

for the construction of such building, and the maintenance cost of said building thereafter shall be paid from trunk highway funds.

Approved April 23, 1945.

CHAPTER 607—H. F. No. 1344

An act to establish a classification and salary system in all counties of this state now or hereafter having a population of 500,000 or more, creating a classification and salary commission therein; fixing salaries and sums to be appropriated and spent therefor, and suspending inconsistent laws.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Classification and salary plan for Hennepin county. In all counties of this state now or hereafter having a population of 500,000 or more, for the purpose of increasing the efficiency of the county departments and fixing the compensation of employees and the aggregate sum of money to be used for the employment of help therein, there is hereby established a classification and salary plan as herein set forth.

Sec. 2. Commission. There is hereby created in each such county a classification and salary commission, hereinafter designated "commission," of nine members who shall be the persons at any given time occupying the offices of judge of probate, county attorney, county auditor, county treasurer, clerk of district court, register of deeds, sheriff, county superintendent of schools, and chairman of the board of county commissioners.

The commission shall meet not later than the first day in May, 1945, and annually thereafter at the call of the county auditor, at which time it shall organize by selecting a chairman and such other officers as it shall deem advisable, and shall hold meetings from time to time during the year as it may determine. The commission may adopt and revise from time to time such administrative rules as may be necessary for the enforcement of this act and the carrying out of this plan. The commission shall at all times see that the employees of the various departments of the county government are performing the duties of the positions they hold and for which they are paid. The commission may use the services

of such employees in the various departments of the county as may be necessary to carry on its business without additional compensation to such employees. The county auditor shall be secretary of the commission and keep its records. The commission shall act only by a majority vote of its members.

On or before May 1, 1945, and thereafter on or before January 1 of each year, each employing officer of the several departments of the county shall prepare a classified list of positions and salaries for his department and submit the same to the commission. The commission shall consider the same and approve, disapprove, or modify it, as it may deem for the best interest of the county and make its order or orders thereon effective for the year 1945 as of May 1 and annually thereafter as of January 1. The commission shall equalize both as to classification and salary the positions in the several departments. The commission may at any time alter or change either the classification or the salary of any position. Orders of the commission shall be signed by its chairman and attested by the county auditor.

For the purpose of this act, the board of county commissioners shall be deemed the employing officer of the following named departments: county farm, public health nurses, book binder, civil-legal, county board clerical, and Torrens title.

Sec. 3. Employees excepted from act. The provisions of this act and the power of the commission shall extend to all the employees of the departments hereinafter named, except:

(a) Officers elected by public vote or persons appointed to fill vacancies in such offices;

(b) District court reporters, jurors, appraisers, administrators, executors, referee in probate, examiner of titles, deputy examiner of titles, and all persons appointed by the district or probate court to conduct any such inquiry or perform any special functions.

(c) Members of boards or commissions appointed by the board of county commissioners or other legal authority and boards, commissions, county physician, and persons acting in an advisory or consulting capacity.

(d) Common labor.

(e) Road and bridge employees engaged in construction or maintenance including the highway engineering staff and road and bridge supervision.

Common labor is hereby defined to mean employees doing work usually called "common labor" who are paid on an hourly basis and are not receiving more than \$1.00 per hour and employed for less than nine consecutive months in each year.

This act shall extend to the following departments: county attorney, book binder, clerk of district court, coroner, county auditor, county farm, county surveyor, county board clerical, Torrens title examinations, court commissioner, probate court, public health nurses, register of deeds, registrar of titles, sheriff, superintendent of schools, treasurer, and civil-legal.

The classified service shall include all positions now existing in the departments listed in the foregoing paragraph, whether now established by law or by the board of county commissioners, and all positions hereinafter created by law or by the board of county commissioners and the commission jointly, as provided in Section 7 of this act.

Sec. 4. Authorization for salaries. There is hereby authorized to be expended annually, subject to the provisions of Section 5, for salaries for all help in each of the following departments of said county, including part-time, seasonal, or temporary employees, but excluding common labor, the sum set opposite the title of the department, as follows:

(a) County attorney	\$ 67,000
(b) County auditor	148,500
(c) Clerk of district court	93,000
(d) Coroner	16,700
(e) Book binder	4,100
(f) Civil-legal	11,000
(g) County farm	38,500
(h) Public health nurses	15,200
(i) Torrens title examinations	2,400
(j) Probate court	43,500
(k) Court commissioner	3,900
(l) Sheriff	217,500
(m) County superintendent of schools	5,100
(n) County surveyor	11,700
(o) Register of deeds and registrar of titles	124,700
(p) County treasurer	91,900
(q) County board clerical	3,800

Sec. 5. Basis, cost of living index. The basis for the amounts set up in Section 4 of this act is the cost of living index for the month of December, 1944, at 123.2 as determined by the Bureau of Labor Statistics of the United States

Department of Labor. The authorized amount each department may expend for compensation of employees, as provided in Section 4, shall be increased or decreased each year by the board of county commissioners in accordance with the procedure hereinafter stated. In determining the authorized amount to be expended for help for each department at the time the annual budget is prepared, for each full point that the cost of living index (for the city of Minneapolis published by the Bureau of Labor Statistics of the United States Department of Labor) increases or decreases above or below the index for the month of December, 1944, the authorized amount it may expend annually for help, as provided in Section 4, in the ensuing year shall be increased or decreased, as the case may be, by 1% of the total authorized amount above specified, but not below the cost of living index figure of 108.0. In the event said cost of living index is not available for the month in which the budget is determined then the figures of the next preceding release of the index shall be used in determining the annual authorized amount to be expended for help in each department in the manner aforesaid. The sum so found shall be the total authorized amount for help in each department for the ensuing year.

Sec. 6. Deemed salaries fixed by law. The salaries fixed under the provisions of this act shall be deemed for all purposes salaries fixed by law. The commission is referred for its guidance to the report of the Interim Committee, which was created under resolution No. 12, House Concurrent Resolution No. 7, Session Laws 1943, to the 1945 Legislature and the exhibits attached thereto, as reported to the 1945 Session of the Legislature, and filed as indicated in the Journal of the House and Senate.

Sec. 7. Increase of amount authorized. In case any additional help is required in any department, the commission and board of county commissioners shall meet jointly at the time of determining the county budget requirements for the ensuing year, and by three-fourths vote of the membership of both bodies meeting jointly; may increase the amount authorized for help for any department in any year. By similar action the number of employees in any department and the authorized amount it may use for help in any year, may be reduced. In case of an emergency arising at any time after the adoption of the yearly budget, requiring additional help for any department, such help may be furnished in the manner provided for in this section and the salary shall be paid out of any money in the county treasury not otherwise appro-

priated. The county auditor shall act as secretary of any such joint meeting and keep its records.

In no event shall the aggregate compensation paid the employees in any department exceed the authorized amount allotted to said department in the manner aforesaid. When the compensation for any position is determined, or at any time altered, by any employing officer, and approved by the commission, such determination and approval shall be filed with the county auditor, and shall thereafter be the salary for such position.

After the first classified lists for the several departments shall have been approved by the commission, no saving in authorized expenditures resulting from a reduction in any salary or failure to fill any position so established shall be used to increase the salary of any other employee. This shall not prevent changes in personnel in the manner provided in this act.

The elective head of any department may designate and appoint any person employed in his department as his deputy.

Sec. 8. Discharge or demotion of employees. No person employed in any department shall be discharged, demoted in salary or position, or suspended for more than thirty days in any year, except as hereinafter provided. Whenever the employing officer determines that any person employed in his department is not faithfully and efficiently performing the duties of his office to the best of his ability or up to the standard required of the position or is guilty of any of the offenses hereinafter designated, he may discharge or demote such person from such employment by giving him a notice of discharge or demotion in writing. Such discharged or demoted employee may within ten days after receiving such notice appeal to the commission which shall grant a hearing thereon: Unless the commission shall determine that the action of such officer is unreasonable or arbitrary, it shall sustain such official, otherwise it shall reverse the official and compel the reinstatement and retention of the employee. The action of such official or the commission shall not be reversed unless it be unreasonable or arbitrary, and the burden of proof shall be upon the employee. Any employee reinstated by the commission or other legal action shall be paid as though he had not been separated or demoted from such employment. An employing officer may suspend any employee for not more than thirty days in any one year for disciplinary purposes, which action shall not be subject to review. The following shall be cause for discharge:

(a) Conviction of any criminal offense involving moral turpitude;

(b) Neglect of duty, insubordination, wilful violation or disobedience of the rules of the employing officer or the commission;

(c) Inefficiency in performing duties;

(d) Determination on the part of the department head to permit the position to become or remain vacant. When it is determined that such position shall be re-filled, such discharged employee shall have the first right to be re-employed therein.

Sec. 9. **Appropriations.** The board of county commissioners shall annually appropriate such sums of money as may be necessary to effectuate the purpose of this act and carry on the operations of the commission.

Sec. 10. **Authorized amount for 1945.** For the year 1945, the authorized amount to be expended by any department for help shall be decreased by 3% of the annual allotment provided in Section 4. The purpose of this provision is to provide a basis for fixing salaries for the eight months of 1945, commencing with May 1. Until the compensation and classification of employees are determined by the commission, they shall continue in such positions as they now occupy and receive such compensation as they are now paid.

Sec. 11. **Application.** This act insofar as it is applicable shall suspend the operation of all other laws regulating and providing for county employees and their compensation.

Approved April 23, 1945.

CHAPTER 608—H. F. No. 1359

An act fixing and regulating the salaries and compensations of certain county officials in each county now or hereafter having a population of 500,000 or more; repealing Laws 1921, Chapter 133, Sections 1, 3, 5, 7, 9, 11, 13, and 15, and amendatory acts; and repealing Laws 1921, Chapter 202, and amendatory acts, and acts inconsistent herewith.