

aration from the service and for such other purposes as may be determined by the retirement board. The revolving fund herein provided for shall be periodically reimbursed by warrant drawn and signed as set forth herein. It shall be kept in the same bank or trust company as the city treasurer keeps other retirement funds. It shall be subject to withdrawal upon check signed by the executive secretary, or employee or other person appointed by the retirement board. The revolving fund shall be considered funds of the city of Minneapolis insofar as it is necessary to bring them within any bond or security furnished by such bank or trust company to protect the city against loss.

The retirement board is hereby authorized and empowered in carrying out the provisions of this chapter to establish special funds supplementing individual contributions by the employees and to receive, invest, and disburse for such purpose all moneys in the form of donations, gifts, legacies, bequests, or otherwise which may be contributed by private individuals or corporations or organizations for the benefit of the city employees generally, or any special employee or class of employees of the city.

Approved March 24, 1961.

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#### CHAPTER 154—S. F. No. 429

[Not Coded]

*An act relating to Olmsted county, providing for adoption of a civil service system for the deputies and personnel in the sheriff's office.*

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

**Section 1. Olmsted county civil service personnel system.** Olmsted County may establish a civil service personnel system for the employees in the sheriff's office to include full-time deputies and office employees.

**Sec. 2. Resolution to establish system.** Subdivision 1. To establish such system the board of county commissioners may adopt a resolution and file a certified copy in the office of the county auditor.

Subd. 2. Upon filing of such resolution the civil service personnel system in the sheriff's office is established.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

**Sec. 3. Sheriff's civil service commission.** Subdivision 1. After filing of their resolution the board of county commissioners shall at their next regular meeting appoint a commission to be designated as the sheriff's civil service commission.

Subd. 2. The commission shall consist of three members who shall be citizens of the state and residents of the county, and shall be appointed by the chairman of the county board, and the appointment of each commissioner, to be confirmed by majority vote of the county board. When first created one commissioner shall be appointed for one year, who shall be president of the commission, one for the term of two years, and one for the term of three years, and all commissioners shall hold their office until their successors are appointed and qualified. No commissioner shall at the time of his appointment or while serving, hold any other office or employment under said county, any city or village, the United States, the State of Minnesota, or any public corporation or political division thereof, other than the office of notary public. Each commissioner, before entering upon his duties, shall subscribe and file with the register of deeds of said county an oath for the faithful discharge of his duties. There shall be appointed each year thereafter, in the manner of the original appointments, one member of the commission whose term of office shall be for three years, and each member of the commission shall be president of the commission during the last year of the term for which he is appointed.

Subd. 3.. The commission shall meet as soon as possible after its appointment and thereafter on the first Monday in February each year at which meetings it shall select from its members a secretary who shall serve until his successor is elected.

The commission shall fix the times of its other meetings, and adopt, amend, and alter rules for its procedure.

**Sec. 4. Compensation of commissioners.** Each commissioner shall serve without pay, but the county board shall allow the secretary such compensation, not exceeding \$200 per year, as it shall deem necessary and commensurate with the additional services rendered by him. The commission shall annually submit a budget to the board of county commissioners for approval, modification or rejection. The county shall pay all necessary expenses incurred by the commis-

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

sion within the budget and in the same manner as other county obligation are disbursed, from the general revenue.

**Sec. 5. Duties of commissioners.** Subdivision 1. The commission shall have supervision over the employment, promotion, discharge, and suspension of all deputies and employees in the sheriff's department, except special deputies with no salary.

The commission shall, immediately after its appointment and organization, grade and classify all positions and also all present employees of the sheriff's department; and any deputy regularly employed at the time of creation of the civil service commission shall come under the jurisdiction of the commission without examination, and shall not be classified in a position with lower pay scale than said deputy is then receiving. The commission shall prepare a service register, in which shall be entered, in their classes, the names, ages, compensation, period of past employment and such other facts and data with reference to each employee as the commission may deem useful, in order to better ascertain the standing of each deputy and employee for the purpose of promotions.

The commission shall act in no more than an advisory capacity regarding salaries in the sheriff's department, and sections 1 to 15 shall in no way change the manner of fixing salaries of deputies.

Subd. 2. The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses, in the order of the date of application, of all applicants for examination and the positions or employment they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission deems necessary and useful.

**Sec. 6. Rules, promulgation.** The commission shall, immediately after its appointment and from time to time thereafter, make, alter, amend and change rules to promote efficiency in the sheriff's department and to carry out the purposes of sections 1 to 15. The rules shall provide among other things for:

(1) The classification of all positions and employees in the sheriff's department;

(2) Public competitive examinations to test the relative fitness of applicants;

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(3) Public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in the county and posting the advertisement for ten days in the county courthouse;

(4) The creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, which shall be embraced in an eligible register;

(5) The commission may by rule provide for striking any name from the eligible register after it has been two years thereon;

(6) The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition, or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any wilful misrepresentation, deception, or fraud in connection with their application for employment;

(7) The certification of the three names standing highest on the appropriate list to fill any vacancy, or any position within the sheriff's department, to which the sheriff may appoint his choice of the three in procedure according to law;

(8) Temporary employment without examination, with the consent in each case of the commission, in cases of emergency but no such temporary employment shall continue more than 30 days nor shall successive temporary employments be permitted for the same position; provided, that whenever there are no names upon the eligible register, for particular positions, temporary appointment may be made for employment to continue until the position is filled by a candidate from the eligible register under provisions of the rules, provided that persons on the eligible list at the time of induction or enlistment during state of war or emergency into the armed forces of the United States shall retain their position on the eligible register;

(9) Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority, with appropriate credit given to members of the sheriff's department who are candidates in promotional examinations or examinations for a higher position.

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(10) Suspension for cause with or without pay for not longer than 60 days and for leave of absence, with or without pay; and

(11) Such other rules not inconsistent with the provisions of this chapter as may, from time to time, be found necessary to secure the purposes of sections 1 to 15.

Copies of such rules shall be kept posted in a conspicuous place in the sheriff's main office.

**Sec. 7. Removal only upon charges.** No deputy sheriff or employee after six months continuous employment shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense as in sections 1 to 15 hereinafter provided. Such charges shall be investigated by or before such civil service commission. The finding and decision of such commission shall be forthwith certified to the sheriff, to be forthwith enforced by him.

Nothing in sections 1 to 15 shall limit the power of the sheriff, or the superior officer in the sheriff's absence, to suspend a subordinate for a reasonable period not exceeding 30 days for the purpose of discipline, or pending investigation of charges when it appears such suspension is advisable.

**Sec. 8. Grades, standards.** The commission shall ascertain the duties of each position, and employment in the sheriff's department of said county, and designate by rule as well as may be practicable the grade of each position. The commission shall prescribe standards of fitness and efficiency for each position and for each grade, and adapt its examinations thereto.

**Sec. 9. Examination.** Subdivision 1. All examinations shall be impartial, fair, and practical, designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question on the examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust and responsibility shall be specially examined as to moral character, sobriety, and integrity, and all applicants for position requiring special experience, skill, or faithfulness shall be specially examined in respect to those qualities. It shall be the duty of the sheriff and of any employee to act as an

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examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission collectively or individually may act as examiners or assistant examiners.

Subd. 2. Notice of the time, place and scope of each examination shall be given by publication and posting as specified in section 6, and by mailing such notice to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible upon examination, after giving credit for character and previous successful experience, shall be entered with their address and percentages on the eligible register. No name shall remain upon the eligible register more than two years without a new application, and if the rules of the commission so require, a new examination. When a vacancy has been filled or new appointment made, the names selected shall be stricken from the eligible register and transferred to the service register.

Sec. 10. **Charges, hearing.** Charges of inefficiency or misconduct may be filed with the secretary of the commission by a superior officer or by any member of the commission of his own motion, and thereupon the commission shall try the charges after no less than ten days written notice to the accused. Such notice shall set forth the charges as filed. In the event that the charges are filed by a member of the commission the complaining commissioner shall not sit. The trial of these charges shall be open to the public and each commissioner shall have the power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. The commission shall require by subpoena the attendance of any witness requested by the accused who can be found in the county. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent or employee of the county who receives compensation for his services, shall not be entitled to fees.

Sec. 11. **Removal after hearing.** If, after investigation and trial by civil service commission, as herein pro-

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vided, an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board shall determine that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings and determinations hereunder and orders of suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of such hearing with the secretary of the commission and it shall be the duty of the secretary to notify such employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided.

Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county, or upon special term set by a judge of said court. The court may hear such additional evidence as it deems relevant to the matter.

The question to be determined by the court shall be:

“Upon the evidence, was the order of the commission reasonable?”

After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other civil cases.

Whenever the sheriff or county attorney deems the civil service commissioners, or any one of them, to be failing their duties as outlined in sections 1 to 15, said sheriff or county attorney, shall request the county board to hold a hearing regarding the matter. The county board shall then determine this question: “Is the sheriff’s civil service commission or any member thereof failing in the duties prescribed by sections 1 to 15?” Upon an affirmative finding by

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resolution the commission or member shall be deemed removed. The county board shall thereafter fill the vacancy by appointment for the balance of the term.

An applicant for examination, appointment or promotion in the sheriff's department of the county who shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other thing to any person, for or on account of or in connection with his examination, appointment or proposed appointment or promotion shall be guilty of a misdemeanor and shall also be subject to suspension or removal.

Any officer or employee of the sheriff's department, when operating under civil service in accordance with the provisions of this chapter, who shall in any manner participate in activities in support of any candidate or party, directly or indirectly solicit, receive, or pay, or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any candidate, party or political purpose, shall be guilty of a misdemeanor and shall be subject to suspension or removal.

**Sec. 12. Employees under civil service commission jurisdiction.** Any deputy sheriff regularly employed on a full time basis at the time of the creation of the civil service commission shall automatically come under the jurisdiction of the civil service commission, consistent with duties of the commission as outlined in sections 1 to 15.

**Sec. 13. Discontinuance of civil service commission.** Subdivision 1. The civil service commission hereafter created, pursuant to the provisions of sections 1 to 15, may be discontinued and abolished as follows: Upon a resolution adopted by the county board on a four-fifths vote, or upon a petition signed by ten percent of the number of legal voters voting at the last general county election, such resolution or petition to be filed with the county auditor, the following question shall be submitted to the voters of the county:

"Shall the sheriff's civil service commission be abolished?"

Subd. 2. When proper resolution or petition according to the preceding subdivision has been filed in the office of the county auditor, he shall submit the question to the voters of the county at the next following general county election occurring at least 30 days from such filing of such petition.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**



Sec. 14. **Application.** Sections 1 to 15 shall not apply and shall have no force or effect upon the county until the requirements and procedure for creation of a sheriff's civil service commission as herein outlined have been complied with.

Sec. 15. **Veterans preference law not affected.** Section 1 to 15 do not exclude or modify the application of Minnesota Statutes, Sections 197.45 and 197.46, known as the Veterans Preference Law.

Sec. 16. Sections 1 to 15 shall be effective upon approval by a majority vote of the members of the Board of County Commissioners and upon compliance with Laws 1959, Chapter 368.

Approved March 24, 1961.

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CHAPTER 155—S. F. No. 488

[Not Coded]

*An act relating to clerk hire in county offices in any county having not less than 13 full and fractional congressional townships and having an area of not less than 400 nor more than 410 square miles; repealing Laws 1939, Chapter 247.*

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

Section 1. Laws 1939, Chapter 247, is hereby repealed.

Approved March 24, 1961.

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CHAPTER 156—S. F. No. 744

*An act relating to terms of district court in certain counties; amending Minnesota Statutes 1957, Sections 484.22 and 484.23, as amended.*

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

Section 1. Minnesota Statutes 1957, Section 484.22, as amended by Laws 1959, Chapter 104, Section 1, and Chapter 249, Section 14, are amended to read:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.