

Subd. 2. In addition to any judgment awarded to the plaintiff, the court shall allow reasonable attorney fees to be taxed as costs.

Subd. 3. The action for the unpaid wages and liquidated damages may be maintained by one or more employees on behalf of themselves or other employees similarly situated.

Subd. 4. An agreement for compensation at a rate less than the rate to which an employee is entitled under this act is not a defense to any such action.

Sec. 4. [181.69] **Number of hours of employment.** This act shall not be construed to affect the provisions of Minnesota Statutes, Section 181.18 to 181.23.

Sec. 5. [181.70] **Violations.** A violation of this act is a misdemeanor.

Sec. 6. [181.71] **Citation.** Sections 1 to 7 may be cited as the equal pay for equal work law.

Sec. 7. **Effective date.** This act shall be effective June 1, 1970.

Approved April 17, 1969.

CHAPTER 144—H. F. No. 442

[Coded in Part]

An act relating to the state civil service; amending Minnesota Statutes 1967, Section 43.12, Subdivision 2, and adding subdivisions thereto; Sections 43.121, Subdivision 3; 43.122; and 43.21.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 43.12, Subdivision 2, is amended to read:

Subd. 2. **Civil service; salary ranges.** (1) The following schedule of rates is established as the ~~basic~~ rates of pay for all employees in the state classified service except as *otherwise* provided in ~~clauses (2) and (3) chapter 43.~~

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Range	1	2	3	4	5	6	7	8	9	10
1a	260	270	281	292	304	316	329	342	356	370
2a	281	292	304	316	329	342	356	370	385	400
3a	304	316	329	342	356	370	385	400	416	433
4a	329	342	356	370	385	400	416	433	450	468
5a	356	370	385	400	416	433	450	468	487	506
6a	400	416	433	450	468	487	506	526	547	569
7a	450	468	487	506	526	547	569	592	616	641
8a	506	526	547	569	592	616	641	667	694	722
9a	569	592	616	641	667	694	722	751	781	812
10a	641	667	694	722	751	781	812	844	878	913
11a	722	751	781	812	844	878	913	950	988	1028
12a	812	844	878	913	950	988	1028	1069	1112	1156
13a	950	988	1028	1069	1112	1156	1202	1250	1300	1352
14a	1112	1156	1202	1250	1300	1352	1406	1462	1520	1581
15a	1300	1352	1406	1462	1520	1581	1644	1710	1778	1849

In assigning classes of work to this schedule the board shall give consideration to the reduction of supervisory levels and separate classifications.

(2) The following schedule of rates is established as the basic rates for state employees in the classified service employed in skilled, semi-skilled, unskilled, and maintenance classes and these classes of work for which a shorter pay range is recognized as determined by the board. In assigning classes of work to this schedule the board shall give consideration to the most commonly paid rate for each class of work. Supplementary pay practices shall be evaluated and costs considered in comparing the rates to be assigned in this schedule to those rates established in public and private employment. The board is authorized to establish a percentage differential based upon full annual employment and tenure where such advantages are not common in employment outside of the state service.

Range	1	2	3	4
1b	260	281	304	329
2b	270	292	316	342
3b	281	304	329	356
4b	304	329	356	385
5b	329	356	385	416
6b	370	400	433	468
7b	400	433	468	506
8b	433	468	506	547
9b	487	526	569	616
10b	526	569	616	667
11b	569	616	667	722

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12b	616	667	722	781
13b	694	751	812	878
<i>Range</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>1b</i>	<i>\$592</i>	<i>\$616</i>	<i>\$641</i>	<i>\$667</i>
<i>2b</i>	<i>616</i>	<i>641</i>	<i>667</i>	<i>694</i>
<i>3b</i>	<i>641</i>	<i>667</i>	<i>694</i>	<i>722</i>
<i>4b</i>	<i>667</i>	<i>694</i>	<i>722</i>	<i>751</i>
<i>5b</i>	<i>694</i>	<i>722</i>	<i>751</i>	<i>781</i>
<i>6b</i>	<i>722</i>	<i>751</i>	<i>781</i>	<i>812</i>
<i>7b</i>	<i>751</i>	<i>781</i>	<i>812</i>	<i>844</i>
<i>8b</i>	<i>781</i>	<i>812</i>	<i>844</i>	<i>878</i>
<i>9b</i>	<i>812</i>	<i>844</i>	<i>878</i>	<i>913</i>
<i>10b</i>	<i>844</i>	<i>878</i>	<i>913</i>	<i>950</i>
<i>11b</i>	<i>878</i>	<i>913</i>	<i>950</i>	<i>988</i>
<i>12b</i>	<i>913</i>	<i>950</i>	<i>988</i>	<i>1028</i>
<i>13b</i>	<i>950</i>	<i>988</i>	<i>1028</i>	<i>1069</i>

(3) Overtime worked shall be compensated for either by cash payment or compensatory time off as provided for in overtime schedules approved under the provisions of the civil service rules.

(4) None of the provisions of sections 43.12, subdivision 2, to 43.122, shall apply to employees in the classified service under the state civil service act who are paid on a fee basis, or to such employees who are department heads.

(5) For the purposes of this subdivision, as applied to an employee the words "his former salary" means his adjusted salary within the range of salaries theretofore established for the class of his position; and the words "his new range" mean the salary range established by this subdivision by which the class of his position shall be paid. "Minimum" and "maximum," used alone, mean respectively, the minimum and maximum salary rates of a range. *The board may utilize a lesser number of rates of pay in a given range for particular classes of work either by using a higher minimum rate or a lesser maximum rate or both where prevailing salary patterns would show such action to provide for a more logical salary assignment.*

(6) Whenever a class is reassigned to a higher salary range as provided in section 43.121, subdivision 2, the salaries of state employees in the classified service shall be adjusted as follows:

(a) An employee whose class is reassigned to a salary range in subdivision 2, clause (1), shall receive an adjusted salary bearing the same relation to the minimum of his new range as his former salary bore to the minimum of his former range. In the event that this

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adjustment results in an amount less than eight percent of his former salary as defined in clause (5), his former salary shall be increased by eight percent and if such adjusted salary exceeds the new maximum, a rate above the maximum for his assigned range shall be authorized until his salary is within his new range. No additional increases in salary shall be authorized until his salary is again within his new range. The provisions in the two preceding sentences shall apply only at the time of adjustment on July 1, 1967.

(b) An employee whose class is reassigned to a salary range in subdivision 2, clause (2), shall receive an adjusted salary determined in the following manner: An employee whose former salary was at the minimum or step 2 of the former range shall be adjusted to the minimum of the new range. An employee whose former salary was at step 3 or step 4 of the former range shall be adjusted to step 2 of the new range. An employee whose former salary was at step 5 or 6 in the former range shall be adjusted to step 3 of the new range. An employee whose former salary was at the first or second longevity step shall be adjusted to step 4 of the new range. Where an adjustment as prescribed above results in an increase of less than eight percent, the salary shall be adjusted to the next higher step in the new range. If this rate exceeds the maximum for the range such payment shall be authorized until his salary is within the new range. The provisions in the two preceding sentences shall apply only at the time of adjustment on July 1, 1967.

(c) Former salary for the purpose of adjustments specified in clause (6) (a) and (b) is defined as an employee's salary on July 1, 1966, or for those employees who have received a merit increase subsequent to the above date and prior to the passage of this act, the July 1, 1966 salary augmented by a four percent, or one step, merit increase, or that salary attained in instances where the civil service director has approved an in range hiring level, as implemented by the appointing authority, and the adjustments were authorized to equate the salary of employees in the same class to the new hiring rate. For an employee appointed in the classified service subsequent to June 30, 1966, former salary is defined as the minimum rate for his class, or the approved in range hiring rate if one exists. Former salary, for an employee promoted subsequent to June 30, 1966, is his salary on the effective date of promotion provided that such salary does not exceed his salary prior to promotion by more than four percent except to equate it with an approved in range hiring rate or the minimum for the higher class. No salary adjustment provided for herein shall result in a reduction from the employee's salary on the effective date of *Laws 1967, Chapter 193: Whenever a class is reassigned to a higher range of salary rates as authorized in clause (5) of this subdivision,*

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the employee whose present salary rate is less than the new minimum rate of pay in the range of salary rates shall be advanced to the new minimum rate or be advanced by two steps, whichever is greater. If his present salary is of an amount equal to or greater than the minimum of the rate of pay in the range of salary rates, his salary shall be adjusted by two steps except that the appointing authority may withhold one of the steps so authorized upon written notice to the employee that his work has been of a less than satisfactory level. For purposes of this subdivision, his present rate of pay is defined as his monthly salary as of the end of the payroll period prior to July 2, 1969. The provisions in the three preceding sentences shall not apply subsequent to July 1, 1971.

Sec. 2. Minnesota Statutes 1967, Section 43.12, is amended by adding a subdivision to read:

Subd. 2a. Career executive assignments. (a) The director of civil service, with the approval of the board, shall designate classes in the classified service of the state as eligible for assignment to the career executive compensation schedule. Such classes shall include those which carry basic responsibilities for high level professional or scientific competence, policy determination, leadership, or the internal management and administration of a department or other major unit.

The incumbents of such classes shall be selected from among the employees of the state, or its political subdivisions, as set forth in subdivision 2a, clauses (b), (c), and (d).

(b) Eligibility for appointment to assignment in the career executive compensation schedule shall be established as a result of an examination of persons who first meet such qualifications as the board shall determine. The board shall select individuals knowledgeable in the field of administrative management who shall serve in an examining capacity to review in detail the applicants' qualifications. The review shall include but not be limited to the following matters: (1) Educational qualifications, (2) Pertinent work experience, (3) Evidence of continuing academic development, (4) Membership in professional organizations, and (5) Estimate of continuing professional growth in a particular discipline.

(c) The provisions of Minnesota Statutes, Chapter 43, and sections 197.45 to 197.48 insofar as they relate to the selection, classification, preference, transfer, tenure and other conditions of employment shall not apply in the selection and assignment of personnel in the career executive compensation schedule. Assignments may be ter-

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minated by the appointing authority, provided, however, that a written report relative to such termination is first submitted to the board.

(d) The director shall certify the names of those persons passing a screening examination to the appointing authority in the order of their performance in said examination, and the appointing authority shall be limited in his appointment to such list.

(e) No person assigned to the career executive compensation schedule shall be deemed to acquire any vested rights or tenure to such assignment, provided however, that the time served in such assignment shall be credited to his seniority, sick leave, vacation, and retirement rights. Upon the termination of his assignment to the career executive compensation schedule, an employee shall be reinstated to his former grade in the same or similar position under the civil service laws and his compensation shall be at the level formerly received plus any annual increments he would have received had he remained in the schedule provided in subdivision 2, clause (1).

Sec. 3. Minnesota Statutes 1967, Section 43.12, is amended by adding a subdivision to read:

Subd. 2b. Career executive compensation schedule. The following schedule of rates is established as the annual rates of pay for the employees selected under subdivision 2a:

Range	1	2	3	4
	\$12,500	\$13,750	\$16,000	\$18,750
	14,000	16,000	18,750	22,000
	16,000	18,750	22,000	26,000

Sec. 4. Minnesota Statutes 1967, Section 43.121, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of this section, the director may assign the classes of employment which require teaching in an established school program in the department of education and institutions of the state under the jurisdiction of the department of public welfare and the department of corrections to salary ranges, which he is hereby authorized to establish. Whenever the director assigns classes of employment which require teaching in an established school program to any salary range which he is authorized to establish by this subdivision, he shall prepare schedules showing the salary ranges for each class, grade, or group of positions in the class of positions assigned by him and he shall also prepare schedules showing entrance salaries and step increases based upon educational attainments and length of satisfactory service. All these schedules shall be subject to approval by the board. The salary ranges shall include a minimum

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rate and not more than nine additional step increases. In assigning ranges of salaries for positions in this category the board shall give consideration to the salary schedules for teachers which are in effect in other units of government of the state.

The basic salary for all institutional education administrators and supervisors shall be identical to a teacher with identical training and experience. However, the director is authorized, subject to the approval of the board, to establish a ratio differential to compensate for administrative and supervisory responsibilities. The ratio differential shall be based on a percent of the teacher's salary.

Sec. 5. Minnesota Statutes 1967, Section 43.122, is amended to read:

43.122 Annual review. Subdivision 1. Each employee in the state classified service within the scope of the compensation schedules established under Minnesota Statutes, ~~Section Sections~~ *43.12 and 43.121*, who has not attained the fifth rate of compensation for the range to which his class is assigned shall be advanced in compensation successively to the next higher rate within the range at the beginning of the next pay period following completion of his first 26 calendar weeks of service and thereafter at the beginning of the next pay period following completion of each 52 calendar weeks of service provided that his work is of an acceptable level of competence as determined by his appointing authority. Increases for an employee being paid at or above the fifth rate of compensation for the range to which his class is assigned must be proposed and justified on an individual basis with specific incidents demonstrating outstanding abilities. July 1, 1970, unless he is notified in writing by the appointing authority that his work has been of a less than satisfactory level. Where an adjustment as prescribed herein or in section 43.12, subdivision 2, clause (6), results in a rate exceeding the maximum for the range such payment shall be authorized until his salary is within the new range of salary rates. The provisions of the preceding sentence shall not apply subsequent to July 1, 1970.

~~Subd. 2. Acceptable level of competence is that standard of work performance established by the appointing authority which can reasonably be expected.~~

Subd. 3 2. Within the limits of available appropriations an appointing authority may propose salary increases of more than one step or more frequently than provided in this section upon detailed written statements to the director specifying the employee's exceptional high quality performance above that ordinarily found in the type of position concerned or the unusual employment conditions that

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make such action necessary. The director shall review each such proposal giving due consideration to the salary rates paid other employees in the same class and agency and may deny any request which in his judgment is contrary to the best interest of the service.

Sec. 6. Minnesota Statutes 1967, Section 43.21 is amended to read:

43.21 Probationary period. Except as in this chapter otherwise provided, all original appointments to and promotions within the classified service, and offices or employments within the classified service held by persons who become members of the classified service without examination pursuant to section 43.10, or by qualifying examination pursuant to section 43.10, shall be for a probationary period of six months, except special teachers, *institutional education administrators and supervisors* employed under the classified service whose probationary period shall be one year, but dismissals or demotions may be made at any time during such period, subject to the provisions of section 43.19, subdivision 3. Provided, that no employee transferred or promoted from one position in the classified service to another position in the classified service shall be dismissed, except for just cause, demoted or transferred without his consent until he shall have served a trial period of at least 30 days in his new position. At the end of the probationary period the appointing officer shall notify the director, in writing, whether the probationer is a satisfactory employee and should receive the status of a permanent appointee. Upon such notice, the employee, if his service during the probationary period did not fall below such minimum standards as have been prescribed by the director of the civil service, shall be deemed to have a permanent classified civil service status; otherwise the employee is automatically separated from the service, except as provided in section 43.19, subdivision 3. Provided, any employee holding office on January 1, 1949, who was provisionally appointed prior to August 2, 1941, and who passed an open competitive examination given November 18, 1944, and who was certified for appointment from an eligible list on April 16, 1945, or May 9, 1945, and who was appointed probationally on May 1, 1945, May 8, 1945, or May 10, 1945 shall be given full civil service status from the date of his probationary appointment.

Approved April 17, 1969.

CHAPTER 145—H. F. No. 553

An act relating to civil service; examination of blind applicants; amending Minnesota Statutes 1967, Section 43.13, Subdivision 2.

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