

Sec. 5. Minnesota Statutes 1969, Section 256.19, Subdivision 4, is repealed.

Approved June 3, 1971.

CHAPTER 682—S.F.No.2590

[Not Coded]

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

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

Section 1. **ANOKA COUNTY; MERIT BASIS PERSONNEL SYSTEM; PURPOSE.** The purpose of this act is to authorize the establishment of a personnel department in and for the county of Anoka to promote and improve the economy and effectiveness of the governmental departments under its 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. "Director" means the director of the department of personnel.

Subd. 3. "Personnel department" means the personnel director and his employees engaged in the administration of the personnel department.

Subd. 4. "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.

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Subd. 5. "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. 6. "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. 7. "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 class under the same or substantially the same employment conditions.

Subd. 8. "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. 9. "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. 10. "Classification" means the act of grouping positions into classes with regard to duties and responsibilities.

Subd. 11. "Eligible" means any person whose name is on the reinstatement, promotional or original entrance list for a given class.

Subd. 12. "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. 13. "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. 14. "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

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the qualifications that are necessary and desirable for the satisfactory performance of the duties of the position in the class.

Subd. 15. "Unclassified service" means those positions in the county service which are exempt from the jurisdiction of the personnel department by this act.

Subd. 16. "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.

Sec. 3. ADOPTION OF RESOLUTION. The county board may make the provisions of this act operative by adoption of a resolution providing for the establishment of a personnel board of appeals as required under section 12, designating the effective date on which jurisdiction of the department shall commence and appointing the personnel director. Employees currently included in the civil service system under the provisions of Minnesota Statutes, Sections 387.25 to 387.45 shall be exempt from the provisions of this act unless the county board acts under the provisions of section 387.43 to discontinue and abolish said civil service system.

Sec. 4. PERSONNEL DIRECTOR. The county board shall appoint a personnel director or shall assign the function of personnel director to an existing officer or employee. The person appointed as director or assigned the function shall be appointed for an indefinite term and shall not be removed except in accordance with the procedures established under this act and the rules of the department for classified employees.

Sec. 5. DUTIES OF THE PERSONNEL DIRECTOR. The personnel director as administrator of the personnel department shall cooperate with and assist department heads and elected officials in providing an effective personnel program. He shall direct and supervise all of the personnel department's administrative technical activities in addition to the duties imposed on him elsewhere in this act and it shall be his duty to:

(a) 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.

(b) Prepare and recommend rules for the administration of this act, which rules shall become effective after approval by the county board and to administer such rules and propose amendments thereto. Such rules shall be acted upon by the county board only after posted notice in each department affected and after written notice to all department heads and labor organizations affected whose employees are covered under provisions of this act. The personnel director shall

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provide for and shall conduct a hearing on the posted rules or changes or amendments thereto. 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.

(c) As soon as practicable after the effective date of this act, after consultation with 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 county board. Periodic job audits shall be made of positions for the purpose of keeping the classification plan current with changes in work assignments.

(d) 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 shall be submitted to the county board who may approve, reject or modify such schedules. 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.

(e) 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.

(f) 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.

(g) 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.

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

(i) 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 that the persons whose names appear thereon have been

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regularly employed or on authorized leave before payment may be lawfully made to such employees.

(j) Make investigations concerning the administration and effect of this act and rules made thereunder and report his findings and recommendations to the county board.

(k) To make such investigations as may be required by the county board and report thereon.

Sec. 6. **UNCLASSIFIED AND CLASSIFIED SERVICE.** Subdivision 1. **DEFINITION OF COVERAGE.** The officers and employees of the county of Anoka and all of those agencies, boards, commissions, authorities or committees heretofore or hereafter created, supported in whole or in part by the taxation of the county of Anoka and the positions they hold are hereby divided into unclassified and classified service, except the persons elected to the office of county attorney, auditor, clerk of district court, probate court judge, court commissioner, register of deeds, examiner of titles, sheriff, treasurer, and the judges of the municipal court of Anoka county. The employees of any elected official shall be excluded from the provisions of this act if within 60 days following county board action making the provisions of this act operative such elected official submits to the county board a request in writing for such exclusion.

Subd. 2. 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 and department heads appointed by such boards and commissions.

(c) Students in training.

(d) Special deputies and volunteers serving without pay.

(e) Temporary and seasonal positions.

(f) Department heads appointed by the county board.

(g) Chief deputy or principal assistant and secretary for each elected official.

(h) Other temporary judicial appointments performing a special function.

(i) Chief clerk of the municipal court, referees, and court reporters of all courts with jurisdiction in Anoka county.

Subd. 3. 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 or excluded by the provisions of this act. The provisions of Minnesota

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Statutes, Sections 393.07, Subdivision 5, and 144.071 are hereby superseded insofar as they may be inconsistent.

Sec. 7. NOTICE OF MEETINGS. The elected county officials in Anoka county shall be given notice of the meetings of the county board whenever said board has on its agenda consideration of any changes in the classification and pay schedules, and rules and regulations which may affect employees of the elected officials.

Sec. 8. TENURE; CURRENT EMPLOYEES PROTECTED. All persons holding positions in the service of the county of Anoka 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 6, subdivision 2, shall not have permanent tenure, but shall have all other benefits provided for in this 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 county board, shall take effect immediately. The director shall with approval of the county board 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

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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.

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. If 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 county 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 part 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

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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 personnel appeals board for a review and determination of any alleged arbitrary or capricious action on the part of the county board involving allocation.

Sec. 10. PAYROLLS APPROVED BY DIRECTOR. No disbursing officer of any department or agency of the county of Anoka 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 county board.

Sec. 11. VETERANS TO BE GIVEN PREFERENCE. Nothing in this act shall be construed to remove or limit the rights and preferences of veterans as established by the provisions of Minnesota Statutes, Sections 197.45 and 197.46, except that the county board may enact rules relative to retirement age which shall apply to all veterans on the same basis as they apply to other persons. The provisions of Minnesota Statutes, Section 197.46, are superseded by the provisions of this section insofar as they may be inconsistent.

Sec. 12. PERSONNEL BOARD OF APPEALS. Subdivision 1. The county board shall appoint three persons to serve one, two and three year terms respectively as members of a personnel board of appeals. After the first appointments, successors shall serve for terms of three years each. The expiration dates 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. Persons appointed to the personnel appeals board shall not serve 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. Each member of said board shall be a resident of the county. In the event he becomes a nonresident, he thereby forfeits his office.

Subd. 2. Compensation for members of the personnel board of appeals shall be set by the county board and each member shall be paid actual and necessary expenses.

Subd. 3. The personnel appeals board shall organize by electing a chairman and vice chairman and shall develop rules of procedure for matters brought before them under the provisions of this act.

Sec. 13. DUTIES OF BOARD; APPEALS. Subdivision 1. The personnel board of appeals shall meet upon call of its chairman or the

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personnel director to make findings and to report to the county board within 30 days after the filing of an appeal by an applicant, employee, or appointing authority in the following circumstances:

(a) Alleged arbitrary or capricious action on the part of the county board with respect to final establishment of rules under this act.

(b) Alleged discrimination by the personnel director or his employees in examination procedures or preparation of lists of eligible candidates or discriminatory use thereof by appointing authority under the provisions of this act or rules promulgated hereunder.

(c) Alleged misinterpretation or evasion by the personnel director or the county board of provisions of this act in a manner seriously detrimental to the party or parties bringing the appeal.

(d) Such other matters of grievance as may be provided for in rules promulgated under the authority of this act.

Subd. 2. Procedures setting forth the methods and requisite time table for appealing matters to the personnel appeals board shall be established in the rules provided for in this act.

Subd. 3. The findings and reports of the personnel appeals board shall be submitted to the county board for consideration and action as deemed appropriate by the county board, except that to the extent required with respect to employees of departments and agencies paid in full or in part by federal funds, the findings of the personnel appeals board shall be final and binding in those circumstances necessary to conform to any valid federal or state regulation affecting any such department.

Sec. 14. 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. There shall be no discrimination on the basis of age, sex or physical disability, except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

Sec. 15. 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. 16. APPROPRIATION BY COUNTY BOARD. The county board is hereby authorized and it shall make the necessary appropriation to carry out the provisions of this act.

Sec. 17. PROVISIONS SEVERABLE. In the event that any section or portion of this act shall be held invalid, for any reason, such

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invalidity shall not be held to impair and invalidate the remainder of this act or any other party 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. 18. 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. 19. EFFECTIVE DATE. This act is effective upon its approval by the Anoka county board of commissioners, and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 3, 1971.

CHAPTER 683—S.F.No.2757

[Not Coded]

An act relating to employees in the classified service of Independent School District No. 709; amending Laws 1967, Chapter 252, Section 2.

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

Section 1. Laws 1967, Chapter 252, Section 2, is amended to read:

Sec. 2. INDEPENDENT SCHOOL DISTRICT NO. 709; EMPLOYEES; EXCEPTIONS. ~~The term "employees", as used in this act, shall not include members of the board of education, superintendent of schools, assistant superintendent of schools, clerk of the board, teachers, including principals and supervisors, chief engineer, director of physical plant, recreational director, administrative assistant in charge of communications, all other administrative assistants, budget director, physicians, dentists, and temporary employees. The term "employees", as used in this act, shall not include members of the school board, superintendent of schools, assistant superintendents of schools, teachers, other employees of the school district whose positions require them to be certified pursuant to rules and regulations adopted by the state board of education, directors, administrative assistants, deputy clerk and purchasing agent, supervisors, advisors, coordinators, physicians, attorney, nurses, and temporary employees.~~

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