

(4) extend customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only.

Approved May 8, 1985

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CHAPTER 89 — H.F.No. 907

*An act relating to Ramsey county; providing for the creation, organization, powers, and duties of a personnel system; providing penalties; amending Minnesota Statutes 1984, sections 383.405; and 383A.41, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 383A; repealing Minnesota Statutes 1984, sections 383A.28; 383A.29; 383A.30; and 383A.31.*

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

Section 1. [383A.281] DEFINITIONS.

Subdivision 1. INTERPRETATION. Unless the language or context indicates that a different meaning is intended, the following terms, for the purpose of this act and rules adopted under it, have the meanings given them in this section.

Subd. 2. ALLOCATION. "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. 3. APPLICANT. "Applicant" means a person who has completed an application for employment and has submitted it to the department of personnel or other appointing authority who has been delegated the authority to recruit and examine individuals for positions in the county personnel system.

Subd. 4. APPOINTING AUTHORITY. "Appointing authority" means an elected official, the head of a board, department, division, or commission, or person or group of persons who by law, rule, or resolution of the county board has been granted the authority to make appointments to positions in the county personnel system.

Subd. 5. APPOINTMENT. "Appointment" means the act of filling a vacancy by placement of a person in the county personnel system through selection from an eligible list or a noncompetitive or qualifying process including transfer, demotion, or reinstatement.

Subd. 6. CERTIFICATION. "Certification" means the referral of names from an eligible list to an appointing authority to fill vacant positions in the classified service.

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**Subd. 7. CLASS.** “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 performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

**Subd. 8. CLASSIFICATION.** “Classification” means the process of grouping positions into classes with respect to similar duties and responsibilities of the positions.

**Subd. 9. CLASSIFIED SERVICE.** “Classified service” means all positions existing on the effective date of this act or subsequently created in the county personnel system and not specifically designated as unclassified positions pursuant to section 6.

**Subd. 10. COMPETITIVE OPEN EXAMINATION.** “Competitive open examination” means that eligibility to compete in an examination is extended to all interested qualified persons.

**Subd. 11. COMPETITIVE PROMOTIONAL EXAMINATION.** “Competitive promotional examination” means that eligibility to compete in an examination is limited to qualified county employees by department.

**Subd. 12. COUNTY BOARD.** “County board” means the Ramsey county board of commissioners.

**Subd. 13. COUNTY PERSONNEL SYSTEM.** “County personnel system” means all employees in the departments or agencies of county government or joint city and county agencies which receive their funding in whole or in part from the county board, including employees of:

- (a) elected officials;
- (b) the Saint Paul-Ramsey medical center commission; and
- (c) the clerk of district court;

but not including:

- (1) district and municipal court judges;
- (2) court reporters, law clerks, referees employed by the district and municipal courts, employees of the municipal court, and the second judicial district administrator’s office;
- (3) court commissioners;
- (4) the public defender;

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(5) employees of the examiner of titles, agricultural extension service, humane society, historical society, and soil and water conservation district; and

(6) other employees not subject to a county personnel system because of state law.

Subd. 14. DIRECTOR. "Director" means the director of the department of personnel or the director's delegated representative.

Subd. 15. ELIGIBLE. "Eligible" means a person whose name is on an eligible list.

Subd. 16. ELIGIBLE LIST. "Eligible list" means a list of candidates eligible for employment in a specific class.

Subd. 17. EMPLOYEE. "Employee" means any person currently occupying, or on leave from, a county personnel system position.

Subd. 18. LAYOFF LIST. "Layoff list" means an eligible list by class of former permanent or probationary employees who have been terminated from positions in the class because of a shortage of funds or curtailment of service or for any other reason beyond their control not reflecting discredit on the employee.

Subd. 19. PERMANENT STATUS. "Permanent status" means the state or condition achieved by an employee in the classified service who has successfully completed an initial probationary period or a probationary period required following reinstatement or reemployment.

Subd. 20. PERSONNEL DEPARTMENT. "Personnel department" means the department charged with the administration of the county personnel system under the supervision of the personnel department director.

Subd. 21. PERSONNEL REVIEW BOARD. "Personnel review board" means the body charged with review responsibilities pursuant to section 7.

Subd. 22. POSITION. "Position" means a group of duties and responsibilities assigned or delegated by the appointing authority, requiring the full-time or less than full-time employment of one person.

Subd. 23. PROBATIONARY PERIOD. "Probationary period" means a period of time following appointment to a position in the classified service, during which the employee is required to demonstrate ability to perform the duties and fulfill the responsibilities of the position.

Subd. 24. RECLASSIFICATION. "Reclassification" means changing the allocation of a position to a different class.

Subd. 25. REEMPLOYMENT LIST. "Reemployment list" means an eligible list by class of current or former permanent or probationary employees laid off, demoted in lieu of layoff, or separated in good standing from the class,

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and whose written applications for consideration for reemployment in the class have been approved by the personnel director.

Subd. 26. TRANSFER. "Transfer" means a change of an employee in one position within a department to a position of comparable class in another department.

Subd. 27. UNCLASSIFIED SERVICE. "Unclassified service" means all positions which are not within the classified service as defined by section 5.

Subd. 28. PERMANENT TENURE. "Permanent tenure" means the state or condition achieved by an employee in the classified service who has successfully completed an initial probationary period.

Subd. 29. PROTECTED GROUPS. "Protected groups" means the groups defined by section 43A.02, subdivision 33.

**Sec. 2. [383A.282] COUNTY BOARD RESPONSIBILITIES.**

Subject to this act and other law, the county board shall fix the annual salary of county officials and determine the number and compensation of all employees in the county personnel system.

**Sec. 3. [383A.283] PERSONNEL DEPARTMENT.**

Subdivision 1. CREATION. The personnel department is created under the supervision of the director of personnel.

Subd. 2. DIRECTOR. The director shall be appointed by the Ramsey county executive director, on the basis of merit and fitness as a result of a competitive examination, subject to the approval of the county board. The director shall be in the classified service and shall report directly to and be supervised by the Ramsey county executive director.

Subd. 3. RESPONSIBILITIES. The personnel director shall provide personnel management services and assistance to all county departments, enforce any personnel rules and regulations adopted by the county board, and carry out the responsibilities set forth in this act.

**Sec. 4. [383A.284] GENERAL; PERSONNEL POWERS OF DEPARTMENT AND COUNTY BOARD.**

Subdivision 1. RULEMAKING. The personnel director shall prepare rules to implement the provisions of this act. The rules shall be effective upon approval by the county board. Prior to approval, the county board shall hold a public hearing on the proposed rules after giving notice to county departments, employees, affected labor organizations, and the public. The rules approved by the county board shall have the force and effect of law. The rules may be amended or repealed in the same manner as originally adopted.

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Subd. 2. COLLECTIVE BARGAINING. The executive director or the director's designee shall be the chief labor negotiator for the county. The executive director may, as necessary and at discretion, include department heads of affected departments in the labor negotiation process. The executive director shall recommend to the county board for its final approval all collective bargaining agreements. To the extent they are covered by a collective bargaining agreement, the compensation, term, and conditions of employment for all employees represented by an exclusive representative certified pursuant to chapter 179A shall be governed by the collective bargaining agreement executed by the county board and the parties and it shall supersede any rule or administrative procedure adopted pursuant to this act, unless a provision of the agreement is found to violate other state or federal law.

Subd. 3. PAYROLL VOUCHER CERTIFICATION. The director of personnel or the director's authorized agent shall be responsible for certification of the payroll vouchers that the persons named in them have been appointed and employed in accordance with the provisions of this act and the rules under it. No Ramsey county disbursing or auditing officer shall make or approve or take part in making or approving payment for personal service to a person holding a position in county service unless the payroll voucher or account for the amount bears the certification of the director or the authorized agent.

Subd. 4. EVALUATION; REPORT. The county board shall establish performance indicators and annually monitor the performance of the personnel management system in the county. The personnel director shall periodically review and evaluate current and future staff needs of all county departments, job classes and descriptions, training and development, and internal and market comparability of all classification and salary schedules and report to the county board on these and other personnel management areas, as requested.

Subd. 5. REVIEW APPOINTMENTS. Prior to each new appointment to the county personnel system, the personnel director shall certify that the person has been appointed in accordance with this act and applicable rules and regulations.

**Sec. 5. [383A.285] CLASSIFIED SERVICE.**

Subdivision 1. GENERAL. (a) All appointments to the classified service shall be based upon merit, fitness, and ability to perform the duties of the position and needs of the appointing authority, including the need to achieve and maintain a representative work force.

(b) The classified service is a permanent service to which this law applies and comprises each tenured position in the public service existing on, or established after, the effective date of this act.

Subd. 2. CLASSIFICATION PLAN. The personnel director shall maintain, revise, and administer a classification and salary plan.

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**Subd. 3. CLASSIFICATION OF POSITIONS.** The personnel director shall place each position in the classified service in an appropriate class in the classification plan or in a new class to be created, if appropriate. If a class is unique to a department, the personnel director shall consult the head of that department before classifying the unique positions.

**Subd. 4. APPEAL FROM CLASSIFICATION OR RECLASSIFICATION.** An appointing authority or an employee affected by a classification or reclassification of a position may protest the action in writing to the personnel director. The personnel director shall review the classification or reclassification and may change the decision. Neither the appointing authority nor the employee shall have any further right to appeal a decision regarding a classification or reclassification to the personnel review board.

**Subd. 5. STUDY; IMPLEMENTATION.** The personnel director shall complete a reclassification study within 60 days after receiving a reclassification request. The appointing authority shall implement the personnel changes required by the reclassification decision in a timely manner and qualifications for reclassified positions shall be reasonably commensurate with the requirements of the position.

**Subd. 6. INCUMBENTS.** The incumbent of a position which has been reclassified shall continue in the position if the employee is eligible for the position in the new class in accordance with this act, and rules adopted under it. If the incumbent is ineligible to continue in the reclassified position, he or she shall be transferred, promoted, or demoted. His or her salary shall not be less than it was in the former classified position but it may be frozen at the level of the former classified position until it is commensurate with the class and grade of the position to which the incumbent was transferred or demoted.

**Subd. 7. EXAMINATIONS; INCUMBENTS.** An employee with permanent or probationary status whose position is reclassified shall be considered eligible to compete in any examination held to fill the reclassified position as provided in the rules or administrative procedures.

**Subd. 8. REINSTATEMENT.** (a) An employee who is granted a leave of absence from a position in the classified service to accept a position in the unclassified service, upon request, shall, during the unclassified appointment or within 60 days after the end of the unclassified appointment, be reinstated to the department from which the employee was granted a leave, to a classified position comparable to that which was held immediately prior to being appointed to the unclassified position.

(b) At the discretion of the appointing authority, any employee who without fault or delinquency has resigned or been demoted, within one year after leaving the position in the classified service, may be appointed or reinstated to a classified position within the same department which is comparable to the

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position held previously. An employee may be reinstated from a leave of absence as determined by the rules and regulations adopted by the county board pursuant to this act.

Subd. 9. CLASSIFYING POSITIONS. An employee in an unclassified position on the effective date of this act which becomes classified by this act shall continue to serve in the classified position and have all the benefits of classified service notwithstanding any other provision of this act.

Subd. 10. UNCLASSIFYING POSITIONS. An employee in the classified service with permanent tenure, who is an incumbent of a position which becomes unclassified and is not appointed to or is removed from the unclassified position, shall be transferred by the personnel director to a classified position within the same department comparable to the unclassified position. If a comparable position is unavailable, the person shall be transferred by the director to a classified position comparable to that which he or she held immediately prior to being appointed to the position which was unclassified. If the employee held an unclassified position with the same agency before being appointed to the classified position that is unclassified, the person shall be transferred by the director to a classified position comparable to the classified position next in rank below the position that is unclassified. The employee's salary shall not be less than it was in the position which was unclassified, but it may be frozen until it is commensurate with the class and grade of the position to which the employee was transferred.

#### Sec. 6. [383A.286] UNCLASSIFIED SERVICE.

Subdivision 1. GENERAL. An appointing authority may appoint employees to the unclassified service in accordance with this section. Positions in the unclassified service shall not be required to be filled by competitive examination, but shall be subject to an open application and screening process. The appointing authority may discharge employees in the unclassified service with or without cause. Employees in the unclassified service have no right to a grievance appeal from discharge or other disciplinary action under this act. An employee in an unclassified position shall not have tenure but shall be entitled to all benefits associated with tenure such as vacation leave, sick leave, health insurance, and other benefits as determined by the county board.

Subd. 2. UNCLASSIFIED POSITIONS. The following positions shall be in the unclassified service:

- (a) positions held by elected officials or persons appointed to fill an elected office;
- (b) one assistant for each elected official;
- (c) the director or principal administrative officer of a department of county government or agency created by law, except that the affirmative action

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officer, personnel director, internal auditor, and director of budgeting and accounting shall be positions in the classified service;

(d) doctors, residents, and student nurses employed by the county or county agency;

(e) members of a board or commission appointed by the county, or the county and the city, and acting in an advisory capacity;

(f) weed inspectors, election judges, or election clerks;

(g) special police officers or special deputy sheriffs serving without pay;

(h) judges, court administrators, court reporters, receivers, referees, the examiner or assistant examiners of titles, public defenders, arbiters, jurors, clerk of district court, or persons appointed by the district court to make or conduct a special inquiry of a judicial or temporary character;

(i) all positions in the municipal court of Ramsey county and the second judicial district administrator's office;

(j) the executive director and eight principal assistants;

(k) the chief executive officer of the medical center and seven principal assistants;

(l) interns, student workers, law clerks, or other employees employed for a limited duration as determined by the county board;

(m) positions designated by the county board as unclassified pursuant to subdivision 3;

(n) the sheriff, the sheriff's chief deputy, three principal assistants, and a personal secretary; and

(o) the county attorney, the county attorney's first assistant, one principal assistant, and a personal secretary.

**Subd. 3. UNCLASSIFIED POSITIONS AUTHORIZED BY COUNTY BOARD.** The county board may designate additional positions in the unclassified service if the following criteria are met:

(a) designation of the position is not contrary to the provisions of other law relating specifically to that department;

(b) the person occupying the position of supervisor or a department assistant would report directly to the department head and would be designated as part of the department head's management team; and

(c) the duties of the position involve significant discretion and substantial involvement in the development, interpretation, and implementation of department policy.

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The personnel director shall certify whether the designation is consistent or inconsistent with the standards and criteria in this section. The county board may appeal certification decisions to the personnel review board.

**Sec. 7. [383A.287] PERSONNEL REVIEW BOARD.**

Subdivision 1. CREATION. The Ramsey county personnel review board is created to review disciplinary appeals and conduct performance reviews of the personnel department.

Subd. 2. ORGANIZATION. The county board, by a majority vote, shall appoint five persons to the personnel review board to serve four-year staggered terms. Any vacancies shall be filled by a majority vote of the county board for the unexpired term. Each member shall hold office until a successor has been appointed. Membership on the personnel review board shall be limited as follows:

(a) each member shall take an oath of office before assuming the duties of office;

(b) no person shall be a member of the personnel review board while holding a public office, or while holding office in a political party above the state legislative district level, nor for two years after having held that kind of public or political office; and

(c) each member shall be a resident of the county and if a member becomes a nonresident, the member forfeits the office.

Subd. 3. REMOVAL FROM OFFICE. A personnel review 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. 4. COMPENSATION. Compensation for members of the personnel review board shall be set by resolution of the county board.

Subd. 5. RESPONSIBILITIES. (a) NONDISCIPLINARY APPEALS. The personnel review board shall hear all nondisciplinary personnel appeals as defined in the rules adopted by the county board pursuant to section 4, subdivision 1.

(b) GRIEVANCES AND DISCIPLINARY APPEALS. All appeals or grievances relating to discharge, suspension, demotion for cause, salary decrease, or other disciplinary action shall be heard by an administrative law judge appointed pursuant to section 14.55. The administrative law judge shall hear the grievance or appeal and report his or her recommendation to the personnel review board in a timely manner consistent with section 13 and the rules and regulations promulgated by the county board.

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**(c) REVIEW OF PERSONNEL DEPARTMENT PERFORMANCE.** Periodically, as requested by the county board, the personnel review board shall review, report, and make recommendations to the county board regarding personnel department services, procedures, and practices.

**Sec. 8. [383A.288] COMPETITIVE EXAMINATIONS.**

**Subdivision 1. GENERAL.** Entrance to the classified service shall be through successful competition in an examination and certification and appointment from an eligible list except as provided in this section.

**Subd. 2. TYPES OF EXAMINATIONS.** All examinations for positions in the classified service shall be job related, nondiscriminatory, and designed to fairly assess ability to perform the duties of the class for which the examination is given. The examination may consist of, but shall not be limited to, one or more of the following:

- (a) written subjective or objective tests;
- (b) physical tests;
- (c) practical or demonstration tests;
- (d) evaluation of training and experience;
- (e) oral subjective or objective tests in the form of question and answer;
- (f) interviews; or
- (g) a supervisory evaluation of job performance.

**Subd. 3. ELIGIBILITY FOR COMPETITIVE OPEN EXAMINATIONS.** (a) Competitive open examinations shall, upon public notice, be open to all applicants who meet reasonable job related requirements fixed by the personnel department.

(b) Employees in the classified service with permanent tenure who pass an open competitive examination shall have added to their final examination score one point for each year of permanent tenure up to a maximum of ten points. This credit shall not be used for examinations for supervisory positions.

**Subd. 4. ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMINATIONS.** Competitive promotional examinations shall be open only to permanent and probationary employees of the classified service. The personnel department may limit competition to employees of one or more departments, or to employees meeting specified employment requirements.

**Subd. 5. WAIVER OF COMPETITIVE EXAMINATIONS.** The personnel director shall establish a procedure and a definition of the criteria for the selection and referral of qualified applicants to fill positions in routine service classifications involving unskilled tasks. Applicants to fill vacancies in the

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classifications shall be exempt from ranking and certification. The director shall refer all qualified applicants to the appointing authority having vacancies in the appropriate classifications.

Sec. 9. [383A.289] ELIGIBLE LISTS.

Subdivision 1. GENERAL. The personnel director shall prepare eligible lists as provided in this section.

Subd. 2. RANK. On competitive open and competitive promotional lists eligibles shall be ranked according to their ratings in examinations and any veteran's preference required by law.

Subd. 3. TERM OF ELIGIBILITY. The term of eligibility of eligibles on lists shall be determined by the personnel director but shall not be less than six months.

Sec. 10. [383A.291] CERTIFICATION OF ELIGIBLES.

Subdivision 1. GENERAL. The personnel director, upon the request of the appointing authority, shall certify, for both competitive open and competitive promotional positions, the first five eligibles on the eligible list and all other eligibles having the same score as the fifth eligible on the list.

Subd. 2. EXPANDED CERTIFICATION. The personnel director shall expand the certification beyond the first five eligibles to contain a member of not more than three underrepresented protected groups, in highest ranking order, if he or she determines all of the following conditions are met:

(a) the vacancy to be filled occurs in a job classification which is underrepresented by one or more protected groups, based on affirmative action goals;

(b) the first five eligibles do not contain the name of a member of a protected group which is underrepresented for the job classification; and

(c) the protected group eligibles to be certified have achieved a minimum passing score on the competitive examination, if one has been given.

Subd. 3. REFUSAL TO CERTIFY. The personnel director may refuse to certify an eligible who:

(a) is found to lack any of the requirements established for the examination for which the eligible has applied;

(b) has been dismissed from the public service for delinquency or misconduct;

(c) has been dismissed from the same or a similar classification within the civil service for unsatisfactory job performance;

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(d) has, directly or indirectly, given or promised to give anything of value to any person in connection with the eligible's examination, appointment, or proposed appointment; or

(e) has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in the application or examination or in securing eligibility or appointment.

When the personnel director refuses to certify an eligible, he or she shall, upon request of the eligible refused, furnish the eligible a statement of the reasons for the refusal. Upon receipt of relevant information from the eligible refused, the personnel director shall reconsider the refusal and may certify the eligible. An eligible shall have no further right to appeal the personnel director's decision to refuse to certify the eligible.

#### Sec. 11. [383A.292] NONCOMPETITIVE APPOINTMENTS.

Subdivision 1. TEMPORARY APPOINTMENTS. The personnel director may authorize the appointing authority to make a temporary appointment of not more than six months in any 12 month period. When practicable, the personnel director may certify any qualified eligible from an eligible list for the temporary appointment, but may authorize the appointment of any person deemed qualified by the appointing authority.

Subd. 2. PROVISIONAL APPOINTMENTS. The personnel director may authorize the appointing authority to make a provisional appointment for a position for which there is no eligible list for a period of time determined by the personnel director not to exceed six months.

#### Sec. 12. [383A.293] PROBATIONARY PERIOD.

Subdivision 1. GENERAL. All appointments to positions in the classified service shall be for a probationary period which shall be not less than three months of full-time equivalent service nor more than one year of full-time equivalent service as determined by the personnel department or through collective bargaining agreements. An appointing authority may require a probationary period for interdepartmental transfers, reemployments, reinstatements, voluntary demotions, and appointments from layoff lists or of former employees of a different appointing authority. For employees in a collective bargaining unit the requirement of a probationary period shall be subject to applicable provisions of collective bargaining agreements.

Subd. 2. TERMINATION DURING PROBATIONARY PERIOD. There is no presumption of continued employment during a probationary period. Terminations or demotions may be made at any time during the probationary period with or without cause and employees terminated during a probationary period shall have no further right to appeal. If during the probationary period

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an employee with permanent status is dismissed, the employee shall be restored to a position in his or her former class and department.

Sec. 13. [383A.294] GRIEVANCES.

Subdivision 1. DISCHARGE; SUSPENSION; DEMOTION FOR CAUSE; SALARY DECREASE. No permanent employee in the classified service shall be discharged, suspended without pay, or reduced in pay or position, except for just cause.

Subd. 2. JUST CAUSE. For purposes of this section, just cause includes, but is not limited to, failure to perform assigned duties, substandard performance, misconduct, insubordination, and violation of written policies and procedures.

Subd. 3. NOTICE OF DISCIPLINARY ACTION. The appointing authority shall give a permanent classified employee written notice of the discharge, suspension without pay, or reduction in pay or position. The written notice shall include a statement of the nature of the disciplinary action, the specific reasons for the action, the effective date of the action, and a statement informing the employee of the employee's right to reply within ten working days of receipt of the notice in writing or, upon request, in person, to the appointing authority or the authority's designee. The notice shall also include a statement of the employee's right to appeal to the personnel review board within 30 days of the effective date of the disciplinary action, but an employee who elects to reply to the appointing authority may appeal within ten working days of the receipt of the authority's response to the reply. If the appointing authority has not responded within 30 days of receipt of the employee's reply, the appointing authority shall be deemed to have replied unfavorably to the employee. A copy of the disciplinary action notice and the employee's reply shall be filed with the personnel department.

Subd. 4. APPEAL PROCESS. (a) HEARING. Within ten days of receipt of the employee's written notice of appeal, the personnel review board shall request the chief administrative law judge to assign an administrative law judge to hear the appeal. The hearing shall be conducted as a contested case and both the employee and appointing authority shall be entitled to present facts at the hearing. The burden of proof shall be on the appointing authority to establish the basis for its disciplinary action by a preponderance of the evidence. A record shall be kept of the hearing at the expense of the personnel review board. The administrative law judge may subpoena and require the attendance of witnesses and the production of any relevant documents and may administer oaths to witnesses.

(b) HEARING REPORT. Within 30 days after the close of the hearing record, the administrative law judge shall recommend to the personnel review

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board an appropriate disposition of the grievance which shall be in writing and contain findings of fact and conclusions.

**(c) DECISIONS OF PERSONNEL REVIEW BOARD.** Within 30 days of receipt of the administrative law judge's recommendation, the personnel review board shall act to modify, reject, or accept the recommendation. If the personnel review board fails to act within 30 days after receipt of the recommendation, it shall be deemed to have accepted the recommendation of the administrative law judge recommending final disposition of the grievance. The personnel review board shall not conduct a hearing prior to modifying, accepting, or rejecting the recommendation of the administrative law judge but shall confine its review to the record established before the administrative law judge and no party to the appeal shall have a right to a hearing de novo before the personnel review board.

**(d) APPEAL OF PERSONNEL REVIEW BOARD DECISION.** The decision of the personnel review board shall be the final decision regarding the employee's grievance appeal. The decision may be appealed to district court within 30 calendar days after its receipt, by the appointing authority or by the employee. The appeal shall be decided by the court upon the board's record. The decision of the board may be reversed if the hearing record contains no evidence upon which the personnel review board could have reached its decision or if the personnel review board abused its discretion.

**(e) EFFECT OF PERSONNEL REVIEW BOARD DECISION.** The personnel review board decision shall be binding on both the employee and the appointing authority unless on appeal the decision is stayed, modified, or reversed by the district court.

**(f) PROPER PARTY TO LITIGATION.** Ramsey county and not the personnel review board, shall be a proper party to an appeal or any litigation arising out of this act.

The personnel review board shall have no right to sue or be sued under this act. The county attorney shall represent the county in any litigation arising out of this act.

An employee may not use both the procedure provided by this section and the grievance procedure provided by chapter 179A.

**Subd. 5. COLLECTIVE BARGAINING AGREEMENTS.** Procedures for discipline and discharge of employees covered by collective bargaining agreements shall be governed by the agreements, to the extent that the agreements are inconsistent with this act.

#### **Sec. 14. [383A.295] CONDITIONS OF EMPLOYMENT.**

**Subdivision 1. BENEFITS.** The personnel director shall have the authority to set hours of employment, sick leave, vacation leave, leave of absence without pay, health insurance, life insurance, and other fringe benefits for

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employees in the classified and unclassified service subject to the approval of the county board and in accordance with the law.

Subd. 2. LAYOFFS. The personnel director shall adopt rules and regulations providing for the layoff and reemployment of employees on the basis of the employee's seniority.

Subd. 3. RETIREMENT. Employees in the classified and unclassified service, except for elected officials, shall be retired no later than the first day of the month after the month in which the employee reached the age of 70.

**Sec. 15. [383A.296] MISCONDUCT.**

No person shall interfere with the rights of any person in the examination process, or falsely mark, grade, or report the examination or standing of any person examined, or aid in so doing, or furnish to any person, except in answer to inquiries of the personnel review board, any information for the purpose of changing the rating of any person. No applicant or employee shall falsify an application or record for the purpose of improving prospects for employment. 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 section 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.

**Sec. 16. [383A.297] POLITICAL ACTIVITY.**

No employee in the classified service shall be under any obligation to contribute to a political service or fund to any person, body, or committee, and no employee in the classified service may be discharged, suspended, demoted, or otherwise disciplined or prejudiced for refusal to do so. All employees in the classified and unclassified service shall be subject to the prohibition on political activities set forth in section 210A.081.

**Sec. 17. [383A.298] TRANSITIONAL PROVISIONS.**

All employees of the civil service department shall be transferred to the personnel department. All members of the civil service commission shall be members of the personnel review board and serve until their current term expires and a successor is appointed.

**Sec. 18. [383A.299] PENALTIES.**

A person who willfully violates a provision of this act is guilty of a misdemeanor.

**Sec. 19. [383A.301] STATUS OF PRESENT EMPLOYEES.**

Each person holding a position with the county of Ramsey who has acquired permanent tenure or who was serving a probationary period on the

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effective date of this act retains his or her position, seniority date, and accrued benefits.

Sec. 20. Minnesota Statutes 1984, section 383A.405, is amended to read:

**383A.405 CORRECTIONS.**

Subdivision 1. **DIRECTOR OF COMMUNITY CORRECTIONS.** The management and control of the operations of any correctional, juvenile detention, or home school facility within Ramsey county shall be the responsibility of the director of the department of community corrections. All of the employees of these correctional facilities except the superintendent and the first assistant or chief deputy of the facility shall be in the classified service of the county civil service and subject to ~~section 383A.29~~ sections 1 to 19.

Subd. 2. **HOME SCHOOL SUPERINTENDENT.** Notwithstanding section 260.094, or other law, in Ramsey county, the superintendent or matron and the assistant superintendent or matron of any county home school shall be appointed and removed by the director of the county community corrections department. The county board of commissioners shall set all salaries of employees at the school subject to ~~section 383A.29~~ sections 1 to 19.

Subd. 3. **DETENTION HOME STAFF.** Notwithstanding section 260.101, or other law, in Ramsey county, staff for detention homes shall be appointed and removed by the director of the community corrections department. Salaries for all employees shall be set by the county board of commissioners subject to ~~section 383A.29~~ sections 1 to 19.

Sec. 21. Minnesota Statutes 1984, section 383A.41, subdivision 5, is amended to read:

Subd. 5. **POWERS AND DUTIES OF COMMISSION.** The commission is responsible for the operation, administration, management and control of the Saint Paul-Ramsey Medical Center, may carry malpractice insurance for the medical center medical and nonmedical staff and pay the premiums therefor. The commission may appoint and, at its pleasure, remove a chief executive officer of the medical center and seven principal assistants. The commission may employ other personnel it determines are necessary for the performance of its duties. The commission's employees are subject to the Ramsey county civil service personnel system law and the rules related to it. The commission shall reimburse the county civil service personnel department for its services for the commission's classified employees and the reimbursement is to be credited to the civil service personnel department budget. The county board shall be the employer of the commission employees for purposes of sections 179.35 to 179.38.

Sec. 22. **DEFINITION.**

When it appears in sections 1 to 19, the term "this act" and related terms refer to sections 1 to 19.

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**Sec. 23. REPEALER.**

Minnesota Statutes 1984, sections 383A.28; 383A.29; 383A.30; and 383A.31, are repealed.

**Sec. 24. EFFECTIVE DATE.**

This act is effective the day after the filing of a certificate of local approval in compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Ramsey county board.

Approved May 8, 1985

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**CHAPTER 90 — H.F.No. 1197**

*An act relating to cities of Circle Pines and Lino Lakes; permitting cities to determine the size of Circle Pines utilities commission.*

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

**Section 1. CIRCLE PINES UTILITIES COMMISSION.**

Notwithstanding Minnesota Statutes, section 412.341 relating to the number of members that may be appointed to a utilities commission, the cities of Circle Pines and Lino Lakes may determine, by joint resolution, the number of members to serve on the Circle Pines utilities commission. Their terms must be as provided in Minnesota Statutes, section 412.341 and, so far as possible, staggered so that an equal number expire in each year.

**Sec. 2. LOCAL APPROVAL.**

Section 1 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, except that approval must be certified by joint resolution, by the governing bodies of the cities of Circle Pines and Lino Lakes.

Approved May 8, 1985

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**CHAPTER 91 — H.F.No. 1198**

*An act relating to local government; authorizing the creation of a youth coordinating board in the city of Minneapolis.*

Changes or additions are indicated by underline, deletions by ~~strikeout~~.