

CHAPTER 421

PROVISIONS RELATING TO CIVIL SERVICE COMMISSIONS

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421.01 INJURED FIREMEN OR POLICEMEN MAY BE REINSTATED. In any city of this state now or hereafter having a population of more than 50,000 the council or other governing body in such city is hereby authorized and empowered to reinstate any injured fireman or policeman at any time within a period of five years after the date of an injury received in the course of his duties as such or the date of any sickness or incapacity which sickness or incapacity is traceable solely to his services as such fireman or policeman.

[1931 c. 320 s. 1] (1478-1)

421.02 CIVIL SERVICE RULES FOR UNSKILLED LABOR. No city of the first class located in any county having a population of not less than 275,000, and not more than 350,000, shall require any person seeking employment or appointment as a common, unskilled or semi-skilled laborer to be placed in any classified service subject to civil service rules and regulations in relation thereto as a condition to any such employment or appointment.

[1933 c. 372 s. 1] (1459-1)

421.03 NOTICE OF DISCHARGE OF EMPLOYEES. No regularly employed person having a classification under civil service regulation in cities of the first class operating under the Constitution of the State of Minnesota, Article 4, Section 36, shall be discharged, suspended, or demoted because of inefficiency, breach of duty, or misconduct unless written notice specifically and fully stating the reasons for such discharge, suspension, or demotion is served upon such employee by the officer, board, or person whose duty it is or may be to appoint or employ such employee.

[1933 c. 409 s. 1] (1465-1)

421.04 HEARING. Within ten days after the service of such notice such employees may demand a hearing before a board to be known as a board of appeals or referees, to consist of three members, one member to be appointed by the mayor from outside the city service; one member to be appointed by the city council from the administrative officials of the municipality; and one member to be the chief civil service examiner, administrative head, or secretary of the civil service department.

[1933 c. 409 s. 2] (1465-2)

421.05 HEARING. The board of appeal or referees shall within ten days after their appointment serve a written notice upon such employee, setting forth the time of the hearing before them of these charges. The hearing of these charges shall be open to the public, and the employee may appear with an attorney.

The board of appeal or referees or a member thereof shall administer oaths to all witnesses, and, upon its or his own motion or the written request of any interested party, may issue subpoenas for the attendance of witnesses and the production of such books, papers, records, and documents material in the cause as shall be designated in such request or required by the board or member thereof. The applicants for subpoenas shall advance necessary service and witness fees, which shall be the same as the service and witness fees provided by law for civil causes

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in the district court. The board shall pay for the attendance of all witnesses subpoenaed by it or its own motion. If any person refuses to comply with any order or subpoena issued by the board, or any member thereof, or if any person refuses to permit an inspection of any place or premises or to produce any books, papers, records, or documents material in the cause, or if any witness refuses to appear or testify regarding that which he may be lawfully interrogated, any judge of the district court in the county in which the cause is pending on application of the board, or member thereof, shall compel obedience by attachment proceedings as for contempt as in the case of disobedience of a similar order or subpoena issued by such court.

[1933 c. 409 s. 3] (1465-3)

421.06 BOARD TO MAKE INVESTIGATIONS. The board, or member thereof, in making an investigation or conducting a hearing under sections 421.03 to 421.09 shall make such investigation or inquiry or conduct such hearings in such manner as to ascertain the substantial rights of the parties, and all findings of fact shall be based upon reviewable evidence.

[1933 c. 409 s. 4] (1465-4)

421.07 EMPLOYEES REMOVED, WHEN. If, after the investigation and hearing by the board of appeal or referees such employee is found guilty of inefficiency, breach of duty, or misconduct he shall be removed, reduced, or suspended, and his name may be stricken from the service register. If the board of appeal or referees shall determine that the charges are not sustained, such employee, if he has been suspended pending the investigation, shall be immediately reinstated and paid all back pay due for the period of suspension.

Findings and determination hereunder and orders of suspension, reduction, or removal shall be in writing and filed within three days after the completion of such hearing with the secretary of the board of appeal or referees and it shall be the duty of the secretary to notify such employee of the decision in writing.

Any person suspended, reduced, or removed by the board of appeal or referees after the 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 the order or the receipt by the employee of the order as above provided. Within five days thereafter the secretary shall certify to the clerk of district court the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and placed upon the calendar of the clerk of district court to be tried before the court without jury at the next general term thereof to be held in the county where the city is located at the place nearest the city. The question to be determined by the court shall be:

"Upon the evidence was the order of the board of appeal or referees reasonable?" After trial in the district court an appeal may be taken from the decision thereof to the supreme court by such employee or the board of appeal or referees in the same manner as provided for in other court cases.

[1933 c. 409 s. 5] (1465-5)

421.08 BOARD TO SERVE WITHOUT PAY. Each member of the board of appeal or referees shall serve without pay, but the council may allow such compensation as it shall deem commensurate with the services rendered by the board of appeal or referees. The council shall pay from the municipality treasury all expenses incurred by the board of appeal or referees in connection with the performance of its duties and furnish the board of appeal or referees with all supplies, stationery, or equipment it may require.

[1933 c. 409 s. 6] (1465-6)

421.09 LIMITATION. Nothing in sections 421.03 to 421.09 shall limit the power of any officer to suspend a subordinate for a reasonable period for the purpose of discipline or pending investigation of the charges when he deems such suspension warranted.

[1933 c. 409 s. 7] (1465-7)

421.10 APPLICATION. Sections 421.03 to 421.09 shall not apply to such cities of the first class operating under the Constitution of the State of Minnesota, Article 4, Section 36, whose home rule charter or civil service ordinances provide for the hearing and determination of charges against employees before a civil service commission or board established by such charter or civil service ordinances.

Upon repeal of such local charter provision or civil service ordinances creating such commission or board this section shall become effective also as to such cities.

[1933 c. 409 s. 8; 1937 c. 434 s. 1] (1465-8)

421.11 WHO ARE EMPLOYEES. The term "employees," as used in sections 421.11 to 421.14, shall not include members of the board of education, superintendent of schools, assistant superintendent of schools, clerk of the board, teachers, including principals and supervisors, chief engineer, recreational director, physicians, dentists, and temporary employees.

[1933 c. 35 s. 2] (1455-2)

421.12 CLASSIFICATION OF SCHOOL EMPLOYEES IN CERTAIN CASES.

The employees of the board of education of any independent school district in any city of the first class in the state of Minnesota, the territorial limits of which school district coincide with the territorial limits of such city, and the government of such independent school district is not provided for in the charter of the city, shall be eligible to be classified and shall be classified as employees under the provisions of the charter of any such city whereby a civil service board has been or may be established.

Immediately after this section takes effect and thereafter in each calendar year the governing body of any such school district shall pay into the treasury of any such city a proportionate share of the annual expense of the civil service board of any such city, such share to be determined by the ratio in which the number of classified employees of any such board of education bears to the number of classified employees of any such city as appears from year to year from the annual report of such civil service board. Within 30 days after the presentation by the secretary of the civil service board of such city of a written request for payment to the clerk or other recording officer of such board of education, it shall become the duty of the treasurer or other fiscal officer of such board of education to draw an order, draft, or warrant upon the funds of such board of education in payment to such city of the amount specified in such written request.

[1933 c. 35 s. 1; 1939 c. 43] (1455-1)

421.13 CLERK TO CERTIFY LIST. It shall be the duty of the clerk of the board of education of such independent school district to promptly furnish the secretary of any such civil service board a list of the employees of the board of education of the independent school district, together with a statement of the duties performed by them, and the salaries paid to them, and it shall thereupon become the duty of the civil service board to classify such employees under the rules of the civil service board, the classification to be subject to final approval of the board of education.

[1933 c. 35 s. 3] (1455-3)

421.14 EMPLOYEES TO RETAIN POSITIONS. Employees of any such board of education who are regularly employed by such board at the time of the classification of the employees by the civil service board, as herein provided, shall retain their positions unless removed for cause.

[1933 c. 35 s. 4] (1455-4)

421.15 REGULATION OF PUBLIC UTILITIES; DEFINITIONS. For the purposes of sections 421.15 to 421.28 the term "public utilities" includes electric light, heat and power works, water-works, gas works, ice plants, stone quarries and crushing works, telephone systems, public markets, public slaughtering establishments, creosoting and other paving works, and sewer systems; and the term "public improvements" includes city halls, lockups, fire department buildings, streets, alleys, public ways, sidewalks, curbs, gutters, paving, parks, and all other public grounds and works thereon or therein (not including library grounds and buildings), and all public buildings and structures other than libraries not hereinbefore specifically mentioned.

[1917 c. 358 s. 1] (1786)

421.16 APPLICATION. Sections 421.15 to 421.28 shall apply to all cities of the fourth class; but shall not be in force in any such city until adopted by the electors as hereinafter provided.

[1917 c. 358 s. 2] (1787)

421.17 CIVIL SERVICE COMMISSION. In every city to which sections 421.15 to 421.28 is made applicable there shall be a civil service commission, consisting of one member for every 400 of population according to the last preceding state or federal census, not in any case to consist of less than nine, nor more than 15,

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members, all of whom shall be citizens of the state and residents of the city and serve without compensation. No such commissioner shall, at the time of his election or while serving, hold any other office or employment under the city, the United States, the State of Minnesota, or any public corporation or political division thereof, other than the office of notary public, nor shall he be interested directly or indirectly in any contract, express or implied, with such city, or any board, officer, or department thereof, as a contractor, subcontractor, employee, or otherwise.

The members of the first commission shall be elected at the same election at which the question of the adoption of sections 421.15 to 421.28 is submitted to the electors in any such city, and hold their offices until noon on the Thursday next following the first regular city election held more than one year after their election and until their successors are elected and qualified; and thereafter such commissioners shall be elected at regular city elections for the term of two years and until their successors are elected and qualified; and in case a vacancy occurs at any time in the commission, the same shall be filled for the unexpired term by a majority vote of the remainder of the commissioners. Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk or recorder an oath for the faithful discharge of his duties.

[1917 c. 358 s. 3] (1788)

421.18 MEETINGS OF COMMISSION. The first commission shall hold its first meeting within ten days after its election, at a time and place to be fixed by the mayor of the city, written notice of which shall be given to each member by the mayor, either personally or by mail, at least three days before the date of such meeting. At this meeting, or as soon thereafter as practicable, at an adjourned regular or special meeting, the commission shall elect from its own members a president, a vice-president, and a secretary. It shall be the duty of the president to preside at all meetings of the commission and, in his absence, the vice-president shall preside. The secretary shall keep the records and files of the commission.

The commission shall from time to time fix the times and places of its meetings and adopt, amend, and alter rules for its procedure. Four members shall constitute a quorum at any legally provided or called meeting for the transaction of any business, except as otherwise herein provided.

[1917 c. 358 s. 4] (1789)

421.19 JURISDICTION OF COMMISSION. All officers and employees of such cities who are not elected by the people shall be under the jurisdiction of the civil service commission and subject to the provisions of sections 421.15 to 421.28. After the adoption of sections 421.15 to 421.28, the mayor, aldermen, treasurer, and recorder or clerk of such cities shall be elected by the people; but all other officers and employees, except as herein otherwise expressly provided, shall be elected, appointed, or employed by the public utilities board, civil service commission, or in other manner provided by sections 421.15 to 421.28 and included within the term "employee" as used in sections 421.15 to 421.28.

[1917 c. 358 s. 5] (1790)

421.20 PUBLIC UTILITIES BOARD. In every city to which sections 421.15 to 421.28 are made applicable there shall be a public utilities board, which shall consist of three members to be elected by the civil service commission for the term of one year, subject to removal at any time by a majority vote of the commission. Two of the members of such board, one of whom shall be designated as chairman, and the other as vice-chairman, may be elected from the members of the civil service commission and shall serve without salary or compensation; but the third member of such board shall be selected without regard to his residence and receive such salary or compensation as shall be prescribed by the civil service commission, payable in monthly instalments. He shall be designated as "city manager" and have such authority and perform such duties in connection with all public utilities and public improvements of the city, subject to the general approval, control, and direction of the public utilities board, as are hereinafter prescribed, and subject to removal at the end of any month by written notice signed by the other two members of the board, whenever in their judgment the best interests of the city will be served thereby. He shall be ex officio city surveyor, city engineer, and street commissioner, and may at any time be made assistant secretary of the civil service commission, and, if elected thereto, may hold the office of city recorder or clerk. If the office of city manager shall be vacant at any time for any reason and the

board is unable to find a person to fill the same having the requisite qualifications, the other two members of the board may make a temporary appointment, at a reduced salary, of some person with less than the prescribed qualifications; provided, that such temporary appointment shall at no time continue for a longer period than four months. After the adoption of sections 421.15 to 421.28 by the electors of any city the common council of such city shall have no authority to elect or appoint any city surveyor, engineer, or street commissioner and upon the appointment and qualifications of a city manager under the provisions of sections 421.15 to 421.28 the terms of all persons holding any such offices in any such city, by election, or by appointment of the common council, shall at once terminate. Such city manager shall be selected upon the recommendation of the other members of such board and with special reference to his qualification and fitness to act as executive officer of such board and to take charge of and manage the public utilities and public improvements of the city and discharge the duties of his ex officio offices. Before entering upon the discharge of the duties of his office the city manager shall be or become a citizen of the United States and a resident of the city, and he shall take, sign and file with the city clerk or recorder, an oath for the faithful performance of his duties, and he shall also give a surety bond in form and amount to be prescribed by order or rule of the public utilities board. The city treasurer shall be ex officio treasurer of such board, and shall keep the funds under control of such board separate from the other funds of the city and pay the same out only on the order of the chairman or vice-chairman of such board and countersign by the city manager.

[1917 c. 358 s. 6] (1791)

421.21 CITY MANAGER SUPERINTENDENT. In addition to the duties prescribed by law for the city surveyor, city engineer, and street commissioner, the city manager shall be superintendent of all public utilities of the city, have charge of the operation and repair thereof and of all buildings, appliances and improvements used in connection therewith, as well as of the installation and maintenance of all extensions and appliances connected therewith; and shall perform such other and further duties, not inconsistent with law, as the public utilities board may, from time to time, by order, rule or direction, prescribe. He shall, by and with the consent and approval of the public utilities board, appoint all assistants and deputies required by him in the discharge of his duties, and may remove them for cause, subject to appeal to the public utilities board, and shall hire and discharge, from time to time, such subordinate employees and laborers as may be provided for by the public utilities board; and all such subordinate employees of every character elected, appointed or employed in connection with the public utilities or public improvements of the city shall be under the direct supervision and control of the city manager.

[1917 c. 358 s. 7] (1792)

421.22 POLICE AND HEALTH DEPARTMENTS. In all cities to which sections 421.15 to 421.28 are made applicable the police, health, library, and fire department shall continue to be governed in the same manner as before the taking effect of sections 421.15 to 421.28 and all taxes and assessments of every kind shall be levied and collected in the same manner as before the taking effect of sections 421.15 to 421.28. All money derived from the operation and management of all public utilities shall be under the exclusive control of the public utilities board and all other money appropriated by the common council of this city, or in any other lawful manner, for any purpose or purposes connected with the public utilities or public improvements of any such city, shall after the same has been so appropriated or provided, be under the exclusive control of such public utilities board; but the same shall be expended only for the purpose for which the same was appropriated or provided. The common council of any such city shall not appropriate any money or levy any tax or assessment of any kind for the purpose of obtaining any money for the use of such public utilities board unless a recommendation therefor, setting out in detail the purposes for which such money is required, together with estimates of the cost of the various items thereof, shall first have been presented to the common council of such city by the public utilities board; but such board shall not be required to present any such recommendation or estimate for any such improvement in any case where the money for the same has already

been provided, either from the earnings of the public utilities and improvements of such city or otherwise.

[1917 c. 358 s. 8] (1793)

421.23 RULES. The commission shall, immediately after its election and from time to time thereafter, make, amend, and alter rules to promote efficiency in the city service and to carry out the purposes of sections 421.15 to 421.28. All rules so adopted shall be published once in the official newspaper of the city and shall take effect three days after such publication. The public utilities board, city manager, or other appointing authority, shall be governed by such rules in the appointment and discharge of all subordinate officers and employees. Immediately after the adoption of any such rule, or any amendment or alteration thereof, the commission shall cause to be delivered to the mayor and the city clerk or recorder copies thereof.

[1917 c. 358 s. 9] (1794)

421.24 REMOVAL AND DISCHARGE OF EMPLOYEES. Nothing contained in sections 421.15 to 421.28 shall in any manner prohibit the mayor, the city council, or any other board or officer having the power to appoint or employ any city employee not under the control of the public utilities board or civil service commission, from removing or discharging such subordinate employee, but in case of any such removal or discharge the same shall be forthwith reported in writing, together with the cause thereof, to the civil service commission and the city clerk or recorder.

[1917 c. 358 s. 10] (1795)

421.25 INVESTIGATIONS BY COMMISSION. The civil service commission shall ascertain the duties of each office, position, and employment under the management and control of the public utilities board, and shall designate by rule, as well as may be practicable, the grade of each office, employment, or position; and shall prescribe standards of efficiency for each grade. The commission may, by rule, recommend the maximum and minimum to be paid for each office and employment, and for each grade and the title thereof, annually, or more frequently if deemed necessary. The commission shall make and keep a record of relative efficiency of each employee in the service under its jurisdiction other than unskilled laborers and shall provide by rule methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made.

[1917 c. 358 s. 11] (1796)

421.26 COMMISSION, POWERS OF. The commission shall, from time to time, investigate the enforcement of sections 421.15 to 421.28 and of the rules made thereunder; the duties of all departments and of all employees of the city; the efficiency of the service, and such other matters as come within the scope of sections 421.15 to 421.28. In the course of such investigations each commissioner shall have power to issue subpoenas, to administer oaths, and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. Any person who shall on any such hearing or investigation wilfully testify falsely shall be guilty of perjury, and any person who shall refuse to obey the lawful subpoenas or directions of the commission in any such investigation shall be guilty of a misdemeanor. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe the notice to be given to the person accused and require him to obey the commission's subpoena or order, if found within the lawful powers of the commission, and punish disobedience as contempt of the court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent or employee of the city who receives compensation for his services shall not be entitled to fees or mileage.

[1917 c. 358 s. 12] (1797)

421.27 FINDINGS. It shall be the duty of the commission, on the completion of any such investigation, as provided for in section 421.26, to make written findings of facts and recommendations or orders with reference to the matters so investigated; and copies thereof shall be forthwith delivered to the city manager, mayor, and city recorder or clerk, by each of whom the same shall be kept open to public inspection, and the same may also be published in the official newspaper of the city by the commission. All recommendations and orders so made by the commission shall be carried out by the proper officers and employees under the jurisdiction of the commission, and a failure so to do shall be cause for removal or discharge

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of the offending officer or employee by the commission; but no such removal or discharge shall be made without reasonable notice to and an opportunity to be heard by the accused official or employee.

[1917 c. 358 s. 13] (1798)

421.28 ADOPTION. Sections 421.15 to 421.28 shall not be in force in any city until the question of adoption in such city shall first have been submitted to the electors at a general election or at a special election called for that purpose, and approved by a majority of those voting on that question at such election. The common council of any such city, on its own motion, may, and on petition of a number of electors of the city equal to 20 per cent of those voting at the last preceding election, shall by ordinance or resolution direct that the question of the adoption of sections 421.15 to 421.28 by such city be submitted to a vote of the electors of such city at a general city election, or special city election called for that purpose to be held in such city on a day specified, not less than ten, nor more than 30, days after the last publication of such ordinance or resolution. The signatures to such petition need not be all appended to one paper, but one of the signers on each such paper shall make oath, before any officer competent to administer oaths, that each signature to the paper appended is the signature of the person whose name purports to be thereto subscribed and that all the subscribers thereto are legal voters of the city. Such petition shall be filed with the city recorder or clerk, and it shall be his duty then to forthwith give written notice to the mayor and each alderman of the city, by mail, of the filing of such petition, and in such notice to fix a time and place, not less than three, nor more than ten, days thereafter, for the common council to meet and act on such petition. Such ordinance or resolution shall be published and posted, as soon after its adoption as conveniently may be, in manner now provided, or as may be hereafter provided, by law for such cities.

[1917 c. 358 s. 14] (1799)