

1.1 moves to amend H.F. No. 192 as follows:

1.2 Page 1, line 18, delete "PUBLIC" and insert "STATE"

1.3 Page 1, line 20, delete "a government" and insert "a legislative or executive branch"

1.4 Page 2, lines 9 and 14, delete "government" and insert "legislative and executive
1.5 branch"

1.6 Page 2, line 20, delete "a government" and insert "an"

1.7 Page 2, line 27, delete everything after the period and insert "Executive branch
1.8 employees may not legally strike due to an employer's action that is"

1.9 Page 2, delete line 28

1.10 Page 2, line 29, delete "a government" and insert "an"

1.11 Page 2, delete subdivision 5 and insert:

1.12 "Subd. 5. **Executive branch.** For purposes of this section, "executive branch" has
1.13 the meaning defined in section 43A.02, but does not include the Minnesota State Colleges
1.14 and Universities."

1.15 Page 3, delete article 3

1.16 Page 8, delete article 6 and insert:

1.17 **"ARTICLE 6**

1.18 **PERFORMANCE APPRAISAL AND PAY**

1.19 Section 1. Minnesota Statutes 2010, section 43A.20, is amended to read:

1.20 **43A.20 PERFORMANCE APPRAISAL AND PAY.**

1.21 (a) The commissioner shall design and maintain a performance appraisal and bonus
1.22 pay system under which each employee in the civil service in the executive branch shall
1.23 be evaluated and counseled on work performance at least once a year. The performance
1.24 appraisal and bonus pay system must include three components:

1.25 (1) evaluation of the individual employee's performance relative to goals for that
1.26 individual;

2.1 (2) evaluation of the performance of the individual employee's program, defined by
 2.2 the agency head, toward meeting targeted outcomes for the program; and

2.3 (3) evaluation of the performance of the entire agency toward meeting targeted
 2.4 outcomes for the agency.

2.5 (b) Individual pay increases for all employees not represented by an exclusive
 2.6 representative certified pursuant to chapter 179A shall be based on the evaluation
 2.7 evaluations required by paragraph (a) and other factors, consistent with paragraph (a),
 2.8 that the commissioner negotiates in collective bargaining agreements or includes in the
 2.9 plans developed pursuant to section 43A.18. Collective bargaining agreements entered
 2.10 into pursuant to chapter 179A may, and are encouraged to, provide for pay increases
 2.11 based on employee work performance. An employee in the executive branch may not
 2.12 receive an increase in salary or wages based on cost of living or progression to another
 2.13 step or lane unless the employee's supervisor certifies that the employee's individual
 2.14 performance has been satisfactory and justifies spending additional public funds on the
 2.15 employee's compensation.

2.16 (c) This section supersedes any conflicting provision of other law.

2.17 **EFFECTIVE DATE.** This section is effective July 1, 2011. For employees covered
 2.18 by a collective bargaining agreement, this section applies to collective bargaining
 2.19 agreements entered into on or after that date.

2.20 Sec. 2. **SALARY FOR UPCOMING BIENNIUM.**

2.21 During the biennium ending June 30, 2013, each executive branch appointing
 2.22 authority shall construct a performance bonus component as part of overall compensation
 2.23 earned during that biennium. Under the performance bonus component, at least five
 2.24 percent of total base salary and wages otherwise payable to an employee may be paid
 2.25 only after completion of the performance appraisal conducted under Minnesota Statutes,
 2.26 section 43A.20, paragraph (a), and upon the appointing authority's determination that the
 2.27 employee's performance has been satisfactory and justifies spending additional public
 2.28 funds on the employee's compensation.

2.29 This section supersedes any conflicting provision of other law.

2.30 **EFFECTIVE DATE.** This section is effective July 1, 2011. For employees covered
 2.31 by a collective bargaining agreement, this section applies to collective bargaining
 2.32 agreements entered into on or after that date."

2.33 Renumber the sections in sequence and correct the internal references

2.34 Amend the title accordingly