

*budget for the office of county treasurer, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.*

Sec. 5. [Subd. 8.] **Provisions to take effect.** *The provisions of sections 1 through 4 shall take effect in the respective counties specified in subdivision 1 as follows: (1) Upon the expiration of the term of the incumbent holding the office on July 1, 1965, or (2) upon the occurrence prior thereto of a vacancy in the office of county treasurer, or (3) subsequent to July 1, 1965, and upon not less than 30 days written notice by the treasurer, the county board shall make the provisions of sections 1 through 4 effective on the first day of the month following the expiration of the notice period.*

Sec. 6. *All laws relating to the salary, fees and clerk hire for the county treasurer inconsistent herewith are superseded.*

Approved May 26, 1965.

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## CHAPTER 839—S. F. No. 1235

[Coded in Part]

*An act relating to the prohibition of strikes of certain public employees and the adjustment of grievances of such employees; amending Minnesota Statutes 1961, Sections 179.52 and 179.57; amending Minnesota Statutes 1961, Chapter 179, by adding sections thereto.*

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

Section 1. [179.50] **Public employees; strikes; adjustment**

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

**of grievances; policy.** *Unresolved disputes in the public service are injurious to the public, the governmental agencies, and public employees; therefore, adequate means should be provided for preventing controversies between governmental agencies and public employees and for resolving them when they occur. Because the paramount interest of the public and the nature of governmental processes make it necessary to impose special limitations upon public employment, it is incumbent upon governmental agencies to provide orderly procedures for the participation by public employees and their representatives in the formulation of personnel policies and plans to insure the fair and considerate treatment of public employees, to eliminate employment inequities, and to provide effective means of resolving questions and controversies with respect to terms and conditions of employment. It is the public policy of the state of Minnesota that governmental agencies, public employees and their representatives shall enter into discussions with affirmative willingness to resolve grievances and differences. Governmental agencies and public employees and their representatives shall have a mutual obligation to endeavor in good faith to resolve grievances and differences relating to terms and conditions of employment, acting within the framework of laws and charter provisions, and giving consideration to personnel policies, position classification and compensation plans, and other special rules governing public employment.*

Sec. 2. Minnesota Statutes 1961, Section 179.52, is amended to read:

**179.52 Right of complaint and to form or join labor organizations.** *Subdivision 1.* Nothing contained in sections 179.51 to 179.58 shall be construed to limit, impair or affect the right of any public employee or his or her representative to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment; nor shall it be construed to require any public employee to perform labor or services against his will.

*Subd. 2.* Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join ~~labor~~ such organizations. Public employees shall have the right to designate representatives for the purpose of meeting and conferring with the governmental agency or representatives designated by it with respect to grievances and conditions of employment. It shall be unlawful to discharge or otherwise discriminate against an employee for the exercise of such rights, and the governmental agency or its designated representatives shall be required to meet and confer

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with the representatives of the employees at reasonable times in connection with such grievances and conditions of employment. It shall be unlawful for any person or group of persons, either directly or indirectly, to intimidate or coerce any public employee to join, or to refrain from joining, a labor or employee organization.

*Subd. 3. Organizations of public employees shall be granted recognition by a governmental agency according to the extent to which they represent employees of the governmental agency. Informal recognition shall be granted to any labor or employee organization regardless of the recognition granted to any other labor or employee organization. Informal recognition shall give an organization the right to meet with, confer, and otherwise communicate with the governmental agency or its designated representatives on matters of interest to its members. Formal recognition shall be granted to any labor or employee organization representing a majority of the employees in an appropriate unit. Formal recognition shall give an organization the right to meet with, confer and otherwise communicate with the governmental agency or its designated representatives with the object of reaching a settlement applicable to all employees of the unit.*

*Subd. 4. When a governmental agency declines to grant formal recognition or when a question concerning the designation of a representation unit is raised by the governmental agency, labor or employee organization, or employees, the labor conciliator or any person designated by him shall, at the request of any of the parties, investigate such question and, after a hearing if requested by any party, rule on the definition of the appropriate representation unit. He shall certify to the parties in writing the proper definition of the unit. In defining the unit, the labor conciliator shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the principles and the coverage of uniform comprehensive position classification and compensation plans in the governmental agency, the history and extent of organization, occupational classification, administrative and supervisory levels of authority, geographical location, and the recommendations of the parties.*

*Subd. 5. When a question concerning the representative of employees is raised by the governmental agency, labor or employee organization, or employees, the labor conciliator or any person designated by him shall, at the request of any of the parties, investigate such ~~controversy~~ question and certify to the parties in writing, the name or names of the representatives that have been designated or selected. The filing of a petition for the investigation or certification*

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*of a representative of employees by any of the parties shall constitute a question within the meaning of this section. In any such investigation, the labor conciliator may provide for an appropriate hearing, and shall take a secret ballot of employees to ascertain such representatives: for the purposes of formal recognition. If the labor conciliator has certified a formally recognized representative in a unit of employees as provided in this section, he shall not be required to consider the matter again for a period of one year unless it appears to him that sufficient reason exists. The labor conciliator may promulgate such rules and regulations as may be appropriate to carry out the provisions of subdivisions 4 and 5 of this section.*

**Sec. 3. [179.521] Conciliation of disputes.** *If, after a reasonable period of meeting and conferring, the parties are deadlocked, or if the governmental agency or its designated representatives or the employees or their formally recognized representative fail or refuse to meet and confer in good faith at reasonable times in a bona fide effort to arrive at a settlement, either party to a dispute involving conditions of employment or any violation of sections 179.51 to 179.58 may then file a petition requesting the labor conciliator to act in the dispute. Such petition shall set forth the issues of the dispute, the efforts to settle it, and a statement of the failure to reach a settlement. The labor conciliator shall thereupon take jurisdiction of the dispute and shall fix a time and place for a conference with the parties to the dispute upon the issues involved, and he shall then take whatever steps he deems expedient to bring about a settlement, including assisting in preparing information necessary to an understanding of the issues and of a settlement. Both parties shall confer with the labor conciliator and cooperate with him in his attempts to bring about a settlement.*

**Sec. 4. [179.522] Implementation of settlements.** *If a tentative settlement is reached between a labor or employee organization or organizations and the designated representatives of the governmental agency, such representatives shall recommend such settlement to the governing body or officer having authority to take action. The governing body or officer shall as soon as practicable consider the recommendations and take such action, if any, upon them as it or he deems appropriate. If a settlement is reached with a labor or employee organization or organizations and the governing body, such governing body shall implement the settlement in the form of an ordinance, resolution, or memorandum of understanding as may be appropriate. If the settlement requires the adoption of a law or charter amendment to implement it fully, the governmental agency shall make every reasonable effort to propose and secure the enactment of the law or charter amendment.*

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Sec. 5. Minnesota Statutes 1961, Section 179.57, is amended to read:

**179.57 Adjustment panel.** *Subdivision 1.* In order to avoid or minimize any possible controversies by making available full and adequate governmental facilities for the ~~adjustment of grievances settlement of a controversy involving wages, hours, or other terms and conditions of employment,~~ the governmental agency involved, ~~at its own instance or at the request of the public employees a labor or employee organization granted formal recognition, or, in the absence of such an organization, a majority of the public employees involved in the controversy,~~ shall set up a panel of three members; ~~The appointment of such panel shall divest the labor conciliator of all jurisdiction and authority granted by section 3.~~

*Subd. 2.* One of the panel members ~~to~~ shall be selected by the labor or employee organization or by the employees as the case may be, one by the governmental agency, and the two so selected ~~to~~ shall select a third member. If after five days, the two members cannot agree upon the third member, the senior or presiding judge of the district court of the county wherein the dispute has arisen ~~may~~ shall, after notifying the labor conciliator and giving him an opportunity to suggest names of suitable prospective neutral members, appoint such third member. ~~Such appointment shall be made upon application by either of the appointed members in writing by giving five days notice thereof in writing to the other member. If one of the parties fails or refuses to appoint a member to the panel, such member shall be appointed by the senior or presiding judge of the district court in the same manner as the third member is appointed, upon application by a panel member in writing upon five days' notice in writing to the party so failing or refusing.~~

*Subd. 3.* The members of the panel shall be compensated for all necessary expenses by the governmental agency ~~State, or the political subdivision thereof, or the authority involved.~~ The third member of the panel shall be compensated equally by the parties involved at a rate of \$50 for each day or part of a day the hearing is held, except as may be otherwise agreed to by the parties.

*Subd. 4.* The panel shall meet within 15 days after the appointment of the third member. ~~If the grievance can be adjusted The various parties shall attempt in good faith to settle the dispute through negotiation and informal conferences between the various parties; it shall be so adjusted.~~ If the results of the conference negotiations are not satisfactory to all parties concerned, the panel shall afford the public employees, the labor or employee organization in-

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involved, if any, and the governmental agency a full hearing after which the panel shall make their findings and recommendations, a copy of which shall be sent to the ~~Governor, to the Legislature,~~ labor conciliator, and to the head of the governmental agency; or political subdivision involved, and to the employees or their representatives, if any. In making such findings and recommendations, the panel shall take into consideration the tax limitations imposed by law or charter, if any, upon the governmental agency together with wages, hours and other conditions of employment of public employees performing comparable duties for other governmental agencies of a comparable nature and of employees performing comparable duties in private employment, internal consistency of treatment of the employees in the several classes of positions in the governmental agency, as well as such other factors not confined to the foregoing as are normally or appropriately taken into consideration in the determination of wages, hours and other conditions of employment by the governmental agency.

Subd. 5. *The officer or employee of the governmental agency having the authority to recommend changes in wages, hours or other terms and conditions of employment shall prepare whatever ordinances, resolutions, rules, or other written documents as are necessary to carry into effect the recommendations of the panel and shall present them to the governing body or officer of the governmental agency having authority to adopt them and such governing body or officer shall as soon as practicable consider them and take such action, if any, upon them as it or he deems appropriate. In addition, the appropriate officer or employee of the governmental agency involved shall submit to the governing body as soon as practicable estimates of the effects, if any, including, but not limited to, the effects on the budget, of the recommendations of the panel for such action as the governing body may take upon the recommendations consistent with law or charter.*

Sec. 6. [179.571] **Independent review.** *It shall be public policy of the state of Minnesota that every public employee should be provided with the right of independent review, by a disinterested person or agency, of any grievance arising out of the interpretation of or adherence to terms and conditions of employment. When such review is not provided under statutory, charter, or ordinance provisions for a civil service or merit system, the governmental agency may provide for such review consistent with the provisions of law or charter. If no other procedure exists for the independent review of such grievances, the provisions of section 179.57 shall be available to the public employee upon request to the governmental agency.*

Sec. 7. [179.572] *This shall not apply to public school*

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*teachers as defined in Minnesota Statutes 1961, Section 125.03, Subdivision 1.*

Approved May 26, 1965.

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CHAPTER 840—S. F. No. 1484

*An act relating to salaries, fees and deputies of county sheriffs; amending Minnesota Statutes 1961, Sections 387.14 and 387.20.*

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

Section 1. Minnesota Statutes 1961, Section 387.20, is amended to read:

**387.20 Sheriffs; salaries, fees; deputies.** *Subdivision 1.* The several sheriffs of all the counties ~~classified in accordance with the provisions of section 387.19 of the state with less than 75,000 inhabitants according to the 1960 federal census~~ shall receive a yearly salary ~~salaries and their expenses in lieu of fees~~ for all services rendered by them for their respective counties, ~~excepting those required of them by the tax laws of this state and the salary shall be payable in 12 equal installments each on the last secular day of each month out of the county revenue fund on warrants drawn by the county auditor upon the county treasurer and the minimum amount of the salary shall be \$3,600 per annum; not less than the following amounts according to the then last preceding federal census:~~

- (a) *In counties with less than 10,000 inhabitants, \$6,000;*
- (b) *In counties with 10,000 but less than 20,000 inhabitants, \$6,500;*
- (c) *In counties with 20,000 but less than 30,000 inhabitants, \$7,000;*
- (d) *In counties with 30,000 but less than 40,000 inhabitants, \$7,500;*
- (e) *In counties with 40,000 or more inhabitants, \$8,000.*

In addition to such salary each sheriff shall be reimbursed for all expenses incurred by him in the performance of his official duties for his county and his claim for such expenses shall be prepared, allowed, and paid in the same manner as other claims against counties are prepared, allowed, and paid except that the expenses incurred

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