

CHAPTER 603—H. F. No. 1010

[Not Coded]

An act creating a commission on higher education and appropriating funds therefor.

Section 1. **Interim commission on higher education.** A commission is hereby created for the purpose of studying higher education and making a report to the commissioner of education.

Sec. 2. **Appointment; personnel.** The commission shall be appointed by the state commissioner of education, shall serve without compensation, and include representation from private liberal arts colleges, private and public junior colleges, the state teachers colleges, the state university, the state public school administrators and the state department of education.

Sec. 3. **Appropriation.** There is appropriated \$5,000 for each year of the biennium to the state department of education to defray the expense of stenographic, clerical and statistical help and the necessary supplies and printing.

Approved April 28, 1947.

Chapter 604—H. F. No. 1038

[Section 1 Coded as Section 43.015]

An act relating to the state civil service; amending Minnesota Statutes 1945, Section 43.12, Subdivision 3, 43.19, Subdivision 1, 43.22, Subdivision 3, and 43.24.

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

[43.015] **Additional definitions.** Section 1. For the purposes of the state civil service act, "position" means an office, position or employment, and "appointing authority" means the appointing officer or authority of any state office or department.

Sec. 2. Minnesota Statutes 1945, Section 43.12, Subdivision 3, is amended to read as follows:

43.12. **Director to classify employees.** Subd. 3. **Allocations.** (1) The director of the civil service shall allocate each position in the classified civil service to one of the grades and

classes within the classification, subject to an appeal *in writing* to the board by an employee or the appointing authority immediately affected at any time within 30 days following notice to him of his allocation, and thereafter all salary rates, schedules or compensation policies shall apply uniformly to all positions within each grade, in accordance with rules and regulations established by the civil service board.

(2) *When a position for which there is no existing classification is established, the appointing authority shall notify the director who shall allocate such new position to its appropriate class, provided, that in the allocation of a new position, or the reallocation of an existing position, the director shall follow the recommendation of the appointing authority unless or until such recommendation is found by the director to be inconsistent with established classifications.*

Sec. 3. Minnesota Statutes 1945, Section 43.19, Subdivision 1, is amended to read as follows:

43.19. Vacancies, how filled; promotions; salary increases; dismissal. Subdivision 1. **Vacancies filled by promotion.**

(1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the classified service, and, subject to such exceptions as the board may provide, from the lower class or group within the particular classification, and in accordance with section 43.18 and the rules of the board. *Except as provided in clause 2 of this subdivision, promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency, character, conduct, and seniority shall all constitute a factor.*

(2) *The director, with the approval of the board, may authorize the appointing authority of any state office or department to promote any employee in that office or department to a position of a higher grade or class requiring peculiar and exceptional qualifications of an administrative, scientific, professional, or expert character, following a non-competitive examination, which shall be practical and shall involve only the duties of the position.*

(3) *The director shall give the non-competitive examinations provided for in clause 2 of this subdivision upon request of any appointing authority, in accordance with rules and regulations to be prescribed by the board.*

Sec. 4. Minnesota Statutes 1945, Section 43.22, Subdivision 3, is amended to read as follows:

43.22. Transfers within classified service; leaves of absence; reinstatement. Subd. 3. Leaves, when not granted. Leave of absence may be granted to an officer or employee holding a position in the classified service and shall be conclusively presumed to have been granted to an officer or person holding a position on January 1, 1939, thereafter included within 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.

Sec. 5. Minnesota Statutes 1945, Section 43.24, is amended to read as follows:

43.24. Removals; reasons for in writing; hearings; decision. Subdivision 1. Written statement and hearing required. No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, except for just cause which shall not be religious or political. In case of any disciplinary action, as enumerated in this section, the employee shall, before the action is taken, be furnished with a statement, in writing, specifically setting forth the reasons for the disciplinary action. A copy of the statement shall be filed with the director of civil service prior to the effective date thereof.

Subd. 2. Appeal to board; public hearing; findings of board. Any permanent employee who is removed, discharged, or suspended without pay for more than 30 days may appeal to the board within 30 days after such action is taken. Upon such appeal, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard publicly and to present evidence. At the hearing of such appeals, technical rules of evidence shall not apply. If the board finds that the action complained of was taken by the appointing authority for any political, racial or religious reason, the employee shall be reinstated to his position without loss of pay. In all other cases, the findings and recommendations of the board shall be final. If such final decision is in favor of the employee, the appointing authority shall reinstate him and approve the payment of any salary or wages lost by him. When any permanent employee is dismissed and

not reinstated after appeal, the board may direct that his name be placed on an appropriate re-employment list, which direction shall be enforced by the director.

Subd. 3. Dismissal of provisional and temporary employees. Provisional employees, as provided for in subdivision 1, emergency employees, as defined in subdivision 2, and temporary employees, as defined in subdivision 4, of section 49.20, may be dismissed at any time at the discretion of the appointing officer.

Approved April 28, 1947.

CHAPTER 605—H. F. No. 1090

An act relating to the salary and fees of clerks of the district court in certain counties; amending Minnesota Statutes 1945, Section 485.016, Subdivisions 3 and 4.

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

Section 1. Minnesota Statutes 1945, Section 485.016, Subdivision 3, is amended to read as follows:

485.016. **Salaries.** Subd. 3. In any county having a population of more than 9,000 and not to exceed 21,500, according to the last federal census, if the salary and fees of the clerk of district court do not, *exclusive of fees for receiving and filing applications for instruction permit, a driver's license, a restricted driver's license, or duplicate license*, aggregate \$2,400 at the end of the calendar year 1945, and each calendar year thereafter, the clerk of district court may file with the county auditor of such county a sworn statement showing the total amount of salary, fees and emoluments received by the clerk for official services during the calendar year, *exclusive of fees for receiving and filing applications for instruction permit, driver's license, restricted driver's license, or duplicate license*, whereupon the auditor shall issue to the clerk a county warrant for the difference between the amount so received by the clerk and the sum of \$2,400, *and in addition thereto the clerk is hereby authorized to retain ten cents for the receiving and filing of each of said applications.*

Sec. 2. Minnesota Statutes 1945, Section 485.016, Subdivision 4, is amended to read as follows: