

Personnel

CHAPTER 418

OFFICERS, EMPLOYEES

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418.01 to 418.035 [Repealed, 1949 c 119 s 110]

59 C 381 s 1 **418.04 SALARIES OF DEPUTY COMPTROLLER, DEPUTY COMMISSIONER OF FINANCE, AND SECRETARY TO MAYOR IN CITIES OF FIRST CLASS.** The governing body of any city in this state now or hereafter having 50,000 inhabitants or more is hereby authorized and empowered to specify by ordinance the salaries of the deputy comptroller, deputy commissioner of finance, and secretary to the mayor of such city.

The salaries authorized by this section may be paid notwithstanding any limitation upon the amount of such salaries contained in any law of this state or in any charter provision.

[1925 c 234 s 1, 2] (1419-1, 1419-2)

59 C 251 s 1 **418.05 SALARIES OF OFFICERS OF FIRE DEPARTMENT IN CITIES OF FIRST CLASS.** In all cities of this state now or hereafter having a population of more than 50,000 the board of fire commissioners or the city council, if there is no board of fire commissioners, of any such city is hereby authorized and empowered to fix and prescribe the salaries and compensation of the chief engineer, first, second, and third assistant engineers, and district and battalion chiefs of the fire departments and the salary of the superintendent of the fire alarm department of any such city.

[1907 c. 401 s. 1] (1422)

59 C 381 s 1 **418.051 SALARY OF CHIEF OF FIRE DEPARTMENT IN CERTAIN CITIES.** In any city of the first class of the state of Minnesota the city council or other governing body in such city is hereby authorized and empowered, by ordinance, to fix and from time to time re-fix the salary of the chief or head of the fire department of any such city.

[1943 c. 375 s. 1]

59 C 251 s 1 **418.06 SALARY OF PRESIDENT OF WORKHOUSE BOARD.** The president of the board of public workhouse directors, or the president or chairman of such other board or body as may have charge and control of the public workhouse of any city in this state now or hereafter having a population of over 50,000 shall receive for his services an annual compensation of not to exceed \$1,200, payable in equal monthly instalments, the amount so paid to be fixed by the common council of the city.

[1909 c. 256 s. 1] (1429)

59 C 381 s 1 **418.07 ASSISTANT ATTORNEYS IN LEGAL DEPARTMENT IN CITIES OF FIRST CLASS.** The common council of any city in this state now or hereafter having a population of over 50,000 shall have the power and authority, by resolution

approved by the mayor, once in every two years, by a two-thirds vote of all members elect thereof, to fix the number and respective salaries of assistant attorneys in the legal department of such city.

[1911 c. 124 s. 1] (1430)

2 C251.5/418.08 **CITY CHEMIST IN CITIES OF FIRST CLASS; ASSISTANTS.** In all cities of this state now or hereafter having over 50,000 inhabitants the mayor of such city shall have the power and authority to appoint one city chemist and not exceeding six assistants to such city chemist.

[1911 c. 64 s. 1; 1913 c. 250 s. 1] (1608)

2 C251.6/418.09 **POWERS AND DUTIES.** The city chemist and his assistants shall have power and authority to make inspection of all gas, gas plants, gas meters, electric light plants, electric lights, electric, heat and water meters, lights for public and street lighting purposes, whether the same be connected with a plant owned by such city or owned or operated by any person, corporation, or association in the city. The city chemist and his assistants shall, when directed by the mayor, commissioner of public works, board of public works, or common council of the city, inspect, analyze, and report upon all cement, cement work, and paving material and all stone, wood, and timber used or to be used in the erection and construction of any public building or structure or in the laying, making, or repair of any public walk or in the paving of any street or in any other public work and shall inspect, analyze, and report to the mayor of the city or to the common council, as directed, upon the quality and sufficiency of the fuel, oils, gasoline, paints, or other material or commodity used or to be purchased and used by the city, and perform such other duties and undertake such investigations and researches as may be required by the mayor or the common council.

[1911 c. 64 s. 2; 1913 c. 250 s. 1] (1609)

2 C251.7/418.10 **SALARIES.** The city chemist shall receive as compensation for his services the sum of \$2,500 per year; his first and second assistants, the sum of not to exceed \$1,200 per year, each; three other assistants, the sum of not to exceed \$1,000 per year, each; and one assistant at not to exceed \$900 per year. Not exceeding two of the assistants receiving \$1,000 per year shall receive an additional salary of not to exceed \$30 per month; provided that, if employed as inspectors of street lighting, they shall provide themselves with horses and buggies or other equally effective means of transportation for use in such inspection.

[1911 c. 64 s. 3; 1913 c. 250 s. 1] (1610)

418.11 **CITIES, VILLAGES, AND BOROUGH MAY INDEMNIFY POLICE AND FIRE DEPARTMENT EMPLOYEES.** All cities, villages, and boroughs in this state are hereby authorized to indemnify employees of the police and fire departments thereof against loss or expense arising or resulting from claims for bodily injuries, death, or property damage made upon any such employee by reason of his operation of a motor vehicle while in the performance of his duties and to defend, in the name and on behalf of such employee, any suit brought against him to enforce a claim, whether groundless or not, arising out of the operation of a motor vehicle by him while in the performance of his duties and to compromise and settle any such claim or suit and to pay the amount of such settlement or compromise or the amount of any judgment rendered against him on any such claim without first requiring such employee to pay same.

[1937 c. 149 s. 1] (1933-67)

418.12 **BOARD OF POLICE COMMISSIONERS, CITIES FOURTH CLASS.** Subdivision 1. **Created by resolution of council.** There may be created in any city of the fourth class situated in one county and adjoining or contiguous to a city of the first class situated in another county, a board of police commissioners with powers and duties as herein provided.

Any city in the class mentioned in this section which may wish to avail itself of the provisions hereof, shall do so by a resolution of the governing body, expressly accepting the provisions hereof, which resolution shall be adopted by a vote of the majority of the members of the governing body, and be approved by the mayor of such city, and this section shall not apply to any such city until the adoption of such resolution.

Subd. 2. **Members; terms; appointment.** The board shall consist of three members, who shall be residents and electors of the city during their term in office, appointed by the common council of said city. The members of the board shall hold

office for a period of six years from the time of their appointment and serve without pay; provided, that the members of the first board shall be appointed for two, four and six years, respectively.

Subd. 3. Meetings; officers. The board shall first meet immediately after its appointment, and thereafter on the second Monday in January of each year, at which meetings it shall select from its members a president and secretary who shall hold office until their successors are elected. The common council of the city may allow the secretary such compensation, not to exceed \$200 per year, as it deems commensurate with the services to be rendered by him.

Subd. 4. Duties and powers. The board shall have absolute control and supervision of the government and administration, discipline and equipment of the police department of the city, and the power to appoint, promote, suspend, reprimand, dismiss, and otherwise punish any member of the police department. The board may establish such reasonable rules, orders, and regulations and prescribe and impose penalties for violation thereof, as it may deem necessary in carrying out the above powers.

Subd. 5. Increases in police force recommended. When the board deems it necessary to increase the number of police officers in the city, it shall recommend the necessity of such increase to the common council of the city with an estimate of the cost thereof, who shall, if it concurs with such recommendation, provide by resolution for the increase and the extra expense to be incurred and provide funds for that purpose.

Subd. 6. Compensation of police force fixed. The board shall fix the compensation of all members of the police department; provided, that the expense of the department shall not exceed in any one year the amount that is appropriated and set apart for this purpose by the common council of the city.

Subd. 7. May appoint special policemen. Upon written petition by a resident of the city, the board, in its discretion, may appoint special policemen who shall serve without compensation and may be removed at the pleasure of the board and may also appoint special policemen and fix their compensation in case of emergency, insurrection, apprehension of riot, or when in the judgment of the board the public interest requires it.

Subd. 8. May appoint police chief. The board may, in its discretion, appoint a chief of police who shall be the chief executive officer of the police department, subject to the authority of the board.

Subd. 9. May be abolished by vote. Any board of police commissioners created pursuant to the provisions of this section may be discontinued and abolished as follows: A petition signed by ten percent of the number of legal voters voting at the last general municipal election shall be filed with the governing body of the city and request that the following question be submitted to the voters: "Shall the board of police commissioners be abolished?"

When such petition is filed, the governing body of the city shall cause the question to be submitted to the voters at the first following general municipal election. The board shall be deemed to be abolished if a majority of the votes cast in the election be in favor of such abolishment; and the status of the police department and all of the employees thereof shall thereafter be deemed to be the same as if the board has not been created.

[1941 c 266; 1947 c 470 s 1]

418.13 COMPENSATION OF DEPUTY CLERKS IN CITIES OF FOURTH CLASS. The council of any city of the fourth class operating under a home rule charter providing for the appointment of a deputy clerk may fix the compensation of the deputy clerk and provide for its payment from the general fund of the city. This section shall not affect the right of any such city to include a contrary provision in any home rule charter or amendment hereafter adopted.

[1943 c. 260 s. 1]

418.14 SELECTING CITY CLERK; TERM OF COUNCILMEN. The council of any city of the fourth class operating under a special law may, by ordinance subject to the referendum provided by section 418.15, provide for any of the following changes in the government of the city.

(1) A change in the method of selecting the city clerk or recorder so as to provide for election by the people or appointment by the council for an indefinite term or for such term as is fixed in the ordinance;

(2) A change in the length of term of members of the city council and a change in the year in which any of such members are to be elected; but no such ordinance shall provide for terms longer than three years.

[1949 c 351 s 1]

418.15 REFERENDUM. Each such ordinance shall be confined to the change or changes enumerated in one of the paragraphs of section 418.14. No such ordinance shall become effective until it has been submitted to the voters of the city at a general or special election and approved by a majority of those voting on the question of its approval. No such ordinance shall diminish the term of any incumbent elective officer. Each such ordinance shall remain in effect until amended or repealed in the same manner.

[1949 c 351 s 2]

418.21 POLICE AND FIRE DEPARTMENT EMPLOYEES, CITIES OF FIRST CLASS; WAGE AND HOUR DISPUTES, ARBITRATION PETITIONS. Whenever a dispute exists concerning wages or hours of work of employees of the police department or the fire department, or of any bureau of police alarm or bureau of fire alarm or a combination thereof in any city of the first class having a population of less than 450,000 inhabitants, the employees of said department or bureau, or the organization chosen by such employees to represent them, may file a petition with the governing body of such city requesting the appointment of a fair hearing board of arbitration, or such governing body may file with the employee organization a petition requesting the appointment of a fair hearing board of arbitration as hereinafter constituted to hear and determine the dispute.

[1955 c 604 s 1]

418.22 ARBITRATORS; SELECTION, COMPENSATION. Within ten days following the filing of the petition, the party being petitioned shall designate one person to act as an arbitrator to discuss, consider and settle the questions at issue as stated in the petition, and the petitioners shall either name an arbitrator to act for said petitioner or shall name in the petition persons having authority to name a person to act as arbitrator who shall likewise be chosen within ten days following the filing of said petition. The arbitrator designated by the governing body shall be chosen on the basis that he represent the viewpoint of employers and taxpayers of the city involved. The two arbitrators so chosen shall within five days following their appointment select a third arbitrator, who shall be neutral. If after five days the two members so selected cannot agree upon a third member, the senior district judge presiding in said city shall within 30 days appoint such third member upon the written application of either of the appointed members, all arbitrators so chosen, shall be registered voters of such city. A written notice of intention to make an application to the district judge shall be served upon the other member not less than five days prior to the date set for the making of such application. The third arbitrator appointed either by the two previously chosen or by the district judge shall proceed to act as chairman of the fair hearing board and shall promptly call a hearing to be held within ten days after the date of his appointment and acceptance, and shall give at least seven days notice of the time and place of such hearings to the other two arbitrators. The arbitrators shall each receive a per diem of \$20, one-half of which shall be paid by the city and one-half by such employees.

[1955 c 604 s 2]

418.23 HEARINGS. The hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any or all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The hearings conducted by the arbitrators shall be concluded within 20 days of the time of commencement, and within ten days after the conclusion of the hearings the arbitrators shall make written findings and a written opinion upon the issues presented, which shall be mailed or otherwise delivered to the attorney or other designated representative of the employees and to the city council or governing body of the city. A majority decision of the arbitrators, within a period of one month of its submission, shall be considered by the council or governing body of the city, which shall accept or reject in whole or in part such decision.

[1955 c 604 s 3]

418.24 FACTORS CONSIDERED BY ARBITRATORS. The arbitrators shall conduct the hearings and render their decision upon the basis of a prompt, peaceful and just settlement of wage or hour disputes between the police department

employees or the fire department employees and their employer. The factors among others to be given weight by the arbitrators in arriving at a decision shall include:

(1) Comparison of wage rates or hourly conditions of employment of the department in question with prevailing wage rates or hourly conditions of employment in similar departments in the local operating area involved;

(2) Comparison of wage rates or hourly conditions of employment with wage rates or hourly conditions of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved;

(3) Comparison of wage rates or hourly conditions of employment of the department in question as compared to wage rates or hourly conditions of employment in other police or fire departments in cities of comparable circumstance or size;

(4) Interest and welfare of the public;

(5) Comparison of peculiarities of employment in regard to other trades or professions, specifically:

(a) Hazards of employment.

(b) Physical qualifications.

(c) Educational qualifications.

(d) Mental qualifications.

[1955 c 604 s 4]

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