

148.98 **CODE OF ETHICS RULES OF CONDUCT.**

The board shall adopt a code of ethics rules of conduct to govern an applicant's or licensee's practices or behavior. The board shall publish the code rules in the State Register and file the code rules with the secretary of state at least 30 days prior to the effective date of the code rules. The code of ethics rules of conduct shall include, but is not limited to, the principles in paragraphs (a) to through (c).

(a) ~~The psychologist~~ Applicants or licensees shall recognize the boundaries of the ~~psychologist's~~ their competence and the ~~limitation~~ limitations of the ~~psychologist's~~ their techniques and shall not offer services or use techniques that fail to meet usual and customary professional standards.

(b) ~~The psychologist~~ An applicant or licensee who engages in practice shall assist clients in obtaining professional help for all important aspects of their the client's problems that fall outside the boundaries of the ~~psychologist's~~ applicant's or licensee's competence.

(c) ~~A psychologist~~ Applicants or licensees shall not claim either directly or by implication professional qualifications that differ from the ~~psychologist's~~ their actual qualifications, nor shall the ~~psychologist~~ they misrepresent the ~~psychologist's~~ affiliation their affiliations with any institution, organization, or individual, nor lead others to assume an affiliation affiliations that ~~does~~ do not exist.

Sec. 23. Minnesota Statutes 1994, section 253B.02, subdivision 11, is amended to read:

Subd. 11. **LICENSED PSYCHOLOGIST.** "Licensed psychologist" means a person as defined by section 148.91, subdivision 4 licensed by the board of psychology and possessing the qualifications for licensure provided in section 148.907.

Sec. 24. **REPEALER.**

Minnesota Statutes 1994, sections 148.89, subdivisions 6, 7, and 8; 148.91; 148.93; 148.951; and 148.97; and Minnesota Statutes 1995 Supplement, section 148.921, are repealed.

Presented to the governor March 30, 1996

Signed by the governor April 2, 1996, 12:56 p.m.

**CHAPTER 425—S.F.No. 2457**

*An act relating to public employees; regulating the salaries of certain higher education officers; establishing a vacation donation sick leave account; prescribing the form and use of uniform collective bargaining settlement forms; allowing certain students to work for department of transportation for 48 months; ratifying certain labor agreements and compensation plans; appropriating money; amending Minnesota Statutes 1994, sections 3.855, subdivision 4; 43A.08, subdivision 4; 43A.17, subdivision 1; 179A.03, subdivision 4; and 179A.07, by adding a subdivision; Minnesota*

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*Statutes 1995 Supplement, sections 15A.081, subdivision 7b; 43A.18, subdivision 2; and 179A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A.*

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

Section 1. Minnesota Statutes 1994, section 3.855, subdivision 4, is amended to read:

Subd. 4. **OTHER DUTIES.** The commission shall:

(1) continually monitor the state's civil service system provided for in chapter 43A, rules of the commissioner of employee relations, and the collective bargaining process provided for in chapter 179A, as applied to state employees;

(2) research and analyze the need for improvements in those statutory sections;

(3) adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(4) perform other related functions delegated to it by the legislature; and

(5) adopt changes, as necessary, to the uniform collective bargaining agreement settlement document developed under section 179A.07, subdivision 7. Any modifications to the form approved by the commission must be submitted to the legislature in the same manner as compensation plans under subdivision 3.

Sec. 2. Minnesota Statutes 1995 Supplement, section 15A.081, subdivision 7b, is amended to read:

Subd. 7b. **HIGHER EDUCATION OFFICERS.** The board of trustees of the Minnesota state colleges and universities, state university board, the state board for community colleges, the state board of technical colleges, and the higher education services office council shall set the salary rates for, respectively, the chancellor of the higher education system, the chancellor of the state universities, the chancellor of the community colleges, the chancellor of vocational technical education, Minnesota state colleges and universities and the executive director of the higher education services office. The respective board or the council shall submit the proposed salary increase change to the legislative coordinating commission for approval, modification, or rejection in the manner provided in section 3.855. The salary rates rate for the positions specified in this subdivision chancellor of the Minnesota state colleges and universities may not exceed 95 percent of the salary of the governor under section 15A.082, subdivision 3. For purposes of this subdivision, "the salary rate of the chancellor" does not include:

(1) employee benefits that are also provided for the majority of all other full-time state employees, vacation and sick leave allowances, health and dental insurance, disability insurance, term life insurance, and pension benefits or like benefits the cost of which is borne by the employee or which is not subject to tax as income under the Internal Revenue Code of 1986;

(2) dues paid to organizations that are of a civic, professional, educational, or governmental nature;

(3) reimbursement for actual expenses incurred by the employee that the appointing authority determines to be directly related to the performance of job responsibilities, including any relocation expenses paid during the initial year of employment; or

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(4) a housing allowance that is comparable to housing allowances provided to chancellors and university presidents in similar higher education systems nationwide.

The salary of the director of the higher education services office may not exceed the maximum of the salary range for the commissioner of administration. In deciding whether to recommend a salary increase, the governing board or council shall consider the performance of the chancellor or director, including the chancellor's or director's progress toward attaining affirmative action goals.

Sec. 3. Minnesota Statutes 1994, section 43A.08, subdivision 4, is amended to read:

Subd. 4. **LENGTH OF SERVICE FOR STUDENT WORKERS.** A person may not be employed as a student worker in the unclassified service under subdivision 1 for more than 36 months. Employment at a school that a student attends is not counted for purposes of this 36-month limit. Student workers in the Minnesota department of transportation SEEDS program who are actively involved in a four-year degree program preparing for a professional career job in the Minnesota department of transportation may be employed as a student worker for up to 48 months.

Sec. 4. Minnesota Statutes 1994, section 43A.17, subdivision 1, is amended to read:

Subdivision 1. **SALARY LIMITS.** As used in subdivisions 1 to 9, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established under section 43A.18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned. For presidents of state universities, "salary" does not include a housing allowance provided through a compensation plan approved under section 43A.18, subdivision 3a.

The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of ~~compensation~~ on the salaries of individual employees in the agency. The salary of the commissioner of labor and industry is the upper limit of ~~compensation~~ salaries of employees in the bureau of mediation services. However, if an agency head is assigned a salary that is lower than the current salary of another agency employee, the employee retains the salary, but may not receive an increase in salary as long as the salary is above that of the agency head. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.

Sec. 5. Minnesota Statutes 1995 Supplement, section 43A.18, subdivision 2, is amended to read:

Subd. 2. **UNREPRESENTED NONMANAGERIAL EMPLOYEE COMMISSIONER'S PLAN.** Except as provided in section 43A.01, the compensation, terms and conditions of employment for all classified and unclassified employees, except unclassified employees in the legislative and judicial branches, who are not covered by a collective bargaining agreement and not otherwise provided for in chapter 43A or other law are governed solely by a plan developed by the commissioner. The legislative coordinating commission shall review and approve, reject, or modify the plan under section 3.855, subdivision 2. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14.

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Sec. 6. **[43A.1815] VACATION DONATION TO SICK LEAVE ACCOUNT.**

In addition to donations under section 43A.181, a state employee may donate a total of up to 12 hours of accrued vacation leave each fiscal year to the sick leave account of one or more state employees. A state employee may not be paid for more than 80 hours in a payroll period during which the employee uses sick leave credited to the employee's account as a result of a transfer from another state employee's vacation account. The commissioner shall establish procedures under section 43A.04, subdivision 4, for eligibility, duration of need based on individual cases, monitoring and evaluation of individual eligibility status, and other topics related to administration of this program.

Sec. 7. Minnesota Statutes 1994, section 179A.03, subdivision 4, is amended to read:

Subd. 4. **CONFIDENTIAL EMPLOYEE.** "Confidential employee" means any an employee who as part of the employee's job duties:

(1) has access to labor relations information subject to use by the public employer in meeting and negotiating as that term is defined in section 13.37, subdivision 1, paragraph (c); or

(2) actively participates in the meeting and negotiating on behalf of the public employer.

However, for executive branch employees of the state or employees of the regents of the University of Minnesota, "confidential employee" means any employee who:

(a) has access to information subject to use by the public employer in collective bargaining; or

(b) actively participates in collective bargaining on behalf of the public employer.

Sec. 8. Minnesota Statutes 1995 Supplement, section 179A.04, subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES.** (a) The commissioner shall:

(1) provide mediation services as requested by the parties until the parties reach agreement, and may continue to assist parties after they have submitted their final positions for interest arbitration;

(2) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(3) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner;

(4) conduct elections;

(5) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(6) adopt rules relating to the administration of this chapter and the conduct of hearings and elections;

(7) receive, catalogue, file, and make available to the public all decisions of arbitrators and panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions;

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(8) adopt, subject to chapter 14, a grievance procedure that fulfills the purposes of section 179A.20, subdivision 4, does not provide for the services of the bureau of mediation services and is available to any employee in a unit not covered by a contractual grievance procedure;

(9) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(10) collect fees established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges;

(11) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner;

(12) provide to the parties a list of arbitrators as required by section 179A.16, subdivision 4; and

(13) maintain a list of up to 60 arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes. Each person on the list must be knowledgeable about collective bargaining and labor relations in the public sector, well versed in state and federal labor law, and experienced in and knowledgeable about labor arbitration. To the extent practicable, the commissioner shall appoint members to the list so that the list is gender and racially diverse.

(b) ~~The commissioner shall make available uniform baseline determination documents and uniform collective bargaining agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships and prescribe procedures and instructions for completion of the documents. The commissioner shall, at a minimum, include these individual elements in the uniform baseline determination document: the costs of any increases to the wage schedule; the costs of employees moving through the wage schedule; costs of medical insurance; costs of dental insurance; costs of life insurance; lump sum payments; shift differentials; extracurricular activities; longevity; employer contributions to social security; employer contributions to state or local retirement plans; and contributions to a deferred compensation account. The calculation of the base year must be based on an annualization of the costs provided in the base year contract. The documents must be in the same form as presented by the commissioner to the legislative commission on employee relations on February 17, 1994. A completed uniform collective bargaining agreement settlement document must be presented to the public employer at the time it ratifies a collective bargaining agreement and must be available afterward for inspection during normal business hours at the principal administrative offices of the public employer. The commissioner shall provide training and technical assistance to public employers who request it in completing the uniform baseline determination documents and uniform collective bargaining agreement settlement documents. The commissioner shall at least annually inform public employers of their obligations to complete and post these forms and to submit copies of the completed forms to the legislative commission on employee relations.~~

(e) From the names provided by representative organizations, the commissioner shall maintain a list of arbitrators to conduct teacher discharge or termination hearings

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according to section 125.12 or 125.17. The persons on the list must meet at least one of the following requirements:

- (1) be a former or retired judge;
- (2) be a qualified arbitrator on the list maintained by the bureau;
- (3) be a present, former, or retired administrative law judge; or
- (4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, the Minnesota education association shall provide a list of seven names, the Minnesota federation of teachers a list of seven names, and the Minnesota school boards association a list of 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list.

Sec. 9. Minnesota Statutes 1994, section 179A.07, is amended by adding a subdivision to read:

Subd. 7. UNIFORM SETTLEMENT FORM. (a) A public employer, other than a township, shall complete a uniform collective bargaining agreement settlement document for each collective bargaining agreement or arbitration award. The public employer shall:

(1) present the settlement document to the governing body at the time it ratifies a collective bargaining agreement or arbitration award;

(2) make the settlement document available afterward for inspection during normal business hours at the principal administrative offices of the public employer; and

(3) submit a copy of each settlement document to the department of finance within ten days of the approval by the governing body of the collective bargaining agreement or arbitration award.

(b) The commissioner of finance shall make available uniform baseline determination documents and uniform collective bargaining agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships and prescribe procedures and instructions for completion of the documents. The commissioner of finance shall, at a minimum, include these individual elements in the uniform baseline determination document: the costs of any increases to the wage schedule; the costs of employees moving through the wage schedule; the costs of medical insurance; the costs of dental insurance; the costs of life insurance; lump-sum payments; shift differentials; extracurricular activities; longevity; employer contributions to social security; employer contributions to state or local retirement plans; and contributions to a deferred compensation account. The calculation of the base year must be based on an annualization of the costs provided in the base year contract. The documents must be in the same form as presented by the commissioner of the bureau of mediation services to the legislative commission on employee relations on February 17, 1994; however, the legislative coordinating commission may modify the form as provided in section 3.855, subdivision 4.

(c) The commissioner of finance shall provide training and technical assistance to public employers who request it in completing the uniform baseline determination docu-

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ments and uniform collective bargaining agreement settlement documents. The commissioner of finance, at least annually, shall inform public employers of their obligations to complete and post these forms and to submit copies of the completed forms to the department of finance.

#### Sec. 10. RATIFICATIONS.

Subdivision 1. COUNCIL 6. The labor agreement between the state of Minnesota and state bargaining units 2, 3, 4, 6, 7, and 8 represented by the American federation of state, county, and municipal employees, Council 6, approved by the legislative coordinating commission joint subcommittee on employee relations on October 23, 1995, is ratified.

Subd. 2. ADMINISTRATIVE LAW JUDGES; OFFICE OF ADMINISTRATIVE HEARINGS. The compensation plan for administrative law judges in the office of administrative hearings, as modified and approved by the legislative coordinating commission joint subcommittee on employee relations on October 23, 1995, is ratified.

Subd. 3. UNREPRESENTED MANAGERS AND CHANCELLOR; MINNESOTA STATE COLLEGES AND UNIVERSITIES. The compensation plan for excluded administrators of the Minnesota state colleges and universities, as amended and approved by the legislative commission on employee relations on June 7, 1995, is ratified. The salary proposed by the board of trustees of the Minnesota state colleges and universities for the chancellor, approved by the legislative commission on employee relations on June 7, 1995, is ratified. However, the housing allowance included in the compensation plan for presidents of state universities is not ratified.

Subd. 4. SUPERVISORS. The labor agreement between the state of Minnesota and the middle management association, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 5. ENGINEERS. The labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 6. COMMUNITY COLLEGE FACULTY. The labor agreement between the state of Minnesota and the Minnesota community college faculty association, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 7. NURSES. The labor agreement between the state of Minnesota and the Minnesota nurses association, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 8. HIGHER EDUCATION SERVICES OFFICE DIRECTOR. The proposed salary of the director of the higher education services office, as modified and approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 9. SPECIAL TEACHERS. The labor agreement between the state of Minnesota and the state residential schools education association, approved by the legislative

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coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

**Subd. 10. LAW ENFORCEMENT.** The labor agreement between the state of Minnesota and the Minnesota law enforcement association, approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

**Subd. 11. STATE UNIVERSITY ADMINISTRATIVE AND SERVICE FACULTY.** The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

**Subd. 12. PROFESSIONAL EMPLOYEES.** The labor agreement between the state of Minnesota and the Minnesota association of professional employees, approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

**Subd. 13. MANAGERIAL PLAN.** The plan for managerial employees, as amended and approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

**Subd. 14. UNREPRESENTED, UNCLASSIFIED EMPLOYEES; HIGHER EDUCATION SERVICES OFFICE.** The plan for unrepresented, unclassified employees of the higher education services office, as approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

**Subd. 15. COMMISSIONER'S PLAN.** The commissioner's plan, as amended and approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

**Sec. 11. LEGISLATIVE COMMISSIONS CEASING OPERATIONS ON JULY 1, 1996; EMPLOYEE ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMS.**

An employee of a legislative commission that ceases operations on July 1, 1996, pursuant to Laws 1995, chapter 248, article 2, section 6, is eligible until January 1, 1997, for participation in competitive promotional examinations under Minnesota Statutes, section 43A.10, subdivision 6.

**Sec. 12. APPROPRIATION.**

\$50,000 is appropriated to the commissioner of finance for the purpose of carrying out section 9.

**Sec. 13. EFFECTIVE DATE.**

Sections 2 to 7 and 10 are effective the day following final enactment. Sections 1, 8, 9, 11, and 12 are effective July 1, 1996.

Presented to the governor March 30, 1996

Signed by the governor April 2, 1996, 1:00 p.m.

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