

Sec. 6. Minnesota Statutes 1990, section 204D.165, is amended to read:

204D.165 SAMPLE BALLOTS TO SCHOOLS.

Notwithstanding any contrary provisions in section 204D.09 or 204D.16, the county auditor, two weeks before the applicable primary or general election, shall provide one copy of the sample partisan primary, nonpartisan primary, canary, white, or pink ballot to a school district upon request. The school district may have the sample ballots reproduced at its expense for classroom educational purposes and for educational activities authorized under section 4.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor May 24, 1991

Signed by the governor May 28, 1991, 9:44 a.m.

CHAPTER 238—H.F.No. 1147

An act relating to public employment; transferring certain state employees from the unclassified to the classified service; requiring a study; requiring rules for evaluating the performance of arbitrators; establishing deadlines for certain steps in the arbitration process; establishing a procedure for setting the dates for meetings of arbitration panels; permitting payment of money by payroll deduction to credit unions as well as payment by direct deposit to credit unions or financial institutions; amending Minnesota Statutes 1990, sections 16A.133, subdivision 1; 16B.88, subdivision 1; 43A.08, subdivisions 1, 1a, and by adding a subdivision; 43A.18, subdivision 4; 43A.37, subdivision 1; 116K.04, subdivision 5; 144A.52, subdivision 1; 179A.05, subdivision 6; 179A.16, subdivisions 4, 6, and 7; 196.23, subdivision 1; 240A.02, subdivision 3; 241.01, subdivision 3a; 241.43, subdivisions 1 and 2; 299A.30, subdivision 1; 349A.02, subdivision 4; 446A.03, subdivision 5; amending Laws 1984, chapter 654, article 2, section 152, subdivision 3; and Laws 1987, chapter 386, article 1, section 11; repealing Minnesota Statutes 1990, sections 116J.615, subdivision 3; and 352D.02, subdivision 1b.

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

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ARTICLE 1

TRANSFER OF UNCLASSIFIED POSITIONS

Section 1. Minnesota Statutes 1990, section 16B.88, subdivision 1, is amended to read:

Subdivision 1. **INFORMATION CENTER FOR VOLUNTEER PROGRAMS.** ~~There is created in the office of the commissioner the office on volunteer services; hereafter referred to as "the office."~~ The office shall be on volunteer services ~~is~~ under the supervision and administration of an executive director ~~to be~~ appointed by the commissioner and ~~hereinafter~~ referred to in this section as "director." ~~The director shall remain in the unclassified service.~~ The office shall operate as a state information center for volunteer programs and needed services that could be delivered by volunteer programs. ~~Any~~ A person or public or private agency may request information on the availability of volunteer programs relating to specific services and may report to the director whenever a volunteer program is needed or desired.

Sec. 2. Minnesota Statutes 1990, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. **UNCLASSIFIED POSITIONS.** Unclassified positions are held by employees who are:

- (~~a~~) (1) chosen by election or appointed to fill an elective office;
- (~~b~~) (2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;
- (~~c~~) (3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a;
- (~~d~~) (4) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;
- (~~e~~) (5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;
- (~~f~~) (6) 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;
- (~~g~~) (7) employees of the Washington, D.C., office of the state of Minnesota;
- (~~h~~) (8) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for

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the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(~~h~~) (9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the school and resource center for the arts, state universities and community colleges, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(~~g~~) (10) officers and enlisted persons in the national guard;

(~~e~~) (11) attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(~~h~~) (12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(~~m~~) (13) members of the state patrol; provided that selection and appointment of state patrol troopers ~~shall~~ must be made in accordance with applicable laws governing the classified service;

(~~n~~) (14) chaplains employed by the state;

(~~o~~) (15) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards;

(~~p~~) (16) student workers;

(~~q~~) (17) one position in the hazardous substance notification and response activity in the department of public safety;

(~~r~~) (18) employees unclassified pursuant to other statutory authority;

(~~s~~) (19) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation; and

(~~t~~) (20) the administrators and the deputy administrators at the state academies for the deaf and the blind.

Sec. 3. Minnesota Statutes 1990, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. **ADDITIONAL UNCLASSIFIED POSITIONS.** Appointing authorities ~~for the following agencies~~ may designate additional unclassified positions according to this subdivision: the departments of administration; agricul-

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ture; commerce; corrections; jobs and training; education; employee relations; trade and economic development; finance; gaming; health; human rights; labor and industry; natural resources; office of administrative hearings; public safety; public service; human services; revenue; transportation; and veterans affairs; the housing finance, state planning, and pollution control agencies; the state lottery division; the state board of investment; the office of waste management; the offices of the attorney general, secretary of state, state auditor, and state treasurer; the state board of technical colleges; the higher education coordinating board; the Minnesota center for arts education; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 4. Minnesota Statutes 1990, section 43A.08, is amended by adding a subdivision 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.

Sec. 5. Minnesota Statutes 1990, section 43A.18, subdivision 4, is amended to read:

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Subd. 4. **PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.** Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraphs (b), (c), and (d) must be approved by the legislature and the legislative commission on employee relations under subdivision 2 before becoming effective.

(a) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer must be determined by the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer, respectively.

(b) Total compensation for unclassified positions ~~pursuant to~~ under section 43A.08, subdivision 1, clause ~~(7)~~ (9), in the state universities and the community colleges not covered by a collective bargaining agreement must be determined by the state university board and the state board for community colleges, respectively.

(c) Total compensation for classified administrative law judges in the office of administrative hearings must be determined by the chief administrative law judge.

(d) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education coordinating board and in the state board of technical colleges must be determined by the higher education coordinating board and the state board of technical colleges, respectively.

Sec. 6. Minnesota Statutes 1990, section 43A.37, subdivision 1, is amended to read:

Subdivision 1. **CERTIFICATION.** Neither the commissioner of finance nor any other fiscal officer of this state may draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state, nor may the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the civil service, unless a payroll register for the salary or compensation containing the name of every person to be paid bears the certificate of the commissioner that the persons named in the payroll register have been appointed as required by law, rules, or administrative procedures and that the salary or compensation is within the compensation plan fixed by law. The appointing authority shall certify that all employees named in the payroll register are performing service as required by law. This provision does not apply to positions defined in section 43A.08, subdivision 1, clauses ~~(4), (5), (6),~~ (8), (9), (10), and (12). Employees to whom this subdivision does not apply may be paid on the state's payroll system, and the appointing authority or fiscal officer submitting their payroll register is responsible for the accuracy and legality of the payments.

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Salary or compensation claims presented against existing appropriations, which have been deemed in violation of the provisions of this subdivision, may be certified for payment if, upon investigation, the commissioner determines the personal services for which payment is claimed actually have been rendered in good faith without collusion and without intent to defraud.

Sec. 7. Minnesota Statutes 1990, section 116K.04, subdivision 5, is amended to read:

Subd. 5. (1) The land management information center is established to foster integration of environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development.

(2) The commissioner shall periodically compile studies of land use and natural resources on the basis of county, regional, and other political subdivisions.

(3) The commissioner shall charge fees to clients for information products and services. Fees shall be deposited in the state treasury and credited to the land management information center revolving account. Money in the account is appropriated to the state planning agency for operation of the land management information system, including the cost of all services, supplies, materials, labor, and equipment, as well as the portion of the general support costs and statewide indirect costs of the agency that is attributable to the land management information system. The commissioner may require a state agency to make advance payments to the revolving account sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving account is abolished or liquidated, the total net profit from operations ~~shall~~ must be distributed to the various funds from which purchases were made. The amount to be distributed to each fund ~~shall~~ must bear to the net profit the same ratio as the total purchases from each fund bears to the total purchases from all the funds during a period of time that fairly reflects the amount of net profit each fund is entitled to receive under this distribution. ~~Employees paid from this account are in the unclassified service.~~

Sec. 8. Minnesota Statutes 1990, section 144A.52, subdivision 1, is amended to read:

Subdivision 1. The office of health facility complaints is hereby created in the department of health. The office shall be headed by a director appointed by the state commissioner of health. ~~The director shall report to and serve at the pleasure of the state commissioner of health.~~

The commissioner of health shall provide the office of health facility complaints with office space, administrative services and secretarial and clerical assistance.

Sec. 9. Minnesota Statutes 1990, section 196.23, subdivision 1, is amended to read:

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Subdivision 1. **ESTABLISHMENT OF SECTION.** The commissioner shall establish an Agent Orange information and assistance section in the department of veterans affairs. The section shall be headed by a director ~~who shall serve in the unclassified service.~~ The commissioner shall provide the director with office space, administrative services, and clerical support.

Sec. 10. Minnesota Statutes 1990, section 240A.02, subdivision 3, is amended to read:

Subd. 3. **STAFF.** The commission shall appoint an executive director, who may hire other employees authorized by the commission. The executive director ~~and any other employees are~~ is in the unclassified service under section 43A.08.

Sec. 11. Minnesota Statutes 1990, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. **COMMISSIONER, POWERS AND DUTIES.** The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the department of corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates. Inmates may serve on the board of directors or hold an executive position subordinate to correctional staff in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility with written permission from the chief executive officer of the facility.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief

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executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause, and two internal affairs officers for security ~~who shall be in the unclassified civil service.~~

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

Sec. 12. Minnesota Statutes 1990, section 241.43, subdivision 1, is amended to read:

Subdivision 1. The ombudsman may select, appoint, and compensate out of available funds such assistants and employees as deemed necessary to discharge responsibilities. ~~All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsman in the unclassified service.~~ The ombudsman and full-time staff shall be members of the Minnesota state retirement association.

Sec. 13. Minnesota Statutes 1990, section 241.43, subdivision 2, is amended to read:

Subd. 2. The ombudsman shall designate ~~an assistant to be a~~ the deputy ombudsman in the unclassified service.

Sec. 14. Minnesota Statutes 1990, section 299A.30, subdivision 1, is amended to read:

Subdivision 1. **OFFICE; ASSISTANT COMMISSIONER.** The office of drug policy is an office in the department of public safety headed by an assistant commissioner appointed by the commissioner to serve in the unclassified service. The assistant commissioner may appoint other employees ~~in the unclassified service.~~ The assistant commissioner shall coordinate the activities of drug program agencies and serve as staff to the drug abuse prevention resource council.

Sec. 15. Minnesota Statutes 1990, section 349A.02, subdivision 4, is amended to read:

Subd. 4. **EMPLOYEES; CLASSIFICATION.** The director may appoint other personnel as ~~are~~ necessary to operate the state lottery. ~~Employees of the division who are not professional employees as defined in section 179A.03, subdivision 13, and employees whose primary responsibilities are in data processing and accounting, are in the classified service. All other employees of the division are in the unclassified service.~~ All professional employees as defined in section

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179A.03, subdivision 13, whose primary responsibilities are in marketing are in the unclassified service. All other employees of the division are in the classified service. At least one position in the division must be an attorney position and the director ~~must~~ shall employ in that position an attorney to perform legal services for the division.

Sec. 16. Minnesota Statutes 1990, section 446A.03, subdivision 5, is amended to read:

Subd. 5. **EXECUTIVE DIRECTOR.** The commissioner shall employ, with the concurrence of the authority, an executive director. The director shall perform duties that the authority may require in carrying out its responsibilities. ~~The executive director's position is in the unclassified service.~~

Sec. 17. Laws 1984, chapter 654, article 2, section 152, subdivision 3, is amended to read:

Subd. 3. **POWERS OF COMMISSION.** (a) **GENERAL.** The commission shall have all powers necessary or convenient to discharge the duties imposed by law, including those specified in this section.

(b) **ACTIONS.** The commission may sue and be sued and ~~shall~~ is a public body within the meaning of chapter 562.

(c) **EMPLOYEES; CONTRACTS FOR SERVICES.** The commissioner of energy and economic development may employ persons and contract for services necessary to carry out the functions of the commission. Employees are ~~in the unclassified service and~~ members of the Minnesota State Retirement System.

(d) **RESEARCH.** The commission may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its functions.

Sec. 18. Laws 1987, chapter 386, article 1, section 11, is amended to read:

Sec. 11. **RURAL DEVELOPMENT BOARD COMPLEMENT.**

The approved complement of the rural development board is six and one-half positions; ~~with six positions in the unclassified service and one-half position in the classified service; one of which is an executive director position.~~

Sec. 19. **UNCLASSIFIED POSITIONS IN THE DEPARTMENT OF NATURAL RESOURCES.**

Notwithstanding Laws 1985, First Special Session chapter 15, section 4, subdivision 3, paragraph (g), and Laws 1987, chapter 400, section 5, subdivision 4, paragraph (e), positions in the department of natural resources established for the reinvest in Minnesota fund under Minnesota Statutes, sections 84.025, subdivision 9, and 84.95, are transferred to the classified service. Incumbents of

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positions that are transferred to the classified service on the effective date of this section must be moved to the classified service without examination and begin to serve a probationary period in the class.

Sec. 20. UNCLASSIFIED POSITIONS IN THE COMMUNITY COLLEGE AND STATE UNIVERSITY SYSTEMS.

The commissioner of employee relations, with the chancellors of the state university and community college systems, shall develop criteria that determine the placement of professional and managerial positions in the classified or unclassified civil service under Minnesota Statutes, section 43A.08, subdivision 1, clause (9). The commissioner shall consider criteria that recognize the unique educational functions of each system. The commissioner shall report to the legislative commission on employee relations by December 1, 1991, on the criteria that have been established and any reassignments of positions that have been required.

Sec. 21. IMPLEMENTATION PLAN.

The commissioner of employee relations based on a report by the legislative commission on employee relations entitled "The Use of the Unclassified State Civil Service for Non-Managerial Positions" shall develop an implementation plan to transfer positions that do not meet the criteria in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, to the classified service. The commissioner shall consult with affected appointing authorities, exclusive representatives, and unrepresented employees in preparing the implementation plan. The implementation plan must include, but is not limited to, unclassified positions in the state board of investment and the higher education coordinating board. The plan must include recommendations regarding the impact of the plan on incumbents of positions that would be transferred to the classified service. The implementation plan must be submitted to the legislative commission on employee relations by December 15, 1991.

Sec. 22. STUDY OF UNCLASSIFIED POSITIONS.

The attorney general, with the commissioner of employee relations and affected unclassified employees, shall develop criteria that determine the placement of legal assistant positions in the classified or unclassified civil service under Minnesota Statutes, section 43A.08, subdivision 1, clause (11). The attorney general and the commissioner shall report to the legislative commission on employee relations by December 15, 1991, on the criteria that have been established and any reassignment of positions that may be required.

Sec. 23. CLASSIFICATION OF POSITIONS.

Subdivision 1. TRADE AND ECONOMIC DEVELOPMENT. Notwithstanding Laws 1984, chapter 654, article 2, section 15, or any other law to the contrary, the positions associated with the following functions in the department of trade and economic development that do not meet the criteria set in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, are in the classified service:

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(1) coordination of economic development assistance in the high technology industries of medical biotechnology and software development;

(2) manufacturing growth council;

(3) convention facilities commission;

(4) recycling and environmental programs; and

(5) coordination of projects involving foreign business.

Subd. 2. TRADE OFFICE. Notwithstanding Laws 1984, chapter 654, article 3, section 3, or any other law to the contrary, positions associated with the Minnesota trade office that do not meet the criteria set in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, are in the classified service.

Subd. 3. ADMINISTRATION. Notwithstanding any law to the contrary, a position in the department of administration originally created for the director of the cable communications board must be placed in the classified service.

Sec. 24. TRANSFER OF UNCLASSIFIED POSITIONS TO THE CLASSIFIED SERVICE.

The commissioner shall transfer unclassified positions described in sections 1, 7 to 19 and 23, or affected by section 26, that do not meet the criteria set in Minnesota Statutes, section 43A.08, subdivision 1a or 2a, to the classified service. Incumbents of positions that are transferred to the classified service on the effective date of this section must be moved to the classified service without examination and begin to serve a probationary period in the class.

Sec. 25. RETIREMENT PLANS.

A person who on the day before the effective date of this article is a participant in the state unclassified employees retirement program, and whose position is placed in the classified service under this article, may elect to maintain membership in the unclassified program as long as the person holds the position or a position in a higher class in the same agency. When an unclassified position that entitles a person to participate in the unclassified retirement program is placed in the classified service, the commissioner of employee relations shall send written notice to the incumbent of the position and to the director of the Minnesota state retirement system. The notice must state the incumbent's option under this section. A person eligible to maintain membership in the unclassified plan must notify the executive director of the state retirement system of the person's election to maintain membership in the unclassified plan within 60 days of the date on which the commissioner sends the notice stating that the position has been placed in the classified service. A person who does not send notice is deemed to have waived the right to remain in the unclassified plan.

Sec. 26. REPEALER.

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Minnesota Statutes 1990, sections 116J.615, subdivision 3; and 352D.02, subdivision 1b, are repealed.

ARTICLE 2

INTEREST ARBITRATION

Section 1. Minnesota Statutes 1990, section 179A.05, subdivision 6, is amended to read:

Subd. 6. **ADMINISTRATION OF ARBITRATOR ROSTER.** The board shall maintain a list of names of arbitrators qualified by experience and training in the field of labor management negotiations and arbitration. Names on the list may be selected and removed at any time by a majority of the board. In maintaining the list the board shall, to the maximum extent possible, select persons from varying geographical areas of the state. The board shall adopt rules under chapter 14 governing the administration of the arbitration roster, including rules establishing standards for evaluating the performance of arbitrators. The standards must include, at a minimum, the acceptability of arbitrators to the parties and the arbitrators' management of their cases, including their promptness in holding hearings and issuing awards.

Sec. 2. Minnesota Statutes 1990, section 179A.16, subdivision 4, is amended to read:

Subd. 4. **CONSTRUCTION OF ARBITRATION PANEL.** The parties may select persons who are members of the arbitration roster maintained by the board to act as the arbitration panel in their dispute by mutual agreement. In the event of a mutual agreement on the members of the arbitration panel, the commissioner shall advise the board in writing of the selection of the panel members, and the persons selected shall serve as the arbitration panel. If the parties have not mutually agreed upon the panel members by the time the commissioner certifies the matter to the board, the board shall provide the parties to the interest arbitration a list of seven arbitrators. The board shall mail the list of arbitrators to the parties within five working days. The parties shall alternately strike names from the list of arbitrators until only a single arbitrator remains, unless the parties request and mutually agree to utilize a panel of three arbitrators. If the parties are unable to agree on who shall strike the first name, the question must be decided by the flip of a coin. The arbitrator or arbitrators remaining after the striking procedure constitute the arbitration panel.

Sec. 3. Minnesota Statutes 1990, section 179A.16, subdivision 6, is amended to read:

Subd. 6. **POWERS OF THE PANEL.** If the parties are unable to agree on a prompt, mutually acceptable date for an arbitration panel to meet, the panel may propose a series of dates on which to meet. The parties shall alternatively strike dates until a single date remains. The hearing must be held on that date.

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The arbitration panel may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any dispute before it. The panel may administer oaths and affidavits and may examine witnesses. Attendance of witnesses and the production of evidence may be required from any place in the state at any hearing. However, the panel's meeting shall be held in the county where the principal administrative offices of the employer are located, unless another location is selected by agreement of the parties. In case of refusal to obey a subpoena issued under this section, the district court of the state for the county where the proceeding is pending or where the person who refuses to obey is found, or resides, or transacts business shall, on application of the panel, have jurisdiction to issue an order requiring the person to appear before the panel, to produce evidence, or to give testimony. Failure to obey the order may be punished by the court as a contempt.

Sec. 4. Minnesota Statutes 1990, section 179A.16, subdivision 7, is amended to read:

Subd. 7. **DECISION BY THE PANEL.** The panel's order shall be issued by a majority vote of its members. The order shall resolve the issues in dispute between the parties as submitted by the board. For principals and assistant principals, the panel shall be restricted to selecting between the final offers of the parties on each impasse item. For other employees, if the parties agree in writing, the panel shall be restricted to selecting between the final offers of the parties on each impasse item, or the final offer of one or the other parties in its entirety. In considering a dispute and issuing its order, the panel shall consider the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations. The panel's decision and order shall be final and binding on all parties.

The panel shall render its order within ~~ten~~ 30 days from the date that all arbitration proceedings have concluded. ~~However, the panel must issue its order by the last date the employer is required by statute, charter, ordinance, or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. This deadline may be extended only with the approval of the chair of the board. The board shall adopt rules establishing criteria to be followed in determining whether an extension should be granted.~~ The panel's order shall must be for the period stated in the order, except that orders determining contracts for teacher units shall ~~be~~ are effective to the end of the contract period determined by section 179A.20.

The panel shall send its decision and orders to the board, the commissioner, the appropriate representative of the public employer, and the employees. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the board and the commissioner.

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The parties may at any time prior to or after issuance of an order of the arbitration panel, agree upon terms and conditions of employment regardless of the terms and conditions of employment determined by the order. The parties shall, if so agreeing, execute a written contract or memorandum of contract.

ARTICLE 3

RATIFICATIONS

Section 1. RATIFICATIONS.

Subdivision 1. MANAGERIAL PLAN. The commissioner of employee relations' amendments to the plan for managerial employees, approved by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 2. COMMISSIONER'S PLAN. The commissioner of employee relations' amendments to the commissioner's plan for unrepresented employees, approved by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 3. CHANCELLOR, TECHNICAL COLLEGE SYSTEM. The salary for the chancellor of the technical college system, approved by the legislative commission on employee relations September 12, 1990, is ratified.

Subd. 4. CHANCELLOR, STATE UNIVERSITY SYSTEM. The salary for the chancellor of the state university system, approved by the legislative commission on employee relations September 12, 1990, is ratified.

Subd. 5. UNREPRESENTED EMPLOYEES, STATE UNIVERSITY SYSTEM. The amendments to the plan for unrepresented employees of the state university system, as approved by the department of employee relations and by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 6. UNCLASSIFIED EMPLOYEES, HIGHER EDUCATION COORDINATING BOARD. The amendments to the plan for unclassified employees of the higher education coordinating board, as approved by the department of employee relations and the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 7. ADMINISTRATIVE LAW JUDGES, OFFICE OF ADMINISTRATIVE HEARINGS. The commissioner of employee relations' amendments to the plan for administrative law judges in the office of administrative hearings, approved by the legislative commission on employee relations September 12, 1990, are ratified.

Subd. 8. AGENCY HEADS. The salary plan for certain positions listed in

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Minnesota Statutes, section 15A.081, approved by the legislative commission on employee relations September 12, 1990, is ratified.

Subd. 9. ADMINISTRATIVE LAW JUDGES, OFFICE OF ADMINISTRATIVE HEARINGS. The commissioner of employee relations' amendments to the plans for administrative law judges in the office of administrative hearings, approved by the legislative commission on employee relations on March 22, 1991, are ratified.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

ARTICLE 4

STATE EMPLOYEE PAY DEDUCTIONS AND DEPOSITS

Section 1. Minnesota Statutes 1990, section 16A.133, subdivision 1, is amended to read:

Subdivision 1. **PAYROLL DIRECT DEPOSIT AND DEDUCTIONS.** An agency head in the executive, judicial, and legislative branch shall, upon written request signed by an employee, directly deposit all or part of an employee's pay in any credit union or financial institution, as defined in section 47.015, designated by the employee. An agency head may, upon written request of an employee, deduct from the pay of the employee a requested amount to be paid to the Minnesota benefit association, or to any organization contemplated by section 179A.06, of which the employee is a member, or to a company that has contracted to insure the employee for the medical costs of cancer or intensive care. If an employee is a member of or has accounts with more than one credit union or financial institution or more than one organization under section 179A.06, or is insured by more than one company, only one credit union or financial institution may be paid money by direct deposit, and one credit union, one organization, and one company may be paid money ~~by direct deposit or~~ by payroll deduction from the employee's pay.

Presented to the governor May 24, 1991

Signed by the governor May 28, 1991, 8:40 p.m.

CHAPTER 239—H.F.No. 304

An act relating to labor; providing that certain hiring practices by an employer during a

New language is indicated by underline, deletions by ~~strikeout~~.