

is not scheduled to work on an observed holiday the next scheduled working day shall be treated as the holiday;

(6) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment, but shall be treated as though on leave of absence from that full-time employment; and

(7) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared-time percent of those available to comparable full-time employees, whenever the benefits are divisible. Contributions by the employer toward the benefits, if any, shall be equal to the appropriate share time percent of the full-time benefits. When not divisible, the cost of the full-time benefits normally allocable to the employer shall be allocated, the appropriate shared-time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer. \*

Sec. 6. [43.61] **ACCEPTANCE OF SHARED POSITIONS.** No employee holding a full-time or three-quarter time position on the effective date of this act shall be required to accept a shared position pursuant to sections 1 to 7.

Sec. 7. [43.62] **CONFLICTING LAWS.** Sections 1 to 7 shall be given effect notwithstanding any law or rule to the contrary. Sections 1 to 7 shall not affect, except as expressly provided therein, any existing labor agreement or personnel rule.

Sec. 8. **APPROPRIATION.** There is appropriated from the general fund in the state treasury to the commissioner of personnel for the purposes of sections 1 to 7 the following sum:

Fiscal year 1981    \$15,000

The approved complement of the department of personnel is increased by one person.

Sec. 9. This act is effective July 1, 1980 and expires June 30, 1982.

Approved April 15, 1980

\* See the amendment to section 5 in Laws 1980, Chapter 618, Section 21.

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## CHAPTER 573—S.F.No. 2095

*An act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 15, as amended, and 16; and Laws 1979, Chapter 198, Article 1, Section 2; repealing*

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*Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.*

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

Section 1. Laws 1965, Chapter 855, Section 1, is amended to read:

Section 1. **HENNEPIN COUNTY; PERSONNEL SYSTEM; PURPOSE.** The purpose of this act is to establish a personnel board and a personnel department in ~~and for~~ the county of Hennepin 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~~ and compensation administration and other matters.

Sec. 2. Laws 1965, Chapter 855, Section 2, is amended to read:

Sec. 2. **DEFINITION OF TERMS.** Subdivision 1. For the purposes of this act and rules promulgated under it, unless the context clearly indicates that a different meaning is intended, the terms defined in this section have the meanings given them.

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

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

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

Subd. 5. "Personnel department" means the personnel board together with the personnel director and his employees engaged in the administration of the personnel department Laws 1965, Chapter 855, as amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 19. "Transfer" means a change by an employee from one position to another a 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 to a different department, agency or organizational unit or a change from a position in one class to a position in another class of comparable level in another department or in the same department.

Subd. 20. "Reassignment" means a change by an employee from one position to another position in the same class in the same organizational unit.

Sec. 3. Laws 1965, Chapter 855, Section 3, is amended to read:

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

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

(a) The county board shall by majority vote appoint seven persons to serve for four year terms. Terms of office of persons who are members of the personnel board as of the effective date of this act shall continue in accordance with the terms of their original appointment. As the term of each member expires, the board of county commissioners shall by majority vote fill the vacancy for a term of four years.

(b) The expiration date of all expiring terms shall be January 2.

(c) Any vacancies shall be filled by majority vote of the county board for the unexpired term.

(d) Each member shall take an oath of office before assuming the duties of office.

(e) Each member shall hold office until a successor has been appointed and qualified.

(f) No person shall be appointed or be a member of the board while holding any public office or having filed as a candidate for any public office, or any public employment or position in a political party within one year immediately preceding such appointment.

(g) Each member of the board shall be a resident of the county and in the event the member becomes a nonresident, the member thereby forfeits the office.

(h) A board member may be removed from office by the county board for cause, after a copy of the charges has first been given to the member and opportunity of being publicly heard before the county board, upon not less than ten days written notice. A majority vote of the county board shall be required for removal.

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

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

Subd. 5. Compensation for members of the personnel board shall be set by the county board. Such compensation shall not exceed \$35 per day. In addition thereto, each member of the board shall be paid actual expenses on itemized and verified statements. Members of the board shall be compensated at the rate not to exceed \$50 per day spent on board meetings and personnel activities when authorized by the board to represent the board. Expenses shall be allowed in the same manner and amount as received by county employees.

Subd. 6. 4. ORGANIZATION. The board shall organize by electing one of its members as chairman chair and one as vice chairman chair. The personnel director hereinafter provided shall serve as secretary.

Subd. 7. 5. MEETINGS. The personnel board shall maintain its principal office in such space as shall be provided for it by the county board. It shall maintain its records at this principal office and shall hold regular public meetings there except when in the discretion of the chairman it is necessary to meet elsewhere in proper performance as required for the discharge of its duties. Meetings of the board shall be open to the public and no meetings or hearings of the board shall be held unless at least three members of the board are present.

Sec. 4. Laws 1965, Chapter 855, Section 4, as amended by Laws 1977, Chapter 325, Section 1, is amended to read:

Sec. 4. **DUTIES OF THE PERSONNEL BOARD.** Subdivision 1. **BOARD PROCEEDINGS.** The board shall hold meetings at least once each month and may hold such additional meetings as may be required in the proper discharge of its duties. When any member of the board is not present at the time a matter is submitted to the board such matter shall be deemed submitted to each member of the board with like effect as though each member of the board had been present

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at the time of submission of such matter. Whenever during the consideration of a matter which is before the board, there is a change in the personnel of the board, the matter shall be deemed submitted to the new member, or members, as though said new member, or members, had been a member of the board at the time of the submission of the matter.

No meetings of the board shall be held unless at least three members are present. A majority vote of all members shall constitute the decision of the board. The board shall keep records and minutes of its business and official actions and such records and minutes which shall be public records open to public inspection subject to such reasonable rules as to hours and conditions time and place of inspection as the board may establish.

Subd. 2. DUTIES. ~~It shall be~~ The duty of the personnel board as a body shall:

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

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

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

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~~tion, or may be of the interview type used to test the candidates' personal fitness for the job~~ Oral tests, either of the question and answer type or the interview type may be used to test the candidates.

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

(4) ~~for~~ the appointment to ~~fill~~ a vacancy of ~~one of these eligible candidates~~ who have qualified through the examination process, or through a qualifying selection process pursuant to section 6, clause (h), if the vacancy is not filled by ~~reduction, recall from the layoff list, demotion,~~ transfer, or reinstatement. The seven persons receiving the highest examination scores when available shall be referred to department heads when a vacancy occurs, with waiver in extreme or unique conditions subject to ~~unanimous~~ six-sevenths approval of the personnel board.

(5) ~~if two vacancies are to be filled by referral from an examination eligible list, the names of two additional candidates, when available, shall be certified and interviewed. If the total number of vacancies is greater than two, nine names plus two additional names for each vacancy over two will be certified and interviewed from the examination eligible list.~~

(5) (6) ~~for~~ a period of probation during which period the probationer may be discharged or ~~reduced,~~ and he shall have ~~no~~ demoted, without right of appeal. The period of probation shall not exceed six months unless ~~waived~~ changed by ~~unanimous~~ six-sevenths approval of the personnel board due to extreme or unique conditions.

(6) (7) ~~for~~ provisional employment without examination with the consent of the director, in cases of emergency and pending appointment from an eligible list, providing no provisional employment shall continue longer than 90 days seasonal, provisional, temporary and emergency appointments. The appointments, except seasonal appointments, shall not exceed six calendar months in any 12 month period.

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

(8) (9) ~~for~~ promotion based upon competitive examinations and upon the ~~record of efficiency~~ promotional ratings. Whenever practicable vacancies shall be filled by promotion.

(9) (10) ~~for~~ suspensions without pay for no longer than ~~30~~ 20 working days for disciplinary purposes; for leaves of absence with or without pay; for layoffs; for hours of employment; for vacations and sick leave; severance pay, and other benefits and emoluments as may improve the public service.

(10) (11) ~~for~~ discharge or ~~reduction in rank~~ demotion of a permanent employee only when the person to be discharged or ~~reduced~~ has been presented

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with written charges specifically stated in writing and has been allowed a hearing ~~thereon~~ before the ~~personnel~~ board pursuant to section 13. ~~Records of such charges and the hearing shall be filed in the office of the personnel director.~~

(12) the establishment of reasonable fees, not to exceed 50 percent of the actual cost, to be charged for the furnishing of a copy of the record, including a transcript of any testimony, of any hearing held under this act, when the hearing is appealable to the district court.

(b) to Provide a ~~salary and wage schedule~~ compensation plan for county employees not represented by an exclusive bargaining representative to be presented to the county board for approval and ~~to establish periods and manner in which salaries and wages shall be paid.~~

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

(d) ~~to~~ Hear and ~~determine~~ decide appeals ~~on~~ complaints respecting the administrative work of the personnel director and other matters as may be appealed to within the jurisdiction of the board.

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

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

Subd. 3. HEARING OFFICERS. The board, with the assistance of the director, shall utilize and prescribe the duties of hearing officers, or contract with the office of hearing examiners pursuant to Minnesota Statutes, Section 15.052, Subdivision 8. When it is determined that a hearing be held which requires a hearing officer, the director will first ascertain the availability and timeliness of scheduling the hearing through the office of hearing examiners pursuant to section 15.052, subdivision 8. If it is determined that a prompt hearing is not readily available through the office of hearing examiners, the board, with the assistance of the director, may then utilize an impartial hearing officer.

Sec. 5. Laws 1965, Chapter 855, Section 5, is amended to read:

Sec. 5. **DIRECTOR; SELECTION AND TENURE.** ~~Subdivision 4. Whenever a vacancy exists, The personnel board, with the approval of the county board, shall appoint a personnel director on the basis of merit and fitness as a result of competitive examinations. The personnel director shall be in the classified service and shall not be removed by the personnel board except under written charges in accordance with the personnel this act and after a public hearing by the personnel board.~~

Sec. 6. Laws 1965, Chapter 855, Section 6, as amended by Laws 1967, Chapter 646, Section 1, is amended to read:

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Sec. 6. DUTIES OF THE DIRECTOR. Subdivision 1. 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~~ The director shall direct and supervise all of the personnel department's administrative and technical activities in addition to the duties imposed on ~~him elsewhere~~ the director in this act, ~~and it shall be his duty to~~ The director shall:

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

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

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

(d) ~~as soon as practicable after the effective date of this act, after consultation with the department heads and employees, Prepare, recommend and maintain~~ 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~~ identify for each class or position a class title, a statement of duties, authority and responsibilities ~~thereof~~ and qualifications ~~that are necessary and desirable~~ for the satisfactory performance of the duties of the position. The classification plan shall be effective upon approval by the ~~personnel board and 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.

(e) ~~as soon as practicable after the adoption of the classification plan Prepare a schedule of salary or wage rates for each class, grade, or group of positions in compensation plan for the classified service and those employees in the unclassified service identified in Section 7, Subdivision 2, (e), (f), (g), (h), and (i). Salary and wage schedules Compensation plans when approved by majority vote of the personnel board shall be submitted recommended to the county board who may approve or reject such schedules plans or portions thereof. Approval shall be by majority vote in the form of a written resolution. The assignment of new classes or the reassignment of existing classes to salary ranges and compensation plans shall be made according to the methods set forth above.~~

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

(g) ~~provide for, formulate,~~ Except as provided in clauses (h) and (i), develop and hold competitive examinations to determine the qualifications of persons seeking employment in any class or position and to establish lists of those passing such examination examinations.

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(h) Develop a procedure and define the criteria for the selection and referral of qualified applicants to fill positions in routine, service classifications involving unskilled tasks. The classifications shall be authorized by the board and county board. Applicants to fill vacancies in the classifications shall be exempt from ranking and certification provided for in section 4, subdivision 2, clauses (a) (3), (4) and (5). The director shall refer all qualified applicants to the appointing authority having vacancies in the appropriate classifications.

(i) Establish alternative selection procedures to measure the ability of persons whose handicaps are so severe that the usual selection process cannot adequately predict job performance. Alternative selection procedures may include an on-the-job trial period not to exceed 640 hours to be paid or not by mutual agreement between the person applying for the position and the director. During the trial period, the appointing authority will evaluate the applicant's ability to perform the work required by the specification for the classification. After evaluation, the appointing authority and the director must verify and attest that the applicant, except for compliance with the standard selection process, is able to perform the work required for the position. If the appointing authority and the director determine that the applicant is qualified to perform the work required, the director shall certify the name of the applicant to the appointing authority. The probationary period for the job class shall commence at the date of the hiring of the applicant following certification. Alternative procedures established by the director for the administration of this provision must be approved by the board.

~~(h)~~ (j) 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 upon requisition, the names of the persons highest on the appropriate layoff list for the class. If there is no layoff list, he the director shall certify those on the appropriate eligible list for the class. If there is no such eligible list, he the director may authorize temporary appointment pending establishment of such employment lists for such an eligible list for the class.

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

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

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

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

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

Sec. 7. Laws 1965, Chapter 855, Section 7, as amended by Laws 1967, Chapter 646, Sections 2 and 3, and Laws 1979, Chapter 80, Section 1, is amended to read:

Sec. 7. **UNCLASSIFIED AND CLASSIFIED SERVICE.** Subdivision 1. **DEFINITION OF COVERAGE.** The officers and employees of the county of Hennepin and all of its agencies, boards, commissions, authorities, or committees heretofore or hereafter created, supported in whole or in part by the taxation of the county of Hennepin, ~~except the county attorney, auditor, clerk of district court, probate court judge, register of deeds, sheriff, school superintendent, and treasurer, and the judges of the municipal court of Hennepin county,~~ come within the provisions of Laws 1965, Chapter 855, and acts amendatory thereof, and the positions they hold are hereby divided into the unclassified and classified service.

Subd. 2. **UNCLASSIFIED SERVICE.** The unclassified service ~~shall~~ comprise comprises:

- (a) Officers chosen by election or appointment to fill an elective office.
- (b) Members of boards and commissions appointed by the county board.
- (c) Physicians, medical residents, interns, and students in training.
- (d) Non-salaried attending medical staff.
- (e) Special deputies serving without pay.
- (f) Seasonal, temporary, provisional and emergency positions.
- ~~(g) department heads appointed by the county board.~~

(g) Positions funded by specific governmental or nongovernmental grants of intermittent or limited funding duration.

(h) The head or principal administrative officer of a bureau or department appointed pursuant to Laws 1979, Chapter 198, Article 1; or appointed by the county board; or appointed for a term pursuant to statute. Notwithstanding any contrary provision of other law, any person coming within this provision, who, on the effective date of this act, is in the classified service, shall remain in the classified service until the position is vacated by him. Thereafter, any appointment hereunder shall be in the unclassified service.

~~(h)~~ (i) Chief deputy or principal assistant and secretary for each elected official.

~~(i)~~ (j) Director of court services, ~~examiner of titles and deputy examiners, administrative director of the district court, administrative assistant to the clerk of district court, chief criminal deputy sheriff, chief civil deputy sheriff, court reporters, referees, clerk of municipal court and chief municipal court probation officer.~~

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(k) Examiner of titles and deputy examiners.

(l) Chief criminal deputy sheriff and a chief civil deputy sheriff.

(m) Public defender.

(n) Administrative assistant to the district court administrator and clerk of probate court.

(o) Court reporters and referees.

(~~+~~) (p) ~~other~~ Temporary judicial appointments performing a special function.

(q) County medical examiner.

(r) Superintendent of the adult corrections facility.

(s) Office staff appointed by the county administrator pursuant to Laws 1979, Chapter 198, Article 1.

(t) County administrator.

Subd. 3. UNCLASSIFIED SERVICE, COMPENSATION. The director shall establish a compensation plan in accordance with section 6, clause (e) for those employees in the unclassified service identified in subdivision 2, clauses (d), (f), (h), (i), (j), (k), (l), (m), (n), (o), (r) and (s).

Subd. 4. UNCLASSIFIED SERVICE, TENURE, BENEFITS. The positions in the unclassified service enumerated in subdivision 2, clauses (d), (h), (i), (j), (k), (l), (m), (n), (o), (q), (r) and (s) shall not have permanent tenure but shall have all other benefits provided for in this act. The term of office of any position established by another statute shall be as provided in it.

Subd. 5. MANAGERIAL CLASSIFICATIONS; BENEFITS. Notwithstanding any contrary provision of other law, the board may, by rule, establish an employee benefit system for certain managerial classifications as identified by the director and approved by the board and county board which may differ from those for other county employees.

Subd. 3. 6. CLASSIFIED SERVICE. The classified service shall include all other positions now existing or hereafter created and all employees holding such positions unless specifically placed in the unclassified service by this act. The provisions of Minnesota Statutes 1961, Section 393.07, Subdivision 5, are hereby superseded insofar as they may be inconsistent.

Sec. 8. Laws 1965, Chapter 855, Section 8, is amended to read:

Sec. 8. TENURE. Subdivision 1. **CURRENT EMPLOYEES PROTECTED.** All persons holding positions in the service of with the county of Hennepin who had acquired permanent tenure or who were serving a probationary period on the operative date of this act shall retain their positions, seniority date, and accrued benefits without further examination subject to and protected by the provisions of this act, except that those positions in the unclassified service enumerated in

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section 7, subdivision 2 (g), (h), and (i) shall not have permanent tenure, but shall have all other benefits provided for in this act.

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

Subd. 3. **TRANSFERRING EMPLOYEE TO RETAIN TENURE.** When a permanent employee transfers from the classified service into the unclassified service of the county, the employee shall retain tenure in the classified service with the class from which the transfer occurred.

Sec. 9. Laws 1965, Chapter 855, Section 9, is amended to read:

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

Subd. 2. **ALLOCATIONS.** The director shall allocate each position position in the classified service to one of the classes within the classification plan.

(a) 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 a 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 which will become effective immediately, but. The appointing authority may file with request reconsideration from 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 in accordance with the rules of the board. The director shall act upon that application and notify the appointing authority of his any final action.

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(b) Whenever because of changes in the organizational structure of an agency and the duties of a position, or for some other reason the a 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 either 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 the position or deny the request for reallocation. Notice of the action shall be given to the appointing authority and the affected employee. Unless otherwise provided in the notice, the decision of the director shall be immediately effective. The appointing authority or the affected employee may file a request for reconsideration with the director in accordance with the rules of the board. In all cases the burden of proof shall be upon the person requesting the reallocation.

(c) Except as provided the incumbent of a position which has been reallocated shall continue in the position only if ~~he~~ the incumbent is eligible for and actually appointed to the position of the new class in accordance with the rules of the board governing promotion, transfers and demotion. In any case in which If the incumbent is ineligible to continue in the position and ~~he~~ the incumbent 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 in accordance with the rules of the board. Any permanent or probationary employee with permanent or probationary status whose position is reallocated shall be considered eligible to may compete, if qualified as defined in the minimum qualifications for the class specification, in a promotional an examination held to fill the reallocated position as provided in the rules of the board and shall be considered for appointment if the employee passes the examination, regardless of ranking.

(d) 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 or other considerations in determining whether the employee shall continue at the same rate of pay. Thereafter, as long as ~~he~~ the employee 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 no salary increase shall be granted until the salary range of the class exceeds the employee's present salary.

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(c) The personnel board shall review an allocation made by the director upon the written request of the appointing authority affected or affected employee on the grounds that:-

(1) the action of the director was not in accordance with the personnel this act; or,

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

The board after receiving any application for review shall order The director to shall submit to it the record upon which he acted, and Thereafter upon the record the board may sustain, reverse, or modify the action of the director, or in its discretion may order that request further evidence may be taken by him to submit to the board and considered by it upon its review from the parties. Any employee or The appointing authority, subject to county board approval, or any employee may petition the district court for a review and determination of any alleged arbitrary or capricious action on the part of the personnel board involving allocation.

Sec. 10. Laws 1965, Chapter 855, Section 10, is amended to read:

Sec. 10. **PAYROLLS APPROVED BY DIRECTOR.** Subdivision 4. No disbursing officer of any department or agency appointing authority of the county of Hennepin shall pay any salary or authorize payment of compensation for service to any person holding a position in the classified service as established under this act or a position in the unclassified service identified in section 7, subdivision 3, unless the payroll or account for such salary or compensation shall bear bears 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 persons were appointed and employed in accordance with the provisions of this act and the rules of the personnel board.

Sec. 11. Laws 1965, Chapter 855, Section 11, is amended to read:

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

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

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Board hearings shall be conducted informally and impartially in such manner as it deems best calculated to arrive at the correctness of the charges preferred and without regard to any technical rules of procedure or evidence in an informal and impartial manner in compliance with this act and in accordance with procedures established by the board.

Sec. 12. Laws 1965, Chapter 855, Section 12, is amended to read:

Sec. 12. **INFLUENCE OF APPLICANTS.** Subdivision 1. No persons shall deceive or obstruct any person in respect to his or her rights to interfere with the rights of any person in the examination under the provisions of this act process, or falsely mark, grade, ~~estimate,~~ or report upon the examination or standing of any person examined hereunder or aid in so doing, or furnish to any person, except in answer to inquiries of the personnel board, any special information for the purpose of either improving or injuring changing the rating of any such person for appointment or employment. No applicant or employee shall deceive the board falsify an application or record for the purpose of improving his prospects for employment. No person shall solicit, orally or by letter, and no public officer or public employee shall receive or be concerned in the receiving or soliciting of any money or valuable thing or service from any officer or employee holding a position in the classified service for any political party or purpose whatsoever. No person shall by means of threats or coercion induce or attempt to induce any person holding a position in the classified service to resign. A violation of this subdivision is cause for dismissal, other discipline, or disqualification from the classified service of the county. In addition to other legal remedies, violations may be enjoined.

Subd. 2. Minnesota Statutes, Section 43.28, Subdivision 1, applies to this act.

Sec. 13. Laws 1965, Chapter 855, Section 13, is amended to read:

Sec. 13. **REMOVALS AND DEMOTIONS.** Subdivision 1. SEPARATION. No permanent employee in the classified service who shall have been permanently appointed or inducted into the classified service under the provisions of this act shall be removed, demoted, or discharged except for just cause. Removal, reduction, or suspension for religious, racial, or political reasons shall not be considered "cause" for such action under the provisions of this act. If the appointing authority desires to demote or discharge any such employee, he shall notify said employee, in writing, served personally upon him, or by registered mail to him at his last known address, setting forth the charges against him. A copy of the said charges shall at the same time be filed with the personnel director. The accused employee may, within five days from the date the charges are served upon him, file with the appointing authority a written answer to the charges. If the charges brought against the employee are not resolved within five days of the date of the employee's answer, the employee or his representative may, within 15 days from the date the charges are served upon the employee, file with the director a written demand for a hearing, whereupon without unnecessary delay the personnel board shall conduct such hearing. The hearing shall be confined to the determination of the questions of whether such removal, demo-

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tion; or discharge was or was not made for political, racial, or religious reasons; or was or was not made for just cause. After such hearing the board may, if in its estimation the evidence is sufficient, affirm the removal, demotion, or discharge or if it shall find that removal, demotion, or discharge was made for political, racial or religious reasons; shall order the immediate reinstatement of such person in the position from which he was removed, demoted, or discharged with full pay from the time of such removal, demotion, or discharge; or if it shall find that the removal, demotion, or discharge was not made for just cause, shall order the immediate reinstatement of such person in the position from which such person was removed, demoted, or discharged, which reinstatement shall, if the board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, demotion, or discharge; or the board may in its judgment reduce the punishment sought to be applied by the appointing authority.

Subd. 2. All investigations made by the personnel board pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and present his defense. The personnel board hearing shall be conducted impartially and in such manner as it deems best calculated to arrive at the correctness of the charges preferred, and without regard to any technical rules of procedure or evidence. The accused employee shall have the right to be represented by counsel or other representative and may demand that a record of the hearing be made at the expense of the personnel board. Any employee may appeal from the decision of the board to the district court, which court shall determine whether the records of the hearing contain evidence upon which the board could have reached such decision and whether such board abused the discretion granted it under the provisions of this act. In case of any action under this section, the employee shall, before the action is taken, be furnished with a written statement, setting forth the reasons for the disciplinary action. The employee shall be permitted five work days' time to reply in writing or to meet with the appointing authority. A copy of the statement charging the employee shall be filed with the director along with the employee's reply, if any. Any permanent employee in the classified service who is discharged, demoted or suspended pursuant to rules promulgated hereunder, shall be notified by the effective date of the action of the right to appeal to the board. Action of the appointing authority shall be final if no written appeal is made to the board within 30 calendar days after the effective date of action.

Subd. 2. APPEAL TO BOARD; PUBLIC HEARINGS, FINDINGS, HEARING CONFERENCE. (a) Any permanent employee who is discharged, demoted, or suspended pursuant to rules promulgated under section 4, subdivision 2, clause (a) (10) and who has not elected to proceed pursuant to a grievance procedure, if available pursuant to Minnesota Statutes, Sections 179.35 to 179.39 and 179.61 to 179.76, may appeal to the board within 30 calendar days after the effective date of discharge, demotion, or suspension. In no event may an employee avail himself of both the procedure under this section and the grievance procedure under Minnesota Statutes, Sections 179.35 to 179.39 and 179.61 to

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179.76. Upon appeal, both the appealing employee and the appointing authority or their representatives shall meet with the hearing officer, for the purpose of determining the facts at issue. Prior to the hearing conference, both parties may stipulate on mutually agreed matters relevant to the disciplinary action referred to in this subdivision. If the hearing officer is successful in reaching a mutually agreed settlement between both parties, the agreement, if approved by the board, shall be binding on both parties. The hearing conference shall be conducted in the manner and follow procedures prescribed by the board. At the hearing technical rules of evidence shall not apply.

(b) The hearing officer shall recommend to the board an appropriate disposition of the case which shall be in writing and shall contain findings of fact and conclusions. Unless objections are made, the findings of fact of the hearing officer shall be binding upon the board and upon the parties.

(c) If no objections are made, the hearing officer's recommended disposition shall be final upon board approval. If objections are made, the board, upon a review of the record, may accept the officer's recommendations with or without additional oral or written argument, may remand the case to the officer for further hearing or issue its own decision and order.

(d) If the board finds that the action was not taken by the appointing authority for just cause, the employee shall be reinstated without loss of pay. If the board finds that there is just cause for disciplinary action, it shall affirm the action of the appointing authority, or reinstate the employee, with full, partial or no pay, or modify the appointing authority's action by substituting a lesser disciplinary action.

Subd. 3. RECORD, FINDINGS, FILING, NOTICE. A record of the hearing shall be made by the board. Findings and orders of the board sustaining, reversing or modifying disciplinary actions shall be in writing and shall be filed with the secretary 14 calendar days after the completion of the hearing. The secretary shall give written notice of the decision to the parties.

Subd. 4. APPEALS. The appointing authority upon the approval of the county board, or the employee, may appeal to the district court from an order of the board by serving written notice of the appeal upon the secretary of the board and the adverse party within 30 calendar days after receipt of the written notice of the board's order. The district court shall then determine whether the record of the hearing contains evidence upon which the board could have reached the decision and whether the board abused the discretion granted it under this act.

Sec. 14. Laws 1965, Chapter 855, Section 15, as amended by Laws 1974, Chapter 94, Section 1, is amended to read:

Sec. 15. Subdivision 4. AGE AT RETIREMENT. Except as provided below every person in the classified service who qualifies for at least the minimum benefits allowed under any pension or retirement plan shall retire upon reaching age 65; provided that any such employee who has attained the age of 65 and who is not entitled to minimum benefits under the terms and provisions of any pension

or retirement plan may remain in the service of the county until he is entitled to such benefits.

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

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

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

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

Subd. 2. The provisions of Minnesota Statutes, Section 197.46, are hereby superseded by the provisions of this section insofar as they may be inconsistent. Employees in the classified service shall be retired no later than December 31 of the calendar year in which they reach age 70.

Sec. 15. Laws 1965, Chapter 855, Section 16, is amended to read:

Sec. 16. **DISCRIMINATION.** There shall be no discrimination in any employment or personnel policy of the county personnel department because of race, color, creed, or national origin. All employment and personnel policies of the county shall be administered without regard to race, color, creed, national origin, religion, sex, marital status, disability, status in regard to public assistance or age.

Sec. 16. Laws 1979, Chapter 198, Article 1, Section 2, is amended to read:

Sec. 2. **POWERS AND DUTIES.** The administrator shall exercise general supervision over all county institutions, departments and agencies, and with the approval of the board, coordinate the activities of the county and unify the management of its affairs. If directed by the board, the administrator may act as the head of any bureau or department, the appointment of which is made by the board, provided the administrator has the qualifications required by law. The administrator's powers and duties shall include, but are not limited to, the following:

(a) Hire qualified office staff in the classified or unclassified service to assist in the performance of the administrator's duties as approved by the board;

(b) Provide for the execution of all ordinances, resolutions and orders of the board and all laws of the state required to be enforced through the board by the administrator or by officers who are under the direction and supervision of the administrator;

(c) ~~Appoint, suspend and remove, with approval of the board, all personnel, whose appointment, suspension or removal is empowered to the board, except those in the classified service under Laws 1965, as amended. Appointments, suspension and removal by the administrator under this clause apply only to those persons who, by reason of the organization of Hennepin County government, in the unclassified service who directly report to the administrator. Personnel appointed under this clause shall be removed only as provided in clause (a). The administrator may suspend persons appointed under this clause without pay for not more than 30 days pending a hearing for removal;~~

(d) Provide for county purchases, including purchases of service, as directed by the county board;

(e) Perform all duties, functions and responsibilities provided by law of the offices enumerated in Laws 1967, Chapter 599, notwithstanding contrary provisions therein as are provided by general and special law. The administrator may, with approval of the board, appoint and designate persons to carry out those duties, functions and responsibilities;

(f) Prepare and submit to the board a proposed annual budget and long-range capital expenditure program as provided for in article II;

(g) Prepare, submit and update, if directed by the board to do so, an administrative code incorporating the details of administrative procedures for the operation of the county;

(h) Examine the books and papers of officers and departments of the county with the assistance of internal audit or independent audit, as the board may direct, and report the findings to the board. Keep the board fully advised as to the financial condition and needs of the county and make such other reports as the board or the administrator deems advisable; and

(i) Attend meetings of the board and make recommendations.

Sec. 17. **REPEALS.** Laws 1945, Chapter 607, as amended by Laws 1947, Chapter 455, Laws 1951, Chapter 636, Laws 1953, Chapters 703 and 733, Laws 1955, Chapters 544 and 723, Laws 1957, Chapter 945, Extra Session Laws 1959, Chapters 15 and 77, Extra Session Laws 1961, Chapter 47, Laws 1963, Chapter 782, and Laws 1965, Chapter 852; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6 and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5 are repealed.

Sec. 18. **EFFECTIVE DATE.** This act is effective on the day of the filing of a certificate of local approval in compliance with Minnesota Statutes, Section 645.021, Subdivision 3.

Approved April 15, 1980

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