

CHAPTER 254—H. F. No. 1461

An act relating to the suspension, demotion and discharge of state employes employed and designated pursuant to Laws 1929, Chapter 355, and acts amendatory thereof.

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

Section 1. State patrolman may be discharged when.—Every person employed and designated as a state highway patrolman under and pursuant to the provisions of Laws 1929, Chapter 355, and acts amendatory thereof, after six months of continuous employment, shall continue in service and hold his position without demotion, until suspended, demoted or discharged in the manner hereinafter provided for one or more of the causes specified in section 2 hereof.

Sec. 2. Causes.—Causes for suspension, demotion or discharge shall be:

(1) Conviction of any criminal offense in any court of competent jurisdiction subsequent to the commencement of such employment.

(2) Neglect of duty or wilful violation or disobedience of orders or rules.

(3) Inefficiency in performing duties.

(4) Immoral conduct or conduct injurious to the public welfare, or conduct unbecoming an officer.

(5) Incapacity or partial incapacity affecting his normal ability to perform his official duties.

Sec. 3. Charges to be made in writing.—The charge or charges against any such state employe shall be made in writing and shall be signed and sworn to by the person making the same, which written charge or charges shall be filed with the commissioner of highways. Upon the filing of same, if the commissioner shall be of the opinion that such charge or charges constitute a ground for suspension, demotion or discharge, he shall order a hearing to be had thereon, and fix a time for such hearing. Otherwise, he shall dismiss such charge or charges. At least ten days before the time appointed for the said hearing, written notice specifying the charge or charges filed and stating the name of the person making the charge or charges shall be served on said employe personally or by leaving a copy thereof at the usual place of abode of such employe, with some person of suitable age and discretion, then residing therein. If the said commissioner of highways orders a hearing, he may suspend such employe pending his decision to be made after such hearing.

Sec. 4. Commissioner may compel attendance of witnesses.—The commissioner of highways shall have power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers and other evidence at any such hearing and for that purpose may issue subpoenas and cause the same to be served and executed in any part of the state. The employe accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf, and shall be entitled to be represented by counsel at such hearing. The commissioner of highways within 25 days after such hearing shall render his decision in writing and file the same in his office. If after such hearing he finds that any such charge made against such state employe is true, he may punish the offending party by reprimand, suspension without pay, demotion or dismissal.

Sec. 5. Right of appeal.—Any such state employe who is so suspended, demoted or dismissed may have such decision or determination of the commissioner of highways reviewed by a writ of certiorari in the district court of the county where such state employe resides. If such decision or determination of the commissioner of highways shall be finally rejected or modified by the court, the said state employe shall be reinstated in his position and the commissioner of highways shall pay to the said state employe so suspended out of the funds of the state any salary or wages withheld from him pending the determination of the charge or charges or as may be directed by the court. If upon any such hearing the said commissioner of highways shall find the charge or charges made against such state employe are not true or shall dismiss such charges after such hearing, the said state employe shall be reinstated in his position and any salary or wages withheld from such state employe pending the determination or decision of the commissioner upon such charges shall be paid to the said state employe by the commissioner of highways out of state funds.

Sec. 6. Application of act.—This act shall apply to all persons employed and designated under and pursuant to Laws 1929, Chapter 355, and acts amendatory thereof, except the chief supervisor of the state highway patrol.

Approved April 24, 1935.