

law; to require of all officers, agencies, and employees of the state or of any town, city, village, school district or county, such information and reports and the production of such records as are deemed advisable; to employ such stenographic, clerical, or other assistance as it deems advisable; to spend such sums as may be necessary out of funds appropriated to it for the purpose of such investigation.

Sec. 2. Members to receive necessary expenses.—The members of such committee shall be paid necessary expenses only from the funds hereby appropriated by filing with the state auditor a statement showing such expenses, which, with claims for other expenses incurred by the committee, shall not exceed the amount herein provided. The state auditor shall audit such claims and issue his warrant upon the state treasurer for the amount of such audit.

Sec. 3. Appropriation.—The sum of \$5,000 or so much thereof as may be necessary is hereby appropriated to such committee for the purposes of this act, out of any funds in the state treasury not otherwise appropriated.

Approved April 28, 1941.

CHAPTER 533—S. F. No. 502

An act relating to the state civil service, amending Laws 1939, Chapter 441, Sections 9, 10, 22 and 26.

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

Section 1. Law amended.—Laws 1939, Chapter 441, Section 9, is hereby amended to read as follows:

“Sec. 9. Division of service.—The civil service of the state of Minnesota is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

- a. chosen by election or appointed to fill an elective office;
- b. heads of departments required by law to be appointed by the governor or other elective officers and the executive or administrative heads of departments, divisions and institutions specifically established by law, except that with respect

to state institutions, the provisions of Mason's Minnesota Statutes of 1927, Section 4405, are hereby continued in effect; *provided, this subsection shall not apply to heads of divisions now existing in the department of labor and industry.*

c. except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk or employee to the secretary of state, state auditor and state treasurer;

d. all deputy registrars of motor vehicles, *and seasonal help employed by the registrar and his deputies to assist in the issuance of motor vehicle licenses;*

e. one executive secretary and five other confidential employes in the office of the governor, and one confidential employee for the governor in the office of the adjutant general;

f. officers and employees of the senate and house of representatives of the legislature;

g. teachers, research assistants, student employees on less than half-time pay basis, presidents, deans, and administrative officers in the teachers' colleges; but this subdivision shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing duties in connection with the business administration of such institutions;

h. officers and enlisted men in the national guard and the naval militia;

i. election officers;

j. persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

k. persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

l. deputy attorneys general, assistant attorneys general, legal assistants, examiners, three confidential employees, and special counsel to state departments appointed by the attorney general or employed with his authorization;

m. all courts and all employees thereof, referees, receivers, jurors and notaries public, except referees and adjusters employed by the industrial commission;

n. patient and inmate help in state charitable, penal and correctional institutions;

o. state highway patrolmen now operating under the provisions of the 1938 Supplement to Mason's Minnesota Statutes of 1927, sections 2554 $\frac{1}{2}$, 2554 $\frac{1}{2}$ a, 2554 $\frac{1}{2}$ b, 2554 $\frac{1}{2}$ c, 2554 $\frac{1}{2}$ d and 2554 $\frac{1}{2}$ e; providing, however, that with respect to the method of selection and appointment only, all state highway patrolmen who shall be appointed subsequent to the effective date of this act shall be selected and appointed in accordance with the provisions hereof relating to the classified service, but in all other respects the provisions of this act shall not apply to state highway patrolmen.

(2) *All positions involving unskilled labor shall constitute a labor service: The civil service board shall designate the class or classes of positions which shall comprise the labor service and shall create rules for that service designed to expedite and make more economical the personnel processes in such service. Such rules shall provide, among other things, for: (a) certification of the entire list of eligibles, which list may be supplemented by eligibles certified by any appointing authority, to appointing authorities from which selection and appointment to positions in the labor service may be made without limitation; (b) layoff and reemployment of employees within the discretion of the appointing authority without recourse and without regard to factors considered in similar transactions in classified positions in other than the labor service; (c) simplified and expedient procedures of effecting and reporting personnel transactions concerning employees in the labor service; (d) temporary demotion and promotion of employees in the labor service as the needs of the service may require; (e) control, in the labor service, of leaves of absence with and without pay, sick leave and hours of employment by the appointing authority; provided that any proposed deviation from the rules on these subjects governing the classified service other than the labor service shall be subject to the approval of the civil service board; (f) appointments of special labor, under project or other unusual employment circumstances, to positions in the labor service; without regard to existing reinstatement, reemployment, and original entrance lists, for such periods of time as the needs of the service may require as approved by the civil service board; (g) certification as to physical fitness of eligibles by persons having knowledge of the facts. Any such appointments which shall be for a total period of not to exceed five months in any calendar year may be made by the appointing authority not subject to other approval, providing payroll notice of such*

employment is regularly made to the department of civil service.

(3) The classified service, shall include the labor service and shall consist of all positions now existing or hereafter created and not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as practicable shall be competitive. No person shall be appointed, transferred, promoted, reduced or discharged as an officer, clerk, employee, or laborer in the classified service in any manner or by any means other than those prescribed in this act and the rules adopted in accordance therewith.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of this act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate registers of eligibles maintained by the department of civil service.

(5) *The state civil service act shall not be deemed to have been heretofore or hereafter applied to the Regents of the University of Minnesota, nor to persons, institutions or employees under their control.*

Sec. 2. Law amended.—Laws 1939, Chapter 441, Section 10, Subsection (1), is hereby amended to read as follows:

“Sec. 10. **Persons with five years service to hold over.**—(1) All persons holding offices or employments in the classified service on the effective date of this act who have been employed by the state, which employment need not be continuous, for a total of five years or more prior to the effective date of this act; and persons holding offices or employments in the Minnesota State Employment Service (a division of the Industrial Commission, not however including the employees of the Unemployment Compensation division) who have taken and passed a civil service examination conducted by the United States Employment Service, and who are employed by the state on the effective date of this act, shall automatically receive a civil service status without examination and shall be subject to and protected by the provisions of this act, but shall first be subject to the following: (a) the general classification directed to be made by section 12 of this act; and, (b) the six months' probationary period provided by section 21 of this act. The probationary period in the case of persons holding offices or employments covered by this section shall

begin to run on the effective date of this act. The words "employed by the state" as used in this subsection shall include persons employed by joint federal and state agencies administering state and federal relief funds; and persons employed by the commissioner of banks in the liquidation of closed banks under the provisions of Mason's Supplement 1940, Section 7689, with the exception of deputy bank examiners, the supervisor and the special attorney provided, however, that any status which may accrue under this section to employees of the Liquidation Unit of the Banking Department shall be limited to statewide reinstatement or reemployment status as defined in this act and the rules made thereunder."

Sec. 3. Law amended.—Privileges of certain incumbents.—Laws 1939, Chapter 441, Section 10, is hereby amended to add two new subsections to read as follows:

"(6) Incumbents of positions placed in the classified service by amendments to the state civil service act shall take such status as would have accrued to them had such amendments been originally contained in this act.

(7) The rights, privileges and obligations concerning qualifying examinations as defined in subsection (2) of this section shall be extended to all persons holding offices or employment in the classified service on June 1, 1941, who have been continuously employed by the state for six months or more prior to said date and who do not have a probationary or non-probationary civil service status, and who are not subject to qualifying examinations under subsection (2) of this section. The additional qualifying examinations prescribed by this section shall be administered before January 1, 1942, and the probationary period shall be applicable to such persons from the date they are certified as having passed the qualifying examination."

Sec. 4. Law amended.—Laws 1939, Chapter 441, Section 22, is hereby amended to read as follows:

"Sec. 22. Transfers. — (1) Transfers in the classified service may be made from a position in one grade and class to a position in another grade and class when the duties and compensation are similar and when such action is specifically approved by the director of the civil service.

(2) Any person holding a permanent position in the classified service of this state may be granted a leave of absence on the grounds of sickness, disability or other good and sufficient reason; provided, however, that no leave *except military*

leave and leave to accept an appointive position in the state unclassified service shall exceed one year, except as provided in subsection (4) of this section.

(3) *Leave of absence shall be granted to an officer or employee holding a position in the classified service to enable such person to take an appointive position in the state unclassified service. Persons having accepted or accepting appointive positions in the unclassified service shall upon the termination thereof be restored to the status and position which they last held at any time within one year after the termination of their appointment in the unclassified service upon application therefor to the director of civil service..*

(4) Any person who has held a position by permanent appointment in the classified service under the civil service law and rules and who has been separated from the service without any delinquency or misconduct on his part or who has been granted a leave of absence under subsection (2) of this section, may be reinstated within one year from the date of such separation or within one year from the expiration of an approved leave of absence, to a position in the same or similar grade or class in the classified service, but such action shall be subject to the approval of the director of civil service."

Sec. 5. **Law amended.**—Laws 1939, Chapter 441, Section 26, subsection (1), is hereby amended to read as follows:

"Sec. 26. **Directors shall certify payrolls.**—(1) Neither the state auditor nor other fiscal officer of this state shall draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the state, nor shall the treasurer or other disbursing officer of the state pay any salary or compensation to any persons in the classified or unclassified service of the state, unless an estimate payroll or account for such salary or compensation containing the name of every person to be paid shall bear the certificate of the director of the civil service that the persons named in such estimate, payroll or account have been appointed, employed, reinstated or promoted and are performing service as required by law and the rules established hereunder and that the salary or compensation is within the salary or wage schedule fixed pursuant to law, *provided that this provision shall not apply to positions defined in subdivisions (a), (d), (f), (h), (i), (j), (k), (m), (n), and (o), of subsection 1 of section 9 of this act, nor to teachers, research assistants, student employees on less than half time pay basis, presidents, deans, and administrative officers in the teachers' colleges.*"

Sec. 6. **Director to make special rules.**—The director shall have power to make special rules and regulations for matters requiring conformance to federal law or regulations.

Approved April 28, 1941.

CHAPTER 534—S. F. No. 716

An act providing aid to certain school districts and appropriating money therefor.

WHEREAS, Laws 1939, Chapter 376, grants relief to certain school districts where certain lands therein were exempt from taxation, the title thereto having been acquired by the state in the operation of the rural credits system; and

WHEREAS, Certain school districts were entitled to relief under the provisions of said act and have made application therefor as in said act provided; and

WHEREAS, The funds made available for such relief were insufficient for the purposes aforesaid, now, therefore,

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

Section 1. **Appropriation for relief of school districts.**—The sum of \$75,000, or as much thereof as may be necessary, is hereby appropriated out of the general revenue fund for the relief of certain school districts of the counties hereinafter named and in the amounts not exceeding the following for the several counties named:

County	Amount
Becker	\$ 9,598.27
Beltrami	209.43
Clay	15,920.89
Dakota	5,677.95
Douglas	2,087.18
Jackson	372.10
Koochiching	159.49
Lincoln	36.51
McLeod	351.13
Marshall	8,305.87
Olmsted	670.53
Pennington	4,780.98
Ramsey	85.89