

CIVIL SERVICE

CHAPTER 43. CIVIL SERVICE, STATE EMPLOYEES

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43.001 Department of personnel; creation

Subdivision 1. The department of personnel is hereby created under the control and supervision of a commissioner of personnel, which office is hereby established.

Subd. 2. The commissioner of personnel is appointed by the governor by and with the advice and consent of the senate for a term which coincides with the term of the governor and until his successor is duly appointed and qualifies. He shall have broad experience in a managerial position including about five years as an executive personnel manager in one or more organizations essentially similar in complexity to state government. The governor may remove the commissioner only for cause, and after a public hearing. A vacancy in the office of the commissioner shall be filled by the appointing authority for the unexpired term.

Subd. 3. The commissioner may appoint two deputy commissioners and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. Except as may be otherwise provided for by law, the commissioner shall fix the compensation of each deputy commissioner. A deputy commissioner may perform and exercise a power, duty, or responsibility imposed by law on the commissioner when authorized so to do by the commissioner.

Subd. 4. Subject to the provisions of Laws 1973, Chapter 507 and to other applicable laws governing a state department or agency, the commissioner shall organize the department and employ such other officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities subject to his control and under such conditions as he may prescribe. Personnel employed pursuant to this subdivision are in the classified service of the state civil service.

[1973 c 507 s 1]

43.002 CIVIL SERVICE, STATE EMPLOYEES

43.002 Transfer of duties from civil service department

Except as otherwise provided for in Laws 1973, Chapter 507, all the powers, duties, and responsibilities now vested in and imposed upon the director of civil service, and the civil service board are hereby transferred to, vested in, and imposed upon the department of personnel. The office of director of civil service, the civil service board, as heretofore constituted is hereby abolished.

[1973 c 507 s 2]

43.003 Transfer state negotiating team; labor matter

All the powers, duties and responsibilities now vested in and imposed upon the commissioner of administration or his representative and the director of civil service or his representative as the "negotiating team" in matters concerning the state and its officers and employees under the public employment labor relations act of 1971, Minnesota Statutes 1971, Sections 179.61 to 179.77, are hereby transferred to and imposed upon the commissioner of personnel. He may delegate the responsibilities imposed under this section in the manner provided by law.

[1973 c 507 s 39]

43.004 Social security coverage, transfer of powers and duties

All the powers, duties and responsibilities under Minnesota Statutes 1971, Chapter 355, relating to social security coverage is hereby transferred to and vested in the commissioner of personnel.

[1973 c 507 s 41]

43.005 Effect of transfer of functions

Subdivision 1. With reference to the powers, duties, and responsibilities which by Laws 1973, Chapter 507 have been transferred to the department of personnel, the department of personnel is deemed to be the successor of the director of state civil service, the civil service board, the commissioner of administration and the matters within the jurisdiction of such former offices shall not be deemed to be a new authority.

With reference to the powers, duties and responsibilities which by Laws 1973, Chapter 507 have been transferred to the personnel board, the personnel board is deemed to be the successor of the state civil service board and the compensation review board and the matters within the jurisdiction of such former boards shall not be deemed to be a new authority.

With reference to the powers, duties and responsibilities which by Laws 1973, Chapter 507 have been transferred to the department of personnel from the compensation review board, the department of personnel is deemed to be the successor of the compensation review board and the matters within the jurisdiction of such former board shall not be deemed to be a new authority.

Subd. 2. Any proceeding, court action, prosecution, or other business or matter undertaken or commenced prior to the passage of Laws 1973, Chapter 507 with reference to powers, duties and responsibilities of the director of civil service, the civil service board, the compensation review board, the commissioner of administration, are hereby assigned to such agencies to which the transfer has been made, and such pending matters may be continued and completed in the same manner and under the same terms and conditions and with the same effect as if such matters were undertaken, commenced and completed prior to the date of such transfer.

Subd. 3. With reference to the powers, duties, and responsibilities transferred by Laws 1973, Chapter 507 from one state agency, department or officer to another, the respective state department, state agency, or state officer shall transfer and deliver to the department of personnel all contracts, books, maps, papers, notes, records, and other property of every description within its jurisdiction or control. The transferee agency, department, or officer is directed to take possession of such matters which have been transferred.

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Subd. 4. Whenever in any other general law, heretofore or hereafter adopted, or any document, record, or proceeding authorized by the same, any word or phrase is used in reference to or descriptive of any power, duty, or responsibility which by Laws 1973, Chapter 507 is transferred from one officer, department, or agency to another officer, department or agency, such word, phrase, or reference shall hereafter, unless the context or provision of Laws 1973, Chapter 507 otherwise requires, be deemed to describe the transferee officer, department or agency.

Subd. 5. All unexpended funds appropriated to an officer, department or agency for the purposes of any of the powers, duties, and responsibilities which by Laws 1973, Chapter 507 are transferred to another officer, department or agency are hereby transferred and reappropriated to such transferee officer, department or agency. Where unexpended funds appropriated to an officer, department or agency include funds for powers, duties, and responsibilities which are not transferred, the governor shall allocate the appropriation between the transferor and the transferee officer, agent or department, and the money so allocated is hereby reappropriated to the transferee, officer, department or agency.

Subd. 6. Except as otherwise provided in Laws 1973, Chapter 507, all persons in the classified service of the state and employed by an officer, department or agency for the purposes of any of the powers, duties or responsibilities which are transferred by Laws 1973, Chapter 507 to another officer, department or agency are hereby transferred to the transferee officer, department or agency. The position of a person in the unclassified service of the state and employed by an officer, department or agency for the purposes of any of the powers, duties, or responsibilities which are transferred by Laws 1973, Chapter 507 to another officer, department or agency are hereby abolished. Notwithstanding the provisions of Minnesota Statutes 1971, Section 43.20, any person in the unclassified service whose position is abolished hereunder may be employed as a provisional employee not to exceed 12 months following the date of abolishment of his position.

[1973 c 507 s 48]

43.006 Office facilities

The commissioner of administration shall supply the commissioner of personnel with such space as may be necessary to physically effect a consolidation of functions and activities within his jurisdiction.

[1973 c 507 s 46]

43.01 Definitions

[For text of subds. 1 to 4, see M.S.1971]

Subd. 5 [Repealed, 1973 c 507 s 47]

Subd. 6. **Department.** "Department" means the department of personnel.

[1973 c 507 s 3]

Subd. 7. **Board.** "Board" means the personnel board.

[1973 c 507 s 4]

Subd. 8. **Commissioner.** "Commissioner" means the commissioner of personnel.

[1973 c 507 s 5]

Subd. 9. **Rate of pay.** Unless otherwise prescribed by personnel rule, "rate of pay" means rate of pay for regular work hour, "monthly rate of pay" means compensation for 174 regular hours of work and "annual rate of pay" means compensation for 2,088 regular hours of work.

[1973 c 507 s 6; 1973 c 653 s 8]

[For text of subds. 10 to 14, see M.S.1971]

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Subd. 15. Total compensation. "Total compensation" means salary, paid time off, group insurance benefits, the retirement plan, and other direct and indirect items of compensation.

[1973 c 507 s 7; 1973 c 653 s 9]

Subd. 16. Competitive. "Competitive" means a level which is generally equal to the total compensation paid for similar types of work.

[1973 c 507 s 8; 1973 c 653 s 10]

43.02 Personnel board, personnel

The department of personnel shall furnish the personnel board with necessary officers and employees who shall be under the direction of the board and with adequate offices.

[1973 c 507 s 9]

43.03 Personnel board created

Subdivision 1. The personnel board of the state of Minnesota is hereby created and established. It shall consist of seven members appointed by the governor with the advice and consent of the senate. The governor shall select one appointee each from lists submitted by the speaker of the house, the minority leader of the house, the majority leader of the senate, and the minority leader of the senate. Three of the appointees shall serve terms commencing on January 1 of the year of appointment for a three year term; the four appointees from the legislative lists shall serve two year terms commencing on January 1 of the year of appointment. Vacancies shall be filled by the governor for the unexpired term. A member of the legislature is ineligible for appointment to the board. No member of the board shall hold any other public office or public employment, the office of notary public or a military office excepted, and no person shall be appointed as a member of the board who has held a paid position in a political party within the two years immediately preceding his appointment. The governor may remove a member of the board only upon written charges, after the member has been given a copy of the charges against him and an opportunity to be heard publicly on the charges before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state. Vacancies in the membership of the board shall be filled by the governor, in the same manner as the appointment of the member that created the vacancy. The term of a member appointed to fill a vacancy shall be for the remainder of the unexpired term of the member he is appointed to succeed, and until his successor is appointed and has qualified. Each member shall take an oath of office before entering upon the duties of office. The chairman of the board shall be chosen by the members of the board from among their own number under such rules as they shall make. The chairman shall have the powers of a presiding officer.

Subd. 2. The personnel board shall maintain its principal office in such space as shall be provided for it by the proper state officials and shall maintain its records at this principal office, and shall hold its regular meetings there, but special meetings may be held in other cities in the state when, in the discretion of the chairman, it is necessary to meet in some other city than the capital city of the state in the performance of the duties of the board. Meetings of the board shall be open to the public, and no meetings or hearings of the board shall be held unless at least five members of the board are present. The board shall elect its officers and shall make such rules for its proceedings as it shall deem necessary. The board shall keep records and minutes of its business and official actions, and these records and minutes shall be public records open to public inspection, subject to such rules as to hours and conditions of inspection as the board may establish. It shall be the duty of the officer or officers charged by law with the custody of the state buildings, upon written request of the personnel board, to assign suitable office space for executing the duties charged to it.

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Subd. 3. Each member of the board shall be paid \$35 for each day actually devoted to duties as a member of the board, but in no case shall any member be paid more than \$1,200 in any one year; provided, that this limitation shall not apply to payments on account of expenses. Members of the board shall be reimbursed for necessary expenses incurred on behalf of the board at a rate prescribed for state employees.

[1973 c 507 s 10; 1973 c 653 s 11]

43.041 [Repealed, 1973 c 507 s 47]

43.05 Duties and powers of commissioner

Subdivision 1. General duties. The commissioner of personnel shall be the chief personnel manager of the state and shall have the responsibility and power to ascertain equitable treatment of all state employees in both the classified and unclassified civil service in the executive branch.

Subd. 2. Specified duties. It shall be the duty of the commissioner and he shall have power:

- (1) To attend all meetings of the board;
- (2) To prepare personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all officers and employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfers, reinstatements, layoffs, vacations, and hours of work; public notice of examinations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;
- (3) To appoint temporary and permanent employees and officers as are necessary to carry out the provisions of this chapter; these employees and officers shall be chosen in accordance with and shall be subject to, the provisions of this chapter;
- (4) To keep in the office of the department of personnel an official roster of the state civil service showing the employment history of each and every person who has been appointed to, employed, promoted, reduced, or reinstated in any position in the service; which roster shall show, in connection with each name, the date of appointment, employment, promotion, reduction, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, sick or annual leaves, and separations from the service; and the commissioner shall have access to all public records and papers, the examination of which will aid in the discharge of his duty in connection with the roster;
- (5) To prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;
- (6) To make certifications for appointment within the classified service, in accordance with the provisions of this chapter;
- (7) To make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;
- (8) To discharge such duties as are imposed upon him by this chapter;
- (9) Establish, publish and continually review logical career paths in the classified civil service; and

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(10) All requests for other than state appropriated funds from any state department or agency for personnel purposes shall be submitted to the commissioner for comment before any such request is made of a federal, local, or private agency.

[1973 c 507 s 17]

43.051 Age for retirement

Subdivision 1. Notwithstanding the provisions of sections 197.45, 197.46, 197.47, 43.30, effective July 1, 1974, an officer or employee of the state of Minnesota in the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 68 prior to July 1, 1974, or upon reaching the age of 68. Effective July 1, 1975, an officer or employee of the state of Minnesota in the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 65 prior to July 1, 1975, or upon reaching the age of 65. The mandatory retirement age for all other classified officers and employees of the state, if not otherwise provided for by law, shall be 70. Nothing in this subdivision shall apply to persons in the judicial branch.

Subd. 2. Notwithstanding any provision to the contrary, a physician in the classified or unclassified state service may upon reaching the maximum retirement age specified in subdivision 1, continue to be employed subject to annual certification by the appointing authority of the department in which the physician is employed to the director that the employee is physically and mentally competent to fulfill the duties of his position.

Subd. 2a. Notwithstanding any provision of laws to the contrary, a physician in the classified or unclassified state service may, upon reaching the age of 70 years continue to be employed in the department of health, subject to annual certification by the state board of health.

Subd. 3. Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in the special retirement program for correctional personnel defined in chapter 352, must retire from such covered classification upon having reached or upon reaching the mandatory retirement age as of the effective dates established herein:

Effective Date	Mandatory Retirement Age
July 1, 1974	65
January 1, 1975	62
July 1, 1975	59
January 1, 1976	57
July 1, 1976	55

Subd. 4. (1) Notwithstanding any provisions of chapters 352A and 352B or any other law to the contrary, conservation officers and crime bureau officers who are first employed on or after July 1, 1973 and are members of the highway patrolmen's retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for such fractional portion of one year as will enable the employee to complete his next full year of allowable service.

(2) Notwithstanding any provisions of chapter 352A and 352B or any other law to the contrary, conservation officers and crime bureau officers who are first employed and are members of the highway patrolmen's retirement association by reason of their employment before July 1, 1973, shall be governed by the same mandatory retirement regulations applied to other state employees who are covered by the Minnesota state retirement system.

[1973 c 653 s 12; 1973 c 765 s 23]

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

(3) The personnel board may employ, prescribe the duties, and, notwithstanding the provisions of section 15A.021, fix the compensation of temporary and permanent hearing officers who shall be in the unclassified 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.

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

[1973 c 507 s 11]

43.07 Testimonial powers

Subdivision 1. Subpoenas, issuance. The personnel board and hearing officers, may issue subpoenas to compel the attendance, at such place as may be designated in this state, of witnesses and the production of books and papers pertinent to any inquiry or investigation authorized by this chapter; or may take depositions of witnesses in the manner provided by sections 597.01 to 597.18 and 600.09. Subpoenas shall also be issued at the request of the parties to the proceedings other than the board. The board, or any member thereof, and hearing officers may administer oaths and take testimony. The board and hearing officers may examine such public records as they require in relation to any matter which they have authority to investigate. All officers and other persons shall attend and testify when required to do so by the board.

Subd. 2. Refusal to testify, contempt of court. In case of the refusal by any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the district court of any county, on application of any one of the members of the board may issue an order requiring the person to comply with the subpoena and to testify; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

Subd. 3. Witness fees and mileage. Each person not in the classified or unclassified services who appears before the board by order shall receive for his attendance the fees and mileage provided for witnesses in civil actions in the district court, which fees and mileage shall be audited and paid by the state upon presentation of proper vouchers. Witnesses subpoenaed at the request of parties other than the board shall be entitled to compensation from the state for attendance or travel only if the board certifies that the testimony of these witnesses was relevant and material to the matter investigated.

Subd. 4. Rules of evidence not technical. The board in conducting hearings and investigations in accordance with the provisions of this chapter, shall not be bound by the technical rules of evidence.

[1973 c 507 s 15]

43.08 [Repealed, 1973 c 507 s 47]**43.09 Unclassified service; classified service**

Subdivision 1. Divisions. The civil service of the state of Minnesota is hereby divided into the unclassified and the classified services.

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Subd. 2. Unclassified service. The unclassified service comprises positions held by state officers or employees who are:

- (1) Chosen by election or appointed to fill an elective office;
- (2) Heads of department required by law to be appointed by the governor or other elective officers, except the department of public service, and the executive or administrative heads of departments, divisions and institutions specifically established by law, except that with respect to state institutions, the provisions of section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now existing in the department of labor and industry, nor to the director of the division of vocational rehabilitation in the department of education;
- (3) Except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk, or employee to the secretary of state, state auditor, and state treasurer;
- (4) Seasonal help employed by the commissioner of public safety to assist in the issuance of motor vehicle licenses;
- (5) Employees in the office of the governor, and one confidential employee for the governor in the office of the adjutant general;
- (6) Officers and employees of the senate and house of representatives of the legislature including temporary or permanent employees of legislative committees or commissions. Employees of the legislative audit commission, except for the legislative auditor, his deputy, and his confidential secretary, however, shall be employees in the classified civil service of the state;
- (7) Teachers, research assistants, student employees on less than half-time pay basis or eligible under terms of the federal economic opportunity act work study program, presidents, deans, and administrative officers in the state colleges; but this clause shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing duties in connection with the business administration of these institutions;
- (8) Officers and enlisted men in the national guard;
- (9) Deputy attorneys general, assistant attorneys general, legal assistants, examiners, three confidential employees, and special counsel to state departments appointed by the attorney general or employed with his authorization;
- (10) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;
- (11) Patient and inmate help in state institutions;
- (12) Members of the state highway patrol; provided that selection and appointment of highway patrol officers shall be made in accordance with applicable laws governing the classified state civil service.
- (13) The deputy commissioner of agriculture;
- (14) One employee of the state treasurer, for the purpose of receiving and safekeeping assets deposited and maintained with the state treasurer, pursuant to Laws 1943, Chapter 591, and whose salary or compensation is to be reimbursed to the state under said act;
- (15) Seasonal help employed by the department of taxation.

Subd. 2a. Additional unclassified positions. Notwithstanding any other law to the contrary, the personnel board, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

- (1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the gov-

error, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (3).

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive civil service status and, upon his request, the commissioner of personnel shall reappoint him to his previous classified position, or to a comparable position.

(4) Positions so established are limited in number to six in the departments of administration, corrections, finance, highways, natural resources, public safety, public welfare, and taxation; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, economic development, and manpower services; to three in the departments of aeronautics, public service, and the planning agency and pollution control agency; and to two in the departments of human rights and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available.

Subd. 3. Labor service. All positions involving unskilled labor shall constitute a labor service. The commissioner shall designate the class or classes of positions which shall comprise the labor service and create rules for that service designed to expedite and make more economical the personnel processes in such service. Any appointments which shall be for a total period of not to exceed seven months in any calendar year may be made by the appointing authority not subject to other approval, providing pay-roll notice of such employment is regularly made to the department of personnel.

Subd. 4. Classified service. The classified service shall include the labor service and consist of all positions now existing or hereafter created and not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as practicable shall be competitive. No person shall be appointed, transferred, promoted, reduced, or discharged as an officer, clerk, employee, or laborer in the classified service in any manner or by any means other than those prescribed in this chapter and the rules adopted in accordance therewith.

Subd. 5. Employees may be appointed from registers of eligibles. Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of this chapter because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate registers of eligibles maintained by the department of personnel.

Subd. 6. Act not applicable to regents of University of Minnesota. The state civil service 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.

Subd. 7. Civil service laborers. Employees in the labor service who are employed for a total of ten months within a twelve month period shall receive the same civil service status given by this chapter to other classified employees of the state not in the labor service.

Employees in the labor service entitled to tenure rights under this subdivision shall be known as civil service laborers.

[1973 c 259 s 1; 1973 c 507 s 18]

43.10 [Repealed, 1973 c 507 s 47]

43.111 CIVIL SERVICE, STATE EMPLOYEES

43.111 Policy

It is the public policy of the state of Minnesota that an efficient and well trained work force be maintained to carry out the work ordained by the legislature. It is further directed that modern methods of selection, training and salary administration be established and maintained. The standards of selection shall be of such a nature as to provide the proper level of preparation and experience. Recognizing the cost of excessive employee turnover, it is directed that priority be given to the maintenance of a steady work force. To this end, training, by way of in-service programs and stipend allowances shall be encouraged. It is also established as the policy of the state of Minnesota that employees be paid a total compensation which is competitive with that paid for like positions in other private and public employment. Proper attention will also be given to equitable internal pay relationships between related job classes and among the various levels within the same job family or department. Continuing analysis of pay rates and supplementary pay practices shall be carried on, as well as analyses of jobs to determine comparability of job content.

[1973 c 507 s 19; 1973 c 653 s 13]

43.12 Director to classify employees

[For text of subd. 1, see M.S.1971]

Subd. 2. Salary ranges. (1) The following procedure will be used in establishing rates of pay for all state employees in the classified service whose positions are assigned to classes in the administrative, management, and professional salary schedule, hereinafter referred to as schedule "A". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed minimum monthly rate of pay and extending upward by a maximum of 30 additional salary increments. Salary range assignments for each class of employment in this schedule shall include no more than ten salary steps. Effective July 11, 1973, the prescribed minimum monthly rate of pay shall be \$708. The maximum monthly rate of pay shall be \$2,294.

(2) All employees whose rates of pay are established according to salary schedule "A" as cited in section 43.12, subdivision 2, clause (1), effective July 11, 1973, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date to the comparable step in the new salary range for their class or to the new minimum rate of pay for their class, whichever rate is greater provided that all employees shall receive at least a one step salary increase so long as that increase does not cause the employee's compensation to exceed the new range maximum.

(3) Employees compensated according to salary schedule "A" as cited in section 43.12, subdivision 2, clause (1), whose monthly rate of pay immediately preceding July 11, 1973, equals or exceeds the new maximum monthly rate of pay for their class shall be advanced in salary by an amount equal to one half the difference between the new maximum monthly rate of pay for their class and the next lowest monthly rate of pay in their salary range, rounded to the next highest dollar, effective July 11, 1973.

(4) The following procedure shall be used to establish rates of pay for all state employees in the classified service whose positions are assigned to classes in the maintenance and related trades schedule, hereinafter referred to as schedule "B". Classes shall be assigned an orientation and base rate, one consecutive wage step apart. The orientation rate shall be paid during the probationary period, and the base rate thereafter. In assigning rates of pay to classes of work covered by this schedule, the board shall give primary consideration to the median of rates paid by other public and private employers for similar types of work. Supplementary pay practices shall be evaluated and costs considered in comparing the rates being paid by other employers. 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.

Effective July 11, 1973, the minimum hourly rate of pay in the maintenance and related trades schedule shall be \$3.69. The schedule shall provide for 13 additional wage steps with a maximum rate of \$6.19 per hour.

: Notwithstanding any provision of chapter 43 to the contrary, the board is authorized to establish (a) hourly equipment rates to provide appropriate compensation to employees intermittently engaged in operating maintenance equipment and (b) an hourly rate to provide appropriate compensation to employees intermittently assigned to first level highway foreman work. The director shall establish regulations and procedures to equitably implement such hourly differential rates.

(5) All permanent employees whose rates of pay are established according to schedule "B" as cited in section 43.12, subdivision 2, clause (4), effective July 11, 1973, shall be advanced in salary to the established base rate for their class or receive one half the difference between the monthly equivalence of the base rate for their class and the orientation rate for their class, rounded to the next highest dollar, whichever is greater.

Probationary employees, effective July 11, 1973, shall be advanced in salary to the established orientation rate for their class.

(6) The following procedure shall be used to establish rates of pay for all state employees in the classified service whose positions are assigned to classes in the clerical, technical, service and related salary schedule, hereinafter referred to as schedule "C". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed monthly rate of pay and extending upward 27 additional fixed salary increments. Salary range assignments for each class of employment in this schedule shall not include more than seven salary steps. Effective July 11, 1973, the prescribed minimum monthly rate of pay shall be \$340. The maximum monthly rate of pay shall be \$1,100.

(7) All employees whose rates of pay are established according to salary schedule "C" as cited in section 43.12, subdivision 2, clause (6), effective July 11, 1973, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date, to the comparable step in the new salary range for their class unless otherwise provided in procedures established by the board.

(8) Employees compensated according to salary schedule "C" as cited in section 43.12, subdivision 2, clause (6), whose monthly rate of pay immediately preceding July 11, 1973, equals or exceeds the new maximum monthly rate of pay for their class shall be advanced in salary by an amount equal to one half the difference between the new maximum monthly rate of pay for their class and the next lowest monthly rate of pay in their salary range, rounded to the next highest dollar, effective July 11, 1973.

(9) For each full four tenths point increase in the consumers price index for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of July, 1973, and April, 1974, new series index (1967=100), all monthly rates of pay in the "A" and special teacher salary schedules as cited in sections 43.12, subdivision 2, clause (1), and 43.121, subdivision 3, shall be increased by two tenths of one percent, rounded to the nearest dollar. All hourly rates of pay in the "B" and "C" schedules as cited in section 43.12, subdivision 2, clauses (4) and (6), shall be increased by one cent per hour.

The increase, if any, in wages and salaries generated by this formula shall be effective with the first full payroll period after July 1, 1974, and shall continue in effect until the first full payroll period after January 1, 1975.

A redetermination of the cost of living allowance shall be made in October, 1974. For each full four tenths point increase in the consumer price index for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of July, 1973, through October, 1974, all monthly rates of pay in the "A" and special teacher salary schedules as cited in sections 43.12, subdivision 2, clause (1), and 43.121, subdivision 3, shall be increased by two tenths

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of one percent, rounded to the nearest dollar. All hourly rates in the "B" and "C" schedules as cited in section 43.12, subdivision 2, clauses (4) and (6), shall be increased by one cent per hour. The increase, if any, in wages and salaries generated by this redetermination shall be effective with the first full payroll period after January 1, 1975.

During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly and monthly rates of pay of each employee, including those that are above the maximum step of their range, and treated as a part thereof in all calculations involving employees' pay.

(10) The commissioner of administration may direct the state auditor to transfer to the various departments and agencies the necessary amounts to finance clause (9) into effect. These transfers shall be from such accounts and funds from which each department or agency receives its revenue, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of such salaries. Such sums of money as are necessary for such purposes are hereby appropriated to such departments or agencies from such account and fund in the state treasury. The accounts and funds referred to from which agencies receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

(11) 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.

(12) 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.

(13) Except as otherwise provided in this subdivision, no class will be reassigned to a higher salary range by the civil service board during the 1973-1975 biennium.

(14) Notwithstanding the provisions of any other law to the contrary, when making an appointment to the unclassified service of the executive branch of government, the appointing authority shall provide the director with a personal résumé of the appointee and a detailed job description outlining the duties and responsibilities of the position which the appointee will occupy in such form as the director may prescribe. Any changes in work assignment shall be reported in writing to the director. If, in the judgment of the director, additional information is required in order to establish comparability with positions in the classified service, the director shall review the duties of the position in the same manner as a position in the classified service would be investigated. All persons in the unclassified service of the executive branch of government, except those whose salary is set specifically by statute, shall be paid according to the compensation provisions applicable to employees performing comparable work in the classified service, but in no event shall unclassified personnel receive rates of pay which exceed the maximum rate of the salary range established for comparable work in the classified service.

(15) Effective July 1, 1974, employees whose positions are assigned to classes in the A, B and C compensation schedules working an assigned shift that begins before 6:00 a. m. or which ends on or after 7:00 p. m. shall receive a shift differential of ten cents per hour for all hours worked on that shift in addition to their regular rate of pay. Such differential shall be included in all payroll computations for hours worked but shall not apply during periods of paid leave.

Employees working the regular day schedule who are required to work overtime or who are called back to work for special projects shall not be eligible for the shift differential.

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(16) Effective July 1, 1973, any permanent employee who is separated from the state classified service by reason of death, mandatory retirement, layoff, excluding seasonal layoffs, or who is separated after completing 20 years of state service shall be entitled upon such separation, to pay in an amount equal to ten percent of the employee's regular accumulated but unused sick leave balance at the time of separation. Effective July 1, 1974, severance pay shall be computed upon 20 percent of the employee's regular accumulated but unused sick leave balance. The provisions of this clause shall apply to unclassified employees in the same manner as they apply to employees in the classified service.

Should any employee who has received severance pay be subsequently reappointed to state service, eligibility for future severance pay shall be computed upon the difference between the amount of accumulated but unused sick leave to the employee's credit at the time the employee was separated and the amount of accumulated but unused sick leave balance at the time of the employee's subsequent eligibility for severance pay.

The base for computing the severance pay provided for in this clause shall not exceed 800 hours, nor shall said base include lapsed sick leave hours as defined by departmental rules and regulations.

Such severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits and shall be paid over a period not to exceed five years from termination of employment. In the event that a terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate.

(17) The board is hereby empowered to establish by rule an injured on duty compensation plan for certain classes of state employees in hazardous or dangerous classes of employment. Said plan shall not be subject to the limitations contained in section 176.021, subdivision 5.

[1973 c 35 s 17; 1973 c 653 s 14]

Subd. 2a. Career executive service. (a) There is established a career executive service within the Minnesota state service.

The purpose of the career executive service is to foster managerial and high level professional identification, development, utilization, mobility and responsiveness in the state service.

(b) The director shall designate positions in the classified service of the state as eligible for inclusion in the career executive service. Such positions 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 positions shall be selected from among the employees of the state, or its political subdivisions, as set forth in this subdivision.

(c) Eligibility for appointment to the career executive service shall be in accordance with regulations and procedures as the director shall determine. Assignments will be made only after the nominee has achieved permanent or probationary civil service status in the class occupied at the time nomination is made and after meeting requirements as determined by the director.

(d) The provisions of 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 service. Appointments may be terminated by the appointing authority, provided, however, that the termination is not based on reasons of politics, religion, race, age, sex, or disability.

(e) The director shall certify the names of those persons meeting requirements established elsewhere in this subdivision to the appointing authority, and the appointing authority shall be limited in his appointment to such list.

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(f) No person appointed to the career executive service shall be deemed to acquire any vested rights or tenure to such appointment, provided however, that the time served in such appointment shall be credited to the employee's seniority, sick leave, vacation, and retirement rights if the employee was appointed to the career executive service from the classified service. An employee may be reassigned to another career executive service position at the same or lower level at the discretion of his appointing authority. An employee removed from the career executive service who was appointed from the classified state service 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).

(g) The director may establish and enforce regulations and procedures with respect to the career executive service to ensure compliance with the purposes and intent of this subdivision.

(h) Notwithstanding any provision to the contrary, persons appointed to the career executive service shall be subject to the retirement requirements set forth in section 43.051.

[1973 c 653 s 15]

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

CES-I	13,500 to 21,500
CES-II	15,500 to 24,500
CES-III	18,500 to 28,000
CES-IV	23,000 to 32,000

The salary rate to be paid an employee, within the range assigned by the director, shall be determined by the appointing authority. The beginning salary rate and any subsequent changes shall be reported to the director by the appointing authority.

[1973 c 653 s 16]

Subd. 3. Allocations. (1) The director shall allocate each position in the classified civil service to one of the classes within the classification plan, subject to review of the board if an application is made in writing to the board upon one of the grounds set forth in clause (7) by the appointing authority immediately affected at any time within 30 days following notice to him of that allocation, or within 30 days from the date of notice of the final action of the director in case of an application for reconsideration, as hereinafter provided for, and thereafter all salary rates, schedules, or compensation policies shall apply uniformly to all positions within each class, in accordance with rules and regulations established by the board, except those positions for which special provision is made in clause (6) below. When a position which has not been allocated to one of the classes within the classification plan is established, the appointing authority shall notify the director, who shall allocate that new position to its appropriate class, subject to the same right of review by the board as heretofore provided in this clause.

(2) After the director makes an allocation under clause (1), he shall notify the appointing authority affected, in writing, of that allocation. The allocation shall become immediately effective, but the appointing authority may within ten days file with the director an application for reconsideration, together with any written evidence by way of affidavits, statements or exhibits which that appointing authority may desire considered by him. The director shall act upon that application within ten days after receiving it, and notify the appointing authority of his final action. In case of the filing of such application for reconsideration, the time for asking a review by the board shall commence to run from the date of notice to the appointing authority of the director's final action.

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(3) Whenever, because of changes in the organizational structure of an agency, in the duties of a position, or for some other reason, a position appears to be improperly allocated, the director shall, upon his own initiative, or upon the written request of a permanent employee or an appointing authority, investigate the duties of the affected position. Following that investigation he may reallocate it to an appropriate class. If the director makes a reallocation or denies an application for reallocation, under this clause, he shall notify the appointing authority and the employee affected of his action. A permanent employee or appointing authority affected by any such action shall have the same right to make an application for reconsideration as is granted an appointing authority in the case of an original allocation by clause (2), and the procedure set out in clause (2) shall apply to such application. Except as provided in clause (6) below, any reallocation granted by the director shall become effective upon the expiration of the time fixed for making an application for reconsideration, if none is made, or if one is made, at the date of notice by the director of this final action. A permanent employee or appointing authority shall have the same right of review by the board of a reallocation which changes the class of a position as is granted an appointing authority in the case of an original allocation. Application for such a review must be made within 30 days from the date of notice by the director of his original action, or, if a reconsideration has been asked, within 30 days from the date of the director's final action upon that application.

(4) In case of any allocation under clause (1), or any reallocation under clause (3), no examination of witnesses nor any trial or hearing shall be required, but the director may act upon such matters as are submitted to him in writing by the employee whose position will be affected by a reallocation or by the appointing authority who will be affected by an allocation or a reallocation, and reports and records of investigators of the department, and may take official notice of the records of the department and of allocations of other comparable positions. The matters of which he takes official notice shall be set out by him in a memorandum to be filed with his order or report of investigation and made a part of his record. In all cases of applications for reallocation, the burden of proof shall be upon the person requesting the reallocation.

(5) Except as provided in clause (6) below, the incumbent of a position which has been reallocated shall continue in the position only if he is eligible for and actually is appointed to the position of the new class in accordance with the rules of the board governing promotion, transfer, and demotion. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted or demoted, the layoff provisions of this chapter and the rules of the board shall apply. Personnel changes required by the reallocation of positions shall be completed within a period of 60 days following the date of reallocation notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any promotional examination held to fill the reallocated position, as provided in the rules of the board.

(6) When a position is reallocated by the director to a class in a lower salary range, or when an employee is demoted to a position in a lower salary range, the director and the commissioner of administration may give consideration to the employee's long or outstanding service, exceptional or technical qualifications, age, health, or substantial changes in work assignment or operational changes in state government which eliminate positions held by classified employees with permanent status. When, as a result of such consideration, the director and the commissioner determine that the best interests of the state will be served by such action, the position shall be reallocated but the employee shall continue at the same rate of pay. Thereafter, as long as he remains in the same position, such employee shall not be eligible to receive any salary increases, except those economic adjustment increases based on

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the consumer's price index authorized by law, until such time as his salary once again may be within the range of the class to which his position has been reallocated.

(7) A review by the board as provided for in this subdivision may be had when the employee or appointing authority affected files an application for review in writing on the ground:

(a) That the action of the director was not in accordance with the civil service act;

(b) That the action of the director was unwarranted by the evidence before him, or was procured by fraud, coercion or other improper conduct of any party in interest.

The board after receiving any application for review shall order the director to submit to it the record upon which he acted and thereafter, upon that record, may sustain, reverse or modify the action of the director or, in its discretion, may order that further evidence be taken by him to be submitted to the board and considered by it upon its review.

[1973 c 653 s 17]

43.121 Salary range assignment

[For text of subd. 1, see M.S.1971]

Subd. 2. When an additional class is added to the classification plan, it shall be assigned to one of the salary schedules set forth in section 43.12, subdivision 2. Such assignment to a salary schedule when approved by the civil service board after public hearing shall be submitted to the commissioner of administration who shall determine whether funds are available for such purposes. The commissioner of administration may approve or reject such schedules. These schedules shall become effective when approved by the commissioner and shall be used by him in connection with all payrolls and accounting records and with all budget estimates for all departments or agencies of the state government. Upon his approval, the commissioner shall file such new schedules in the office of the secretary of state.

[1973 c 653 s 18]

[For text of subd. 3, see M.S.1971]

43.122 Individual salary increases

Subdivision 1. Appointing authorities are authorized to grant achievement awards in the amount of one salary step for employees assigned to schedule A, as set forth in section 43.12, subdivision 2, clause (1), who have demonstrated outstanding performance, subject to personnel rules which the commissioner shall issue. In no instance shall such awards be granted in excess of 20 percent of employees authorized at the beginning of each fiscal year, nor to employees whose rates of pay are at or above the maximum rate of pay established for their class. Appointing authorities shall make every effort to distribute achievement awards equitably among and within all classifications to eligible employees.

Subd. 2. Within the limits of available appropriations an appointing authority may propose salary increases within the range of more than one step or more frequently than provided in this section upon detailed written statements to the commissioner specifying the unusual employment conditions that make such action necessary. The commissioner 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.

Subd. 3. (a) Employees in classes assigned to the "A" schedule as cited in section 43.12, subdivision 2, clause (1), may receive a one step salary increase

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annually, on their anniversary date, to the position rate in their salary range, provided performance is satisfactory as indicated by their appointing authority.

The position rate shall be as follows:

- 9 step salary range—5th step
- 8 step salary range—5th step
- 7 step salary range—4th step
- 6 step salary range—4th step
- 5 step salary range—4th step
- 4 step salary range—3rd step
- 3 step salary range—3rd step

Beyond the position rate, employees may receive one step satisfactory performance increases biennially, on their anniversary date, upon the recommendation of their appointing authority, up to and including the maximum rate of the salary range for their class.

No increases authorized by this subdivision shall be granted by the appointing authority until an appropriate employee evaluation program is filed with the director. Authorized increases shall be recommended in the context of performance measured against specific performance standards or objectives.

Appointing authorities shall not recommend increases for those employees in this schedule who have not met, or only marginally attained, performance standards or objectives. Increases withheld may subsequently be granted by the appointing authority upon certification to the director that the employee is achieving performance standards or objectives.

(b) Employees in classes assigned to the "C" schedule as cited in section 43.12, subdivision 2, clause (6), shall progress through the salary range for their class according to the following procedure:

Employees compensated at the first step in their salary range shall be advanced to the second step following the completion of 1,044 hours of satisfactory service subsequent to the implementation of the provisions of section 43.12, subdivision 2, clause (7). Employees compensated at the second step in their salary range shall be advanced to the third step following the completion of 1,044 hours of satisfactory service subsequent to the implementation of the provisions of section 43.12, subdivision 2, clause (7).

Employees compensated at or beyond the third step in their salary range shall advance to the next highest rate in their salary range at the completion of each increment of 2,088 hours of satisfactory service subsequent to the implementation of the provisions of section 43.12, subdivision 2, clause (7), until the maximum rate of pay is attained.

Employees compensated at the maximum step in their range or above shall receive no salary adjustments under the provisions of this subdivision.

(c) Appointing authorities may withhold increases authorized in section 43.122, subdivision 3, clause (b). Those employees who will be denied an increase because of unsatisfactory service must be notified in writing. Increases withheld may subsequently be granted by the appointing authority upon certification to the director that the employee has achieved a satisfactory level of performance.

(d) All salary increase provisions for the "A" schedule cited in section 43.122, subdivision 3, shall be effective beginning with the payroll period following the employee's anniversary date but in no instance prior to the first full payroll period subsequent to May 30, 1974.

Subd. 4. Anniversary dates. To determine anniversary dates for the purposes of this section, the following procedure shall be used. For all persons employed on or before May 30, 1973, annual anniversary dates shall be computed from that date. For those employed subsequent to May 30, 1973, the anniversary date shall be computed from the date of employment. For those promoted, reinstated, reemployed, or returned from leave of absence subse-

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quent to May 30, 1973, the anniversary date shall be computed from the date of the action. Anniversary dates shall not be affected by the withholding of increases authorized in section 43.122, subdivision 3, clause (1).

[1973 c 507 s 20; 1973 c 653 s 19]

43.126 Special rates of pay

Subdivision 1. Notwithstanding the provisions of sections 43.12 and 43.121 to 43.123, the following salary ranges are established with annual salaries as shown:

Range A	\$23,000 to \$32,000
Range B	\$28,000 to \$38,000
Range C	\$30,000 to \$45,000

[1973 c 653 s 20]

[For text of subds. 2 to 4, see M.S.1971]

43.128 Salary increases, unclassified service

Subdivision 1. The salaries of all employees in the unclassified service of the state whose salary is not fixed by section 15A.081, shall be adjusted to the class of persons in the classified 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.

[1973 c 507 s 21]

43.13 Examinations

Subdivision 1. Fair tests; records. All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to efficiently discharge the duties of the office or employment sought by them. Each applicant in an oral examination shall be rated individually by each examiner who shall sign his rating of the applicant. The average of the examiners, separate ratings, if more than one examiner conducts the oral examinations, is the applicant's oral examination rating. The appointing authority may pay reasonable travel expenses actually incurred to applicants invited for oral examinations for those positions where unusual difficulty in recruiting qualified applicants is being encountered.

Subd. 2. Eligibility; time; place. The competitive examinations shall, after published notice, be open to all applicants, and who meet with reasonable standards or requirements fixed by the commissioner with regard to such factors as may be held to relate to the ability of the candidates to perform with reasonable efficiency the duties of the position. No standards or requirements shall be fixed with reference to education or physical condition except such as relate directly to the duties of the office or employment to be filled. Persons under such physical disability as not to make them ineligible by reason thereof, shall be examined in such manner as will fairly test their ability to perform the duties of the position, notwithstanding such physical disability. In the case of an applicant who is blind, the department shall provide the applicant with either a braille examination, the services of a reader chosen by the applicant with the approval of the department, or, subject to the approval of the applicant, such other means of examination as are available to the examining department. The commissioner may require candi-

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dates in filing their applications to submit certificates of general or special qualifications as the good of the service may require.

[For text of subd. 2a, see M.S.1971]

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Subd. 3. Tests validated. Examination for positions in the classified service shall relate to those areas which will reasonably measure success on the job. Appropriate scientific means of selection shall be used and empirical studies to validate examinations shall be conducted wherever feasible. No means of selection shall be used which are culturally specific unless it can be demonstrated that performance on such measures is significantly and directly related to job performance. The commissioner shall have discretionary authority regarding oral entrance level examinations.

[1973 c 507 s 22]

43.15 Discrimination forbidden

No discrimination shall be exercised, threatened, or promised by any person in the civil service against, or in favor of, any applicant, eligible, or employee in the civil service because of his political or religious opinions or affiliations, or age, race, sex, or disability.

[1973 c 507 s 23]

43.17 Appointments

[For text of subd. 1, see M.S.1971]

Subd. 2. Term of eligibility. The term of eligibility of applicants on original entrance lists shall be six months, and on promotion and reinstatement lists shall be one year, but the term of any list may be extended by the commissioner. In no case may eligibility be extended for a period of more than three years.

[1973 c 507 s 24]

[For text of subd. 3, see M.S.1971]

Subd. 4. [Repealed, 1973 c 233 s 3]

Subd. 4a. Notwithstanding any law to the contrary, persons may be employed by any governmental department in the classification of service worker, as defined by applicable civil service job description, in excess of any personnel limitations, quotas or complements as established by law. Said employment shall be subject to the advance approval of the commissioner of administration.

[1973 c 233 s 1]

43.18 Vacancies

Subdivision 1. Notice. Appointing officers shall give written notice to the commissioner of personnel of their intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service, and, within a reasonable time after the receipt of this notice, the commissioner shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating, except as provided in section 43.23. In the case of an eligible list for initial entry into the state service, the commissioner, however, shall certify the first ten names on such list.

[1973 c 507 s 25]

[For text of subd. 2, see M.S.1971]

Subd. 3 [Repealed, 1973 c 507 s 47]

43.19 Vacancies; promotions; dismissals

Subdivision 1. Vacancies filled by promotion. (1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons hold-

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ing positions in the classified service, and, subject to such exceptions as the commissioner may provide, from the lower class or group within the particular classification, and in accordance with section 43.18 and personnel rules. Except as provided in clause 2, promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency, character, and conduct shall all constitute a factor. For positions defined by personnel rule as "non-managerial" seniority shall also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state office or department to promote any employee in that office or department to a position of a higher grade or class requiring peculiar and exceptional qualifications of an administrative, scientific, professional, or expert character, following a non-competitive examination, which shall be practical and shall involve only the duties of the position.

(3) The commissioner shall give the non-competitive examinations provided for in clause 2 upon request of any appointing authority, in accordance with personnel rules.

Subd. 2. Increase, when a promotion. For the purpose of this section, an increase in the salary or other compensation of any person holding an office or position subject to the provisions of this chapter, beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion.

Subd. 3. Restoration to position after dismissal. Any promotional appointee who is dismissed for cause other than misconduct or delinquency on his part from the position to which he has been promoted either during the probationary period, or at the conclusion thereof by reason of the failure of the appointing authority to file a request for his continuance in the position, shall be restored to the position from which he was promoted. Nothing contained in this section shall be construed to prevent any employee of the classified service from competing for places upon registers of persons eligible for original appointments.

Subd. 4. Notwithstanding any provision in chapter 43, to the contrary, every vacancy in a managerial or professional position shall be open to any state employee qualifying through examination and in accordance with the provisions of section 43.18, subdivision 1. The commissioner of personnel may require the filling of this type of vacancy by any qualified person, but in no case shall the filling of such a vacancy be limited to only the employees of a department or agency.

[1973 c 507 s 26]

43.21 Probationary period

Except as in this chapter otherwise provided, all original appointments and promotions within the classified service, shall be for a probationary period the duration of which is determined by personnel rule for each class, or group of classes to be not less than 30 days and not more than two years 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 commissioner, 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 commissioner, 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,

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subdivision 3. Work performance counseling shall be available to a probationary employee at least twice during the duration of the probationary period.

[1973 c 507 s 27]

43.212 Departmental personnel officers

Each department or agency shall establish a position of departmental personnel officer either on a full or part time basis. The departmental personnel officer shall be accountable to his department head for employee counseling, labor relations, performance appraisal, training, manpower planning, compensation, conditions of employment and such other personnel functions as may be prescribed by law, by personnel rule, or by the department head.

Except when otherwise prescribed by the department head in a specific instance, the personnel officer shall be assumed to be the authority accountable to the department head over any other officer or employee in the department regarding personnel functions.

[1973 c 507 s 30]

43.23 Seniority rights; positions abolished; preference

Subdivision 1. Right of seniority. When one or more employees in the classified service are laid off because of a shortage of funds or curtailment of service or for any other reason beyond their control, the order of layoff shall be determined according to personnel rules which shall be based on seniority within the department and class, and the names of such employees shall be placed at the head of the appropriate registers.

Subd. 2. Notice of layoff. In every case of layoff of a permanent officer or employee, the appointing authority shall, at least 15 days before the effective date thereof, give written notice to the employee and shall certify to the commissioner the reasons therefor. In any case where an appointing authority fails to certify before the effective date thereof, that the layoff was for reasons not reflecting discredit on the employee, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissals, as provided in this chapter.

Subd. 3. Positions abolished. When positions in the classified service are abolished by statute or by administrative action, the names of the incumbents of these positions, if they are members of the classified service, shall be placed at the head of the appropriate register, according to seniority.

Subd. 4. Preferences. Persons who have been separated from the classified service because of layoff or the abolition of positions shall be given preference over all other eligibles in filling vacancies in the same or similar positions within the department in which they were employed immediately prior to their separation from the service, and the commissioner shall certify for each vacancy only the former officer or employee whose name stands first on the appropriate eligible register.

Subd. 5. Military service. In determining seniority rights of any state employee who held a position in the classified service and became separated therefrom to enter military service, and who was honorably discharged therefrom and reentered state service within six months thereafter, full credit shall be given for all state service prior to such military service.

[1973 c 507 s 28]

43.24 Removal

Subdivision 1. Written statement. No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, except for just cause, which shall not be religious or political or because of the employee's race, sex, disability or age, subject however to the mandatory retirement ages specified by law. In case of any disciplinary action, as enumerated in this section, the employee

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shall, before the action is taken, be furnished with a statement, in writing, setting forth the reasons for the disciplinary action, be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the commissioner prior to the effective date thereof.

Subd. 2. Appeal to board; public hearings, findings, hearing conference. Any permanent employee who is removed, discharged, suspended without pay, or reduced in pay or position and who has not elected to proceed pursuant to a grievance procedure, if such procedure is available, pursuant to sections 179.61 to 179.77, may appeal to the board within 30 days after the effective date of such removal, discharge, suspension or reduction in pay or position. In no event may an employee avail himself of both the procedure under this section and the grievance procedure under sections 179.61 to 179.77. Upon such appeal, both the appealing employee and the appointing authority or their representatives shall meet with the hearing officer, at a place and on such date as set by him for the purpose of determining the facts at issue. Prior to the hearing conference, both parties may stipulate on mutually agreed matters relevant to the dismissal or other disciplinary action referred to in this subdivision. If the hearing officer is successful in reaching a mutually agreed settlement between both parties, such agreement shall be certified to the board, with copies furnished to both parties, and such agreement, if approved by the board, shall become binding on both parties. The hearing conference shall be conducted in such manner and follow such procedures as prescribed by the board. The issues and facts on which agreement has not been reached will be decided during the hearing at which hearing technical rules of evidence shall not apply. If the board finds that the action complained of was not taken by the appointing authority for just cause, the employee shall be reinstated to his position, or an equal position in another department or division, without loss of pay. If the board finds that there exist sufficient grounds for institution of dismissal but extenuating circumstances are brought out in testimony and evidence, it may in its discretion reinstate the employee, with full, partial, or no pay, or it may modify the appointing authority's action by substituting a lesser disciplinary action. The hearing officer shall recommend to the board an appropriate disposition of the case. If no exceptions are made, the hearing officer's recommended disposition shall, at the option of the board, become final. If exceptions are taken, the board, upon a review of the record, may accept the officer's recommendations with or without additional oral or written evidence from the parties, may remand the case to the officer for further hearing, adopt the examiner's report with any changes warranted by the record, or issue its own report of findings and orders. In those cases in which the board finds just cause for dismissal, the findings and recommendations of the board shall be submitted to and considered by the appointing authority, who may, not later than 30 days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of suspension, or otherwise modify his original decision of suspension, demotion, or discharge. When any permanent employee is dismissed and not reinstated after appeal, the board may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he has been removed, which direction shall be enforced by the commissioner.

Subd. 3. Request for written statement. When any such permanent employee shall be suspended without pay, he shall, within 30 days time after being notified of such disciplinary action, be furnished with a statement in writing specifically setting forth the reasons for the disciplinary action, and a copy of such statement shall then also be filed with the commissioner.

[1973 c 507 s 29; 1973 c 653 s 21]

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43.245 Performance appraisal system

The commissioner shall design and implement an employee performance appraisal system for the classified service. This system shall be based on uniform position description and results oriented performance standards formats. The commissioner, in consultation with the departments, shall develop criteria and content as necessary so long as the system is uniform for all departments. The commissioner shall establish and enforce rules with respect to the utilization of the results of this performance appraisal system in all decisions relating to the status of employees. The commissioner may further by rule prescribe the extent to which these reports shall be open to inspection by the public and by the affected employee. Each employee in the classified and unclassified service in the executive branch shall be evaluated and counseled at least once a year on his work performance. Individual pay increases shall be based on such evaluation.

[1973 c 507 s 32]

43.28 Political activities prohibited

No officer, agent, clerk, or employee of this state shall, directly or indirectly, during his hours of employment solicit or receive funds, or at any time use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.

Except as herein provided any officer or employee in the state classified service shall:

(1) Take leave of absence upon assuming an elected federal or state public office, including elected state legislative office;

(2) Take leave of absence upon assuming any elected public office other than enumerated in clause (1), if, in the opinion of the director of civil service, the holding of such office conflicts with his regular state employment;

(3) Upon his request, be granted leave of absence upon becoming a candidate, or during the course of such candidacy, for any elected public office;

(4) Take leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office if, in the opinion of the director of civil service, such candidacy conflicts with his regular state employment.

All requests for opinions of the director of civil service, and opinions from the director under the provisions of clauses (2) and (4) shall be in written form and shall be delivered by registered mail.

The director of civil service shall issue an opinion under the provisions of clauses (2) and (4) within seven calendar days of receipt of the request.

[1973 c 45 s 1]

43.32 Training program

Subdivision 1. Purpose; participation by employees. The commissioner shall develop and have the power to enforce plans for and cooperate with appointing authorities and personnel officers in the conduct of employee training programs. Provision may be made in the rules adopted to permit employees in the classified service to secure leaves of absence for the purpose of enrolling in courses of training for government service; and provision also may be made in these rules to permit qualified students to serve as internes or apprentices for a period not greater than two years in the several departments and agencies concerned except for psychiatric residencies and public health physician residencies where the period shall not exceed five years.

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Subd. 2. Specialized training. The commissioner shall by personnel rule prescribe: (a) conditions under which employees may be assigned to take specialized training; and (b) conditions under which employees may be reimbursed for tuition fees and other necessary expenses in connection with specialized training authorized by the appointing authority to meet the needs of the service. The commissioner shall further prescribe the conditions under which an employee may be required to reimburse the state for the costs of such training in the event he fails to remain in state service for a reasonable time after receiving the training. The commissioner shall report biennially to each house of the legislature in session concerning activities under this subdivision.

Subd. 3. Departmental responsibility. The head of each department shall be responsible for planning, budgeting, conducting and evaluating training programs within the limits of the personnel rules. He shall foster employees' self-development by creating a work environment in which such development is encouraged, and by making opportunities for training and self-study reasonably available and giving recognition to department directed or self-initiated improvement in qualifications and performance.

Subd. 4. Manpower planning. The commissioner shall develop a statewide system of manpower planning in cooperation with state departments and agencies which shall provide for an assessment of present and future manpower needs. The commissioner shall coordinate departmental training activities and other personnel actions throughout the state service in order to meet the current and projected personnel requirements of the state.

Subd. 5. Training authority. The commissioner is authorized to enter into, as an agent of the state of Minnesota, contracts, compacts or cooperative agreements involving other governments. He has authority and responsibility for coordinating the training programs throughout the state service and providing training assistance to local governments under approved training plans when so requested. Grants made available by federal legislation, or fees paid by political subdivisions of the state for training purposes are to supplement appropriations to the department for carrying out these aims and are hereby appropriated annually therefor.

Subd. 6. Funds. The commissioner may apply for, receive, and accept federal funds or other funds made available by the United States of America or any agency thereof or other source for any of the purposes enumerated in this section and may disburse such moneys in accordance with the rules and regulations which the donor of such funds may prescribe. Moneys so received shall be deposited in the state treasury and are hereby appropriated therefrom annually to the department of personnel for the purposes for which the moneys are received.

Subd. 7. Programs of appointing authority; reports. In cooperation with all departments, the commissioner shall initiate training in specialties common to more than one department. He shall review all training programs in the various departments in terms of methodology, but not in terms of technical contents; in matters of methodology, each department is required to abide by the commissioner's decision.

Subd. 8. Minimum training standards. The commissioner shall in consultation with the commissioner of finance establish minimum training standards which shall be binding on all departments and agencies.

Subd. 9. Management training. The commissioner shall identify the minimum elements necessary to support a coordinated management system and shall design and operate a management training program accordingly. No management training shall be conducted by any department unless specifically approved by the commissioner.

Subd. 10. Supervisory training. The commissioner shall require departments to conduct programs in supervisory training. No state employee shall

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be promoted permanently into a supervisory position unless he has successfully completed supervisory training for the position as approved by the commissioner.

Subd. 11. Review of training plans. The head of each department shall be responsible, with the advice and counsel of the commissioner, for planning, budgeting and conducting training programs within the scope of the overall training plan. He shall submit his training plans and budgets for each year of the biennium to the commissioner for review and comment prior to the implementation of any program, but in any case no later than six weeks after the budget appropriations are approved.

For purposes of training, the commissioner may accept funds from any source and may be reimbursed by the various departments for reasonable program cost.

Subd. 12. Personnel rules on training. The commissioner shall issue such personnel rules as he deems necessary to carry out the provisions of this section.

[1973 c 507 s 31]

43.321 Grievance procedure

The commissioner shall promulgate by personnel rule procedures relating to grievances of any state officer or employee in the executive branch and provide the circumstances under which the grievance procedure is available, except that no state employee may avail himself of more than one grievance procedure on any one complaint.

[1973 c 507 s 36]

43.322 Transfer of benefits

Notwithstanding any other law to the contrary, the commissioner shall provide by personnel rule for the transfer of accumulated sick leave and vacation leave and other rights and benefits when an employee transfers from one department of state government to another. Such personnel rule shall enhance mobility of state employees among and between the various departments.

[1973 c 507 s 37]

43.323 Personnel rule; procedure

Subdivision 1. When so authorized by law, the commissioner of personnel shall issue, in conformance with the requirements of chapter 15, personnel rules, or changes thereof, and shall submit such proposed rules, or changes to existing rules, to the personnel board, for its opinion which shall be advisory only.

Within three weeks after receipt of such proposed rules or changes to existing rules, the personnel board shall file its opinion on the proposed rule or rule change with the commissioner.

After receipt of the board's advisory opinion on the proposed rule or change of rule, the commissioner shall within seven days promulgate or withdraw the proposed rule or proposed change of rule.

Subd. 2. A personnel rule having been issued under the provisions of subdivision 1 shall have the effect of law and shall be binding on all state departments and agencies.

[1973 c 507 s 38]

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 service. The recom-

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mendations so submitted shall be in bill form, drafted in conformity 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. 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 his budget message to the opening of a regular session of the legislature in January of each odd numbered year 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.

[1973 c 507 s 40]

43.326 Identification of positions

Subdivision 1. Managerial and professional positions. By personnel rule, the commissioner shall identify individual positions, or groups of positions in the classified and unclassified civil service in the executive branch as being "managerial" or "non-managerial" and as "professional" or "non-professional" in a manner that clearly identifies for each employee of the state the category into which his position belongs.

Subd. 2. Supervisory positions. By personnel rule, the commissioner shall identify individual positions, or groups of positions in the classified and unclassified civil service in the executive branch as being "supervisory" or "non-supervisory" in a manner that clearly identifies for each employee of the state the category into which his position belongs. The determination of a position as "supervisory" by the commissioner under the provisions of this section shall not be construed to be a definition of "supervisory" under the provisions of any public employees relation act.

[1973 c 507 s 42]

43.327 Travel and relocation expenses

Subdivision 1. Commissioner to make rules on relocation. The commissioner shall make personnel rules relating to the expenses of moving state officers and employees, their families and household goods to new stations, subsistence, realtor fees, and such other expenses as may be incident to assignment to such stations.

Subd. 2. Commissioner to make rules on travel. The commissioner shall make personnel rules relating to travel of state officers and employees on state business and expenses incurred thereon.

Subd. 3. Commissioner of finance to enforce rules. The commissioner of finance shall enforce the personnel rules concerning travel or relocation and

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provide for the payment of expenses actually incurred or for payment on a daily flat rate as the rules may permit.

[1973 c 507 s 44]

43.34 [Repealed, 1973 c 507 s 47]

LIFE AND HEALTH BENEFITS

43.43 Definitions

As used in sections 43.42 to 43.49(a) "state employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

(1) An officer or employee in the classified service of the state civil service paid on a state payroll;

(2) An officer or employee in the unclassified service of the state paid on a state payroll who is not excluded from any of the provisions of sections 43.42 to 43.49;

(3) An elective or appointed officer in the executive branch of the state government;

(4) A permanent officer or employee of the legislature or a permanent employee of a permanent study or interim committee or commission;

(5) A judge of the supreme court or an officer or employee of such court; a judge of the district court;

(6) A salaried officer or employee of the public employees retirement association;

(7) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;

(8) A salaried officer or employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(9) An employee of the regents of the University of Minnesota, who is a member of the academic staff with the rank of instructor, research fellow, or above, including a lecturer, serving on not less than 75 percent regular appointment;

(10) An employee of the regents of the University of Minnesota and a member of the civil service staff under the civil service plan, adopted by the University of Minnesota, who is employed on a monthly salaried appointment;

(11) An employee of the state college board or the state junior college board who is a member of the academic staff, who is employed for not less than a 75 percent time basis, and who is paid on a state salary payroll; or

(12) An employee of the state college board or state junior college board who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the college board of the state of Minnesota, revenue fund or the college activity fund. The required premium payment of such an employee is to be paid, however, from the fund from which the employee's salary is paid.

(13) A member of the state legislature, but no basic life insurance and health coverages shall be paid for a member of the legislature until the first Monday in January, 1969.

(14) A seasonal employee of the waters, soils and minerals division of the state department of natural resources whose duties include the sampling, weighing or grading of iron ore, taconite, or other minerals; provided further that such an employee shall receive the benefits provided for in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when said employee is not working at his said occupation, and the premi-

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ums therefor shall be paid from the same salary fund or account as the salary of such employee is paid from.

(b) "Hospital benefits coverage" means:

A plan which either provides coverage for, or pays, or reimburses, expenses for hospital services.

(c) "Medical benefits coverage" means:

A plan which either provides coverage for, or pays, or reimburses, expenses for medical services and medical expenses prescribed by a doctor.

(d) "Employee life insurance benefits coverage" means:

A plan which provides for life insurance coverage on the lives of eligible employees. Waiver of premium disability benefit and accidental death and dismemberment coverage may be included.

(e) "Carrier" means:

(1) For the hospital benefits coverage, an insurance company licensed to do business in the state or a nonprofit hospital service association or a prepaid group practice hospital care plan authorized to do business in the state.

(2) For the medical benefits coverage, an insurance company authorized to do business in the state or a nonprofit medical service association or a prepaid group practice medical care plan authorized to do business in the state.

(3) For the employee life insurance benefits coverage, an insurance company authorized to do business in the state.

(f) "Commissioner" means the commissioner of personnel.

(g) A new eligible state employee's basic coverages shall become effective on the first day of the first payroll period beginning on or after the 28th day following the first day of employment.

[1973 c 507 s 35]

43.48 Administration

After the commissioner shall have entered into contracts with carriers as provided in section 43.45, it shall be his responsibility to maintain records, prepare reports, and to perform such other functions as may be necessary to carry out the intent of sections 43.42 to 43.49. The commissioner may promulgate such regulations as may be necessary to carry out the provisions of sections 43.42 to 43.49. Upon request of the commissioner, the commissioner of finance shall perform necessary accounting and disbursements functions.

[1973 c 507 s 33]

43.50 Payment of premiums

Subdivision 1. Each department or agency of the state government shall pay the amounts due for basic life insurance and basic health benefits coverage authorized for eligible state employees as provided by Laws 1967, Chapter 103. Additionally, and notwithstanding any law to the contrary, effective July 1, 1974, each department or agency of the state government shall contribute \$10 per month toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. To enable employees to receive benefit from this provision, an open enrollment period of not less than one month, commencing May 1, 1974, is established. During said open enrollment period employees may enroll their dependents without proof of insurability. Effective January 1, 1975, the state contribution provided herein shall apply to eligible members of the legislature who have eligible dependents. Each of such departments and agencies shall pay such amounts from such accounts and funds from which each department or agency receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of such

salaries. Such sums of money as are necessary for such purposes are hereby appropriated to such departments and agencies from such account and funds in the state treasury. In order to enable the state auditor to maintain proper records covering the appropriations made by this section, he may require such certifications in connection therewith as he may deem necessary from any state department or agency whose officers and employees receive benefits pursuant to Laws 1967, Chapter 103. The accounts and funds referred to from which departments and agencies receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

[1973 c 653 s 22]

COMMERCE

CHAPTER 45. DEPARTMENT OF COMMERCE

CONSUMER SERVICES SECTION

Sec.
45.16 Consumer services section, responsibilities and duties.

45.16 Consumer services section, responsibilities and duties

[For text of subd. 1, see M.S.1971]

Subd. 2. (a) Act as the representative of the governor in all matters affecting consumer affairs;

(b) Enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in sections 325.78 and 325.79, and the attorney general shall act for the division in pursuing the remedies set forth in section 325.80;

(c) Make recommendations to the chairman of the commerce commission for transmission to the governor and the legislature for such statutory needs as may exist in adequately protecting the consumer;

(d) Receive registration statements and annual reports of persons soliciting charitable funds in accordance with the requirements of sections 309.50 to 309.61, in lieu of the duties of the secretary of state in connection therewith. The duties of the secretary of state under such sections are hereby abolished and the activity assigned to the department of commerce, division of licensing and consumer services as provided herein;

Adopt, pursuant to the administrative procedures act, rules and regulations to implement the provisions of this section.

[1973 c 513 s 1]

Subd. 3. [Repealed, 1973 c 638 s 66]

[For text of subds. 4 and 5, see M.S.1971]

BANKING

CHAPTER 46. BANKING DIVISION

Sec.
46.22 Rural credit records [New].

46.22 Rural credit records

The commissioner of banks shall have charge of the records of the former department of rural credit. He shall provide the public with appropriate access to and copies of the records.

[1973 c 87 s 2; 1973 c 494 s 4]