

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2651

(SENATE AUTHORS: TOMASSONI and Bakk)		
DATE	D-PG	OFFICIAL STATUS
02/26/2018	6192	Introduction and first reading
		Referred to Local Government
03/08/2018	6320	Comm report: To pass and re-referred to Judiciary and Public Safety Finance and Policy
04/25/2018	8376	Withdrawn
	8377	Second reading
05/17/2018		Special Order: Amended
		Third reading Passed

1.1A bill for an act

1.2relating to local government; amending the St. Louis County Civil Service

1.3Commission; making technical changes; removing obsolete language; amending

1.4Minnesota Statutes 2016, sections 383C.031; 383C.032; 383C.033; 383C.034;

1.5383C.035; 383C.037; 383C.038; 383C.039; 383C.04; 383C.041; 383C.042;

1.6383C.043; 383C.044; 383C.045; 383C.046; 383C.048; 383C.05; 383C.051;

1.7383C.055; 383C.056; proposing coding for new law in Minnesota Statutes, chapter

1.8383C; repealing Minnesota Statutes 2016, sections 383C.036; 383C.047; 383C.049;

1.9383C.052; 383C.053; 383C.059.

1.10BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11Section 1. Minnesota Statutes 2016, section 383C.031, is amended to read:

1.12**383C.031 COMMISSIONERS; APPOINTMENT; QUALIFICATIONS.**

1.13Within 30 days after a majority of the voters of the county voting upon said question

1.14elect to come within the provisions of sections 383C.03 to 383C.059, the board of county

1.15commissioners shall by majority vote, appoint three persons as county civil service

1.16commissioners to serve for designated terms of one for two years, one for four years, and

1.17one for six years. Each alternate year thereafter the board of county commissioners shall

1.18appoint one person as successor for the county civil service commissioner whose term shall

1.19expire, to serve six years. Any vacancies shall be filled by the board of county commissioners

1.20for the unexpired term. No person shall be appointed or shall act as a member of the county

1.21civil service commission at any time while holding any public office or while standing as

1.22a candidate for any public office, notary public excepted, or any public employment or

1.23position in a political party within the two years immediately preceding appointment. Each

1.24member of said commission shall be a resident in the county and on becoming a nonresident,

1.25thereby forfeits the office. Within 15 days after appointment, each commissioner shall

qualify by subscribing to an oath for the faithful discharge of duties and file said oath with said court administrator of the district court and such oath shall include a statement of belief in and desire to support the principles of the merit system. If an appointee fails to so qualify, another shall be named. Each commissioner shall hold office until a successor has been appointed and qualified, except in case a commissioner shall stand as a candidate for elective public office, whereupon the filing of candidacy thereby automatically results in forfeiture of the office. The county civil service commission shall organize by electing one of its members as presiding officer and the ~~civil service~~ human resources director hereinafter provided shall serve as secretary.

Sec. 2. Minnesota Statutes 2016, section 383C.032, is amended to read:

383C.032 APPOINTMENT OF ~~CIVIL SERVICE~~ HUMAN RESOURCES DIRECTOR.

The county board of commissioners shall appoint a ~~civil service~~ human resources director. The ~~civil service~~ human resources director shall be in the unclassified service.

Sec. 3. Minnesota Statutes 2016, section 383C.033, is amended to read:

383C.033 MEETINGS; RECORDS; RULES AND REGULATIONS.

Members of the county civil service commission shall hold regular meetings at least once each month and may hold such additional meetings as may be required in the proper discharge of their duties. Meetings of the commission shall be open to the public. 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. It shall be the duty of the county civil service commission as a body:

(a) After public hearing to adopt such rules and regulations for the administration of sections 383C.03 to 383C.059, such classification and compensation plans for the classified service, together with rules for their administration, and amendments thereof as may be recommended by the ~~civil service~~ human resources director after a thorough survey of personnel organization included in such plan or plans, and suitable regulations covering vacations, leave of absence and sick leave, the order of layoff in case of a ~~curtailment~~ reduction in the number of employees in any class in any department, ~~compulsory retirement at a fixed age~~, and any other conditions affecting the employment of persons within the classified service, which, when approved by the board of county commissioners, shall have the force and effect of law and be binding upon all county officers, boards and commissions.

~~Rules and regulations affecting employees of the local social services agency should be in conformance with any federal regulations established by the Social Security Board.~~

(b) To make investigations either on petition of a citizen or of its own motion concerning the enforcement and effect of sections 383C.03 to 383C.059, to require observance of its provisions and the rules and regulations made thereunder.

(c) To hear and determine appeals or complaints respecting the administrative work of the ~~civil service~~ human resources director, the rejection of an applicant for admission to an examination, and such other matters as may be referred to the commission by the ~~civil service~~ human resources director.

(d) To make such investigations as may be requested by the board of county commissioners and to report thereon.

Sec. 4. Minnesota Statutes 2016, section 383C.034, is amended to read:

383C.034 DUTIES OF DIRECTOR.

The ~~civil service~~ human resources director as executive head of the county civil service commission shall direct and supervise all of its administrative and technical activities in addition to the duties imposed, elsewhere in sections 383C.03 to 383C.059, and shall:

(a) Attend the regular and special meetings of the county civil service commission, to act as its secretary and to record its official actions.

(b) Appoint, supervise and direct such employees of the ~~civil service~~ human resources department as may be necessary to carry out the provisions of sections 383C.03 to 383C.059. Such employees shall be chosen in accordance with and shall be subject to the provisions of sections 383C.03 to 383C.059.

(c) Prepare and recommend rules and regulations for the administration of sections 383C.03 to 383C.059, which shall become effective after approval by the commission and the board of county commissioners, as provided in sections 383C.03 to 383C.059, to administer such rules and regulations and to propose amendments thereto.

(d) Establish and maintain ~~in card or other suitable form a roster~~ a record of all officers and employees in the service of the county, which shall show the employment history of each such employee. The director shall have access to all records and papers, the examination of which will aid in the discharge of duties in connection with such ~~roster~~ record.

(e) Ascertain and record the duties and responsibilities pertaining to all positions in the classified service and classify such positions in the manner hereinafter provided.

(f) ~~As soon as practicable after the adoption of the classification plan, prepare a schedule of salary or wage rates and ranges for each class, grade or group of positions in the classification. Such salary and wage schedules when approved by the civil service commission after public hearing shall be submitted to the board of county commissioners who may approve or reject such schedules. When approved by the board of county commissioners, they shall be used in connection with all payrolls and accounting records and with all budget estimates for all departments or agencies of the county government. Nothing in this section shall prevent the board of county commissioners from increasing or reducing the salary or wage rates of positions to conform to the terms of a negotiated labor agreement. Develop, administer, and update salary plans as negotiated for exclusively represented employees and established for unrepresented employees as approved by the county board of commissioners.~~

(g) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class of positions and as a result thereof, establish employment lists for the various classes of positions.

~~(h) When a vacant position is to be filled, to certify to the appointing authority the names of the three persons highest on the reemployment or promotional list, or the names of the seven persons highest on the employment list for the class, provided, however, that if there are less than three names remaining on the reemployment or the promotional lists, the director shall certify such lesser numbers remaining on said lists, thereby using all names of persons willing to accept appointment before drawing any names from an employment list. When the director determines that there is significant under representation of a protected group with respect to race or sex in the class, and the first seven candidates on the employment list do not include a member of the under represented group, the director shall add the highest ranking available individual on the employment list from that group to the list of the candidates certified. If there are no such lists, the director may authorize provisional appointments pending the establishment of such employment list for such class. Such provisional appointment shall not continue for a period longer than four months, nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year, nor shall there be more than one provisional appointment to any given position in any 12-month period; except that, after November 3, 1942, and prior to the time that lists of eligibles are available, appointments to offices and employments in the classified service may be made in accordance with existing laws and without regard to the provisions of sections 383C.03 to 383C.059. Persons so appointed shall not be entitled to any of the privileges set forth in sections 383C.03 to 383C.059 except~~

~~in the case of appointments made through merit examinations under authority of Laws 1941, chapter 476, section 1, but they shall be permitted to apply for and take any competitive examination for which they may be eligible. Such employees may continue in such employment, notwithstanding any contrary provisions of sections 383C.03 to 383C.059, until 60 days after the director shall have certified that lists of eligibles are available for such office or employment, whereupon the employment of such persons shall automatically terminate and such office or employment shall be filled from such lists of eligibles as provided in sections 383C.03 to 383C.059. In case of an emergency, an appointment may be made of not to exceed ten days duration without regard to the provisions of sections 383C.03 to 383C.059, which appointment shall be immediately reported to the civil service director. Successive emergency appointments shall not be made.~~

~~(i) (h)~~ Establish the length of the probation or working test probationary period for each position which shall not be less than the full-time equivalent of six months and not more than the full-time equivalent of 12 months, not to exceed 24 calendar months, during which time ~~discharges may be effected~~ the employee may be discharged without specifying cause or granting a hearing, ~~to enable the appointing authority to determine whether new officers and employees are able and willing to perform their duties satisfactorily; and for the method of removal or transfer of such officers and employees whose work or conduct during such period is unsatisfactory.~~ The purpose of a probationary period is to provide an opportunity to observe an employee performing the duties of the job to ensure the required work can be performed as expected. An appointing authority may require a probationary period for transfers, voluntary demotions, and appointments from reemployment lists to a different department. An appointing authority may extend the probationary period of an employee, not to exceed 24 calendar months, if the employee is unable to perform a majority of the essential functions of their position due to an approved work accommodation or approved leave of absence.

~~(j) (i)~~ Establish record of performance and a system of service ratings to be used in determining increases and decreases in salaries and in promotions.

~~(k) (j)~~ Keep such record as may be necessary for the proper administration of sections 383C.03 to 383C.059.

~~(l) (k)~~ Provide a system of checking payrolls, ~~estimates~~ and accounts for payment of salaries or wages to employees in the classified service, as to enable the director upon satisfactory evidence thereof, to certify or cause to be certified that the persons whose names appear thereon have been regularly employed in the performance of the duties indicated at

the compensation rates and for the periods for which compensation is claimed or are on authorized leave before payment may be lawfully made to such employees.

~~(m) (1) Make investigations concerning the administration and effect of sections 383C.03 to 383C.059 and the rules made thereunder, and report the findings and recommendations to the commission.~~

~~(n) Make an annual report to the county civil service commission.~~

Sec. 5. Minnesota Statutes 2016, section 383C.035, is amended to read:

383C.035 UNCLASSIFIED CIVIL SERVICE.

(a) The officers and employees of the county and of any agency, board, or commission, supported in whole or in part by taxation upon the taxable property of the county or appointed by the judges of the district court for the county, are divided into the unclassified and classified service.

(b) The unclassified service comprises:

(1) all officers elected by popular vote or persons appointed to fill vacancies in such offices;

~~(2) judges and receivers, referees, arbiters, court reporters, jurors, notaries public, and persons appointed by a court to make or conduct any special inquiry of a judicial and temporary character;~~

~~(3) (2) superintendent or principal administrative officer or comptroller of any separate department of county government which is now or hereafter created pursuant to law, who is directly responsible to the board of county commissioners or any other board or commission, as well as the county agricultural agents and the home demonstration agents under the control of reporting to the county extension committee;~~

~~(4) (3) members of nonpaid board, or commissioners appointed by the board of county commissioners or acting in an advisory capacity;~~

~~(5) (4) assistant county attorneys or special investigators in the employ of the county attorney. For purposes of this section, special investigators are defined as all nonclerical positions in the employ of the county attorney;~~

~~(6) (5) all common labor temporarily employed on an hourly basis;~~

~~(7) all inmate or patient help in county institutions;~~

~~(8) all physicians, dentists, registered nurses and medical laboratory technicians working under the direction of a licensed physician or dentist in any hospital or sanitarium operated by a commission or board of such county;~~

~~(9)~~ (6) not more than a total of nine ~~clerks~~ full-time equivalent clerical employees serving the county board and administrator;

~~(10)~~ (7) a legislative lobbyist/grant coordinator appointed by the county board to act as legislative liaison with the St. Louis County legislative delegation and pursue legislative concerns and grant opportunities for the county, and the clerk for that position;

~~(11) the county recorder;~~

~~(12)~~ (8) any department head and deputy director designated by the county board;

~~(13)~~ (9) three administrative assistants in the county administrator's office; ~~and~~

~~(14)~~ (10) the county administrator and two deputy administrators; and

(11) all court bailiffs.

(c) The classified service includes all other positions now existing and hereinafter created in the service of the county or any board or commission, agency, or offices of the county.

Sec. 6. Minnesota Statutes 2016, section 383C.037, is amended to read:

383C.037 CLASSIFICATION PLAN.

The ~~civil service~~ human resources director shall, ~~as soon as practicable after sections 383C.03 to 383C.059 take effect and after consultation with appointing authorities and principal supervising officials, recommend to the county civil service commission~~ establish and maintain a classification plan, together with proposed rules for its administration. ~~Such~~ The classification plan shall show each class of positions in the classified ~~service~~ and unclassified services, and when approved by the county civil service commission, shall be made public, together with the rules for its administration. Each such class shall include such positions requiring duties which are substantially similar in respect to duties and responsibilities and shall be designated by titles indicative of the duties; and that the same schedule of compensation can be made to apply with equity under like working conditions. The class titles shall be used in personnel, budget and financial records, and communications. ~~As far as practicable the natural or probable line of promotion to and from the class of positions shall be designated or indicated.~~

Sec. 7. Minnesota Statutes 2016, section 383C.038, is amended to read:

383C.038 ALLOCATION OF POSITIONS.

The ~~civil service~~ human resources director shall, ~~as soon as practicable after the adoption of the classification plan, and after consultation with appointing authorities,~~ allocate each position to its proper class and reallocate positions between classes as needed. Any employee whose position or title is affected by such allocation shall be notified thereof and may appeal the allocation to the county civil service commission within 30 calendar days of such notice, and after hearing such employee the civil service commission shall approve or modify such allocation.

Sec. 8. Minnesota Statutes 2016, section 383C.039, is amended to read:

383C.039 ADDITIONAL CLASSES.

With the approval of the county civil service commission ~~additional classes may be established for new positions created, or positions not included in any previously established class may be allocated thereto, as good administration may require. Any existing class or classes may be divided, combined, altered or abolished and positions allocated to any class or classes may be reallocated. The appointing authorities shall promptly report to the civil service director intention to establish new positions that may be classified and allocated, and that certifications may be made or appropriate tests provided for and held for the purpose of establishing requisite employment lists from which appointments may be made as provided in sections 383C.03 to 383C.059,~~ the human resources director may create, merge, divide, and abolish classes, revise the descriptions of classes, and change the titles of classes as necessary to meet the needs of the county.

Sec. 9. Minnesota Statutes 2016, section 383C.04, is amended to read:

383C.04 ~~LAYOFFS~~ REEMPLOYMENT.

Whenever any employee in the classified service, who has been performing all duties in a satisfactory manner, as shown by the records of the employing department or other agency, is laid off because of lack of work or lack of funds, or has been on authorized leave of absence for more than one year and is ready to report for duty when a position is open, or has resigned in good standing ~~and with the consent of the county civil service commission~~ human resources director and the employing department, and has ~~withdrawn the resignation without being restored to the position~~ requested reemployment, the ~~civil service~~ human resources director shall ~~cause~~ place the name of such employee ~~to be placed on the~~

reemployment list for the appropriate class. No reemployment list shall be valid for more than two years. The order in which names shall be placed on the reemployment list for any class shall be established by rule. No person shall be reinstated or be restored to a reemployment list unless such ~~resignation is withdrawn~~ request is made within ~~one year~~ two years after it has been presented and accepted the effective date of resignation.

Sec. 10. Minnesota Statutes 2016, section 383C.041, is amended to read:

383C.041 CIVIL SERVICE DIRECTOR; TESTS.

The ~~civil service~~ human resources director shall, ~~from time to time, as conditions warrant,~~ hold tests for the purpose of establishing employment lists for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held with limitations specified in the rules of the commission as to ~~residence, age, health, habits,~~ moral character and prerequisite minimum qualifications to perform the duties of such positions of the job classification. Promotion tests shall be competitive to ~~such persons examined or appointed under the provisions of sections 383C.03 to 383C.059 and employees who have completed the probationary~~ attained permanent status in the classified service by successfully completing a probationary period in a class or rank previously declared by the commission to involve the performance of duties which tend to fit the incumbent to the performance of duty in the class or rank for which the promotion test is held. In promotion tests, efficiency in service shall form part of such tests and who meet the prerequisite minimum qualifications of the job classification. The ~~civil service~~ human resources director shall hold promotion tests for each ~~superior job class of service whenever there is an inferior rank~~ a lower-level class in the same class classification series, the duties of which directly ~~tend to fit the incumbents thereof for the performance of the duties of the superior grade~~ higher-level class. If fewer than two qualified persons submit themselves for a promotion test, or if after such test is held ~~all applicants fail to attain a general average of not less than the minimum standard fixed by the rules of the county civil service commission~~ no applicants pass the test, the director ~~shall forthwith~~ may, at the request of the appointing authority, hold an original entrance test and ~~certify~~ refer names from the employment list resulting ~~therefrom~~ from the original entrance test.

All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the duties of the class of work for which the examination is being conducted, and may include tests of physical fitness or of manual skill. ~~No credit shall be allowed for service rendered under provisional appointment. No~~

question in any test shall relate to religious or political opinions or affiliations. As many tests shall be held as may be necessary to provide ~~eligibles~~ qualified applicants for each ~~class of position, and to meet all requisitions and to fill all positions held by provisional appointees~~ vacancy. From the return and report of the examiners or from the tests provided by the ~~civil service~~ human resources director, the director shall prepare a list of eligible persons who shall attain such minimum mark as may be fixed for the various parts of such test, and whose general average standing upon the test for such position is not less than the minimum fixed by the rules of the commission, and who may lawfully be appointed. Such persons shall take rank upon the list in the order of their relative excellence as determined by the tests. The markings of all tests shall be completed and the resulting employment list posted as soon as possible thereafter. The life of any ~~eligibility~~ promotional or open employment list shall not exceed one year, but may be extended an additional year ~~by motion of the civil service commission~~.

The markings and test papers of ~~each~~ the candidate shall be open to the candidate's inspection. ~~The markings and test papers of all persons upon any list of eligibles may be opened to public inspection in the discretion of the county civil service commission.~~ An error in the markings of any test other than an error in judgment, if called to the attention of the commission within one month after the establishment of an employment list resulting from such test, shall be corrected by it; provided, however, that such correction shall not invalidate any certification or appointment previously made. Public notice of each examination shall be given.

Sec. 11. Minnesota Statutes 2016, section 383C.042, is amended to read:

383C.042 POWERS OF DIRECTOR REJECTION OF APPLICATION; REFUSAL TO TEST OR REFER.

The ~~civil service~~ human resources director may reject an application of any person for admission to a test or refuse to test any applicant, or to ~~certify~~ refer the name of an ~~eligible applicant~~ applicant for employment who is found to lack any of the established qualification requirements for the position applied for or tested on, or who is physically ~~unfit~~ unable to effectively perform the duties of the position, ~~or who is addicted to the use of drugs or the habitual use of intoxicating liquors to excess, or who has been guilty of any crime or infamous or notoriously disgraceful conduct,~~ with reasonable accommodation, or who has been dismissed from the public service for ~~delinquency~~ misconduct, or who has made a false statement of any material fact or practiced or attempted to practice deception or fraud in the application or in the test, or in securing eligibility or appointment. Any such person may

11.1 appeal to the county civil service commission from the action of the ~~civil service~~ human
 11.2 resources director in accordance with the rules established hereunder.

11.3 Sec. 12. **[383C.0425] PROHIBITING OR OBSTRUCTING PERSONS FROM**
 11.4 **TAKING TESTS.**

11.5 No person shall deceive or obstruct any person in respect to the right of test under the
 11.6 provisions of sections 383C.03 to 383C.059; falsely mark, grade, estimate, or report upon
 11.7 the test or standing of any person tested under this chapter, or aid in so doing; or furnish to
 11.8 any person, except in answer to inquiries of the civil service commission, any special
 11.9 information for the purpose of influencing the rating of any such person for appointment
 11.10 or employment. No applicant shall deceive the county civil service commission for the
 11.11 purpose of improving the applicant's prospects for appointment. No person shall solicit,
 11.12 verbally or in writing, and no public officer or employee shall receive or be in any manner
 11.13 concerned in the receiving or soliciting of any money or item of value from any officer or
 11.14 employee holding a position in the classified service for any purpose. No person shall use
 11.15 or promise to use personal influence or official authority to secure appointment or prospect
 11.16 of appointment to a position classified under sections 383C.03 to 383C.059. No public
 11.17 officer or employee shall by means of threat or coercion influence any person holding a
 11.18 position in the classified service to resign the position, take a leave of absence from duty,
 11.19 or waive any right under sections 383C.03 to 383C.059.

11.20 Sec. 13. Minnesota Statutes 2016, section 383C.043, is amended to read:

11.21 **383C.043 VACANCIES.**

11.22 (a) Whenever a position in the classified service becomes vacant and the appointing
 11.23 authority, if it desires to fill the vacancy, the appointing authority shall make submit a
 11.24 requisition upon to the ~~civil service~~ human resources director whereupon. The ~~civil service~~
 11.25 human resources director shall certify refer the names of candidates to the appointing
 11.26 authority in the order as follows:

11.27 (1) when the position is to be filled promotionally, the ~~names~~ name of the ~~three persons~~
 11.28 person highest on the appropriate reemployment-layoff list. If there are no names on the
 11.29 reemployment-layoff list, then:

11.30 (i) the names of the persons on the reemployment list, or where there is no reemployment
 11.31 ~~list the director shall certify the names of the three highest on the promotional list. if any;~~
 11.32 and

12.1 (ii) the names of the persons associated with the three highest scores on the promotional
12.2 list; or

12.3 ~~In case there are less than three names on the reemployment or promotional lists, the~~
12.4 ~~director shall certify the number of names remaining on said lists willing to accept~~
12.5 ~~appointment provided that no name shall be certified from an employment list as long as~~
12.6 ~~there is a reemployment list or a promotional list for the class.~~

12.7 (2) when the position is to be filled from an open competitive employment list, the name
12.8 of the person highest on the appropriate reemployment-layoff list. If there are no names on
12.9 the reemployment-layoff list, then:

12.10 (i) the names of the persons on the reemployment list, if any; and

12.11 (ii) the names of the persons associated with the 20 highest scores on the open list.

12.12 (b) The hiring authority must interview all referred candidates if promotional, or ten
12.13 candidates if open, unless fewer are available for referral from all applicable lists. When
12.14 the director determines that there is significant underrepresentation of a protected group
12.15 with respect to ethnicity or gender in the class, and the highest 20 scores on the open
12.16 employment list do not include a member of the underrepresented group, the director shall
12.17 refer the highest-ranking available individual on the list from that protected group.

12.18 (c) The appointing authority shall, at its discretion, appoint one of the persons so certified
12.19 referred for the working test probationary period. At the end of the working test probationary
12.20 period the appointing officer authority shall notify the civil service human resources director
12.21 in writing whether the probationer individual is a satisfactory employee and should receive
12.22 the status of a permanent appointee employee. Upon such notice, the employee, if service
12.23 during the working test period did not fall below such minimum standards as have been
12.24 prescribed by the civil service director, shall be deemed to have a permanent status in the
12.25 classified civil service status; otherwise the employee is automatically separated from the
12.26 service.

12.27 (d) If there is no appropriate reemployment or employment list, the director may authorize
12.28 a temporary appointment of a qualified individual pending the establishment of an
12.29 employment list for the class.

12.30 (e) Temporary appointments shall not continue for a period longer than six months unless
12.31 extended through mutual agreement with the exclusive bargaining unit.

12.32 (f) In case of an emergency, an appointment of a qualified individual may be made of
12.33 not to exceed the full-time equivalent of ten days' duration without regard to the provisions

13.1 of sections 383C.03 to 383C.059, the appointment shall be immediately reported to the
13.2 human resources director. Successive emergency appointments shall not be made.

13.3 Sec. 14. Minnesota Statutes 2016, section 383C.044, is amended to read:

13.4 **383C.044 TRANSFER AND DEMOTION OF EMPLOYEES.**

13.5 The ~~civil service~~ human resources director may at any time authorize the transfer of any
13.6 permanent qualified employee in the classified service from one position to another position
13.7 in the same class or grade and not otherwise; provided, however, that persons who are not
13.8 members of the classified service under the provisions of sections 383C.03 to 383C.059
13.9 shall not be entitled to transfer. and may authorize the transfer of any qualified probationary
13.10 employee from one position to another position within the same class and department. The
13.11 human resources director may also authorize the voluntary demotion of a permanent qualified
13.12 employee in the classified service from one position to another position in a lower class or
13.13 grade. In all cases of transfer or demotion, the person to be transferred or demoted must be
13.14 determined by the human resources director to meet the qualifications for the position into
13.15 which they will be transferring or demoting and may, at the discretion of the director, be
13.16 required to pass a qualifying test. Transfers shall be permitted only with the consent of the
13.17 civil service human resources director and the department concerned. ~~The civil service~~
13.18 ~~commission shall adopt rules to govern the transfer of an employee from a city to the county,~~
13.19 ~~when the employee is performing community development block grant services for the~~
13.20 ~~county pursuant to a contract between the city and county.~~

13.21 Sec. 15. Minnesota Statutes 2016, section 383C.045, is amended to read:

13.22 **383C.045 LAYOFF OF EMPLOYEES.**

13.23 In accordance with the rules, an appointing authority may lay off an employee in the
13.24 classified service whenever the authority deems it necessary by reason of shortage of work
13.25 or funds, or the ~~abolition~~ elimination of a position or other material change in duties or
13.26 organization. The seniority of employees shall be the factor in determining the order of
13.27 layoffs. The appointing authority shall give written notice to the ~~civil service~~ human resources
13.28 director of every proposed layoff a reasonable time before the effective date thereof, and
13.29 the ~~civil service~~ human resources director shall make such orders relating thereto as the
13.30 director considers necessary to secure compliance with the rules. The name of every regular
13.31 employee so laid off shall be placed on the appropriate reemployment list.

14.1 Sec. 16. Minnesota Statutes 2016, section 383C.046, is amended to read:

14.2 **383C.046 CERTIFICATION OF PAYROLLS.**

14.3 (a) The county auditor, county treasurer, and auditor/treasurer, the board of county
14.4 commissioners, or and any other officer or employee of the county, shall not approve the
14.5 payment of, or be in any manner concerned in paying, auditing, or approving any salary,
14.6 wage or other compensation for services to any person holding a position in the classified
14.7 service unless there shall first have been filed with the county auditor:

14.8 (1) an employment record and supporting documentation;

14.9 (2) an approved wage or salary schedule;

14.10 (3) a completed time sheet;

14.11 (4) a payroll, estimate, or account for such salary, wage or other compensation containing
14.12 the names of the persons to be paid; and

14.13 (5) a statement of the amount to be paid to each such person and the services on account
14.14 of which the same is paid, and a statement that such services have been performed, and
14.15 bearing the certificate of the civil service director that the persons employee.

14.16 (b) The human resources director shall certify that the employees named in such payroll,
14.17 estimate, or account have been appointed or employed in pursuance of law and of the rules
14.18 made by the county civil service commission under pursuant to the provisions of sections
14.19 383C.03 to 383C.059 and have complied with the terms of sections 383C.03 to 383C.059
14.20 and of the rules of the commission when required so to do.

14.21 (c) Before making any such certificate certification the civil service human resources
14.22 director shall may investigate the nature of each item of such payroll, estimate or account
14.23 and on ascertaining that the provisions of the law in respect to any such item have not been
14.24 strictly complied with, the director shall refuse to certify such item pursuant to section
14.25 43A.37. The civil service director shall refuse to certify the pay of any such public officer
14.26 who shall willfully or through culpable negligence violate or fail to comply with the
14.27 provisions of sections 383C.03 to 383C.059 and the rules of the county civil service
14.28 commission.

14.29 Sec. 17. Minnesota Statutes 2016, section 383C.048, is amended to read:

14.30 **383C.048 COMMISSION MAY SUBPOENA WITNESSES.**

14.31 In an investigation conducted pursuant to sections 383C.03 to 383C.059 by the county
14.32 ~~civil service commission or civil~~ human resources director ~~they~~ or designee, the civil service

15.1 commission shall have the power to subpoena and require the attendance of witnesses and
15.2 the production ~~by them of books and papers~~ of evidence pertinent to the investigation and
15.3 to administer oaths to such witnesses.

15.4 Sec. 18. Minnesota Statutes 2016, section 383C.05, is amended to read:

15.5 **383C.05 POLITICAL ACTIVITY.**

15.6 No officer or employee in the classified service is under any obligation to contribute to
15.7 any political fund or to render any political service to any person or body whatsoever and
15.8 no person shall be removed, reduced in grade, or salary, or otherwise prejudiced for refusal
15.9 ~~se~~ to do so. No public officer whether elected or appointed shall discharge, promote, demote,
15.10 or in any manner change the official rank of the employee or the compensation of any person
15.11 in the classified service or promise or threaten to do so, for the giving or withholding or
15.12 neglecting to make any contribution of money or services or any other valuable thing for
15.13 any political purpose.

15.14 Except as herein provided, any officer or employee holding office or ~~place~~ position in
15.15 the classified service may become a candidate for nomination or election to any public
15.16 office or may seek and accept election, nomination or appointment as an officer of a political
15.17 group, or organization, or take part in a political campaign or serve as a member of a
15.18 committee of any such club or organization, or circulate or seek signatures to any petition
15.19 ~~provided for by any primary or election law,~~ or act as a worker at the polls, or distribute
15.20 badges, colors, or ~~indicia~~ materials favoring or opposing the candidate for election or
15.21 nomination to a public office whether federal, state, county, or municipal, if the officer or
15.22 employee does not engage in such activities during working hours or to such an extent off
15.23 duty that the officer's or employee's efficiency during working hours is impaired or that
15.24 tardiness or absence from work without notice or permitted leave results.

15.25 Nothing in this section shall be construed to prohibit or prevent any such officer or
15.26 employee from becoming or continuing to be a member of a political club or organization
15.27 or from attendance at political meetings or from enjoying entire freedom from all interference
15.28 in casting a vote or from seeking or accepting election or appointment to public office.

15.29 Sec. 19. Minnesota Statutes 2016, section 383C.051, is amended to read:

15.30 **383C.051 DISCIPLINE LISTED IN THIS SECTION REQUIRES CAUSE.**

15.31 (a) No person in the classified service who shall have been permanently appointed or
15.32 inducted into the classified service under provisions of sections 383C.03 to 383C.059 shall

be removed, suspended, demoted or discharged except for cause ~~which will promote the efficiency of the service and not for political or religious reasons and only upon the written accusation of the appointing power or any citizen or taxpayer. A written statement of such accusation shall be served upon the accused, and a duplicate filed with the county civil service commission.~~ Any person so removed, suspended, demoted, or discharged, may appeal to the county civil service commission within ten days from the time written notification of the removal, suspension, demotion or discharge, ~~file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation.~~ The investigation appeal shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for ~~political or religious reasons or was or was not made for just cause.~~ After such ~~investigation~~ hearing, the commission may, ~~if in its estimation the evidence is sufficient,~~ affirm or reverse the removal, or if it shall find that the removal, suspension, or demotion was made ~~for political or religious reasons, or was not made for just cause,~~ shall order the immediate ~~reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, 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 time of such removal, suspension, demotion or discharge.~~ The commission upon such investigation, ~~in lieu of affirming the removal, suspension, demotion or discharge may place such employee on the reemployment list for service in the same or lower classification in a different branch of the service when a vacancy may occur~~ action being appealed.

(b) ~~All investigations made~~ appeals heard by the commission pursuant to the provisions of this section shall be by public hearing, in accordance with section 13D.01. After reasonable notice to the ~~accused~~ appellant of the time and place of such hearing, ~~at which hearing the accused appellant shall be afforded an the opportunity of appearing to appear and present the basis for the appeal in person, and presenting a defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom.~~ Either the appellant or the human resources director may appeal the commission's decision to the district court where the issue shall be heard de novo and determined in the same manner as a court case. The district court shall ~~thereupon proceed to hear and determine such the~~ appeal in a summary manner, provided, however, that such hearing shall be confined to the determination of whether the ~~judgment or order of removal, discharge, demotion or suspension made by~~ decision of the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such grounds ~~or ground.~~

17.1 Sec. 20. Minnesota Statutes 2016, section 383C.055, is amended to read:

17.2 **383C.055 PENALTY.**

17.3 Any person who willfully or through culpable negligence violates any ~~of provisions~~
17.4 provision of sections 383C.03 to 383C.059, or of the rules of the county civil service
17.5 commission, shall be guilty of a ~~gross~~ misdemeanor. Conviction of same shall render the
17.6 public office or position held by such person vacant.

17.7 Sec. 21. Minnesota Statutes 2016, section 383C.056, is amended to read:

17.8 **383C.056 INCONSISTENT ACTS REPEALED.**

17.9 All acts and parts of acts inconsistent with sections 383C.03 to 383C.059 are hereby
17.10 repealed to the extent necessary to give effect to the provisions of sections 383C.03 to
17.11 383C.059, ~~any provision of Laws 1931, chapter 347, to the contrary notwithstanding.~~

17.12 Sec. 22. **REPEALER.**

17.13 Minnesota Statutes 2016, sections 383C.036; 383C.047; 383C.049; 383C.052; 383C.053;
17.14 and 383C.059, are repealed.

383C.036 CLASSIFICATIONS; EXAMINATIONS.

Subdivision 1. **Classified service.** All regular employees holding positions which are placed in the classified service under the provisions of sections 383C.03 to 383C.059 shall be permanent members of the classified service without examination or working test period if they have been in the employ of the county for five consecutive years or more, immediately previous to December 31, 1943, or when a regular employee has been transferred from the unclassified service to the classified service and has been in the employ of the county for five consecutive years or more, immediately previous to said transfer from the unclassified service to the classified service, and all employees who have been appointed through merit examinations administered under authority of Laws 1941, chapter 476, section 5, and who have not since been separated from the service shall also be permanent members of the classified service without further examination or working test period, except that any employee who has not completed a working test period as provided under the rules of the merit plan, shall be on probation for that period of time of service otherwise necessary to complete the working test period under the merit plan. All other employees shall not be members of such classified service until such time as they shall have been appointed to such position in accordance with the provisions of sections 383C.03 to 383C.059. The civil service director subject to rules and regulations of the county civil service commission shall within two years of the date the board of county commissioners of such county elects to avail itself of the provisions of sections 383C.03 to 383C.059, prepare and offer once to all persons who, on the date the board of county commissioners of such county elects to avail itself of the provisions of sections 383C.03 to 383C.059, are incumbents of positions in the classified service with less than five years of service, a qualifying examination that is designed to test fitness to perform the work of the class to which the position has been allocated. No person holding an office for employment in the classified service previous to December 31, 1943, who is required by sections 383C.03 to 383C.059 to take a qualifying examination shall be laid off, suspended, discharged or reduced in pay or position, except in accordance with the provisions of sections 383C.03 to 383C.059 applicable to members of the classified service having permanent status until they have completed such qualifying examination and shall have been notified of the results thereof. If such incumbents pass such qualifying examination, they shall become permanent members of the classified service. If, however, any of the aforementioned incumbents who are required by sections 383C.03 to 383C.059 to take a qualifying examination shall fail to pass the same, they shall be removed from their positions at or before the expiration of three months following receipt of notice of failure to pass such examination. All persons who shall willfully fail or refuse to take the examination when offered without reasonable excuse, shall be removed from their positions immediately.

Subd. 2. **Education employees.** All regular employees of the county board of education on the effective date of Laws 1961, chapter 329, section 2, holding a position which is placed in the classified service under the provisions of sections 383C.03 to 383C.059 shall be subject to and have the benefit of all provisions of subdivision 1 of this section in like manner as all county employees subject thereto on the effective date of Laws 1941, chapter 423, were subject thereto and had the benefit thereof.

383C.047 CIVIL ACTIONS.

It shall be the duty of the county civil service commission to begin and conduct all civil suits for the proper enforcement of sections 383C.03 to 383C.059 and of the rules of the commission and to defend all civil suits which shall be brought against the commission. The commission shall be represented in such suits by the county attorney or by special counsel provided by the board of county commissioners. Any taxpayer of the county may maintain an action in the district court to recover for the treasury any sums paid contrary to the provisions of sections 383C.03 to 383C.059 or the rules of the county civil service commission from the person or persons authorizing such payment or to enjoin the person or persons from making such payment or to enjoin the civil service director from attaching a certificate to a payroll in violation of the provisions of sections 383C.03 to 383C.059.

383C.049 PROHIBITING OBSTRUCTING PERSONS FROM TAKING TESTS.

No person shall deceive or obstruct any person in respect to the right of test under the provisions of sections 383C.03 to 383C.059 or falsely mark, grade, estimate or report upon the test or standing of any person tested 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 county civil service commission for the purpose of improving the applicant's chances or prospects

for appointment. No person shall solicit, orally or by letter, and no public officer or employee shall receive or be in any manner concerned in the receiving or soliciting of any money or valuable thing from any officer or employee holding a position in the classified service for any political party or purpose whatsoever. No person shall use or promise to use personal influence or official authority to secure any appointment or prospect of appointment to any position classified under sections 383C.03 to 383C.059 as a regard or return for personal or partisan political service. No public officer or employee shall by means of threats or coercion induce or attempt to induce any person holding position in the classified service to resign the position or to take a leave of absence from duty or to waive any right under sections 383C.03 to 383C.059. A resignation executed previous to appointment shall be of no effect.

383C.052 ANNUAL REPORT.

The county civil service commission shall investigate and report annually to the board of county commissioners concerning the administrative needs of the service, the personnel and positions in the service, and the compensation provided therefor, the examinations held by the commission, the appointments made, service ratings and removal in the civil service, the operation of the rules of the commission, and recommendations for promoting efficiency and economy in the service, with details of expenditures and progress of work. The board of county commissioners may require a report from said commission at any time respecting any matter within the scope of its duties hereunder.

383C.053 OFFICE IN COUNTY SEAT.

Office accommodations for the county civil service commission shall be provided at the county seat. All compensation, salaries and other expenses of the county civil service commission and employees thereof shall be paid out of the county revenue fund within the amount appropriated by the board of county commissioners, which amount shall not be less than \$10,000 annually except that during the first two years any county elects to avail itself of the provisions of sections 383C.03 to 383C.059, said amount shall be \$15,000 annually, unless a smaller appropriation is requested by the civil service commission.

383C.059 TRANSFER OF EMPLOYEES.

When practicable and with due regard to similarity of standards, rules and regulations, the commission may enter into arrangements with suitable agencies in other local, state or federal jurisdictions, or with any other local nonprofit voluntary nursing agency which has coordinated its services heretofore for any period of time with the St. Louis County Community Health Board as defined in section 145A.02, subdivision 5, for the purpose of exchanging services or effecting transfers of employees or eligibles for appointment to positions under the civil defense department, local social services agency, and the community health board of St. Louis County, and any other board of said county that may be created by law.