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40.03 SOIL AND WATER CONSERVATION

districts. One member shall be appointed from each department of natural resources region except that two members shall be appointed from region number one. The four members heretofore appointed shall serve for the balance of the terms for which they were appointed. The fifth member shall be appointed for a term of five years. Thereafter as vacancies occur all appointments shall be made for terms of five years. The commission shall keep a record of its official actions, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter. The commission shall be responsible to the commissioner of natural resources and shall continue to exercise all powers and duties as conferred upon it by law.

[1975 c 420 s 1]

[For text of subs 2 to 4, see M.S.1974]

40.05 Three supervisors elected for each district.

[For text of subs 1 and 2, see M.S.1974]

40.05 Subd. 3. After December 31, 1972, and for the elections required by subdivision 2, all elections except that provided for the organization of the district, in subdivision 1, shall be held at the time and place of holding the general election, as defined in section 200.02, subdivision 2. No primary election shall be held. Election of supervisors of the soil and water conservation district shall be by inclusion on the "canary ballot," as described in section 203A.32. Nominating petitions conforming to the rules stated in subdivision 1 shall be filed with the secretary of the soil and water conservation district at least 60 days before the time of holding the general election. At least 45 days before the general election the district secretary shall submit the names of the candidates and the terms for which nominated to the appropriate county auditor. The ballots for use at the election shall be prepared by the county auditor. All laws relating to county elective office elections shall govern insofar as applicable. The county auditor shall certify the result to the state soil and water conservation commission, and if the soil and water conservation district embraces land in more than one county the county auditor shall forthwith certify to the state soil and water conservation commission the vote, as shown by the report of the county canvassing board, for all candidates voted for in more than one county. In the latter case the state soil and water conservation commission shall certify the results of the election and publish the result.

[1975 c 5 s 126]

[For text of subs 3a and 4, see M.S.1974]

CHAPTER 43. STATE CIVIL SERVICE

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43.05 Duties and powers of commissioner.

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[For text of subd 1, see M.S.1974]

Subd. 2. Specified duties. The commissioner shall:

(1) Attend all meetings of the board;

(2) Prepare 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 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 showing the 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, the date of appointment, employment, promotion, reduction, 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, the examination of which will aid in the discharge of his duty in connection with the roster;

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

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

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

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

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

(10) 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

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

(12) 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

(13) 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.

[1975 c 381 s 3; 1975 c 431 s 1]

43.051 Age for retirement.

Subdivision 1. Notwithstanding the provisions of sections 197.45, 197.46, 197.47, 43.30, effective July 1, 1974, an officer or employee of the state of Minnesota in the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 68 prior to July 1, 1974, or upon reaching the age of 68. Effective July 1, 1975, an officer or employee of the state of Minnesota in the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 65 prior to July 1, 1975, or upon reaching the age of 65. The mandatory retirement age for all other classified officers and employees of the state, if not otherwise provided for by law, shall be 70. Nothing in this subdivision shall apply to persons in the legislative branch or judicial branch.

[For text of subd 2, see M.S.1974]

Subd. 3. Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in the special retirement program for correctional personnel defined in chapter 352, must retire from such covered classification upon having reached or upon reaching the mandatory retirement age as of the effective dates established herein:

| Effective Date | Mandatory Retirement Age |
|-----------------|--------------------------|
| July 1, 1974 | 65 |
| January 1, 1975 | 62 |
| July 1, 1975 | 59 |
| January 1, 1976 | 57 |
| July 1, 1976 | 55 |

A covered correctional employee may be employed beyond the mandatory retirement age for a period of one year not to extend beyond July 1, 1976, but in no event beyond age of 62, subject to an annual medical examination and the written approval of the commissioner of corrections, whose decision shall be final. A correctional employee desiring employment beyond mandatory retirement age shall be examined at his own expense and the results and findings of the medical examination shall be transmitted to the commissioner of corrections prior to the date the employee would otherwise have to retire pursuant to this subdivision.

[1975 c 230 s 1; 1975 c 368 s 12]

[For text of subd 4, see M.S.1974]

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43.056 Files; security.

Written test questions and other information relating to the conduct of examinations shall be kept confidential to the extent necessary to ensure that all applicants for employment have a fair and equal opportunity to demonstrate their abilities to perform the duties of the position for which they are applying. An applicant appealing or contemplating an appeal of his examination score may review written test questions or other information relating to the examination unless the questions are to be used in a future examination. In the latter case, the applicant may designate a person skilled in the evaluation of employment tests to review the materials and evaluate them for his use in deciding to pursue or withdraw an appeal.

[1975 c 381 s 4]

43.064 Other salaries set by commissioner of personnel.

Notwithstanding any other law to the contrary, salaries 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.083; (2) positions listed in section 299D.03; (3) employees in the office of the governor whose salaries shall be determined by the governor; (4) employees in the office of the attorney general; (5) positions in the state college system, the state community college system, and in the higher education coordinating commission 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. Individual salaries for positions enumerated in clauses (4) and (5) shall be determined by the attorney general, the state college board, the state community college board, and the higher education coordinating commission, 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.

[1975 c 156 s 3]

43.09 Unclassified service; classified service.

[For text of subd 1, see M.S.1974]

Subd. 2. Unclassified service. The unclassified service comprises 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 employee 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;

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(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 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 shall be made in accordance with applicable laws governing the classified state civil service;

(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) Seasonal help employed by the department of revenue;

(16) Employees of the department of administration permanently assigned to the ceremonial house.

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).

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(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.

(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, the commissioner of personnel shall reappoint him to his previous classified position, or to a comparable position.

(4) Positions so established are limited in number to six in the departments of administration, corrections, finance, highways, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, economic development, and employment services; to three in the departments of aeronautics, public service, and the planning agency and pollution control agency; and to two in the departments of human rights 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.

[For text of subds 3 to 6, see M.S.1974]

Subd. 7. Classified civil service laborers. Employees in the labor service who are employed for a total of ten months within a 12 month period shall receive the same civil service status given by this chapter to other classified employees of the state not in the labor service.

Employees in the labor service entitled to tenure rights under this subdivision shall be known as classified civil service laborers.

[1975 c 381 s 5-7]

43.12 Commissioner to classify employees.

[For text of subd 1, see M.S.1974]

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 30 additional salary increments. Salary range assignments for each class of employment in this schedule shall include no more than ten salary steps. Effective July 9, 1975, the prescribed minimum monthly rate of pay shall be \$825. The maximum monthly rate of pay shall be \$2,672.

Subd. 3. All employees whose rates of pay are established according to salary schedule "A", effective July 9, 1975, 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.

Subd. 4. Employees compensated according to salary schedule "A" whose monthly rate of pay immediately preceding July 9, 1975, exceeds the maximum monthly rate of pay for their class shall be granted a one time lump sum payment of \$300, except for those employees whose adjustment in their current maximum rate of pay would be \$12.25 or less. The amount of the lump sum payment for those employees whose adjustment would be \$12.25 or less

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shall be equal to the difference between \$300 and the product of the employee's monthly adjustment multiplied by 24. This payment shall be made to eligible employees in accordance with procedures established by the commissioner of finance.

Subd. 5. 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 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 9, 1975, the minimum hourly rate of pay in the salary schedule "B" shall be \$4.59. The schedule shall provide for 14 additional wage steps with a maximum rate of \$7.23 per hour.

Notwithstanding any provision of chapter 43 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, and (c) an eight percent 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. The commissioner shall establish regulations and procedures to equitably implement such rates.

Subd. 6. All permanent employees whose rates of pay are established according to salary schedule "B", effective July 9, 1975, shall be advanced in salary to the established base rate for their class.

Employees with less than six calendar months of service, effective July 9, 1975, shall be advanced in salary to the established orientation rate for their class.

Employees compensated according to salary schedule "B" whose hourly rate of pay immediately preceding July 9, 1975, exceeds the maximum hourly rate of pay for their class shall be granted a one time lump sum payment of \$300, except for those employees whose adjustment in their current maximum rate of pay would be \$12.25 or less. The amount of the lump sum payment for those employees whose adjustment would be \$12.25 or less shall be equal to the difference between \$300 and the product of the employee's monthly adjustment multiplied by 24. This payment shall be made in accordance with procedures established by the commissioner of finance.

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 clerical, technical, service and related 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 rate of pay and extending upward 28 additional fixed salary incre-

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ments. Salary range assignments for each class of employment in this schedule shall not include more than seven salary steps. Effective July 9, 1975, the prescribed minimum monthly rate of pay shall be \$450. The maximum monthly rate of pay shall be \$1,250.

Subd. 8. All employees whose rates of pay are established according to salary schedule "C", effective July 9, 1975, 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.

Subd. 9. Employees compensated according to salary schedule "C", whose monthly rate of pay immediately preceding July 9, 1975, exceeds the maximum monthly rate of pay for their class shall be granted a one time lump sum payment of \$300, except for those employees whose adjustment in their current maximum rate of pay would be \$12.25 or less. The amount of the lump sum payment for those employees whose adjustment would be \$12.25 or less shall be equal to the difference between \$300 and the product of the employee's monthly adjustment multiplied by 24. This payment shall be made to eligible employees in accordance with procedures established by the commissioner of finance.

Subd. 10. For each full four-tenths point increase in the consumers 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, 1975, and October, 1975, new series index (1967&100), all monthly rates of pay in the "A" and special teacher salary schedules shall be increased by two-tenths of one percent, rounded to the nearest dollar and all hourly rates of pay in the "B" and "C" 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 7, 1976, and shall continue in effect until July 7, 1976.

A redetermination of the cost of living allowance shall be made in April, 1976. For each full four-tenths point increase in the 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, 1975, through April, 1976, all monthly rates of pay in the "A" and special teacher salary schedules shall be increased by two-tenths of one percent, rounded to the nearest dollar and all hourly rates in the "B" and "C" 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 7, 1976, and shall continue in effect until January 5, 1977.

A redetermination of the cost of living allowance shall be made in October, 1976. For each full four-tenths point increase in the consumer price index for urban wage earner and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, 1975, through October, 1976, all monthly rates of pay in the "A" and special teacher salary schedules shall be increased by two-tenths of one percent, rounded to the nearest dollar and all hourly rates in the "B" and "C" 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 January 5, 1977.

During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly and monthly rates 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.

Subd. 11. The commissioner of administration may direct the commissioner of finance to transfer to the various departments and agencies the necessary amounts to finance subdivision 10 and section 43.121, subdivision 3. These transfers shall be

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from such accounts and funds from which each department or agency receives its revenue, 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 such salaries. Such sums of money as are necessary for such purposes are hereby appropriated to such departments or agencies from such account and fund in the state treasury. The accounts and funds referred to from which agencies 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.

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.

Subd. 13. None of the provisions of sections 43.12, subdivision 2, to 43.122, shall apply to employees in the classified civil service under the state civil service act who are paid on a fee basis, or to such employees who are department heads.

Subd. 14. Except as otherwise provided in this section, no class will be reassigned to a higher salary range by the commissioner during the 1975-1977 biennium.

Subd. 15. Notwithstanding the provisions of any other law to the contrary, when making an appointment to the unclassified civil service of the executive branch of government, the appointing authority shall provide the commissioner with a personal resume of the appointee and a detailed job description outlining the duties and 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.

Subd. 16. Effective July 9, 1975, employees whose positions are assigned to classes in the A, B, C 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 cents per hour for all hours worked on that shift in addition to their regular rate of pay. Such 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.

Subd. 17. Effective July 1, 1975, any permanent employee who is separated from the state classified civil service by reason of death, mandatory retirement, retirement under a state retirement program after ten years of state employment, layoff, excluding seasonal layoffs, or who is separated after completing 20 years of state service shall be entitled upon such separation, to pay in an amount equal to 30 percent, except for community college faculty em-

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ployees who shall receive 25 percent and except for unclassified faculty employees in the state college system who shall receive 20 percent, of the employee's regular accumulated but unused sick leave balance at the time of separation. Effective July 1, 1976, severance pay shall be computed upon 40 percent, except for community college faculty employees who shall receive 30 percent and except for unclassified faculty employees in the state college system who shall receive 20 percent, of the employee's regular 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.

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 800 hours, 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.

Subd. 18. The commissioner is hereby empowered to establish by rule an injured on duty compensation plan for certain classes of state employees in hazardous or dangerous classes of employment. Said plan shall not be subject to the limitations contained in section 176.021, subdivision 5.

Subd. 19. Career executive service. (a) There is established a career executive service within the Minnesota state service.

The purpose of the career executive service is to provide a system for identifying, developing and recognizing key individuals in the state service who occupy high level professional and managerial positions in the classified civil service.

(b) The commissioner shall designate positions in the classified civil service of the state as eligible for inclusion in the career executive service. Such positions shall include those which carry basic responsibilities for high level professional or scientific competence, policy determination, leadership, or the internal management and administration of a department or other major unit.

The incumbents of such positions shall be selected from among the employees of the state, or its political subdivisions, as set forth in this subdivision.

(c) Eligibility for appointment to the career executive service shall be in accordance with regulations and procedures as the commissioner shall determine. Assignments will be made only after the nominee has achieved permanent or probationary civil service status in the class occupied at the time nomination is made and after meeting requirements as determined by the commissioner.

(d) The provisions of chapter 43, and sections 197.45 to 197.48 insofar as they relate to the selection, classification, preference, transfer, tenure and other conditions of employment shall not apply in the selection and assignment of personnel in the career executive service. Appointments may be terminated by the ap-

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pointing authority, provided, however, that the termination is not based on reasons of politics, religion, race, age, sex, or disability.

(e) The commissioner shall certify the names of those persons meeting requirements established elsewhere in this subdivision to the appointing authority, and the appointing authority shall be limited in his appointment to such list.

(f) No person appointed to the career executive service shall be deemed to acquire any vested rights or tenure to such appointment, provided however, that the time served in such appointment shall be credited to the employee's seniority, sick leave, vacation, and retirement rights if the employee was appointed to the career executive service from the classified civil service. An employee may be reassigned to another career executive service position at the same or lower level at the discretion of his appointing authority. An employee removed from the career executive service who was appointed from the classified state civil service shall be reinstated to his former grade in the same or similar position under the civil service laws and his compensation shall be at the level formerly received plus any annual increments he would have received had he remained in the schedule provided in subdivision 2.

(g) The commissioner may establish and enforce regulations and procedures with respect to the career executive service to ensure compliance with the purposes and intent of this subdivision.

(h) Notwithstanding any provision to the contrary, persons appointed to the career executive service shall be subject to the retirement requirements set forth in section 43.051.

Subd. 20. Career executive service salaries. Individuals appointed to the career executive service shall be paid according to a compensation plan developed by the commissioner. Salaries established under this plan shall be limited to amounts 20 percent above the maximum of the salary range for the employee's job classification in the classified civil service.

The commissioner shall ensure that the salary administration provisions of the plan and the methods of compensation provide sufficient incentives and flexibility to encourage responsiveness, innovation, and efficiency in incumbents appointed to the career executive service.

The salary rate to be paid an employee, within the plan developed by the commissioner, shall be determined by the appointing authority within guidelines established by the commissioner. The beginning salary rate and any subsequent changes shall be reported to the commissioner by the appointing authority.

Subd. 21. Allocations. The commissioner shall allocate each position in the classified civil service to one of the classes within the classification plan, and thereafter all salary rates, schedules, or compensation policies shall apply uniformly to all positions within each class, in accordance with rules and regulations established by the commissioner, except to those positions for which special provision is made in subdivision 26. When a position which has not been allocated to one of the classes within the classification plan is established, the appointing authority shall notify the commissioner, who shall allocate the new position to its appropriate class.

Subd. 22. After the commissioner makes an allocation under subdivision 21, he shall notify the appointing authority affected, in writing, of that allocation. The allocation shall become immediately effective, but the appointing au-

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thority may within ten days file with the commissioner an application for reconsideration, together with any written evidence by way of affidavits, statements or exhibits which that appointing authority may desire considered by him. The commissioner shall act upon that application within ten days after receiving it, and notify the appointing authority of his final action.

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 it to an appropriate class. If the commissioner makes a reallocation or denies an application for reallocation, 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 clause (2), and the procedure set out in subdivision 22 shall apply to such application. Except as provided in subdivision 26, any reallocation 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.

Subd. 24. In case of any allocation under subdivision 21, or any reallocation 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 or by the appointing authority who will be affected by an allocation or a reallocation, 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 his record. In all cases of applications for reallocation, the burden of proof shall be upon the person requesting the reallocation.

Subd. 25. Except as provided in subdivision 26, the incumbent of a position which has been reallocated 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 rules of the commissioner governing reallocation 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 rules of the commissioner shall apply. Personnel changes required by the reallocation of positions shall be completed within a reasonable period of time, as prescribed by the commissioner, following the reallocation 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 rules of the commissioner.

Subd. 26. When a position is reallocated by the commissioner to a class in a lower salary range, or when an employee is demoted to a position in a lower salary range, the commissioner may give consideration to the employee's long or outstanding service, exceptional or technical qualifications, age, health, or substantial changes in work assignment or operational changes in state government which eliminate positions held by classified employees with permanent status. When, as a result of such consideration, the commissioner determines that the best interests of the state will be served by such action, the position shall be reallocated but the employee shall continue at the same rate of pay. Thereafter, as long as he remains in the same position, such employee shall not be eligible to receive any salary increases, except those economic adjustment increases based on the consumer's price index authorized by law, until such time as his salary once again may be within the

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range of the class to which his position has been reallocated.

[1975 c 431 s 2-5]

43.121 Salary range assignment.

Subdivision 1. The commissioner shall ensure that each class of employment in the classified service is assigned to one of the salary schedules established by section 43.12, subdivisions 2 to 18 and 21 to 26, at a salary level consistent with the provisions of section 43.111.

Subd. 2. When an additional class is added to the classification plan by the commissioner, it shall be assigned to one of the salary schedules set forth in section 43.12, subdivisions 2 to 18 or 21 to 26. Such assignment to a salary schedule when approved by the commissioner shall be submitted to the commissioner of finance who shall determine whether funds are available for such purposes. The commissioner of finance may approve or reject the establishment of such new classes on the basis of availability or non-availability of funds. These classes, and the approved compensation for them, shall become effective when approved by the commissioner of finance and shall be used by him in connection with all payrolls and accounting records and with all budget estimates for all departments or agencies of the state government. Upon his approval, the commissioner of finance shall file such new classes, and the approved compensation for them, in the office of the secretary of state.

Subd. 3. Notwithstanding the provisions of this section, the commissioner may assign the classes of employment which require teaching in an established school program in the department of education and institutions of the state under the jurisdiction of the department of public welfare and the department of corrections to salary ranges, which he is hereby authorized to establish. Whenever the commissioner assigns classes of employment which require teaching in an established school program to any salary range which he is authorized to establish by this subdivision, he shall prepare schedules showing the salary ranges for each class, or group of positions in the class of positions assigned by him and he shall also prepare schedules showing entrance salaries and step increases based upon educational attainments and length of satisfactory service. The salary ranges shall include a minimum rate and not more than 12 additional step increases. In assigning ranges of salaries for positions in this category the commissioner shall give consideration to the salary schedules for teachers which are in effect in other units of government of the state.

The basic salary for institution educational administrators and supervisors shall be based upon the employee's qualifications and the appropriate academic level of the special teacher salary schedule. However, the commissioner is authorized to establish a percentage differential to compensate for administrative and supervisory responsibilities. Annual length of satisfactory service salary adjustments shall be awarded beginning with the payroll period nearest the anniversary date of the special teacher's, institution educational supervisor's or institution educational administrator's original or promotional appointment to his present class, unless he is notified in writing by the appointing authority that his work has been of a less than satisfactory level.

[1975 c 431 s 6-8]

43.122 Individual salary increases.

Subdivision 1. Appointing authorities are authorized to grant achievement awards in the amount of one salary step for employees assigned to salary schedule A, who have demonstrated outstanding performance, subject to personnel rules which the commissioner shall issue. In no instance shall such awards be granted in excess of 30 percent of employees authorized at the beginning of each fiscal year. Employees within the 30 percent limitation who are at or above the maximum of their salary range may be granted an achievement award, but the award, if granted, shall be paid in a lump sum equal to the annual equivalent of one half the difference between the last two steps of

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the employee's range. This payment shall be provided in accordance with the procedures established by the commissioner of finance. Appointing authorities shall make every effort to distribute achievement awards equitably among and within all classifications to eligible employees.

[For text of subd 2, see M.S.1974]

Subd. 3. (a) Employees in classes assigned to the "A" salary schedule may receive a one step salary increase annually, at the beginning of the first full payroll period nearest their anniversary date, to the position rate in their salary range, provided performance is satisfactory as indicated by their appointing authority.

The position rate shall be as follows:

9 step salary range - 5th step

8 step salary range - 5th step

7 step salary range - 4th step

6 step salary range - 4th step

5 step salary range - 4th step

4 step salary range - 3rd step

3 step salary range - 3rd step

Beyond the position rate, employees may receive one step satisfactory performance increases biennially, at the beginning of the first full payroll period nearest their anniversary date, upon the recommendation of their appointing authority, up to and including the maximum rate of the salary range for their class.

No increases authorized by this subdivision shall be granted by the appointing authority until an appropriate employee evaluation program is filed with the commissioner. Authorized increases shall be recommended in the context of performance measured against specific performance standards or objectives.

Appointing authorities shall not recommend increases for those employees in this schedule who have not met, or only marginally attained, performance standards or objectives. Increases withheld may subsequently be granted by the appointing authority upon certification to the commissioner that the employee is achieving performance standards or objectives.

(b) Employees in classes assigned to the "C" salary schedule shall progress through the salary range for their class according to the following procedure:

Employees compensated at the first step in their salary range shall be advanced to the second step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the first step. Employees compensated at the second step in their salary range shall be advanced to the third step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the second step.

Employees compensated at or beyond the third step in their salary range shall advance to the next highest rate in their salary range at the beginning of the first full payroll period nearest completion of each subsequent 12 calendar months of satisfactory service until the maximum rate of pay is attained.

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Employees compensated at the maximum step in their range or above shall receive no salary adjustments under the provisions of this subdivision.

(c) Appointing authorities may withhold increases authorized in clause (b). Those employees who will be denied an increase because of unsatisfactory service must be notified in writing. Increases withheld may subsequently be granted by the appointing authority upon certification to the director that the employee has achieved a satisfactory level of performance.

Subd. 4. To determine anniversary dates for the purposes of this section, the following procedure shall be used. For all persons employed on or before May 30, 1973, annual anniversary dates shall be computed from that date. For those employed subsequent to May 30, 1973, the anniversary date shall be computed from the date of employment. For those promoted, reinstated after resignation or retirement, or reemployed subsequent to May 30, 1973, the anniversary date shall be computed from the date of the action. The date of reinstatement shall be the anniversary date for an employee reinstated during the period May 30, 1973 through June 30, 1975, after a leave of absence. After June 30, 1975, a reinstatement from a leave of absence shall not affect the employee's anniversary date. Anniversary dates shall not be affected by the withholding of increases authorized in subdivision 3, clause (a).

[1975 c 431 s 9-11]

43.126 Special rates of pay.

[For text of subd 1, see M.S.1974]

Subd. 2. When it becomes apparent that the performance of certain functions of the state government is of such public concern as to demand employment of exceptionally qualified doctors of medicine and where it can be clearly demonstrated that such employees cannot be employed at the rate provided for in sections 43.12 and 43.121 to 43.123, an appointing authority may propose that positions in the classified service be assigned to one of the ranges listed in subdivision 1. Such proposals shall be made to the commissioner of personnel who shall take into consideration the standards of eligibility established by the appropriate national medical specialty board. The commissioner shall conduct local and nationwide surveys of compensation paid for like positions, shall give consideration to this data, and may assign to one of the ranges listed in subdivision 1, on an individual basis, such positions as he determines to come under the provisions of this subdivision. All such assignments and future reassignments made under the provisions of this section shall be reported to each branch of the legislature if it is in session, or if it is not in session, at the opening of the next legislative session. Positions so assigned, and positions and employees in such classes shall be subject to the provisions of all applicable sections of this chapter except sections 43.12, subdivisions 2 to 18 and 43.121 to 43.123. Employees in such classes shall not be eligible for economic adjustment increases nor for increases above the maximum of their ranges as established by subdivision 1. The procedures outlined in this section concerning the assignment of positions into the ranges provided for in subdivision 1 shall in no way supersede, amend or stand in place of the provisions of section 43.13.

Subd. 3. The commissioner may subsequently reassign a position to a different range listed in subdivision 1, if in his judgment such reassignment is in the public interest. Assignments or reassignments to ranges listed in subdivision 1 shall continue until such time as the commissioner determines that the reasons for such special assignments no longer exist, at which time the commissioner shall remove such positions from such assignment. Subsequent to such action he shall assign such positions to one of the schedules listed in section 43.12, subdivisions 2 to 18, as provided in section 43.121, subdivision 2.

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[1975 c 431 s 13,14]

[For text of subd 4, see M.S.1974]

43.127 State management group.

Subdivision 1. Development of plans. The commissioner shall establish appropriate plans for training and development, mobility and compensation for those classified positions identified as being managerial pursuant to section 43.326. Such plans shall be oriented toward enhancing the capability of state managers to effectively and efficiently direct the resources and programs for which they are accountable.

Subd. 2. Managers excluded from bargaining units. Incumbents of classified positions defined as managerial by section 43.326 shall be excluded from any bargaining units under the provisions of chapter 179.

Subd. 3. Management compensation schedule. The management compensation schedule shall provide compensation methods and levels for state managers that will be generally comparable to those applicable to managers in other public and private employment. Provisions of the schedule shall ensure that compensation within assigned salary ranges is directly related to level of performance. In assigning salary ranges, the commissioner shall utilize an objective evaluation system which takes into consideration the knowledge, ability, responsibility, and accountability of positions. Employees assigned to positions in the management compensation schedule shall be exempt from all overtime provisions.

Subd. 4. Salary progression. All salary increases within ranges for employees compensated according to this section must be specifically recommended by the appointing authority and based on evaluated job performance according to the results oriented performance appraisal system as provided by section 43.245. The commissioner shall establish and enforce guidelines which relate the amount and timing of achievement increases to relative levels of evaluated job performance.

Appointing authorities shall file a written report with the commissioner by August 15 of each year, in the format prescribed by the commissioner, indicating all increases granted during the previous fiscal year under the provisions of this subdivision. On the basis of the reports the commissioner may require prior approval of all increases for managerial employees in departments where guidelines are not being appropriately applied.

Subd. 5. Adjustments of salary ranges. Salary ranges for classifications assigned to the management compensation schedule shall be adjusted by cost-of-living provisions on the same dates and by the same amounts as determined for salary ranges in the "A" schedule as provided in section 43.12; provided that if the cost-of-living adjustment for an "A" schedule employee is to be computed as a percentage of his salary, the amount of the adjustment for an employee compensated pursuant to the management compensation schedule shall not exceed the amount that would result if that percentage were applied to the average salary of all employees compensated pursuant to the management compensation schedule. Employees whose monthly rate of pay is lower than the adjusted minimum monthly rate for their class as a result of any cost-of-living adjustment shall be adjusted to the new minimum rate. All other employees eligible under subdivision 1 shall not receive the adjustments unless specifically recommended by their appointing authority on the basis of evaluated job performance.

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.

[1975 c 276 s 2]

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43.16 [Repealed, 1975 c 399 s 2]

43.17 Appointments.

[For text of subd 1, see M.S.1974]

Subd. 2. Term of eligibility. The term of eligibility of applicants on original entrance lists shall be six months, and on promotion and reinstatement lists shall be one year, but the term of any list may be extended by the commissioner. In no case may eligibility be extended for a period of more than three years, except for layoff lists, eligibility on which shall extend for eight years or the length of the employee's state seniority, whichever is less.

[For text of subd 3, see M.S.1974]

Subd. 4a. Notwithstanding any law to the contrary, persons may be employed by any governmental department 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 and shall be subject to the advance approval of the commissioner of administration.

[1975 c 381 s 8; 1975 c 431 s 12]

43.18 Vacancies.

Subdivision 1. Notice. Appointing officers shall give written notice to the commissioner of personnel of their intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service, and, within a reasonable time after the receipt of this notice, the commissioner shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, names in the manner as provided in this section.

Subd. 2. Promotions. In the case of positions to be filled by examinations other than open competitive examinations, the commissioner shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating, except as provided in sections 43.23 and 43.19, subdivision 1.

Subd. 3. Original entry. In the case of positions to be filled by open competitive examination, the commissioner shall certify the first ten names on the list. Appointments from the list shall only be made from the first ten available eligibles. The commissioner shall promulgate rules so that a determination of unavailability by an appointing authority will be based on a statement of unavailability from the eligible or lack of response by the eligible to notification by certified mail of the open position. Before requesting a recertification based on unavailability or rejection of an eligible, the appointing authority shall demonstrate the unavailability of an eligible or shall provide reasons for requesting the removal of an eligible's name from the certification.

Subd. 4. Appointment; probation. The appointing officer shall appoint on probation; with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. Seniority in length of service shall also be one of the factors in an appointment in the manner as provided by personnel rule. The provisions of this section shall not apply when the office or employment is among those listed in section 43.20, for which competitive examinations are not required.

[1975 c 45 s 1; 1975 c 431 s 15]

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43.19 Vacancies; promotions; dismissals.

[For text of subs 1 to 3, see M.S.1974]

Subd. 4. Managerial or professional position, filling. Notwithstanding any provision in chapter 43, to the contrary, every vacancy in a managerial or professional position shall be open to any state employee 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. Seniority in length of service shall also be one of the factors in an appointment in the manner as provided by personnel rule.

[1975 c 431 s 16]

43.20 Non-competitive positions.

[For text of subs 1 to 3, see M.S.1974]

Subd. 4. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional, or expert character are required, and upon satisfactory evidence that for specified reasons competition in this special case is impracticable and that the position can best be filled by the selection of some designated person of high and recognized attainments in these qualities, the commissioner may suspend the requirements of competition in this case, but no suspension shall be general in its application to the position.

[1975 c 381 s 9]

[For text of subs 5 and 6, see M.S.1974]

43.21 Probationary period.

Except as in this chapter otherwise provided, all original appointments and promotions within the classified civil service, shall be for a probationary period the duration of which is determined by personnel rule for each class, or group of classes to be not less than 30 days and not more than two years but dismissals or demotions may be made at any time during such period, subject to the provisions of section 43.19, subdivision 3. No employee transferred or promoted from one position in the classified civil service to another position in the classified civil service shall be dismissed, except for just cause, demoted or transferred without his consent until he shall have served a trial period of at least 15 days in his new position. At the end of the probationary period the appointing officer shall notify the commissioner, in writing, whether the probationer is a satisfactory employee and should receive the status of a permanent appointee. Upon such notice or in the absence of notice to the commissioner, the employee shall be deemed to have a permanent classified civil service status. Work performance evaluation shall be provided to a probationary employee during the probationary period in a manner and frequency in accordance with rules established by the commissioner.

[1975 c 381 s 10; 1975 c 431 s 17]

43.22 Transfers; leaves of absence; reinstatement.

[For text of subd 1, see M.S.1974]

Subd. 2. Leaves of absence. Any person holding a permanent position in the classified service of this state may be granted a leave of absence on the grounds of sickness, disability, or other good and sufficient reason; provided, that no leave, except military leave, sick or disability leave, leave to accept an elected public office as provided by section 43.28, leave to accept an appoint-

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tive position in the state unclassified service, leave to accept employment with a civil defense survival plan project to which the state is a party, and leave to attend an accredited college or university under a training program authorized by the state, shall exceed one year. However, a leave of absence to attend an accredited college or university may be extended, by order of the commissioner, upon application duly made and approved by the appointing authority, for such period of time necessary to complete a particular course of study, but not to exceed one year.

Subd. 3. Leaves, when granted. Leave of absence may be granted to an employee in the classified civil service to enable such person to take an appointive position in the state unclassified civil service. Persons having accepted or accepting appointive positions in the unclassified civil service shall, at any time within 60 calendar days of the termination of the appointment, upon application to the commissioner of personnel, be restored to a position with the same status and classification as the position the employee held immediately prior to appointment to the unclassified civil service.

[1975 c 381 s 11,12]

[For text of subd 4, see M.S.1974]

43.224 Annual leave allowances.

No employees in the unclassified service shall be paid for unused portions of annual leave allowances provided for by section 351.12, for any greater period of time than is permitted employees in the classified service. No elected state employee shall be paid for unused annual leave allowances or a severance pay allowance based upon unused sick leave pursuant to section 43.12, subdivision 2, upon retirement or termination of service for any reason whatsoever.

[1975 c 381 s 13]

43.227 Time off in emergencies.

At the request of a department head, and 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 authorizes a longer duration.

[1975 c 381 s 14]

43.23 Seniority rights; positions abolished; preference.

Subdivision 1. Right of seniority. When one or more employees in the classified civil service are laid off because of a shortage of funds or curtailment of service or for any other reason beyond their control, the order of layoff shall be determined according to personnel rules which shall be based on seniority, and the names of such employees shall be placed at the head of the appropriate registers.

Subd. 2. Notice of layoff. In every case of layoff of a permanent officer or employee, the appointing authority shall, at least seven days before the effective date thereof, give written notice to the employee and shall certify to the commissioner the reasons therefor. In any case where an appointing authority fails to certify before the effective date thereof, that the layoff was for reasons not reflecting discredit on the employee, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissals, as provided in this chapter.

[1975 c 431 s 18,19]

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[For text of subs 3 to 5, see M.S.1974]

43.30 Veterans preference.

The provisions of this section shall govern the granting of veterans' preference for the state civil service.

A veterans' preference shall be available pursuant to this section to every person who has been separated under honorable conditions from any branch of the armed forces of the United States; (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty, and who is a citizen of the United States. A veteran thus preferred shall not be disqualified from holding any position in the classified service on account of his age or by reason of any physical disability provided such age or physical disability does not render him incompetent to perform the duties of the position.

Recognizing that training and experience in the services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily discovered by examination; there shall be added to the examination rating of a disabled veteran, if he so elects, a credit of ten points if the veteran obtained a passing grade without the addition of the credit points; and if the disabled veteran is able to perform the duties of the position sought with reasonable efficiency, his name shall be placed on the list of eligibles with the names of other eligible persons. The name of a veteran with such augmented rating shall be entered ahead of a nonveteran when their ratings are the same.

There shall be added to the examination rating of a nondisabled veteran, if he so elects, a credit of five points if the veteran obtained a passing grade without the addition of the credit points. The name of a veteran with such augmented rating shall be entered ahead of a nonveteran when their ratings are the same.

A governmental agency, when notifying an applicant that he has passed an examination, shall notify the veteran of his specific score and shall also notify the applicant that he may elect to use a veteran's preference to augment his passing rating.

A veteran's preference under this section may only be used in the state civil service and political subdivisions of the state in the securing of positions to be filled by open competitive examinations and may not be used for the filling of promotional positions. An open competitive examination is an examination open to current employees and nonemployees of the state or political subdivision. A veteran's preference under this section may not be used by any veteran who is receiving or who is eligible to receive a monthly veteran's pension benefit based exclusively on length of military service.

Notwithstanding the foregoing restrictions on use, in any governmental agency giving an examination, where an applicant for a promotional position is a disabled veteran who has passed the promotional examination for his first promotion after entering that position, he may elect to have a credit of five points added to that examination rating. The decision to make such election may be made either before or after the examination. This promotional preference may only be successfully used one time and only in the securing of the first promotional position after securing public employment.

A preference given by this section is hereby extended to the surviving spouses of deceased veterans and to the spouse of a disabled veteran, who because of the disability is unable to qualify.

The fact that an applicant has claimed a veterans preference shall not be made known to the examiners. The preference credit shall be added to the examination rating, and the records shall show the examination rating and the preference credit.

A disabled veteran is one who has a compensable service connected disability as adjudicated by the United States Veterans Administration, or by the retirement boards of the several branches of the armed forces, and which dis-

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ability is existing at the time preference is claimed. The commissioner may require candidates claiming preference as disabled veterans to submit documentary evidence in support of their claim and may anticipate certification by the veterans administration where necessary to avoid delays in establishing an eligible list. For purposes of the preference to be used by a disabled veteran in securing a promotional position, the term "disabled veteran" means a person who, at the time of election to use his promotional preference, is entitled to disability compensation under laws administered by the veterans administration for a permanent service connected disability rated at 50 percent or more.

In the event of the rejection by the appointing officer of the person so preferred when certified to fill a vacancy or a new position, the appointing officer shall forthwith file in writing with the commissioner the reasons for such rejection and shall furnish to the rejected veteran a copy thereof.

[1975 c 45 s 2; 1975 c 381 s 15]

43.328 Mileage allowances.

Subdivision 1. Except as provided in subdivision 3, the maximum amount which shall be paid by any county, city, town, or school district, to any employee as compensation or reimbursement for the use by the employee of his own automobile in the performance of his duties shall not exceed 15 cents a mile.

[1975 c 431 s 20]

[For text of subs 2 and 3, see M.S.1974]

43.42 Insurance benefits intent.

It is the intent of sections 43.42 to 43.49 to provide certain state employees with basic life insurance and basic health benefits coverage, including such basic health benefits coverage as the commissioner may make available from prepaid group practice plans, to be paid for by the state and to authorize an eligible state employee to enroll himself, and his dependents in such optional coverages as are made available therefor by the commissioner to be paid for by the employee through payroll deductions. Optional group coverages may include additional life insurance, auto insurance, disability insurance, dental insurance, legal insurance, homeowners insurance, and vision insurance.

[1975 c 381 s 16]

43.43 Definitions.

Subdivision 1. For the purposes of sections 43.42 to 43.49, the terms defined in this section have the meanings given them.

Subd. 2. "State employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

- (1) An employee in the classified service of the state civil service paid on a state payroll;
- (2) An employee in the unclassified service of the state paid on a state payroll who is not excluded from any of the provisions of sections 43.42 to 43.49;
- (3) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission;
- (4) A judge of the supreme court or an officer or employee of such court; a judge of the district court;
- (5) A salaried employee of the public employees retirement association;
- (6) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;
- (7) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;
- (8) An employee of the regents of the university of Minnesota, who is a

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member of the academic staff with the rank of instructor, research fellow, or above, including a lecturer, serving on not less than 75 percent regular appointment;

(9) An employee of the regents of the university of Minnesota and a member of the civil service staff under the civil service plan, adopted by the university of Minnesota, who is employed on a monthly salaried appointment;

(10) An employee of the state college board or the state board for community colleges who is a member of the academic staff, who is employed for not less than a 75 percent time basis, and who is paid on a state salary payroll; or

(11) An employee of the state college board or the state board for community colleges who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the college board of the state of Minnesota, revenue fund or the college activity fund. The required premium payment of such an employee is to be paid, however, from the fund from which the employee's salary is paid.

(12) A member of the state legislature.

(13) A seasonal employee of the waters, soils and minerals division of the state department of natural resources whose duties include the sampling, weighing or grading of iron ore, taconite, or other minerals; provided that the employee shall receive the benefits provided in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when the employee is not working at his occupation, and the premiums therefor shall be paid from the same salary fund or account as the salary of the employee.

(14) A person employed in the state service as a pre-service trainee on a full time basis.

Subd. 3. "Hospital benefits coverage" means:

A plan that provides coverage for, or pays, or reimburses expenses for hospital services.

Subd. 4. "Medical benefits coverage" means:

A plan that provides coverage for, or pays, or reimburses expenses for medical services and medical expenses prescribed by a doctor.

Subd. 5. "Employee life insurance benefits coverage" means:

A plan that provides life insurance coverage on the lives of eligible employees. Waiver of premium disability benefit and accidental death and dismemberment coverage may be included.

Subd. 6. "Carrier" means:

(1) For hospital benefits coverage, an insurance company licensed to do business in the state or a nonprofit hospital service association or a prepaid group practice hospital care plan authorized to do business in the state.

(2) For medical benefits coverage, an insurance company authorized to do business in the state or a nonprofit medical service association or a prepaid group practice medical care plan authorized to do business in the state.

(3) For employee life insurance benefits coverage, an insurance company authorized to do business in the state.

Subd. 7. "Commissioner" means the commissioner of personnel.

Subd. 8. A new eligible state employee's basic coverages shall become effective on the first day of the first payroll period beginning on or after the 28th day following the first day of employment.

[1975 c 381 s 17]

43.47 Exclusion of certain state employees.

Subdivision 1. Except as provided in section 43.491, the persons enumerated in this section and their dependents are excluded from the provisions of sections 43.42 to 43.49:

Subd. 2. An emergency, temporary, or intermittent employee of the state; a part time or seasonal employee of the state serving on less than a 75 percent

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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;

Subd. 3. A deputy registrar of motor vehicles;

Subd. 4. An election official;

Subd. 5. An independent contractor engaged in work for the state under a contract or any employee thereof;

Subd. 6. A judge of any court, and an officer or employee thereof except as otherwise provided in section 43.43;

Subd. 7. A notary public;

Subd. 8. Patient or inmate help in a state institution including but not limited to the Minnesota veterans home;

Subd. 9. A student at a state educational institution who may be employed as student help;

Subd. 10. A person rendering a professional service whose duties are assigned and whose compensation is paid on a per diem basis;

Subd. 11. A member of a state board or commission who serves the state intermittently, who serves without compensation or who is paid on a per diem basis; an officer, including a secretary or treasurer, employed by a state board or commission and whose compensation is less than \$2,000 per year;

Subd. 12. A temporary employee of the legislature or a temporary employee of a study or interim committee or commission except as otherwise provided in section 43.44, subdivision 2;

Subd. 13. An employee of the board of regents of the University of Minnesota on the academic staff serving on less than a 75 percent regular appointment;

Subd. 14. An employee of the board of regents of the University of Minnesota and member of the civil service staff under the civil service plan adopted by the University of Minnesota, who is employed on an emergency, temporary, or intermittent basis; a part time or seasonal employee or member serving on less than a 75 percent time basis;

Subd. 15. An employee of the board of regents of the University of Minnesota, who has chosen to have his wages and fringe benefits governed by the terms of a master or uniform contract ("prevailing rate" employee) in accordance with the provisions of the University of Minnesota civil service rule 5.12, as amended;

Subd. 16. An employee in the unclassified civil service who is employed by the state college board or the state board for community colleges as a member of the academic staff serving on less than a 75 percent time basis;

Subd. 17. An employee of the state agricultural society; an employee of the board of regents of the University of Minnesota who is eligible for coverage under the federal employees health benefits program;

Subd. 18. A person employed in the federal economic opportunity act program, including but not limited to a neighborhood youth corps enrollee and work site supervisor, except a person who otherwise meets the eligibility requirements of sections 43.42 to 43.49, and performs administrative and clerical duties in connection with the administration by the state of the program, provided the required premium is paid from such federal funds as may be available for the administrative costs of the program.

[1975 c 381 s 18]

43.491 Optional coverages for noneligible state employees.

[For text of subd 1, see M.S.1974]

Subd. 2. The following persons enumerated in this subdivision though excluded by Laws 1967, Chapter 103, from coverage, are nonetheless eligible for coverages at their own expense pursuant to the provisions of subdivision 1:

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(1) A part time or seasonal employee of the state serving on less than a 75 percent time basis;

(2) An employee of the board of regents of the University of Minnesota on the academic staff serving on less than a 75 percent regular appointment;

(3) A part time or seasonal employee of the board of regents of the University of Minnesota and a member of the civil service staff under the civil service plan serving on less than a 75 percent time basis;

(4) An employee in the unclassified service of the state civil service who is employed by the state college board or the state board for community colleges as a member of the academic staff serving on less than a 75 percent time basis;

(5) An officer or employee of the state agricultural society;

(6) A civilian employee of the adjutant general who is paid from federal funds and who is not eligible to benefits from any federal civilian employee group life insurance or health benefits program;

(7) An officer or employee of the state capitol credit union or the hiway credit union.

[1975 c 417 s 1]

[For text of subd 3, see M.S.1974]

43.50 Payment of premiums.

Subdivision 1. Each department of the state government shall pay the amounts due for basic life insurance and basic health benefits coverage authorized for eligible state employees as provided by this chapter. Additionally, and notwithstanding any law to the contrary, effective July 9, 1975, each department of the state government shall contribute \$20 per month toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. Effective July 7, 1976, each department shall contribute \$30 per month for the coverage. To enable employees to receive benefit from this provision, open enrollment periods during the full months of August, 1975 and August, 1976, are established. During open enrollment periods employees may enroll their dependents in hospital-medical coverage without proof of insurability. Effective January 1, 1975, the state contribution of \$10 per month shall apply to eligible members of the legislature who have eligible dependents. Effective January 1, 1977, the increased benefits provided in this section shall apply to eligible members of the legislature who have 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. Such sums of money as are necessary for such purposes are hereby appropriated to the departments from such account and funds in the state treasury. In order to enable the commissioner of finance to maintain proper records covering the appropriations made by this section, he may require certifications in connection therewith as he may deem necessary from any state department 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.

[1975 c 431 s 21]

[For text of subds 1a to 3, see M.S.1974]