

**Sec. 3. STUDY.**

The commissioner of administration shall study and report to the legislature by January 1, 1995, on the best way to increase conveniently accessible and affordable electronic services to citizens, including electronic licensing and permitting of a wide variety of state services. As part of this study, the commissioner shall consider the advisability of using the state lottery computer network as a vehicle for delivering these services.

**Sec. 4. INSTRUCTIONS TO REVISOR.**

It is the intent of the legislature to repeal or otherwise remove from Minnesota Statutes all standing requirements for unnecessary periodic reports from state agencies to the legislature. By October 1, 1994, the revisor of statutes shall submit to the chairs of the house and senate governmental operations committees a list of required periodic reports in Minnesota Statutes, including a statutory citation to each report.

Presented to the governor May 2, 1994

Signed by the governor May 4, 1994, 3:22 p.m.

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**CHAPTER 560—H.F.No. 2624**

*An act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 15A.082, subdivisions 1 and 3; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.10, subdivision 3; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; 43A.18, subdivision 4; and 179A.04, subdivision 3.*

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

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**ARTICLE 1****Section 1. RATIFICATIONS.**

Subdivision 1. COUNCIL 6. The labor agreement between the state of Minnesota and state bargaining units 2, 3, 4, 6, and 7, represented by the American Federation of State, County and Municipal Employees, council 6, approved by the legislative commission on employee relations on August 16, 1993, is ratified.

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Subd. 2. SUPERVISORS. The labor agreement between the state of Minnesota and the Middle Management Association, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 3. ENGINEERS. The labor agreement between the state of Minnesota and the Minnesota Government Engineers Council, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 4. COMMUNITY COLLEGE FACULTY. The labor agreement between the state of Minnesota and the Minnesota Community College Faculty Association, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 5. NURSES. The labor agreement between the state of Minnesota and the Minnesota Nurses Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 6. SPECIAL TEACHERS. The labor agreement between the state of Minnesota and the State Residential Schools Education Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 7. LAW ENFORCEMENT. The labor agreement between the state of Minnesota and the Minnesota Law Enforcement Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 8. UNREPRESENTED EMPLOYEES, HIGHER EDUCATION BOARD. The plan for unclassified, unrepresented employees of the higher education board, as modified and approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 9. PROFESSIONAL EMPLOYEES. The labor agreement between the state of Minnesota and the Minnesota Association of Professional Employees, approved by the legislative commission on employee relations on February 17, 1994, is ratified.

Subd. 10. MANAGERIAL PLAN. The plan for managerial employees, as approved by the legislative commission on employee relations on February 17, 1994, is ratified.

Subd. 11. UNREPRESENTED EMPLOYEES, HIGHER EDUCATION COORDINATING BOARD. The plan for unrepresented, unclassified employees of the higher education coordinating board, as recommended for modification by the department of employee relations and approved by the legislative commission on employee relations on February 17, 1994, is ratified.

Subd. 12. COMMISSIONERS PLAN. The plan for unrepresented non-managerial employees, as approved by the legislative commission on employee relations on March 11, 1994, is approved.

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

Subd. 13. CORRECTIONAL GUARDS. The arbitration award and memorandum of understanding for unit 8, the correctional guards unit, approved by the legislative commission on employee relations on April 6, 1994, are approved.

**Sec. 2. INTERIM APPROVAL.**

After adjournment of the 1994 session, but before the 1995 session of the legislature, the legislative commission on employee relations may give interim approval to any negotiated agreement, arbitration award, salary, or compensation plan submitted to it under other law. The commission shall submit the agreement, award, salary, or plan to the entire legislature for ratification in the same manner and with the same effect as provided for agreements, awards, salaries, and plans submitted after adjournment of the legislature in an odd-numbered year.

**Sec. 3. EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

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**ARTICLE 2**

Section 1. Minnesota Statutes 1992, section 3.855, subdivision 2, is amended to read:

**Subd. 2. STATE EMPLOYEE NEGOTIATIONS.** (a) The commissioner of employee relations shall regularly advise the commission on the progress of collective bargaining activities with state employees under the state public employment labor relations act. During negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties.

(b) The commissioner shall submit to the chair of the commission any negotiated agreements or arbitration awards for legislative approval or disapproval. ~~Approved~~ Negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees, whichever occurs later. Arbitration awards shall be submitted within five days of their receipt by the commissioner. If the commission disapproves an agreement or award, the commission shall specify in writing to the parties those portions with which it disagrees and its reasons. If the commission approves an agreement or award, it shall submit the matter to the legislature to be accepted or rejected under this section 179A.22, subdivision 4. ~~Failure of the commission to disapprove an agreement or award within 30 days of its receipt constitutes approval. Approval or disapproval by the commission is not binding on the legislature.~~

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(c) After adjournment of When the legislature in an odd-numbered year is not in session, the commission may give interim approval to a negotiated agreement, salary, compensation plan, or arbitration award. # The commission shall submit the negotiated agreement agreements, salaries, compensation plans, or arbitration award awards for which it has provided approval to the entire legislature for ratification at a special legislative session called to consider them or at its next regular legislative session as provided in this section 179A.22, subdivision 4. Approval or disapproval by the commission is not binding on the legislature.

(d) When the legislature is not in session, the proposed agreement, arbitration decision, salary, or compensation plan must be implemented upon its approval by the commission, and state employees covered by the proposed agreement or arbitration decision do not have the right to strike while the interim approval is in effect. Wages and economic fringe benefit increases provided for in the agreement or arbitration decision paid in accordance with the interim approval by the commission are not affected, but the wages or benefit increases must cease to be paid or provided effective upon the rejection of the agreement, arbitration decision, salary, or compensation plan, or upon adjournment of the legislature without acting on it.

Sec. 2. Minnesota Statutes 1992, section 3.855, subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES SALARIES AND COMPENSATION PLANS.**  
The commission shall also:

(a) review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations under section 43A.18, subdivision 2, covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(b) review and approve, reject or modify a plan for total compensation and terms and conditions of employment for employees in positions identified as being managerial under section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(c) review and approve, reject or modify recommendations for salaries submitted by the governor under section 43A.18, subdivision 5, covering agency head positions listed in section 15A.081;

(d) 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; review and approve, reject, or modify recommendations for salaries of officials of higher education systems under section 15A.081, subdivision 7b; and

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

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

(g) perform other related functions delegated to it by the legislature review and approve, reject, or modify plans for compensation, terms, and conditions of employment proposed under section 43A.18, subdivision 4.

Sec. 3. Minnesota Statutes 1992, section 3.855, is amended by adding a subdivision 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.

Sec. 4. Minnesota Statutes 1993 Supplement, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. **SALARY RANGES.** The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section ~~43A.18, subdivisions 2 and 5~~ 3.855:

Salary Range

Effective

... July 1, 1987

\$57,500-\$78,500

Commissioner of finance;

Commissioner of education;

Commissioner of transportation;

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Commissioner of human services;  
Commissioner of revenue;  
Commissioner of public safety;  
Executive director, state board of investment;

\$50,000-\$67,500

Commissioner of administration;  
Commissioner of agriculture;  
Commissioner of commerce;  
Commissioner of corrections;  
Commissioner of jobs and training;  
Commissioner of employee relations;  
Commissioner of health;  
Commissioner of labor and industry;  
Commissioner of natural resources;  
Commissioner of trade and economic development;  
Chief administrative law judge; office of administrative  
hearings;  
Commissioner, pollution control agency;  
Director, office of waste management;  
Commissioner, housing finance agency;  
Executive director, public employees retirement  
association;  
Executive director, teacher's retirement association;  
Executive director, state retirement system;  
Chair, metropolitan council;  
Chair, regional transit board;

\$42,500-\$60,000

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Commissioner of human rights;  
 Commissioner, department of public service;  
 Commissioner of veterans affairs;  
 Commissioner, bureau of mediation services;  
 Commissioner, public utilities commission;  
 Member, transportation regulation board;  
 Ombudsman for corrections;  
 Ombudsman for mental health and retardation.

Sec. 5. Minnesota Statutes 1992, section 15A.081, subdivision 7, is amended to read:

Subd. 7. **METROPOLITAN OFFICERS.** The governor shall set the salary rate within the range set forth below for the following positions, upon approval of the legislative commission on employee relations and the legislature as provided by section ~~43A.18~~; ~~subdivisions 2 and 5~~ 3.855:

	<u>Effective</u> <u>July 1, 1987</u>
Chair, metropolitan airports commission	\$15,000-\$25,000
Chair, metropolitan waste control commission	\$25,000-\$67,500

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

Sec. 6. Minnesota Statutes 1992, section 15A.081, subdivision 7b, is amended to read:

Subd. 7b. **HIGHER EDUCATION OFFICERS.** The higher education board, state university board, the state board for community colleges, the state board of technical colleges, and the higher education coordinating board 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, and the executive director of the higher education coordinating board. The respective board shall submit the proposed salary increase to the legislative commission on employee relations for approval, modification, or rejection in the manner provided in section ~~43A.18~~, ~~subdivision 2~~ 3.855. Salary rates for the positions specified in this subdivision may not exceed 95 percent of the salary of the governor under section 15A.082, subdivision 3. In deciding whether to recommend a salary increase, the governing board shall consider the performance of the chancellor or

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director, including the chancellor's or director's progress toward attaining affirmative action goals.

Sec. 7. Minnesota Statutes 1992, section 15A.082, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** A compensation council is created each even-numbered year to assist the legislature in establishing the compensation of constitutional officers, members of the legislature, justices of the supreme court, ~~and~~ judges of the court of appeals, district court, county court, and county municipal court, and the heads of state and metropolitan agencies included in section 15A.081.

Sec. 8. Minnesota Statutes 1992, section 15A.082, subdivision 3, is amended to read:

Subd. 3. **SUBMISSION OF RECOMMENDATIONS.** (a) By May 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. The recommended salary for each office must take effect on ~~July 1~~ the first Monday in January of the next odd-numbered year, with no more than one adjustment, to take effect on ~~July~~ January 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

(b) The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salary ranges of the heads of state and metropolitan agencies, to be effective retroactively from January 1 of that year if enacted into law. The recommendations shall include the appropriate group in section 15A.081 to which each agency head should be assigned and the appropriate limitation on the maximum range of the salaries of the agency heads in each group, expressed as a percentage of the salary of the governor.

Sec. 9. Minnesota Statutes 1993 Supplement, section 15A.083, subdivision 4, is amended to read:

Subd. 4. **RANGES FOR OTHER JUDICIAL POSITIONS.** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. The supreme court shall set the salary of the state court administrator and the sala-

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ries of district court administrators. The salary of the state court administrator or a district court administrator may not exceed the salary of a district court judge. If district court administrators die, the amounts of their unpaid salaries for the months in which their deaths occur must be paid to their estates. The salary of the state public defender must be 95 percent of the salary of the attorney general.

	Salary or Range Effective July 1, 1994
Board on judicial standards executive director	\$44,000- <del>70,000</del> <u>60,000</u>

Sec. 10. Minnesota Statutes 1992, section 43A.05, subdivision 5, is amended to read:

Subd. 5. **COMPARABILITY ADJUSTMENTS.** The commissioner shall compile, subject to availability of funds and personnel, and submit to the legislative commission on employee relations by January 1 of each odd-numbered year a list showing, by bargaining unit, and by plan for executive branch employees covered by a plan established ~~pursuant to~~ under section 43A.18, those female-dominated classes and those male-dominated classes in state civil service for which a compensation inequity exists based on comparability of the value of the work. The commissioner shall also submit to the legislative commission on employee relations, along with the list, an estimate of the appropriation necessary for providing comparability adjustments for classes on the list. The commission shall review and approve, disapprove, or modify; the list and proposed appropriation. The commission's action ~~shall~~ must be submitted to the full legislature ~~in the same manner as provided in sections 3.855 and 43A.18 or 179A.22, subdivision 4; provided that.~~ The full legislature may approve, reject, or modify the commission's action. The commission shall show the distribution of the proposed appropriation among the bargaining units and among the plans established under 43A.18. Each bargaining unit and each plan ~~shall~~ must be allocated that proportion of the total proposed appropriation ~~which~~ that equals the cost of providing adjustments for the positions in the unit or plan approved by the commission for comparability adjustments divided by the total cost of providing adjustments for all positions on the list approved by the commission for comparability adjustments. Distribution of any appropriated funds within each bargaining unit or plan ~~shall~~ must be determined by collective bargaining agreements or by plans.

Sec. 11. Minnesota Statutes 1992, section 43A.08, subdivision 1, is amended to read:

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

- (1) chosen by election or appointed to fill an elective office;

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(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;

(3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the office of strategic and long-range planning;

(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;

(5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(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;

(7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(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 higher education board, 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;

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

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

(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;

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

(14) chaplains employed by the state;

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

(16) student workers;

(17) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(18) employees unclassified pursuant to other statutory authority;

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

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

Sec. 12. Minnesota Statutes 1992, 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; agriculture; commerce; corrections; jobs and training; education; employee relations; trade and economic development; finance; 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 and pollution control agencies; the state lottery board; the state board of investment; the office of administrative hearings; 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 board; 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;

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(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, the employing statutory board or commission, 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. 13. Minnesota Statutes 1992, section 43A.18, subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER'S UNREPRESENTED NONMANAGERIAL EMPLOYEE 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 ~~Laws 1981, chapter 240~~ chapter 43A or other law ~~shall be~~ are governed solely by the ~~commissioner's~~ a plan developed by the commissioner. The legislative commission on employee relations shall review and approve, reject, or modify the plan and submit it to the legislature along with any recommendations it deems appropriate under section 3.855, subdivision 2. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14.

~~The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to effect the plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179A.22, subdivision 4. If the legislature modifies or rejects the plan or adjourns without action during the following legislative session, any total compensation increases which were provided pursuant to interim approval by the commission and not ratified by the legislature shall not be affected but shall cease to be provided.~~

Sec. 14. Minnesota Statutes 1992, section 43A.18, subdivision 3, is amended to read:

Subd. 3. **MANAGERIAL PLAN.** (a) The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, in the executive branch as being managerial. The list ~~shall~~ must not include positions listed in subdivision 4. ~~The commissioner shall annually submit the listing of positions to the chair of the legislative commission on employee relations for the commission's review and comment, and shall note on each listing the changes from the prior year.~~

(a) (b) The commissioner shall periodically prepare a plan for total compensation and terms and conditions of employment for employees of those positions

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identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under this chapter. Before becoming effective those portions of the plan establishing compensation and terms and conditions of employment shall must be reviewed and approved or modified by the legislative commission on employee relations and the legislature ~~in the same manner as provided for the commissioner's plan in under section 3.855, subdivision subdivisions 2 and 3.~~

(~~b~~) (c) Incumbents of managerial positions as identified under this subdivision shall must be excluded from any bargaining units under ~~the provisions of chapter 479 179A.~~

(e) (~~d~~) The management compensation plan shall must provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. ~~Provisions of The plan shall must~~ ensure that compensation within assigned salary ranges is related to level of performance. The plan shall must also provide a procedure for establishment of a salary rate for a newly created position and a new appointee to an existing position and for progression through assigned salary ranges. The employee benefits established under the provisions of the managerial plan may be extended to agency heads whose salaries are established in section 15A.081, subdivision 1, and to constitutional officers, judges of the workers' compensation court of appeals, and tax court judges.

Sec. 15. Minnesota Statutes 1993 Supplement, section 15A.18, subdivision 4, is amended to read:

Subd. 4. **PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.** (a) Notwithstanding any other law to the contrary, ~~total compensation terms and conditions of employment~~ 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), (d), ~~and~~ (e), and (f) must be reviewed and approved, modified, or rejected by the legislature and the legislative commission on employee relations under section 3.855, subdivision 2, before becoming effective.

(~~a~~) (b) 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~~) (c) Total compensation for unclassified positions under section 43A.08, subdivision 1, clause (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.

(e) (d) Total compensation for classified administrative law judges in the

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office of administrative hearings must be determined by the chief administrative law judge.

(d) (e) 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.

(e) (f) Total compensation for unclassified managerial positions not covered by a collective bargaining agreement in the higher education board must be determined by the higher education board.

Sec. 16. Minnesota Statutes 1992, section 43A.18, subdivision 5, is amended to read:

Subd. 5. **GOVERNOR TO RECOMMEND CERTAIN SALARIES.** (a) The governor shall, by July 1 of each odd-numbered year, submit to the legislative commission on employee relations recommendations for salaries within the salary range for the positions listed in section 15A.081, subdivisions 1 and 7. The governor may also propose additions or deletions of positions from those listed.

(b) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations.

(c) In making recommendations, the governor shall consider the criteria established in subdivision 8 and the performance of individual incumbents. The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities and in determining recommendations rate each position by this system.

(d) Before the governor's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative commission on employee relations and the legislature ~~in the same manner as provided for the commissioner's plan in~~ under section 3.855, subdivision 2. The governor may also at any time propose changes in the salary rate of any positions covered by this subdivision, which must be submitted and approved in the same manner as provided in this subdivision.

(e) The governor shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

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(f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in section 15A.081, subdivision 1 or 7, may be increased or decreased by the governor from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the governor increases a salary under this paragraph, the governor shall submit the new salary to the legislative commission on employee relations and the full legislature for approval, modification, or rejection ~~in the manner provided in~~ under section 3.855, subdivision 2. ~~If the legislature rejects an increased salary or adjourns without action during the following legislative session, the salary for the position reverts to the level in effect before the governor proposed the change.~~

Sec. 17. Minnesota Statutes 1993 Supplement, section 179A.04, subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES.** The commissioner shall:

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

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

(c) maintain a list of arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes;

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

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

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

(g) receive, catalogue, and file 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. All decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

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

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

(l) 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;

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

(n) adopt, subject to chapter 14, 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 must, 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. 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; and

(o) from the names provided by representative organizations, maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 125.12 or 125.17. The persons on the list shall 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.

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



Sec. 18. Minnesota Statutes 1992, section 179A.10, subdivision 3, is amended to read:

Subd. 3. **STATE EMPLOYEE SEVERANCE.** Each of the following groups of employees has the right, as specified in this subdivision, to separate from the general professional, health treatment, or general supervisory units provided for in subdivision 2: attorneys, physicians, professional employees of the higher education coordinating board who are compensated under section 43A.18, subdivision 4, state patrol-supervisors, ~~regional enforcement officers~~ supervisors employed by the department of natural resources, and criminal apprehension investigative-supervisors. This right must be exercised by petition during the 60-day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they have no right to meet and negotiate, but retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing authority on any matter of concern to them. The right to separate must be exercised as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a statewide basis wish to separate from their units may petition the commissioner for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the commissioner shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the units provided in subdivision 2. This election must be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the commissioner shall certify that result. This election, where not inconsistent with other provisions of this section, is governed by section 179A.12. If a group of employees elects to sever, the group may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.

Sec. 19. Minnesota Statutes 1992, section 179A.18, subdivision 1, is amended to read:

Subdivision 1. **WHEN AUTHORIZED.** Essential employees may not strike. Except as otherwise provided by subdivision 2 and section 179A.17, subdivision 2, other public employees may strike only under the following circumstances:

(1)(a) ~~The~~ the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 2, has occurred; and

(b) ~~The~~ the exclusive representative and the employer have participated in mediation over a period of at least 45 days, provided that the mediation period established by section 179A.17, subdivision 2, ~~shall govern~~ governs negotiations ~~pursuant to~~ under that section, and provided that for the purposes of this sub-

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clause the mediation period commences on the day following receipt by the commissioner of a request for mediation; or

- (2) ~~The~~ the employer violates section 179A.13, subdivision 2, clause (9); or
- (3) ~~In~~ in the case of state employees,

(a) ~~The~~ the legislative commission on employee relations has ~~not given approval during a legislative interim to~~ rejected a negotiated agreement or arbitration decision ~~under section 179A.22, subdivision 4, within 30 days after its receipt during a legislative interim; or~~

(b) ~~The~~ the entire legislature rejects or fails to ratify a negotiated agreement or arbitration decision, which has been approved during a legislative interim by the legislative commission on employee relations, at a special legislative session called to consider it, or at its next regular legislative session, whichever occurs first.

Sec. 20. Minnesota Statutes 1992, section 179A.22, subdivision 4, is amended to read:

Subd. 4. **AGREEMENTS.** The commissioner of employee relations is authorized to enter into agreements with exclusive representatives. The negotiated agreements and arbitration decision ~~shall~~ must be submitted to the legislature to be accepted or rejected in accordance with this section and section 3.855.

~~If a proposed agreement or arbitration decision is rejected or is not approved by the legislature prior to its adjournment in an odd-numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration decision. The proposed agreement or arbitration decision shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration decision shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration decision to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration decision which were paid pursuant to the interim approval by the commission shall not be affected but these wages and benefit increases shall cease to be paid or provided effective upon the rejection of the agreement or arbitration decision or upon adjournment by the legislature without acting upon the agreement or arbitration decision.~~

#### Sec. 21. **TRANSITION.**

Notwithstanding Laws 1993, chapter 192, section 2, subdivision 6, the compensation council appointed in 1993 expires on the first Monday in January 1995. The governor shall then appoint a new compensation council to make recommendations under Minnesota Statutes, section 15A.082, by April 1, 1995. The new salaries for agency heads will be effective retroactively from January 1, 1995, if enacted into law. If approved under Minnesota Statutes, section

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15A.082, subdivision 3, the new salaries for legislators, judges, and constitutional officers will be effective the first Monday in January, 1997.

#### Sec. 22. SETTLEMENT FORM.

Until the commissioner of mediation services adopts a rule under authority of Minnesota Statutes, section 179A.04, subdivision 3, paragraph (n), that provides otherwise, public employers shall use the "uniform baseline and settlement form" and accompanying instructions presented by the commissioner of mediation services to the legislative commission on employee relations on February 17, 1994. However, the commissioner shall reduce the "uniform baseline and settlement form" to a one-page document without omitting any of the current elements. The commissioner must add two elements to the form: employer contributions to social security, and employer contributions to state or local employee retirement plans. A public employer shall use the form in the manner required by section 179A.04, subdivision 3, paragraph (n).

For agreements or awards that were entered into or issued before the effective date of this section, the employer shall complete the form and make it available to the public within 60 days of the effective date of this section. The state and school districts shall complete forms for agreements or awards entered into or issued after June 30, 1993. Other public employers shall complete forms for agreements or awards entered into or issued after December 31, 1993.

The commissioner shall publish the form submitted to the commission in the State Register within 30 days of the effective date of this section. The commissioner shall mail a copy of the form and instructions, free of charge, to associations of public employers, to exclusive representatives, and to any other person requesting the form and instructions.

#### Sec. 23. STUDY OF ARBITRATION.

The legislative commission on employee relations shall study the use of arbitration to resolve impasses in contract negotiations between public employers and exclusive representatives of public employees. The report must be submitted to the legislature by January 15, 1995. The report must examine, at a minimum: differences in costs between arbitrated awards and negotiated settlements; the process by which arbitrators are selected; other forms of interest arbitration; and alternatives to the use of arbitration.

#### Sec. 24. EFFECTIVE DATE.

Sections 7 and 22 are effective the day following final enactment.

Presented to the governor May 2, 1994

Signed by the governor May 4, 1994, 3:27 p.m.

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