

Sec. 2. This act is effective the day following final enactment.

Approved April 10, 1974.

CHAPTER 416—S.F.No.2973
[Not Coded]

An act relating to Dakota county; providing for the establishment and maintenance of a personnel system on a merit basis for the welfare department, providing for the selection, promotion, severance, tenure of office and compensation of Dakota county welfare department employees; establishing a county personnel appeals board and authorizing the county board of Dakota county to make necessary appropriations; exempting Dakota county from certain provisions of law relating to certain political activity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. DAKOTA COUNTY; WELFARE DEPARTMENT; MERIT BASIS PERSONNEL SYSTEM; PURPOSE. The purpose of this act is to authorize the establishment of a personnel department in and for the welfare department of the county of Dakota to promote and improve the economy and effectiveness of the welfare department 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. DEFINITIONS. 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 the employees engaged in the administration of the personnel department.

Subd. 4. "Appointing authority" means the head of the welfare department, who has the power by law or by lawfully delegated authority to make appointments to positions in the county welfare department service within the scope of this act.

Subd. 5. "Classified service" means all positions and employees holding such positions in the county welfare department service except those placed in the unclassified service by this act.

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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 will be required to serve a probationary work period during which the employee may demonstrate that he or she meets the reasonable standards of performance and character required of employees in the county welfare 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 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

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county welfare department service which are exempt from the jurisdiction of 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 welfare 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.

Sec. 4. PERSONNEL DIRECTOR. The county welfare 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 shall direct and supervise all of the personnel department's administrative technical activities in addition to the duties imposed on the personnel director elsewhere in this act and it shall be the personnel director's 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 welfare board and to administer such rules and propose amendments thereto. Such rules shall be acted upon by the county welfare board only after posted notice in each department affected and after written notice to all labor organizations affected whose employees are covered under provisions of this act. The personnel director shall 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 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

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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 welfare 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 welfare 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 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 lay-off list for the class. If there is no layoff list, the director shall certify those on the eligible list for the class. If there is no such list, the director 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 the director, upon evidence thereof, to certify or cause to be certified that the persons whose names appear thereon have been 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 the findings and recommendations to the county welfare board.

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

Sec. 6. UNCLASSIFIED AND CLASSIFIED SERVICE. Subdivision

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1. DEFINITION OF COVERAGE. The officers and employees of the welfare department of Dakota county are hereby divided into unclassified and classified service.

Subd. 2. The unclassified service shall comprise:

- (a) Department heads appointed by the county welfare board.
- (b) Chief deputy or principal assistant and secretary for the department head.
- (c) Students in training.
- (d) Volunteers serving without pay.
- (e) Temporary and seasonal positions.

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 Statutes, Section 393.07, Subdivision 5, are hereby superseded insofar as they may be inconsistent.

Sec. 7. NOTICE OF MEETINGS. Any labor organization representing persons covered by this act shall be given notice of the meetings of the county welfare 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 welfare department employees.

Sec. 8. TENURE; CURRENT EMPLOYEES PROTECTED. All persons holding positions in the service of the welfare department of the county of Dakota 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 welfare department service. This duty to classify shall extend to all 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 welfare board, shall take effect immediately. The director shall with approval of the county welfare board make changes in the classi-

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fication when 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.

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

(a) The action of the director was not in accordance with the personnel act, or

(b) The action of the director was procured by fraud, coercion or other improper conduct of any party in interest.

The welfare 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 or her 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 welfare board involving allocation.

Sec. 10. PAYROLLS APPROVED BY DIRECTOR. No disbursing officer of the welfare department of the county of Dakota 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 appointed and employed in accordance with the provisions of this act and the rules of the county welfare 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 welfare 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 welfare 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

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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 welfare 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 or she becomes a nonresident, he or she thereby forfeit his or her office.

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

Subd. 3. The personnel appeals board shall organize by electing a chairperson and vice chairperson 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 chairperson or the personnel director to make findings and to report to the county welfare 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 welfare board with respect to final establishment of rules under this act.

(b) Alleged discrimination by the personnel director or his or her 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 welfare 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 welfare board for consideration and action as deemed appropriate by the county welfare board, except that to the extent required with respect to employees of departments 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.

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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 WELFARE BOARD.** The county welfare 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 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. 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.** Sections 1 through 18 are effective upon its approval by the Dakota county welfare board and upon compliance with Minnesota Statutes, Section 645.021.

Sec. 20. Dakota county shall be exempt from Minnesota Statutes, Section 387.41, as such section relates to political activity. This section is effective the day following its final enactment.

Approved April 10, 1974.

CHAPTER 417—S.F.No.3036
[Coded in Part]

An act relating to courts; providing for the active service of retired judges; amending Minnesota Statutes 1971, Sections 2.724, by adding a subdivision; 484.61; and 490.102, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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