

the prevailing wage rate as defined in Minnesota Statutes, 1973 Supplement, Section 177.42, as a minimum standard for wages and which establish the hours and working conditions prevailing for the largest number of workmen engaged in the same class of labor within the area as a minimum standard for a contractor's employees which must be agreed to by any contractor before he may be awarded any contract for the furnishing of any labor, material, supplies, or service.

Approved April 12, 1974.

CHAPTER 511—H.F.No.2785

[Coded in Part]

An act relating to the operation of state government; revising statutory provisions concerning salary setting authority for unclassified positions in the executive branch by realigning portions of Chapters 15A and 43; defining certain terms; providing for the appointment of certain classified employees; amending Minnesota Statutes 1971, Sections 15.61; and 43.01, by adding subdivisions; Chapter 43 by adding sections; Minnesota Statutes, 1973 Supplement, Sections 43.06; 43.09, Subdivision 6; 43.128; 43.20, by adding a subdivision; and 43.324; repealing Minnesota Statutes, 1973 Supplement, Sections 15A.021, 15A.031, 15A.041, 15A.081, Subdivisions 2 and 3; 15A.084, 15A.085 and 43.02; and Minnesota Statutes 1971, Section 15A.14.

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

Section 1. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.062] STATE GOVERNMENT; EMPLOYEES; SALARY SETTING AUTHORITY. Subdivision 1. SALARY LISTING. The personnel board shall, on or before November 15 of each even numbered year, submit to the commissioner of personnel a listing of salaries for the positions listed in Minnesota Statutes, Section 15A.081, 15A.083 and for members of the legislature. The board may also recommend adding or deleting of positions from this list.

Subd. 2. BOARD TO CONSIDER ADVICE. Before submitting the salary listing prescribed in subdivision 1 to the commissioner of personnel, the personnel board shall consult with the governor, the commissioner of administration, the commissioner of finance, and the commissioner of personnel concerning the salary listing and shall give due consideration to the advice of these officers. Before submitting to the commissioner of personnel a salary listing prescribed in subdivision 1 for an employee in the office of a constitutional officer, the personnel board shall consult with the constitutional officer concerning the salary listing and shall give due consideration to the advice of the officer.

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Subd. 3. BASE SALARIES AND ACHIEVEMENT AWARDS. Except for positions for which salary ranges have been established, the salary listing shall contain a specific salary for each position defined in subdivision 1. For positions for which no salary ranges have been established, the salary listing shall further contain a specific monetary amount or percentage to which an incumbent's salary may be raised to reward achievement as prescribed by section 11. The board shall determine only a fixed salary for the positions of the constitutional officers, executive secretary of the board of investment, the workmens' compensation commissioner and the commissioner of public service who shall not be eligible for achievement awards as provided by section 11.

Subd. 4. OFFICE OF ATTORNEY GENERAL. Salaries within the ranges for professional positions within the office of the attorney general shall be established by the attorney general.

Sec. 2. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.064] OTHER SALARIES SET BY PERSONNEL. Notwithstanding any other law to the contrary, salaries for all unclassified positions in the executive branch not enumerated in the listing described in Minnesota Statutes, Section 15A.081, shall be established by the commissioner of personnel except for the following: (1) positions listed in Minnesota Statutes, Section 15A.083; (2) positions listed in Minnesota Statutes, Section 299D.03; (3) employees in the office of the governor whose salary shall be determined by the governor; (4) positions in the state college system, the state community college system, and in the higher education coordinating commission whose primary duties consist of instructing and counseling students, directing academic programs of schools, divisions or departments of colleges and community colleges or conducting research on academic subjects. Individual salaries for positions enumerated in clause (4) shall be determined by the state college board, the state community college board, and the higher education coordinating commission, respectively, within the limits of a salary plan which shall have been approved by the commissioner of personnel before becoming effective.

No provision of any subsequent law relating to salaries of state employees shall be construed as inconsistent with this section unless it is expressly provided in such subsequent act that the provisions of this section shall not be applicable or shall be superseded, amended, or repealed.

Sec. 3. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.065] SALARY REVIEW. Subdivision 1. SALARIES TO BE EQUITABLE. When determining or recommending salaries for any position, the personnel board and the commissioner of personnel shall assure that:

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(1) Salaries in the classified and unclassified service bear equitable relationship to one another;

(2) Salaries among the various positions listed in Minnesota Statutes, Section 15A.081, bear equitable relationships to one another; and

(3) Salaries for state positions bear equitable relationships to salaries for similar positions outside state service.

Salaries bear equitable relationships to one another within the meaning of this section if salaries for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities are comparable and if salaries for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities are directly proportional to the knowledge, abilities, duties, and responsibilities required.

Subd. 2. METHOD OF REVIEW. In recommending the salary listing described in Minnesota Statutes, Section 15A.081, the board shall consider only those criteria established by subdivision 1 and shall not take into account personal performance of individual incumbents. The board shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining salary listings rate each position according to this system.

Subd. 3. INFORMATION, CONSULTANTS. Each department shall furnish the board with any information which the board may request to aid in the performance of its duties. Subject to appropriations, the board may engage expert consultants.

Sec. 4. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.067] SALARY LIMITS. The base salary of the head of any state department in the executive branch shall serve as the upper limit of compensation in his organization unless the personnel board approves an exemption in individual cases. Salaries of medical doctors paid under the provisions of Minnesota Statutes, Section 43.126, shall be excluded from the limitation provided in this section.

Sec. 5. Minnesota Statutes 1971, Section 43.01, is amended by adding subdivisions to read:

Subd. 17. LEGISLATIVE BRANCH. For purposes of Minnesota Statutes, Chapters 15A and 43, "legislative branch" means all legislators and all employees of the legislature including part time or full time employees and temporary or permanent employees of legislative committees or commissions.

Subd. 18. JUDICIAL BRANCH. For the purposes of Minnesota Statutes, Chapters 15A and 43, "judicial branch" means all justices of

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the supreme court, all employees of the supreme court, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, and all judges of district courts and such other agencies as may be placed in the judicial branch by law.

Subd. 19. EXECUTIVE BRANCH. For purposes of Minnesota Statutes, Chapters 15A and 43, "executive branch" means heads of all departments of government elective or appointive, established by statute or constitution and all employees of such department heads which have, within their particular field of responsibility statewide jurisdiction, as opposed to jurisdiction in specifically defined geographical areas, such as regions, counties, cities, towns, municipalities, or school districts; and are not defined as part of the legislative or judicial branches of government. The executive branch shall include the governor and his staff. Not included into the executive branch shall be the university of Minnesota, the public employees retirement association, the Minnesota state retirement system, the teachers retirement association, the Minnesota historical society, and all of their employees, and any other entity which is incorporated, though it may receive state funds.

Subd. 20. CIVIL SERVICE. "Civil service" of the state means a system consisting of all employees in the legislative, the judicial, and the executive branches of state government. The state civil service shall be divided into the classified and the unclassified civil service as provided elsewhere in this chapter.

Subd. 21. DEPARTMENT, AGENCY. For purposes of chapter 15A and of this chapter, the terms "department" and "agency" may be used interchangeably within the executive branch.

Subd. 22. OFFICER, EMPLOYEE. For purposes of chapter 15A and of this chapter, the terms "officer" and "employee" may be used interchangeably within the executive branch.

Sec. 6. Minnesota Statutes, 1973 Supplement, Section 43.06, is amended to read:

43.06 BOARD; DUTIES, POWERS. It shall be the duty of the personnel board and it shall have power:

(1) To conduct hearings and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, suspension, or removal of the officer or employee, in accordance with the provisions of this chapter;

(2) To hear and pass upon such other matters as the commissioner may, from time to time, bring before the board for determination; and

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(3) The personnel board may employ, prescribe the duties, and, notwithstanding the provisions of section ~~15A.021-2~~ of this act, fix the compensation of temporary and permanent hearing officers and other employees who shall be in the unclassified civil service or may be retained by contract. ~~The board may decide matters from a report of the testimony taken by a hearing officer and in accordance with such rules as it may prescribe.~~

(4) The personnel board shall advise the commissioner of personnel on any matters concerning his rules when requested so to do by the commissioner.

(5) The personnel board shall render its advisory opinion on all proposed personnel rules, or proposed changes of personnel rules.

Sec. 7. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.055] EXTENT OF AUTHORITY. Whenever any power or authority is given to the commissioner of personnel by any provision of chapters 15A or 43, such power or authority shall extend to all departments in the executive branch, but shall not extend to any subdivisions or employees in the judicial branch or legislative branch. The classified employees in the office of the legislative auditor, the Minnesota state retirement system, and teachers retirement association, however, shall be subject to the powers or authority of the commissioner of personnel.

Sec. 8. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.063] SALARIES FOR MEMBERS OF MINNESOTA NATIONAL GUARD. Members of the Minnesota national guard shall receive the pay and allowances prescribed by the armed forces of the United States for similar rank and time in service.

Sec. 9. Minnesota Statutes, 1973 Supplement, Section 43.09, Subdivision 6, is amended to read:

Subd. 6. ACT NOT APPLICABLE TO REGENTS OF UNIVERSITY OF MINNESOTA. The state ~~civil service personnel~~ act ~~except for the provisions of sections 43.12, subdivision 2, and 43.122, subdivisions 1 and 3,~~ shall not be deemed to have been heretofore or hereafter applied to the Regents of the University of Minnesota, nor to persons, institutions, or employees under their control.

Sec. 10. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.068] NO DECREASE IN PRESENT SALARIES. The salary of any state employee whose salary at the end of an odd numbered fiscal

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year was above the limit set in section 8 or sections 15A.081 or 15A.083, shall remain at that level at the beginning of the next fiscal year and until a vacancy in the position occurs or the salary falls below a newly established limit. New appointments shall be made at the base salary or within the salary range prescribed in section 8 or sections 15A.081 or 15A.083.

Sec. 11. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.069] BOARD MAY LIFT SALARIES. Subdivision 1. Except as provided in section 1, the personnel board may raise the salary for any individual incumbent of a position whose base salary is established under the provisions of Minnesota Statutes, Section 15A.081, and which has not been provided with a salary range, provided:

(a) The incumbent has, in the opinion of the board, challenging written objectives which are specific as to amount and time and which have been agreed upon in advance by the appointing authority;

(b) The appointing authority of the incumbent applies to the board for the salary increase and simultaneously certifies to the board that the incumbent has fulfilled, or is fulfilling, his agreed upon objectives.

Subd. 2. The board may require the appointing authority or the incumbent to submit additional information as it may deem necessary.

Subd. 3. The appointing authority may apply for, and the board may approve salary raises for the incumbent by any increment, and more than once. The aggregate of the increases under this section shall not increase the individual salary beyond 25 percent of the base salary established for the position under the provisions of Minnesota Statutes, Section 15A.081.

Subd. 4. Any achievement award granted to individuals under this section shall remain in effect for 12 months from the date of approval, unless the board determines a lesser effective period of time.

Sec. 12. Minnesota Statutes, 1973 Supplement, Section 43.324, is amended to read:

43.324 COMPENSATION PLAN. Subdivision 1. On or before December 1 of each even numbered year, the commissioner of personnel shall after consultation with the commissioner of finance submit to the governor, or if a governor has been elected in that year to the governor-elect, his recommendations concerning compensation to be paid all state employees ; in the classified and unclassified civil service in the executive branch with the exception of salaries for positions exempted from the commissioner's salary setting authority in section 2 . The recommendations so submitted shall be in bill form, drafted in conformity

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with the rules of the senate and house of representatives and may contain proposals concerning salaries, paid holidays, health and life insurance benefits, and other items of compensation for all employees ~~of the state~~ in the executive branch. The recommendations shall also include any agreements reached through collective bargaining, or ordered by arbitrators, or which may be the results of any negotiations conducted under a public employment labor relations law applicable to state employees to the extent that such agreements pertain to issues or items included in the commissioner's compensation recommendations described in this subdivision.

Subd. 2. The recommendation of the commissioner as required by subdivision 1 shall include the recommendations of the personnel board concerning salaries in the unclassified service or any modifications thereof which he has made. But no modification of the personnel board's recommendations shall be made by the commissioner without a written explanation therefor, and in no event may the commissioner make any changes in the recommendations of the personnel board concerning positions in the legislative and judicial branches.

Subd. 3. ~~The governor at the time of delivering~~ As part of his budget message to the opening of a regular session of the legislature in January of each odd numbered year, ~~the governor~~ shall also transmit for legislative consideration the commissioner's proposals as recommended by the commissioner or as modified by the governor, but the governor shall not modify any recommendations concerning positions in the legislative or judicial branches, or any recommendations reached through collective bargaining, or ordered by arbitrators, or which may be the result of any negotiations conducted under a public employment labor relations law applicable to state employees.

Sec. 13. Minnesota Statutes, 1973 Supplement, Section 43.128, is amended to read:

43.128 SALARY INCREASES, UNCLASSIFIED SERVICE. Subdivision 1. The salaries of all employees in the unclassified civil service of the ~~state~~ executive branch whose salary is not fixed by section 15A.081, shall be adjusted to the class of persons in the classified civil service performing comparable work and having comparable responsibility, as determined by the commissioner of personnel but in no event to an amount in excess of the maximum of such class.

Subd. 2. The provisions of subdivision 1 shall not apply to state employees listed in sections 43.09, subdivision 2, clause (7) and 136A.03, except that the appointing authority of such employees shall submit a salary schedule to the commissioner for approval before such schedule may become effective. The provisions of subdivision 1 shall further not apply to salaries for positions which are exempted from the commissioner's salary setting authority under the provisions of section 2.

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Sec. 14. Minnesota Statutes 1971, Section 43.20, is amended by adding a subdivision to read:

Subd. 6. Notwithstanding any law to the contrary no agency of the state acting pursuant to any express or implied authority to enter into contracts for services shall enter into a contract with a private entity whereby the agency becomes entitled to receive the services of persons who, were they members of the classified service, would occupy positions assigned to schedule C, except as hereinafter provided. Upon the request of an agency requiring the services of such persons, the commissioner shall make a temporary appointment pursuant to subdivision 5. In the event that the eligible list does not contain the names of persons able to perform the requested services the commissioner shall utilize the free employment offices of the department of manpower services to find persons available for such temporary appointments. In the event that the commissioner determines by written opinion that the agency requiring the services will be unable to obtain qualified persons within a reasonable period of time from the department of manpower services, the agency may enter into a contract with a private entity as described above.

Sec. 15. Minnesota Statutes 1971, Section 15.61, is amended to read:

15.61 UNEMPLOYED AND UNDEREMPLOYED; EMPLOYMENT BY STATE AND OTHER GOVERNMENTAL UNITS. Subdivision 1. The state of Minnesota, its departments, agencies and instrumentalities, and any county, city, ~~village, borough,~~ town, school district or other body corporate and politic, may employ unemployed and underemployed persons as defined in the federal ~~Emergency Employment Act of 1971~~ Comprehensive Manpower Training and Employment Act of 1973, Title II pursuant to and in accordance with the terms of that act.

Subd. 2. The provisions of Minnesota Statutes 1969, Sections 197.45 to 197.48 and 43.30 and any other law or ordinance relating to preference in employment and promotion of persons having served in the armed services, the provisions of any civil service law, rule or regulation, the provisions of any city charter or any ordinance or resolution, or the provisions of any other law or statute in conflict with the provisions of the federal ~~Emergency Employment Act of 1971~~ Comprehensive Manpower Training and Employment Act of 1973, Title II shall not be applicable to the employment of the persons specified in subdivision 1.

Subd. 3. The provision of any law limiting the complement of any state department or agency is not applicable to persons employed pursuant to this section and the provisions of the federal ~~Emergency Employment Act of 1971~~ Comprehensive Manpower Training and Employment Act of 1973, Title II when such employment by a state department or agency has been approved by the commissioner of ad-

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ministration.

Sec. 16. **REPEALER.** Minnesota Statutes 1971, Section 15A.14, and Minnesota Statutes, 1973 Supplement, Sections 15A.021, 15A.031, 15A.041, 15A.081, Subdivisions 2 and 3; 15A.084, 15A.085, and 43.02 are repealed.

Sec. 17. **EFFECTIVE DATE.** This act shall be effective the beginning of the pay period following its final enactment.

Approved April 11, 1974.

CHAPTER 512—H.F.No.2813

[Coded]

An act relating to student associations; authorizing the student associations at all state colleges and the Minnesota state college student association to expend money assigned to them to fund a legal counseling and service program for students; amending Laws 1973, Chapter 488, Section 1.

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

Section 1. Laws 1973, Chapter 488, Section 1, is amended to read:

Section 1. **[136.57] STATE COLLEGES; LEGAL COUNSELING AND SERVICE PROGRAM.** [Subdivision 1.] Notwithstanding the provisions of Minnesota Statutes 1971, Section 8.06 and Section 136.11 to the contrary or any rules or regulations adopted pursuant thereto, ~~the Mankato state~~ the official student association at each state college may expend money for the purpose of funding a program to provide legal counseling and services to the students of ~~Mankato~~ the state college. The money to be expended shall be from that certain account of the college activity fund of ~~Mankato~~ the state college allocated to the ~~Mankato state~~ student association.

Sec. 2. **[Subd. 2.]** In addition to the provisions of section 1, the Minnesota state college student association shall have authority to expend money assigned to it to fund a legal counseling and service program.

Approved April 11, 1974.

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