

CHAPTER 455—S. F. No. 1152

[Not Coded]

An act relating to the salary and classification system in all counties of this state now or hereafter having a population of 500,000 or more; fixing salaries and sums to be appropriated therefor; amending the title to and provisions of Laws 1945, Chapter 607.

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

Section 1. **Title amended.** The title to Laws 1945, Chapter 607, is amended to read as follows:

An act to establish a classification, salary *and tenure* system in all counties of this state now or hereafter having a population of 500,000 or more, creating a classification and salary commission therein; fixing salaries and sums to be appropriated and spent therefor, and suspending inconsistent laws.

Sec. 2. Laws 1945, Chapter 607, is amended to read as follows:

Section 1. **Classification and salary plan for Hennepin County.** In all counties of this state now or hereafter having a population of 500,000 or more, for the purpose of increasing the efficiency of the county departments and fixing the compensation of employees and the aggregate sum of money to be used for the employment of help therein, there is hereby established a classification, salary *and tenure* plan as herein set forth.

Sec. 2. **Commission.** *Subdivision 1.* There is hereby created in each such county a classification and salary commission, hereinafter designated "commission," of nine members who shall be the persons at any given time occupying the offices of judge of probate, county attorney, county auditor, county treasurer, clerk of district court, register of deeds, sheriff, county superintendent of schools, and chairman of the board of county commissioners.

Subd. 2. The commission shall meet not later than the first day in May, 1945, and annually thereafter at the call of the county auditor at which time it shall organize by selecting a chairman and such other officers as it shall deem advisable, and shall hold meetings from time to time during the year as it may determine. The commission may adopt and revise from time to time such administrative rules as may be necessary for the enforcement of this act and the carrying out

of this plan. The commission shall at all times see that the employees of the various departments of the county government are performing the duties of the positions they hold and for which they are paid. The commission may use the services of such employees in the various departments of the county as may be necessary to carry on its business without additional compensation to such employees. The county auditor shall be secretary of the commission and keep its records. The commission shall act only by a majority vote of its members.

Subd. 3. On or before May 1, 1945, and thereafter on or before January 1 of each year, each employing officer of the several departments of the county shall prepare a classified list of positions and salaries for his department and submit the same to the commission. The commission shall consider the same and approve, disapprove, or modify it, as it may deem for the best interest of the county and make its order or orders thereon effective for the year 1945 as of May 1 and annually thereafter as of January 1. The commission shall equalize both as to classification and salary the positions in the several departments. The commission may at any time alter or change either the classification or the salary of any position. Orders of the commission shall be signed by its chairman and attested by the county auditor.

Subd. 4. For the purpose of this act, the board of county commissioners shall be deemed the employing officer of the following named departments: county farm, public health nurses, book binder, county board clerical, and Torrens title. *The county attorney shall be the employing officer for the civil-legal departments. Each elective official shall be the employing officer for his department.*

Sec. 3. Unclassified service. *Subdivision 1. The unclassified service shall consist of the following persons, and as to them the other provisions of this act shall not apply:*

(a) Officers elected by public vote or persons appointed to fill vacancies in such offices.

(b) District court reporters, jurors, appraisers, administrators, executors, examiner of titles, deputy examiner of titles, and persons appointed by the district or probate court to conduct any inquiry or perform any special functions.

(c) Members of boards or commissions appointed by the board of county commissioners or other legal authority and

boards, commissions, county physician, and persons acting in an advisory or consulting capacity.

(d) Common labor.

(e) Road and bridge employees engaged in construction or maintenance including the highway engineering staff and road and bridge supervision.

Subd. 2. Common labor is hereby defined to mean employees doing work usually called "common labor" who are paid on an hourly basis and are not receiving more than \$1.00 per hour and employed for less than nine consecutive months in each year.

Subd. 3. This act and the power of the commission shall extend to all the employees of the following departments: county attorney, *civil-legal*, book binder, clerk of district court, coroner, county auditor, county farm, county surveyor, county board clerical, Torrens title examinations, court commissioner, probate court, public health nurses, register of deeds, registrar of titles, sheriff, *county* superintendent of schools, and county treasurer.

Subd. 4. The classified service shall consist of all positions now existing in the departments listed in *subdivision 3 of this section*, whether now established by law or by the board of county commissioners, and all positions hereinafter created by law or by the board of county commissioners and the commission jointly, as provided in Section 7 of this act.

Sec. 4. Authorization for salaries. There is hereby authorized to be expended annually, subject to the provisions of Section 5 for salaries for all help in each of the following departments of said county, including part-time, seasonal, or temporary employees, but excluding common labor, the sum set opposite the title of the department, as follows:

(a) County attorney	\$ 67,000
(b) County auditor	150,000
	<hr/>
(c) Clerk of district court.....	95,000
	<hr/>
(d) Coroner	18,200
	<hr/>
(e) Book binder	4,100
(f) Civil-legal	12,000
	<hr/>
(g) County farm	38,500
(h) Public health nurses.....	15,200

(i)	Torrens title examinations.....	2,400
(j)	Probate court	49,000
		<hr/>
(k)	Court commissioner	5,000
		<hr/>
(l)	Sheriff	217,500
(m)	County superintendent of schools.....	5,100
(n)	County surveyor	11,700
(o)	Register of deeds and registrar of titles..	127,000
		<hr/>
(p)	County treasurer	91,900
(q)	County board clerical.....	4,300
		<hr/>

Sec. 5. **Basis, cost of living index.** *The amounts set up in Section 4 of this act shall for all purposes be fixed as the basic salary allowances for the operation of the several departments of the county government listed in said section. These basic salary allowances shall be adjusted each year by the board of county commissioners in accordance with the procedure hereinafter stated. In determining the authorized amount to be expended for help for each department at the time the annual budget is prepared, for each full point that the cost of living index for the city of Minneapolis published by the Bureau of Labor Statistics of the United States Department of Labor, increases above the index figure 123.0, the authorized amount it may expend annually for help as provided in Section 4, in the ensuing year shall be increased by 1% of the total basic salary allowances set up in Section 4. For each full point of decline in the cost of living as shown by said index, the authorized amount shall in like manner be decreased, but not below the basic allowances set up in Section 4. In the event said cost of living index is not available for the month in which the budget is determined then the figures of the next preceding release of the index shall be used in determining the annual authorized amount to be expended for help in each department in the manner aforesaid. The sum so found shall be the total authorized amount for help in each department for the ensuing year, except as provided in Section 7.*

Sec. 6. **Deemed salaries fixed by law.** *The salaries fixed under the provisions of this act shall be deemed for all purposes salaries fixed by law. The commission is referred for its guidance to the report of the Interim Committee, which was created under resolution No. 12, House Concurrent Resolution No. 7; Session Laws 1943, to the 1945 Legislature and the*

exhibits attached thereto, as reported to the 1945 Session of the Legislature, and filed as indicated in the Journal of the House and Senate.

Sec. 7. Increase of amount authorized. *Subdivision 1.* In case any additional help is required in any department, or the exigencies of any department may so require, the commission and board of county commissioners shall meet jointly at the time of determining the county budget requirements for the ensuing year, and by three-fourths vote of the membership of both bodies meeting jointly, may increase the basic salary allowance for any department in any year; *provided, that any increases other than for additional help, shall not exceed 2% of the amount set up in Section 4 for any department in any one year.* By similar action the number of employees in any department and the authorized amount it may use for help in any year, may be reduced.

Subd. 2. In case of an emergency arising at any time after the adoption of the yearly budget, requiring additional help for any department, such help may be furnished in the manner provided for in *Subdivision 1* of this section, and the salaries for such help shall be paid out of any money in the county treasury not otherwise appropriated.

Subd. 3. Allowances for emergency help shall be made only for the remainder of the then current fiscal year. Any allowances for emergency help heretofore granted by the commission and board of county commissioners meeting jointly, shall terminate with the current fiscal year.

Subd. 4. The county auditor shall act as secretary of any such joint meeting and keep its records.

Subd. 5. In no event shall the aggregate compensation paid the employees in any department exceed the authorized amount allotted to said department in the manner aforesaid. When the compensation for any position is determined, or at any time altered, by any employing officer, and approved by the commission, such determination and approval shall be filed with the county auditor, and shall thereafter be the salary for such position.

Subd. 6. The elective head of any department may designate and appoint any person employed in his department as his deputy.

Sec. 8. Discharge or demotion of employees. *Subdivision 1.* Except as provided in *subdivision 2* of this section, persons once employed in the classified service of any of the several

departments shall continue in such employment without interruption for any cause, including the appointment or election of any new employing officer, until discharged, demoted in salary or position, or suspended in the manner hereinafter provided. Whenever the employing officer determines that any person employed in his department is not faithfully and efficiently performing the duties of his office to the best of his ability or up to the standards required of the position or is guilty of any of the offenses hereinafter designated, he may discharge or demote such person from such employment by giving him a notice of discharge or demotion in writing, stating specific charges, and filing a copy thereof with the commission. Such discharged or demoted employee may within ten days after receiving such notice appeal to the commission which shall grant a hearing thereon. The commission shall hear such appeal as soon as practicable upon ten days' notice to the employing officer and the employee of the time and place of such hearing. Unless the commission shall determine that the action of such officer is unreasonable or arbitrary, it shall sustain such official, otherwise it shall reverse the official and compel the reinstatement and retention of the employee. The action of such official or the commission shall not be reversed unless it be unreasonable or arbitrary, and the burden of proof shall be upon the employee. Any employee reinstated by the commission or other legal action shall be paid as though he had not been separated or demoted from such employment. An employing officer may suspend any employee for not more than thirty days in any one year for disciplinary purposes, which action shall not be subject to review. The following shall be cause for discharge:

(a) Conviction of any criminal offense involving moral turpitude;

(b) Neglect of duty, insubordination, wilful violation or disobedience of the rules of the employing officer or the commission;

(c) Inefficiency in performing duties;

(d) Determination on the part of the department head to permit the position to become or remain vacant. When it is determined that such position shall be re-filled, such discharged employee shall have the first right to be re-employed therein.

Subd. 2. There is hereby excepted from the tenure provisions of subdivision 1 of this section the persons occupying the following positions:

(a) *One chief deputy or principal assistant and one secretary for each of the offices of the county attorney, county auditor, clerk of district court, coroner, register of deeds and county treasurer;*

(b) *The clerk and court reporter of the probate court;*

(c) *The chief deputy, chief criminal deputy and secretary of the office of sheriff.*

Sec. 9. **Appropriations.** The board of county commissioners shall annually appropriate such sums of money as may be necessary to effectuate the purpose of this act and carry on the operations of the commission.

Sec. 10. **Annual statement by auditor; by commission.** *The county auditor shall prepare and file with the commission at its annual meeting in May, 1947, a full and complete statement of all changes in authorized salary expenditures allowed by the commission and board of county commissioners at joint meetings held pursuant to the provisions of Section 7, for the several departments from the inception of this act to and including April 30, 1946. The county auditor shall also prepare and file with the commission at said annual meeting in 1947, and each year thereafter, a like statement of all changes in authorized expenditures for the several departments during the preceding year.*

Sec. 11. This act insofar as it is applicable shall suspend the operation of all other laws regulating and providing for county employees and their compensation.

Approved April 22, 1947.

CHAPTER 456—H. F. No. 266

An act relating to powers and duties of town boards in certain towns; amending Minnesota Statutes 1945, Section 366.02.

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

Section 1. Minnesota Statutes 1945, Section 366.02, is amended to read as follows:

366.02. Powers and duties of town board in certain towns. This section shall apply only to those towns now or hereafter having a population, including the population of all villages