

## CHAPTER 402—S. F. No. 672

[Not Coded]

*An act relating to civil service commissions for employees of the commission or board charged with the operation of public utilities in any village in the state having not less than 1850 nor more than 2200 inhabitants and an assessed valuation of real and personal property of not less than \$1,000,000 nor more than \$1,500,000, more than 70 percent of which assessed valuation consists of iron ore; and providing penalties for certain violations of the act.*

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

Section 1. **Public utilities civil service commission in certain villages.** There may be created in every village in the state having not less than 1850 nor more than 2200 inhabitants and an assessed valuation of real and personal property of not less than \$1,000,000 nor more than \$1,500,000 more than 70 percent of which assessed valuation consists of iron ore; and which operates a water, light, power and building commission operating exclusively from revenue derived by it from the sale of public utilities, a Public Utilities Civil Service Commission with the powers and duties hereinafter provided.

Sec. 2. **Commission created by resolution of commission.** Any village in the class hereinbefore mentioned which may wish to avail itself of the provisions hereof, shall do so by resolution of its water, light, power and building commission expressly accepting the provisions hereof, which resolution shall be adopted by a majority vote of the members of said commission, and this act shall not apply to any village until the adoption as aforesaid of such resolution.

Sec. 3. **Present employees declared eligible for appointment; citizen and elector.** For the benefit of the public service, and to prevent delay, injury or interruption therein by reason of the enactment of this act, all persons employed in the public service by any utilities board or commission of the state coming within the provisions of this act, shall at the time when this act shall take effect be declared eligible for permanent appointment under civil service to the offices, places, positions or employment which they shall then hold, respectively, without examination or other act on their part and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectively to all

intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. No person shall be adopted or inducted into civil service who is not a citizen of the United States and an elector of the political subdivision by which he is employed. All persons in the employ of such utilities board or commission when this act takes effect who are not eligible for adoption or induction as hereinbefore provided, shall continue to hold their respective offices, places, positions or employment until replaced by persons appointed thereto under civil service.

**Sec. 4. Selection and composition of civil service commission; qualifications, term, removal, quorum.** There is hereby created in each municipality of the state subject to and which accepts the provisions of this act, a civil service commission which shall be composed of three members, none of whom shall hold any other public or official place, position, or employment. The members of such commission shall be elected by the board of utilities or commission of any municipality of the state in which this act is effective. No person shall be appointed as a member of such civil service commission who is not a citizen of the United States and a resident of such political subdivision by which he is appointed and an elector thereof. The term of office shall be for three years, except that the first three members of such commission shall be appointed for different terms, as follows: one to serve for a period of one year, one to serve for a period of two years, and one to serve for a period of three years, and each member of said commission shall be president of said commission during the last year of the term for which he is appointed. Any member of such commission may be removed from office by the utilities board or commission for incompetency, incompatibility or dereliction of duty, or other good cause. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this act. Two members shall constitute a quorum, and, except in matters requiring unanimous consent of commission, as hereinafter provided, the votes of any two members of such commission shall be sufficient for the decision of all matters and the transaction of all business to be transacted by the commission under or by virtue of the provisions of this act.

**Sec. 5. Expenses of commission; supplies.** Each commissioner shall serve without pay, but the utilities board or commission of the municipality shall pay from the treasury of such board or commission all expenses incurred by the

Civil Service Commission in connection with the performance of its duties and shall furnish said commission with all supplies, stationery and equipment it may require, but all bills and accounts shall be audited and approved by the president and secretary of said commission before being paid by said board or commission in charge of such utilities.

**Sec. 6. Powers, and duties.** The commission shall have absolute control and supervision over all employment, promotion, discharge and suspension of all employees coming within the provisions of this act.

Immediately after its appointment and organization, the commission shall grade and classify all of said employees and shall prepare a service register in which shall be entered, in their classes, the names, ages, compensation, period of past employment and such other facts and data with reference to each employee as the commission may prescribe.

**Sec. 7. Rules and regulations.** Subdivision 1. **Contents of rules.** In order to carry out the purposes and provisions of this act, the commission shall make suitable rules and regulations not inconsistent with the provisions of this act. Such rules and regulations shall provide in detail the manner in which examinations shall be held, and appointments, promotions, transfers, reinstatements, suspensions, and discharges shall be made, and such other rules not inconsistent with the provisions of this act as may from time to time be found necessary to secure the purposes of this act.

Subd. 2. **Layoffs and temporary employees; rules printed.** The rules herein provided for shall contain a rule which shall provide that whenever it becomes necessary for lack of work or funds, or for other causes, to reduce the force in any class of positions, the appointing officer shall designate by title the class of position from which lay-off shall take place, and the persons serving in such class of position in such title be laid off in the inverse order of their certification and appointment to such class of position in such title, the last one so appointed to be the first laid off. Temporary appointees in such class of position shall in all cases be first separated. No employee shall be discharged or removed by reason of abolishment of a position as long as it remains necessary to employ some person to do the same work, regardless of the title. The rules also shall contain a rule that shall provide that any officer or employee who has been given a leave of absence in accordance with the civil service rules or has been laid off in accordance with said rules, shall be

eligible for reinstatement to positions of the same class, grade and salary, and of the same character of work as the position from which leave of absence or lay-off took place. Such eligibility for reinstatement shall not continue longer than one year after such leave or lay-off. Such rules and regulations may be changed from time to time and the same, together with all changes, shall forthwith be printed for distribution, and the commission shall, not less than ten days prior to the time when the same shall take effect, give notice in a local newspaper printed and published in such political subdivision of the state and having a general circulation therein, or the place where printed copies of such rules and regulations and changes therein, may be obtained.

**Sec. 8. Secretary.** The commission shall, at its first official meeting appoint a secretary, who shall keep records of its proceedings, preserve all reports made to it, superintend and keep records of all examinations, and investigations made under its direction, and perform such other duties as the commission may prescribe. Such secretary shall hold office during the pleasure of the commission and shall receive such salary as the board or commission in charge of utilities may fix.

**Sec. 9. Examinations.** Subdivision 1. All examinations shall be impartial, fair and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill, and shall be open to all citizens who possess such qualifications as to residence, age, health and moral character as may, by rule, be prescribed by the commission.

Subd 2. Notice of the time, place and general scope of every examination shall be given by the commission by publication in the official newspaper printed and published in such city or village and having a general circulation therein, once each week for two consecutive weeks, and by posting such notice in three public places in such political subdivision, which said notices shall be so posted for not less than two weeks prior to such examination.

Subd. 3. No question in any examination or any application form shall relate to political or religious preference, affiliation, opinion or services. No misleading or catch questions shall be asked in examination.

**Sec. 10. Grounds for discharge.** No employee in the classified service, who has been employed for a period of

six months or longer under the provisions of this act, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense as hereinafter provided. Such charges shall be investigated by or before such civil service commission. The findings and decisions of such commission shall be forthwith certified to the appointing authority, and will forthwith be enforced by such officer. Nothing in this act shall limit the power of any appointing authority to suspend a subordinate, for disciplinary purposes for periods not exceeding 30 days in any calendar year, or pending investigation of charges when he deems such suspension advisable.

**Sec. 11. Hearings and investigations.** Subdivision 1. **Hearings.** All hearings and investigations before the civil service commission, shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof the commission shall not be bound by the technical rules of evidence. No informality in any proceeding or hearing, or in the manner of taking testimony before the commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. No order, decision, rule or regulation made by any one commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by the other two members of the commission.

Subd. 2. **Findings.** Findings and determinations hereunder and orders of suspension or removal, shall be in writing, and shall be filed within three days after completion of such hearings with the secretary of the commission and it shall be the duty of the secretary to notify such employee of said decision in writing. Any person suspended, removed, or reduced in pay by the commission after investigation may appeal from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of said order or the receipt by said employee of written notice of said order as above provided.

**Sec. 12. Witnesses; depositions.** The civil service commission, or designated commissioner, may, in any investigation or hearing before commission, or designated commissioner, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the district court of the state, and to that end may compel the attendance of witnesses and the production of books, papers, documents and accounts. Wilful false swearing in any hearing or investigation before

the commission, or designated commissioner, shall be perjury and punished as such.

**Sec. 13. Grade and classification registered.** The commission shall prepare and keep a register for each grade and classification in the classified civil service of all persons whose general average standing upon examination for such grade or classification is not less than the minimum fixed by the rules of the commission, and who are otherwise eligible. Such persons shall take rank upon such register, as candidates, in the order of their relative excellence, as determined by examination and investigation. Candidates of equal standing shall take rank upon the register according to the order in which their applications are filed. The commission may, by rule, provide for striking candidates from the list after they have remained thereon for a specified time.

**Sec. 14. Vacancy; how filled.** Whenever there shall be a vacancy in any office, place, position, or employment in the classified civil service, the appointing power shall immediately notify the civil service commission thereof, if the vacancy is to be filled by original appointment. Such commission shall thereupon certify to such appointing power the names and addresses of the three eligible candidates standing highest upon the register for the classification or grade to which such office, place, position or employment belongs, and if there be less than three, the commission shall so certify all such candidates upon the register. All vacancies shall be filled by reinstatement register.

**Sec. 15. Temporary appointment.** When there is no eligible list from which any office, place, position or employment may be filled, the appointing power may, with the consent of the civil service commission, fill such position by temporary appointment, but such temporary appointment shall not continue for a period not longer than three months, nor shall successive temporary appointments be made to the same position under this section without the previous consent of such commission, and in no case shall any person hold a position under such temporary appointment for a period longer than six months without the unanimous consent of the commission. The civil service commission shall establish rules and regulations under which emergency appointments may be made when those on the eligible list are not immediately available, and fix the time for which such emergency appointments shall be valid.

**Sec. 16. Leave of absence.** Leave of absence for not more than 30 days, without pay, and without the consent

of the civil service commission, may be granted by any appointing power to any person under civil service subject to his authority, provided, that such appointing power shall give immediate notice of such leave to such commission. Leave of absence for longer periods shall not be granted except by express permission of the civil service commission. All temporary appointments caused by leaves of absence shall be made from the eligible list of the classified civil service. In cases where leaves of absence are granted for 30 days or less, the employee upon expiration of such leave shall be reinstated in his particular position.

**Sec. 17. Prohibitions and penalties.** Any person who shall solicit or receive directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution, or payment for any political purpose whatever from any officer or employee in a department operated under civil service as in this chapter provided for, shall be guilty of a misdemeanor.

**Sec. 18. Discontinuance or abolishment of commission.** Any civil service commission hereafter created, pursuant to the provisions of this act, may be discontinued and abolished as follows: A petition signed by 25 percent of the number of legal voters voting at the last general election shall be filed with the governing body of such political subdivision and shall request that the following question be submitted to the voters, to-wit: "Shall the civil service commission be abolished?"

**Sec. 19. Submission to voters.** When such petition is filed, the governing body of such political subdivision shall cause the question to be submitted to the voters at the first following general election. Such petition shall be presented to the governing body of said political subdivision not less than 90 days prior to such general election.

Such commission shall be deemed to be abolished if two-thirds votes cast in said election be in favor of such abolishment; and the status of the departments and all of the employees thereof shall thereafter be deemed to be the same as if said commission had not been created.

**Sec. 20. Liberal construction.** The provisions of this act shall be liberally construed, to the end that the intent and purposes thereof may be given effect.

**Sec. 21. Act subject to certain statutes.** This act shall be subject to and shall not be intended to repeal Minnesota

Statutes 1945, Sections 197.45 and 197.46, and all amendments thereto, nor shall anything in this act limit or interfere with the licensing or examining power conferred by law upon the Industrial Commission of the state.

**Sec. 22. Commission continued upon change of village classifications.** Any village which is now subject to the provisions of this act shall remain subject thereto notwithstanding subsequent changes in population or valuation.

Approved April 19, 1947.

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CHAPTER 403—S. F. No. 738  
[Coded as Section 85.177]

*An act authorizing the commissioner of conservation to acquire lands for state park purposes and appropriating money therefor.*

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

[85.177] Section 1. **Big Island in Albert Lea Lake State Park.** The commissioner of conservation is authorized to acquire by gift, purchase, or condemnation the following described lands in the County of Freeborn and State of Minnesota, said lands being known as Big Island in Albert Lea Lake;

Lots numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, all within a subdivision of Government Lots Three (3) and Four (4) of Section Twenty-four (24) in Township One hundred two (102) North of Range Twenty-one (21) West of the 5th P. M., and Lots designated as A, B, C, D, E, F, G, H, and I, all within a subdivision of Government Lot Two (2) in Section Nineteen (19) Township One hundred two (102) North of Range Twenty (20) West of the 5th P.M., and a tract of ten acres on Government Lote One (1) in Section Nineteen (19) Township One hundred two (102) North of Range Twenty (20) West of the 5th P. M.

This land, when acquired, shall be a state park to be known by such name as may be designated by the commissioner of conservation, and shall be under the supervision and