

well regulation, or private septic tank and sanitary disposal system regulation.

Sec. 2. All requirements of statutes for the publication or posting of ordinances on the subjects covered in section 1 shall be satisfied as to ordinances or resolutions or parts thereof adopted by reference as provided in section 1, when the ordinance or resolution incorporating the ordinance or resolution or part thereof of the other named village shall be published in the same legal newspaper and on the same date or any subsequent date as the ordinance or resolution being incorporated by reference, provided that at least three copies of the ordinance or resolution referred to are marked as official copies for use and examination by the public and filed in the village clerk's office. The clerk of the village shall furnish a copy of any such ordinance or resolution thus incorporated by reference at cost to any person upon request.

Sec. 3. The authority granted herein shall be supplemental and in addition to that provided under Minnesota Statutes, Section 471.62.

Sec. 4. The provisions of this act shall become effective upon approval by the village councils of the villages of East Bethel and Saint Francis in Anoka county and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 16, 1967.

CHAPTER 483—H. F. No. 1989

[Not Coded]

An act relating to the county of Itasca; establishing a merit system of employment and providing for its administration by the county board.

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

Section 1. **Itasca county; civil service system established.** There is hereby established a merit system of employment for the employees of Itasca county.

Sec. 2. **Definitions.** Subdivision 1. **Terms.** Unless the context requires otherwise, the words and phrases defined in the following subdivisions shall have the meanings there ascribed to them.

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

Subd. 2. **Appointing authority.** "Appointing authority" means the official, employee, board, or commission empowered by statute or resolution of the county board of commissioners to make an appointment to the position referred to in the context.

Subd. 3. **County board.** "County board" means the county board of commissioners of Itasca county.

Subd. 4. **Classified service.** "Classified service" means the positions covered by the merit system.

Subd. 5. **Employee.** "Employee" includes an officer, employee, or other holder of a position in Itasca county.

Subd. 6. **Merit system.** "Merit system" means the method provided in this act and rules adopted thereunder for the employment, promotion, dismissal, and discipline of county employees.

Subd. 7. **Position.** "Position" includes an office, employment, or place in the county service that may be filled by an employee.

Sec. 3. **Classified service, unclassified service.** Every employee of Itasca county shall be in the classified service except the following:

(a) Any officer chosen by popular election or appointed to fill a vacancy in an elective office.

(b) Any official reporter, bailiff, or other employee appointed by any court, or judge or justice thereof.

(c) Members of any board or commission provided for by statute or resolution of the county board.

(d) Employees of the county hospital board and welfare commission.

Sec. 4. **Positions; graded, classified.** The county board shall, as soon as practicable after the effective date of this act and after consultation with appointing authorities and principal supervisory officials, grade and classify all positions in the classified service according to the duties and responsibilities of each position and appropriate lines of promotion and it shall allocate each position in the classified service to the appropriate class therein. The titles in the classification plan shall be used for original appointments, promotions, pay rolls, and all other personnel records, and rates of pay shall be fixed according to the grades of positions established in the classification plan. The county board shall prepare and maintain an employment roster on which shall be entered in their respective

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classes of employment, the names, ages, compensation, period of past employment and such other facts with reference to each employee in the classified service as the board deems useful.

Sec. 5. Appointments, promotions. Subdivision 1. **Competitive examinations.** Every appointment or promotion to a position in the classified service shall be made after a competitive examination given by the county board or under its direction as provided in section 6.

Subd. 2. Lists of eligibles. The county board shall, as the need arises, prepare and maintain lists of eligibles for classes of positions in the classified service in accordance with their standing in examinations, taking into account the credit given war veterans by Minnesota Statutes, Section 197.45.

Subd. 3. Three names certified. Whenever a vacancy occurs in a position in the classified service, the appointing authority shall notify the county board of the vacancy. The board shall certify to the appointing authority the three names standing highest on the appropriate eligible list. If two or more vacancies are to be filled in the same class, the board shall certify two more names than the number of vacancies to be filled. The appointing authority shall appoint one person from the names so certified to fill each vacancy.

Subd. 4. Temporary employment. An appointing authority may, to the extent authorized by the rules of the county board, temporarily employ persons on eligible lists but without regard to rank thereon for a period not to exceed 90 days in emergencies and may provisionally employ persons for not more than 90 days when necessary because of the lack of eligibles on the eligible list. No person shall serve as a temporary or provisional employee for more than 90 days in any calendar year.

Sec. 6. Examinations. Subdivision 1. **Requirements.** Every examination shall be impartial, fair, and designed only to test the relative qualification and fitness of applicants to discharge the duties of the particular position for which it is designed. No questions in any 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 positions requiring special experience, skill, or faithfulness shall be especially examined in respect to those qualities. Within this limits, the board may make use of any appropriate testing technique, including oral examinations or interviews.

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Subd. 2. Notice. Public notice of the time and place of an examination shall be given by one publication in the official newspaper of the county, or in a newspaper of general circulation in the county if there is no official newspaper, at least ten days in advance of the examination and by posting for a similar period. A written notice shall also be mailed in advance of the examination to each person who has submitted his application for the position to the county board before the public notice is given.

Subd. 3. Examiners. It shall be the duty of every employee of the county to act as an examiner at the request of the county board without additional compensation for such service. The county board may make use of other qualified persons who are not employees of the county to act as examiners.

Sec. 7. Employees; dismissal, suspension, demotion. Subdivision 1. Just cause; notice; filing of charges. No permanent employee in the classified service shall be dismissed, demoted, or suspended without pay for more than 30 days, except for just cause, as defined in this section. No charges against such an employee shall be entertained by the board unless made in writing and signed and sworn to by the person making the same. Charges shall be filed with the clerk of the county board. Upon the filing of charges, if the county board shall determine that such charges may constitute ground for dismissal, demotion, or suspension without pay for more than 30 days, it shall order a hearing thereon and fix a time for such hearing, otherwise the charges shall be dismissed. At least ten days before the time appointed for the hearing the county board shall notify the employee in writing of the specific charges filed against him and of the name of the person who filed the charges. Such notice may be given by service upon the employee personally or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein. If the county board orders a hearing, it may suspend the employee without pay pending final disposition of the charges against him.

Subd. 2. Hearing; witnesses. Hearings shall be held before the county board or a committee composed of a portion of its membership, as the county board determines in each case at the time it orders a hearing. The body before which a hearing is held is referred to herein as the hearing panel. Hearings shall be open to the public and each member of the hearing panel may administer oaths; may issue subpoenas to compel the attendance of witnesses and the production of books, papers, and other tangible evidence at any hearing; and may cause such subpoenas to be served and executed anywhere within this state. The hearing panel shall invoke its subpoena powers to compel the attendance of any witness or the pro-

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duction of any tangible evidence found in this state upon the request of the employee. The hearing panel may complain to the district court of disobedience of its subpoenas or orders with such notice to the person accused as the court shall prescribe. The court shall require the accused person to obey the county board's subpoena or order and punish disobedience as a contempt of court. At the hearing the hearing panel shall permit the employee to confront and cross examine the witnesses against him, to introduce evidence in his own behalf, and to be represented by counsel. Witnesses in attendance at the hearing shall be paid the same fees and mileage as they would be for attendance upon the district court, except that any officer, agent, or employee of the county who receives compensation shall not be entitled to fees or mileage.

Subd. 3. Determination. The hearing panel shall make findings of fact. If the hearing panel consists of a committee of the county board the committee shall transmit its findings, with a copy of the transcript of the hearings and of its recommended disposition of the case, to the full county board promptly after the completion of hearings. The county board may either accept or modify the findings of fact of the committee. In any case, whether the hearing panel consists of the county board or a committee thereof, and whether the county board accepts or modifies the findings of fact of a committee, if such is appointed, the county board shall render its decision and findings of fact in writing and shall file the same with its clerk within 25 days after the completion of hearings. If the county board finds that the charges or any portion thereof are sustained and that they constitute just cause for disciplinary action, it may order that the employee be dismissed, suspended for a specified period of time without pay, or demoted. If the county board finds that the charges are not sustained or that they do not warrant suspension pending determination of the proceedings, it may order that an employee who has been so suspended be paid all back pay due for the period of suspension.

Subd. 4. Just cause. Just cause for dismissal, demotion, or suspension is:

- (1) conviction of any criminal offense in a court of competent jurisdiction subsequent to the commencement of employment by the county; or
- (2) neglect of duty or wilful violation or disobedience of lawfully promulgated orders or rules; or
- (3) inefficiency in performing duties; or

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(4) immoral conduct or conduct injurious to the public welfare, or conduct unbecoming a public employee; or

(5) incapacity or partial incapacity affecting an employee's ability to perform his official duties.

Sec. 8. Appeal. Subdivision 1. Notice. An employee who is dismissed, suspended, or demoted by order of the county board may appeal from the order to the district court by serving written notice of the appeal upon the clerk of the county board within ten days after he has received written notice of the board's order.

Subd. 2. Certification of record. Within five days after service of the notice of appeal upon him, the clerk shall certify the record of the proceedings, including all documents, testimony, and minutes, to the clerk of the district court. The clerk shall then place the cause on the calendar for determination at the next general term of the court to be held in the county. On appeal the court shall determine (1) whether the findings of fact of the county board are reasonably supported by the evidence, and (2) whether the order of the county board is reasonable in view of the facts as found by the county board.

Subd. 3. Decision. If the court determines that the findings of fact of the county board are reasonably supported by the evidence and that the order of the county board is reasonable in view of the facts as found by the county board, it shall sustain the findings and order. If the court determines either that the findings of fact are not reasonably supported by the evidence or that the order of the county board is unreasonable in view of its findings of fact, the court shall modify the order or remand the case to the county board for further proceedings, and may, incident to such modification or remand, order the payment of back pay for any period during the pendency of the hearing or appeal that the employee was suspended without pay.

Subd. 4. Appeal to supreme court. The employee or the county board may appeal from the district court to the supreme court in the same manner as is provided for other cases.

Sec. 9. Probationary period. Every person holding a position in the classified service of the county on the effective date of this act and every person subsequently appointed to such a position shall serve a probationary period of six months. During this period, he may be dismissed summarily without compliance with section 7, but his dismissal shall be in writing and reported to the county board.

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Sec. 10. Rules. Subdivision 1. **Publication.** The county board shall, as soon as practicable after the effective date of this act and from time to time thereafter, adopt rules consistent with this act on the subjects enumerated in subsequent subdivisions in order to carry out the purposes thereof. Copies of the rules may be published in the official newspaper or made available at the office of the clerk of the county board in printed form for general distribution. If not so published, copies shall be posted in a conspicuous place in the county courthouse and in such other public places as the county board shall specify, and no rules of general application with reference to employment, promotion, dismissal, or suspension shall be effective until so posted or published.

Subd. 2. **Classification of positions.** The county board shall provide by rule for the classification of all positions in the classified service on the basis of duties and responsibilities.

Subd. 3. **Public competitive examinations.** The county board shall provide by rule for public competitive examinations, after public notice, to test the relative fitness of applicants for positions.

Subd. 4. **Lists of eligibles.** The county board shall provide by rule for the creation and maintenance of lists of eligibles. No name shall remain on an eligible list for more than two years.

Subd. 5. **Rejection of candidates.** The county board shall provide for the rejection of candidates or eligibles who fail to comply with reasonable requirements of the county board with 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 applications.

Subd. 6. **Certification of names to appointing authority.** The county board shall provide by rule for certification of names to the appointing authority from the appropriate eligible list for appointment, promotion, or reemployment.

Subd. 7. **Temporary and provisional appointments.** The county board may provide by rule for temporary and provisional appointments.

Subd. 8. **Promotion.** The county board shall provide by rule for promotion based on competitive examination, supplemented by records of efficiency, character, conduct, and seniority when a passing grade is obtained upon the examination.

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Subd. 9. **Suspension.** The county board shall provide by rule for the suspension by the appointing authority of any employee *in the classified service for a period of not to exceed 30 days for disciplinary reasons.*

Subd. 10. **Lay-offs.** The county board shall provide by rule for the lay-off, because of curtailment of work or funds, of employees in the classified service and for the conditions under which employees thus laid off shall be reinstated.

Subd. 11. **Hours of work, holidays, leaves of absence.** The county board shall provide by rule for hours of work, holidays, attendance regulations, and annual, sick and special leaves of absence for positions in the classified service.

Subd. 12. **Periodic check of payrolls.** The county board may provide by rule for the periodic check of county payrolls to determine if all employees being paid by the county have been properly paid and are entitled to such payment.

Subd. 13. **Procedure of board.** The county board may adopt rules governing its own procedure and such other rules, not inconsistent with this act, as may be found necessary to carry out the purposes thereof.

Sec. 11. **Contracts, technical services.** The county board may contract with the state or any other political subdivision, or any public or private agency, for the conduct of competitive examinations, for the formulation of classification plans, or for the performance of any other technical service in connection with the discharge of its duties under this act.

Sec. 12. **Veterans preference.** This act does not exclude or modify the application of Minnesota Statutes, Sections 197.45 and 197.46, known as the veterans preference law.

Sec. 13. **Forbidden practices.** Subdivision 1. **Influencing examination, appointment, or promotion.** No applicant for examination, appointment, or promotion in the classified service of the county shall *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.* Any person violating this provision shall be guilty of a misdemeanor.

Subd. 2. **By employee.** No employee in the classified service shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assistance, assessment, or

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subscription, whether voluntary or involuntary, for any political purpose whatsoever, or for any political party or affiliate. Any violation of this provision shall be cause for dismissal from the service of the county.

Sec. 14. Effect upon existing law. Any existing law or provision of law relating to public employees in Itasca county, for the designation, appointment, and tenure of public employees, which is inconsistent with the provisions of this act are superseded by this act to the extent of such inconsistency.

Sec. 15. Effective date. This act shall take effect upon its approval by the governing body of Itasca county and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 16, 1967.

CHAPTER 484—H. F. No. 1999

An act relating to elections; filing fees; amending Minnesota Statutes 1965, Section 202.05, Subdivision 1.

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

Section 1. Minnesota Statutes 1965, Section 202.05, Subdivision 1, is amended to read:

202.05 Elections; candidates, filing fees. Subdivision 1. **Amount.** Each candidate at the time of filing his affidavit shall pay to the secretary of state or the county auditor a filing fee as follows:

(a) If for the office of governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney general, commissioner of the railroad and warehouse commission, judge of the supreme court, representative in congress, ~~or~~ judge of the district court, *or judge of the municipal court of Hennepin county*, the sum of \$100;

(b) If for the office of senator in congress, the sum of \$150;

(c) If for the office of senator or representative in the legislature, the sum of \$20;

(d) If for a county office, the sum of \$20;

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