

CHAPTER 421

CIVIL SERVICE COMMISSIONS

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59 225/51 **421.01 INJURED FIREMEN OR POLICEMEN 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)

59 225/51 **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)

59 225/51 **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)

59 225/51 **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)

59 225/51 **421.05 NOTICE OF 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 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)

59 C251 §1 **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)

59 C251 §1 **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)

59 C251 §1 **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)

59 C251 §1 **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)

9 C251 §1 **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 EMPLOYEES, DEFINED. The term "employees," as used in sections 421.11 to 421.14, shall not include members of the board of education, superinten-

dent 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. 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)

421.15-421.28 [Repealed, 1949 c 296 s 1]