

to the legislature not later than January 15, 1957, setting forth its findings as a result of such investigation and study, and shall make such recommendations as it deems proper in an effort to assist the legislature in the formulation of legislation on the subject.

Sec. 6. Expenses. The members of the commission shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties.

Sec. 7. Acceptance of gifts. The commission is empowered to accept gifts or contributions with which to help defray the expenses of the commission. Any offer of gifts or contributions shall be in writing, shall impose no conditions upon the commission, and the acceptance of any gift or contribution shall be by majority vote of the commission. All gifts or contributions so made and accepted shall be deposited to the credit of the appropriation provided by this act.

Sec. 8. Appropriation. In addition to any gifts or contributions which may be received, there is hereby appropriated out of any monies in the state treasury not otherwise appropriated the sum of \$7,500 or so much thereof as may be necessary to pay the expenses incurred by the commission. For the payment of such expenses the commission shall draw its warrants upon the state treasurer, which warrants shall be signed by the chairman and at least two other members of the commission and the state auditor shall then approve and the state treasurer pay such warrants as and when presented. A general statement of all receipts and expenditures shall accompany the commission's report.

Approved April 23, 1955.

CHAPTER 774—S. F. No. 949

An act relating to the state civil service; amending Minnesota Statutes 1953, Sections 43.05, Subdivision 2; 43.06; 43.09, Subdivision 2; 43.13, Subdivision 1; 43.18, Subdivision 1; 43.24, Subdivisions 1, 2.

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

Section 1. Minnesota Statutes 1953, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. **Specified duties.** It shall be the duty of the director and he shall have power:

(1) To attend all meetings of the board;

(2) To prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all officers and employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; competitive examinations; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfers, reinstatements, layoffs, vacations, and hours of work; public notice of examinations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment. *If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse and minor children living in the household of the employee;*

(3) To appoint temporary and permanent examiners, including a chief examiner, clerks, stenographers, and such other employees and officers as are necessary to carry out the provisions of this chapter; these employees and officers shall be chosen in accordance with and shall be subject to, the provisions of this chapter;

(4) To keep in the office of the department of civil service an official roster of the state civil service showing the employment history of each and every person who has been appointed to, employed, promoted, reduced, or reinstated in any position in the service; which roster shall show, in connection with each name, the date of appointment, employment, promotion, reduction, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, sick or annual leaves, and separations from the service; and the director shall have access to all public records and papers, the examination of which will aid in the discharge of his duty in connection with the roster;

(5) To prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(6) To make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(7) To make investigations concerning all matters

touching the enforcement and effect of the provisions of this chapter and the rules and regulations prescribed hereunder;

(8) To make a report and submit the same to the civil service board not later than October first each year; and

(9) To discharge such other duties as are imposed upon him by this chapter.

Sec. 2. Minnesota Statutes 1953, Section 43.09, Subdivision 2, is amended to read:

Subd. 2. **Unclassified service.** The unclassified service comprises positions held by state officers or employees who are:

(1) Chosen by election or appointed to fill an elective office;

(2) Heads of department required by law to be appointed by the governor or other elective officers, except the railroad and warehouse commission, 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 section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now existing in the department of labor and industry, nor to the director of the division of vocational rehabilitation in the department of education;

(3) 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;

(4) 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;

(5) One executive secretary and other confidential employees in the office of the governor, and one confidential employee for the governor in the office of the adjutant general;

(6) Officers and employees of the senate and house of representatives of the legislature;

(7) Teachers, research assistants; student employees on less than half-time pay basis, presidents, deans, and administrative officers in the teachers colleges; but this clause 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 these institutions;

(8) Officers and enlisted men in the national guard and the naval militia;

(9) Election officers;

(10) Persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

(11) 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;

(12) 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;

(13) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the industrial commission;

(14) Patient and inmate help in state charitable, penal, and correctional institutions;

(15) State highway patrolmen now operating under the provisions of sections 161.07 to 161.12; provided, 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 Laws 1939, Chapter 441, 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 chapter shall not apply to state highway patrolmen;

(16) The deputy commissioner of agriculture, dairy, and food;

(17) Persons, not exceeding one, appointed or employed by the state treasurer, for the purpose of receiving and safekeeping assets deposited and maintained with the state treasurer, pursuant to Laws 1943, Chapter 591, and whose salary or compensation is to be reimbursed to the state under said act.

(18) Seasonal help employed by the department of taxation in its income tax division to perform clerical duties.

Sec. 3. Minnesota Statutes 1953, Section 43.13, Subdivision 1, is amended to read:

43.13. **Examinations.** Subdivision 1. **Fair tests.**

All competitive examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to efficiently discharge the duties of the office or employment sought by them. *The director shall keep and maintain accurate and complete minutes or a recording of each oral examination so as to show the questions asked each applicant and applicant's answers thereto. Each applicant in an oral examination shall be rated individually by each examiner who shall sign his rating of the applicant. The average of the examiners, separate ratings, if more than one examiner conducts the oral examinations, is the applicant's oral examination rating. The records of oral examinations are public records but need only be preserved during the existence of any eligible register resulting from the examination of which the oral examination is a part.*

Sec. 4. Minnesota Statutes 1953, Section 43.18, Subdivision 1, is amended to read:

43.18 Vacancies. Subdivision 1. **Notice.** Appointing officers shall give written notice to the civil service director of their intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service, and, within a reasonable time after the receipt of this notice, the director shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, *the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating, except as provided in section 43.23.*

Sec. 5. Minnesota Statutes 1953, Section 43.24, Subdivision 1, is amended to read:

43.24 Removals. Subdivision 1. **Written statement.** No permanent employee in the clasified 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, setting forth the reasons for the disciplinary action, *be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department.* A copy of the statement and the employee's reply, if any, shall be filed with the director of civil service prior to the effective date thereof.

Sec. 6. Minnesota Statutes 1953, Section 43.24, Subdivision 2, is amended to read:

Subd. 2. **Appeal to board; public hearings, findings.** Any permanent employee who is removed, discharged, suspended without pay for more than 30 days *in any one year, or reduced in pay or position* 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, *or if the board finds that there was no reasonable ground for institution of dismissal proceedings*, the employee shall be reinstated in his position, *or an equal position in another department or division*, without loss of pay. In all other cases, the findings and recommendations of the board shall be *submitted to and considered by the appointing authority, who may, not later than 30 days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of suspension, demotion, or otherwise modify his original decision of suspension, demotion, or discharge.* 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, *for employment in any similar position other than the one from which he has been removed*, which direction shall be enforced by the director.

Sec. 7. Minnesota Statutes 1953, Section 43.06, is amended to read:

43.06 Board; duties, powers. It shall be the duty of the civil service board and it shall have power:

(1) *To initiate on its own motion or to approve, modify, reject, or approve as modified, rules and regulations and amendments thereto prepared and recommended by the director for carrying out the purposes of this chapter; these rules and regulations and any amendments thereto shall not be approved by the board until after a public hearing by the board, of which two weeks published notice shall have been given that a hearing, at a specified place and time, is to be held upon the proposed rules and regulations, and that any citizen, officer, or employee of the state may attend and participate in the hearing; copies of all rules and regulations shall be sent to all state appointing officers; and printed copies of these rules and regulations and amendments thereto shall be prepared for public distribution;*

(2) After public hearing, to approve, modify, reject, or approve as modified, plans for the classification of positions in the state civil service prepared and recommended by the director of the state civil service;

(3) After public hearing, to approve, modify, reject, or approve as modified, compensation schedules for positions in the state civil service prepared and recommended by the director for submission to the commissioner;

(4) To make investigations either at the discretion of the governor, or upon petition of a citizen for just cause, or of its own motion, concerning the enforcement and effect of this chapter;

(5) To prepare and transmit to the governor, not later than November 15, each year, a report of the department of civil service;

(6) To conduct hearings and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, suspension, or removal of the officer or employee, in accordance with the provisions of this chapter;

(7) To hear and pass upon such other matters as the director of the state civil service may, from time to time, bring before the board for determination; and

(8) To discharge such other duties as are imposed upon it by this chapter.

(9) Upon the recommendation of the director that suitable persons are unavailable to fill vacancies in a class, grade, or group of positions and an eligible list therefor cannot be established, the board may authorize the director to extend provisional appointments made pursuant to Minnesota Statutes 1949, Section 43.20, clause (1), in such class, grade, or group of positions until eligible lists can be established therefor but in no event shall any provisional appointee fill any vacancy for more than one year.

(10) *The board shall submit each rule and regulation promulgated under this act for the consideration of the session of the legislature next convening following the adoption of the rule or regulation. If any rule or regulation is disapproved by the legislature, it is no longer in force and effect.*

Approved April 23, 1955.
