



Office Memorandum

Date: June 23, 2015

To: Agency Heads
Deputy Commissioners
Human Resources Community

From: Ann O'Brien, Assistant Commissioner, Enterprise Human Resources *(AOB)*

Phone: [REDACTED]

Subject: 2015 Legislative Update for Statewide Human Resources

Each legislative session, MMB monitors legislative activity for bills that have an impact on statewide Human Resources. The 2015 session was a busy one, with a primary focus on agency head salaries and increases. Throughout the session, MMB staff testified at numerous hearings, consulted on bill language, responded to fiscal notes, addressed media inquiries, and provided statewide data to the legislature.

Now that the regular session is over, we have reviewed the relevant session laws and assessed their impacts. Please review the following summaries for a discussion of relevant legislation. Session laws are identified below by their Chapter numbers.

To review all of the 2015 Session Laws, please visit the website of the Office of the Revisor of Statutes. For questions, please contact Colleen Bharadwaj at [REDACTED] or [colleen.bharadwaj@\[REDACTED\]](mailto:colleen.bharadwaj@[REDACTED]), or Dori Leland at [REDACTED] or [dorilee.leland@\[REDACTED\]](mailto:dorilee.leland@[REDACTED])

Chapter 3: Agency Head Salaries

This session law amends several statutes to require approval by the Legislative Coordinating Commission (LCC) and the Legislature before the Governor may change agency head salaries. Other appointing authorities already were required to obtain LCC and Legislative approval prior to changing salaries of listed positions.

These amendments include:

- M.S. 3.855, subd. 3. Effective July 2, 2015, the LCC has the authority to review and approve, reject, or modify recommendations for salaries of agency head positions appointed by the Governor.
- M.S. 15A.0815, subd. 1. Effective July 2, 2015, any action by the Governor to set the salary rates for agency head positions is subject to the approval of the LCC and the Legislature.
- M.S. 15A.0815, subd. 5. Effective July 2, 2015, the Governor may submit recommendations to the LCC for agency head salaries. The recommended salaries must be reviewed and approved, rejected, or modified by the LCC and the Legislature before taking effect.

This session law also froze Governor-appointed agency head salaries between February 27, 2015 and June 30, 2015, to no greater than the salary rate for the position during calendar year 2014.

Chapter 47: Labor Agreements

Effective May 20, 2015, the Legislature ratified the following labor agreements:

- Minnesota State University Administrative and Service Faculty
- Minnesota State College Faculty
- Minnesota Nurses Association
- Inter Faculty Organization
- MnSCU Personnel Plan for Administrators
- Minnesota Law Enforcement Association

Chapter 70: Voter Registration

The Legislature amended M.S. 201.275, regarding investigation and prosecution of voter registration violations. The statute now provides that “willful violation” of voter registration statutes “by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.”

The law became effective on May 23, 2015.

Chapter 71: Epinephrine Auto Injectors

New M.S. 144.999 allows authorized entities, including colleges and universities and other organizations approved by the Commissioner of Health, to obtain and possess epinephrine auto-injectors. These shots of epinephrine may be administered to an individual if there is a good faith belief that the individual is suffering anaphylaxis. M.S. 144.999 outlines requirements regarding obtaining, storing, and using the epinephrine shots. To administer the epinephrine shot, the owner, manager, employee, or agent must complete a required training course.

The law went into effect on May 23, 2015.

Chapter 71: MNsure

The 2015 legislative session generally maintained the current organizational structure of MNsure. MNsure will continue to function as a Board, and will retain the same compensation plan.

It is important to note, however, that the Legislature amended M.S. 62V.03, subd. 2 to remove MNsure exemptions from the Open Meeting Law. Now, all meetings of the MNsure Board must comply with Open Meeting Law requirements.

This provision goes into effect August 1, 2015.

Chapter 77: Ethnic Councils

The Legislature repealed M.S. 3.9223 (Council on Affairs of Chicano/Latino People), M.S. 3.9225 (Council on Black Minnesotans), and M.S. 3.9226 (Council on Asian-Pacific Minnesotans). The Legislature enacted M.S. 15.0145, Ethnic Councils, which establishes the Minnesota Council on Latino Affairs, the Council for Minnesotans of African Heritage, and the Council on Asian-Pacific Minnesotans. M.S. 15.0145 describes the makeup of each council, membership terms, training and support, staff, and duties.

- Each council will have 15 voting members. Eleven members of each council will be appointed by the Governor and the remaining 4 members of each council will be legislators. Each council will have an executive director, appointed by the LCC.
- The duties of each council include working for the economic, social, legal, and political equality of its constituency; advising the Governor and Legislature on relevant issues, such as the impact of proposed legislation; serving as a liaison between state government and organizations that serve the council's constituency; and performing studies designed to offer solutions to the problems facing the constituency.
- Each council must report annually by January 15 on the measurable outcomes of its strategic plan.

The LCC must appoint an executive director for each council by November 15, 2015. Generally, current members of ethnic councils will continue to serve until the end of their term. However, if a

current member has served eight or more years on a council as of December 31, 2015, that member's term will expire on December 31, 2015.

The repeal of the current ethnic councils and the enactment of M.S. 15.0145 are effective August 1, 2015.

Chapter 77: Reasonable Accommodation Reimbursement

M.S. 16B.4805 requires the Commissioner of Administration to reimburse state agencies for expenses incurred in providing reasonable accommodations to agency employees and applicants for employment. A reasonable accommodation is eligible for reimbursement if:

- The agency provided a reasonable accommodation to an applicant for employment;
- The agency provided a reasonable accommodation to an employee for services needed on a periodic or ongoing basis; or,
- The agency provided a reasonable accommodation to an employee involving a one-time expense of more than \$1,000 in a fiscal year.

M.S. 16B.4805 is effective July 1, 2015. Reimbursement will be available for expenses incurred after June 30, 2015.

Chapter 77: Veterans Preference Act

The 2015 legislative session resulted in some changes to the discharge hearing procedures under the Veterans Preference Act. Some of those changes are pertinent only to political subdivisions, and not to the state. The amendments to M.S. 197.46 that apply to the state are as follows:

- The state and the veteran equally share all of the costs associated with the Veterans Preference hearing before a 3-person panel, other than the veteran's attorney fees.
- If the hearing panel reverses all aspects of the veteran's discharge, the state must pay the veteran's reasonable attorney fees.

This change is effective May 24, 2015 and applies to all notices of intent to discharge issued on or after May 24, 2015.