

# MINNESOTA STATUTES 1977 SUPPLEMENT

## STATE CIVIL SERVICE 43.051

### 42.13 Legal action.

Other than in legal actions charging failure to obtain a license and permit, the fact that a person holds a license or was issued a permit under sections 42.01 to 42.14, or that a person has complied with the rules made by the commissioner pursuant to sections 42.01 to 42.14, is not admissible as a defense in any legal action which may be brought under this section against such person.

[ 1977 c 426 s 13 ]

### 42.14 Injunction.

The commissioner may, in addition to the other remedies provided in sections 42.01 to 42.14, apply to a district court having venue and jurisdiction, for an injunction to restrain repetitious violations of the provisions of sections 42.01 to 42.14 and of any rule promulgated thereunder.

[ 1977 c 426 s 14 ]

NOTE: Laws 1977, Chapter 426, Section 16, reads as follows:

"Sec. 16. **Effective date.** Section 5 of this act is effective on the day following its final enactment. Sections 1 to 4 and sections 6 to 16 are effective January 1, 1978."

## CHAPTER 43. STATE CIVIL SERVICE

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### 43.001 Department of personnel; creation.

[ For text of subd 1, see M.S.1976 ]

Subd. 2. The commissioner of personnel is appointed by the governor under the provisions of section 15.06. 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.

Subd. 3. The commissioner may appoint one deputy commissioner and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

[ For text of subd 4, see M.S.1976 ]

[ 1977 c 305 s 13,14 ]

### 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

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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, except as provided in section 354.44, subdivision 1a, or if not otherwise provided for by law, shall be 70. Nothing in this subdivision shall apply to persons in the legislative branch or 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 commissioner that the employee is physically and mentally competent to fulfill the duties of his position.

[For text of subds 3 and 4, see M.S.1976]

[ 1977 c 347 s 12,13 ]

**43.066** [ Repealed, 1977 c 35 s 21 ]

**43.067 Salary limits.**

Subdivision 1. **Agency heads and deputies.** The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in the agency. Within the agency, no person other than the agency head shall be paid more than the base salary that is or would be paid a deputy agency head pursuant to section 15A.081 whether or not there is a deputy agency head position for that agency.

Subd. 2. **Discretionary exemptions.** The personnel board may grant exemptions from the provisions of subdivision 1 in the case of individual persons. A salary increase authorized by other law by reason of seniority or cost of living adjustments shall not be sufficient reason to grant an exemption. The board may grant an exemption upon application of the appointing authority, but only if the board determines that the position requires special expertise necessitating a higher salary in order to attract or retain qualified persons. In no event may a salary exempted pursuant to this subdivision exceed 120 percent of the base salary of the position in respect to which the exemption was requested.

Subd. 3. **Medical doctors exempted.** Salaries of medical doctors who are occupying positions which the commissioner of personnel determines require an M. D. degree and who are paid under the provisions of section 43.126, or who are employed by political subdivisions in positions that the governing body of the political subdivision has determined require an M.D. degree, shall be excluded from the limitation provided in this section.

Subd. 4. **Limit on political subdivision salaries.** Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district, metropolitan or regional agency, or other political subdivision of the state may exceed the salary of the commissioner of finance plus the maximum permissible achievement award under section 43.069.

[ 1977 c 35 s 3; 1977 c 452 s 2,3 ]

**43.069 Board may grant achievement awards.**

Subdivision 1. The personnel board may grant an achievement award for any individual incumbent of a position whose base salary is established under the provisions of section 15A.081, subdivisions 1 or 5, provided;

(a) The incumbent has, in the opinion of the board, written objectives which are specific as to amount and time, which directly relate to the incumbent's duties, which require efforts exceeding the expected performance of a person in the incumbent's position and which have been approved in advance by the appointing authority;

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(b) The appointing authority of the incumbent applies to the board for the achievement award and simultaneously certifies to the board that the incumbent has fulfilled, or is fulfilling, his approved objectives.

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

Subd. 3. An appointing authority may annually apply for, and the board may annually approve an achievement award for an incumbent. An annual achievement award under this section shall not be more than ten percent of the base salary established for the position under the provisions of section 15A.081.

Subd. 4. An annual achievement award granted under this section shall be paid the recipient in a lump sum within 60 days after the end of the fiscal year, or portion thereof, for which the award was granted.

[ 1977 c 35 s 4 ]

### 43.09 Unclassified service; classified service.

[For text of subds 1 and 2, see M.S.1976]

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 governor, 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 (4).

(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. An incumbent of a position that is declassified pursuant to this subdivision, if he so requests within 120 days after being removed from that position, shall be appointed to a classified position comparable to the position that was declassified, or if such a position is unavailable, to a position comparable to that which he held immediately prior to being appointed to the position that was declassified. If a position is declassified and the incumbent at the time the position was declassified had no classified status immediately prior to the appointment to the position that was declassified, he shall, if he so requests within 120 days after being removed from that position, be appointed to a comparable or lower classified position within two salary ranges of the position that was declassified.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, shall be reappointed to a classified position comparable to that which he held immediately prior to being appointed to the position that was declassified.

(4) Positions so established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, and economic development; to three in the department of public service, the planning agency, and the 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.

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(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 appointment to the labor service is not subject to the appointment provisions of subdivision 4 and may be made by the appointing authority without other approval, providing payroll notice of such employment is regularly made to the department of personnel. Employees in the labor service who are employed for a total of six months within a 12 month period shall receive the same civil service status given by this chapter to permanent classified employees of the state and shall be known as tenured laborers.

[For text of subds 4 to 6, see M.S.1976]

Subd. 7. [ Repealed, 1977 c 452 s 36 ]

[ 1977 c 430 s 8; 1977 c 452 s 6 ]

NOTE: For the effective date of subdivision 2a, as amended by Laws 1977, Chapter 430, Section 8, see Laws 1977, Chapter 430, Section 28, Subdivision 2.

## 43.12 Commissioner to classify employees.

[For text of subd 1, see M.S.1976]

Subd. 2. **Salary ranges.** The following procedure will be used in establishing rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the professional salary schedule, which schedule shall be known as salary 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 33 additional salary increments. Salary range assignments for each class of employment in this schedule shall include no more than ten salary steps. Effective July 6, 1977, the prescribed minimum monthly rate of pay shall be \$932. The maximum monthly rate of pay shall be \$3,394.

Subd. 3. All employees whose rates of pay are established according to salary schedule "A", effective July 6, 1977, 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.

Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate established for a classification as of July 6, 1977, is equal to or less than the employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.

Subd. 4. [ Repealed, 1977 c 452 s 36 ]

Subd. 5. The following procedure shall be used to establish rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the maintenance and related trades schedule, which schedule shall be known as salary schedule "B". Classes shall be assigned an orientation and base rate, one consecutive wage step apart. The orientation rate shall be paid during the first six calendar months of service and the base rate shall be paid commencing at the beginning of the pay period nearest the completion of six calendar months of service. In assigning rates of pay to classes of work covered by this schedule, the

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commissioner 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 commissioner 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 6, 1977, the minimum hourly rate of pay in the salary schedule "B" shall be \$4.71. The schedule shall provide for 19 additional wage steps with a maximum rate of \$8.21 per hour.

Notwithstanding any provision of this chapter to the contrary, the commissioner is authorized to establish (a) hourly equipment rates to provide appropriate compensation to employees intermittently engaged in operating maintenance equipment, (b) an hourly rate to provide appropriate compensation to employees intermittently assigned to first level highway foreman work, (c) an eight percent differential rate rounded to the nearest cent for journeyman skilled trade classes assigned to salary schedule B and employed at adult institutions of the department of corrections, and (d) a ten cent per hour differential for skilled trade classes assigned to salary schedule B and employed by the department of administration. The commissioner shall establish regulations and procedures to equitably implement such rates.

Subd. 6. All employees with more than six calendar months of service whose rates of pay are established according to salary schedule "B", effective July 6, 1977, shall be advanced in salary to the established base rate for their class.

Employees with less than six calendar months of service whose rates of pay are established according to salary schedule "B", effective July 6, 1977, shall be advanced in salary to the established orientation rate for their class.

Employees who are classified as highway maintenance worker, senior and who are employed by the department of transportation and assigned to the central office and districts 5 and 9 shall, in addition, be granted a one time lump sum payment of \$400.

Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.

Subd. 7. The following procedure shall be used to establish rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the general service salary schedule, which schedule shall be known as salary schedule "C". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed monthly rate of pay and extending upward 34 additional fixed salary increments. Salary range assignments for each class of employment in this schedule shall not include more than eight salary steps. Effective July 6, 1977, the prescribed minimum monthly rate of pay shall be \$456. The maximum monthly rate of pay shall be \$1,409.

Subd. 8. All employees whose rates of pay are established according to salary schedule "C", effective July 6, 1977, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date, to the next step within the salary range for that classification. An employee whose classification is reassigned to a higher salary range shall, in addition, be adjusted to the comparable

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step in the new salary range for his class. These step increases shall not affect an employee's eligibility for normal step progression increases provided by section 43.122, subdivision 3.

Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.

Subd. 8a. The following procedure shall be used to establish rates of pay for all state employees whose positions are assigned to the labor service. The labor service shall consist of four steps. Effective July 6, 1977, the hourly rate of pay for step A shall be \$4.47, for step B \$4.62, for step C \$5.22, and for step D \$5.37.

Tenured laborers who are on the payroll on July 6, 1977, shall be paid at the step D rate.

Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the base rate on July 5, 1977, shall be paid at the step D rate. Such employees shall continue to be paid at the step D rate in subsequent years provided that their service in the previous calendar year was 800 hours or more.

Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the orientation rate on July 5, 1977, shall be paid at the step C rate. Such employees shall advance to step D after completion of 800 hours of work in the second of two consecutive calendar years in which at least 800 hours at step C are worked; provided, however, that an employee whose service in calendar year 1976 was 800 hours or more shall advance to step D upon the completion of 800 hours in calendar year 1977.

For the purpose of this subdivision, service requirements must be fulfilled with the same appointing authority, at the same principal place of employment and performing similar work. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirements.

Non-tenured laborers who are not on the payroll on July 6, 1977 but who have worked 800 hours or more in the 12 months immediately preceding July 6, 1977, and who return to work in the labor service prior to July 1, 1978 with the same appointing authority, at the same principal place of employment and to perform similar work, shall be paid at the rate which they would have received and advanced in pay in the same manner as if they had been on the payroll on July 6, 1977.

Tenured laborers whose employment relationship is severed and non-tenured laborers who in any calendar year fail to meet the service and hour requirements of this subdivision shall be subject to the hiring and advancement provisions of section 43.122, subdivision 5 if they are subsequently reappointed to the labor service.

Subd. 9. [ Repealed, 1977 c 452 s 36 ]

Subd. 10. For each full four-tenths point increase in the consumers price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, 1977, and October, 1977, new series index (1967=100), all rates of pay in the "A", "B", "C", special teacher, and labor service salary schedules shall be increased by one cent per hour.

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The increase, if any, in wages and salaries generated by this formula shall be effective January 4, 1978, and shall continue in effect until July 5, 1978.

A redetermination of the cost of living allowance shall be made for April, 1978. For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, 1977, and April, 1978, all rates of pay in the "A", "B", "C", special teacher, and labor salary schedules shall be increased by one cent per hour. The increase, if any, in wages and salaries generated by this redetermination shall be effective July 5, 1978.

During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly 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. Cost of living adjustments are not cumulative and allowances paid under an earlier determination shall cease when a redetermination takes effect.

Subd. 11. The commissioner of finance shall transfer to the various departments and agencies the necessary amounts to finance subdivision 10. 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. In order to enable the commissioner of finance to maintain proper records covering the appropriations for cost of living adjustments and insurance benefit increases, he may require certification as he deems necessary from any state agency, the Minnesota historical society, or the university of Minnesota of the amounts needed to pay these adjustments and increases. 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.

*[For text of subs 12 and 13, see M.S.1976]*

Subd. 14. Except for classification reassignments effective July 6, 1977, no class will be reassigned to a higher salary range by the commissioner during the 1977-1979 biennium.

*[For text of subd 15, see M.S.1976]*

Subd. 16. Effective July 9, 1975, employees whose positions are assigned to classes in the A, B, C, labor service, and special teachers salary 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 15 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.

Subd. 17. Effective July 1, 1977, any employee who is separated from the state classified civil service by reason of death, mandatory retirement, or layoff, excluding seasonal layoffs, or who is separated after completing 20 years of state service, or who retires under a state retirement program after completing ten years of state service shall be entitled upon such separation, to pay in an amount equal to

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40 percent of the employee's accumulated but unused sick leave balance at the time of separation. Severance pay for community college system faculty employees and for state university system faculty employees whose appointment and salary are based upon a nine month academic year shall be 35 percent of the employee's accumulated but unused sick leave balance. The provisions of this subdivision shall apply to unclassified employees in the same manner as they apply to employees in the classified civil 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 900 hours except for community college and state university system faculty employees whose base shall not exceed 112 days, 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.

Subd. 18. The commissioner 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 and for special teachers employed by the departments of corrections and public welfare and by the department of education at the Minnesota School for the Deaf and the Minnesota Braille and Sight Saving School. Said plan shall not be subject to the limitations contained in section 176.021, subdivision 5.

*[For text of subds 19 to 26, see M.S.1976]*

*[ 1977 c 452 s 7-19 ]*

### 43.121 Salary range assignment.

*[For text of subds 1 and 2, see M.S.1976]*

Subd. 3. Notwithstanding the provisions of this section, the commissioner may assign the classes of employment which require teaching in an established school program in the department of education and institutions of the state under the jurisdiction of the department of public welfare and the department of corrections to salary ranges, which he is hereby authorized to establish. Whenever the commissioner assigns classes of employment which require teaching in an established school program to any salary range which he is authorized to establish by this subdivision, he shall prepare schedules showing the salary ranges for each class, or group of positions in the class of positions assigned by him and he shall also prepare schedules showing entrance salaries and step increases based upon educational attainments and length of satisfactory service. The salary ranges shall include a minimum rate and not more than 12 additional step increases. In assigning ranges of salaries for positions in this category the commissioner shall give consideration to the salary schedules for teachers which are in effect in other units of government of the state. The commissioner is authorized to establish a schedule of payment for assignments to extra-curricular activities which are in addition to the normal teaching schedule.



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The basic salary for institution educational administrators and supervisors shall be based upon the employee's qualifications and the appropriate academic level of the special teacher salary schedule. However, the commissioner is authorized to establish a percentage differential to compensate for administrative and supervisory responsibilities. Annual length of satisfactory service salary adjustments shall be awarded beginning with the payroll period nearest the anniversary date of the special teacher's, institution educational supervisor's or institution educational administrator's original or promotional appointment to his present class, unless he is notified in writing by the appointing authority that his work has been of a less than satisfactory level.

[ 1977 c 452 s 20 ]

### 43.122 Individual salary increases.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. (a) Employees in classes assigned to the "A" salary schedule may receive a one step salary increase annually, at the beginning of the first full payroll period nearest 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:

10 step salary range - 6th step

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, at the beginning of the first full payroll period nearest 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 commissioner. 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 commissioner that the employee is achieving performance standards or objectives.

(b) Employees in classes assigned to the "C" salary schedule shall progress through the salary range for their class according to the following procedure:

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Employees compensated at the first step in their salary range shall be advanced to the second step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the first step. Employees compensated at the second step in their salary range shall be advanced to the third step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the second step.

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 beginning of the first full payroll period nearest completion of each subsequent 12 calendar months of satisfactory service 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 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 commissioner that the employee has achieved a satisfactory level of performance.

[For text of subd 4, see M.S.1976]

Subd. 5. Employees who are hired after July 5, 1977, for positions assigned to the labor service shall be hired at step A. Such employees shall advance to step B after 800 hours of service within a calendar year; to step C after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step B are worked; and to step D after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step C are worked. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirement. Service requirements must be fulfilled with the same appointing authority, at the same principal place of employment, and performing similar work. Tenured laborers whose employment relationship is severed and non-tenured laborers who fail to meet the service and hour requirements for advancement in any calendar year, shall be considered to be new employees for purposes of this subdivision if they are subsequently reappointed to the labor service and shall be reappointed at step A.

[ 1977 c 452 s 21,22 ]

### 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	\$29,000	to	\$40,500
Range B	\$35,500	to	\$48,000
Range C	\$40,000	to	\$57,500

[For text of subds 2 to 4, see M.S.1976]

[ 1977 c 452 s 23 ]

### 43.19 Vacancies; promotions; dismissals.

[For text of subds 1 to 4, see M.S.1976]

Subd. 5. **Promotions; work station location.** No employee of any agency in the executive branch shall be deemed ineligible for promotion to a position solely because of the location of the employee's current work station or the location of the work station to which the employee would be assigned if promoted to that position.

[ 1977 c 383 s 1 ]

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### 43.30 Veterans preference.

The provisions of this section shall govern the granting of veterans' preference for the state civil service.

A veterans' preference shall be available pursuant to this section to every person who enters the military service of this country prior to December 31, 1976, and is separated under honorable conditions from any branch of the armed forces of the United States; (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty, and who is a citizen of the United States. A veteran thus preferred shall not be disqualified from holding any position in the classified service on account of his age or by reason of any physical disability provided such age or physical disability does not render him incompetent to perform the duties of the position.

Recognizing that training and experience in the services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily discovered by examination; there shall be added to the examination rating of a disabled veteran, if he so elects, a credit of ten points if the veteran obtained a passing grade without the addition of the credit points; and if the disabled veteran is able to perform the duties of the position sought with reasonable efficiency, his name shall be placed on the list of eligibles with the names of other eligible persons. The name of a veteran with such augmented rating shall be entered ahead of a nonveteran when their ratings are the same.

There shall be added to the examination rating of a nondisabled veteran, if he so elects, a credit of five points if the veteran obtained a passing grade without the addition of the credit points. The name of a veteran with such augmented rating shall be entered ahead of a nonveteran when their ratings are the same.

A governmental agency, when notifying an applicant that he has passed an examination, shall notify the veteran of his specific score and shall also notify the applicant that he may elect to use a veteran's preference to augment his passing rating.

A veteran's preference under this section may only be used in the state civil service and political subdivisions of the state in the securing of positions to be filled by open competitive examinations and may not be used for the filling of promotional positions. An open competitive examination is an examination open to current employees and nonemployees of the state or political subdivision. A veteran's preference under this section may not be used by any veteran who is receiving or who is eligible to receive a monthly veteran's pension benefit based exclusively on length of military service.

Notwithstanding the foregoing restrictions on use, in any governmental agency giving an examination, where an applicant for a promotional position is a disabled veteran who has passed the promotional examination for his first promotion after entering that position, he may elect to have a credit of five points added to that examination rating. The decision to make such election may be made either before or after the examination. This promotional preference may only be successfully used one time and only in the securing of the first promotional position after securing public employment.

A preference given by this section is hereby extended to the surviving spouses of deceased veterans and to the spouse of a disabled veteran, who because of the disability is unable to qualify.

The fact that an applicant has claimed a veterans preference shall not be made known to the examiners. The preference credit shall be added to the examination rating, and the records shall show the examination rating and the preference credit.

A disabled veteran is one who has a compensable service connected disability as adjudicated by the United States Veterans Administration, or by the retirement boards of the several branches of the armed forces, and which disability is existing

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at the time preference is claimed. The commissioner may require candidates claiming preference as disabled veterans to submit documentary evidence in support of their claim and may anticipate certification by the veterans administration where necessary to avoid delays in establishing an eligible list. For purposes of the preference to be used by a disabled veteran in securing a promotional position, the term "disabled veteran" means a person who, at the time of election to use his promotional preference, is entitled to disability compensation under laws administered by the veterans administration for a permanent service connected disability rated at 50 percent or more.

In the event of the rejection by the appointing officer of the person so preferred when certified to fill a vacancy or a new position, the appointing officer shall forthwith file in writing with the commissioner the reasons for such rejection and shall furnish to the rejected veteran a copy thereof.

[ 1977 c 40 s 1 ]

### 43.31 Services available to political subdivisions.

The services and facilities of the state personnel department and its staff shall be available upon request, subject to rules prescribed therefor by the commissioner, to political subdivisions of the state. In making such service and facilities available, it shall be understood that requirements for the enforcement and administration of the provisions of this chapter shall be given precedence and that the political subdivisions shall reimburse the state for the reasonable cost of such services and facilities.

The commissioner may enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees. The commissioner may also join or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration.

[ 1977 c 455 s 77 ]

### 43.323 Personnel rule; procedure.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. The commissioner of personnel shall identify those rules he has promulgated pursuant to chapter 15 which are in conflict with the provisions of a collective bargaining agreement negotiated in accordance with sections 179.61 to 179.77 and notwithstanding the provisions of chapter 15, shall suspend those rules and promulgate emergency rules to be effective for a period not exceeding 180 days during which time the commissioner shall repeal, suspend or modify the temporarily suspended rules in accordance with chapter 15.

[ 1977 c 452 s 5 ]

### 43.37 [ Repealed, 1977 c 347 s 4 ]

### 43.42 Insurance benefits intent.

It is the intent of sections 43.42 to 43.49 to provide certain state employees with basic life insurance, basic dental insurance, and basic health benefits coverage, including such basic health benefits coverage as the commissioner may make available from prepaid group practice plans, to be paid for by the state and to authorize an eligible state employee to enroll himself, and his dependents in such optional coverages as are made available therefor by the commissioner to be paid for by the employee through payroll deductions. Optional group coverages may include additional life insurance, auto insurance, disability insurance, dental insurance, legal insurance, homeowners insurance, and vision insurance.

[ 1977 c 452 s 24 ]

### 43.43 Definitions.

[For text of subd 1, see M.S.1976]

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Subd. 2. "State employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

- (1) An employee in the classified service of the state civil service paid on a state payroll;
- (2) An 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) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission;
- (4) A judge of the supreme court or an officer or employee of such court; a judge of the district court, a judge of county court, a judge of county municipal court, a judge of probate court;
- (5) A salaried employee of the public employees retirement association;
- (6) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;
- (7) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;
- (8) 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;
- (9) 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;
- (10) An employee of the state university board or the state board for community colleges 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
- (11) An employee of the state university board or the state board for community colleges who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the university board of the state of Minnesota revenue fund, the university activity fund, or the community 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.
- (12) A member of the state legislature.
- (13) 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 that the employee shall receive the benefits provided in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when the employee is not working at his occupation, and the premiums therefor shall be paid from the same salary fund or account as the salary of the employee.
- (14) A person employed in the state service as a pre-service trainee on a full time basis.

[For text of subs 3 to 8, see M.S.1976]

[ 1977 c 410 s 11; 1977 c 432 s 3 ]

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## 43.44 STATE CIVIL SERVICE

### 43.44 Enrollment of eligible employees.

Subdivision 1. Every eligible employee meeting the requirements of subdivision 2 shall, at such time, in such manner, and under such conditions of eligibility as the commissioner may by regulation prescribe, be enrolled in the employee life insurance benefits coverage, the hospital benefits coverage, the dental benefits coverage and the medical benefits coverage. Such regulations shall be within the framework of intent as set forth in section 43.42.

[For text of subds 2 and 3, see M.S.1976]

[ 1977 c 452 s 25 ]

### 43.46 Contributions by state.

The total contribution by the state for each state employee under sections 43.42 to 43.49 shall be otherwise prescribed by law and which contribution shall be applied to provide basic hospital benefits, basic medical benefits, basic dental benefits, an annual health evaluation and screening program and basic life insurance of such amounts as may be determined from time to time by the commissioner.

[ 1977 c 452 s 26 ]

### 43.47 Exclusion of certain state employees.

[For text of subds 1 to 5, see M.S.1976]

Subd. 6. An officer or employee of any court except as otherwise provided in section 43.43;

[For text of subds 7 to 18, see M.S.1976]

[ 1977 c 432 s 4 ]

### 43.50 Payment of premiums.

Subdivision 1. Each department of the state government shall pay the amounts due for basic life insurance, basic dental insurance, and basic health benefits coverage authorized for eligible state employees as provided by this chapter. Effective July 1, 1977, each department of the state government shall contribute up to \$58 per year toward the cost of the approved annual health evaluation and screening program for each eligible employee who elects to participate. Additionally, and notwithstanding any law to the contrary, effective the first day of the first payroll period commencing on or after July 1, 1977, each department of the state government shall contribute \$45 per month toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. Effective the first day of the first payroll period commencing on or after July 1, 1978, each department shall pay the full cost for such dependent hospital-medical coverage and, for all eligible employees carrying dependent dental insurance coverage, shall contribute one-half the difference between single and family dental coverage per month except that no department shall pay an amount in excess of the contribution for dependent hospital-medical and dental coverage in effect on June 30, 1979. To enable employees to receive benefit from this provision, open enrollment periods from August 15 through September 30, 1977 and from August 15 through September 30, 1978, are established. During open enrollment periods employees may enroll their dependents in dental coverage and hospital-medical coverage without proof of insurability. Effective January 1, 1977, the state contribution of \$30 per month shall apply to eligible members of the legislature who have eligible dependents. Effective January 1, 1979, the increased benefits provided in this section shall apply to eligible members of the legislature and their eligible dependents. Each of the departments shall pay such amounts from accounts and funds from which the department receives its revenues, including appropriations from the

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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 salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state agency, the Minnesota historical society, or the university of Minnesota whose employees receive benefits pursuant to this chapter. The accounts and funds referred to from which departments 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.

[For text of subds 1a to 3, see M.S.1976]

[ 1977 c 452 s 27 ]

### 43.51 Death benefit for retired employees.

Employees who retire from state service on or after July 1, 1977, shall be entitled to a \$500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is receiving an annuity under a state retirement program.

[ 1977 c 452 s 28 ]

## CHAPTER 45. DEPARTMENT OF COMMERCE

Sec.  
45.02 Commissioners; appointment, terms, vacancies.

Sec.  
45.15 Establishment of consumer services section.

### 45.02 Commissioners; appointment, terms, vacancies.

The governor shall appoint the members of the commission under the provisions of section 15.06. Each member of the commission, before entering upon the discharge of his duties, shall take and file with the secretary of state the oath of office prescribed by the constitution.

A majority of the commission shall constitute a quorum.

[ 1977 c 305 s 15 ]

### 45.15 Establishment of consumer services section.

A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor under the provisions of section 15.06.

[ 1977 c 305 s 16 ]

## CHAPTER 46. BANKING DIVISION

Sec.  
46.01 Powers.  
46.04 Commissioner; powers.  
46.05 Supervision over financial institutions.  
46.09 State bank examiners or employees not to hold bank stock.

Sec.  
46.131 Examination fees for financial institutions.

### 46.01 Powers.

Subdivision 1. The banking division shall have charge of the execution of all laws relating to state banks, savings banks, trust companies, savings associations, and other financial institutions organized under the laws of this state, and the business thereof.

Subd. 2. The commissioner of banks may promulgate rules as necessary to administer or execute the laws relating to financial institutions subject to his supervision or examination.

[ 1977 c 272 s 1 ]