
CHAPTER 181—S.F.No.1635

[Coded in Part]

An act relating to real estate; changing the name of register of deeds and of office of register of deeds to county recorder and office of county recorder.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [386.001] REGISTER OF DEEDS; NAME CHANGE. The name of the register of deeds and office of register of deeds is changed to county recorder and office of county recorder respectively.

Sec. 2. In the next and subsequent editions of Minnesota Statutes the revisor of statutes shall wherever the phrases "register of deeds" or "office of register of deeds" appear insert in lieu thereof the phrases "county recorder" or "office of county recorder."

Approved April 8, 1976.

CHAPTER 182—S.F.No.1740

[Coded]

An act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on an integrated, merit basis; authorizing counties to conduct manpower programs and services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [375.56] COUNTY PERSONNEL ADMINISTRATION SYSTEM; RESOLUTION TO ESTABLISH SYSTEM. Any county board may establish a county personnel administration system by adopting a resolution creating a personnel department, establishing an effective date and appointing a personnel appeals board pursuant to section 10.

Sec. 2. [375.57] DEFINITIONS. Subdivision 1. For the purpose of this act, unless the context clearly indicates that a different meaning is intended, the terms defined herein shall have the meanings ascribed to them in this section.

Subd. 2. "Appointing authority" means the official, employee, board, or commission, or the person or group of persons empowered by statute, ordinance or resolution to make an appointment to positions as county employees within the scope of sections 1 to 14.

Subd. 3. "Director" means the director of the department of per-

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sonnel.

Subd. 4. "Personnel department" means the personnel director and his employees engaged in the administration of the personnel department.

Subd. 5. "Board of appeals" means the personnel board of appeals established pursuant to section 10.

Sec. 3. **[375.58] JURISDICTION.** Subdivision 1. The jurisdiction of a county personnel department created pursuant to section 1 shall include every county level public employment position for which the appointing authority is the county board, the county welfare board, the county human services board, an elected county official, an appointed county department head, or a commission or board appointed by the county board, except the positions excluded under subdivisions 2 and 3.

Subd. 2. The following positions are excluded from the jurisdiction of the county personnel department:

(a) Elected positions;

(b) Positions for which a county or district court judge is the appointing authority;

(c) Positions designated as department heads appointed by the county board;

(d) Positions designated as department heads appointed by boards or commissions appointed by the county board;

(e) One position designated by each elected department head as his chief or principal assistant;

(f) One position designated by each elected department head as his personal secretary.

Subd. 3. At the option of the county board, the following positions may be excluded from the jurisdiction of the county personnel department:

(a) Any or all positions subject to merit systems established pursuant to Minnesota Statutes, Sections 12.22, Subdivision 3, 387.31 to 387.45, 393.07, Subdivision 5, and 144.071;

(b) Positions designated as temporary or seasonal;

(c) Positions held by special deputies and volunteers serving without pay;

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(d) Positions held by students in training.

Sec. 4. [375.59] PERSONNEL DIRECTOR APPOINTMENT. A county board which has adopted the resolution authorized in section 1 shall as soon as practicable thereafter appoint a personnel director or shall assign the function of personnel director to an existing officer or employee. In a county which is operating under an optional form pursuant to Minnesota Statutes, Sections 375A.01 to 375A.13, the authority to appoint the personnel director shall be the same as for the appointment of other department heads. The terms and conditions of employment of the person appointed as director or assigned the function of director shall be established by the county board.

Sec. 5. [375.60] DUTIES AND POWERS OF THE DIRECTOR.
Subdivision 1. PREPARATION OF PERSONNEL ADMINISTRATION RULES. The personnel director shall prepare personnel rules which shall become effective upon approval by the county board for the purpose of carrying out the provisions of this act. These rules shall provide, among other things, for:

(a) Preparation of classification plan and classification of positions within the jurisdiction of the department in accordance with the plan.

(b) Creation and maintenance of lists of eligibles. No name shall remain on an eligible list for more than two years.

(c) Certification of names to the appointing authority from the eligible list for appointment, promotion, or reemployment.

(d) Establishment of procedures for the recruitment, selection and advancement of personnel on the basis of relative ability, knowledge and skills.

(e) Establishment of procedures assuring nondiscriminatory and fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed.

(f) Establishment of procedures for suspension or termination or other disciplinary action, including procedures for appeal of actions by appointing authorities with respect to suspension or termination or other disciplinary action.

Subd. 2. ADMINISTRATION OF THE DEPARTMENT. The director shall administer the personnel department. In addition to the duties imposed on him elsewhere in this act, he shall:

(a) Appoint, supervise and direct the work of the employees of the personnel department.

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(b) Schedule and conduct hearings as required by rules adopted pursuant to this act or at the direction of the county board.

(c) Provide for, formulate and hold competitive examinations as required by rule to determine the qualifications of persons seeking employment in positions within the jurisdiction of the department.

(d) Make investigations concerning the administration and effect of rules made pursuant to this act and report his findings and recommendations to the county board.

(e) Establish programs for training and continuing education of employees as deemed appropriate by the county board to improve the quality of service of employees holding positions within the jurisdiction of the department.

(f) Prepare a compensation plan and recommend a schedule of salary or wage rates for positions within the jurisdiction of the personnel department for adoption by the county board.

Sec. 6. [375.61] PAYROLLS APPROVED BY DIRECTOR. No disbursing officer shall pay any salary or compensation for service to any person holding a position within the jurisdiction of a personnel department established pursuant to this act unless the payroll or account for the salary or compensation shall bear the certification of the personnel director or his authorized employee that the persons paid or compensated have been appointed in accordance with the provisions of this act and rules adopted pursuant to this act. The director shall not certify a payroll item for a person holding a position within the jurisdiction of the department unless the person shall have been appointed and employed in accordance with the provisions of this act and rules adopted pursuant to this act.

Sec. 7. [375.62] CIVIL SERVICE AND MERIT SYSTEM RELATIONSHIPS. Unless a county board has elected to exclude any or all positions otherwise subject to merit systems established pursuant to Minnesota Statutes, Sections 12.22, Subdivision 3, 387.31 to 387.45, 393.07, Subdivision 5, and 144.071 from the jurisdiction of the personnel department, the provisions of Minnesota Statutes, Sections 12.22, Subdivision 3, 387.31 to 387.45, 393.07, Subdivision 5 and 144.071 and any rules and regulations promulgated pursuant to those sections shall be superseded insofar as they are inconsistent; provided that no positions subject to merit systems established pursuant to Minnesota Statutes, Sections 12.22, Subdivision 3; 144.071; and 393.07, Subdivision 5, shall be removed from existing merit system coverage and placed under a personnel department established pursuant to this act, until that personnel department is certified by the United States Civil Service Commission as meeting the operating standards of a merit system. Nothing in Minnesota Statutes, Section 387.43, shall be construed to prohibit the inclusion of sheriff's department personnel in a personnel system established pursuant to sections 1 to 14.

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Sec. 8. [375.63] VETERANS TO BE GIVEN PREFERENCE. Nothing in this act shall be construed to remove, limit, or extend the rights and preferences of veterans as established by the provisions of Minnesota Statutes, Sections 197.455 and 197.46, except that the county board may enact rules relative to retirement age which shall apply to veterans on the same basis as they apply to other persons.

Sec. 9. [375.64] COLLECTIVE BARGAINING RELATIONSHIPS. Subdivision 1. For purposes of negotiating collective bargaining agreements and resolving grievances involving such agreements pursuant to Minnesota Statutes, Sections 179.61 to 179.76, the appointing authority and the county board shall be deemed the joint employer for positions within the jurisdiction of a personnel department established pursuant to this act and both shall be signatories to negotiated agreements or grievance settlements except that in the event of disagreement between the county board and the appropriate appointing authority as to the final terms of a negotiated agreement or grievance settlement, the decision of the county board shall be final and binding on behalf of the county as employer for all employees of the county, including employees under the jurisdiction of an appointing authority other than the county board.

Subd. 2. Any employee holding a position covered by this act shall, upon the effective date of the establishment of a county personnel administration system, retain his position without further examination and suffer no loss in wages, seniority or benefits as the result of the implementation of this act.

Sec. 10. [375.65] PERSONNEL BOARD OF APPEALS. Subdivision 1. The county board shall appoint three persons to serve staggered terms as members of a personnel board of appeals. After the first appointments, successors shall serve for terms of three years each. Expiration dates for expiring terms shall be fixed by the county board and vacancies shall be filled by a majority vote of the county board for the unexpired term. Persons appointed to the personnel board of appeals shall not serve while holding any county office or while standing as a candidate for any county office, or while employed by the county. Each member of said board shall be a resident of the county and shall forfeit his office if he becomes a non-resident.

Subd. 2. Compensation for members of the personnel board of appeals shall be set by the county board and each member shall be paid actual and necessary expenses.

Subd. 3. The personnel board of appeals shall organize by electing a chairman and vice-chairman and shall develop rules of procedure for matters brought before it under the provisions of this act and rules promulgated pursuant to this act.

Sec. 11. [375.66] DUTIES OF BOARD OF APPEALS. Subdivision 1. **JURISDICTION.** The personnel board of appeals shall meet upon

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call of its chairman or the personnel director to make findings and to report to the county board within 30 days of the filing of an appeal by an applicant, employee, or appointing authority in the following circumstances:

(a) *Alleged arbitrary or capricious action on the part of the county board with respect to final establishment of rules under this act.*

(b) *Alleged discrimination by the personnel director or his employees in examination procedures or preparation of lists of eligible candidates, or discriminatory use thereof by the appointing authority under the provisions of this act or rules promulgated hereunder.*

(c) *Alleged misinterpretation or evasion by the personnel director or the county board of provisions of this act or the rules promulgated thereunder in a manner seriously detrimental to the party or parties bringing the appeal.*

(d) *Such other matters of grievance as may be provided for in rules promulgated under the authority of this act.*

Subd. 2. PROCEDURES. The personnel board of appeals shall establish procedures setting forth the methods and requisite timetable for appeals to the board.

Subd. 3. APPEAL FINDINGS. Findings and reports of the personnel board of appeals shall be submitted to the county board for consideration and action as deemed appropriate by the county board, except that to the extent required with respect to employees of departments and agencies paid in full or in part by federal funds, the findings of the personnel board of appeals shall be final and binding in those circumstances necessary to conform to any valid federal or state regulation affecting the department or position.

Sec. 12. [375.67] JUDICIAL REVIEW. Subdivision 1. **NOTICE.** The employee or the appointing authority may appeal to the district court from an order of the board of appeals concerning the employee's termination or suspension without pay for more than 30 days by serving written notice of the appeal upon the board of appeals within ten days after he has received written notice of the board's order.

Subd. 2. CERTIFICATION OF RECORD. Within five days after service of the notice the board shall certify the record of the proceedings, including all documents, testimony, and minutes to the clerk of the district court. The clerk shall then place the cause on the calendar for determination at the next general term of the court. The question to be determined by the court shall be: "Was the order of the personnel board of appeals reasonably supported by the evidence?"

Subd. 3. TO SUPREME COURT. The employee or the appointing

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authority may appeal from the district court to the supreme court in the same manner as provided for in other court cases.

Sec. 13. [375.68] ABOLITION OF SYSTEM. A personnel administration system established pursuant to sections 1 to 14 may be abolished at any time by resolution of the county board adopted by a majority of all its members. Upon adoption of the resolution, the personnel department shall cease to exist and the status of all departments, commissions, and employees shall be the same as if no personnel administration system had been established.

Sec. 14. [375.69] APPROPRIATION BY COUNTY BOARD. The county board is hereby authorized to make appropriations as necessary to carry out the provisions of this act.

Sec. 15. [375.70] FEDERAL AID FOR MANPOWER SERVICES. Notwithstanding any law to the contrary, any county may receive financial assistance from agencies of the United States, and plan for, and carry out comprehensive manpower services as provided for in the Emergency Employment Act of 1971, as amended, and the Comprehensive Employment and Training Act of 1973, as amended.

Sec. 16. [375.71] PROTECTION OF RIGHTS UNDER HUMAN RIGHTS ACT AND PUBLIC EMPLOYMENT LABOR RELATIONS ACT. Subdivision 1. Nothing in sections 1 to 14 shall be construed to permit or encourage any action or conduct prohibited by the Minnesota human rights act or prohibit recourse to any remedies provided in the Minnesota human rights act or any other state or federal law relating to equal employment opportunities, and the provisions of these acts shall continue to apply to county employment generally, including those positions excluded from the jurisdiction of the county personnel administration system.

Subd. 2. Nothing in sections 1 to 14 shall be construed to affect the rights and obligations of employees and employers under the provisions of Minnesota Statutes, Sections 179.61 to 179.76, or to in any way supersede provisions regarding public employment relationships under the public employment labor relations act of 1971, as amended, or the provisions of any contracts or agreements executed pursuant thereto.

Sec. 17. EFFECTIVE DATE. This act is effective on the day following final enactment.

Approved April 8, 1976.

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