

of all classes of steam boilers of not more than 30 horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least six months of actual experience in operating such boilers.

Subd. 14. A fourth-class engineer shall be at least 18 years of age, be of such habits and acquainted with the duties of an engineer to justify the belief that he can be safely entrusted with low pressure steam boilers of not more than 30 horsepower.

Subd. 15. Any person who, at the time of the enactment of Laws 1947, Chapter 563, was, and since that time has been licensed as a first-class or second-class engineer, shall be granted a renewal license for Grade A of the respective classification without examination upon application therefor, or who held a special license shall be granted a third-class license without examination upon application therefore.

Subd. 16. Any person, who received a first-class or second-class engineer's license after enactment of Laws 1947, Chapter 563, but before the effective date of this act, upon presentation of an affidavit furnished by the inspector and sworn to by his employer or a chief engineer stating that he has had the required steam engine or turbine experience, shall be granted a renewal license without further examination for Grade A of the respective classification. Any other engineer licensed during such period shall receive a Grade B license of the respective classification unless he otherwise qualifies as provided in this section.

Subd. 17. Any person with a chief engineers' license received before the effective date of this act shall receive a Grade A License.

Subd. 18. Engineers now licensed and operating a low pressure boiler at the time of enactment of this act shall be issued a license to cover their respective position, upon presentation of an affidavit furnished by the inspector and sworn to by his employer or a chief engineer.

Approved April 29, 1957.

CHAPTER 877—H. F. No. 904

An act relating to the state civil service, regarding allocations of positions; amending Minnesota Statutes 1953, Section 43.12, Subdivision 3.

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

Section 1. Minnesota Statutes 1953, Section 43.12, Subdivision 3, is amended to read:

Subd. 3. **Allocations.** (1) The director shall allocate each position in the classified civil service to one of the classes within the classification plan, subject to review by the board if an application is made in writing to the board upon one of the grounds set forth in clause (7) by the appointing authority immediately affected at any time within 30 days following notice to him of that allocation, or within 30 days from the date of notice of the final action of the director in case of an application for reconsideration, as hereinafter provided for, and thereafter all salary rates, schedules, or compensation policies shall apply uniformly to all positions within each class, in accordance with rules and regulations established by the board, *except those positions for which special provision is made in clause (6) below.*

When a position which has not been allocated to one of the classes within the classification plan is established, the appointing authority shall notify the director, who shall allocate that new position to its appropriate class, subject to the same right of review by the board as heretofore provided in this clause.

(2) After the director makes an allocation under clause (1), he shall notify the appointing authority affected, in writing, of that allocation. The allocation shall become immediately effective, but the appointing authority may within ten days file with the director an application for reconsideration, together with any written evidence by way of affidavits, statements or exhibits which that appointing authority may desire considered by him. The director shall act upon that application within ten days after receiving it, and notify the appointing authority of his final action. In case of the filing of such application for reconsideration, the time for asking a review by the board shall commence to run from the date of notice to the appointing authority of the director's final action.

(3) Whenever, because of changes in the organizational structure of an agency, in the duties of a position, or for some other reason, a position appears to be improperly allocated, the director shall, upon his own initiative, or upon the written request of a permanent employee or an appointing authority, investigate the duties of the affected position. Following that investigation he may reallocate it to an appropriate class. If the director makes a reallocation or denies an application for reallocation, under this clause, he shall notify the appointing authority and the employee affected of his action. A permanent employee or appointing authority affected by

any such action shall have the same right to make an application for reconsideration as is granted an appointing authority in the case of an original allocation by clause (2), and the procedure set out in clause (2) shall apply to such application. *Except as provided in clause (6) below*, any reallocation granted by the director shall become effective upon the expiration of the time fixed for making an application for reconsideration, if none is made, or if one is made, at the date of notice by the director of his final action. A permanent employee or appointing authority shall have the same right of review by the board of a reallocation which changes the class of a position as is granted an appointing authority in the case of an original allocation. Application for such a review must be made within 30 days from the date of notice by the director of his original action, or, if a reconsideration has been asked, within 30 days from the date of the director's final action upon that application.

(4) In case of any allocation under clause (1), or any reallocation under clause (3), no examination of witnesses nor any trial or hearing shall be required, but the director may act upon such matters as are submitted to him in writing by the employee whose position will be affected by a reallocation or by the appointing authority who will be affected by an allocation or a reallocation, and reports and records of investigators of the department, and may take official notice of the records of the department and of allocations of other comparable positions. The matters of which he takes official notice shall be set out by him in a memorandum to be filed with his order or report of investigation and made a part of his record. In all cases of applications for reallocation, the burden of proof shall be upon the person requesting the reallocation.

(5) *Except as provided in clause (6) below*, the incumbent of a position which has been reallocated shall continue in the position only if he is eligible for and actually is appointed to the position of the new class in accordance with the rules of the board governing promotion, transfer, and demotion. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted or demoted, the layoff provisions of this chapter and the rules of the board shall apply. Personnel changes required by the reallocation of positions shall be completed within a period of 60 days following the date of reallocation notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any promotional examination held to fill the reallocated position, as provided in the rules of the board.

(6) *When a position is reallocated by the director to a class in a lower salary range, the director and the Commissioner of Administration may give consideration to the employee's long or outstanding service, exceptional or technical qualifications, age, or health. When, as a result of such consideration, the director and the commissioner determine that the best interests of the state will be served by such action, the position shall be reallocated but the employee shall continue at the same rate of pay. Thereafter, as long as he remains in the same position, such employee shall not be eligible to receive any salary increases except those economic adjustment increases provided for in section 43.123, subdivision 4, until such time as his salary once again may be within the range of the class to which his position has been reallocated.*

(7) A review by the board as provided for in this subdivision may be had when the employee or appointing authority affected files an application for review in writing on the ground:

(a) That the action of the director was not in accordance with the civil service act;

(b) That the action of the director was unwarranted by the evidence before him, or was procured by fraud, coercion or other improper conduct of any party in interest.

The board after receiving any application for review shall order the director to submit to it the record upon which he acted and thereafter, upon that record, may sustain, reverse or modify the action of the director or, in its discretion, may order that further evidence be taken by him to be submitted to the board and considered by it upon its review.

Approved April 29, 1957.

CHAPTER 878—H. F. No. 946

[Coded]

An act creating a revolving fund for the secretary of state, appropriating money therefor and reappropriating receipts thereof.

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

Section 1. [5.11] **Secretary of state revolving fund.**
[Subdivision 1.] There is hereby created the secretary of state revolving fund, for the purpose of having the secretary