

CHAPTER 15A

PUBLIC OFFICERS AND EMPLOYEES;
COMPENSATION AND
ALLOWANCES

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15A.01 AMOUNT.

Subdivision 1. **When paid.** The yearly salaries of the state officers and employees mentioned in this chapter shall be as herein fixed subject to the provisions of section 16A.17.

Subd. 2. **To be in full payment for services.** The salaries provided in this chapter for the officers and employees named herein shall be in full payment for all services that may be rendered by them either in the performance of their regular or special duties or while acting as a member or employee of any state board or commission.

Subd. 3. **Fees collected paid into state treasury.** All fees of any nature collected by any officer or employee named in this chapter in the performance of official duties for the state shall be paid into the state treasury.

History: (252,252-1,253,254) 1913 c 400 s 1-3; 1921 c 379 s 1; 1961 c 561 s 11; Ex1971 c 32 s 28; 1986 c 444

15A.02 [Repealed, Ex1971 c 32 s 33]

15A.021 [Repealed, 1974 c 511 s 16]

15A.03 [Repealed, Ex1971 c 32 s 33]

15A.031 [Repealed, 1974 c 511 s 16]

15A.04 [Repealed, Ex1971 c 32 s 33]

15A.041 [Repealed, 1974 c 511 s 16]

15A.05 [Repealed, Ex1971 c 32 s 33]

15A.06 [Repealed, Ex1971 c 32 s 33]

15A.07 [Repealed, Ex1971 c 32 s 33]

15A.071 [Repealed, 1975 c 381 s 23]

15A.08 [Repealed, Ex1971 c 32 s 33]

15A.081 SALARIES; EXPENSES; LEAVE TRANSFERS.

Subdivision 1. [Repealed, 2Sp1997 c 3 s 19]

Subd. 1a. [Repealed, 1976 c 239 s 7]

Subd. 2. [Repealed, 1974 c 511 s 16]

Subd. 3. [Repealed, 1974 c 511 s 16]

Subd. 4. [Repealed, 1977 c 35 s 21]

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Subd. 5. [Repealed, 1980 c 617 s 45]

Subd. 6. [Repealed, 1987 c 404 s 191]

Subd. 7. [Repealed, 2Sp1997 c 3 s 19]

Subd. 7a. [Repealed, 1Sp1985 c 16 art 2 s 39 subd 1]

Subd. 7b. **Higher education services office director.** The higher education services council shall set the salary rate for the director of the higher education services office. The council shall submit the proposed salary change to the legislative coordinating commission for approval, modification, or rejection in the manner provided in section 3.855.

In deciding whether to recommend a salary increase, the council shall consider the performance of the director, including the director's progress toward attaining affirmative action goals and program administration, as outlined in section 136A.01.

Subd. 7c. **Minnesota state colleges and universities chancellor.** The board of trustees of the Minnesota state colleges and universities shall establish a salary range for the position of chancellor of the Minnesota state colleges and universities. The board shall submit the proposed salary range to the legislative coordinating commission for approval, modification, or rejection in the manner provided in section 3.855. The board shall establish the salary for the chancellor within the approved salary range.

In deciding whether to approve a salary increase, the board shall consider the performance of the chancellor in areas including educational leadership, student success, system management, human resources, and affirmative action.

Subd. 8. **Expense allowance.** Notwithstanding any law to the contrary, positions listed in section 15A.0815, subdivisions 2 and 3, constitutional officers, and the commissioner of iron range resources and rehabilitation are authorized an annual expense allowance not to exceed \$1,500 for necessary expenses in the normal performance of their duties for which no other reimbursement is provided. The expenditures under this subdivision are subject to any laws and rules relating to budgeting, allotment and encumbrance, preaudit and postaudit. The commissioner of finance may adopt rules to assure the proper expenditure of these funds and to provide for reimbursement.

Subd. 9. **Transfer of vacation and sick leave; certain appointees.** (a) This subdivision governs transfers of accumulated vacation leave and sick leave if the governor appoints the incumbent of a position listed in section 15A.0815 to another position listed in section 15A.0815.

(b) An appointee moving between positions in the executive branch shall transfer all vacation leave and sick leave hours to the appointee's credit at the time of the new appointment.

(c) The governor may authorize an appointee to transfer accumulated vacation leave and sick leave hours under the following conditions:

(1) an appointee moving to a position in the executive branch from a position outside the executive branch may be permitted to transfer no more than 275 hours of accumulated unliquidated vacation leave and no more than 900 hours of accumulated unliquidated sick leave; and

(2) an appointee moving to a position outside the executive branch from a position within the executive branch may be permitted to transfer accumulated unliquidated vacation leave and sick leave hours up to the maximum accumulations permitted by the personnel policies governing the new position.

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The governor shall notify the commissioner of employee relations of any transfers authorized under this paragraph.

History: *Ex1971 c 32 s 11; 1973 c 5 s 1; 1973 c 254 s 3; 1973 c 349 s 2; 1973 c 582 s 3; 1973 c 596 s 1; 1975 c 156 s 2; 1975 c 271 s 6; 1975 c 321 s 2; 1975 c 359 s 23; 1976 c 134 s 8,78; 1976 c 166 s 7; 1977 c 35 s 1,2,5,9; 1977 c 430 s 6; 1979 c 192 s 1; 1979 c 332 art 2 s 1; 1980 c 516 s 2; 1980 c 534 s 12; 1980 c 607 art 14 s 25; 1980 c 614 s 123; 1980 c 615 s 60; 1981 c 356 s 90; 1Sp1981 c 4 art 4 s 48; 1983 c 299 s 4-7; 1984 c 619 s 12; 1984 c 640 s 32; 1984 c 654 art 2 s 40,41; art 3 s 15; art 5 s 58; 1985 c 11 s 2; 1Sp1985 c 10 s 40,41; 1Sp1985 c 11 s 9,10; 1Sp1985 c 13 s 91,92; 1Sp1985 c 14 art 9 s 2; art 10 s 1; 1Sp1985 c 16 art 2 s 40 subd 1; 1Sp1985 c 17 s 3,4,13; 1986 c 444; 1Sp1986 c 1 art 10 s 3; 1987 c 186 s 15; 1987 c 403 art 2 s 1; 1987 c 404 s 72-74; 1988 c 667 s 1,2; 1989 c 334 art 6 s 3; 1989 c 335 art 1 s 58; 1990 c 375 s 3; 1990 c 506 art 2 s 7; 1990 c 571 s 1,2; 1991 c 233 s 38; 1991 c 345 art 2 s 9; 1991 c 356 art 9 s 1; 1993 c 146 art 3 s 6; 1994 c 483 s 1; 1994 c 560 art 2 s 4-6; 1994 c 628 art 1 s 1; art 3 s 4,5; 1995 c 212 art 3 s 59; art 4 s 64; 1995 c 247 art 2 s 54; 1995 c 248 art 2 s 7; 1Sp1995 c 3 art 16 s 13; 1996 c 425 s 2; 2Sp1997 c 3 s 2-4; 2000 c 453 s 1,2*

15A.0815 SALARY LIMITS FOR CERTAIN EMPLOYEES.

Subdivision 1. **Salary limits.** The governor or other appropriate appointing authority shall set the salary rates for positions listed in this section within the salary limits listed in subdivisions 2 to 4, subject to approval of the legislative coordinating commission and the legislature as provided by subdivision 5 and sections 3.855 and 15A.081, subdivision 7b.

Subd. 2. **Group I salary limits.** The salaries for positions in this subdivision may not exceed 95 percent of the salary of the governor:

- Commissioner of administration;
- Commissioner of agriculture;
- Commissioner of children, families, and learning;
- Commissioner of commerce;
- Commissioner of corrections;
- Commissioner of economic security;
- Commissioner of employee relations;
- Commissioner of finance;
- Commissioner of health;
- Executive director, higher education services office;
- Commissioner, housing finance agency;
- Commissioner of human rights;
- Commissioner of human services;
- Executive director, state board of investment;
- Commissioner of labor and industry;
- Commissioner of natural resources;
- Director of office of strategic and long-range planning;
- Commissioner, pollution control agency;
- Commissioner of public safety;
- Commissioner of revenue;
- Commissioner of trade and economic development;
- Commissioner of transportation; and
- Commissioner of veterans affairs.

Subd. 3. **Group II salary limits.** The salaries for positions in this subdivision may not exceed 85 percent of the salary of the governor:

- Ombudsman for corrections;
- Executive director of gambling control board;

Commissioner, iron range resources and rehabilitation board;
 Commissioner, bureau of mediation services;
 Ombudsman for mental health and retardation;
 Chair, metropolitan council;
 Executive director of pari-mutuel racing;
 Executive director, public employees retirement association;
 Commissioner, public utilities commission;
 Executive director, state retirement system; and
 Executive director, teachers retirement association.

Subd. 4. **Group III salary limits.** The salary for a position in this subdivision may not exceed 25 percent of the salary of the governor:

Chair, metropolitan airports commission.

Subd. 5. **Appointing authorities to recommend certain salaries.** (a) The governor, or other appropriate appointing authority, may submit to the legislative coordinating commission recommendations for salaries within the salary limits for the positions listed in subdivisions 2 to 4. An appointing authority may also propose additions or deletions of positions from those listed.

(b) Before submitting the recommendations, the appointing authority shall consult with the commissioner of employee relations concerning the recommendations.

(c) In making recommendations, the appointing authority shall consider the criteria established in section 43A.18, subdivision 8, and the performance of individual incumbents. The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals. The appointing authority shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities, and in determining recommendations, rate each position by this system.

(d) Before the appointing authority's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative coordinating commission and the legislature under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved.

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

(f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in subdivisions 2 to 4, may be increased or decreased by the appointing authority from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the appointing authority increases a salary under this paragraph, the appointing authority shall submit the new salary to the legislative coordinating commission and the full legislature for approval, modification, or rejection under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved.

History: 2Sp1997 c 3 s 5; 1998 c 351 s 1; 2000 c 501 s 1,2; 1Sp2001 c 4 art 6 s 6; 1Sp2001 c 10 art 2 s 18,19

15A.082 COMPENSATION COUNCIL.

Subdivision 1. **Creation.** A compensation council is created each even-numbered year to assist the legislature in establishing the compensation of constitutional officers, members of the legislature, justices of the supreme court, judges of the court of appeals

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and district court, and the heads of state and metropolitan agencies included in section 15A.0815.

Subd. 2. **Membership.** The compensation council consists of 16 members: two members of the house of representatives appointed by the speaker of the house of representatives; two members of the senate appointed by the majority leader of the senate; one member of the house of representatives appointed by the minority leader of the house of representatives; one member of the senate appointed by the minority leader of the senate; two nonjudges appointed by the chief justice of the supreme court; and one member from each congressional district appointed by the governor, of whom no more than four may belong to the same political party. Appointments must be made by October 1. The compensation and removal of members appointed by the governor or the chief justice shall be as provided in section 15.059, subdivisions 3 and 4. The legislative coordinating commission shall provide the council with administrative and support services.

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

(b) The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salary ranges of the heads of state and metropolitan agencies, to be effective retroactively from January 1 of that year if enacted into law. The recommendations shall include the appropriate group in section 15A.0815 to which each agency head should be assigned and the appropriate limitation on the maximum range of the salaries of the agency heads in each group, expressed as a percentage of the salary of the governor.

Subd. 4. **Criteria.** In making compensation recommendations, the council shall consider the amount of compensation paid in government service and the private sector to persons with similar qualifications, the amount of compensation needed to attract and retain experienced and competent persons, and the ability of the state to pay the recommended compensation. In making recommendations for legislative compensation, the council shall also consider the average length of a legislative session, the amount of work required of legislators during interim periods, and opportunities to earn income from other sources without neglecting legislative duties.

Subd. 4a. **Constitutional officers.** No constitutional officer whose compensation is set under this section may receive monetary compensation for unused vacation or sick leave accruals.

Subd. 5. [Repealed, 1987 c 404 s 191]

Subd. 6. **Expiration.** Each compensation council shall expire upon submission of the recommendations required by subdivision 3.

History: 1983 c 299 s 8; 1984 c 654 art 2 s 42; 1Sp1985 c 13 s 93,94; 1988 c 686 art 1 s 43; 1991 c 22 s 1; 1991 c 345 art 1 s 51; 1992 c 592 s 4; 1994 c 560 art 2 s 7,8; 1994 c 628 art 1 s 2; 1995 c 236 s 1; 2Sp1997 c 3 s 18; 1998 c 254 art 2 s 4,5

15A.083 SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.

Subdivision 1. [Repealed, 1987 c 404 s 191]

Subd. 2. [Repealed, 1996 c 310 s 1]

Subd. 3. [Repealed, 1996 c 310 s 1]

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Subd. 4. **Ranges for other judicial positions.** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. The supreme court shall set the salary of the state court administrator and the salaries of district court administrators. The salary of the state court administrator or a district court administrator may not exceed the salary of a district court judge. If district court administrators die, the amounts of their unpaid salaries for the months in which their deaths occur must be paid to their estates. The salary of the state public defender shall be fixed by the state board of public defense but must not exceed the salary of a district court judge.

	Salary or Range Effective July 1, 1994
Board on judicial standards executive director	\$44,000-60,000

Subd. 4a. [Repealed, 1979 c 332 art 2 s 7]

Subd. 5. **Tax court.** The salary of a judge of the tax court is 98.52 percent of the salary for a district court judge. The salary of the chief tax court judge is 98.52 percent of the salary for a chief district court judge.

Subd. 6. **Referee salaries.** Notwithstanding any other law or ordinance to the contrary, no referee or administrative law judge employed by a court in this state shall receive a salary which is in excess of 90 percent of the salary paid a judge of the employing court.

Subd. 6a. **Administrative law judge; salaries.** The salary of the chief administrative law judge is 98.52 percent of the salary of a district court judge. The salaries of the assistant chief administrative law judge and administrative law judge supervisors are 93.60 percent of the salary of a district court judge. The salary of an administrative law judge employed by the office of administrative hearings is 88.67 percent of the salary of a district court judge as set under section 15A.082, subdivision 3.

Subd. 7. **Workers' compensation court of appeals and compensation judges.** Salaries of judges of the workers' compensation court of appeals are 98.52 percent of the salary for district court judges. The salary of the chief judge of the workers' compensation court of appeals is 98.52 percent of the salary for a chief district court judge. Salaries of compensation judges are 88.67 percent of the salary of district court judges. The chief workers' compensation judge at the department of labor and industry may be paid an annual salary that is up to five percent greater than the salary of workers' compensation settlement judges at the department of labor and industry.

History: *Ex*1971 c 32 s 12; 1973 c 564 s 3; 1973 c 596 s 2; 1973 c 598 s 4; 1974 c 355 s 35; 1975 c 381 s 1; 1976 c 2 s 2; 1976 c 134 s 78; 1977 c 35 s 13; 1977 c 307 s 1,29; 1977 c 432 s 46; 1978 c 674 s 4; 1978 c 793 s 40,41; 1979 c 332 art 2 s 2-4; 1980 c 614 s 49; 1981 c 224 s 16; 1981 c 346 s 7; 1983 c 299 s 9-11; 1983 c 301 s 66,236; 1984 c 640 s 32; 1984 c 654 art 2 s 43; 1986 c 444; 1986 c 464 s 1; 1987 c 404 s 75; 1988 c 667 s 3; 1990 c 571 s 3-5; 1992 c 567 art 3 s 1; 1993 c 122 s 1; 1994 c 560 art 2 s 9; 2Sp1997 c 3 s 6-8; 1998 c 366 s 89; 1998 c 390 art 5 s 1-3; 1Sp2001 c 9 art 18 s 8; 2002 c 379 art 1 s 113

15A.084 [Repealed, 1974 c 511 s 16]

15A.085 [Repealed, 1974 c 511 s 16]

15A.086 LIMITS ON BONUS PAYMENTS.

Notwithstanding any law to the contrary, an employee of the state lottery or of a public corporation or nonprofit corporation created by law may not receive bonus payments in any year that exceed ten percent of the employee's base salary for that year. For purposes of this section, bonus payments include any combination of merit

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pay, achievement awards, or any other cash payments in addition to base salary, other than severance pay or overtime or holiday pay. Groups covered by this section include, but are not limited to, the Workers' Compensation Reinsurance Association, the Minnesota Insurance Guaranty Association, the Fair plan, the Joint Underwriters Association, the Minnesota Joint Underwriters Association, the Life and Health Guaranty Association, the Minnesota Comprehensive Health Association, the Minnesota State High School League, Minnesota Technology, Inc., Agricultural Utilization Research Institute, Minnesota Project Outreach Corporation, and the State Agricultural Society. This section does not give any entity authority to grant a bonus not otherwise authorized by law.

History: 1993 c 192 s 42; 2000 c 260 s 7; 2002 c 379 art 1 s 6

15A.09 [Repealed, Ex1971 c 32 s 33]

15A.091 [Repealed, Ex1971 c 32 s 33]

15A.10 [Repealed, Ex1971 c 32 s 33]

15A.101 [Renumbered 16A.16]

15A.11 [Repealed, Ex1971 c 32 s 33]

15A.12 [Renumbered 43.068]

15A.13 OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

The annual salaries prescribed by chapter 15A for positions in the unclassified service of the executive branch of the state government are in addition to other terms and conditions of their employment as now or hereafter prescribed by law or the commissioner of employee relations pursuant to section 43A.18, subdivision 3.

History: 1957 c 936 s 12; Ex1971 c 32 s 17; 1979 c 332 art 1 s 9; 1980 c 617 s 47; 1981 c 210 s 54

15A.14 [Repealed, 1973 c 507 s 47; 1974 c 511 s 16]

15A.15 [Repealed, 1996 c 310 s 1]

15A.16 [Repealed, Ex1971 c 32 s 33]

15A.17 [Repealed, Ex1971 c 32 s 33]

15A.18 APPELLATE COURTS EMPLOYEES.

Within the limits of their appropriations for salaries and subject to the conditions of the appropriations, the appellate courts may employ such technical, clerical, stenographic, and other personnel as is necessary.

History: (252(2)) 1913 c 400 s 1 cl 2; Ex1919 c 29 s 1; Ex1919 c 30 s 1; 1921 c 504 s 1; 1923 c 377 s 1; 1925 c 268 s 1; 1941 c 548 s 3; 1945 c 507 s 1; 1947 c 427 s 1; 1951 c 455 s 3; 1983 c 247 s 15

15A.19 [Repealed, Ex1971 c 32 s 33]

15A.20 Subdivision 1. MS 1969 [Repealed, Ex1971 c 3 s 76 subd 3]

Subdivision 1. MS 1971 [Renumbered 43.328, subdivision 1]

Subd. 2. [Renumbered 43.328, subd 2]

Subd. 3. [Renumbered 43.328, subd 3]

Subd. 4. [Repealed, 1974 c 364 s 23]

Subd. 5. [Repealed, 1974 c 364 s 23]

15A.21 [Repealed, 1973 c 720 s 79]