

MINNESOTA STATUTES 1953 ANNOTATIONS

1119

FIREMEN'S CIVIL SERVICE COMMISSION 420.06

Where on the return day and while a motion was still pending by respondents below for a stay of two or three days to enable them to interpose an answer, the court signed findings of fact in favor of relator, no testimony having been given or offered in support of the facts set out in the alternative writ, the action was not at issue and there was no evidence to sustain said findings. *State v Hodapp*, 230 M 208, 41 NW(2d) 188.

419.28 EXAMINATIONS

In the absence of a rule to the contrary, a police officer who resigned cannot be reinstated and placed on the eligible register without an examination. OAG Sept. 11, 1951 (120).

419.34 COMMISSIONS ABOLISHED

Where a petition for the discontinuance of a police civil service commission was circulated and filed with the council and the council directed that the petition be filed in the office of the city recorder for inspection and for the purpose of striking out or adding names until a specified date, additional petitions circulated for or against the discontinuance were separate from the original petition and could not be given any effect in determining the legal sufficiency of the original petition. OAG March 6, 1951 (785-E-1).

CHAPTER 420

FIREMEN'S CIVIL SERVICE COMMISSION

420.01 CREATION

HISTORY. 1929 c 57 s 1; Ex1936 c 13 s 1.

A disabled veteran applying for a position as a fireman cannot be disqualified by reason of any physical disability unless it renders him incompetent to properly perform the duties of the position applied for. OAG Sept. 8, 1952 (120).

An agreement between a city and the firemen's union containing provisions contrary to the statutes or the city charter is invalid. OAG Aug. 26, 1952 (270-D).

420.03 MEMBERSHIP; DUES; TERMS

The fire department civil service commission, established under MSA, Chapter 420, has no authority to inspect fire department equipment, or supervise purchase of equipment, or to correct hazardous employment conditions. The duties of the commission relate purely to civil service duties. OAG Sept. 9, 1947 (688-B).

420.06 POWERS AND DUTIES

Control over the employment, promotion, discharge, and suspension of officers and employees of the fire department of the city of International Falls vests in the firemen's civil service commission and not in the city council. Failure to perform its duties does not divest the commission of its control. It is the duty of the commission to make rules and regulations as required by section 420.07. OAG April 26, 1951 (120).

Under section 421.221 a village council may fix the hours and time of employment of members of the fire department and appoint a person to fill a vacancy from names certified to it by the civil service commission from the eligible register. OAG Oct. 3, 1952 (120).

Commission may establish retirement age; determine by resolution whether retirement is compulsory when reaching that age; abolish the office of assistant chief.

MINNESOTA STATUTES 1953 ANNOTATIONS

420.07 FIREMEN'S CIVIL SERVICE COMMISSION

1120

By abolishment of the office of assistant chief, the person holding that office is not thereby dismissed. OAG Jan. 23, 1948 (688-B).

420.07 RULES FOR FIRE DEPARTMENT SERVICE

The civil service commission had no authority to promote a fireman in the classified service from one classification to another and higher classification without a competitive examination. OAG Sept. 18, 1950 (120).

A disabled veteran applying for a position as a fireman cannot be disqualified by reason of any physical disability unless it renders him incompetent to perform properly the duties of the position applied for. OAG Sept. 8, 1952 (120).

Commission may establish retirement age; determine by resolution whether retirement is compulsory when reaching that age; abolish the office of assistant chief. By abolishment of the office of assistant chief, the person holding that office is not thereby dismissed. OAG Jan. 23, 1948 (688-B).

420.08 REMOVAL OR DISCHARGE

Commission may establish retirement age; determine by resolution whether retirement is compulsory when reaching that age; abolish the office of assistant chief. By abolishment of the office of assistant chief, the person holding that office is not thereby dismissed. OAG Jan. 23, 1948 (688-B).

420.10 EXAMINATIONS; EXAMINERS

In order to limit the time for issuance of a writ of certiorari under MSA, Section 606.01, due notice requires written notice to be served upon the party applying for the writ.

Actual knowledge of results of a civil service examination does not preclude review by writ of certiorari on the ground of laches where it was within power of civil service commission, by compliance with its own rules, to limit time by service of written notice on testee.

Mere fact that others may be affected will not make legal an examination which did not substantially comply with law and with rules for holding examination. State v Webster, 231 M 309, 43 NW(2d) 116.

420.14 COMMISSION, WHEN ABOLISHED

The voters of the city of Brainerd are without authority to abolish the present firemen's commission which has been continuously in operation for eight years. OAG Dec. 21, 1949 (785-E-1).

420.16 CERTAIN ACTS MISDEMEANORS

Constitutionality of provision prohibiting active participation in political management of political campaigns by federal employees. 32 MLR 176, 179.

CHAPTER 421

CIVIL SERVICE COMMISSIONS

421.01 INJURED FIREMEN OR POLICEMEN REINSTATED

HISTORY. 1931 c 320 s 1.

Under the city charter of the city of Minneapolis there is no deputy to the city attorney or confidential appointee. When an appointment of a first assistant is to