

CHAPTER 62—S. F. No. 111.

An act to legalize bonds issued or voted by villages for the purpose of funding their floating indebtedness.

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

Section 1. **Certain bonds issued for refunding floating indebtedness legalized.**—That where the electors of any village in this state have at any election, general or special, held therein, voted for an issuance of bonds of such village for the purpose of funding its floating indebtedness, then in every such case the bonds of such village which have been so voted and issued, or that shall hereafter be issued in pursuance of such election are hereby declared to be legal, valid and binding obligations of such village; provided, however, that the question of funding such indebtedness has been submitted to a vote of the qualified electors of such village in the manner as provided by law in chapter 10, General Statutes of Minnesota 1913 and acts amendatory thereof and a majority of such electors voted in favor thereof.

Sec. 2. **\$7,500 issue authorized.**—That such bonds may be issued in any sum not exceeding seventy-five hundred dollars (\$7,500.00) anything in the charter of said village or in any law of this state which may prohibit the issuing of any bonds in excess of any specific percentage of the taxable property in such village, to the contrary notwithstanding.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1917.

CHAPTER 63—S. F. No. 124.

An act to amend Chapter 105 of the Laws of 1913, being an act to improve the public service to create a civil service commission and define its powers and duties, in each city of the first class not organized under Section 36, Article 4, of the State Constitution.

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

Section 1. **Civil service commissioners of Minneapolis to be appointed by mayor with approval of a majority of council and to receive salaries of \$1,000 per annum each. Mayor to file names of persons whom he proposed to appoint.**—That chapter 105 of the General Laws of 1913 be and the same is hereby amended so as to read as follows:

“Section 1. In every city of the first class not organized under section 36, article 4, of the State Constitution, there shall be a civil service commission (hereinafter called the commission) of three commissioners, who shall be citizens of the state and residents of the city, and for this service each commissioner

shall receive one thousand (\$1,000) dollars per annum as compensation, payable in equal monthly installments. No commissioner shall at the time of his appointment or while serving hold any other office or employment under the city, the United States, the State of Minnesota, or any public corporation or political division thereof, other than the office of notary public. The mayor shall with the consent and approval of the council or governing body of any such city expressed by a majority vote thereof appoint, as commissioners persons known to favor the principle of merit and efficiency in the public service. The terms of those first appointed, to be designated in orders of appointment, shall expire, one on the first day of February in the odd numbered year next following the year of the appointment, one on the first day of February next following the first; and one on the first day of February next following the second, and thereafter the appointment shall be for three years to fill expired terms, and in case of vacancy occurring otherwise, the appointment shall be for the unexpired term. In case of cities existing at the time of the passage of this act, the first appointment shall be made on or before the first day of July, 1913.

Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk an oath for the faithful discharge of his duties. Thirty days prior to the appointment of a commissioner the mayor shall file with the city clerk, the name of the person whom he proposes to so appoint. The commissioners shall continue in office until their successors are appointed and have duly qualified.

Sec. 2. Civil service fund authorized.—The city council shall set apart on the first Monday in January of each year, in the city treasury, a sum not less than twenty-five (25) dollars for each thousand of the population of the city, according to the next preceding state or national census, to be known as the civil service fund and to be used only for the purposes of this act. Unexpended balances at the end of the year shall revert to the current expense fund of the city. To provide such fund, the city council shall levy a sufficient annual tax upon all the taxable property of the city, real and personal, in addition to all other taxes authorized by law. Warrants on the fund shall be drawn by order of the commission and signed by its president or vice-president and secretary and countersigned by the city comptroller. The commission shall audit its own bills and pay-rolls. The city council of any existing city shall provide like funds for the year 1917 by temporary interest bearing loans, if necessary, and add the amount thereof to the next annual tax levy.

Sec. 3. Commission to meet on first Monday after the first day of July for organization and all employees to be in classified service.—The commission shall first meet immediately after

its appointment, at the time to be fixed by the mayor, and on the first Monday after the first day of *July* each year thereafter, and at each said meeting elect a president and vice-president to serve until their successors are elected. The commission at said meeting, or as soon thereafter as practicable, shall select a secretary, who shall keep the records and files of the commission and who shall be ex officio the chief examiner, and appoint other necessary employes, and fix their compensation. The commission shall from time to time fix the times of its meetings, and adopt, amend and alter rules for its procedure. *All employes of the commission shall be in the classified service.*

Sec. 4. Powers of commission to extend only to classified service.—The powers of the commission shall extend only to the classified service, which shall embrace the entire service of the city except the following officers and employes, which shall be known as the “unclassified service,” namely:

Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the city engineer; the chief health officer; the superintendent of police; the city assessor; superintendents, principals, supervisors of teachers and teachers in the public schools, the city attorney, the attorney of the park board; the librarian and assistants of the public library; the superintendent of parks; a landscape architect, a chief of park police, and the mayor’s private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this act.

Sec. 5. “Employee” designated.—The term “employee,” as used in this act, shall include every officer, agent, employe and other person in the classified service of the city.

Sec. 6. Listing, grading and classifying of employees.—Immediately after the appointment and organization of the commission, all employes of the city of every nature excepting those in the unclassified service, shall be listed, graded and classified, and a service register prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment, and such other facts and data as to each employe as the commission may deem useful. To enable the commission to make such service register, the mayor, city council, each board and commission and each appointing or employing officer shall prepare and furnish to the commission complete lists of all employes in the classified service, containing the names and data aforesaid and such other information as the commission may call for.

Sec. 7. Commission to make, alter and change rules—appointment of non-skilled laborers without examination—street

commissioners to be selected from wards in which they reside.—The commission shall, immediately after its appointment and from time to time thereafter, make, amend, alter and change rules, to promote efficiency in the city service and to carry out the purposes of this chapter. The rules shall provide, among other things, for:

a. The classification of all offices, positions and employments in the classified service.

b. Public competitive examinations to test the relative fitness of applicants.

c. Public advertisement of all examinations at least ten days in advance in *two* newspapers of the city of general circulation, one of which shall be the official newspaper, and posting such advertisement a like time in a conspicuous place in the city hall.

d. The creation of lists of eligible candidates after successful examination, in the order of their standing in the examination, and without reference to time of examination. Such lists shall be embraced in an eligible register. The commission may by rule provide for striking any name from the eligible register after it has been two years thereon.

e. The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any wilful misrepresentation, deception or fraud in connection with the examination or in connection with their applicants for place.

f. The certification of the name standing highest on the appropriate list to fill any vacancy.

g. Temporary employment without examination, but with the consent in each case of the commission, in cases of emergency and pending appointment from the eligible list; but no such temporary employment shall continue longer than sixty days, nor shall successive temporary employments be permitted for the same position.

h. Transfer from one position to a similar position in the same class or grade and for reinstatement of persons who, without fault or delinquency, are separated from the service or reduced.

i. Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority. Promotion shall be deemed, among other things, to include increase in salary, and the rules shall be framed to encourage the filling of vacancies by promotion rather than otherwise.

j. Suspension, with or without pay, for not longer than *ninety* days, and for leave of absence, with or without pay.

k. Appointment of unskilled laborers in the order of priority of application *without examination* except such tests of physical fitness as the commission may prescribe. *Such certification shall be so far as practicable, for each ward of said city. Selection of street commissioners for each ward shall be made from the residents thereof only.*

1. Removing names from the service register upon termination of service. The commission shall adopt such other rules not inconsistent with the provisions of this act, as may from time to time be found necessary to secure the purposes of this act.

Sec. 8. Commission to give notice of change of rules.— Before the adoption, amendment or repeal of any rule, the commission shall give notice of consideration thereof by publishing and posting a brief notice, as required in section 7, stating the subject of the rule or rules to be acted on.

Sec. 9. Second register to be kept.—The commission shall keep a second register, to be known as an application register, in which shall be entered the names and addresses and order and date of application of all applicants for examination, and the offices or employments they seek. All applications shall be upon forms prescribed by the commission.

Sec. 10. Mayor to be notified of service register and rules.— As soon as the commission has organized and made up the service register and adopted rules, as herein provided, it shall notify the mayor, the city council, the several boards and commissions, and each appointing officer of the city, and thereafter no office, position or employment shall be filled in the classified service except from names certified by the commission and in accordance with the provisions of this act.

Sec. 11. Officers or employees not to be removed after six months except for cause—investigation of charges.—No officer or employee after six months continuous employment shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said civil service commission or by or before some officer or board appointed by said commission to conduct such investigation. The finding and decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding ninety days for purposes of discipline. In the course of an investigation of charges, each member of the commission and of any board so appointed by it or any officer so appointed shall have the power to administer oaths and shall have power to se-

cure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

Sec. 12. Duties of each office to be ascertained and grade established.—The commission shall ascertain the duties of each office, position and employment in the classified service, and designate by rule as well as may be practicable, the grade of each office, employment or position. Each grade shall comprise those offices, employments and positions having substantially similar duties. The commission shall by rule indicate the lines of promotion from each lower to higher grade wherever the experience derived in the lower tends to qualify for the higher. The commission shall prescribe standards of efficiency for each office, position and employment and for each grade, and adapt its examinations thereto. The commission shall make and keep a record of relative efficiency of each employe in the classified service other than unskilled laborers, and shall provide by rule methods for ascertaining and verifying the fact from which such records of relative efficiency shall be made.

Sec. 13. Conduct of examinations.—All examinations shall be impartial, fair and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust shall be specially examined as to moral character, sobriety and integrity, and all applicants for positions requiring special experience, skill or faithfulness shall be specially examined in respect to those qualities. Where written answers are required from applicants for positions calling for expert knowledge, the rules may provide for examination of the answers and the comparative ranking of the various applicants, without a disclosure of the names of the applicants to the examiners. The commission may furnish to the chief examiner such assistance as may be necessary. It shall be the duty of every employe of the city to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission, collectively or individually, may act as examiners or assistant examiners.

Sec. 14. Notice of examination.—Notice of the time, place and scope of each examination shall be given by publication and posting, as specified in section 7, and by mailing to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible, after giving credit for character and previous successful experience, shall be entered, with their addresses and percentages, in appropriate lists

of the eligible register. No name shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination.

Sec. 15. Filling of vacancies.—When a vacancy is to be filled in the classified service, the mayor, city council, board, commission or employing officer, shall notify the commission, and the commission shall certify the highest name from the appropriate list of the eligible register, except in the case of unskilled labor, and then shall certify the name first in time on the list. All vacancies shall be filled from the names so certified, and the commission shall be immediately notified of the employment and of the compensation to be paid. The names selected shall be stricken from the eligible register and transferred to the service register. All changes in grade, title or compensation shall be likewise reported.

Sec. 16. Filling of certain positions without examination.—In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, the commission, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of some person of recognized attainments, without examination, and after hearing in an open, regular meeting of the commission and by the affirmative vote of all three members, may suspend competition; but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual reports of the commission.

Sec. 17. Restrictions on city comptroller in payment of salaries.—After the receipt by the city comptroller of the pay roll, he shall not approve the payment of any salary, wages or compensation for any office or employment in the classified service, nor countersign any warrant therefor, unless the name of the person claiming the same appears upon the service register for the time for which such salary, wages or compensation is claimed, nor at any higher rate than shown on such register; and if the city comptroller shall wilfully or negligently approve any payment or countersign any warrant in violation of this section, he and the sureties on his bond shall be liable to the city for the amount thereof and action may be brought therefor by any tax payer for the use of the city without making previous request to the city to sue.

Sec. 18. Commission to make a report on or before January 30 of each year.—The commission shall in each year, on or before the 30th day of January, make to the mayor and city council a report, showing as fully as may be the acts and disbursements of the commission for the preceding calendar year; the rules in force at the beginning of such year and changes

made during the year; the practical effect and working of the rules and of this act; the results of the efforts to standardize services and compensation and the departures therefrom; together with such recommendations as the commission may see fit to make, to promote the efficiency and integrity of the public service. The commission shall furnish a suitable number of copies of such report to the mayor, the city council and each board and commission and each employing officer of the city.

Sec. 19. Investigation by commission or individual commissioner and trial of accused.—The commission shall from time to time investigate the enforcement of this act and of the rules made under it; the action of all examiners; the duties of all departments and of all employes of the city; the efficiency of the service, and such other matters as come within the scope of this act. In the course of such investigations each commissioner shall have power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. Any person who shall wilfully testify falsely shall be guilty of perjury and any person who shall refuse to obey the lawful subpoenas or directions of the commission or any commissioner in any such investigation shall be guilty of a misdemeanor. Any member of the commission shall have power of his own motion to file written charges against any employe in the classified service, and thereupon the commission shall try the charges, after not less than ten days written notice to the person accused, in the manner and with the powers prescribed in this section; but in such case the complaining commissioner shall not sit. If found guilty of breach of duty, such employe may be removed by the commission and his name be stricken from the service register. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of the court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent or employe of the city who receives compensation for his services, shall not be entitled to fees or mileage.

Sec. 20. False answers or statements cause for forfeiture of right to be entered upon eligible register.—Any applicant for an office or employment in the classified service, who shall knowingly make any false answer or statement upon any examination in regard to any material matter upon which he is examined, shall thereby forfeit his right to be entered upon the eligible register, and, in case he has been appointed to any office or

employment, shall forfeit the same and shall not within three years thereafter be eligible to any office or employment in the unclassified service of the city, nor shall he during such time be entitled to any of the examinations of the commission.

Sec. 21. Giving or taking of money or service for position a misdemeanor.—Any applicant for examination or for appointment to the classified service, who shall, either directly or indirectly, give, render or pay or promote to give, render or pay any money, service or other thing to any person for or on account of or in connection with his examination, appointment or proposed appointment, or who shall ask for or receive any recommendation or assistance from any person in the classified or unclassified service of the city, except a statement of his previous service and the character thereof, if any, to the city, as a subordinate under such officer or employe shall be guilty of a misdemeanor.

Sec. 22. Assessments prohibited.—Any officer or employe in the classified service of the city, who shall in any manner directly or indirectly solicit or receive or pay or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any party or political purpose, shall be guilty of a misdemeanor.

Sec. 23. Payment of additional dues or assessments during a political campaign declared a violation.—Any person who shall solicit or receive, directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution or payment for any political purpose whatever, from any officer or employe in the classified service of the city, shall be guilty of a misdemeanor. *Provided that sections 22 and 23 hereof shall not apply to the solicitation payment or receipt of regular and fixed dues by or from a member of an established organization, but the solicitation, payment or receipt of additional dues or assessments during a political campaign shall be construed to be a violation of this act.*

Sec. 24. Action of superior officers or employes declared a misdemeanor in certain cases.—Any officer or employe in the classified or unclassified service of the city who shall discharge, promote or reduce in rank or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten so to do, for giving or withholding or neglecting to make any service or contribution of money or other valuable thing for any party or political purpose, shall be guilty of a misdemeanor.

Approved March 12, 1917.