

MINNESOTA STATUTES 1953 ANNOTATIONS

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RETIREMENT ALLOWANCE, CITIES FIRST CLASS 422.01

be made, the city attorney must certify the existence of the vacancy to the civil service commission. It is their duty to certify "the name standing highest on the appropriate list". Generally statutes take precedence and control over charter provisions. The provisions or sections 197.45 and 197.46 control and create in a veteran applicant for the position, a veteran's right and preference. OAG Feb. 3, 1948 (85-A) (120).

421.02 CIVIL SERVICE RULES FOR UNSKILLED LABOR

Under the facts and circumstances the classification of plaintiff under the civil service of the city of Minneapolis was that of a laborer. For a period of more than nine years the plaintiff accepted with knowledge the wages of a watchman, receipted in full therefor, and made no protest or attempt to collect overtime pay until seventeen months after his retirement. His acquiescence and conduct constituted a waiver and estoppel. *Ostrum v City of Minneapolis*, 236 M 378, 53 NW(2d) 119.

421.13 CLERK TO CERTIFY LIST

Under the facts and circumstances the classification of plaintiff under the civil service of the city of Minneapolis was that of a laborer. For a period of more than nine years the plaintiff accepted with knowledge the wages of a watchman, receipted in full therefor, and made no protest or attempt to collect overtime pay until seventeen months after his retirement. His acquiescence and conduct constituted a waiver and estoppel. *Ostrum v City of Minneapolis*, 236 M 378, 53 NW(2d) 119.

421.15 to 421.28 Repealed, 1949 c 296 s 1.

PENSIONS, RELIEF

CHAPTER 422

RETIREMENT ALLOWANCE, CITIES FIRST CLASS

422.01 DEFINITIONS

HISTORY. 1919 c 522 s 3; MS 1927 s 1442-13; 1933 c 328 s 1; 1945 c 181 s 2; 1947 c 84 s 1.

Subdivision 24, renumbered 422.063, subdivision 1.

Subdivision 25, renumbered 422.063, subdivision 2.

Subdivision 26, renumbered 422.063, subdivision 3.

Subdivision 27, renumbered 422.063, subdivision 4.

Subdivision 28, renumbered 422.063, subdivision 5.

Subdivision 29, renumbered 422.063, subdivision 6.

Subdivision 31, renumbered 422.063, subdivision 7.

Subdivision 32, renumbered 422.063, subdivision 8.

Pensions and retirement allowances to municipal employees are not gratuities to those who rendered service to the city after the enactment of the law creating such grants. *State ex rel v City of Minneapolis*, 174 M 594, 219 NW 924.

The Pension Act is applicable to the city of Minneapolis, insofar as it requires compulsory retirement of certain city employees at the age of 65, is subject to the terms and conditions of the veterans preference law, and veterans can only be

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422.011 RETIREMENT ALLOWANCE, CITIES FIRST CLASS

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separated from the service of the city in conformance with the veterans preference law. OAG May 19, 1953 (85-A).

Employment by the Minneapolis-St. Paul Sanitary District is covered by the veterans preference law and notwithstanding the retirement provisions of section 422.01 of the Pension Act applicable to them, cannot be compelled to retire against their wishes regardless of age and can only be separated from their employment in conformity with the veterans preference law. OAG June 17, 1953 (85-A).

422.011 EXPENSE FUND; RETIREMENT FUND

HISTORY. 1919 c 522 s 2; MS 1927 s 1442-12; 1945 c 181 s 1.

422.03 Renumbered 422.011.

422.05 CLASSIFICATION OF EMPLOYEES

HISTORY. 1919 c 522 s 5; 1925 c 335 s 1; MS 1927 s 1442-15; 1933 c 328 s 1; Ex1936 c 20 s 1; 1937 c 171 s 1; 1939 c 288 s 1; 1945 c 181 s 3; 1947 c 85 s 1; 1953 c 681 s 1.

422.063 SERVICE ALLOWANCE; CONTRIBUTING EMPLOYEES

HISTORY. 1919 c 522 s 7; 1925 c 335 s 1; MS 1927 s 1442-7; 1937 c 51 s 1; 1943 c 62 s 2.

422.10 SALARY DEDUCTIONS

HISTORY. Amended, 1951 c 169 s 1.

422.11 CREDITS, INDIVIDUAL RECORD

HISTORY. Amended, 1951 c 293 s 1.

422.13 FINANCIAL RESPONSIBILITY OF CITY; STATEMENTS AND ESTIMATES; TAX LEVY

HISTORY. 1919 c 522 s 14; MS 1927 s 1442-24; 1945 c 181 s 4.

Minneapolis-St. Paul Sanitary District must contribute its share to municipal employees retirement board of the city of Minneapolis so that the employees of the district may have the advantage of retirement benefits for services prior to August 1, 1945. The employees are not required to make any contributions to the retirement fund for the period of service prior to August 1, 1945, in order to obtain credit for such services. OAG Sept. 29, 1952 (331-G).

422.14 RETIREMENT BOARD; MEMBERS

A member of the legislature cannot serve as a member of the board of trustees of the Minneapolis municipal employees retirement association and the vacancy caused by his ineligibility may be filled at a special meeting in the manner prescribed by the bylaws. OAG Dec. 19, 1950 (280-H) (331-B).

422.15 RETIREMENT BOARD; TRUSTEE OF FUNDS

HISTORY. 1919 c 522 s 16; MS 1927 s 1442-26; 1939 c 66 s 1; 1945 c 49 s 1; 1953 c 139 s 1.

422.17 RETIREMENT BOARD; MEETINGS; EMPLOYEES; RULES AND REGULATIONS

A vacancy caused by the ineligibility of a person elected to the board of trustees of the Minneapolis municipal employees retirement association may be filled at a special meeting in a manner prescribed by the bylaws. OAG Dec. 19, 1950 (331-B).

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POLICE PENSIONS 423.011

422.24-422.29 Repealed, 1945 c 50 s 1.

422.31-422.35 Repealed, 1945 c 51 s 1.

422.36 Repealed, 1945 c 48 s 2.

422.37 RETIREMENT ALLOWANCE; CONTRIBUTING EMPLOYEES; 20-YEAR SERVICE

HISTORY. Amended, 1951 c 170 s 1.

422.38 Renumbered 422.37, subdivision 2.

422.39 Renumbered 422.37, subdivision 3.

422.40 Renumbered 422.37, subdivision 4.

422.41 Renumbered 422.37, subdivision 5.

422.42 Renumbered 422.37, subdivision 6.

422.44 Renumbered 422.43, subdivision 2.

422.45 Renumbered 422.43, subdivision 3.

422.47 Renumbered 423.075.

422.48 RETIREMENT ALLOWANCES INCREASED

HISTORY. 1949 c 408 s 1.

422.49 METHOD OF COMPUTING AND DETERMINING NOT CHANGED

HISTORY. 1949 c 408 s 2.

422.50 COST OF INCREASE DETERMINED IN CONNECTION WITH SECTION 422.13

HISTORY. 1949 c 408 s 3.

422.51 EFFECTIVE TERM OF THIS ACT; REFERENDUM, BALLOT

HISTORY. 1949 c 408 s 4.

CHAPTER 423

POLICE PENSIONS

423.01-423.07 Repealed, 1945 c 47 s 10.

ST. PAUL

423.011 POLICE RELIEF ASSOCIATION

HISTORY. 1945 c 47 s 1; 1949 c 79 s 1; 1953 c 59 s 1.