employment in this schedule shall not include more than eight salary steps. Effective July 6, ~~1977~~ 4, 1979, the prescribed minimum ~~monthly~~ hourly rate of pay shall be ~~\$456~~ \$3.09. The maximum ~~monthly~~ hourly rate of pay shall be ~~\$1,409~~ \$9.13.

Sec. 25. Minnesota Statutes 1978, Section 43.12, Subdivision 8, is amended to read:

Subd. 8. All employees whose rates of pay are established according to salary schedule "C", effective July 6, ~~1977~~ 4, 1979, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date; ~~to the next step within the salary range for that classification. An employee whose classification is reassigned to a higher salary range shall, in addition, be adjusted to the comparable step in the new salary range for his~~ their class or to the new minimum rate of pay for their class, whichever rate is greater. These step increases shall not affect an employee's eligibility for normal step progression increases provided by section ~~43.122, subdivision 3.~~

Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.

Sec. 26. Minnesota Statutes 1978, Section 43.12, Subdivision 8a, is amended to read:

Subd. 8a. The following procedure shall be used to establish rates of pay for all state employees whose positions are assigned to the labor service. The labor service shall consist of four steps. Effective July 6, ~~1977~~ 4, 1979, the hourly rate of pay for step A shall be ~~\$4.47~~ \$5.14, for step B ~~\$4.62~~ \$5.29, for step C ~~\$5.22~~ \$5.90, and for step D ~~\$5.37~~ \$6.09.

Tenured laborers who are on the payroll on July 6, 1977, shall be paid at the step ~~D~~ rate.

Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the base rate on July 5, 1977, shall be paid at the step ~~D~~ rate. Such employees shall continue to be paid at the step ~~D~~ rate in subsequent years provided that their service in the previous calendar year was 800 hours or more.

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Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the orientation rate on July 5, 1977, shall be paid at the step C rate. Such employees shall advance to step D after completion of 800 hours of work in the second of two consecutive calendar years in which at least 800 hours at step C are worked; provided, however, that an employee whose service in calendar year 1976 was 800 hours or more shall advance to step D upon the completion of 800 hours in calendar year 1977.

For the purpose of this subdivision, service requirements must be fulfilled with the same appointing authority, at the same principal place of employment and performing similar work. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirements.

Non-tenured laborers who are not on the payroll on July 6, 1977 but who have worked 800 hours or more in the 12 months immediately preceding July 6, 1977, and who return to work in the labor service prior to July 1, 1978 with the same appointing authority, at the same principal place of employment and to perform similar work, shall be paid at the rate which they would have received and advanced in pay in the same manner as if they had been on the payroll on July 6, 1977.

Tenured laborers whose employment relationship is severed and non-tenured laborers who in any calendar year fail to meet the service and hour requirements of this subdivision shall be subject to the hiring and advancement provisions of section 43.122, subdivision 5 if they are subsequently reappointed to the labor service.

Sec. 27. Minnesota Statutes 1978, Section 43.12, is amended by adding a subdivision to read:

Subd. 9a. Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 4, 1979, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 4, 1979, is equal to or less than an employee's salary on July 3, 1979, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 3, 1979. Conversion to a new compensation grid shall not change an employee's eligibility for step progression increases.

Sec. 28. Minnesota Statutes 1978, Section 43.12, Subdivision 10, is amended to read:

Subd. 10. For each full four-tenths point increase in the consumers revised consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, 1977 October, 1979, and October, 1977 April, 1980, new series index (1967 100), all rates of pay in the "A", "B", "C", special teacher, and labor service salary schedules shall be increased by one cent per hour.

The increase, if any, in wages and salaries generated by this formula shall be effective January 4, 1978 July 2, 1980, and shall continue in effect until July 5, 1978

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December 31, 1980.

A redetermination of the cost of living allowance shall be made for ~~April, 1978~~ October, 1980. For each full four-tenths point increase in the revised consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of ~~January, 1977~~ October, 1979, and ~~April, 1978~~ October, 1980, all rates of pay in the " A ", " B ", " C ", special teacher, and labor service salary schedules shall be increased by one cent per hour. The increase, if any, in wages and salaries generated by this redetermination shall be effective ~~July 5, 1978~~ December 31, 1980.

During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly ~~rates~~ rate of pay of each employee, including those that are above the maximum step of their range, and treated as a part thereof in all calculations involving employees' pay. Cost of living adjustments are not cumulative and allowances paid under an earlier determination shall cease when a redetermination takes effect.

Sec. 29. Minnesota Statutes 1978, Section 43.12, Subdivision 12, is amended to read:

Subd. 12. Overtime worked shall be compensated for either by cash payment or compensatory time off as provided for in overtime schedules approved under the provisions of the personnel rules or a collective bargaining agreement entered into under the provisions of sections 179.61 to 179.76.

Sec. 30. Minnesota Statutes 1978, Section 43.12, is amended by adding a subdivision to read:

Subd. 12a. Notwithstanding any provision in this chapter to the contrary, the commissioner is authorized to pay for "work out of class" as required by the personnel rules or a collective bargaining agreement entered into under the provisions of sections 179.61 to 179.76.

Sec. 31. Minnesota Statutes 1978, Section 43.12, Subdivision 14, is amended to read:

Subd. 14. Except for classification reassignments effective ~~July 6, 1977~~ 4, 1979, no class will be reassigned to a higher salary range by the commissioner during the ~~1977-1979~~ 1979-1981 biennium.

Sec. 32. Minnesota Statutes 1978, Section 43.12, Subdivision 15, is amended to read:

Subd. 15. Notwithstanding the provisions of any other law to the contrary, ~~when prior to~~ making an appointment to the unclassified civil service of the executive branch of government, except for unclassified employees compensated in accordance with sections 15A.081 and 43.064, the appointing authority shall provide the commissioner with a ~~personal resume of the appointee and~~ a detailed job description outlining the duties and

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responsibilities of the position which the appointee will occupy in such form as the commissioner may prescribe. Any changes in work assignment shall be reported in writing to the commissioner. If, in the judgment of the commissioner, additional information is required in order to establish comparability with positions in the classified civil service, the commissioner shall review the duties of the position in the same manner as a position in the classified civil service would be investigated. All persons in the unclassified civil service of the executive branch of government, except those whose salary is set specifically by statute, shall be paid according to the compensation provisions applicable to employees performing comparable work in the classified civil service, but in no event shall unclassified personnel receive rates of pay which exceed the maximum rate of the salary range established for comparable work in the classified civil service. The appointing authority shall provide the commissioner with a personal resume of the appointee at the time of appointment to a position subject to the provisions of this subdivision.

Sec. 33. Minnesota Statutes 1978, Section 43.12, Subdivision 16, is amended to read:

Subd. 16. Effective July 9, ~~1975~~ 4, 1979, employees whose positions are assigned to classes in the A, B, C, labor service, and special teachers salary schedules working an assigned shift that begins before 6:00 a.m. or which ends on or after 7:00 p.m. shall receive a shift differential of ~~15~~ 20 cents per hour for all hours worked on that shift in addition to their regular rate of pay. ~~Such~~ Shift differential shall be included in all payroll computations for hours worked but shall not apply during periods of paid leave.

Employees working the regular day schedule who are required to work overtime or who are called back to work for special projects shall not be eligible for the shift differential.

Sec. 34. Minnesota Statutes 1978, Section 43.12, Subdivision 17, is amended to read:

Subd. 17. Effective July 1, ~~1977~~ 1979, any employee who is separated from the state ~~classified~~ civil service by reason of death, mandatory retirement, retirement at or after 65, or layoff, excluding seasonal layoffs, or who is separated after completing 20 years of continuous state service, or who retires under a state retirement program after completing ten years of state service from state service after ten years of continuous state service and is immediately entitled at the time of retirement to receive an annuity under a state retirement program, notwithstanding an election to defer payment of the annuity, shall be entitled upon such separation, to pay in an amount equal to 40 percent of the employee's accumulated but unused sick leave balance at the time of separation, which balance shall not exceed 900 hours, plus 25 percent of the employee's accumulated but unused sick leave in excess of 900 hours, times the employee's regular rate of pay at the time of separation. ~~Severance pay for community college system faculty employees and for state university system faculty employees whose appointment and salary are based upon a nine month academic year shall be 35 percent of the employee's accumulated but unused sick leave balance. The provisions of this subdivision shall apply to unclassified employees in the same manner as they apply to employees in the classified civil service.~~

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Should any employee who has received severance pay be subsequently reappointed to state service, eligibility for future severance pay shall be computed upon the difference between the amount of accumulated but unused sick leave to the employee's credit at the time the employee was separated and the amount of accumulated but unused sick leave ~~balance~~ at the time of the employee's subsequent eligibility for severance pay.

The base for computing the severance pay provided for in this clause shall not exceed 900 hours except for community college and state university system faculty employees whose base shall not exceed 112 days; nor shall said base include lapsed sick leave hours as defined by departmental rules and regulations.

Such severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits and shall be paid over a period not to exceed five years from termination of employment. In the event that a terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate.

. Sec. 35. Minnesota Statutes 1978, Section 43.12, Subdivision 23, is amended to read:

Subd. 23. Whenever, because of changes in the organizational structure of an agency, in the duties of a position, or for some other reason, a position appears to be improperly allocated, the commissioner shall, upon his own initiative, or upon the written request of a permanent employee or an appointing authority, investigate the duties of the affected position. Following that investigation he may ~~reallocate~~ reclassify it to an appropriate class. If the commissioner makes a ~~reallocation~~ reclassification or denies an application for ~~reallocation~~ reclassification, under this subdivision, he shall notify the appointing authority and the employee affected of his action. A permanent employee or appointing authority affected by any such action shall have the same right to make an application for reconsideration as is granted an appointing authority in the case of an original allocation by subdivision 22, and the procedure set out in subdivision 22 shall apply to such application. Except as provided in subdivision 26, any ~~reallocation~~ reclassification granted by the commissioner shall become effective upon the expiration of the time fixed for making an application for reconsideration, if none is made, or if one is made, at the date of notice by the commissioner of his final action.

Sec. 36. Minnesota Statutes 1978, Section 43.12, Subdivision 24, is amended to read:

Subd. 24. In case of any allocation under subdivision 21, or any ~~reallocation~~ reclassification under subdivision 23, no examination of witnesses nor any trial or hearing shall be required, but the commissioner may act upon such matters as are submitted to him in writing by the employee whose position will be affected by a ~~reallocation~~ reclassification, or by the appointing authority who will be affected by an allocation or a ~~reallocation~~ reclassification, and reports and records of investigators of the department, and may take official notice of the records of the department and of allocations of other comparable positions. The matters of which he takes official notice shall be set out by him in a memorandum to be filed with his order or report of investigation and made a part of

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his record. In all cases of applications for ~~reallocation~~ reclassification, the burden of proof shall be upon the person requesting the ~~reallocation~~ reclassification.

Sec. 37. Minnesota Statutes 1978, Section 43.12, Subdivision 25, is amended to read:

Subd. 25. Except as provided in subdivision 26, the incumbent of a position which has been ~~reallocated~~ reclassified shall continue in the position only if he is eligible for and actually is appointed to the position of the new class in accordance with the provisions of this chapter and the personnel rules of the commissioner or a collective bargaining agreement entered into under the provisions of sections 179.61 to 179.76 governing reallocation or change in allocation of positions, promotion, transfer, and demotion. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted or demoted, the layoff provisions of this chapter and the personnel rules of the commissioner or a collective bargaining agreement entered into under the provisions of sections 179.61 to 179.76 shall apply. Personnel changes required by the reallocation reclassification of positions shall be completed within a reasonable period of time, as prescribed by the commissioner, following the reallocation reclassification notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any examination held to fill the reallocated position, as provided in the personnel rules of the commissioner.

Sec. 38. Minnesota Statutes 1978, Section 43.122, Subdivision 5, is amended to read:

Subd. 5. Employees who are hired ~~after July 5, 1977~~, for positions assigned to the labor service shall be hired at step A. ~~Such~~ Employees shall advance to step B after 800 hours of service within a calendar year; to step C after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step B are worked; and to step D after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step C are worked. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirement. Service requirements must be fulfilled with the same appointing authority, at the same principal place of employment, and performing similar work. Tenured laborers whose employment relationship is severed ~~and non-tenured laborers who fail to meet the service and hour requirements for advancement in any calendar year~~, shall be considered to be new employees for purposes of this subdivision if they are subsequently reappointed to the labor service and shall be reappointed at step A.

Nontenured laborers who fail to meet the service and hour requirements for advancement in any calendar year and who are subsequently reappointed to the labor service with the same appointing authority within one year of termination shall be reappointed at the step at which they were last paid.

Tenured laborers who fail to meet the service and hour requirement for advancement in any calendar year shall continue at the step at which they were last paid until they meet the service and hour requirements for advancement.

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Sec. 39. Minnesota Statutes 1978, Section 43.127, Subdivision 6, is amended to read:

Subd. 6. **EMPLOYEE BENEFITS.** The commissioner may design an employee benefit system for employees defined as managerial providing flexibility between leave, insurance, and other compensation items, which may differ from those for other state employees. Retirement items shall not be included in the commissioner's authority. The managerial benefits established under the provisions of this subdivision may be extended to unclassified managers, including those department heads and deputies whose salaries are established in section 15A.081, subdivisions 1 and 5.

Sec. 40. Minnesota Statutes 1978, Section 43.15, Subdivision 5, is amended to read:

Subd. 5. **EXPANSION OF ELIGIBLE LISTS TO MEET AFFIRMATIVE ACTION GOALS.** When the commissioner of personnel determines that a disparity exists between the agency's work force and its approved affirmative action plan, the commissioner shall insure to the extent possible that members of the protected group groups for which the disparity exists are included on that portion of the eligible list of persons to be considered for appointment, which list is hereinafter referred to as the "appointment list". Notwithstanding any contrary provision of this chapter, when a position is to be filled by open competitive examination and fewer than three individuals of a all protected group groups for which a disparity has been determined to exist appear on the appointment list, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist ~~have been added to~~ appear on the appointment list. Notwithstanding any contrary provision of this chapter, when a position is to be filled by examination other than open competitive examination and fewer than one-third of the individuals on an appointment list are members of the protected group groups for which a disparity has been determined to exist, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that persons from all the protected groups for which a disparity has been determined to exist comprise one-third of the appointment list or until an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist ~~have been added to~~ appear on the appointment list, whichever comes first. However, the appointment list shall not be expanded when the position to be filled is covered by a collective bargaining agreement which provides for the filling of vacancies by seniority and the appointment list developed in accord with section 43.18 includes the names of one or more employees within the bargaining unit in which the vacancy exists. Notwithstanding any provision of this subdivision to the contrary, no person shall be added to an appointment list as a result of this subdivision if that person received a score of less than 70 on the applicable test.

Sec. 41. Minnesota Statutes 1978, Section 43.17, Subdivision 3, is amended to read:

Subd. 3. **CERTIFIED LISTS; APPOINTMENTS MADE FROM.** Appointments shall be made from the appropriate eligible list; ~~but if no such list exists, then the commissioner may certify from such other list as he deems the next most nearly appropriate. A new and separate list shall be created for a stated position only when there~~

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is no satisfactory list determined appropriate by the commissioner. Where the vacancy to be filled is in a position covered by a collective bargaining agreement, the appointment list shall be made available upon request to the exclusive representative as defined in sections 179.61 to 179.76. The commissioner shall have authority to establish separate eligible lists applicable to various localities. No person shall be appointed or employed under any title not appropriate to the duties performed, and no person shall be transferred to, nor assigned, except pursuant to the "work out of class" provisions of the personnel rules or a collective bargaining agreement, to perform the duties of; any position in the classified service, unless he has previously qualified therefor under the provisions of this chapter.

Sec. 42. Minnesota Statutes 1978, Section 43.17, Subdivision 4a, is amended to read:

Subd. 4a. Notwithstanding any law to the contrary, persons may be employed by any governmental department agency in the classification of service worker or be employed as a pre-service trainee, as defined by applicable personnel job description or personnel rule, in excess of any personnel limitations, quotas or complements as established by law. Said employment shall be subject to restrictions contained in section ~~16.173~~ 16A.123 and shall be subject to the advance approval of the commissioner of administration finance .

Sec. 43. Minnesota Statutes 1978,,Section 43.19, is amended to read:

43.19 **VACANCIES; PROMOTIONS; DISMISSALS.** Subdivision 1. **VACANCIES FILLED BY PROMOTION.** (1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the classified executive branch of the state civil service, or the legislative branch of state civil service, and classified positions on the staff of the legislative auditor, Minnesota state retirement system and teachers retirement association and, subject to such exceptions as the commissioner may provide, from the lower class and in accordance with section 43.18 and personnel rules. Except as provided in clause (2), promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency and job-related conduct shall constitute a factor. For positions defined by personnel rule as "non-managerial" seniority shall also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state agency to promote any employee in that agency to a position in a higher class requiring peculiar and exceptional qualifications of an administrative, scientific, professional, or expert character, following a non-competitive examination, which shall be practical and shall involve only the duties of the position provided his position has been reallocated as the result of gradual changes in the job which have occurred over a period of time and he has performed satisfactorily in the position .

(3) ~~The commissioner shall give the non-competitive examinations provided for in clause (2) upon request of any appointing authority, in accordance with personnel rules.~~

Subd. 2. **INCREASE, WHEN A PROMOTION.** For the purpose of this section, Changes or additions indicated by underline deletions by strikethrough

the commissioner shall determine, by personnel rule, what shall constitute a promotion.

Subd. 3. **RESTORATION TO POSITION AFTER DISMISSAL.** Any promotional appointee who is either dismissed during the probationary period from the position to which he has been promoted for cause other than misconduct or delinquency on his part ~~from the position to which he has been promoted either during the probationary period;~~ or who does not attain permanent civil service status in the class to which he has been promoted in accord with section 43.21 at the conclusion thereof ~~by reason of the failure of the appointing authority to file a request for his continuance in the position of the probationary period~~, shall be restored to ~~the a~~ a position in the class and agency from which he was promoted. Nothing contained in this section shall be construed to prevent any employee of the classified civil service from competing for places upon registers of persons eligible for original appointments.

Subd. 4. **MANAGERIAL OR PROFESSIONAL POSITION, FILLING.** Notwithstanding any provision in this chapter, to the contrary, every vacancy in a managerial or professional position shall be open to any state employee in the executive branch or legislative branch and any classified employee of the legislative auditor, Minnesota state retirement system and teachers retirement association qualifying through examination and in accordance with the provisions of section 43.18, subdivision 1. The commissioner of personnel may require the filling of this type of vacancy by any qualified person, but in no case shall the filling of such a vacancy be limited to only the employees of a department or agency. For professional positions seniority in length of service shall also be one of the factors in an appointment in the manner as provided by personnel rule.

Subd. 5. **PROMOTIONS; WORK STATION LOCATION.** No employee of any agency in the executive branch shall be deemed ineligible for promotion to a position solely because of the location of the employee's current work station or the location of the work station to which the employee would be assigned if promoted to that position.

Sec. 44. Minnesota Statutes 1978, Section 43.20, Subdivision 3, is amended to read:

Subd. 3. In case of an emergency, an appointment may be made without regard to the provisions of this chapter, but in no case shall it continue longer than ten 30 working days; ~~and in no case shall successive emergency appointments be made;~~ This provision shall apply to both persons and positions; ~~and~~ No person shall receive be employed more than three 30 working days on emergency appointments ~~in any one or different positions~~ within any 12 month period by the same appointing authority.

Sec. 45. Minnesota Statutes 1978, Section 43.20, Subdivision 5, is amended to read:

Subd. 5. Where the services to be rendered by an appointee are for a temporary period ~~not to exceed an accumulation of six months in any 12 month period~~, the commissioner shall, when practicable, certify from an eligible list for the temporary service any person he deems qualified; the acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary period in case of subsequent appointment to a permanent position. Where

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certification from an eligible list is impractical, the commissioner may authorize the temporary appointment of an individual designated by the appointing authority. The commissioner shall refer to the appointing authority the names of employees on layoff from the legislature who are available for appointment to temporary positions with duties and responsibilities comparable to work performed in the legislature. The secretary of the senate and the chief clerk of the house shall supply the names of legislative employees on layoff status who are available for appointment. No temporary appointment shall exceed an accumulation of six months except to fill a vacancy created by an approved leave of absence not to exceed one year or where the commissioner grants an extension of temporary appointment to the maximum of one year in the best interests of the state. No person shall receive successive temporary appointments, nor be employed in temporary appointments for more than 12 months within any 24 month period.

Sec. 46. Minnesota Statutes 1978, Section 43.227, is amended to read:

43.227 TIME OFF IN EMERGENCIES. At the request of a department head, and An appointing authority, after consultation with the commissioner of public safety, the commissioner may authorize the requesting department head to excuse state employees from duty with full pay in the event of a natural or man made emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the governor commissioner authorizes a longer duration.

Sec. 47. Minnesota Statutes 1978, Section 43.24, is amended to read:

43.24 REMOVAL. Subdivision 1. WRITTEN STATEMENT. No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, except for just cause; which shall not be religious or political, or because of the employee's race, sex, disability or age, subject however to the mandatory retirement ages specified by law. In case of any disciplinary action, as enumerated in this section, the employee shall, before the action is taken, be furnished with a statement, in writing, setting forth the reasons for the disciplinary action, be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the commissioner prior to the effective date thereof. Any permanent employee in the classified service who is removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, shall be notified no later than the effective date of the action of his right to appeal the action to the board.

Subd. 1a. For the purposes of this section, "just cause" includes, but is not limited to, consistent failure to perform assigned duties, substandard performance, insubordination, and serious violation of written policies and procedures, provided the policies and procedures are applied in a uniform, non-discriminatory manner. "Just cause" excludes the religious beliefs, political beliefs, race, sex, disability status and age of the employee, subject however to mandatory retirement ages specified by law and excludes discharge for mere whim or caprice.

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**Subd. 2. APPEAL TO BOARD; PUBLIC HEARINGS, FINDINGS, HEARING CONFERENCE.** Any permanent employee who is removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position and who has not elected to proceed pursuant to a grievance procedure, if such procedure is available, pursuant to sections 179.61 to 179.77, may appeal to the board within 30 days after the effective date of such removal, discharge, suspension or reduction in pay or position. In no event may an employee avail himself of both the procedure under this section and the grievance procedure under sections 179.61 to 179.77. Upon such appeal, both the appealing employee and the appointing authority or their representatives shall meet with the hearing officer, at a place and on such date as set by him for the purpose of determining the facts at issue. Prior to the hearing conference, both parties may stipulate on mutually agreed matters relevant to the dismissal or other disciplinary action referred to in this subdivision. If the hearing officer is successful in reaching a mutually agreed settlement between both parties, such agreement shall be certified to the board, with copies furnished to both parties, and such agreement, if approved by the board, shall become binding on both parties. The hearing conference shall be conducted in such manner and follow such procedures as prescribed by the board. The issues and facts on which agreement has not been reached will be decided during the hearing at which hearing technical rules of evidence shall not apply. If the board finds that the action complained of was not taken by the appointing authority for just cause, the employee shall be reinstated to his position, or an equal position in another department or division, without loss of pay. If the board finds that there exist sufficient grounds for institution of dismissal but extenuating circumstances are brought out in testimony and evidence, it may in its discretion reinstate the employee, with full, partial, or no pay, or it may modify the appointing authority's action by substituting a lesser disciplinary action. The hearing officer shall recommend to the board an appropriate disposition of the case. If no exceptions are made, the hearing officer's recommended disposition shall, at the option of the board, become final. If exceptions are taken, the board, upon a review of the record, may accept the officer's recommendations with or without additional oral or written evidence from the parties, may remand the case to the officer for further hearing, adopt the hearing officer's report with any changes warranted by the record, or issue its own report of findings and orders. In those cases in which the board finds just cause for dismissal, the findings and recommendations of the board shall be submitted to and considered by the appointing authority, who may, not later than 30 days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of suspension, or otherwise modify his original decision of suspension, demotion, or discharge. When any permanent employee is dismissed and not reinstated after appeal, the board may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he has been removed, which direction shall be enforced by the commissioner.

**Subd. 3. REQUEST FOR WRITTEN STATEMENT.** When any such permanent employee shall be suspended without pay, he shall, within 30 days time after being notified of such disciplinary action, be furnished with a statement in writing specifically setting forth the reasons for the disciplinary action, and a copy of such statement shall then also be filed with the commissioner.

Sec. 48. Minnesota Statutes 1978, Section 43.32, Subdivision 4, is amended to read:

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Subd. 4. **HUMAN RESOURCES PLANNING.** The commissioner, in conjunction with state agency heads, shall develop a statewide system of manpower planning in cooperation with state departments and agencies which shall provide for an assessment of present and future manpower needs analyze and assess current and future human resource requirements.

The commissioner shall coordinate departmental agency training activities and other personnel actions throughout the state civil service in order to meet the current and projected personnel human resource requirements of the state.

Sec. 49. Minnesota Statutes 1978, Section 43.327, Subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER TO MAKE RULES ON TRAVEL.** (1) The commissioner shall make promulgate personnel rules relating to special expenses and travel of state employees on state business and expenses incurred thereon. For purposes of this subdivision, "special expense" means a necessary reimbursable expense for meals, lodging, registration, conference fees or other expenses incurred in connection with assigned official duties of a state employee and where the employee's attendance or participation will accrue primarily to the state.

(2) When unusual difficulty in recruiting qualified applicants is being encountered, the commissioner may authorize the appointing authority to pay travel expenses incurred by applicants invited for oral examinations or for employment interviews in the same manner and amounts authorized by personnel rules for state employees.

Sec. 50. Minnesota Statutes 1978, Section 43.327, Subdivision 3, is amended to read:

Subd. 3. **COMMISSIONER OF FINANCE TO ENFORCE RULES.** The commissioner of finance shall enforce the personnel rules concerning travel or, relocation and special expenses and provide for the payment of expenses actually incurred or for payment on a daily flat rate as the personnel rules may permit. The commissioner of finance may delegate the authority to approve travel and special expenses to the appointing authority. Subsequent delegation by the appointing authority must be approved in advance by the commissioner of finance and filed with the secretary of state. The commissioner of finance shall periodically review authority that has been delegated to ensure compliance with personnel rules relating to travel and special expenses and may modify or withdraw the delegation at any time upon written notice to the appointing authority.

Sec. 51. Minnesota Statutes 1978, Section 43.43, is amended by adding a subdivision to read:

Subd. 9. "Dental insurance" means:

A plan that provides coverage for, or pays, or reimburses expenses for dental care, including orthodontics for an eligible employee's eligible dependent children from age 8

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to 19.

Sec. 52. Minnesota Statutes 1978, Section 43.44, Subdivision 2, is amended to read:

Subd. 2. A state employee determined to be eligible for the benefits provided in sections 43.42 to ~~43.49~~ 43.50 shall continue to be eligible therefor so long as he appears on a state payroll for at least one working day during each payroll period except as otherwise provided in this subdivision. Vacation leave, compensatory time or sick leave cannot be used for the purpose of continuing state paid insurance by keeping an employee on a state payroll for one working day per payroll period during the time the employee is on an unpaid leave of absence. If the state employee is employed on the basis of a school year and ~~whose~~ his employment contemplates absences from the state payroll during the summer months and during vacation periods ~~occurring at Christmas, New Years, and Easter~~ scheduled by the appointing authority which occur during the regular school year, he nonetheless shall continue to be eligible for such benefits provided he appears on his regular payroll for at least one working day for the payroll period immediately preceding such vacation periods. An academic employee of the University of Minnesota, the state university board, or the state board for community colleges, otherwise eligible for basic life insurance, basic dental insurance and basic health benefits coverage paid for by the state shall have continuous basic coverages maintained during the period of a sabbatical leave.

If the state employee is granted a leave of absence to work for the legislature or either branch thereof, during a regular or special legislative session, he nonetheless shall continue to be eligible for such benefits provided he appears on the state payroll or the legislative payroll for at least one working day for each payroll period.

If a state employee who has three years or more of continuous service is laid off he nonetheless shall continue to be eligible for the benefits provided in sections 43.42 to 43.50 for a period of six months from the date of layoff.

A state employee who is disabled and off the state payroll as a result of personal injury arising out of and in the course of employment with the state and is otherwise eligible for the basic life insurance, basic dental insurance and basic health benefits coverage paid for by the state shall ~~be eligible for state paid coverage and shall~~ continue to be eligible ~~therefor for state paid coverage~~ during the period such employee is receiving workers' compensation payments for temporary total or temporary partial disability pursuant to an award of the workers' compensation court of appeals or is on disability leave pursuant to the rules of the department of personnel or a collective bargaining agreement entered into under the provisions of sections 179.61 to 179.76.

Sec. 53. Minnesota Statutes 1978, Section 43.47, Subdivision 2, is amended to read:

Subd. 2. An emergency, temporary, or intermittent employee of the state; student workers hired after July 1, 1979 and interns of the state; a part time or seasonal employee of the state serving on less than a 75 percent time basis; but this exclusion shall not apply to a part time or seasonal employee of the state in the classified service who prior to April 1, 1967 was eligible for state paid basic life insurance and health benefits;

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Sec. 54. Minnesota Statutes 1978, Section 43.491, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding the restrictions contained in section 43.44, subdivision 2, a retired state employee who is eligible for, applies for and receives an annuity under a state retirement program shall be eligible to continue to participate at his own expense in the hospital benefits coverage and medical benefits coverage provided for other state employees by sections 43.42 to 43.50. The retired employee may also, at his own expense, continue hospital benefits coverage and medical benefits coverage for his dependents who meet the general dependent eligibility requirements for those coverages. The coverage shall be coordinated with relevant health insurance benefits provided through the federally-sponsored medicare program. Within 30 days after ~~April 6, 1978~~ August 1, 1979, or within 30 days after the effective date of his retirement, whichever day is later, the employee shall notify the commissioner or his designee of his intention to continue the coverage. The commissioner shall establish forms and procedures, including provisions for notice to the retired or retiring employee, for exercise of the option provided by this section and for payment of necessary premiums.

Sec. 55. Minnesota Statutes 1978, Section 43.50, Subdivision 1, is amended to read:

43.50 PAYMENT OF PREMIUMS. Subdivision 1. Each department of the state government shall pay the amounts due for basic life insurance, basic dental insurance, and basic health benefits coverage authorized for eligible state employees as provided by this chapter. Effective July 1, ~~1977~~ 1979, each department of the state government shall contribute up to ~~\$58~~ \$64 per year toward the cost of the approved annual health evaluation and screening program for each eligible employee who elects to participate and who elects health insurance coverage under Blue Cross and Blue Shield of Minnesota. Eligible employees who elect coverage under a health maintenance organization shall only be eligible to receive this benefit if the health maintenance organization in which the employee is enrolled does not make available without additional cost, on an annual basis, the tests performed for state employees by the approved program.

Additionally, and notwithstanding any law to the contrary, effective the first day of the first payroll period commencing on or after July 1, ~~1977~~ 1979, each department of the state government shall contribute \$45 up to \$60 per month or 90 percent of the cost, whichever is greater, toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. ~~Effective the first day of the first payroll period commencing on or after July 1, 1978, Each department shall pay the full cost for such dependent hospital-medical coverage and, for all eligible employees carrying dependent dental insurance coverage, shall also contribute one-half the difference between single and family dental coverage per month except that no department shall pay an amount in excess of the contribution for dependent hospital-medical and dental coverage in effect on June 30, 1979 for all eligible employees carrying dependent dental insurance coverage.~~ To enable employees to receive benefit from this provision, open enrollment periods from August 15 through September 30, ~~1977~~ 1979 and from August 15 through September 30, ~~1978~~ 1980, are established. During open enrollment periods employees may enroll their dependents in dental coverage and hospital-medical coverage without proof of insurability. ~~Effective January 1, 1977, the~~

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state contribution of \$30 per month shall apply to eligible members of the legislature who have eligible dependents. Effective January 1, 1979 ~~1981~~, the ~~increased~~ changed benefits provided in this section shall apply to eligible members of the legislature and their eligible dependents. Each of the departments shall pay such amounts from accounts and funds from which the department receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state agency, the Minnesota historical society, or the university of Minnesota whose employees receive benefits pursuant to this chapter. The accounts and funds referred to from which departments receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

Sec. 56. Minnesota Statutes 1978, Section 43.51, is amended to read:

**43.51 DEATH BENEFIT FOR RETIRED EMPLOYEES.** Employees who retire from state service on or after July 1, 1977, shall be entitled to a \$500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is receiving entitled to an annuity under a state retirement program. A \$500 cash death benefit shall also be payable to the designated beneficiary of an employee who becomes totally and permanently disabled after July 1, 1979, and who at the time of death is receiving a state disability benefit and is eligible for a deferred annuity under a state retirement program.

Sec. 57. Minnesota Statutes 1978, Section 62D.22, Subdivision 7, is amended to read:

Subd. 7. A licensed health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43 and shall be allowed to participate as a carrier for state employees subject to any negotiated labor agreement and reasonable restrictions applied to all carriers.

Sec. 58. Minnesota Statutes 1978, Section 179.63, Subdivision 11, is amended to read:

Subd. 11. "Essential employee" means any person within the definition of subdivision 7 whose employment duties involve work or services essential to the health or safety of the public and the withholding of such services would create a clear and present danger to the health or safety of the public firefighters, police officers, highway patrolmen, guards at correctional institutions, employees of hospitals other than state hospitals and registered nurses, as defined in section 148.171, engaged in the practice of professional nursing and employed in a state hospital or state nursing home.

Sec. 59. Minnesota Statutes 1978, Section 179.64, Subdivision 7, is amended to read:

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Subd. 7. ~~Either~~ A violation of section 179.68, subdivision 2, clause (9), ~~or a refusal by the employer to request binding arbitration when requested by the exclusive representative pursuant to section 179.69, subdivision 3 or 5, or, as applied to state employees, a disapproval by the legislative commission on employee relations pursuant to section 2 or a failure by the legislature to approve a negotiated agreement or arbitration award pursuant to section 179.74,~~ is a defense to a violation of this section, except as to essential employees. As to all public employees, no other unfair labor practice or violation of ~~Laws 1973, Chapter 635 sections 179.61 to 179.76~~ by a public employer shall be a violation of this section but may be considered by the court in mitigation of or retraction of any penalties as to employees and employee organizations.

Sec. 60. Minnesota Statutes 1978, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. Supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, in accordance with all other provisions of ~~Laws 1973, Chapter 635 sections 179.61 to 179.76~~, as though they were essential employees. Units of supervisory or confidential employees shall not participate in any joint negotiations which involve the participation of units of employees other than supervisory or confidential employees. Affiliation of a supervisory or confidential employee with another employee organization which has as its members non-supervisory employees or non-confidential employees is permitted.

Sec. 61. Minnesota Statutes 1978, Section 179.66, Subdivision 1, is amended to read:

**179.66 RIGHTS AND OBLIGATIONS OF EMPLOYERS.** Subdivision 1. A public employer is not required to meet and negotiate on matters of inherent managerial policy, which include, but are not limited to, such areas of discretion or policy as the functions and programs of the employer, its overall budget, utilization of technology, the organizational structure and selection and direction and number of personnel. No public employer shall sign an agreement which limits the right of the public employer to select persons to serve as supervisory employees or state managers pursuant to section 43.127 or requires the use of seniority in their selection.

Sec. 62. Minnesota Statutes 1978, Section 179.67, is amended by adding a subdivision to read:

Subd. 4a. The director shall not consider a petition for a decertification election during the effective term of a contract covering employees of the executive branch of the state of Minnesota except for a period for not more than 270 to not less than 210 days before its date of termination.

Sec. 63. Minnesota Statutes 1978, Section 179.72, is amended by adding a subdivision to read:

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Subd. 7a. Notwithstanding the provisions of subdivision 7, for employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel.

Sec. 64. Minnesota Statutes 1978, Section 179.72, is amended by adding a subdivision to read:

Subd. 7b. Notwithstanding the provisions of subdivision 7, for essential employees, supervisory employees, confidential employees, and principals and assistant principals who are not employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel.

Sec. 65. Minnesota Statutes 1978, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of personnel shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to 179.77; provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of personnel in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, all positions in the bureau of mediation services, all hearing examiners in the office of hearing examiners, employees who work in the personnel offices of an appointing authority in the executive branch and who have access to information subject to use by the appointing authority in meeting and negotiating or who actively participate in the meeting and negotiating on behalf of the state employees, shall be excluded from any appropriate unit. Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

Sec. 66. Minnesota Statutes 1978, Section 179.74, Subdivision 5, is amended to read:

Subd. 5. The commissioner of personnel is authorized to and may enter into agreements. The provisions of said the negotiated agreements which establish wages and economic fringe benefits and arbitration awards shall be submitted to the legislature to be accepted; or rejected or modified. A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has not executed an reached a proposed agreement with the state covering wages and economic fringe benefits which has been submitted by the commissioner to the legislative commission on employee relations on or before May April 15 of each an odd numbered year, shall not receive the wage and economic fringe benefit increases provided pursuant to an agreement executed and

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approved under this subdivision. Disapproval by the legislative commission on employee relations pursuant to section 2 or failure of the legislature to approve a negotiated agreement or arbitration award with respect to wages and economic fringe benefits by the time of adjournment of the regular legislative session in an odd numbered year shall be a defense to a violation of section 179.64.

Sec. 67. Minnesota Statutes 1978, Section 223.02, is amended to read:

223.02 **LICENSE; BOND.** No person shall sell, or receive, or solicit shipments of such commodities for sale, without first obtaining a license from the department of ~~public service~~ agriculture to carry on the business of a commission merchant, and filing with the department a corporate surety bond to the state for the benefit of such consignors, approved by the department, and conditioned for the faithful discharge of his duties as such commission merchant and full compliance with all the laws of the state and rules of the department relative thereto. If the license authorizes the sale of grain the bond shall not be for a less sum than \$25,000 for each separate municipality in which the commission merchant maintains an office for the conduct of such business. If the license only authorizes the sale of hay and straw the bond shall be not less than \$8,000. In either case the department may at any time require such an additional amount of bond as it may deem necessary to protect the consignors.

Sec. 68. Minnesota Statutes 1978, Section 229.01, Subdivision 2, is amended to read:

Subd. 2. **PUBLIC HAY TRACKS.** The department of ~~public service~~ agriculture shall designate at convenient places on the several lines of railway entering terminal points in this state, tracks to be known as public hay tracks. The different railway companies either separately or jointly are hereby required to provide suitable tracks to meet the requirements of this chapter. Such public hay tracks may be established on each individual line of railway, or they may be so established as to serve for two or more railways.

Sec. 69. Minnesota Statutes 1978, Section 229.07, is amended to read:

229.07 **WEIGHERS AND INSPECTORS; APPEALS; REINSPECTION AND FINAL REVIEW.** The department of ~~public service~~ agriculture shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the department. In case of dissatisfaction of any interested person with the official acts of any inspector, reinspection may be had upon application to the department. A final appeal from the decision of the department may be made to the board of final review, to be provided for by the department under the rules it shall establish. The decision of such board of review shall be final, provided the department may provide suitable rules for the cancelation of any certificate of inspection issued upon original inspection, reinspection or upon final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

Sec. 70. Minnesota Statutes 1978, Section 231.01, Subdivision 1, is amended to

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read:

231.01 **DEFINITIONS.** Subdivision 1. **DEPARTMENT.** The word "department," as used in this chapter, means the Minnesota state department of ~~public service~~ agriculture.

Sec. 71. Minnesota Statutes 1978, Section 231.01, Subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER.** The term "commissioner," as used in this chapter, means ~~one of the members of the commission~~ commissioner of agriculture.

Sec. 72. Minnesota Statutes 1978, Section 232.01, Subdivision 1, is amended to read:

232.01 **LOCAL GRAIN WAREHOUSES.** Subdivision 1. All elevators, flour, cereal and feed mills, malhousers or warehouses in which grain belonging to persons other than the warehouseman is received for storage, situate at any location other than Minneapolis, St. Paul or Duluth, shall be known as public local grain warehouses and shall be under the supervision and subject to the inspection of the department of ~~public service~~ agriculture. Provided, however, that nothing herein contained shall be construed as applying to public terminal warehouses as defined in section 233.01, subdivision 3.

Sec. 73. Minnesota Statutes 1978, Section 233.01, Subdivision 1, is amended to read:

233.01 **DEFINITIONS.** Subdivision 1. **DEPARTMENT.** Wherever the term "department" is used in this chapter it shall be construed to mean the department of ~~public service~~ agriculture of the state of Minnesota.

Sec. 74. Minnesota Statutes 1978, Section 233.03, is amended to read:

233.03 **DUTIES OF WAREHOUSEMEN.** Every warehouseman shall receive for storage and shipment as far as the capacity of his warehouse will permit, all grain in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. All grain shall be inspected on receipt and stored with other grain of the same grade except as herein otherwise provided. At the time of the receipt of the grain, the warehouseman shall issue and deliver to the owner or consignee a warehouse receipt in the following form:

Warehouse Receipt No. ....  
..... Elevator Co.  
....., Minn., ..... 19.....  
The ..... Elevator  
Company has received in store in its elevator known  
as .....  
situated at .....  
Minnesota, for storage from .....  
owner, ..... bushels of

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..... which has been duly inspected by a duly authorized inspector of grain appointed by the department of ~~public service~~ agriculture of Minnesota, or licensed by the Secretary of Agriculture of the United States, and has been graded by the inspector as No. .... and is that grade. This grain, or an equal amount of grain of the same kind and grade, is deliverable upon the return of this receipt properly endorsed by the owner above named and the payment of all lawful charges; in case of grain stored separately in a special bin, at the request of the owner or consignee, the identity of such grain will be preserved while in store and the grain will be delivered as such separate lot or parcel, in accordance with the law, upon surrender of the receipt. Loss by fire, heating or the elements is at the owner's risk.

Countersigned by

Secretary

The ..... Elevator Company conducts this elevator as a public terminal warehouse and receives and stores therein grain of others for hire.

..... bushels ..... grade.

By .....

STUB RECORD

Initial Car No. Bushels

Receipt No..... 19....  
 Received in store from

.....  
 Bushels.... Lbs.... Grade....

Car No.	Bushels	Car No.	Bushels
---------	---------	---------	---------

The receipts shall be consecutively numbered and delivered to the owner immediately upon receipt of each lot or parcel of grain, giving the true and correct grade and weight thereof. The manner of receipt of such grain shall be stated in the receipt, and with the number and distinctive mark of each car, and the name of each barge or other vessel. The failure to issue such receipt as directed or the issuance of any warehouse receipt differing in form or language from that prescribed shall be a misdemeanor; provided that such warehouse receipt at the request of the owner or consignee, may provide for delivery of the grain represented thereby to the depositor, or any other specified person, and may have printed or stamped thereon the words "non-negotiable."

Sec. 75. Minnesota Statutes 1978, Section 234.02, is amended to read:

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**234.02 CONSTRUCTION OF TERMS.** As used in this chapter, unless the context clearly evidences a contrary intention, the following terms shall be construed, respectively:

(1) Any local supervisory board of individual producers appointed by the department of ~~public service~~ agriculture under the provisions of this chapter;

(2) Any person whose duty it shall be under the provisions of this chapter to inspect, measure, and seal any granary, crib, bin, or other receptacle for the storage of grain;

(3) Any certificate or receipt evidencing the storage of grain under the provisions of this chapter and any rules or regulations promulgated thereunder shall be considered to be used herein in the same connection as the words "document of title," as defined in the uniform commercial code, section 336.1-201(15);

(4) Any person or persons (whether individuals, corporations, partners or copartners) who shall have title to and possession of any grain stored under the provisions of this chapter shall be construed to have been used herein in the same connection as the word "warehouseman," as defined in the uniform commercial code, section 336.7-102(1) (h).

Sec. 76. Minnesota Statutes 1978, Section 234.10, is amended to read:

**234.10 SEALS.** Seals employed hereunder shall be furnished by the department and shall contain the following language:

"Sealed by authority State of Minnesota, Department of ~~Public Service~~ Agriculture.

Any person tampering with this seal or removing any grain herein shall be subject to a fine and imprisonment as provided by law.

Consecutive No....."

Sec. 77. Minnesota Statutes 1978, Section 235.01, is amended to read:

**235.01 SUPERVISION OVER GRAIN.** The department of ~~public service~~ agriculture shall exercise general supervision over the grain interests of the state and of buying, selling, handling, and storage of grain, and of the management of public warehouses and public grain markets, including chambers of commerce, boards of trade, and grain exchanges; investigate, on complaint or upon its own motion, all cases of fraud and injustice in the grain trade, unfair practices, or unfair discrimination in the buying or selling of grain; have the power to compel the discontinuance of such unfair practices or unfair discrimination; and make all proper rules and regulations for carrying out and enforcing the provisions of all laws of the state relating to such subjects.

Sec. 78. Minnesota Statutes 1978, Section 236.01, Subdivision 5, is amended to read:

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Subd. 5. "Department" means the Minnesota department of ~~public service~~ agriculture.

Sec. 79. Minnesota Statutes 1978, Section 299D.03, Subdivision 2, is amended to read:

Subd. 2. **SALARIES.** (1) Each employee other than the chief supervisor, lieutenant colonel, majors, captains, corporals and sergeants hereinafter designated shall be known as patrol troopers.

(2) There may be appointed one lieutenant colonel; and such majors, captains, corporals, sergeants and troopers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. Persons in above named positions shall be appointed by law and have such duties as the commissioner may direct and, except for troopers, shall be selected from the patrol troopers, corporals, sergeants, captains, and majors who shall have had at least five years' experience as either patrol troopers, corporals, sergeants, or supervisors.

(3) Commencing ~~July 6, 1977~~ July 4, 1979, the salaries for all members of the highway patrol, except for the chief supervisor and the lieutenant colonel shall be as shown in the following table:

		TOTAL YEARS OF SERVICE				
		Base	6	1	2	3
		Salary	Months	Year	Years	Years
Trooper		<del>\$1075</del>	<del>1117</del>	<del>1163</del>	<del>1209</del>	<del>1257</del>
		<u>\$1186</u>	<u>1229</u>	<u>1327</u>	<u>1377</u>	<u>1439</u>
		4 thru 6	7 thru 11	12 thru 20	After	
		Years	Years	Years	20 Years	
Trooper		<del>\$1308</del>	<del>1359</del>	<del>1413</del>	<del>1470</del>	
		<u>\$1511</u>	<u>1566</u>	<u>1625</u>	<u>1687</u>	
		5 thru 11	12 thru 20	After		
		Years	Years	20 Years		
Trooper I		<del>\$1359</del>	<del>1413</del>	<del>1470</del>		
		<u>\$1566</u>	<u>1625</u>	<u>1687</u>		
		10 thru 20	After			
		Years	20 Years			
Corporal		<del>\$1438</del>	<del>1495</del>			
		<u>\$1650</u>	<u>1712</u>			
Staff Sergeant		Years				
		7	8	9	10	11
		12 thru 20	After 20			
		Years	Years			
		<del>\$1442</del>	<del>1471</del>	<del>1500</del>	<del>1531</del>	<del>1561</del>
		<del>1590</del>	<del>1648</del>			
		<u>\$1656</u>	<u>1687</u>	<u>1719</u>	<u>1753</u>	<u>1786</u>
		<u>1817</u>	<u>1880</u>			

TIME IN RANK

		Base	1	2	After 12	After 20
		Salary	Year	Years	Years total	Years total
					Service	Service

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Captain	<u>\$1720</u>	<u>1778</u>	<u>1835</u>	<u>1892</u>	<u>1945</u>
	<u>\$1959</u>	<u>2020</u>	<u>2083</u>	<u>2143</u>	<u>2202</u>
Major	<u>1979</u>	<u>2035</u>		<u>2093</u>	<u>2150</u>
	<u>2239</u>	<u>2301</u>		<u>2363</u>	<u>2425</u>
Lt. Col.	<u>2179</u>	<u>2236</u>		<u>2294</u>	<u>2350</u>

Commencing July 2, 1980, the salaries for all members of the highway patrol, except for the chief supervisor and the lieutenant colonel shall be as shown in the following table:

	<u>TOTAL YEARS OF SERVICE</u>						
	<u>Base Salary</u>	<u>6 Months</u>	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>		
<u>Trooper</u>	<u>\$1257</u>	<u>1303</u>	<u>1407</u>	<u>1460</u>	<u>1525</u>		
	<u>4 thru 6 Years</u>	<u>7 thru 11 Years</u>	<u>12 thru 20 Years</u>		<u>After 20 Years</u>		
	<u>\$1602</u>	<u>1660</u>	<u>1723</u>		<u>1788</u>		
<u>Trooper</u>		<u>5 thru 11 Years</u>	<u>12 thru 20 Years</u>		<u>After 20 Years</u>		
<u>Trooper I</u>		<u>\$1660</u>	<u>1723</u>		<u>1788</u>		
			<u>10 thru 20 Years</u>		<u>After 20 Years</u>		
<u>Corporal</u>			<u>\$1747</u>		<u>1815</u>		
<u>Staff Sergeant</u>			<u>Years</u>				
	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12 thru 20</u>	<u>After 20</u>
	<u>\$1755</u>	<u>1788</u>	<u>1822</u>	<u>1858</u>	<u>1893</u>	<u>1926</u>	<u>1993</u>

	<u>TIME IN RANK</u>				
	<u>Base Salary</u>	<u>1 Year</u>	<u>2 Years</u>	<u>After 12 Years Total Service</u>	<u>After 20 Years Total Service</u>
	<u>Captain</u>	<u>\$2077</u>	<u>2141</u>	<u>2208</u>	<u>2272</u>
<u>Major</u>	<u>\$2373</u>	<u>2439</u>		<u>2505</u>	<u>2571</u>

Employees designated as station sergeants shall receive an additional three percent above the current rate rounded to the nearest dollar for the duration of the appointment.

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Employees permanently assigned exclusively to Twin City metropolitan freeway duty shall be designated freeway troopers and shall be compensated \$25 per month above their current salary when so assigned. Salary increases in accordance with the above schedule shall become effective for the payroll period nearest the employee's anniversary date of employment.

In addition to the rates of pay provided above, all employees compensated according to the above salary table shall be paid a cost of living allowance to be determined and redetermined in the following manner:

For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, Minnesota (new series index 1967-100) as published for the months January, 1977, and October, 1977, by the Bureau of Labor Statistics of the United States Department of Labor all hourly rates of pay shall be increased by one cent per hour. The increase, if any, in salaries generated by this formula shall become effective January 4, 1978, and shall continue in effect until July 5, 1978. A redetermination of the cost of living allowance shall be made for April, 1978. For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, (new series index 1967-100) as published for the months of January, 1977, and April, 1978, by the Bureau of Labor Statistics, all hourly rates of pay shall be increased by one cent per hour. The increase, if any, in salaries generated by this redetermination shall be effective July 5, 1978. For the purpose of this clause, the term "hourly rate of pay" means the monthly salary of a rank set forth herein divided by 174.

During periods when such cost of living allowance is in effect, it shall be added to the applicable monthly rates of pay for highway patrol trooper, corporal, sergeant, captain, major and lieutenant colonel, and treated as a part thereof in all calculations involving employees' pay. Cost of living adjustments are not cumulative and allowances paid under an earlier determination shall cease when a redetermination takes effect.

The commissioner of finance shall transfer to the department of public safety the necessary amount to finance the increased cost of the cost of living provisions of this clause. This amount is appropriated from the trunk highway fund to the department of public safety for this purpose.

(4) Upon promotion, the person will be paid at the base salary rate of pay in effect for that rank, and shall subsequently be eligible for the time in rank increases calculated from the effective date of promotion.

(5) Any time in rank increases in salary provided for in the tables in clause (3), shall be effective for the payroll period nearest the employee's anniversary date of employment.

The salary rates for all highway patrol troopers, corporals and sergeants as cited in clause (3) shall be deemed to include reimbursement for shift differential, meal and business expenses incurred by highway patrol troopers, corporals and sergeants in the performance of their assigned duties in their patrol areas; business expenses include, but

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are not limited to: uniform costs, home garaging of squad cars and maintenance of home office.

Sec. 80. Minnesota Statutes 1978, Section 299D.03, Subdivision 3, is amended to read:

Subd. 3. **AIR PATROL; SALARY ADJUSTMENT.** The commissioner of public safety shall increase the salary of any member of the Minnesota highway patrol in an amount not to exceed \$140 per month for operation of fixed wing aircraft and \$175 per month for operation of helicopter during the period in which such member of the patrol is assigned air patrol duty. The commissioner of public safety may appoint, from among the members of the patrol assigned to air patrol duty, a chief pilot who shall receive \$125 per month in addition to the air patrol duty salary differential permitted by this subdivision; be compensated at the same rate of pay as a captain during the period of his assignment as chief pilot.

Sec. 81. Minnesota Statutes 1978, Section 299D.03, Subdivision 9, is amended to read:

Subd. 9. **CHARGES AGAINST PATROLMEN.** (a) Charges against any state highway patrolman shall be made in writing and signed and sworn to by the person making the same, which written charges shall be filed with the commissioner. Upon the filing of same, if the commissioner shall be of the opinion that such charges constitute a ground for suspension, demotion, or discharge, he shall order a hearing to be had thereon and fix a time for such hearing and may designate a subordinate as his deputy to conduct such hearing. Otherwise he shall dismiss the charges. At least ten days before the time appointed for the hearing, written notice specifying the charges filed and stating the name of the person making the charges, shall be served on the employee personally or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein. If the commissioner orders a hearing he may suspend such employee pending his decision to be made after such hearing.

(b) ~~The exclusive representative of Members of the state highway patrol shall have the option of utilizing either the contractual grievance procedure or the legal remedies of this section, but in no event both. Notwithstanding the above, any employee may utilize the provisions of subdivisions 10 and 11.~~

(c) The commissioner, after having been informed by the exclusive representative that the employee against whom charges have been filed desires to utilize the grievance procedure of the labor agreement, may immediately suspend, demote or discharge the employee without the hearing required by clause (a).

Sec. 82. Minnesota Statutes 1978, Section 355.12, is amended to read:

355.12 **AGREEMENTS.** The state agency; ~~with the approval of the governor,~~ is hereby authorized to enter into an agreement with the secretary of health, education, and welfare, or to modify any such agreement previously made to obtain the benefits of the federal old age survivors insurance system in respect to services performed by employees

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of any employing unit.

Sec. 83. Minnesota Statutes 1978, Section 355.17, is amended to read:

**355.17 MODIFICATION OF AGREEMENT, RETROACTIVE EFFECT.**

Employing units may individually determine whether they desire inclusion in the state social security agreement, and each employing unit desiring such inclusion shall so indicate by submitting a formal resolution to the state agency, including therein the desired starting date for social security coverage. The state agency; ~~with the approval of the governor,~~ may modify the agreement between the state and the secretary of health, education and welfare with respect to employees of any such employing unit, separately, so as to provide social security coverage therefor retroactive to any date subsequent to December 31, 1955.

Sec. 84. Minnesota Statutes 1978, Section 355.207, is amended to read:

**355.207 AGREEMENTS WITH FEDERAL AGENCY.** Upon the governor's certification pursuant to section 355.206, the state agency ; ~~with the approval of the governor,~~ shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 85. Minnesota Statutes 1978, Section 355.23, Subdivision 3, is amended to read:

*Subd. 3.* Upon such certification, the state agency; ~~with the approval of the governor,~~ shall become authorized to modify the agreement with the secretary of health, education and welfare, previously made as provided in the enabling act, to obtain the benefits of the federal old age and survivors insurance system in respect to services performed by teachers as defined in sections 355.21 to 355.27. Such modification may take effect retroactively to January 1 of the year in which the modification of the agreement is accepted by the secretary of health, education and welfare, and apply to all such services performed after the effective date by teachers who are such on the date the modification is entered into or thereafter, excepting any service of an emergency nature, any service performed by a student, and all services in any class or classes of part-time positions, or positions the compensation for which is on a fee basis.

Sec. 86. Minnesota Statutes 1978, Section 355.286, is amended to read:

**355.286 AGREEMENTS WITH FEDERAL AGENCY.** Upon the governor's certification pursuant to section 355.285, the state agency ; ~~with the approval of the governor,~~ shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

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Sec. 87. Minnesota Statutes 1978, Section 355.295, is amended to read:

**355.295 STATE-FEDERAL AGREEMENT.** Upon such certification as provided herein the state agency ~~or individual so designated with the approval of the governor~~ shall be authorized to enter into an agreement with the secretary of health, education and welfare or modify any such agreement previously made with respect to the employment by public employees. The agreement or modification authorized hereunder shall take effect retroactively and apply to all employment performed after the last day of the fifth calendar year preceding the year in which the agreement or modification is entered into by the employees who are such on the effective date of the agreement or modification. The agreement or modification shall further include within its application, effective with the date of entry into service as public employees, all employment of such public employees on the date of and subsequent to the approval of the agreement or modification as well as those who are such on the effective date thereof.

The agreement shall not include employment of any public employee who performs service in (a) any position the compensation for which is on a fee basis, (b) any position performing services which, under the social security act, may not be included in any agreement between the state and secretary of health, education and welfare, (c) any position which is an elective office of the state, and (d) any position in a public hospital for which employees are provided coverage under the old age, survivors, and disability insurance provisions of Title II of the Federal Social Security Act under another provision of law. This section applies only to hospitals in existence prior to July 1, 1971.

Sec. 88. Minnesota Statutes 1978, Section 355.308, is amended to read:

**355.308 AGREEMENTS WITH FEDERAL AGENCY.** Upon the governor's certification pursuant to section 355.307, the state agency ; ~~with the approval of the governor,~~ shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to municipal employees. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 89. Minnesota Statutes 1978, Section 355.45, is amended to read:

**355.45 STATE AGENCY TO MAKE AGREEMENT WITH SECRETARY OF HEALTH, EDUCATION AND WELFARE.** Upon such certification the state agency; ~~with the approval of the governor,~~ shall be authorized to enter into an agreement with the secretary of health, education and welfare, or modify any such agreement previously made with respect to employment by state employees, public employees, and educational employees. The agreement or modifications shall take effect retroactively and apply to all such employment performed after December 31, 1955, by the employees who are such on that date, and shall include within its application effective with the date of entry into state, public or educational service, all employment by such employees on the date of and subsequent to the approval of the agreement or modification as well as those who are such on the approval date thereof.

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Sec. 90. Minnesota Statutes 1978, Section 355.60, is amended to read:

**355.60 AGREEMENTS WITH FEDERAL AGENCY.** Upon such certification the state agency; ~~with the approval of the governor,~~ shall be authorized to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to employment by educational employees. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 91. Minnesota Statutes 1978, Section 355.76, is amended to read:

**355.76 STATE-FEDERAL AGREEMENT.** Upon such certification the state agency ~~or individual so designated,~~ ~~with the approval of the governor,~~ shall be authorized to enter into an agreement with the secretary of health, education, and welfare or modify any such agreement previously made with respect to the employment by state employees, public employees, and educational employees. The agreement or modification authorized hereunder shall take effect retroactively and apply to all employment performed after December 31 of the year prior to the date of the agreement or modification, by the employees who are such on that date and shall include within its application, effective with the date of entry into service as a hospital employee, all employment by such hospital employees on the date of and subsequent to the approval of the agreement or modification as well as those who are such on the approval date thereof. The agreement under sections 355.71 to 355.81 shall not apply to services in positions the compensation for which is on a fee basis.

Sec. 92. Minnesota Statutes 1978, Section 645.44, Subdivision 5, is amended to read:

Subd. 5. **HOLIDAYS.** "Holiday" includes New Year's Day, January 1; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Christopher Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25; provided, when New Year's Day, January 1; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and, provided, when New Year's Day, January 1; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. No public business shall be transacted on any holiday, except in cases of necessity and except in cases of public business transacted by the legislature, nor shall any civil process be served thereon. However, for the executive branch of the state of Minnesota, "holiday" also includes the Friday after Thanksgiving but does not include Christopher Columbus Day. Other branches of state government and political subdivisions shall have the option of determining whether Christopher Columbus Day and the Friday after Thanksgiving shall be holidays. Where it is determined that Columbus Day or the Friday after Thanksgiving is not a holiday, public business may be conducted thereon.

Any agreement between a public employer and an employee organization citing

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Veterans Day as the fourth Monday in October shall be amended to cite Veterans Day as November 11.

Sec. 93. Employees who are represented by the international union of operating engineers, local No. 49, and who are employed by the department of transportation and assigned to the central office and districts 5 and 9, shall, in addition to the salaries provided by Minnesota Statutes, Section 43.12, receive a supplemental adjustment of 12 cents per hour.

Sec. 94. The one percent differential established by Laws 1977, Chapter 452, Section 30, for the classes crime laboratory analyst 1, 2, and 3 and identification officer shall continue in effect for the period July 4, 1979, to July 1, 1981.

Notwithstanding Minnesota Statutes, Section 43.12, Subdivision 14, effective July 2, 1980, one additional step shall be added to the salary ranges for the classes crime laboratory analyst 2 and 3 and identification officer. An employee assigned to one of those classes shall be advanced in pay from his rate of pay immediately preceding that date to the next step within the salary range for his classification. The salary increases provided by this section are in addition to the salaries provided by Minnesota Statutes, Section 43.12.

Sec. 95. In lieu of a birthday holiday, employees in the classes crime investigator 1 and 2, crime laboratory analyst 1, 2, and 3, assistant identification officer and identification officer, and employees represented by the Minnesota government engineers council shall receive a one time lump sum payment in an amount equal to the employee's regular hourly rate of pay on July 4, 1979 times 16 hours.

Sec. 96. The commissioner of public safety is authorized to reimburse employees covered by the agreement with the bureau of criminal apprehension association of forensic scientists up to a maximum of \$100 a year for professional dues for job related organizations.

Sec. 97. Employees who are represented by the Minnesota teamsters public and law enforcement employees union, local No. 320, and who are employed by the department of administration, or by the department of public safety in the classes security guard, law compliance representative 1, or liquor control investigator specialist and headquartered in the Minneapolis-St. Paul metropolitan area, Rochester and Duluth, or by the state board for community colleges in the classes general maintenance worker or general repair worker and assigned to Anoka-Ramsey, Inver Hills, Lakewood, Metropolitan, Normandale or North Hennepin community college shall receive, in addition to the salaries provided by, Minnesota Statutes, Section 43.12, a supplemental travel allowance of \$20 per month. The commissioner of personnel may extend the supplemental travel allowance of \$20 per month to employees who are employed by the department of transportation in the class right-of-way agent and assigned to the central office and districts 1a, 5, 6a and 9.

Sec. 98. In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, employees of the department of public safety, bureau of criminal

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apprehension, who are represented by the bureau of criminal apprehension agents association shall receive the following salary increases:

(1) Effective July 4, 1979, the salary rates and ranges for the classes crime investigators 1 and 2 shall be increased 5.3 percent over the salary rates and ranges in effect on July 3, 1979.

(2) Effective July 2, 1980, the salary rates and ranges for the classes crime investigator 1 and 2 shall be increased 3.8 percent over the salary rates and ranges in effect on July 1, 1980.

Sec. 99. In lieu of the salaries and cost of living adjustments provided by Minnesota Statutes, Section 43.12, Subdivisions 2, 3, and 10, employees of the departments of corrections and public welfare who are represented by the professional employee pharmacists of Minnesota shall receive the following salary increases:

(1) Effective July 4, 1979, the salary rates and ranges for the classes hospital pharmacist and hospital pharmacist senior shall be increased by 6.5 percent over the salary rates and ranges in effect on July 3, 1979.

(2) Effective July 2, 1980, the salary rates and ranges for the classes hospital pharmacist and hospital pharmacist senior shall be increased by 5 percent over the salary rates and ranges in effect on July 1, 1980.

Sec. 100. In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, employees of the department of transportation who are represented by the middle management association shall receive the following salary increases:

(1) Effective July 4, 1979, the salary rates and ranges for covered employees shall be increased by 13 percent over the salary rates and ranges in effect on July 7, 1977.

(2) Effective July 2, 1980, the salary rates and ranges for covered employees shall be increased 4.4 percent over the salary rates and ranges in effect on July 1, 1980.

Sec. 101. Notwithstanding the provisions of Minnesota Statutes, Section 43.50, for employees of the department of transportation who are represented by the middle management association, the department of transportation shall pay the full cost of dependent hospital-medical insurance coverage up to \$60 per month or the cost of the Blue Cross/Blue Shield premium attributable to dependent coverage, whichever is greater.

Sec. 102. In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, employees of the department of natural resources who are represented by the Minnesota conservation officers association shall receive the following salary increases:

(1) Effective July 4, 1979, the salary rates and ranges for the classes natural resources specialist (conservation officer) 1, 2, 3, and 4 shall be increased 13 percent over the salary rates and ranges in effect on July 7, 1977.

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(2) Effective July 2, 1980, the salary rates and ranges for the classes natural resources specialist (conservation officer) 1, 2, 3, and 4 shall be increased 4.4 percent over the rates and ranges in effect on July 1, 1980.

(3) In addition to the adjustments made by paragraphs (1) and (2), each covered employee shall receive an increase of seven cents per hour in lieu of a birthday holiday. The seven cents per hour shall not be included in the wage rate base for purposes of determining the 4.4 percent increase effective July 2, 1980.

(4) Vehicles purchased by the state for the official use of conservation officers shall be equipped pursuant to the terms of the agreement. Officers shall be supplied with flak jackets pursuant to the terms of the agreement.

Sec. 103. In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, effective July 4, 1979, employees of the department of public welfare who are represented by the Minnesota nurses association shall receive the following salary increases:

(1) Covered employees who were paid at a rate of \$1,014 or \$1,051 per month on July 3, 1979 shall be paid at a rate of \$1,133 per month.

(2) The salary rates and ranges for all other covered employees shall be increased by six percent over the salary rates and ranges in effect on July 3, 1979.

In lieu of a birthday holiday covered employees shall receive one floating holiday per year.

Sec. 104. Employees who are represented by the Minnesota government engineers council and who are employed by the department of transportation in the classes radio engineer I, principal highway technician and principal engineering aide shall receive, in addition to the salaries provided by Minnesota Statutes, Section 43.12, a one time lump sum payment of \$438.

Sec. 105. Notwithstanding the provisions of Minnesota Statutes, Section 43.12, Subdivision 17, the severance pay provisions of the collective bargaining agreements with the Minnesota community college faculty association, the IFO/MEA, the Minnesota State University Association of Administrative and Service Faculty/Teamsters, the Minnesota highway patrol officers association and the Minnesota highway patrol supervisors association are approved.

Sec. 106. The commissioner of transportation is authorized to reimburse employees covered by the agreement with the Minnesota government engineers council up to a maximum of \$50 a year for professional dues for job related organizations.

Sec. 107. Effective July 2, 1980, employees of the departments of welfare and corrections who are represented by the association of institutional dentists shall receive, in addition to the salaries provided by Minnesota Statutes, Section 43.12, a 35 cent per hour differential.

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Sec. 108. Employees of the department of corrections who are represented by the Minnesota teamsters public and law enforcement employees, local No. 320, shall receive, in addition to the salaries and differentials provided by Minnesota Statutes, Section 43.12, the following salary adjustments:

(1) Employees in the classes correctional counselor 1, 2 and 3, shall receive a 6 cent per hour differential.

(2) Employees in the classes electrician, painter and plant maintenance engineer shall receive a 10 cent per hour differential.

(3) Effective July 2, 1980, the hourly rate of pay for employees in the classes delivery van driver and janitor, senior shall be increased by 2-1/2 percent, rounded to the nearest cent.

(4) These employees shall receive the same bonus as that provided for in section 115.

Sec. 109. Any employee except an emergency, project or temporary employee, who is compensated pursuant to section 43.12 and excluded from a bargaining unit by section 179.74, subdivision 4, or who is represented by the American federation of state, county and municipal employees, Council No. 6, AFL-CIO, shall receive:

(1) a lump sum bonus of \$225 payable no later than July 31, 1979, provided he was employed prior to January 1, 1979 and was still employed on July 1, 1979.

(2) a lump sum bonus of \$225 payable no later than July 31, 1980, provided he was employed prior to January 1, 1980 and was still employed on July 1, 1980. However, intermittent employees and nontenured laborers who otherwise meet the employment requirements of this section shall only be eligible to receive the bonus after completion of 100 working days in any 12 month period. Part time employees who meet the employment requirements of this section shall receive a bonus of \$137.50 on each of the dates specified in this section.

An employee shall be considered to be employed on July 1, 1979 and July 1, 1980 if he is in payroll status, on approved leave of absence, or on seasonal layoff on that date.

The bonus provided by this section shall not be considered as salary for the purposes of section 352.01, subdivision 13.

Sec. 110. The commissioner is authorized to establish a procedure for paying eligible employees, under the holiday pay provisions of the personnel rules or as required by a collective bargaining agreement, whichever is applicable, for a birthday holiday.

Sec. 111. Notwithstanding the provisions of section 179.74, subdivision 5, a state employee whose exclusive representative, as defined by section 179.63, subdivision 6, was unable to enter into an agreement with the state covering wages and economic fringe benefits on or before May 15, 1979, as a result of an order to cease and desist bargaining

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issued by the director of mediation services, shall receive the applicable wage and economic fringe benefit increases provided by this act.

Sec. 112. The duties, personnel complement of six persons, and appropriation involved in discharging the duties of the department of public service under Minnesota Statutes, Chapters 223, 229, 231, 232, 233, 234, 235, and 236 are transferred to the department of agriculture as of July 1, 1979. Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 113. PERSONNEL SYSTEM STUDY; APPROPRIATION. There is appropriated to the legislative commission on employee relations the sum of \$100,000 for the period ending July 1, 1981, to be used for a study of the state personnel system. A primary focus of the study will be the interrelationship of the civil service system with the public employment labor relations act, as that act applies to state employees. The goal of the study will be the preparation of a report for the legislature containing alternative recommendations by which improvements could be made in applicable laws, rules, structures and procedures. Specific areas to be studied include, but are not necessarily limited to, bargaining procedures, compensation, classification, work force size and turnover, and personnel administration. In performing this study, attention shall be given to methods for preserving and strengthening the role for collective bargaining in the system. Consideration shall also be given to past reports and studies dealing with the state's personnel system and to innovative improvements made in civil service systems by the federal government and other states. The study shall also examine state laws with respect to local civil service systems and local public employee labor negotiations.

The commission shall study and report to the legislature as to its recommendations, including proposed legislation, with respect to (1) merit pay system, progression, and cost of living adjustments for state employees (2) a mechanism for transferring the duty to negotiate with state employees on behalf of the state from the department of personnel to an independent office of state employee contract negotiations (3) the feasibility of an unfair labor practices board, and (4) the annual health evaluation and screening program.

To the extent practicable, use shall be made of existing legislative staff and other resources. In the performance of this study, there shall be frequent consultation with persons and groups involved with or directly affected by the state civil service system. The heads of state agencies shall give their full cooperation in the performance of this study.

The final report of the study, together with any proposed statutory amendments, shall be submitted to the commission no later than November 15, 1980. Any recommendations of the study which will substantially affect the collective bargaining process leading to the 1981-1982 biennium shall be submitted no later than December 1, 1979.

Sec. 114. REPEALER. Effective July 1, 1981, Minnesota Statutes 1978, Sections 43.03; 43.06; 43.062; 43.063; 43.064; 43.065; 43.067; 43.068; 43.069; 43.07; 43.09; 43.111; 43.12; 43.121; 43.122; 43.126; 43.127; 43.128; 43.13; 43.14; 43.162; 43.17; 43.18; 43.19;

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43.20; 43.21; 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; 43.245; 43.321; 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; 43.45; 43.46; 43.48; 43.49; 43.50; and 43.51 are repealed.

Sec. 115. **APPROPRIATION.** Subdivision 1. There is appropriated to the legislative commission on employee relations the sum of \$100,000 for the period ending July 1, 1981, to be used for its general operating purposes.

Subd. 2. There is appropriated to the commissioner of finance the sum of \$100,000 for the purpose of preparing the plan required by section 4.

**Subd. 3. OPEN APPROPRIATIONS; COMPENSATION INCREASES.** (a) The compensation and economic benefit increases covered by this clause are those paid to classified and unclassified employees in the executive, legislative, and judicial branches of state government, and to employees of the Minnesota historical society and nonacademic employees of the University of Minnesota who are paid from state appropriations, if the increases are authorized by law during the 1979 session of the legislature or by appropriate resolutions for employees of the legislature. The amounts necessary to pay compensation and economic benefit increases covered by this clause are appropriated from the various funds in the state treasury from which salaries are paid to the commissioner of finance for the fiscal years ending June 30, 1980, and June 30, 1981.

(b) The cost of living increases covered by this clause are those paid to classified employees pursuant to sections 43.12, subdivision 10 and 43.127, those paid to unclassified employees who are paid salaries comparable to employees in the classified service, and those paid to unclassified employees in the executive, legislative, and judicial branches of state government, and to employees of the Minnesota historical society and nonacademic employees of the University of Minnesota who are paid from state appropriations, if the increases are authorized by law during the 1979 session of the legislature or by appropriate resolutions for employees of the legislature. The amounts necessary to pay cost of living increases covered by this clause are appropriated from the various funds in the state treasury from which their salaries are paid to the commissioner of finance for the fiscal years ending June 30, 1980, and June 30, 1981.

(c) The amounts necessary to pay increased premium rates for basic life insurance and basic health benefit coverage authorized for eligible state employees and their dependents, in the event that these rates are increased over the rates in existence at the time of the passage of this act, are appropriated from the various funds in the state treasury from which these premiums are paid, to the commissioner of finance for the fiscal years ending June 30, 1980 and June 30, 1981.

(d) The commissioner shall transfer the necessary amounts to the proper accounts and shall promptly notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount transferred to each appropriation account.

(e) Money certified as needed by the University of Minnesota and transferred to it under this subdivision shall be used only for the purpose certified. Any amount

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transferred that exceeds the actual amount of cost of living increases or insurance premium increases paid to or for university employees until June 30, 1981 shall be returned to the general fund.

Sec. 116. **EFFECTIVE DATE.** The effective dates for Article I are as follows: sections 2, 4, 8, 40, 45, 46, 47, 58, 61, 65, 82-91, and 113 are effective upon final enactment. Section 64, is effective June 30, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of Article I are effective July 1, 1979. The provisions of section 47 shall apply to all disciplinary actions taken on or after the effective date of section 47. The provisions of sections 63, 93 to 111 and 113 shall expire on July 1, 1981. The provisions of section 137.02, subdivision 4, shall not apply to sections 93 to 111.

## ARTICLE II

Section 1. Minnesota Statutes 1978, Section 15A.081, is amended to read:

**15A.081 SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.**  
Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

		<u>Base Salary or Range</u> <u>Effective</u> <u>July 1,</u> <u>1979</u>	<u>Effective</u> <u>July 1,</u> <u>1980</u>
Administration, department of commissioner	<del>\$41,000</del>	<u>\$44,000</u>	<u>\$47,000</u>
Agriculture, department of commissioner	<del>36,000</del>	<u>38,000</u>	<u>40,000</u>
Attorney general, office of deputy attorney general	<del>23,000-42,000</del>		
Commerce, department of commissioner of banks	<del>32,000</del>	<u>34,000</u>	<u>36,500</u>
commissioner of insurance	<del>32,000</del>	<u>34,000</u>	<u>36,500</u>
commissioner of securities	<del>32,000</del>	<u>34,000</u>	<u>36,500</u>
<u>director of</u> <u>consumer services</u> executive secretary commerce commission	<del>27,000</del>	<u>28,000</u>	<u>30,000</u>
Community college system			

Changes or additions indicated by underline deletions by ~~strikeout~~



chancellor	<del>41,000</del>	<u>44,000</u>	<u>46,000</u>
Corrections, department of			
commissioner	<del>36,000</del>	<u>42,000</u>	<u>45,000</u>
ombudsman	<del>32,000</del>	<u>33,000</u>	<u>35,000</u>
Crime prevention and control <u>planning board,</u> <del>governor's</del> <del>commission on</del>			
executive director	<del>32,000</del>	<u>33,000</u>	<u>35,000</u>
Economic development, department of			
commissioner	<del>32,000</del>	<u>34,000</u>	<u>36,000</u>
Economic security, department of			
commissioner	<del>41,000</del>	<u>43,000</u>	<u>45,000</u>
Education, department of			
commissioner	<del>41,000</del>	<u>43,000</u>	<u>45,000</u>
Energy agency director	<del>36,000</del>	<u>38,000</u>	<u>40,000</u>
Finance, department of commissioner	<del>45,000</del>	<u>48,000</u>	<u>50,000</u>
Health, department of commissioner	<del>41,000</del>	<u>47,000</u>	<u>49,000</u>
Hearing examiners office			
chief hearing examiner	<del>36,000</del>	<u>38,000</u>	<u>40,000</u>
Higher education coordinating board			
executive director	<del>36,000</del>	<u>40,000</u>	<u>42,000</u>
Housing finance agency executive director	<del>36,000</del>	<u>39,000</u>	<u>41,000</u>
Human rights, department of			
commissioner	<del>29,000</del>	<u>31,000</u>	<u>33,000</u>
Indian affairs board executive director	<del>25,000</del>	<u>27,000</u>	<u>29,000</u>
Investment, board of executive secretary	<del>41,000</del>	<u>42,000</u>	<u>44,000</u>
Iron range resources and rehabilitation board			
commissioner	<del>29,000</del>	<u>30,000</u>	<u>31,000</u>
Labor and industry, department of			

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commissioner	<del>36,000</del>	<u>38,000</u>	<u>40,000</u>
judge of the workers' compensation court of appeals	<del>36,000</del>	<u>38,000</u>	<u>40,000</u>
<u>Mediation services,</u> <u>bureau of</u> director, <del>mediation services</del>	<del>29,000</del>	<u>36,000</u>	<u>38,000</u>
Natural resources, department of commissioner	<del>41,000</del>	<u>44,000</u>	<u>47,000</u>
Personnel, department of commissioner	<del>41,000</del>	<u>44,000</u>	<u>47,000</u>
Planning agency director	<del>41,000</del>	<u>43,000</u>	<u>45,000</u>
Pollution control agency director	<del>36,000</del>	<u>38,000</u>	<u>40,000</u>
Public safety, department of commissioner	<del>36,000</del>	<u>38,000</u>	<u>41,000</u>
Public service, department of commissioner, public service commission director	<del>32,000</del> <del>32,000</del>	<u>34,000</u> <u>34,000</u>	<u>36,000</u> <u>36,000</u>
Public welfare, department of commissioner	<del>41,000</del>	<u>44,000</u>	<u>48,000</u>
Revenue, department of commissioner	<del>41,000</del>	<u>44,000</u>	<u>47,000</u>
State university system chancellor	<del>41,000</del>	<u>44,000</u>	<u>46,000</u>
Transportation, department of commissioner	<del>41,000</del>	<u>44,000</u>	<u>48,000</u>
Veterans affairs, department of commissioner	<del>29,000</del>	<u>31,000</u>	<u>33,000</u>

Subd. 5. A deputy of a position listed in subdivision 1, other than the attorney general, shall be paid a base salary equal to ~~90~~ 95 percent of the salary of the head of that department or agency as listed in subdivision 1.

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Subd. 6. The following salaries are provided for the constitutional officers of the state:

		<u>Effective</u>	
		<u>July 1,</u> <u>1979</u>	<u>July 1,</u> <u>1980</u>
Governor	<del>\$58,000</del>	<u>\$62,000</u>	<u>\$66,500</u>
Attorney general	<del>49,000</del>	<u>52,500</u>	<u>56,000</u>
Lieutenant governor	<del>36,000</del>	<u>38,000</u>	<u>40,000</u>
Auditor	<del>30,000</del>	<u>34,000</u>	<u>36,000</u>
Secretary of state	<del>30,000</del>	<u>34,000</u>	<u>36,000</u>
Treasurer	<del>30,000</del>	<u>34,000</u>	<u>36,000</u>

The salaries of the chief deputy attorney general, deputy auditor, deputy secretary of state and deputy treasurer shall be 90 95 percent of the salaries of their respective superior constitutional officers. ~~The deputies shall be eligible for achievement awards as provided in section 43.069.~~

Subd. 7. The following salaries are provided for officers of metropolitan agencies:

		<u>Effective</u>	<u>Effective</u>
		<u>July 1,</u> <u>1979</u>	<u>July 1,</u> <u>1980</u>
Chairman, metropolitan council	<del>\$39,000</del>		
<u>(part-time)</u>		<u>\$ 21,000</u>	<u>\$ 22,500</u>
<u>(full-time)</u>		<u>42,000</u>	<u>44,500</u>
Chairman, metropolitan airports commission	<del>10,000</del>	<u>10,500</u>	<u>11,500</u>
Chairman, metropolitan transit commission	<del>33,500</del>		
<u>(part-time)</u>		<u>18,000</u>	<u>19,000</u>
<u>(full-time)</u>		<u>36,000</u>	<u>38,000</u>
Chairman, metropolitan waste control commission	<del>15,000</del>	<u>16,000</u>	<u>17,000</u>

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

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Sec. 2. Minnesota Statutes 1978, Section 15A.083, Subdivision 1, is amended to read:

15A.083 SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH. Subdivision 1. ELECTIVE JUDICIAL OFFICERS. The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

		<u>Effective</u>	<u>Effective</u>
		<u>July 1,</u>	<u>July 1,</u>
		<u>1979</u>	<u>1980</u>
(1) Chief justice of the supreme court	<del>52,000</del>	\$ <u>56,000</u>	\$ <u>59,000</u>
(2) Associate justice of the supreme court	<del>49,000</del>	<u>52,500</u>	<u>56,000</u>
(3) District judge, judge of county court (learned in the law), probate court, and county municipal court	<del>42,000</del>	<u>45,000</u>	<u>48,000</u>
(4) Judge of a county court (not learned in the law)	<del>27,000</del>	<u>29,500</u>	<u>31,500</u>

Sec. 3. Minnesota Statutes 1978, Section 15A.083, Subdivision 2, is amended to read:

Subd. 2. COUNTY COURT AND COUNTY MUNICIPAL JUDGES. (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota ~~shall receive a salary of \$42,000~~ shall receive a salary of \$45,000, effective July 1, 1979, and \$48,000, effective July 1, 1980.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

Sec. 4. Minnesota Statutes 1978, Section 15A.083, Subdivision 4, is amended to read:

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Subd. 4. **RANGES FOR OTHER JUDICIAL POSITIONS.** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of positions any position for which ranges have a salary range has been provided shall fix the individual salaries under the provisions of section 15A.081, subdivision 2 salary within the prescribed range, considering the qualifications and overall performance of the employee. Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the personnel board has been consulted in advance and its approval obtained. Any salary increase that would adjust an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the personnel board.

		<u>Salary or Range</u>	
		<u>Effective</u>	<u>Effective</u>
		<u>July 1,</u>	<u>July 1,</u>
		<u>1979</u>	<u>1980</u>
Public defender	<del>\$35,000</del>	<u>\$ 37,500</u>	<u>\$ 40,000</u>
District administrator	<del>25,000-35,000</del>	<u>27,000-37,500</u>	<u>28,500-40,000</u>
County attorneys			
council executive director	<del>20,400-29,700</del>	<u>22,000-32,000</u>	<u>23,500-34,000</u>
<u>Board on judicial standards</u>			
executive director		<u>36,000</u>	<u>38,000</u>
<u>State court administrator</u>			
		<u>44,500</u>	<u>47,000</u>

Sec. 5. Minnesota Statutes 1978, Section 43.126, Subdivision 1, is amended to read:

43.126 **SPECIAL RATES OF PAY.** Subdivision 1. Notwithstanding the provisions of sections 43.12 and 43.121 to 43.123, the following salary ranges are established with annual salaries as shown:

Range A	<del>\$29,000</del>	<u>\$32,000</u>	to	<del>\$40,500</del>	<u>\$45,000</u>
Range B	<del>\$35,500</del>	<u>\$37,000</u>	to	<del>\$48,000</del>	<u>\$54,000</u>
Range C	<del>\$40,000</del>	<u>\$42,000</u>	to	<del>\$57,500</del>	<u>\$67,500</u>

Sec. 6. **TEMPORARY PROVISION.** No incumbent whose salary is prescribed in section 15A.083 shall suffer a decrease in salary as a result of this act. If the midpoint of the salary range prescribed by section 15A.083 is less than the salary the incumbent is earning on the day prior to the effective date of this act, the incumbent shall continue to receive that salary for as long as he holds that position, but he shall not be eligible for increases (1) until his salary is no longer higher than the midpoint of the range for that position or (2) unless the personnel board approves an increase.

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Sec. 7. **REPEALER.** Minnesota Statutes 1978, Section 15A.083, Subdivision 4a, is repealed.

Sec. 8. Article II is effective July 1, 1979.

Approved June 5, 1979.

### CHAPTER 333-S.F.No.1510

*An act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1978, Sections 4.12, by adding a subdivision; 4.26, Subdivision 1; 5.08, Subdivision 2; 10.31; 15.015, Subdivision 1; 15.191, Subdivision 1; 16.02, by adding subdivisions; 16.822, Subdivision 3; 16.825, Subdivision 1; 16.826, Subdivision 4; 16.866, Subdivision 1; 16.97; 16A.126; 21.55; 43.067, Subdivision 1; 85A.02, Subdivision 12; 85A.03, Subdivisions 4 and 5; 85A.04, Subdivisions 1 and 2; 85A.05, Subdivisions 3, 4 and 6; 97.482, Subdivision 2; 116E.03, Subdivision 4; 168.54, Subdivisions 4 and 5; 168A.31, Subdivision 1; 179.04; 179.72, Subdivision 1; 180.03, Subdivision 2; 197.16; 198.31; 271.06, Subdivision 4; 299C.07; 362.12, by adding a subdivision; 362.20; 362.40, Subdivisions 9, 10 and 11; 472.11, Subdivision 9; 484.54, Subdivision 1; 546.27; Laws 1976, Chapter 233, Section 14; and Chapters 86, by adding a section; 299C, by adding a section; repealing Minnesota Statutes 1978, Sections 85A.04, Subdivisions 1a and 1b; 168.54, Subdivisions 2 and 3; and 345.48, Subdivision 2.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **STATE DEPARTMENTS; APPROPRIATIONS.** The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1979", "1980", and "1981", wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1979, June 30, 1980, or June 30, 1981, respectively.

#### SUMMARY BY FUND

	1979	1980	1981	TOTAL
General	\$ 2,194,800	\$330,892,400	\$332,502,900	\$665,590,100
Special		1,330,000	1,330,000	2,660,000
Airports		32,500	32,500	65,000
G & F	375,000	16,164,300	16,178,100	32,717,400
Tr. Hwy.		31,123,500	32,386,300	63,509,800
<b>Changes or additions indicated by underline deletions by strikeout</b>				