

CHAPTER 421

CIVIL SERVICE COMMISSIONS

421.03 NOTICE OF DISCHARGE OF EMPLOYEES.

Under the charter of the city of Minneapolis, the right to suspend an employee within the classified service for purposes of discipline remains in the heads of departments; but the power to discharge an employee who has been within the classified service for more than six months is taken from the appointing officer or board and vested in the civil service commission. *State ex rel v Elsberg*, 157 M 177, 195 NW 902.

Civil service proceedings under the St. Paul city charter are as effective as would have been a legislative act. The position of general superintendent and engineer of the water department is an employment and not an office. *Quo warranto* does not lie to determine the right to hold that position. The court had jurisdiction of the subject matter and it was error of the trial court to sustain the demurrer. *Oehler v City of St. Paul*, 174 M 410, 219 NW 760.

Where an employee within the civil service provisions of the city charter is wrongfully separated from his employment for more than 30 days, mandamus affords a proper remedy. *State ex rel v Warren*, 195 M 180, 261 NW 857.

The only questions for determination by the trial court upon an appeal from the findings of the board of appeal or referees pursuant to the provisions of L. 1933, c. 409, are: (1) was the decision of said board based upon legal evidence, and (2), if so, are the findings of the board reasonable. *Hughes v Department*, 200 M 16, 273 NW 618.

Under chapter 19, section 4, of the Minneapolis charter, investing the civil service commission with power over the "entire service of the city," classified employees of the board of education are included. *Tanner v Civil Service Commission*, 211 M 450, 1 NW(2d) 602.

Rules formulated by the civil service commission are valid even if logic is lacking and injustice may result, provided the Constitution, the state law on the subject, or charter provisions are not violated; and where relator, a permanent employee, under the rules was entitled to priority over certain juniors, she was entitled to reinstatement in her former position upon return from a year of maternity leave, and those recorded as her juniors in the classification must give way to her seniority. *State ex rel v Hauser*, 219 M 298, 17 NW(2d) 504; *Cranak v Link*, 219 M 112, 17 NW(2d) 359.

Reinstatement of illegally discharged civil service employees. 16 MLR 837.

421.06 BOARD TO MAKE INVESTIGATIONS.

Evidence before administrative tribunals. 23 MLR 68.

421.07 EMPLOYEES REMOVED, WHEN.

See notes under section 421.03.

421.09 LIMITATION.

Rights of suspension for disciplinary reasons given to the department heads under the Minneapolis city charter are protected by section 421.09. *State ex rel v Elsberg*, 157 M 177, 195 NW 902.

421.12 CLASSIFICATION OF SCHOOL EMPLOYEES.

Under chapter 19, section 4, of Minneapolis charter, investing the civil service commission with power over the "entire service of the city," classified employees of the board of education are included. *Tanner v Civil Service Comm.*, 211 M 450, 1 NW(2d) 602.

421.24 REMOVAL AND DISCHARGE OF EMPLOYEES.

Removal from public office. 20 MLR 721.