

**CHAPTER 416—S.F.No. 2471**

*An act relating to Hennepin county; making changes to provisions on its human resources board and department; amending Minnesota Statutes 1998, sections 383B.26; 383B.27; 383B.28, subdivisions 1, 3, and 4; 383B.29; 383B.30; 383B.31; 383B.32, subdivisions 2 and 3; repealing Minnesota Statutes 1998, section 383B.35.*

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

Section 1. Minnesota Statutes 1998, section 383B.26, is amended to read:

**383B.26 HUMAN RESOURCES SYSTEM; PURPOSE.**

The purpose of sections 383B.26 to 383B.42 is to establish a human resources board and a human resources and ~~employee relations~~ department in 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 human resources administration, which shall include a uniform system of job classifications, procedures and standards for hiring, promotion and compensation administration.

Sec. 2. Minnesota Statutes 1998, section 383B.27, is amended to read:

**383B.27 DEFINITION OF TERMS.**

Subdivision 1. For the purposes of sections 383B.26 to 383B.42 and rules promulgated under them, 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 human resources board.

Subd. 3. "Member" means a member of the county human resources board.

Subd. 4. "Director" means the director of the department of human resources and employee relations.

Subd. 5. "~~Human resources department~~" means the human resources director and the director's employees engaged in the administration of sections 383B.26 to 383B.42.

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

Subd. 7. "Appointing authority" means an elected official, county administrator, or the head director and management staff of a 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 sections 383B.26 to 383B.42.

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Subd. 8. "Classified service" means the service which includes all positions except those in the unclassified service under sections 383B.26 to 383B.42.

Subd. 9. "Position" means a group of current duties and responsibilities assigned or delegated by an appointing authority.

Subd. 10. "Class" means one or more positions sufficiently similar with respect to duties and responsibilities that for which the same descriptive title can be used with clarity to designate each position; that similar general qualifications are needed for the performance of the duties; that comparable selection procedures may be used to recruit employees; and that the same schedule of compensation shall be applied to all positions.

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

Subd. 12. "Reallocation" means 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 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, intern/trainee or open competitive list for a given class.

Subd. 15. "Permanent employee" means an employee in the classified service who has satisfactorily completed a probationary period.

Subd. 16. "Probationary period" means that part of the examining hiring process following certification and appointment from a list of certified candidates, to enable the appointing authority to determine whether employees are fit and suitable for the position to which they have been appointed, transferred, or promoted. The appointing authority may discharge a newly appointed employee during the probationary period without specifying cause or granting a hearing, except as provided by section 197.46. The appointing authority may, during the probationary period, demote an employee appointed to a position as a result of a promotion without specifying cause or granting a hearing, except as provided by section 197.46. The employee so demoted shall be returned to a position in the class previously held by the affected employee. The appointing authority may, during the probationary period, return a transferred employee back to a position in the classification and organizational unit the employee previously held without specifying cause or granting a hearing, except as provided by section 197.46. When an employee has been transferred from one department to another and upon the request of the new appointing authority the employee may be required to serve a probationary period.

Subd. 17. "Classification plan" means a list of the classes of positions in the classified county service by their official title.

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Subd. 18. "Unclassified service" means those positions which are exempted from the jurisdiction of the human resources board unless otherwise provided by sections 383B.26 to 383B.42.

Subd. 19. "Transfer" means a change by an employee from a position in the same class to a different department 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 or~~ organizational unit or another department or organizational unit.

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. Minnesota Statutes 1998, section 383B.28, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** The Hennepin county human resources board and human resources and ~~employee relations~~ department are created.

Sec. 4. Minnesota Statutes 1998, section 383B.28, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION.** Compensation for members of the human resources board shall be set by the county board. Members of the board shall be compensated at the rate not to exceed \$50 per day spent on board meetings and ~~personnel human resources 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.

Sec. 5. Minnesota Statutes 1998, section 383B.28, subdivision 4, is amended to read:

Subd. 4. **ORGANIZATION.** The board shall organize by electing one of its members as chair and one as vice-chair. The human resources director shall serve as secretary.

Sec. 6. Minnesota Statutes 1998, section 383B.29, is amended to read:

#### 383B.29 DUTIES OF THE HUMAN RESOURCES BOARD.

Subdivision 1. **BOARD PROCEEDINGS.** 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 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 four members are present. A majority vote of all members present shall constitute the decision of the board. The board shall keep records and minutes of its business and official actions which shall be open to public inspection subject to such reasonable rules as to time and place of inspection as the board may establish.

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Subd. 2. **DUTIES.** (a) The board shall: (a) establish rules for the classified service with the assistance of the human resources 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 for approval or rejection. When approved, 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.

(b) The rules shall provide for:

(1) the rejection of otherwise eligible applicants/candidates who fail to comply with the reasonable requirements of the director selection methods and the establishment of lists to fill positions in the county service including promotion;

(2) 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, either of the question and answer type or the interview type may be used to test the candidates the appointment of qualified candidates to vacant positions, if the vacancy is not filled by recall from the layoff list, demotion, reinstatement, reassignment, transfer from other employers or with county service. Whenever practicable, vacancies must be filled by promotion. The 20 persons having the highest qualifications that meet the requirements of the position to be filled, when available, must be referred to appointing authority when a vacancy occurs;

(3) the creation of eligible lists upon which shall be entered the names of successful candidates a period of probation during which period the probationer may be discharged or demoted, without right of appeal. The period of probation must not exceed six months unless changed by six-sevenths approval of the board due to extreme or unique conditions;

(4) the appointment of eligible candidates who have qualified through the examination process, or through a qualifying selection process pursuant to section 383B.31, clause (h); if the vacancy is not filled by recall from the layoff list, demotion, transfer, or reinstatement. The 20 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 six-sevenths approval of the board seasonal, provisional, temporary, and emergency appointments. The appointments, except seasonal, must not exceed six calendar months in any 12-month period. Seasonal appointments must not exceed nine calendar months in any 12-month period;

(5) if more than one vacancy is to be filled, additional names may be added to the certification list in accordance with the rules adopted under this subdivision voluntary demotion; reassignment; transfers from within county service or other employers; and reinstatement of persons who without fault or delinquency on their part are separated from the service or demoted;

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(6) a period of probation during which period the probationer may be discharged or demoted; without right of appeal. The period of probation shall not exceed six months unless changed by six-sevenths approval of the board due to extreme or unique conditions a compensation plan for classes and positions not represented by an exclusive bargaining representative to be presented to the county board for approval;

(7) seasonal, provisional, temporary and emergency appointments. The appointments, except seasonal appointments, shall not exceed six calendar months in any 12-month period. Seasonal appointments shall not exceed nine calendar months in any 12-month period a classification plan for positions in the county service to be presented to the county board for approval;

(8) transfers from other public employers or within county service; and reinstatement of persons who without fault or delinquency on their part are separated from the service or demoted leaves of absence with or without pay; layoffs; hours of employment; vacations and sick leave; severance pay, and other benefits and emoluments as may improve the public service;

(9) promotion based upon competitive examinations. Whenever practicable vacancies shall be filled by promotion suspensions without pay for disciplinary purposes, discharges, or demotion of a permanent employee only when the person has been presented with written charges and has been allowed a hearing;

(10) suspensions without pay for no longer than 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 establishment of reasonable fees, not to exceed the actual cost of service or material provided;

(11) discharge or demotion of a permanent employee only when the person has been presented with written charges and has been allowed a hearing pursuant to section 383B.38 establishment of rules of conduct that are conditions of employment in the county service; and

(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 before the board under sections 383B.26 to 383B.42 policies to deal with falsification of an application or record to improve prospects for employment or with interference with the selection process.

(b) Provide a compensation plan for county employees not represented by an exclusive bargaining representative to be presented to the county board for approval.

(e) Make investigations of its own motion concerning the enforcement and effect of sections 383B.26 to 383B.42, and the rules thereunder.

(d) (c) Hear and decide appeals within the jurisdiction of the board, if there has been a preliminary showing to the board attorney that a rule violation has occurred. Any such board attorney ruling may be appealed to the board.

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Subd. 3. **HEARING OFFICERS.** The board, with the assistance of the human resources director, shall utilize and prescribe the duties of hearing officers, or contract with the office of hearing examiners pursuant to section 14.55. When it is determined that a disciplinary or veteran's 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 14.55. 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 human resources director, may then utilize an impartial hearing officer. Decisions of the hearing officers are final and binding on the parties and the human resources board, except as provided in section 197.46.

Sec. 7. Minnesota Statutes 1998, section 383B.30, is amended to read:

**383B.30 DIRECTOR; SELECTION AND TENURE.**

The board county administrator, with the approval of the county board, shall appoint a human resources director on the basis of merit and fitness as a result of competitive examinations. The director shall be in the classified service and shall not be removed by the board except under written charges in accordance with sections 383B.26 to 383B.42 and after a public hearing by the board.

Sec. 8. Minnesota Statutes 1998, section 383B.31, is amended to read:

**383B.31 DUTIES OF THE HUMAN RESOURCES DIRECTOR.**

(a) The director as administrator of the human resources and ~~employee relations~~ department shall cooperate with and assist department heads and elected officials in providing an effective human resources program. The director shall direct and supervise all of the human resources and ~~employee relations~~ department's administrative and technical activities in addition to the duties imposed on the director in sections 383B.26 to 383B.42.

(b) The director shall:

(a) (1) attend the meetings of the board, act as its secretary and maintain its official records;

(b) (2) appoint the employees of the human resources and ~~employee relations~~ department in accordance with and subject to the provisions of sections 383B.26 to 383B.42; and

(c) (3) recommend rules and amendments to rules for the administration of sections 383B.26 to 383B.42.

(d) (c) The director shall establish uniform procedures and standards to:

(1) prepare, recommend and maintain a classification plan which shall group all positions in the classified service county into classes, based on their duties and responsibilities. The classification plan shall identify for each class a title, a statement of duties, authority and responsibilities and qualifications necessary for the position. The classification plan shall be effective upon approval by the board and the county board. Periodic job audits shall be made of positions for the purpose of keeping the

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classification plan current with changes in work assignments;

(e) (2) prepare, recommend, and maintain a compensation plan for the classified county service; Compensation plans when approved by majority vote of the board shall be recommended to the county board who may approve or reject such plans or portions thereof.

(f) Establish programs for the training and education of employees to improve the quality of services rendered.

(g) (3) except as provided in clauses (h) and (i) (4) and (5), develop and hold competitive examinations to determine the qualifications of persons seeking employment in any class and to establish lists of those passing such examinations;

(h) (4) develop a procedure and define the criteria for the selection and referral of qualified applicants to fill positions in classifications involving unskilled tasks or in classifications which require state licensure or certification to engage in the activity; 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 383B.29, 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) (5) establish alternative selection procedures to measure the ability of persons whose handicaps disabilities 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;

(j) (6) when a vacancy is to be filled, to certify to the appointing authority upon requisition, the names of the persons highest on the appropriate layoff list, or if there is no such list, the appropriate eligible list for the class. If there is no layoff list, the director shall certify those on the appropriate eligible list for the class. If there is no eligible list, the director may authorize temporary appointment pending establishment of an eligible list for the class;

(k) (7) maintain records necessary for the proper administration of sections 383B.26 to 383B.42;

(l) (8) provide a system for checking payrolls and accounts for the payment of compensation to employees in the classified and unclassified service so as to enable the director, upon evidence thereof, to certify or cause to be certified the persons whose names appear thereon have been employed or on authorized leave before payment may be lawfully made to such employees;

(m) (9) make investigations concerning the administration of sections 383B.26 to 383B.42 and rules made thereunder, and take corrective actions as deemed reasonable and appropriate to the situation;

(n) (10) make investigations and reports required by the board or the county board and report thereon; and

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~~(e)~~ (11) make an annual report to the county board and the human resources board on the activities of the human resources department.

(d) The classification plan authorized in paragraph (c), clause (1), is effective on approval by the county board.

(e) The compensation plan authorized in paragraph (c), clause (2), may include benefits and other emoluments to improve the public service as determined by the human resources director. A plan that is approved by a majority vote of the human resources board is a recommendation to the county board which may approve or reject all or part of it.

(f) The examination process described in paragraph (c), clause (3), must provide for: (1) the rejection of otherwise eligible applicants or candidates who fail to comply with the reasonable requirements of the human resources director; and (2) examinations that 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, either of the question and answer type, or the interview type, may be used to test the candidates.

(g) The classifications described in paragraph (c), clause (4), must be authorized by the county board. Applicants to fill vacancies in the classifications are exempt from ranking and certification provided for in section 383B.29, subdivision 2, paragraph (b), clause (2). The director shall refer all qualified applicants to the appointing authority having vacancies in the appropriate classifications.

Sec. 9. Minnesota Statutes 1998, section 383B.32, subdivision 2, is amended to read:

Subd. 2. **UNCLASSIFIED SERVICE.** (a) The unclassified service comprises:

- (a) (1) officers chosen by election or appointment to fill an elective office;
- (b) (2) members of boards and commissions appointed by the county board;
- (c) (3) physicians, medical residents, interns, and students in training;
- (d) (4) nonsalaried attending medical staff;
- (e) (5) special sheriff's deputies serving without pay;
- (f) (6) seasonal, temporary, provisional, intermittent, and emergency positions;
- (g) (7) positions funded by specific governmental or nongovernmental grants of intermittent or limited funding duration;
- (h) (8) the head director or principal administrative officer of a bureau or department appointed pursuant to sections 383B.101 to 383B.103; or appointed by the county board; or appointed for a term pursuant to statute. law; Notwithstanding any contrary provision of other law, any person coming within this provision, who, on August 11, 1980, is in the classified service, shall remain in the classified service until vacating the position. Thereafter, any appointment hereunder shall be in the unclassified service.

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- (i) (9) chief deputy or principal assistant and secretary for each elected official;
- (j) (10) examiner of titles and deputy examiners;
- (k) (11) chief criminal deputy sheriff, a chief civil deputy sheriff, a chief administrative deputy sheriff, and a chief financial services deputy sheriff;
- (l) (12) public defender;
- (m) Administrative assistant to the district court administrator.
- (n) Temporary judicial appointments performing a special function.
- (o) (13) county medical examiner;
- (p) (14) office staff appointed by the county administrator pursuant to sections 383B.101 to 383B.103; and
- (q) (15) county administrator.

(b) Notwithstanding any contrary provision of other law, any person coming within paragraph (a), clause (8), who, on the effective date of this section, is in the classified service, remains in the classified service until vacating the position. After that, an appointee to a position described in paragraph (a), clause (8), is in the unclassified service.

Sec. 10. Minnesota Statutes 1998, section 383B.32, subdivision 3, is amended to read:

Subd. 3. **UNCLASSIFIED SERVICE, COMPENSATION.** The human resources director shall establish a compensation plan in accordance with section 383B.31, clause (e) paragraph (c), clause (2), for those employees in the unclassified service identified in subdivision 2, clauses (e), (d), (f), (h), (i), (j), (k), (m), and (p) (3), (4), (6), (8), (9), (10), (11), (13), and (14).

**Sec. 11. REPEALER.**

Minnesota Statutes 1998, section 383B.35, is repealed.

Presented to the governor April 13, 2000

Signed by the governor April 17, 2000, 3:56 p.m.

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**CHAPTER 417—S.F.No. 3272**

*An act relating to the building code; modifying requirements of bleacher safety; amending Minnesota Statutes 1999 Supplement, section 16B.616, subdivisions 3 and 4.*

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

Section 1. Minnesota Statutes 1999 Supplement, section 16B.616, subdivision 3, is amended to read:

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