

of Hennepin; amending Laws 1955, Chapter 321, as amended by Extra Session Laws 1961, Chapter 49, Section 2.

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

Section 1. Amending Laws 1955, Chapter 321, as amended by Extra Session Laws 1961, Chapter 49, Section 2, is amended to read:

Sec. 2. Laws 1955, Chapter 321, is amended to read:

Section 1. **Hennepin county; district court; law clerks.** *Subdivision 1.* The judges of the district court in and for the county of Hennepin may employ a law clerk to assist them in the performance of their duties. The law clerk shall assist the judge who is in charge of the special term calendar, and shall work under his immediate supervision and direction.

~~Sec. 2. Subdivision 1.~~ *Subd. 2.* The law clerk shall be paid not more than ~~\$5,200~~ \$6,600 in any one year by and in the same manner as are other county employees, and at a rate established by the judges of the district court in and for the county of Hennepin.

Subd. 2 3. The law clerk may be removed from office at any time without cause for any reason by the judges of said district court.

Approved May 26, 1965.

CHAPTER 855—S. F. No. 1708

[Not Coded]

An act relating to the establishment and maintenance of a personnel system on a merit basis in Hennepin county; providing for the selection, promotion, severance, tenure of office and compensation of Hennepin county employees, establishing a county personnel board and authorizing the county board of Hennepin county to make necessary appropriations.

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

Section 1. **Hennepin county; personnel system; purpose.** The purpose of this act is to establish a personnel department in and for the county of Hennepin to promote and improve the economy and effectiveness of the governmental departments under its

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jurisdiction by the improvement of methods of personnel administration under the principles of a merit system of personnel administration, which shall include a uniform system of job classifications, uniform procedures and standards for hiring, promotion, salary administration and other matters.

Sec. 2. **Definition of terms.** Subdivision 1. For the purposes of this act, unless the context clearly indicates that a different meaning is intended, the terms defined in this section have the meanings given them.

Subd. 2. "Board" means the county personnel board.

Subd. 3. "Member" as used in this act and in the rules promulgated under the provisions of this act means a member of the county personnel board and does not refer to a member of the Hennepin county board of commissioners.

Subd. 4. "Director" means the director of the department of personnel.

Subd. 5. "Personnel department" means the personnel board together with the personnel director and his employees engaged in the administration of the personnel department.

Subd. 6. "County board" means the board of Hennepin county commissioners.

Subd. 7. "Appointing authority" means the head of a department, division, board, commission, person or group of persons who have the power by law or by lawfully delegated authority to make appointments to positions in the county service within the scope of this act.

Subd. 8. "Classified service" means all positions and employees holding such positions in the county service except those placed in the unclassified service by this act.

Subd. 9. "Position" means a group of current duties and responsibilities assigned or delegated by competent authority requiring full time or part time employment of one person.

Subd. 10. "Class" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class; that the same general qualifications are needed for the performance of the duties of the class; that the same test of fitness may be used to recruit employees; and that the same schedule of pay can be applied with equity to all persons in the

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class under the same or substantially the same employment conditions.

Subd. 11. "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty and responsibility of the work performed in the position.

Subd. 12. "Reallocation" means reassignment, or change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level, on the basis of significant changes in the kind, difficulty or responsibility of the work performed in such position.

Subd. 13. "Classification" means the act of grouping positions into classes with regard to duties and responsibilities.

Subd. 14. "Eligible" means any person whose name is on the reinstatement, promotional or original entrance list for a given class.

Subd. 15. "Permanent employee" means any employee in the *classified service who has gained permanent status according to the act*, who has satisfactorily completed his probationary period and has been so certified by the appointing officer.

Subd. 16. "Probationary period" means that part of the examining process following certification and appointment from an original entrance eligible list or a promotional eligible list or when an employee has been transferred from one department to another and upon the request of the new appointing authority he be required to serve a probationary work period during which the employee may demonstrate that he meets the reasonable standards of performance and character required of employees in the county service.

Subd. 17. "Classification plan" means a list of the classes of positions in the classified service by their official title. For each class of positions there shall be prepared a class specification which shall set forth the duties, responsibilities and authority thereof, and the qualifications that are necessary and desirable for the satisfactory performance of the duties of the position in the class.

Subd. 18. "Unclassified service" means those positions in the county service which are exempt from the jurisdiction of the personnel board by this act.

Subd. 19. "Transfer" means a change by an employee from one position to another position in the same class or to another class in the same salary range involving the performance of similar duties and requiring essentially the same basic qualifications.

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Sec. 3. Creation of the personnel board. Subdivision 1. **Terms of office.** Not less than 60 days before the operative date of this act the Hennepin county board of commissioners shall appoint five persons to serve for the following designated terms: two for four years, two for three years, and one for two years. Thereafter, the Hennepin county board of commissioners shall appoint or reappoint one or more persons as successor for the member or members whose term shall expire to serve for a term of four years. The expiration date of all expiring terms shall be January 2. Any vacancies shall be filled by a majority vote of the county board for the unexpired term.

Subd. 2. **Conditions of Appointment.** No persons shall be appointed or selected as a member of the county personnel board at any time while holding any public office or while standing as a candidate for any public office, or any public employment or position in a political party within one year immediately preceding his appointment. Each member of said board shall be a resident of the county and in the event he becomes a non-resident, he thereby forfeits his office.

Subd. 3. **Oath of office.** Within 15 days after appointment each member shall qualify by subscribing to an oath for the faithful discharge of his duties and file said oath with the clerk of district court and such oath shall include a statement of belief in and desire to support the principles of a merit system. If an appointee fails to so qualify, another shall be named in his stead. Each member shall hold office until his successor has been appointed and qualified, except in the event the member shall stand as a candidate for elective public office, he shall by filing his candidacy automatically forfeit his office.

Subd. 4. **Removal.** A personnel board member may be removed from office by the county board for cause, after he has first been given a copy of the charges against him and opportunity of being publicly heard in person or by counsel, upon not less than ten days written notice. It shall require a majority vote of the county board to effect a removal.

Subd. 5. **Board compensation.** Compensation for members of the personnel board shall be set by the county board. Such compensation shall not exceed \$35 per day. In addition thereto, each member of the board shall be paid actual expenses on itemized and verified statements.

Subd. 6. **Organization.** The board shall organize by electing one of its members as chairman and one as vice chairman. The personnel director hereinafter provided shall serve as secretary.

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Subd. 7. **Meetings.** The personnel board shall maintain its principal office in such space as shall be provided for it by the county board. It shall maintain its records at this principal office and shall hold regular meetings there except when in the discretion of the chairman it is necessary to meet elsewhere in proper performance of its duties. Meetings of the board shall be open to the public and no meetings or hearings of the board shall be held unless at least three members of the board are present.

Sec. 4. **Duties of the personnel board.** Subdivision 1. **Board proceedings.** The board shall hold meetings at least once each month and may hold such additional meetings as may be required in the proper discharge of its duties. When any member of the board is not present at the time a matter is submitted to the board such matter shall be deemed submitted to each member of the board with like effect as though each member of the board had been present at the time of submission of such matter. Whenever during the consideration of a matter which is before the board, there is a change in the personnel of the board, the matter shall be deemed submitted to the new member, or members, as though said new member, or members, had been a member of the board at the time of the submission of the matter.

The board shall keep records and minutes of its business and official actions and such records and minutes shall be public records open to public inspection subject to such rules as to hours and conditions of inspection as the board may establish.

Subd. 2. **Duties and powers of board.** It shall be the duty of the personnel board as a body:

(a) to frame, with the assistance of the personnel director, rules for the classified service. Such rules shall be framed only after posted notice in each department and after written notice to all department heads and labor organizations whose employees are covered under the provisions of this act providing for a public hearing on the proposed rules or changes or amendments thereto. Such rules shall be submitted to the county board who may approve or reject such rules. When approved, which shall be by majority vote and in the form of a written resolution, the rules shall have the force and effect of law. Such rules may be amended and repealed with the consent of the county board in the same manner as provided for original adoption. Notwithstanding any other provisions of this act all personnel rules affecting employees of departments and agencies paid in whole or in part by federal funds, shall conform to any valid federal or state regulation affecting any such department. Such rules shall provide among other things:

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(1) for the rejection of otherwise eligible candidates who fail to comply with the reasonable requirements of the board with regard to age, citizenship, qualifications, residence, sex, or physical or medical condition, or who have been guilty of crime involving moral turpitude, or who have attempted any deception or fraud in connection with an application or examination, or who have been dismissed from the public service for delinquency or misconduct, or who have directly or indirectly given or promised to give any money, service, or other valuable thing to any person for or on account of his examination, appointment, or proposed appointment.

(2) for examinations which shall be competitive and standardized and which may consist of any one or a combination of the following: written or oral tests of the subjective or objective type, physical tests, practical or demonstration tests, or evaluation of past training and experience. Oral tests may be of the question and answer type used to test candidates' knowledge of the duties of the position, or may be of the interview type used to test the candidates' personal fitness for the job.

(3) for the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their rating in the examination.

(4) for the appointment to fill a vacancy of one of those who have qualified through the examination process, if the vacancy is not filled by reduction, transfer, or reinstatement. Three persons when available shall be referred to department heads when a vacancy occurs, with waiver in extreme or unique conditions subject to unanimous approval of the personnel board.

(5) for a period of probation during which period such probationer may be discharged or reduced, and he shall have no right of appeal. Such period of probation shall not exceed six months unless waived by unanimous approval of the personnel board due to extreme or unique conditions.

(6) for provisional employment without examination with the consent of the director, in cases of emergency and pending appointment from an eligible list, providing no provisional employment shall continue longer than 90 days.

(7) for transfers including transfers from other merit systems provided that a transfer shall not result in a promotion or reduction; and for reinstatement of persons who without fault or delinquency on their part are separated from the service or reduced:

(8) for promotion based upon competitive examinations and

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upon the record of efficiency. Whenever practicable vacancies shall be filled by promotion.

(9) for suspensions without pay for no longer than 30 days for disciplinary purposes; for leaves of absence with or without pay; for layoffs; for hours of employment; for vacations and sick leave; severance pay, and such other benefits and emoluments as may improve the public service.

(10) for discharge or reduction in rank of a permanent employee only when the person to be discharged or reduced has been presented with charges specifically stated in writing and has been allowed a hearing thereon before the personnel board. Records of such charges and the hearing shall be filed in the office of the personnel director.

(b) to provide a salary and wage schedule for county employees to be presented to the county board for approval and to establish periods and manner in which salaries and wages shall be paid.

(c) to make investigations either on petition of a citizen or of its own motion concerning the enforcement and effect of this act, to require observance of its provisions and the rules made thereunder.

(d) to hear and determine appeals on complaints respecting the administrative work of the personnel director and such other matters as may be appealed to the board.

(e) to make such investigations as may be requested by the county board or the personnel director and to report thereon.

(f) to make an annual report to the county board on the activities of the personnel department.

Sec. 5. Director. Subdivision 1. Selection and tenure. Whenever a vacancy exists, the personnel board, with the approval of the county board, shall appoint a personnel director on the basis of merit and fitness as a result of competitive examinations. The personnel director shall be in the classified service and shall not be removed by the personnel board except under written charges in accordance with the personnel act and after a public hearing by the personnel board.

Sec. 6. Duties of the personnel director. Subdivision 1. Scope of duties. The personnel director as administrator of the personnel department shall cooperate with and assist department heads and elected officials in providing an effective personnel pro-

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gram. He shall direct and supervise all of the personnel department's administrative and technical activities in addition to the duties imposed on him elsewhere in this act and it shall be his duty to:

(a) attend the regular and special meetings of the board, to act as its secretary and to record its official actions.

(b) to appoint, supervise and direct the work of the employees of the personnel department. Such employees shall be chosen in accordance with and subject to the provisions of this act.

(c) prepare and recommend rules for the administration of this act, which shall become effective after approval by the board subject to the approval of the county board, as provided by this act; to administer such rules and propose amendments thereto.

(d) as soon as practicable after the effective date of this act, after consultation with the department heads and employees, prepare a classification plan which shall group all positions in the classified service into classes, based on their duties and responsibilities. The classification plan shall set forth for each class or position a class title, a statement of duties, authority and responsibilities thereof and qualifications that are necessary and desirable for the satisfactory performance of the duties of the position. The classification plan shall be effective upon approval by the personnel board. Periodic job audits shall be made of positions for the purpose of keeping the classification plan current with changes in work assignments.

(e) as soon as practicable after the adoption of the classification plan prepare a schedule of salary or wage rates for each class, grade, or group of positions in the classified service. Salary and wage schedules when approved by the personnel board shall be submitted to the county board who may approve or reject such schedules. Approval shall be by majority vote in the form of a written resolution. The assignment of new classes or the reassignment of existing classes to salary ranges and compensation plans shall be made according to the methods set forth above.

(f) establish programs for the training and further education of employees to the end that the quality of the service rendered by the persons in the classified service may be improved and that employees may be prepared to take advantage of promotional opportunities.

(g) provide for, formulate, and hold competitive examinations to determine the qualifications of persons seeking employment in any class or position and establish lists of those passing such examinations.

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(h) when a vacancy is to be filled, to certify to the appointing authority on written request that sets forth the duties and responsibilities of the position to be filled, the names of the persons highest on the layoff list for the class. If there is no layoff list, he shall certify those on the eligible list for the class. If there is no such list, he may authorize temporary appointment pending establishment of such employment lists for such class.

(i) keep such records as may be necessary for the proper administration of this act.

(j) provide a system for checking payrolls and accounts for the payment of salaries or wages to employees in the classified service so as to enable him, upon evidence thereof, to certify or cause to be certified the persons whose names appear thereon have been regularly employed or on authorized leave before payment may be lawfully made to such employees.

(k) make investigations concerning the administration and effect of this act and rules made thereunder and report his findings and recommendations to the personnel board.

(l) to make such investigations as may be required by the personnel board or the county board and report thereon.

(m) make an annual report to the personnel board.

Sec. 7. Unclassified and classified service. Subdivision 1. **Definition of coverage.** The officers and employees of the county of Hennepin and all of its agencies, boards, commissions, authorities, or committees heretofore or hereafter created, supported in whole or in part by the taxation of the county of Hennepin, excepting those employees of the county attorney, auditor, clerk of district court, probate court, court commissioner, register of deeds, sheriff, examiner of titles, school superintendent and treasurer, and the positions they hold are hereby divided into the unclassified and classified service.

Subd. 2. **Unclassified service.** The unclassified service shall comprise:

(a) officers chosen by election or appointment to fill an elective office.

(b) members of boards and commissions appointed by the county board.

(c) medical residents, interns, and students in training.

(d) non-salaried attending medical staff.

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- (e) special deputies serving without pay.
- (f) seasonal positions.
- (g) department heads appointed by the county board.
- (h) chief deputy or principal assistant and secretary for each elected official.
- (i) director of court services, examiner of titles and deputy examiners, court reporters, referees, clerk of municipal court and chief municipal court probation officer.
- (j) other temporary judicial appointments performing a special function.

Subd. 3. Classified service. The classified service shall include all other positions now existing or hereafter created and all employees holding such positions unless specifically placed in the unclassified service by this act. The provisions of Minnesota Statutes 1961, Section 393.07, Subdivision 5, are hereby superseded insofar as they may be inconsistent.

Sec. 8. Tenure. Subdivision 1. **Current employees protected.** All persons holding positions in the service of the county of Hennepin who had acquired permanent tenure or who were serving a probationary period on the operative date of this act shall retain their positions, seniority date, and accrued benefits without further examination subject to and protected by the provisions of this act, except that those positions in the unclassified service enumerated in section 7, subdivision 2 (g), (h), and (i) shall not have permanent tenure, but shall have all other benefits provided for in this act.

Subd. 2. Salary shall not be decreased. In the event a lower salary is assigned to a class of positions, or in the event the class of position is reallocated to a lower grade, the salary of an employee holding a position in such class shall not be affected thereby. However, no salary increase shall be granted such employee until such time as the regular rate attached to his position exceeds his present salary. In any event all employees shall be assigned to a salary rate as established in the compensation plan which shall be the dollar figure established in the plan which shall be equal to or the next higher rate above their current rate of pay. Notwithstanding any provisions of the act, the longevity formula or comparable benefits enjoyed by county employees covered by this act shall not be reduced. The fringe benefits or equivalent enjoyed by employees in any one division of county government to be

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covered by this act prior to the establishment of this act shall be *enjoyed by all employees after the establishment of such act.*

Sec. 9. Classification of employees. Subdivision 1. **Director to classify.** The director shall be responsible for the classification according to the duties and responsibilities of each position in the county service. This duty to classify shall extend to all offices, employees and positions held by members of the classified service under this act. A title shall be established for each class of employment for use in examining and certifying names of persons for appointment under this act. The classifications, when approved by the personnel board, shall take effect immediately. The director shall make changes in the classification when he deems it necessary for efficiency and effectiveness of the service.

Subd. 2. **Allocations.** The director shall allocate each position in the classified service to one of the classes within the classification plan. 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 position to its appropriate class. After the director makes an allocation in accordance with the above he shall notify the appointing authority affected in writing of that allocation. The allocations shall then become effective immediately, but the appointing authority may file with the director an application for reconsideration together with any written evidence by way of affidavits, statements or exhibits which the appointing authority may wish to be considered by him. The director shall act upon that application and notify the appointing authority of his final action. Whenever because of changes in the organizational structure of an agency and the duties of a position, or for some other reason the position appears to be improperly allocated, the director shall, upon his own initiative or upon 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. An appointing authority affected by 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. *Except as provided in the above clause, any reallocation granted by the director shall become effective upon the expiration of the time fixed for making application for reconsideration if none is made, or if one is made, at the date of notice by the director of his final action. In all cases the burden of proof shall be upon the person requesting the reallocation.*

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Except as provided the incumbent of a position which has been reallocated shall continue in the position only if he is eligible for and actually appointed to the position of the new class in accordance with the rules of the board governing promotion, transfers 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 act 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 the appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in a promotional examination held to fill the reallocated position as provided in the rules of the board.

When a position is reallocated by the director to a class in a lower salary range, the director 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 determines that the best interest of the county 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 until such time as his salary once again may be within the range of the class to which his position has been reallocated.

The personnel board shall review an allocation made by the director upon the written request of the appointing authority affected on the grounds that:

- (1) The action of the director was not in accordance with the personnel act, or
- (2) The action of the director 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 the record may sustain, reverse, or modify the action of the director, or in its discretion may order that further evidence may be taken by him to submit to the board and considered by it upon its review. Any employee or appointing authority may petition the district court for a review and determination of any alleged arbitrary or capricious action on the part of the personnel board involving allocation.

Sec. 10. **Payrolls approved by director.** Subdivision 1.

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Payroll certification. No disbursing officer of any department or agency of the county of Hennepin shall pay any salary or compensation for service to any person holding a position in the classified service as established under this act unless the payroll or account for such salary or compensation shall bear the certification of the personnel director that the persons named therein have been appointed in accordance with the provisions of this act. The director shall not certify any payroll item for payment unless such person, claimed to be entitled to such payment, shall have been appointed and employed in accordance with the provisions of this act and the rules of the personnel board.

Sec. 11. Party to litigation. Subdivision 1. **Board may be party to litigation.** In any litigation arising out of the provisions of this act, or in relation thereto, the personnel board shall be a proper party plaintiff or defendant, and may sue or be sued as such. The board shall be represented in any such action by the county attorney. Any taxpayer of the county may maintain an action in the district court to enjoin a person or persons from authorizing or making payment in violation of this act or rules enacted hereunder.

Subd. 2. **Subpoenas.** In any investigation conducted by the personnel board or personnel director they shall have the power to subpoena and to require the attendance of witnesses and the production of books and papers pertinent to the investigation, and to administer oaths to such witnesses. The board may make application to the district court for an order of attendance or submission of records.

Board hearings shall be conducted informally and impartially in such manner as it deems best calculated to arrive at the correctness of the charges preferred and without regard to any technical rules of procedure or evidence.

Sec. 12. Influence of applicants. No persons shall deceive or obstruct any person in respect to his or her rights to examination under the provisions of this act, or falsely mark, grade, estimate, or report upon the examination or standing of any person examined hereunder or aid in so doing, or furnish to any person, except in answer to inquiries of the personnel board, any special information for the purpose of either improving or injuring the rating of any such person for appointment or employment. No applicant shall deceive the board for the purpose of improving his prospects for employment. No person shall solicit, orally or by letter, and no public officer or public employee shall receive or be concerned in the receiving or soliciting of any money or valuable thing or service

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from any officer or employee holding a position in the classified service for any political party or purpose whatsoever. No person shall by means of threats or coercion induce or attempt to induce any person holding a position in the classified service to resign.

Sec. 13. Removals and demotions. Subdivision 1. **Separation.** No employee in the classified service who shall have been permanently appointed or inducted into the classified service under the provisions of this act shall be removed, demoted, or discharged except for cause. Removal, reduction, or suspension for religious, racial, or political reasons shall not be considered "cause" for such action under the provisions of this act. If the appointing authority desires to demote or discharge any such employee, he shall notify said employee, in writing, served personally upon him, or by registered mail to him at his last known address, setting forth the charges against him. A copy of the said charges shall at the same time be filed with the personnel director. The accused employee may, within five days from the date the charges are served upon him, file with the appointing authority a written answer to the charges. If the charges brought against the employee are not resolved within five days of the date of the employee's answer, the employee or his representative may, within 15 days from the date the charges are served upon the employee, file with the director a written demand for a hearing, whereupon without unnecessary delay the personnel board shall conduct such hearing. The hearing shall be confined to the determination of the questions of whether such removal, demotion, or discharge was or was not made for political, racial, or religious reasons, or was or was not made for just cause. After such hearing the board may, if in its estimation the evidence is sufficient, affirm the removal, demotion, or discharge or if it shall find that removal, demotion, or discharge was made for political, racial or religious reasons, shall order the immediate reinstatement of such person in the position from which he was removed, demoted, or discharged with full pay from the time of such removal, demotion, or discharge; or if it shall find that the removal, demotion, or discharge was not made for just cause, shall order the immediate reinstatement of such person in the position from which such person was removed, demoted, or discharged, which reinstatement shall, if the board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, demotion, or discharge; or the board may in its judgment reduce the punishment sought to be applied by the appointing authority.

Subd. 2. **Investigations.** All investigations made by the personnel board pursuant to the provisions of this section shall be

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by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and present his defense. The personnel board hearing shall be conducted impartially and in such manner as it deems best calculated to arrive at the correctness of the charges preferred, and without regard to any technical rules of procedure or evidence. The accused employee shall have the right to be represented by counsel or other representative and may demand that a record of the hearing be made at the expense of the personnel board. Any employee may appeal from the decision of the board to the district court, which court shall determine whether the records of the hearing contain evidence upon which the board could have reached such decision and whether such board *abused the discretion granted it under the provisions of this act.*

Sec. 14. Veterans to be given preferential rating. Subdivision 1. **Preference to veterans.** In all examinations veteran's preference shall be granted to every person who is a veteran as defined in Minnesota Statutes 1961, Section 197.45.

(a) The provisions of section 15 of this act shall apply to all veterans.

Sec. 15. Retirement. Subdivision 1. **Age at retirement.** Except as provided below every person in the classified service who is designated as a future beneficiary by the rules of any tax aided pension, relief, or retirement fund established and maintained by authority of laws of this state, shall retire upon reaching age 65; provided that any such employee has attained the age of 65 and who has not served a sufficient length of time to entitle him to minimum benefits under the terms and provisions of any such pension act now in effect providing benefits for such employee, subject to the provisions of the personnel act or pension plan may remain in the service of the county until he has served sufficient length of time to *entitle him to such benefits.*

(a) Those who have reached the age of 68 or over during the calendar year of such adoption shall be retired as of December 31 of that year.

(b) Those who become 67 years of age or over during the calendar year next following the year of such adoption shall be retired as of December 31 of that year.

(c) Those who become 66 years of age or over during the second calendar year next following the year of such adoption shall be retired as of December 31 of that year.

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(d) Those who become 65 years of age or over during the third calendar year next following the year of such adoption, and thereafter, shall be retired as of December 31 of the calendar year in which they become 65.

Subd. 2. **Limitations.** The provisions of Minnesota Statutes, Section 197.46, are hereby superseded by the provisions of this section insofar as they may be inconsistent.

Sec. 16. **Discrimination.** There shall be no discrimination in any employment or personnel policy of the county personnel department because of race, color, creed, or national origin.

Sec. 17. **Right of representation.** Any employee or group of employees covered under the provisions of this act shall be afforded the right of representation by a labor organization in any matters covered under this act.

Sec. 18. **Appropriation of funds.** The county board is hereby authorized and it shall make the necessary appropriation to carry out the provisions of this act.

Sec. 19. **Provisions severable.** In the event that any section or portion of this act shall be held invalid, for any reason, such invalidity shall not be held to impair and invalidate the remainder of this act or any other part of it, it being the legislative intent that every section and part hereof shall stand and be in force and effect notwithstanding the invalidity of any particular provision or provisions.

Sec. 20. **Inconsistent acts repealed.** All acts and parts of acts or any other provisions inconsistent with this act are hereby repealed to the extent necessary to give effect to the provisions of this act.

Sec. 21. **Effective date.** This act shall become effective after its approval by the Hennepin county board, and upon compliance with Minnesota Statutes 1961, Section 645.021, but shall not become operative until March 20, 1967.

Approved May 26, 1965.

CHAPTER 856—H. F. No. 631

An act relating to the incorporation of villages, and validating the incorporation of villages in certain cases; amending Minnesota

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