

383C.051 DISCIPLINE LISTED IN THIS SECTION REQUIRES CAUSE.

No person in the classified service who shall have been permanently appointed or inducted into the classified service under provisions of sections 383C.03 to 383C.059 shall be removed, suspended, demoted or discharged except for cause which will promote the efficiency of the service and not for political or religious reasons and only upon the written accusation of the appointing power or any citizen or taxpayer. A written statement of such accusation shall be served upon the accused, and a duplicate filed with the county civil service commission. Any person so removed, suspended, demoted or discharged, may within ten days from the time of the removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons or was or was not made for just cause. After such investigation the commission may, if in its estimation the evidence is sufficient, affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made for just cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from time of such removal, suspension, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may place such employee on the reemployment list for service in the same or lower classification in a different branch of the service when a vacancy may occur.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person, and presenting a defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the district court where the issue shall be heard de novo and determined in the same manner as a court case. The district court shall thereupon proceed to hear and determine such appeal in a summary manner, provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such grounds or ground.

History: 1941 c 423 s 22; 1979 c 151 s 1; 1986 c 444