

MINNESOTA STATUTES 1979 SUPPLEMENT

STATE CIVIL SERVICE 43.01

worth in any year exceeds the sum of \$135,000, the applicant shall be ineligible for a payment adjustment in that year.

[1979 c 236 s 3]

CHAPTER 43. STATE CIVIL SERVICE

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43.01 Definitions.

[For text of subs 1 to 9, see M.S.1978]

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

Subd. 11. **Appointing authority.** "Appointing authority" means 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.

[For text of subs 12 and 13, see M.S.1978]

Subd. 14. **Reclassification.** "Reclassification" means a 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. 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.

[For text of subs 15 to 22, see M.S.1978]

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.

[1979 c 332 art 1 s 11-14]

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43.03 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.05 Duties and powers of commissioner.

[For text of subd 1, see M.S.1978]

Subd. 2. **Specified duties.** The commissioner shall:

- (1) Attend all meetings of the board;
- (2) 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 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) Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing their employment histories including the date of appointment, demotion, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, and separations from the service; and the commissioner shall have access to all public and private personnel data kept by an appointing authority, the examination of which will aid in the discharge of his duties;
- (4) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;
- (5) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;
- (6) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;
- (7) Discharge such duties as are imposed upon him by this chapter;
- (8) Establish, publish and continually review logical career paths in the classified civil service;
- (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
- (10) Prepare rules regulating the temporary designation of positions in the unclassified civil service;
- (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
- (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.

[1979 c 332 art 1 s 15]

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43.051 Age for retirement.

Subdivision 1. An employee of the state of Minnesota in the classified service, and an employee in the unclassified service who is subject to the provisions of the Minnesota state retirement system must retire from employment by the state upon reaching the age of 70 except as provided in other law. Nothing in this subdivision shall apply to persons in the legislative branch or judicial branch.

[For text of subd 2, see M.S.1978]

Subd. 3. Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in section 352.91, who is a member of the special retirement program for correctional personnel established pursuant to sections 352.90 to 352.95, shall retire from employment in the covered correctional position upon reaching the age of 55 years, unless the person applies for and receives from the commissioner of corrections, or the commissioner of public welfare if the appointing authority is the Minnesota security hospital an extension beyond the conditional mandatory retirement age.

A covered correctional employee may be employed beyond the mandatory retirement age, but not beyond the age of 65 years. A correctional employee desiring employment beyond mandatory retirement age shall, prior to the date of reaching the conditional mandatory retirement age, and annually thereafter, request in writing to the person's appointing authority that he be authorized to continue in employment. Upon receiving the request, the appointing authority shall have a medical examination made of the employee. The results of the medical examination, together with the determination and certification of the appointing authority as to the mental and physical ability of the employee to continue to fulfill the duties of his employment for the following year, shall be transmitted to the commissioner of corrections or the commissioner of public welfare if the appointing authority is the Minnesota security hospital. If the determination of the appointing authority relating to an employee is adverse, the disposition of the matter shall be decided by the commissioner of corrections or of public welfare, whichever is applicable, based on the information provided to him. The decision of the applicable commissioner shall be made in writing and shall be final.

[For text of subd 4, see M.S.1978]

[1979 c 40 s 1; 1979 c 296 s 1]

43.055 Extent of authority.

Whenever any power or authority is given to the commissioner by any provision of this chapter, such power or authority shall extend to all agencies in the executive branch, but shall not extend to any 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.

[1979 c 332 art 1 s 16]

43.06 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.062 Salary setting authority.

[For text of subds 1 and 2, see M.S.1978]

Subd. 3. **Base salaries.** Except for positions for which salary ranges have been established, the salary listing shall contain a specific salary for each position defined in subdivision 1.

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The board shall determine only a fixed salary for the positions of the constitutional officers, executive secretary of the board of investment, the judge of the workers' compensation court of appeals and the commissioner of public service.

[For text of subd 4, see M.S.1978]

[1979 c 192 s 2]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.063 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.064 Other salaries set by commissioner of personnel.

Notwithstanding any other law to the contrary, 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 except for the following: (1) positions listed in section 299D.03; (2) employees in the office of the governor whose salaries shall be determined by the governor; (3) employees in the office of the attorney general; (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 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, 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 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.

[1979 c 332 art 1 s 17]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.065 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.067 Salary limits.

Subdivision 1. **Agency heads and deputies.** The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in the agency. The base salary of the chancellor of the state university system is the upper limit of compensation of state university presidents. The base salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. Within the agency, no person other than the agency head shall be paid more than the base salary that is or would be paid a deputy agency head pursuant to section 15A.081 whether or not there is a deputy agency head position for that agency.

[For text of subs 2 and 3, see M.S.1978]

Subd. 4. **Limit on political subdivision salaries.** Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district,

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metropolitan or regional agency, or other political subdivision of the state may exceed 105 percent of the salary of the commissioner of finance.

[1979 c 192 s 3; 1979 c 333 s 74]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.068 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.069 [Repealed, 1979 c 192 s 4; 1979 c 332 art 1 s 114]

NOTE: The repeal of this section by Laws 1979, Chapter 332, Article 1, Section 114 is effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.07 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.09 **Unclassified service; classified service.**

[For text of subd 1, see M.S.1978]

Subd. 2. **Unclassified service.** The unclassified civil service comprises positions held by state 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;
- (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;
- (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;

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(11) Members of the state highway patrol; provided that selection and appointment of highway patrol troopers shall be made in accordance with applicable laws governing the classified state civil service;

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

(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.

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.

(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.

(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, 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.

[For text of subds 3 to 6, see M.S.1978]

[1979 c 332 art 1 s 18,19]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.111 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

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43.12 Commissioner to classify employees.

[For text of subd 1, see M.S.1978]

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 4, 1979, the prescribed minimum monthly rate of pay shall be \$981. The maximum monthly rate of pay shall be \$3,598.

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

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 4, 1979, the minimum hourly rate of pay in salary schedule B shall be \$5.38. The schedule shall provide for 19 additional wage steps with a maximum rate of \$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) a 60 cent per hour differential rate 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 rules and procedures to equitably implement such rates.

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 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 4, 1979, shall be advanced in salary to the established orientation rate for their class.

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 hourly rate of pay and extending upward 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 4, 1979, the prescribed minimum hourly rate of pay shall be \$3.09. The maximum hourly rate of pay shall be \$9.13.

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

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 4, 1979, the hourly rate of pay for step A shall be \$5.14, for step B \$5.29, for step C \$5.90, and for step D \$6.09.

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.

Subd. 10. 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 October, 1979, and 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 July 2, 1980, and shall continue in effect until December 31, 1980.

A redetermination of the cost of living allowance shall be made for 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 October, 1979, and 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 December 31, 1980.

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

[For text of subd 11, see M.S.1978]

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.

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.

[For text of subd 13, see M.S.1978]

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

Subd. 15. Notwithstanding the provisions of any other law to the contrary, 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 detailed job description outlining the duties and responsibilities of the position which the

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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.

Subd. 16. Effective July 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 20 cents per hour for all hours worked on that shift in addition to their regular rate of pay. 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.

Subd. 17. Effective July 1, 1979, any employee who is separated from the state civil service by reason of death, mandatory retirement, retirement at or after 65, or lay-off, excluding seasonal layoffs, or who is separated after completing 20 years of continuous state service, or who retires 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.

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 at the time of the employee's subsequent eligibility for severance pay.

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.

[For text of subs 18 to 22, see M.S.1978]

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 reclassify it to an appropriate class. If the commissioner makes a reclassification or denies an application for reclassification, under this subdivision, he shall notify the appointing authority and the employee affected by 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 reclassification granted by the commissioner shall become effective upon the expiration of the time fixed for making an application for re-

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consideration, 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 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 reclassification, or by the appointing authority who will be affected by an allocation or a 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 his record. In all cases of applications for reclassification, the burden of proof shall be upon the person requesting the reclassification.

Subd. 25. Except as provided in subdivision 26, the incumbent of a position which has been 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 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 or a collective bargaining agreement entered into under the provisions of sections 179.61 to 179.76 shall apply. Personnel changes required by the reclassification of positions shall be completed within a reasonable period of time, as prescribed by the commissioner, following the 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.

[For text of subds 26 and 27, see M.S.1978]

[1979 c 332 art 1 s 20-37]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.121 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.122 Individual salary increases.

[For text of subds 1 to 4, see M.S.1978]

Subd. 5. Employees who are hired for positions assigned to the labor service shall be hired at step A. 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 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.

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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.

[1979 c 332 art 1 s 38]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

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	\$32,000	to	\$45,000
Range B	\$37,000	to	\$54,000
Range C	\$42,000	to	\$67,500

[1979 c 332 art 2 s 5]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.127 State management group.

[For text of subs 1 to 5, see M.S.1978]

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.

[1979 c 332 art 1 s 39]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.128 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.13 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.14 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.15 Affirmative action; discrimination forbidden.

Subdivision 1. **Statewide affirmative action program.** In order to assure that positions in the state civil service are equally accessible to all qualified persons, and in order to eliminate the underutilization of qualified members of protected groups, the commissioner of personnel shall adopt and periodically revise as necessary a statewide affirmative action program covering all agencies in the executive branch. The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service and to whom may be delegated the preparation, revision and implementation of the program. The statewide program and any revisions thereto shall be adopted as rules and individual agency affirmative action plans adopted pursuant to the statewide program shall be in accordance with adopted rules. As used in this section, "protected group" means a group consisting of females, handicapped persons, and until

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1989 veterans who served in the military service of this country during the period July 1, 1964, to December 31, 1976, and 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 are permanent residents of the state of Minnesota, or members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.

[For text of subs 2 to 4, see M.S.1978]

Subd. 5. Expansion of eligible lists to meet affirmative action goals. When the commissioner 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 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 all protected 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 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 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 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.

[For text of subd 6, see M.S.1978]

[1979 c 245 s 1; 1979 c 332 art 1 s 40]

43.162 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.17 Appointments.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. Certified lists; appointments made from. Appointments shall be made from the eligible 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.

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Subd. 4a. Notwithstanding any law to the contrary, persons may be employed by any governmental 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 16A.123 and shall be subject to the advance approval of the commissioner of finance.

[1979 c 332 art 1 s 41,42]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.18 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

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 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 higher class 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.

Subd. 2. **Increase, when a promotion.** For the purpose of this section, 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 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 of the probationary period, shall be restored to 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 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 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.

[1979 c 332 art 1 s 43]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

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43.20 Non-competitive positions.

[For text of subds 1 and 2, see M.S.1978]

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 30 working days. This provision shall apply to both persons and positions. No person shall be employed more than 30 working days on emergency appointments within any 12 month period by the same appointing authority.

[For text of subd 4, see M.S.1978]

Subd. 5. Where the services to be rendered by an appointee are for a temporary 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 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 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.

[For text of subds 6 to 8, see M.S.1978]

[1979 c 332 art 1 s 44,45]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.21 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.22 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.222 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.223 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.224 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.227 Time off in emergencies.

An appointing authority, after consultation with the commissioner of public safety, may excuse state employees from duty with full pay in the event of a natural or man

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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 commissioner authorizes a longer duration.

[1979 c 332 art 1 s 46]

43.23 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

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. 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. **Just cause.** 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.

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

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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.

[1979 c 332 art 1 s 47]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.245 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.32 Training program.

[For text of subs 1 to 3, see M.S.1978]

Subd. 4. **Human resources planning.** The commissioner, in conjunction with state agency heads, shall analyze and assess current and future human resource requirements.

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

[For text of subs 5 to 12, see M.S.1978]

[1979 c 332 art 1 s 48]

43.321 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.322 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.323 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.324 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.326 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

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43.327 Travel and relocation expenses.

[For text of subd 1, see M.S.1978]

Subd. 2. **Commissioner to make rules on travel.** (1) The commissioner shall promulgate personnel rules relating to special expenses and travel of state employees on state business. 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.

Subd. 3. **Commissioner of finance to enforce rules.** The commissioner of finance shall enforce the personnel rules concerning travel, 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.

[1979 c 332 art 1 s 49,50]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.33 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.43 Definitions.

[For text of subd 1, see M.S.1978]

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, a judge of county court, a judge of county municipal court, a judge of probate court; a district administrator; and the employees of the offices of the district administrators of the fifth and eighth judicial districts;

(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 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;

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(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 university 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 university 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 university board of the state of Minnesota revenue fund, the university activity fund, or the community 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.

[For text of subds 3 to 8, see M.S.1978]

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 to 19.

[1979 c 332 art 1 s 51; 1979 c 337 s 10]

43.44 Enrollment of eligible employees.

[For text of subd 1, see M.S.1978]

Subd. 2. A state employee determined to be eligible for the benefits provided in sections 43.42 to 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 his employment contemplates absences from the state payroll during the summer months and during vacation periods 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.

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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 continue to be eligible 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.

[For text of subd 3, see M.S.1978]

[1979 c 332 art 1 s 52]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.45 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.46 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.47 Exclusion of certain state employees.

[For text of subd 1, see M.S.1978]

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;

[For text of subs 3 to 18, see M.S.1978]

[1979 c 332 art 1 s 53]

43.48 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.49 [Repealed, 1979 c 332 art 1 s 114]

NOTE: This section is repealed effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

43.491 Optional coverages for noneligible state employees.

[For text of subd 1, see M.S.1978]

Subd. 2. The following persons enumerated in this subdivision though excluded by section 43.47 from coverage are nonetheless eligible for coverages at their own expense pursuant to the provisions of subdivision 1:

(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;

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(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 university 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, state horticultural society, Sibley house association, Minnesota humanities commission, Minnesota international center, Minnesota academy of science, science museum of Minnesota, Minnesota safety council, or Minnesota humane 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.

[For text of subs 3 and 4, see M.S.1978]

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 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.

[1979 c 332 art 1 s 54; 1979 c 337 s 11]

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, 1979, each department of the state government shall contribute up to \$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, 1979, each department of the state government shall contribute 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. Each department shall also contribute one-half the difference between single and family dental coverage per month 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, 1979 and from August 15 through September 30, 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, 1981, the changed benefits provided in this section shall apply to eligible

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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.

[For text of subs 1a to 3, see M.S.1978]

[1979 c 332 art 1 s 55]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

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 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.

[1979 c 332 art 1 s 56]

NOTE: This section was also repealed by Laws 1979, Chapter 332, Article 1, Section 114 effective July 1, 1981. See Laws 1979, Chapter 332, Article 1, Section 114.

CHAPTER 46. BANKING DIVISION

Sec.
46.04 Commissioner; powers.

46.04 Commissioner; powers.

The commissioner of banks, referred to in Minnesota Statutes, Chapters 46 to 59, as the commissioner, is vested with all the powers, authority, and privileges which, prior to the enactment of Laws 1909, Chapter 201, were conferred by law upon the public examiner, and he shall take over all duties in relation to state banks, savings banks, trust companies, savings associations, and other financial institutions within the state which, prior to the enactment of chapter 201, were imposed upon the public examiner. The commissioner of banks shall exercise a constant supervision, either personally or through the examiners herein provided for, over the books and affairs of all state banks, savings banks, trust companies, savings associations, and other financial institutions doing business within this state; and shall, through examiners, examine at least once in every 18 month period the state banks and savings banks as are also subject to annual examinations by the federal deposit insurance corporation or the federal reserve bank. If any state bank or savings bank is not examined by one of these federal agencies annually, the commissioner shall examine the bank or savings bank, so that the bank or savings bank is examined at least once annually by either one of these federal agencies or the commissioner. Trust companies, savings associations, credit unions, industrial loan and thrift companies and other financial institutions shall be examined once a year. With the exception of industrial loan and thrift companies which do not have deposit liabilities and small loan companies, it shall be the principal purpose of these examinations to inspect and verify the assets and liabilities of each and so far investigate the character and value of the assets of each such institution as to determine with reasonable certainty that the values are correctly carried on its books. Assets and liabilities shall be verified in ac-