

## CHAPTER 628—H. F. No. 1517

[Coded]

*An act relating to the powers of persons beneficially interested in trusts forming part of retirement plans for the benefit of participating members.*

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

Section 1. [501.51] **Trusts forming part of retirement plans for participating members.** In case of a trust forming part of a retirement plan created by and for the benefit of self-employed persons for the purpose of receiving their contributions thereunder and investing, accumulating, and distributing to such persons or their beneficiaries the corpus, profits, and earnings of the trust in accordance with the plan, the power of any person beneficially interested in such trust to sell, assign or transfer such beneficial interest, to anticipate payments thereunder, or to terminate the trust, may be limited or withheld in accordance with the provisions of the plan, whether or not he furnished consideration for the creation of the trust.

Approved April 20, 1955.

## CHAPTER 629—H. F. No. 1560

[Not Coded]

*An act relating to civil service in certain counties; providing for the establishment of an ungraded division within the classified service therein; amending Laws 1941, Chapter 513, Section 4, as amended, Section 5, and Section 6, as amended.*

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

Section 1. Laws 1941, Chapter 513, Section 4, as amended by Laws 1943, Chapter 259, Section 1, is amended to read :

Sec. 4. **Duties.** It shall be the duty of the county civil service commission as a body :

(a) To frame, with the assistance of the civil service administrator, and to submit to the board of county commissioners, rules and regulations for the classified service and such approval shall be given by resolution. When so approved such rules and regulations shall have the force and effect of law. Such rules may be amended and repealed with the consent

of the board of county commissioners in the same manner as provided for original adoption. Such rules shall provide amongst other things:

1. For the giving of at least ten days' public notice of examinations to be held, such notice to be published in at least one daily newspaper of general circulation in such county, and be posted in the court house of said county.

2. For the rejection of otherwise eligible candidates who fail to comply with the reasonable requirements of the commission with regard to age, qualifications, residence, sex or physical condition, or who have attempted any deception or fraud in connection with an application or examination, or who have been dismissed from the public service for delinquency or misconduct, or who have directly or indirectly given or promised to give any money, service, or other valuable thing to any person for or on account of, their examination, appointment or proposed appointment.

3. For competitive examinations to test the relative fitness of all eligible candidates except those otherwise specifically provided for in this act for positions in the classified service.

4. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their rating in the examination. Such lists shall, however, remain in force not less than one year and not more than three years.

5. For the appointment, to fill a vacancy, of one of three persons who are rated highest on the appropriate eligible list, if the vacancy is not filled by transfer or reinstatement.

6. For a period of probation of six months after any appointment or promotion, during which period such probationer may be discharged or reduced with the consent of the commission, and he shall have no right of further appeal.

7. For temporary employment without examination with the consent of the administrator in cases of emergency and pending appointment from an eligible list, provided no temporary employment shall continue longer than 60 days unless there be no appropriate eligible list in effect from which appointment can be made.

8. For transfers from any position to a similar position in the same or similar class or grade and for reinstatement within one year of persons who without fault or delinquency on their part as separated from the service or reduced.

9. For promotion based upon competitive examination and upon a record of efficiency, character, conduct, and seniority. Whenever practicable, vacancies shall be filled by promotion.

10. For suspensions for not longer than 30 days for disciplinary purposes; for leaves of absence with or without pay; for lay-offs based upon seniority; for vacations and sick leaves; for hours of employment; and for a classification of all offices in the classified service on the basis of duties and responsibilities.

11. For discharge or reduction in rank after permanent appointment or promotion only when the person to be discharged or reduced has been presented with written charges specifically stated in writing, and has been allowed either a hearing thereon before the commission, or if he waive such hearing, has been allowed a reasonable time to reply to such charges in writing. Records of such charges, reply or hearing shall be filed in the office of the civil service administrator.

12. For the appointment in accordance with section 10 hereof, of unskilled laborers in the order or priority of application after such tests of physical and mental fitness as the commission shall prescribe. Such tests for laborers need not be competitive.

13. For the reinstatement or employment, without competitive examination, to positions in the classified service, of persons holding exempt positions on the effective date of this act, when such persons terminate their exempt employment, provided that such persons shall have previously served such county or county agency for a period of eight years or more.

14. For the reinstatement to the classified service of any employee who has taken a leave of absence therefrom for the purpose of accepting an exempt position in the service of such county or county agency.

(b) Hear cases involving; the rejection of applicants for examinations; removal of eligibles from lists; complaints of citizens against employees in the classified service; charges preferred against any officer or employee in the classified service for removal or reduction of such persons.

(c) Make investigations on the request of the board of county commissioners, or on its own motion concerning the enforcement and effect of this act and to require observance of its provisions and the rules and regulations established

thereunder, and to hear such other matters as may be referred to it by the board of county commissioners or the civil service administrator.

(d) Make a study of service ratings and of salaries paid by the county and its several agencies and to classify all positions *in the graded division* in such service on the basis of equal pay for equal work for each class of position *and, if an ungraded division is established, to determine the prevailing wage being paid in the area for work comparable to that being performed by employees in such division* and report the results of such study, together with the recommendations of the commission to the board of county commissioners.

Sec. 2. Laws 1941, Chapter 513, Section 5, is amended to read:

Sec. 5. **Administrator, duties.** The civil service administrator shall be the executive and administrative head of the county civil service commission and it shall be his duty to:

(a) Attend the regular and special meetings of the commission.

(b) Supervise and direct the work of the employees of the civil service department.

(c) Prepare and recommend rules and regulations for the administration of this act, which shall become effective after approval by the commission and the county board, as provided in this act; to administer such rules and regulations; to propose amendments thereto.

(d) Establish and maintain a roster of officers and employees in the service of the county and its agencies affected by this act.

(e) Ascertain and record the duties and responsibilities of all positions in the classified service and classify such positions *in the graded division*.

(f) Make a study of service ratings with the commission, of rates of compensation paid the various classes of positions and prepare a report to the county commissioners setting out a recommended minimum and maximum rate of salary for each class of position *in the graded division and, if an ungraded division is established, a recommended prevailing wage for each position therein*.

(g) Provide for and hold competitive tests to determine the qualifications of persons seeking employment in any class of position and establish employment lists of those passing such tests.

(h) When a vacancy is to be filled, to certify to the appointing officer on written request the name of the person highest on the reinstatement list for the class. If there be no reinstatement list, he shall certify the three highest on the eligible list for the class. If there are no such lists, he shall authorize temporary appointments pending establishment of such employment list for such class.

(i) Keep such records as may be necessary for the proper administration of this act.

(j) Provide a system for checking payrolls and accounts for the payment of salaries or wages to employees in the classified service so as to enable him upon evidence thereof, to certify or cause to be certified that the persons whose names appear thereon have been regularly appointed and employed or are on authorized leave before payment may be lawfully made to such employees.

(k) Make investigations concerning the administration and effect of this act and the rules made thereunder and report his findings and recommendations to the commission.

(1) Make an annual report to the county civil service commission.

Sec. 3. Laws 1941, Chapter 513, Section 6, as amended by Laws 1943, Chapter 259, Section 2, Laws 1947, Chapter 301, Section 1, Laws 1947, Chapter 525, Section 1, and Laws 1951, Chapter 358, Section 1, is amended to read:

Sec. 6. **Service, unclassified, classified.** The officers and employees of such county and of any county or joint county and city agency, board or commission, supported in whole or in part by taxation upon the taxable property of such county, or appointed by the judges of the district court or probate court for such county, or by any board or agency composed of representatives of the county and any city in such county, including the county welfare board employees employed in hospitals, preventoria, and county homes, are hereby divided into the unclassified and classified service.

The unclassified service shall comprise:

(a) All officers elected by popular vote or persons appointed to fill vacancies in such offices.

(b) Judges, receivers, referees, examiner and assistant examiner of titles, public defender, arbiters, jurors, judges, and clerks of election, notaries public, clerk of probate court and persons appointed by the district or probate courts to

make or conduct any special inquiry of a judicial and temporary character.

(c) The superintendent or principal administrative officer of any separate department of county government or agency which is now or hereafter created by law and the superintendent, assistant superintendent or principal administrative officer or director of any institution under the county welfare board and any employees thereof who are under the Minnesota County Welfare Merit System.

(d) Members of the teaching staff, and supervisors and principals in the employ of the county, providing they are actually engaged in teaching or the supervision of teaching.

(e) Members of non-paid board or commissions appointed by the county board or county board and city or acting in an advisory capacity; attorneys, weed inspectors, or other employees by the county board for a limited period of time; and all employees engaged to operate or care for any improved or unimproved property forfeited to the state for non-payment of taxes exclusive of those employed in the office of the land commissioner.

(f) One chief deputy or principal assistant for each elected public official.

(g) Doctors, interns, and student nurses or intern dieticians employed by the county or any county agency, or any institution under the county welfare board.

(h) Special police officers or special deputy sheriffs serving without pay.

(i) District court and probate court reporters, and officers and employees of county probation offices, county boys' farms, and county girls' schools.

(j) Assistant county attorneys, or special investigators in the employ of the county attorney.

(k) The county service officer and his chief deputy.

The classified service shall include all other offices or employments now existing or hereafter created in said counties and county agencies, and all officers and employees not expressly placed in the unclassified service by the terms of this act, notwithstanding any other provisions in any existing law to the contrary. It shall include officers and employees of such county agencies, if the funds for such agencies are provided in whole or in part by such county. For the purpose of clarity it shall include officers, except as excluded in subdivision (c)

of section 6 above, and employees of joint city hall and court house *committees* and all other agencies supported and controlled in whole or in part by the said counties, or jointly by said counties and any city of the first class located therein. *All employees in the classified service shall be placed in a graded division unless the county board establish an ungraded division. The ungraded division, if one is established, shall include all employees in the construction trades who are engaged in the work of repair, alteration or construction of buildings for which trades there is a generally established and recognized scale of wages within the county. The graded division shall include all other employees in the classified service.*

Any permanent employee of the county welfare board who, on the effective date of this act, is holding a position which is placed in the classified service under the provisions of this act shall be subject to and protected by the provisions of this act except that the provisions of section 4, subsection (a) (13) of Chapter 513, Laws of 1941, shall not be applicable to positions under the county welfare board. All other county welfare board employees in positions in the classified service shall be subject to and protected by this act and said chapter 513, as amended, subject to a general classification pursuant to 5 (e) of said chapter 513. Employees who have not been in the service of the county welfare board for a period of six months or more immediately preceding the date when this act becomes effective as to such employees shall be on probation until they have served six months as employees.

Approved April 20, 1955.

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#### CHAPTER 630—H. F. No. 1568

*An act relating to the location and establishment of route number 123, a trunk highway; amending Minnesota Statutes 1953, Section 160.65.*

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

Section 1. Minnesota Statutes 1953, Section 160.65, Route No. 123, is amended to read:

**Route No. 123.** Beginning at a point on Route No. 5 at or near LeSueur; thence extending in a southeasterly direction to a point on Route No. 21.

Approved April 20, 1955.

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