

CHAPTER 718—H.F.No.2336

[Not Coded]

An act relating to Ramsey county and the city of St. Paul; consolidating the civil service bureau of the city of St. Paul and the civil service department of the county of Ramsey into a city-county civil service department.

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

Section 1. RAMSEY COUNTY AND CITY OF ST. PAUL; CONSOLIDATED CIVIL SERVICE DEPARTMENT; PURPOSE. The purpose of this act is to establish a city-county civil service department to promote and increase economy and efficiency of the governmental departments and agencies under its jurisdiction by the improvement of methods of personnel administration under the principles of a merit system which shall include a uniform system of job classifications, uniform procedures and standards for hiring, promotion, salary administration and other matters.

Sec. 2. DEFINITIONS. Subdivision 1. Unless the context clearly indicates that a different meaning is intended, the terms defined in this section for the purposes of this act shall have the meanings given them.

Subd. 2. "Commission" means the city-county civil service commission.

Subd. 3. "Commissioner" means a member of the city-county civil service commission.

Subd. 4. "Personnel director" means the director of the city-county civil service department.

Subd. 5. "Civil service department" means the civil service commission together with the personnel director and his immediate subordinates and employees engaged in the administration of the city-county civil service. The word "department" when used alone means the civil service department.

Subd. 6. "City council" means the city council of the city of St. Paul.

Subd. 7. "County board" means the board of county commissioners of the county of Ramsey.

Subd. 8. "City-county service" means all the employees and their positions in the departments or agencies of the city of St. Paul and the county of Ramsey, and of any joint city of St. Paul and county of Ramsey agency, board, commission, authority and commit-

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tee, presently existing or hereafter created and of the Ramsey county welfare board and Independent School District No. 625. The word "service", when used alone, means the city-county service.

Subd. 9. "Appointing authority" means the head of a department, division, board, commission, person or group of persons who has the power by law or by lawfully delegated authority to make appointment to positions in the city-county civil service.

Subd. 10. "Classified service" means all positions and the employees holding such positions in the city and county service except those placed in the unclassified service by this act.

Subd. 11. "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring full time or part time employment of one person.

Subd. 12. "Class" or "Class of positions" 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 the 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, and 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.

Subd. 15. "Classification" means the act of grouping positions into classes with regard to duties and responsibilities.

Subd. 16. "Grade assignment" means assigning a class to a grade in the compensation plan on the basis of general worth to the service.

Subd. 17. "Original entrance examination" means an examination for positions in a particular class, admission to which is not limited to persons employed in the city-county service.

Subd. 18. "Promotion examination" means an examination for positions in a particular class, admission to which is limited to employees in the classified service who hold a position in another class.

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Subd. 19. "Original entrance eligible list" means a list of persons who have been found qualified by an original entrance examination for appointment to a position in a particular class.

Subd. 20. "Promotion eligible list" means a list of persons who have been found qualified by a promotion examination for appointment to a position in a particular class.

Subd. 21. "Reinstatement list" means a list of persons who are or have been permanent employees in a particular class in the city-county service who have been given a leave of absence, or who have been laid off, or who have resigned, or who have been otherwise separated from the service, and who are entitled to have their names certified for appointment to a position in such particular class.

Subd. 22. "Permanent employee" means any employee in the classified service who has gained permanent status according to the act, and any employee who has satisfactorily completed his probationary period and has been so certified by the appointing officer.

Subd. 23. "Eligible" means any person whose name is on the reinstatement, promotion or original entrance eligible list for a given class.

Subd. 24. "Probationary period" means that part of the examining process following certification and appointment from an original entrance eligible list or a promotion eligible list when the employee is serving a trial work period during which the employee may demonstrate that he meets the reasonable standards of performance and character required of employees in the city-county service. "Probationer" means an employee who is serving a probationary period.

Subd. 25. "Classification plan" means a list of the classes of positions in the classified service by their official class title. For each class of position there shall be prepared a job specification which shall set forth the duties, responsibilities, and authority thereof, and the qualifications that are necessary and desirable for the satisfactory performance of the duties of the positions in the class. Such job specifications shall be considered part of the classification plan.

Subd. 26. "Unclassified service" means those positions in the city-county service which are exempted from the jurisdiction of the civil service commission by this act.

Subd. 27. "Transfer" means a change by an employee from one position to another position in the same class or to another class in the same salary range involving the performance of similar duties and requiring essentially the same basic qualifications.

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Sec. 3. APPOINTMENT OF CIVIL SERVICE COMMISSION; TERMS. Subdivision 1. **TERMS OF OFFICE.** Thirty days before the operative date of this act, the city council and the board of county commissioners, meeting jointly, shall appoint five persons as city-county civil service commissioners to serve for designated terms of three for three years; one for two years; and one for one year, in each case subject to the provisions of subdivision 8. Each year thereafter the city council and the board of county commissioners, meeting jointly, shall appoint or reappoint one person as successor for the member or members whose term shall expire for a term of three years. The expiration date of all expiring terms shall be July 1. Any vacancies shall be filled by a majority vote of the city council and the board of county commissioners meeting jointly. No person shall serve as a civil service commissioner for more than three terms under this act, nor shall any person be appointed who shall reach the age of 65 during the term of his appointment.

Subd. 2. **CONDITIONS OF APPOINTMENT.** No person shall be appointed or shall act as a member of the city-county civil service commission at any time while holding any public office or while standing as a candidate for any public office, notary public excepted, or any public employment or paid position in a political party within the two years immediately preceding his appointment. Each member of said commission shall be a resident in the county and in the event he becomes a nonresident, he thereby forfeits his office.

Subd. 3. **OATH OF OFFICE.** Within 15 days after appointment, each commissioner shall qualify by subscribing to an oath for the faithful discharge of his duties and file said oath with the clerk of district court and such oath shall include a statement of belief in and desire to support the principles of a merit system of civil service. If an appointee fails to so qualify, another shall be named in his stead. Each commissioner shall hold office until his successor has been appointed and qualified, except in case a commissioner shall stand as a candidate for elective public office, he shall by filing his candidacy automatically forfeit his office.

Subd. 4. **REMOVAL.** A civil service commissioner may be removed from office by the city council and the county board for cause, after he has first been given a copy of the charges against him and opportunity of being publicly heard, in person or by counsel, upon not less than ten days' written notice. It shall require a majority vote of the city council and county board meeting jointly to effect a removal.

Subd. 5. **COMPENSATION.** Compensation for members shall be set by the city council and the board of county commissioners acting concurrently. Such compensation shall be set on a per day or annual basis. In addition thereto each member of the board shall be paid actual expenses on itemized and verified statements.

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Subd. 6. **ORGANIZATION.** The commission shall organize by electing one of its members as chairman, and one as vice chairman. The personnel director hereinafter provided shall serve as secretary.

Subd. 7. **MEETINGS.** The city-county civil service commission shall maintain its principal office in such space as shall be provided for it by the city council and the county board. It shall maintain its records at this principal office and shall hold regular meetings there except when in the discretion of the chairman it is necessary to meet elsewhere in proper performance of its duties. Meetings of the board shall be open to the public and no meetings or hearings of the board shall be held unless at least three members of the board are present.

Subd. 8. **ORIGINAL APPOINTMENTS.** The present members of the Ramsey county civil service commission shall, 30 days before the effective date of this act, be appointed to serve three, two and one year terms to the city-county civil service commission. The member having the longest unexpired term shall be appointed to the three year term; the member having the next longest unexpired term to the two year term; the member with the shortest unexpired term shall be appointed to the one year term.

Sec. 4. DUTIES OF THE CITY-COUNTY CIVIL SERVICE COMMISSION. Subdivision 1. **COMMISSION PROCEEDINGS.** The commission shall hold meetings at least once each month and may hold such additional meetings as may be required in the proper discharge of its duties. When any member of the commission is not present at the time any matter is submitted to the commission, such matter shall be deemed submitted to each member of the commission with like effect as though each member of the commission had been present at the time of submission of such matter. Whenever, during the consideration of a matter which is before the commission, there is a change in the personnel of the commission, the matter shall be deemed submitted to the new member or members as though said new member or members had been a member of the commission at the time of the submission of the matter.

The commission shall keep records and minutes of its business and official actions and such records and minutes shall be public records open to public inspection, subject to such rules as to hours and conditions of inspection as the commission may establish.

Subd. 2. **DUTIES AND POWERS OF COMMISSION.** It shall be the duty of the city-county civil service commission as a body:

(a) to approve rules for the classified service as proposed and recommended by the personnel director. Such rules shall be submitted to the city council and the county board who may approve or reject such rules. When approved, which shall be by majority vote

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and in the form of a written resolution, the rules shall have the force and effect of law. Such rules may be amended and repealed with the consent of the city council and county board in the same manner as provided for original adoption. Rules affecting employees of departments and agencies paid in whole or in part by federal or state funds, shall be in conformance with any valid regulation affecting the appropriation to any such department or agency. Such rules shall provide among other things:

(1) for the rejection of otherwise eligible candidates who fail to comply with the reasonable requirements of the commission with regard to age, qualifications, residence, or physical condition or medical condition, or who have been guilty of crime involving moral turpitude, or who have attempted any deception or fraud in connection with an application or examination, or who have been dismissed from the public service for delinquency or misconduct, or who have directly or indirectly given or promised to give any money, service or other valuable thing to any person for or on account of, his examination, appointment or proposed appointment.

(2) for examinations which shall be competitive and which may consist of any one or a combination of the following: Written or oral tests of the subjective or objective type; physical tests; practical or demonstrative tests; or evaluation of past training and experience. Oral tests may be of the question and answer type used to test the candidate's knowledge of the duties of the position, or may be the interview type used to test the candidate's personal fitness for the job.

(3) for the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their rating in the examination. Such lists shall, however, remain in force not less than one year and not more than three years.

(4) for filling a vacancy by the appointment of one of the three persons who are rated highest on the appropriate eligible list, if the vacancy is not filled by reduction, transfer or reinstatement.

(5) for a period of probation not to exceed one year after any appointment or promotion, during which period such probationer may be discharged or reduced, and he shall have no right of appeal. Veterans shall be subject to the probationary period the same as all other appointments.

(6) for provisional employment without examination with the consent of the personnel director, in cases of emergency and pending appointment from an eligible list, provided no provisional employment shall continue longer than 90 days unless an exception is made by the personnel director for the good of the service.

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(7) for transfers including transfers from other merit systems provided that a transfer shall not result in a promotion, and for reinstatement of persons who without fault or delinquency on their part are separated from the service or reduced.

(8) for promotion based upon competitive examination and upon a record of efficiency and seniority, any advancement in rank or any increase in salary beyond the limit fixed by the rules shall constitute a promotion. Whenever practicable, vacancies shall be filled by promotion.

(9) for suspensions without pay for not longer than 30 days for disciplinary purposes; for leave of absence with or without pay; for layoffs; and for hours of employment; for vacations and sick leaves; severance pay, and such other benefits and emoluments as may improve the public service.

(10) for discharge or reduction in rank of a permanent employee only when the person to be discharged or reduced has been presented with written charges specifically stated in writing and has been allowed a hearing thereon before the commission. Records of such charges, and the hearing shall be filed in the office of the personnel director.

(11) for the reinstatement, without competitive examination, to positions in the classified service, of persons holding exempt positions on the effective date of this act, when such former exempt employment is terminated, provided that such persons shall have previously served, such city or county, or joint city-county department or agency, for period of at least one year in the classified service as a classified employee immediately prior to the exempt service.

(12) for contractual agreements with other units of governments to provide personnel services as requested.

(13) for the transfer and promotion of employees between all agencies covered by this act without loss of salary, seniority or benefits.

(b) to provide a salary and wage schedules for city and county employees to be presented to the city council and county board for approval and to establish periods and manner in which salaries and wages shall be paid.

(c) to make investigations either on petition of a citizen or of its own motion concerning the enforcement and effect of this act, to require observance of its provisions and the rules made thereunder.

(d) to hear and determine appeals on complaints respecting the administrative work of the personnel director, and such other matters as may be appealed to the commission.

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(e) to make such investigations as may be requested by the city council, the county board, or personnel director and to report thereon.

(f) to appoint a reference review committee consisting of three supervisory employees, one of whom shall be a staff member of the civil service commission, with the authority to remove eligibles from the eligible list because of unsatisfactory references.

(g) to make an annual report to the city council and county board on the activities of the civil service department.

Sec. 5. PERSONNEL DIRECTOR; SELECTION AND TENURE. Whenever a vacancy exists, the commission shall appoint a personnel director on the basis of merit and fitness as a result of competitive examination. The personnel director shall be in the classified service and shall not be removed by the commission except under written charges in accordance with law and after a public hearing by the commission.

Sec. 6. DUTIES OF PERSONNEL DIRECTOR. Subdivision 1. The personnel director, as executive and administrative head of the city-county civil service commission, shall direct and supervise all of its administrative and technical activities in addition to the duties imposed upon him elsewhere in this act, and he shall have the duties described in subdivisions 2 to 17.

Subd. 2. Attend the regular and special meetings of the commission, to act as its secretary and to record its official actions.

Subd. 3. Appoint, supervise and direct the work of the employees of the civil service department. Such employees shall be chosen in accordance with, and shall be subject to, the provisions of this act.

Subd. 4. Prepare and recommend rules for the administration of this act, which shall become effective after approval by the commission, subject to the approval of the city council and the county board, as provided in this act; to administer such rules and to propose amendments thereto.

Subd. 5. Establish and maintain a roster of employees in the service of the city and county and its agencies affected by this act.

Subd. 6. As soon as practicable after the effective date of this act, after consultation with department heads and employees, prepare a classification plan which shall group all positions in the classified service into classes, based on their duties and responsibilities. The classification plan shall set forth for each class or position a class title, a statement of duties, authority, and responsibilities thereof, and the minimum qualifications that are necessary for the satisfactory performance of the duties of the position. The classification plan

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shall be effective upon approval by the commission. Periodic job audits shall be made of positions for the purpose of keeping the classification plan current.

Subd. 7. As soon as practicable after the adoption of the classification plan, prepare schedules of salary or wage rates and ranges or flat rates for each class, grade or group of positions in the classified service. Such salary and wage schedules when approved by the civil service commission, shall be submitted to the city council and county board, who may approve or reject such schedules. Approval shall be by majority vote and in the form of a written resolution. The assignment of new classes or the reassignment of existing classes to salary ranges and compensation plans shall be made according to the method set forth above.

Subd. 8. Establish the length of the probationary period for each class which shall be at least six months but not more than 12 months.

Subd. 9. Establish records of performance through a system of performance evaluations.

Subd. 10. Establish clerical and labor manpower pools when, in his discretion, demand for temporary clerical or labor help warrants it. Such pools shall be established by the employment of sufficient clerical or labor employees to fill the needs of various appointing officers for temporary help from time to time. Such employees may be employed on a permanent intermittent basis.

Subd. 11. Establish programs for the training and further education of employees to the end that the quality of the service rendered by persons in the classified service may be improved and that employees may be prepared to take advantage of promotional opportunities.

Subd. 12. Provide for, formulate, and hold competitive examinations to determine the qualifications of persons seeking employment in any class of position and establish lists of those passing such examinations.

Subd. 13. When a vacancy is to be filled, to certify to the appointing officer on written request setting forth the duties and responsibilities of the position to be filled, the name of the person highest on the reinstatement list for the class. If there is no reinstatement list, he shall certify three who are highest on the eligible list for the class, from which an appointment may be made. If there are no such lists, he may authorize provisional appointments pending establishment of such employment list for such class.

Subd. 14. Keep such records as may be necessary for the proper administration of this act.

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Subd. 15. Provide a system for checking payrolls and accounts for the payment of salaries or wages to employees in the classified service in accordance with this act and the civil service rules.

Subd. 16. Make investigations concerning the administration and effect of this act and the rules made thereunder and report his findings and recommendations to the commission.

Subd. 17. To make such investigations as may be requested by the city-county civil service commission, the city council or the county board and to report thereon.

Sec. 7. CLASSIFICATION OF SERVICE. Subdivision 1. **DEFINITION OF COVERAGE.** The officers and employees of the city of St. Paul and the county of Ramsey, and their boards, commissions, authorities, committees, and all joint county and city agencies heretofore or hereafter created, and the officers and employees appointed by the judges of the district court, probate court, or municipal court of the county of Ramsey and the city of St. Paul, including the Ramsey county welfare board and school district No. 625 employees, are hereby divided into the unclassified and the classified service.

Subd. 2. **UNCLASSIFIED SERVICE.** The unclassified service shall comprise:

(a) officers elected by popular vote or persons appointed to fill vacancies in such offices.

(b) judges, receivers, referees, examiner and assistant examiner of titles, public defender, arbiters, jurors, judges and clerks of election, notaries public, clerk of probate court and persons appointed by the district or probate courts to make or conduct any special inquiry of a judicial and temporary character.

(c) the superintendent and all teachers, supervisors, and principals in the employ of the city of St. Paul or county of Ramsey who are actually engaged in teaching or in the supervision of teaching except hospital nursing instructors who shall be in the classified service.

(d) members of boards or commissions appointed by the city council, county board, or county board and city jointly, or acting in an advisory capacity.

(e) one chief deputy or principal assistant for each elected department head.

(f) doctors and interns employed by the county or any county agency.

(g) special police officers or special deputy sheriffs serving without pay.

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(h) district, probate and municipal court reporters, and employees of the Ramsey county abstract office.

(i) foreign exchange students and workers, and other students who are participating in an educational program, for a limited period of time.

(j) the principal administrative officer of any separate department of city government or agency which is now or hereafter created by law.

(k) not to exceed 25 officers of the county and joint city-county government, which number shall be selected by the effective date of this act by the county board, as to county employees, and by the city council and county board as to joint city-county employees.

(l) the county administrator and his chief assistant.

(m) a secretary to the mayor and the mayor's personal staff of professional assistants as the council may provide in accordance with the city charter.

(n) the director of the human rights commission and his chief assistant.

(o) the city of St. Paul attorney and deputy and assistant city attorneys and the fire chief, assistant fire chief, police chief and city clerk.

(p) Minimum educational and professional standards shall be established for the unclassified positions provided for in paragraphs (j), (k), and (m) above. The county shall establish such qualifications as to county positions, the city council shall establish such qualifications as to city positions, and the county board and city council shall establish such qualifications jointly as to joint city-county positions.

Subd. 3. CLASSIFIED SERVICE. The classified service shall include all other positions now existing or hereafter created and all employees holding such positions unless specifically placed in the unclassified service by this act.

Sec. 8. CURRENT EMPLOYEES PROTECTED. Subdivision 1. **EMPLOYEE TENURE PROTECTED.** All persons holding positions in the classified service of the city of St. Paul and the county of Ramsey who had acquired permanent status or who were serving a probationary period on the effective date of this act shall retain their position, seniority date and accrued benefits without further examination subject to, and protected by, the provisions of this act.

Subd. 2. CIVIL SERVICE STAFF PROTECTED. All employees of the civil service bureau of the city of St. Paul and the civil

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service department of the county of Ramsey, who have permanent status on the effective date of this act, shall become employees of the city-county civil service commission without further examination subject to, and protected by, the provisions of this act.

Subd. 3. MERIT SYSTEM EMPLOYEES PROTECTED. All employees holding positions in any city or county department or agency or any joint city-county department or agency, who are not in the classified service of the city or the county upon the effective date of this act, but who have been appointed to their positions under the provisions of a merit system, shall retain their positions, seniority *date and accrued benefits without further examination subject to*, and protected by, the provisions of this act.

Subd. 4. SALARY SHALL NOT BE DECREASED. In the event a lower salary is assigned to a class of positions, or in the event the class of position is reallocated to a lower grade, the salary of an employee holding a position in such class shall not be affected thereby. However, no salary increase shall be granted such employee until such time as the regular rate attached to his position exceeds his present salary. In any event all employees shall be assigned to a salary rate as established in the compensation plan which shall be the dollar figure established in the plan which shall be equal to or the next higher rate above their current rate of pay.

Sec. 9. PROTECTION OF NEWLY CLASSIFIED EMPLOYEES. Subdivision 1. **RETENTION OF POSITION.** In an agency that has a merit system when a position in the unclassified service is placed in the classified service by the adoption of this act, any person who has served continuously in the position for at least five years prior to the effective date of this act shall be entitled to retain his position and have all the rights and privileges to which he would have been entitled had the position been in the classified service during the period of his service in that position. In every other case, the holder of an unclassified position transferred to the classified service by this act shall continue to hold the position at the pleasure of the appointing officer for a period of not more than two years. At the end of that time, or when an earlier vacancy occurs, the position shall be filled in the same manner as other positions in the classified service.

Subd. 2. PERMANENT EMPLOYEES. Any permanent employee who is in the employ of an agency not under a merit system for at least one year prior to the effective date of this act and who is holding a position which is placed in the classified service under the provisions of this act, when said act becomes effective, or part time employees certified as such by the department head although not in active service on the effective date of this act, who have been so *employed during the year 1971, shall be subject to and protected by* the provisions of this act, but shall first be subject to the following:

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(a) the general classifications directed to be made by section 6, subdivision 6, of this act; and

(b) a probationary period as provided for in section 6, subdivision 8, of this act.

Subd. 3. SALARY AND BENEFITS NOT TO BE DECREASED. The city-county civil service commission may provide rules for employees being blanketed-in which will provide equitable provisions for salary levels, vacations, sick leave accumulations, severance pay, and other benefits, taking into consideration the employee's length of service and other relevant factors.

Sec. 10. PAYROLLS APPROVED BY PERSONNEL DIRECTOR. No auditor, treasurer or other disbursing officer shall pay any salary or compensation for service to any person holding a position in the classified service as established under this act unless the payroll or account for such salary or compensation shall bear the certificate of the personnel director that the persons named therein have been appointed in accordance with the provisions of this act. The personnel director shall not certify any payroll item for payment unless such person, claimed to be entitled to such payment, shall have been appointed and employed in accordance with the provisions of this act, and the rules of the city-county civil service commission.

Sec. 11. SERVICES TO BE PROVIDED TO THE CITY-COUNTY CIVIL SERVICE COMMISSION. The city council and the county board shall provide to the city-county civil service commission general services such as: Purchasing, auditing of departmental disbursements, legal services, data processing, and such other services as is generally provided by the city council and the county board.

Sec. 12. MAY BE PARTY TO LITIGATION. In any litigation arising out of the provisions of this act, or in relation thereto, the civil service commission shall be a proper party plaintiff or defendant, and may sue or be sued as such. The commission shall be represented in any such action by the county attorney. Any taxpayer of the county of Ramsey may maintain an action in the district court, to enjoin any person or persons from authorizing or making payment in violation of this act or the rules enacted hereunder.

Sec. 13. SUBPOENAS; CONDUCT OF HEARINGS. In any investigation conducted by the city-county civil service commission or personnel director, they shall have the power to subpoena and to require the attendance of witnesses and the production of books and papers pertinent to the investigation, and to administer oaths to such witnesses. Failure to obey such subpoena is hereby declared to be a misdemeanor and upon conviction thereof, shall be punished by the penalty set by law.

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Commission hearing shall be conducted informally and impartially and in such manner as it deems best calculated to arrive at the correctness of the charges preferred, and without regard to any technical rules of procedure or evidence. The accused employee or officer shall have the right to be represented by counsel and may demand that a record of the hearing be made at the expense of the civil service commission.

Sec. 14. INFLUENCING OF APPLICANTS PROHIBITED. No person shall deceive nor obstruct any person in respect to his or her right of examination under the provisions of this act, or falsely mark, grade, estimate or report upon the examination or standing of any person examined hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries of the civil service commission, any special information for the purpose of either improving or injuring the rating of any such person for appointment or employment. No applicant shall deceive the commission for the purpose of improving his prospects for appointment. No person shall solicit, orally or by letter, and no public officer or employee shall receive or be concerned in the receiving or soliciting of, any money or valuable thing or service for any political party or purpose whatsoever. No person shall by means of threats of coercion induce or attempt to induce any person holding a position in the classified service to resign his position or to take a leave of absence from duty or to waive any of his rights under this act. A resignation executed previous to appointment shall be of no effect.

Sec. 15. PERSONS IN CLASSIFIED SERVICE NOT REQUIRED TO CONTRIBUTE TO POLITICAL FUNDS. No employee in the classified service is under any obligation to contribute to any political fund or to render any political service to any person or body whatsoever and no person shall be removed, reduced in grade, or salary, or otherwise prejudiced for refusal so to do. No public officer whether elected or appointed shall discharge, promote, demote or in any manner change the official rank of the employee or the compensation of any person in the classified service or promise or threaten to do so, for the giving or withholding or neglecting to make any contribution of money or services or any other valuable thing for any political purpose.

Sec. 16. REMOVALS, DEMOTIONS AND GRIEVANCES.
Subdivision 1. SEPARATIONS. No employee in the classified service who shall have been permanently appointed or inducted into the classified service under the provisions of this act, shall be removed, demoted or discharged except for cause. Removal, reduction or suspension for religious, racial or political reasons shall not be considered "cause" for such action under the provisions of this act. If any appointing authority desires to demote or discharge any such employee, he shall notify said employee, in writing, served personally upon him, or by registered mail to him at his last known address,

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setting forth the charges against him. A copy of said charges shall at the same time be filed with the personnel director. The accused employee may within ten days from the date the charges are served upon him, file with the personnel director a written demand for a hearing, whereupon the commission shall conduct such hearing without unnecessary delay. The hearing shall be confined to the determination of the question of whether such removal, demotion or discharge was or was not made for political, racial, or religious reasons or was or was not made for just cause. After such hearing the commission may, if in its estimation the evidence is sufficient, affirm the removal, demotion or discharge or if it shall find that the removal, demotion or discharge was made for political, racial or religious reasons, shall order the immediate reinstatement of such person in the position from which he was removed, demoted or discharged with full pay from the time of such removal, demotion or discharge; or if it shall find that the removal, demotion or discharge was not made for just cause, shall order the immediate reinstatement or re-employment of such person in the position from which such person was removed, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, demotion or discharge; or, the commission may in its judgment, reduce the punishment sought to be applied by the appointing officer to a reduction or suspension.

Subd. 2. INVESTIGATIONS. All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and present his defense. Commission hearing shall be conducted impartially and in such manner as it deems best calculated to arrive at the correctness of the charge preferred, and without regard to any technical rules of procedure or evidence. The accused employee shall have the right to be represented by counsel and may demand that a record of the hearing be made at the expense of the civil service commission. Any employee may appeal from the decision of the commission to the district court, which court shall determine whether the record of the hearing contains evidence upon which the commission could have reached such decision and whether such commission abused the discretion granted it under the provisions of this act.

Subd. 3. GRIEVANCE PROCEDURES. Civil service rules shall include provisions establishing a formal procedure for review of employee grievances. After exhausting the formal grievance procedure, the complaining employee may petition the civil service commission for a hearing at which all parties to the grievance or their representatives can be heard. Following the hearing the commission

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shall promptly rule on the grievance petition. This decision shall have such binding effect as the civil service rules prescribe.

Subd. 4. COMMISSIONER MAY WITHDRAW. Any commissioner may withdraw from any hearing to be held pursuant to this section, if he deems himself disqualified for good cause. All vacancies on the hearing board created by the above reasons shall be filled by the senior judge of the district court of the county of Ramsey by appointing a person who is a citizen of the United States and a resident of the county of Ramsey, for the sole purpose of participating in the hearing. Each member so appointed shall be paid for each day actually devoted to duties as a member of the hearing board at the rate of pay established for the commission.

Sec. 17. RECORDS, OFFICE SPACE. The records, supplies, equipment and furnishings of the civil service bureau of the City of St. Paul and the civil service department of the county of Ramsey shall become the property of the city-county civil service commission upon the effective date of this act.

Office accommodations for the city-county civil service department shall be provided.

Sec. 18. DEPARTMENTAL APPROPRIATION. The city of St. Paul and the county of Ramsey and all other agencies served by the city-county civil service department shall appropriate an amount equal to at least one percent of their classified payroll appropriation; and said funds shall be used to finance the operation of the city-county civil service department. Moneys appropriated hereunder shall be outside of the taxing or spending limitations which may be imposed upon the city council or county board or other agency served and such moneys shall be appropriated for the years 1972 and 1973.

Sec. 19. NO DISCRIMINATION. There shall be no discrimination in any employment or personnel policy of the city-county civil service commission because of race, color, creed, sex or national origin.

Sec. 20. PROVISIONS SEVERABLE. In the event that any section or portion of this act shall be held invalid, for any reason, such invalidity shall not be held to impair and invalidate the remainder of this act or any other part of it, it being the legislative intent that every section and part hereof shall stand and be in force and effect notwithstanding the invalidity of any particular provision or provisions.

Sec. 21. INCONSISTENT ACTS. All acts and parts of acts or any city charter provision inconsistent with this act are hereby

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repealed to the extent necessary to give effect to the provision of this act.

Sec. 22. **EFFECTIVE DATE.** This act shall become effective after its approval by a majority vote of the city council of the city of St. Paul and the county board of the county of Ramsey, or on June 6, 1972, whichever is the later.

Approved June 3, 1971.

CHAPTER 719—H.F.No.2364

An act relating to insurance; forbidding certain exclusions of liability in automobile liability insurance policies; amending Minnesota Statutes 1969, Section 72A.1491, Subdivision 1.

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

Section 1. Minnesota Statutes 1969, Section 72A.1491, Subdivision 1, is amended to read:

72A.1491 INSURANCE; AUTOMOBILES; EXCLUSIONS FORBIDDEN. Subdivision 1. (a) No policy of automobile liability insurance as defined in section 72A.141, written or renewed after July 1, 1969, shall contain an exclusion of liability for damages for bodily injury solely because the injured person is a resident or member of an insured's household or related to the insured by blood or marriage. Nothing contained in this subdivision shall prohibit issuance of a policy excluding coverage for a named driver.

(b) No policy of automobile liability insurance as defined in Minnesota Statutes, Section 72A.141, written or renewed after July 1, 1971, shall contain an exclusion of liability for damages for bodily injury sustained by any person who is a named insured, except where such injury is sustained by a named insured who is driving the insured automobile at the time such injury is sustained. Nothing contained in this subdivision shall prohibit an insurer from issuing a named driver exclusionary endorsement voiding the policy wherein the insured automobile is being driven by the excluded driver.

Approved June 3, 1971.

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