

the first and last axles of the group of axles under consideration. A coefficient of 780 shall be used where the distance between the first and last axles of the group of axles under consideration is less than 18 feet, and a coefficient of 900 shall be used where such distance is 18 feet or over.

In all cases where gross weights in an amount less than in this subdivision set forth are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter such lesser gross weight as so fixed, limited or restricted shall not be exceeded and in such case shall control instead of the gross weights in this subdivision set forth.

Sec. 2. The intention of this act is to supersede any prior amendment to Section 169.83, Subdivision 2, enacted at the 1957 Session of the Minnesota Legislature.

Approved April 29, 1957.

CHAPTER 945—S. F. No. 1896

[Not Coded]

An act relating to a classification, salary and tenure system for county employees in counties having a population of 600,000, or more; fixing salaries and the sums to be spent therefor; authorizing the establishment of a severance pay plan and appropriating money to be spent therefor; amending the title to and the provisions of Laws 1945, Chapter 607, as amended.

Section 1. Title to Laws 1945, Chapter 607, as amended. The title to Laws 1945, Chapter 607, as amended by Laws 1947, Chapter 455, Section 1, and by Laws 1951, Chapter 636, Section 1, is amended to read:

An act to establish a classification, salary and tenure system for county employees in all counties in this state now or hereafter having a population of 600,000, or more; creating a classification, salary and tenure commission therein; authorizing the establishment of an employee severance pay plan, and fixing salaries and sums to be appropriated and spent therefor, and suspending inconsistent laws.

Sec. 2. Laws 1945, Chapter 607, as amended by Laws 1947, Chapter 455, Section 2, by Laws 1951, Chapter 636, by Laws 1953, Chapter 703, and by Laws 1955, Chapter 544, Section 1, and Chapter 723, is amended to read:

Section 1. Hennepin county; classification of employees.

In all counties of this state now or hereafter having a population of 600,000, 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, *and for the establishment of a severance pay plan for employees in the county departments designated in section 3, subdivision 3*, there is hereby established a classification, salary, tenure, *and severance pay plan* as herein set forth.

Sec. 2. Commission. Subdivision 1. There is hereby created in each such county a classification, salary *and tenure* 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, *surveyor*, 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, 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 de-*

partments. 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: book binder, county board clerical, and torrens title examinations. The county attorney shall be the employing officer for the civil-legal department. Each elective official shall be the employing officer for his department. *It is hereby declared to be a matter of state policy that no person be hereafter employed by the state or any of its political subdivisions who has retired from employment with the state or with any of its political subdivisions, and who is eligible to receive or who is receiving a retirement annuity or pension as such retired public employee.*

Subd. 5. *The employing officer in appointing to a new or additional position, or in the filling of a vacancy created by death, resignation, discharge, or other reason, in the classified service, may make such appointment directly to the classified service or for a probationary period of six months. If the employing officer makes a probationary appointment, he may within the six-month probation period either appoint such employee to the classified service or dismiss such employee at his pleasure. If the employing officer fails to appoint to the classified service within such probationary period, such probationary appointment shall automatically terminate at the end of the six-month probationary appointment. During the continuance of such probationary employment, such employee shall not gain or accrue any employment, classification, tenure, or severance pay rights provided in this act. But upon appointment to the classified service, after completion of the probationary period, all employment, classification, tenure and severance pay shall be determined from the date of original employment.*

Subd. 6. *The commission shall adopt a plan governing and regulating annual vacations, sick and other leaves of absence of employees in the classified service, which vacations with pay shall be based upon length of service in county employment. The employing officer shall at such times and in the form prescribed by rule or order of the commission, file with the commission and post in their departments, a written statement showing the accumulated sick leave and unused vacation time accruing to the credit of each employee in their departments. Any employee aggrieved by such statement may have his grievance heard by the commission, and the commission's written decision and order thereon shall be final.*

Subd. 7. (a) The commission may establish a severance pay plan based upon and measured by the accumulated sick leave and unused vacation time accruing to the employee, to be paid upon the death, separation or retirement of the employee from county employment. No such plan shall provide payment for more than 30 days of such accumulated sick leave and unused vacation time accrued to the credit of the employee, computed at the employee's pay rate current at the time of separation from employment. Provided, that when such separation is caused by the death of the employee, the plan shall provide for payment of such severance pay based upon the total number of days, but not to exceed 90 days, of accumulated sick leave and unused vacation time which had accrued to the credit of such deceased employee at the time of his death. Payment of severance pay shall be deemed to be additional compensation paid to such county employees.

(b) The county board of any county within the provisions of this act shall not provide for the payment of severance pay to any employees under its jurisdiction or employees in county departments under the jurisdiction of such county board, except in accordance with the formula set up in subdivision 7 (a) of this section.

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, except as provided in section 2, subdivision 7 (b) of this act:

(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 any 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 surveyor, county board clerical, torrens title examinations, court commissioner, probate court, 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 6 of this act.

Sec. 4. Employees, salaries. There may be expended annually for salaries for help in each of the following departments of the county, excluding common laborers but including part-time, seasonal, or temporary employees, the sum set opposite the title of the department:

County Attorney	\$136,385
County auditor	328,843
Clerk of district court	248,853
Coroner	70,000
Book-binder	12,708
Civil-legal	35,508
Torrens title examinations	9,883
Probate court	122,825
Court Commissioner	20,426
Sheriff	570,000
County superintendent of Schools	21,556
County surveyor	86,706
Register of deeds and	
Registrar of titles	348,254
County treasurer	202,176
County board clerical	10,505

The amendments provided for in the foregoing provisions of this section shall expire June 30th, 1959.

Sec. 5. Salaries fixed by law. The salaries fixed under the provisions of this act shall be deemed for all purposes salaries fixed by law, *and shall be paid in equal semi-monthly installments.* 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. 6. Extra help allowance. Subdivision 1. In case any extra help, whether emergency or otherwise, is required in any department the commission and board of county commissioners shall meet jointly and by three-fourths vote of the membership of both bodies meeting jointly, may increase the basic salary allowance for any department for the remainder of the then current calendar year. By similar action the number of employees in any department and the authorized amount it may use for help in any calendar year, may be reduced.

Subd. 2. The total allowance for extra and emergency help for all the departments covered by this act *and for the payment of severance pay*, for any one calendar year shall not exceed the total sum of \$30,000.

Subd. 3. (a) Any allowances for additional or emergency help heretofore granted by the commission and board of county commissioners meeting jointly, shall terminate with the current fiscal year.

(b) The county board shall annually set up in its budget \$30,000 to be used for the purpose of providing for extra and emergency help for the several departments, *and for payment of severance pay*.

(c) Any reduction in the personnel of any of said county departments which may be necessary by reason of the provisions of this act shall be on the basis of seniority of employment in the department, such seniority to be determined by the commission from the records in the office of the county auditor.

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. 7. **Discharge or demotion of employees.** Subdivision 1. Except as provided in subdivision 2, persons once employed in the classified service of any department *shall* continue in such employment without interruption for any cause until discharged, demoted in salary or position, or suspended. When 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 offense hereinafter designated, or when he determines, with the consent of the commission, to permit a position to become or remain vacant, he may discharge or demote that person from such employment by giving him a written notice of discharge or demotion, stating specific charges, and filing a copy thereof with the commission. Within ten days after receiving such notice the employee may appeal to the commission which shall grant a hearing thereon. The commission shall hear such appeal upon ten days notice to the employing officer and the employee of the time and place of hearing. If the commission determines that the action of the employing officer is unreasonable or arbitrary, it shall reverse him and compel the reinstatement and retention of the employee. If it determines otherwise, it shall sustain the employing officer. The county auditor shall mail a copy of the determination to the employing officer and to the employee. Within 30 days after the date of mailing, either the employing officer or the employee may appeal from the determination to the district court by serving a notice of appeal upon the other and upon the county auditor as a summons, is served in a civil action and filing the original notice, with proof of service, with the clerk of the court. Within ten days after such service upon him the county auditor shall file with the clerk of court, a certified copy of the charges and a transcript of the proceedings of the commission had thereon. Upon five days notice to the adverse party the court shall set a date for hearing the appeal. On that date the court shall hear and determine the matter de novo. The court may disregard those technicalities and matters of form which do not affect the substantial merits. The action of such official or the commission shall not be reversed unless unreasonable or arbitrary. 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 30 days in any year for disciplinary purposes. This action is not subject to review. The following are causes 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, with the consent of the commission, to permit the position to become or remain vacant. When it is determined that the position is to be re-filled, such discharged employee has the first right to be reemployed therein.

Subd. 2. There is hereby excepted from the tenure provisions or subdivision 1 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 or under sheriff, chief criminal deputy and secretary of the office of sheriff;

(d) Extra and emergency help.

Sec. 8. 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. 9. 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 6*, 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. 10. This act insofar as it is applicable shall suspend the operation of all other laws regulating and providing for county employees and their compensation.

Sec. 3. The increase in the sum authorized to be expended for salaries in each of said listed county departments shall be applied and used first to increase the salary of each

employee in each of said departments in the sum of \$51.00 per month, payable as follows: \$34.00 per month retroactive to January 1, 1957, and an additional monthly increase of \$17.00 from and after January 1, 1958; and each of said employees shall receive such increases in salary. *The provisions of this section shall expire June 30th, 1959.*

Approved April 29, 1957.

CHAPTER 946—S. F. No. 1837

[Not Coded]

An act creating a commission to investigate and study legislative procedure, the committee system, the use of the state capitol for exclusive legislative use, the printing of all bills introduced and to study and compare legislative organization of other states, and appropriating money therefor.

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

Section 1. Interim commission on legislative procedure. A commission is hereby created to consist of five members of the senate, to be appointed by the committee on committees, and five members of the house of representatives, to be appointed by the speaker. The appointment of such commission shall be made upon passage of this act. The Lieutenant Governor and the Commissioner of Administration shall be members of the commission in addition to the above appointees to serve in an advisory capacity without vote. Any vacancy that may occur in the membership of the commission shall be filled by the appointing power.

Sec. 2. Duties. Such commission shall make a comprehensive, detailed and complete investigation, analysis and study of legislative procedure, the committee system, the printing of bills, the use of the state capitol for exclusive legislative use, the administrative procedures used and followed in the operation of such branch, the legal, technical and clerical assistance used by the legislature and the methods and means whereby such assistance may be made more effective, and to study and compare legislative organization of other states.

Sec. 3. Meetings. The commission may hold meetings at such time and places as it may designate. It shall select a chairman, and such other officers from its membership as it may deem necessary.