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 CHAPTER 745-H.F.No.1119

[Not Coded]

*An act relating to Ramsey county; providing for additional membership on its civil service commission; further prescribing and clarifying the duties of the commission; eliminating per diem payments for library board members; amending Laws 1974, Chapter 435, Section 3.02; repealing Laws 1974, Chapter 435, Section 1.0208.*

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

Section 1. Laws 1974, Chapter 435, Section 3.02, is amended to read:

Sec. 3.02. **CIVIL SERVICE.** (a) Subdivision 1. CIVIL SERVICE COMMISSION FOR COUNTY EMPLOYEES. There is created and maintained in Ramsey county a civil service commission for county employees and employees of certain county agencies and joint city and county agencies supported in whole or in part by taxation upon the property inside the county.

(b) Subd. 2. APPOINTMENT OF CIVIL SERVICE COMMISSION, TERMS. (4) (a) The board of county commissioners of Ramsey county shall by majority vote, appoint three persons as the first members of a civil service commission to serve for terms of two, four and six years. As the term of each commissioner expires, the board of county commissioners shall fill the vacancy for a term of six years.

(b) No person may act as a member of the civil service commission while holding a public office, or while holding office in a political party, nor for two years after having held this kind of public or political office.

(c) Each member of the commission must be a resident of the county.

(d) The board of county commissioners shall fill a vacancy occurring within a term for the unexpired portion of the term.

(2) ~~Within 15 days after appointment, each commissioner shall qualify by subscribing to an oath for the faithful discharge of his duties and file the oath with the clerk of the district court in the county. If an appointee fails to so qualify, the county board shall name another in his place.~~

(e) Each commissioner shall hold office until his successor has been appointed and has qualified. ~~Each member of the commission is entitled to be paid \$35 a day for each day actually devoted to duties as a member of the commission; but no member may be paid in excess of \$1,750 in any one year. In addition, each member of the commission is entitled to be paid actual expenses on itemized and verified statements.~~

(f) The commission shall organize by electing one of its members as chairman and one as secretary. The commission shall hold regular meetings at least once a month and

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may hold the additional meetings that may be necessary to discharge the duties of the commission. Twenty-four hours notice of special meetings shall be given members.

(e) Subd. 3. CIVIL SERVICE ADMINISTRATOR. ~~The board of county commissioners of Ramsey county and the city council of the city of St. Paul may enter into a contract for the services of the city civil service bureau upon terms agreeable to the county and the city. If no contract is made,~~ The county civil service commission shall, subject to approval by the board of county commissioners, appoint a civil service administrator ~~who shall to be the personnel director of the commission, and other assistants. If so appointed,~~ The administrator and his assistants ~~shall are to be selected on the basis of merit and fitness after competitive examination and shall are to receive the salaries that the board of county commissioners determines. For the purposes of this section,~~ The personnel director or chief examiner is referred to as the civil service administrator. ~~In any case,~~ he is a member of the classified service ~~and he shall be appointed not less than 90 days after the appointment of the civil service commission.~~

(d) Subd. 4. DUTIES OF COMMISSION. The county civil service commission, as a body, shall:

(H) (a) ~~Frame rules and regulations~~ for the classified service with the assistance of the civil service administrator and submit them to the board of county commissioners for approval. The approval shall be given by resolution. When so approved, these rules ~~and regulations~~ have the force and effect of law. The rules may be amended and repealed with the consent of the board of county commissioners in the same manner as provided for original adoption. Among other things, the rules shall provide for:

(A) (1) The giving of at least ten days public notice of examinations to be held, this notice to be published in at least one daily newspaper of general circulation in the county, and be posted in the county court house.

(B) (2) The rejection of an otherwise eligible candidate who fails to comply with the reasonable requirements of the commission with regard to age, qualifications, residence, sex or physical condition, or who has attempted deception or fraud in connection with an application or examination, or who has been dismissed from the public service for delinquency or misconduct, or who has directly or indirectly given or promised to give money, service, or other valuable thing to a person for or on account of, his examination, appoint or proposed appointment.

(C) (3) A competitive examination to test the relative fitness of each eligible candidate for a position in the classified service except one otherwise specifically provided for in this section.

(D) (4) The creation of an eligible list upon which is entered the name of each successful candidate in the order of his rating in the examination. The list shall, however, remain in force not less than one year and not more than three years.

(E) (5) For the certification procedure resulting in the appointment of one of three ~~five~~ persons who are rated highest on the appropriate eligible list to fill a vacancy if the

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vacancy is not filled by reduction, transfer or reinstatement.

~~(F)~~ (6) A probation period of probation of six months not less than three months nor more than one year determined by rule for each class or group of classes after an appointment or promotion, during which period the probationer may be discharged or reduced with the consent of the commission, and have no right of further appeal.

~~(G)~~ (7) Temporary employment without examination, with the consent of the administrator, in cases of emergency and pending appointment from an eligible list; no temporary employment shall continue longer than 60 days unless there is no appropriate eligible list in effect from which the appointment can be made.

~~(H)~~ (8) Transfers, including transfers from another merit system, from a position to a similar position in the same or similar class or grade and for reinstatement within one year of a person who without fault or delinquency on his part is separated from the service or reduced.

~~(I)~~ (9) Promotion based upon competitive examination and upon a record of efficiency, character, and seniority. ~~Whenever practicable, vacancies shall be filled by promotion.~~

~~(J)~~ (10) Suspensions for not longer than 30 days for disciplinary purposes; leaves of absence with or without pay; lay-offs based upon seniority; vacations and sick leaves; hours of employment; and a classification of each office in the classified service on the basis of duties and responsibilities.

~~(K)~~ (11) Discharge or reduction in rank after permanent appointment or promotion only when the person to be discharged or reduced is presented with written charges specifically stated in writing and is allowed either a hearing thereon before the commission, or if he waives the hearing, is allowed a reasonable time to reply to the charges in writing. Records of the charges, reply or hearing shall be filed in the office of the civil service administrator.

~~(L)~~ (12) The appointment in accordance with ~~subsection (j)~~ subdivision 11 of unskilled laborers in the order or priority of application after the tests of physical and mental fitness that the commission shall prescribe. The tests for laborers need not be competitive.

~~(M)~~ (13) The reinstatement or employment, without competitive examination, to a position in the classified service, of a person holding an exempt position on the effective date of Laws 1941, Chapter 513, when this person ends his exempt employment, but this person must have previously served the county or county agency for a period of eight years or more.

~~(N)~~ (14) The reinstatement to the classified service of an employee who has taken a leave of absence therefrom for the purpose of accepting an exempt position in the service of the county or county agency.

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(2) (b) Hear cases involving: the rejection of an applicant for examination; the removal of an eligible from a list; the complaint of a citizen against an employee in the classified service for his removal or reduction.

(3) (c) Make investigations, on the request of the board of county commissioners, or on its own motion, concerning the enforcement and effect of this section and require observance of its provisions and the rules and regulations established thereunder, and hear other matters that the board of county commissioners or the civil service administrator may refer to it.

(4) (d) Make a study of service ratings and of salaries paid by the county and its several agencies and classify each position in the graded division in this service on the basis of equal pay for equal work for each class of position and, if an ungraded division is established, determine the prevailing wage being paid in the area for work comparable to that being performed by employees in the division and report the results of the study, together with the recommendations of the commission to the board of county commissioners.

(e) Subd. 5. DUTIES OF CIVIL SERVICE ADMINISTRATOR. The civil service administrator shall be the executive and administrative head of the county civil service commission and he shall:

(1) (a) Attend the regular and special meetings of the commission.

(2) (b) Supervise and direct the work of the employees of the civil service department.

(3) (c) Prepare and recommend rules ~~and regulations~~ for the administration of this section, which shall become effective after approval by the commission and the county board, as provided in this section; administer these rules ~~and regulations~~; propose amendments thereto.

(4) (d) Establish and maintain a roster of officers and employees in the service of the county and its agencies affected by this section.

(5) (e) Ascertain and record the duties and responsibilities of each position in the classified service and classify each position in the graded division.

(6) (f) Make a study of service ratings with the commission, of rates of compensation paid the various classes of positions and prepare a report to the county commissioners setting out a recommended minimum and maximum rate of salary for each class of position in the graded division and, if an ungraded division is established, a recommended prevailing wage for each position therein.

(7) (g) Provide for and hold competitive tests to determine the qualifications of persons seeking employment in a class of position and establish employment lists of those passing the test.

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~~(8)~~ (h) When a vacancy is to be filled, certify to the appointing officer, on written request, the name of the person highest on the reinstatement list for the class. If there is no reinstatement list, he shall certify ~~the three highest on from~~ the eligible list for the class in accordance with civil service rules. If there is no list of this kind, he shall authorize temporary appointments pending establishment of an employment list for the class.

~~(9)~~ (i) Keep the records that are necessary for the proper administration of this section.

~~(10)~~ (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 have certified that the person whose name appears thereon has been regularly appointed and employed or is on authorized leave before payment may be lawfully made to him.

~~(11)~~ (k) Make investigations concerning the administration and effect of this section and the rules made thereunder and report his findings and recommendations to the commission.

~~(12)~~ (l) Make an annual report to the county civil service commission.

~~(F)~~ Subd. 6. CLASSIFICATION OF SERVICE. (H) (a) DEFINITION OF COVERAGE. The officers and employees of Ramsey county and of a county or joint county and city agency, board, commission or committee supported in whole or in part by taxation upon the taxable property of the county, or appointed by the judges of the district court or probate court for the county, or by a board or agency composed of representatives of the county and a city in the county and employees employed in hospitals, preventoria, ~~and~~ county nursing homes, and the welfare department are divided into the unclassified and classified service.

~~(2)~~ (b) UNCLASSIFIED SERVICE. The unclassified service comprises:

~~(A)~~ (1) An officer elected by popular vote or a person appointed to fill a vacancy in such an office.

~~(B)~~ (2) The ~~superintendent head~~ or principal administrative officer of a separate department of county government or agency created by law ~~and~~, the director of the ~~county welfare board~~ department.

~~(C)~~ (3) A chief deputy or principal assistant for each elected public official and for the county engineer and veterans' service officer.

~~(D)~~ (4) Each doctor, intern, student nurse and intern dietician employed by the county; or a county agency ~~or an institution under the county welfare board~~.

~~(E)~~ (5) Each member of the teaching staff, supervisor and principal in the employ of the county, actually engaged in teaching or the supervision of teaching.

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~~(F)~~ (6) A member of a ~~nonpaid~~ board or commission appointed by the county, or the county and the city, or acting in an advisory capacity.

~~(G)~~ (7) ~~An attorney, A weed inspector, election judge, election clerk or other employee employed by the county for a limited period of time; or an employee engaged to operate or care for an improved or unimproved property forfeited to the state for nonpayment of taxes except one employed in the office of the land commissioner.~~

~~(H)~~ (8) A special police officer or special deputy sheriff serving without pay.

~~(I)~~ An election judge or election clerk.

~~(J)~~ (9) A judge, court administrator, court reporter, receiver, referee, examiner or assistant examiner of titles, public defender, arbiter, juror, clerk of probate court or a person appointed by the district or probate courts to make or conduct a special inquiry of a judicial and temporary character.

~~(K)~~ (10) The director of court services and three principal assistants or division supervisors.

~~(L)~~ (11) The employees of the municipal court of Ramsey county.

~~(M)~~ (12) The principal administrative officer of the detention and corrections department, his first assistant, the superintendent of each departmental facility and his first assistant or chief deputy.

(13) The chief executive officer of St. Paul-Ramsey Hospital and seven principal assistants.

(14) The executive secretary or the principal administrative officer of the county and seven principal assistants, appointed and terminated by the executive secretary or the principal administrative officer, except that until January 1, 1980 such appointments and terms shall be submitted to the Ramsey county government study commission. Such consideration shall be advisory only.

~~(N)~~ (c) CLASSIFIED SERVICE. ~~(A)~~ (1) The classified service includes all other offices or employments in the county and county agencies, and all officers and employees not expressly placed in the unclassified service. It includes officers and employees of a county agency, if the funds for the agency are provided in whole or in part by the county. For the purpose of clarity it includes officers, except the superintendent or principal administrative officer of a separate department of county government or agency, and employees of joint city hall and court house committees and all other agencies supported and controlled in whole or in part by the county; or jointly by Ramsey county and the city of St. Paul.

~~(B)~~ (2) Each employee in the classified service is placed in a graded division unless the county board establishes except an employee whose position is in a certified bargaining unit as defined under the public employment labor relations act and an

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employee in an ungraded division established by the county board. The ungraded division, if one is established, includes each employee in a construction trade who is engaged in the work of repair, alteration or construction of buildings for which trade there is a generally established and recognized scale of wages inside the county. The graded division includes all other employees in the classified service.

~~(C)~~ ~~(i)~~ Notwithstanding any other law to the contrary, (2) (A) The superintendent, and assistant superintendent or principal officer or director of any institution under the Ramsey county welfare board and all employees of the Ramsey county welfare board except the director shall be nursing home are in the classified service of the Ramsey county civil service.

~~(ii)~~ Any permanent employee of the Ramsey county welfare board who, on the effective date of this act, is holding a position which is placed in the classified service under the provisions of this act shall be subject to and protected by the provisions of this act except that the provisions of Laws 1941, Chapter 513, Section 4, Subsection (a) (13), shall not be applicable to positions under the county welfare board. All other Ramsey county welfare board employees in positions in the classified service shall be subject to and protected by this act and said chapter 513, as amended, subject to a general classification pursuant to 5(e) of said chapter 513. Employees who have not been in the service of the Ramsey county welfare board for a period of six months or more immediately preceding the date when this act becomes effective as to such employees shall be on probation until they have served six months as employees.

~~(iii)~~ ~~(B)~~ The provisions of Minnesota Statutes, Section 393.07, Subdivision 5, are hereby superseded insofar as they may be inconsistent with this section.

~~(g)~~ Subd. 7. CERTAIN EMPLOYEES TO BE PROTECTED. If a joint county or city agency, including a board, commission or committee is established by statute or created pursuant to statute, which would eliminate the position or employment of a person employed under civil service by either the city or the county, the employee shall become an employee of the newly created agency and within the classified service of the county. The compensation, seniority, vacation or sick-leave rights or other rights of the employee are not diminished thereby.

~~(h)~~ Subd. 8. MAY CREATE NEW CLASSIFICATIONS. The civil service commission, with the consent of the board of county commissioners, may create titles within the classified service where considered necessary if the action is not prohibited by the provisions of existing law authorizing and establishing stated titles at stated salaries.

~~(i)~~ Subd. 9. ADMINISTRATOR MUST APPROVE PAYROLLS. ~~(+)~~ No auditor, treasurer or other disbursing officer of the county or a county agency, may pay salary or compensation for service to a person holding a position in the classified service unless the payroll or account for the salary or compensation bears the certificate of the civil service administrator that the person named therein has been appointed in accordance with the provisions of this section. The administrator shall not certify a payroll item for payment unless the person, claimed to be entitled to the payment, has been appointed and employed in accordance with the provisions of this section, and the rules and regulations

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of the civil service commission.

(\*) Subd. 10. LITIGATION. In litigation arising out of the provisions of this section or in relation thereto, the civil service commission is a proper party, plaintiff or defendant, and may sue or be sued as such. The county attorney of Ramsey county shall represent the commission in such an action. A taxpayer of the county may maintain an action in the district court, to enjoin a person from authorizing or making payment in violation of this section or the rules enacted hereunder.

(\*) Subd. 11. LABORERS. The rules ~~and regulations~~ of the civil service commission shall provide eligible lists in the classified service for hourly or day laborers, in the classes that are necessary and upon the tests of fitness that the commission prescribes. Appointments to work for hourly or day laborers shall be made upon certification from these eligible lists, under the rules of the commission, which take account of priority of application, location of work and the factor of convenience arising therefrom.

(\*) Subd. 12. MAY ISSUE SUBPOENAS. In an investigation conducted by the county civil service commission or civil service administrator, they may subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and administer oaths to witnesses. Failure to obey such a subpoena is a misdemeanor. Commission hearings are to be conducted informally and impartially and in the manner that it deems best calculated to arrive at the correctness of the charges preferred, and without regard to technical rules of procedure or evidence. The accused employee or officer has the right to be represented by counsel and may demand that a record of the hearing be made at the expense of the county or county agency.

(\*) Subd. 13. NOT TO INFLUENCE APPLICANTS. No person may deceive or obstruct a person in respect to his right of test under the provisions of this section, or falsely mark, grade, estimate or report upon the test or standing of a person tested, or aid in so doing, or furnish to a person, except in answer to inquiries of the civil service commission, special information for the purpose of either improving or injuring the rating of such a person for appointment or employment. No applicant may deceive the commission for the purpose of improving his prospects for appointment. No person may solicit, orally or by letter, and no public officer or employee may receive or be concerned in the receiving or soliciting of, money or a valuable thing from an officer or employee holding a position in the classified service for a political party or any purpose whatsoever. No person may, by threats or coercion, induce or attempt to induce a person holding a position in the classified service to resign his position or to take a leave of absence from duty nor to waive any of his rights. A resignation executed previous to appointment is of no effect.

(\*) Subd. 14. NOT REQUIRED TO CONTRIBUTE TO POLITICAL CAMPAIGNS. No person holding an office, place or position of employment in the classified service is under an obligation to contribute to a political service or fund to any person or body whatever, and no person may be removed, reduced or otherwise prejudiced for refusal to do so. A person holding an office, place or position in the classified service shall resign from the service upon being elected to a public office.

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(\*) Subd. 15. REMOVALS AND DEMOTIONS. (a) No person in the classified service, who is permanently appointed or inducted into the service, may be removed, demoted or discharged except for cause. Removal, reduction or suspension for religious or political reasons is not considered "cause". If an appointing officer desires to demote or discharge an employee he shall present the employee with the charges against him in writing, and file a copy of the charges with the administrator. The accused employee may, within ten days from the date the charges are served upon him, file with the administrator a written demand for a hearing, whereupon the commission shall conduct a hearing without unnecessary delay. After the hearing the commission may, if it considers the evidence to so warrant, affirm the action of the appointing officer, or, if the commission determines the action of the appointing officer to be without just cause, order the reinstatement of the employee, or the commission may, in its judgment, reduce the punishment sought to be applied by the appointing officer to a reduction or suspension. If the commission determines that the action of the appointing officer is without cause, it may order the accused employee to be paid his salary during the period he was off duty because of removal without cause. All hearings of these charges by the commission shall be public, and the accused is entitled to be present in person and present his defense. An officer or employee may appeal from the decision of the commission to the district court of Ramsey county, which court shall determine whether the record of the hearing contains evidence upon which the commission could have reached its decision and whether the commission abused the discretion granted it. There is no appeal from the determination of the district court in the matter.

(2) (b) A member of the commission may withdraw from a hearing if he considers himself disqualified for good cause. The senior judge of the district court of the county of Ramsey shall fill each vacancy on the hearing board created by the above reason by appointing a person, who must be a citizen of the United States and a resident of the county of Ramsey, for the sole purpose of participating in the hearing. Each person so appointed is allowed the per diem paid members of the commission for each day actually devoted to duties as a member of the hearing board.

(\*) Subd. 16. ANNUAL REPORTS. The civil service commission shall report annually to the county board concerning the administrative needs of the service, the personnel and the positions in the service and the compensation paid. The report shall detail the number of examinations held, number of applicants, appointments made, removals, etc. The commission shall recommend amendments in the rules, plans for promoting efficiency and progress, and the county board shall have the right to require reports from the commission at any time respecting any matter within the scope of the duties of the commission hereunder.

(\*) Subd. 17. SOURCE OF COMMISSION'S COMPENSATION AND EXPENSES. All compensation, salaries and other expenses of the civil service commission and its employees shall be paid out of the county funds.

(q) No person may be inducted into the classified service or appointed to the service unless he is a citizen of the United States.

(\*) Subd. 18. VIOLATION A MISDEMEANOR. Whoever wilfully or through  
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culpable negligence violates a provision of this section, or the rules of the commission, is guilty of a misdemeanor.

Sec. 2. Notwithstanding the provisions of Minnesota Statutes, Section 375A.13 or any other law to the contrary, the Ramsey county government study commission established pursuant to Minnesota Statutes, Section 375A.13 and dissolved in December, 1977, shall be reestablished in the manner provided by law for the establishment of county government study commissions and shall remain in existence until January 1, 1980. The sole purpose of the commission shall be that as provided in Laws 1974, Chapter 435, Section 3.02, Subdivision 6.

Sec. 3. Laws 1974, Chapter 435, Section 1.0208, is repealed.

Sec. 4. **EFFECTIVE DATE.** This act is effective upon approval by the board of commissioners of Ramsey county and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 5, 1978.

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**CHAPTER 746-H.F.No.1131**

[Coded in Part]

*An act relating to public utilities; providing for representation of consumer interests in public utility matters by the consumer services section; creating a board of residential utility consumers; appropriating money; amending Minnesota Statutes 1976, Section 45.16, Subdivision 1; and Chapter 45, by adding a section.*

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

Section 1. Minnesota Statutes 1976, Section 45.16, Subdivision 1, is amended to read:

**45.16 CONSUMER SERVICES SECTION, RESPONSIBILITIES AND DUTIES.** Subdivision 1. The section of consumer services shall have the responsibilities and duties prescribed by this section and section 2 of this act and such other authority as may be conferred by the commissioner of commerce.

Sec. 2. Minnesota Statutes 1976, Chapter 45, is amended by adding a section to read:

**[45.17] REPRESENTATION OF CONSUMER INTEREST IN PUBLIC UTILITY MATTERS.** Subdivision 1. DEFINITIONS. For the purposes of this section, the terms defined in this subdivision shall apply:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for

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