

Sec. 2. Minnesota Statutes 1945, Section 490.03, is hereby amended to read as follows:

490.03. **Retirement prior to January 1, 1949.** Justices and commissioners of the supreme court and judges of the district court who retired prior to January 1, 1949, under the statutes in force at the time of their retirement, shall from the date of their retirement receive retirement compensation at the rate and for the time provided in the statutes in force at the time each of them retired.

Sec. 3. Minnesota Statutes 1945, Sections 350.105 and 490.027, and Laws 1945, Chapter 507, Section 3, are hereby repealed.

[490.026] Sec. 4. **Interpretation.** This act shall not be construed to amend or repeal Minnesota Statutes 1945, Section 490.025.

Approved April 23, 1949.

CHAPTER 646—S. F. No. 1081

An act relating to the state civil service; amending Minnesota Statutes 1945, Section 43.01 as amended by Laws 1947, Chapter 604, Section 1, by adding three subdivisions thereto, and Section 43.12, Subdivision 3, as amended by Laws 1947, Chapter 604, Section 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1945, Section 43.01, as amended by Laws 1947, Chapter 604, Section 1, is amended by adding thereto three new subdivisions to read:

43.01. **Definitions.** *Subd. 12. "Class" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class*

under the same or substantially the same employment conditions.

Subd. 13. "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, or responsibility of the work performed in the position.

Subd. 14. "Reallocation" means a reassignment, or change in allocation, of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level, on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position.

Sec. 2. Minnesota Statutes 1945, Section 43.12, Subdivision 3, as amended by Laws 1947, Chapter 604, Section 2, is amended to read:

43.12. Director to classify employees. Subd. 3. **Allocations.** (1) The director shall allocate each position in the classified civil service to one of the classes within the classification plan, subject to review by the board if an application is made in writing to the board upon one of the grounds set forth in clause (5) by the appointing authority immediately affected at any time within 30 days following notice to him of that allocation, or within 30 days from the date of notice of the final action of the director in case of an application for reconsideration, as hereinafter provided for, and thereafter all salary rates, schedules or compensation policies shall apply uniformly to all positions within each class, in accordance with rules and regulations established by the board.

When a position which has not been allocated to one of the classes within the classification plan is established, the appointing authority shall notify the director, who shall allocate that new position to its appropriate class, subject to the same right of review by the board as heretofore provided in this clause.

(2) After the director makes an allocation under clause (1), he shall notify the appointing authority affected, in writing, of that allocation. The allocation shall become immediately effective, but the appointing authority may within ten days file with the director an application for reconsideration, to-

gether with any written evidence by way of affidavits, statements or exhibits which that appointing authority may desire considered by him. The director shall act upon that application within ten days after receiving it, and notify the appointing authority of his final action. In case of the filing of such application for reconsideration, the time for asking a review by the board shall commence to run from the date of notice to the appointing authority of the director's final action.

(3) Whenever, because of changes in the organizational structure of an agency, in the duties of a position, or for some other reason, a position appears to be improperly allocated, the director shall, upon his own initiative, or upon the written request of a permanent employee or an appointing authority, investigate the duties of the affected position. Following that investigation he may reallocate it to an appropriate class. If the director makes a reallocation or denies an application for reallocation, under this clause, he shall notify the appointing authority and the employee affected of his action. A permanent employee or appointing authority affected by any such action shall have the same right to make an application for reconsideration as is granted an appointing authority in the case of an original allocation by clause (2), and the procedure set out in clause (2) shall apply to such application. Any reallocation granted by the director shall become effective upon the expiration of the time fixed for making an application for reconsideration, if none is made, or if one is made, at the date of notice by the director of his final action. A permanent employee or appointing authority shall have the same right of review by the board of a reallocation which changes the class of a position as is granted an appointing authority in the case of an original allocation. Application for such a review must be made within 30 days from the date of notice by the director of his original action, or, if a reconsideration has been asked, within 30 days from the date of the director's final action upon that application.

(4) In case of any allocation under clause (1), or any reallocation under clause (3), no examination of witnesses nor any trial or hearing shall be required, but the director may act upon such matters as are submitted to him in writing by the employee whose position will be affected by a reallocation or by the appointing authority who will be affected by an allocation or a reallocation, and reports and records of investigators of the department, and may take official notice of the records of the department and of allocations of other comparable

positions. The matters of which he takes official notice shall be set out by him in a memorandum to be filed with his order or report of investigation and made a part of his record. In all cases of applications for reallocation, the burden of proof shall be upon the person requesting the reallocation.

(5) The incumbent of a position which has been reallocated shall continue in the position only if he is eligible for and actually is appointed to the position of the new class in accordance with the rules of the board governing promotion, transfer, and demotion. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted or demoted, the layoff provisions of this chapter and the rules of the board shall apply. Personnel changes required by the reallocation of positions shall be completed within a period of sixty days following the date of reallocation notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any promotional examination held to fill the reallocated position, as provided in the rules of the board.

(6) A review by the board as provided for in this subdivision may be had when the employee or appointing authority affected files an application for review in writing on the ground:

(1) That the action of the director was not in accordance with the civil service act;

(2) That the action of the director was unwarranted by the evidence before him, or was procured by fraud, coercion or other improper conduct of any party in interest.

The board after receiving any application for review shall order the director to submit to it the record upon which he acted and thereafter, upon that record, may sustain, reverse or modify the action of the director or, in its discretion, may order that further evidence be taken by him to be submitted to the board and considered by it upon its review.

Approved April 23, 1949.