

Introduction



H.F No. 351, 5th Engrossment: 82nd Legislative Session (2001-2002) (CH220, February 28, 2002)

Article 10

Sec. 38. [HIRING FREEZE.]

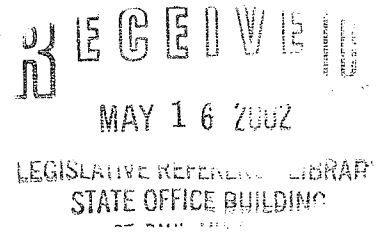
Subdivision 1. [APPLICATION OF FREEZE.] A state employer may not hire any permanent or temporary employees before July 1, 2003. For purposes of this section, "state employer" means state elected officials, departments, boards, agencies, commissions, offices, and other hiring entities in the executive and legislative branches of state government, as those branches are defined in Minnesota Statutes, section 43A.02.

"State employer" does not include the Minnesota state colleges and universities.

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply to:

- (1) a student in a work-study position; or
- (2) a position that is necessary to perform essential government services.

A determination under clause (2) must be made by the speaker of the house of representatives with respect to house employees, the chair of the committee on rules and administration with respect to senate employees, and the legislative coordinating commission with respect to its employees, by a constitutional officer with respect to employees of the constitutional office, and by the governor with respect to any other employee covered by this section. Exceptions granted under clause (2) must be reported monthly by the entity granting the exception. The reports must be published on the entity's Web site, and copies must be provided to the chairs of the house ways and means and senate finance committees and to the legislative reference library.



Last edited August 2003

Resources on Minnesota Issues **State Government Hiring Freeze**

This guide is compiled by staff at the Minnesota Legislative Reference Library on a topic of interest to Minnesota legislators. It is designed to provide an introduction to the topic, directing the user to a variety of sources, and is not intended to be exhaustive. In particular, it is focused on items available in the Legislative Reference Library.

The omnibus budget balancing bill passed early in the 2002 legislative session contained then Governor Ventura's proposal for a statewide hiring freeze. An executive or legislative employer may not hire any permanent or temporary employees before July 1, 2003. This does not apply to MNSCU (Minnesota State Colleges & Universities), nor to student workers. The omnibus budget balancing bill was amended by *Laws of Minnesota 2002*, chapter 374, article 7, section 12. This amendment allowed for further exceptions. (*Note: The hiring freeze ended on July 1, 2003.*)

The law includes a provision that allows for hiring of persons to fill positions that are necessary to perform essential government services. The exceptions, or "waivers," are granted by House and Senate leadership for positions in the legislative branch, by constitutional officers for positions within their offices, and the governor for all other executive branch positions covered by this law.

Chapter 220 anticipates that application of the freeze to executive branch agencies will result in a general fund savings of \$40 million during the biennium. If the governor determines that \$40 million will not be saved, the governor must make proportional reductions in executive agency operating budgets to effect these savings.

Exceptions to the hiring freeze must be reported monthly by the entity granting the exception. The reports must be published on the entity's Web site and copies must be provided to the chairs of the House Ways and Means and Senate Finance committees and to the Legislative Reference Library. The Library maintains a notebook (Ref JK6158 .R49 2002) with print records of the exemptions. Web access to the lists of exemptions can be found at:

- Department of Employee Relations list from executive branch agencies:
<http://www.doer.state.mn.us/staffing/exceptions.htm>
- Minnesota Senate: <http://www.senate.leg.state.mn.us/jobs/exceptions.htm>
- Minnesota House of Representatives: <http://ww3.house.leg.state.mn.us/has/employment.asp>
- Minnesota Legislative Coordinating Commission:
<http://www.commissions.leg.state.mn.us/lcc/exceptions.htm>
- Minnesota Attorney General: <http://www.ag.state.mn.us/office/jobs.html>
- Minnesota State Auditor:
<http://www.osa.state.mn.us/mainTmp.lasso?page==pagJobExceptions&-nothing>.

SIGNIFICANT REPORTS:

Reports on Exceptions to the Minnesota State Government Hiring Freeze Pursuant to 2002 Minn. Laws Chap. 220 Art. 10 Sec. 38 Subd. 2. Compiled by the Minnesota Legislative Reference Library, 2002. (REF JK6158.R49 2002)

SIGNIFICANT ARTICLES:

McCallum, Laura. "Ventura Puts Brakes on State Hiring," Minnesota Public Radio, Session 2002 - Minnesota State Legislature, February 14, 2002.

Sweeney, Patrick and Rachel Stassen-Berger. "Governor Puts New State Hires on Hold," *St. Paul Pioneer Press*, February 15, 2002.

White, Jason. "State Hiring Freezes not so Tough." Stateline.org, June 5, 2002. (Use the "Quick Search" feature on the Stateline.org site to find additional articles on hiring freezes in other states.)

OTHER SOURCES OF INFORMATION:

Check the following codes in the Newspaper Clipping File and the Vertical File:

P182.15 (State Employees)

Legislative History:

Relevant sections from: Laws of Minnesota 2002, chapter 220, article 10, section 38:

Sec. 38. [HIRING FREEZE.] Subdivision 1. [APPLICATION OF FREEZE.] A state employer may not hire any permanent or temporary employees before July 1, 2003. For purposes of this section, "state employer" means state elected officials, departments, boards, agencies, commissions, offices, and other hiring entities in the executive and legislative branches of state government, as those branches are defined in Minnesota Statutes, section 43A.02. "State employer" does not include the Minnesota state colleges and universities.

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply to:

(1) a student in a work-study position; or (2) a position that is necessary to perform essential government services. A determination under clause (2) must be made by the speaker of the house of representatives with respect to house employees, the chair of the committee on rules and administration with respect to senate employees, and the legislative coordinating commission with respect to its employees, by a constitutional officer with respect to employees of the constitutional office, and by the governor with respect to any other employee covered by this section. Exceptions granted under clause (2) must be reported monthly by the entity granting the exception. The reports must be published on the entity's Web site, and copies must be provided to the chairs of the house ways and means and senate finance committees and to the legislative reference library.

Subd. 3. [ANTICIPATED SAVINGS.] The legislature anticipates that application of this section to executive branch agencies and to the Minnesota state colleges and universities will result in savings to the general fund of \$40,000,000 by June 30, 2003. If the governor determines that application of this section will not result in \$40,000,000 in savings to the general fund by June 30, 2003, the governor must make proportional reductions in executive agency operating budgets necessary to achieve these savings.

Sec. 39. [SAVINGS ARE ADDITIONAL.] Savings achieved in sections 36 to 38 from the freeze in state hiring or the reduction in the number of state contracts for professional or technical services are in addition to reductions in spending required by other sections of this article.

Sec. 41. [EFFECTIVE DATE.] Except as otherwise provided in section 40, this article is effective the day following final enactment.

Note: *Laws of Minnesota 2002*, chapter 220, article 10, section 38 was amended by *Laws of Minnesota 2002*, chapter 374, article 7, section 12 as follows:

Laws of Minnesota 2002, chapter 220, article 10, section 38, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply to:

- (1) an employee at a state correctional facility;
- (2) an employee of the department of corrections who provides direct services to offenders;
- (3) an employee of state-operated services under the department of human services;
- (4) a student in a work-study position worker; or ~~(2)~~ (5) a position that is necessary to perform essential government services; or
- (6) an employee who is paid entirely with federal funds or a special revenue fund, or whose costs are entirely recovered from nonstate entities, or a combination of them.

A determination under clause ~~(2)~~ (5) must be made by the speaker of the house of representatives with respect to house employees, the chair of the committee on rules and administration with respect to senate employees, and the legislative coordinating commission with respect to its employees, by a constitutional officer with respect to employees of the constitutional office, and by the governor with respect to any other employee covered by this section. Exceptions granted under clause ~~(2)~~ (5) must be reported monthly by the entity granting the exception. The reports must be published on the entity's Web site, and copies must be provided to the chairs of the house ways and means and senate finance committees and to the legislative reference library.