

CHAPTER 419

POLICE CIVIL SERVICE COMMISSIONS

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419.01 IN VILLAGES AND CERTAIN CITIES. There may be created in every village or city, except a city of the first class, of this state a police civil service commission with powers and duties as hereinafter provided.

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

[1929 c. 299 s. 1; 1933 c. 197 s. 1; 1935 c. 34 s. 1] (1933-48)

419.02 MEMBERSHIP; APPOINTMENT; OATH. This commission shall consist of three members who shall be citizens of the state and residents of such city or village, and shall be appointed by the mayor or president of the city or village, as the case may be, and the appointment of each commissioner, to be confirmed by a majority vote of the governing body thereof, and when first created one commissioner shall be appointed for the term of one year, who shall be president of the commission, one for the term of two years, and one for the term of three years, and all commissioners shall hold their office until their successors are appointed and qualified. No commissioner shall, at the time of his appointment or while serving, hold any other office or employment under the city or village, the United States, the State of Minnesota, or any public corporation or political division thereof, other than the office of notary public. Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk or village recorder an oath for the faithful discharge of his duties. There shall be appointed each year thereafter by the mayor or president one member of the commission whose term of office shall be for three years, and each member of the commission shall be president of the commission during the last year of the term for which he is appointed.

[1929 c. 299 s. 2] (1933-49)

419.03 MEETING. The commission shall first meet immediately after its appointment and thereafter on the first Monday in February each year at which meetings it shall select from its members a secretary who shall serve until his successor is elected. The commission shall from time to time fix the times of its meetings, and adopt, amend, and alter rules for its procedure.

[1929 c. 299 s. 3] (1933-50)

419.04 COMMISSIONERS TO SERVE WITHOUT PAY. Each commissioner shall serve without pay but the council may allow the secretary such compensation,

not exceeding \$100 per year, as it shall deem commensurate with the additional service rendered by him. The council shall pay from the municipal treasury all expenses incurred by the commission in connection with the performance of its duties and furnish it with all supplies, stationery, and equipment it may require, but all bills and accounts shall be audited and approved by the president and secretary of the commission before being paid by the council.

[1929 c. 299 s. 4] (1933-51)

419.05 DUTIES OF COMMISSION. The commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department of such city or village and these powers shall extend to and include all members of the police department.

The commission shall, immediately after its appointment and organization, grade and classify all of the employees of the police department of the city or village and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment and such other facts and data with reference to each employee as the commission may deem useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses, in the order of the date of application, of all applicants for examination and the offices or employments they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission deems necessary and useful.

[1929 c. 299 s. 5] (1933-52)

419.06 MAY MAKE RULES FOR POLICE DEPARTMENT. The commission shall, immediately after its appointment and from time to time thereafter, make, amend, alter, and change rules to promote efficiency in the police department service and to carry out the purposes of this chapter. The rules shall provide among other things for:

- (1) The classification of all offices and employments in the police department;
- (2) Public competitive examinations to test the relative fitness of applicants;
- (3) Public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in the city or village and posting the advertisement for ten days in the village or city hall and at each station house;
- (4) The creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, which shall be embraced in an eligible register;
- (5) The commission may by rule provide for striking any name from the eligible register after it has been two years thereon;
- (6) The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition, or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any wilful misrepresentation, deception, or fraud in connection with their applications for employment;
- (7) The certification of the name standing highest on the appropriate list to fill any vacancy;
- (8) Temporary employment without examination, with the consent in each case of the commission, in cases of emergency but no such temporary employment shall continue more than 30 days nor shall successive temporary employments be permitted for the same position; provided, that until 60 days after cessation of hostilities in the present war as declared by proper federal authority, whenever there are no names upon the eligible register, temporary appointment may be made for employment to continue until the position is filled by a candidate from the eligible register under the provisions of the rules, provided that persons on the eligible list at the time of induction into the Armed Forces of the United States shall retain their position on the eligible register;
- (9) Promotion based on competitive examination and upon records of efficiency, character, conduct, and seniority;
- (10) Suspension with or without pay for not longer than 60 days and for leave of absence, with or without pay; and
- (11) Such other rules not inconsistent with the provisions of this chapter as may, from time to time, be found necessary to secure the purposes of this chapter.

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Copies of such rules shall be kept posted in a conspicuous place at each police station house and no rules of general application with reference to employment, promotion, discharge, or suspension shall be effective until so posted.

[1929 c. 299 s. 6; 1943 c. 441 s. 1] (1933-53)

419.07 OFFICERS DISCHARGED ONLY AFTER HEARING. No officer or employee after six months' continuous employment shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense as in this chapter hereinafter provided. Such charges shall be investigated by or before such civil service commission. The finding and decision of such commission shall be forthwith certified to the chief or other appointed or superior officer, and will be forthwith enforced by such officer. Nothing in this chapter shall limit the power of any officer to suspend a subordinate for a reasonable period not exceeding 60 days for the purpose of discipline, or pending investigation of charges when he deems such suspension advisable.

[1929 c. 299 s. 7] (1933-54)

419.08 COMMISSION TO MAKE RULES AND PRESCRIBE STANDARDS. The commission shall ascertain the duties of each office, position, and employment in the police protection service of such city or village, and designate by rule as well as may be practicable the grade of each office, employment, or position. The commission shall prescribe standards of fitness and efficiency for each office, position, and employment and for each grade, and adapt its examination thereto.

[1929 c. 299 s. 8] (1933-55)

419.09 EXAMINATIONS. All examinations shall be impartial, fair, and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust and responsibility shall be specially examined as to moral character, sobriety, and integrity, and all applicants for position requiring special experience, skill, or faithfulness shall be specially examined in respect to those qualities. It shall be the duty of the chief of the police department and of every employee to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission collectively or individually may act as examiners or assistant examiners.

[1929 c. 299 s. 9] (1933-56)

419.10 NOTICE OF EXAMINATIONS. Notice of the time, place, and scope of each examination shall be given by publication and posting as specified in section 419.06, and by mailing such notice to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible upon examination, after giving credit for character and previous successful experience, shall be entered with their address and percentages on the eligible register. No name shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination. When a vacancy has been filled or new appointment made, the names selected shall be stricken from the eligible register and transferred to the service register.

[1929 c. 299 s. 10] (1933-57)

419.11 CHARGES FILED WITH SECRETARY OF COMMISSION. Charges of inefficiency or misconduct may be filed with the secretary of the commission by a superior officer or by any member of the commission of his own motion, and thereupon the commission shall try the charges after no less than ten days' written notice to the accused. Such notice shall set forth the charges as filed. In the event that the charges are filed by a member of the commission the complaining commissioner shall not sit. The trial of these charges shall be open to the public and each commissioner shall have the power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. The commission shall require by subpoena the attendance of any witness requested by the accused who can be found in the county in which such city or village is located. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers

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of the commission, and punish disobedience as a contempt of court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent, or employee of the city or village who receives compensation for his services, shall not be entitled to fees or mileage.

[1929 c. 299 s. 11] (1933-58)

419.12 SUSPENSION AND REMOVAL; REINSTATEMENT. If, after investigation and trial by civil service commission, as herein provided, an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board shall determine that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings and determinations hereunder and orders of suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of such hearing with the secretary of the commission 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 commission after 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 written notice of the order as above provided.

Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where the city or village is located at the place nearest the city or village. The question to be determined by the court shall be:

"Upon the evidence, was the order of the commission reasonable?" After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other court cases.

[1929 c. 299 s. 12] (1933-59)

419.13 CERTAIN ACTS MISDEMEANOR. An applicant for examination, appointment or promotion in the police department service of the city or village who shall, either directly or indirectly, give, render, or pay or promise to give, render, or pay any money, service or other thing to any person, for or on account of or in connection with his examination, appointment or proposed appointment or promotion shall be guilty of a misdemeanor and shall also be subject to suspension or removal.

Any officer or employee of the police department, when operating under civil service in accordance with the provisions of this chapter, who shall in any manner directly or indirectly solicit, receive, or pay, or be in any manner concerned in soliciting, receiving, or paying, any assessment, subscription or contribution for any party or political purpose, shall be guilty of a misdemeanor and shall be subject to suspension or removal.

Any person who shall solicit or receive directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution, or payment for any political purpose whatever from any officer or employee in a police department operated under civil service as in this chapter provided for, shall be guilty of a misdemeanor.

[1929 c. 299 ss. 13, 14, 15] (1933-60, 1933-61, 1933-62)

419.14 COMMISSION TO BE VESTED WITH POWERS IN CERTAIN CASES. When any city or village has a civil service commission the council may provide that this commission be vested with the powers and duties of the police civil service commission as set forth herein.

[1929 c. 299 s. 16] (1933-63)

419.15 OFFICERS TO COME UNDER COMMISSION. Any police officer regularly employed at the time of the creation of the civil service commission shall automatically come under the jurisdiction of the civil service commission.

[1929 c. 299; 1933 c. 197 s. 1] (1933-63a)

419.16 DISCONTINUANCE OF COMMISSION. Any police civil service commission hereafter created pursuant to the provisions of this chapter may be discontinued and abolished as follows: A petition signed by 25 per cent of the number of legal voters voting at the last general municipal election shall be filed with the governing body of such city or village and shall request that the following question be submitted to the voters: "Shall the police civil service commission be abolished?"

[1929 c. 299; 1933 c. 197 s. 1] (1933-63b)

419.17 TO BE SUBMITTED TO VOTERS. When such petition is filed the governing body of such city or village shall cause the question to be submitted to the voters at the first following general municipal election. The commission shall be deemed to be abolished if two-thirds 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 commission had not been created.

[1929 c. 299; 1933 c. 197 s. 1] (1933-63c)

419.18 APPLICATION. The provisions of sections 419.01 to 419.18 with reference to the abolition of civil service commission shall not apply and shall have no force or effect in any village or city in this state where a commission has already been created.

[1929 c. 299; 1933 c. 197 s. 1] (1933-63d)

419.19 APPLICATION OF SECTIONS 419.19 TO 419.34. Sections 419.19 to 419.34 shall apply to every city of the third class having an assessed valuation of more than \$15,000,000. In the event any city shall at any time come under the terms of sections 419.19 to 419.34 it shall continue thereunder notwithstanding any subsequent change in classification or valuation.

[1943 c. 381 s. 1]

419.20 IN CERTAIN CITIES OF THIRD CLASS. There may be created in every city of the third class having an assessed valuation of more than \$15,000,000, a police civil service commission with powers and duties as hereinafter provided.

Any city in the class mentioned in Laws 1943, Chapter 381, which may wish to avail itself of the provisions thereof, shall do so by resolution of its council, expressly adopting the provisions of Laws 1943, Chapter 381, adopted by a vote of a majority of all the members of the council present at a regular meeting thereof, approved by the mayor, and Laws 1943, Chapter 381, shall not apply to any such city until the adoption of such resolution.

[1943 c. 381 s. 2]

419.21 MEMBERSHIP OF COMMISSION. In any such city where the administration, management, and control of the police department is, by home rule charter, vested in a police and fire commission consisting of three members and a secretary and the term of office of each commissioner is for a period of six years, such commissioners shall constitute the police civil service commission. Their terms of office as police civil service commissioners shall be concurrent with their terms of office as police and fire commissioners. The president of the police and fire commission shall be president of the civil service commission.

[1943 c. 381 s. 3]

419.22 MEETINGS. The commission shall first meet immediately after its appointment and thereafter on the first Monday in April of each year. The commission may from time to time fix the times of its meetings, and, adopt, amend and alter rules for its procedure. Special meetings may be called by the president on 24 hours' notice in writing to each of the members of the commission.

[1943 c. 381 s. 4]

419.23 COMMISSIONERS TO SERVE WITHOUT PAY. Each commissioner shall serve without pay. The city clerk shall serve as secretary without compensation. All expenses incurred by the commission in connection with performance of its duties including supplies, stationery, equipment, shall be paid by the police and fire commission from funds appropriated for the operation of the police department. Such bills shall first be approved by the police civil service commission and submitted by its secretary to the police and fire commission for payment.

[1943 c. 381 s. 5]

419.24 DUTIES OF COMMISSION. The commission shall have control and supervision over the employment, promotion, discharge, and suspension of all members, officers and employees of the police department of such city.

The commission shall immediately after its appointment and organization grade and classify all employees of the police department of said city and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment, and such other facts and data with reference to each employee as the commission deems useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses in the order of the date of application of all applicants for examination and the offices or employment they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission deems necessary and useful.

[1943 c. 381 s. 6]

419.25 COMMISSION TO MAKE RULES. The commission shall make, amend, alter, and change rules to promote efficiency in the police department service and to carry out the purposes of Laws 1943, Chapter 381. The rules shall provide among other things for:

- (a) The classification of all offices and employments in the police department;
- (b) Competitive examinations to test the relative fitness of applicants for promotion or entrance into the police department;
- (c) Public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in said city posting same for ten days in the city hall and at each station house;
- (d) The creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, which shall be embraced in an eligible register, and the commission may by rule provide for striking any name from the eligible register after it has been thereon two years;
- (e) The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition, or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any wilful misrepresentation, deception, or fraud in connection with their applications for employment;
- (f) The certification of the name standing highest on the appropriate list to fill any vacancy;
- (g) Temporary employment without examination, with the consent in each case of the commission, in cases of emergency but no such temporary employment shall continue more than 60 days nor shall successive temporary employments be permitted for the same position. The prohibition contained in this section against re-employment of temporary employees shall not be effective until after the termination of the present war emergency;
- (h) Promotion based on competitive examination and upon records of efficiency, character, conduct, and seniority;
- (i) Suspension with or without pay for not longer than 60 days and for leave of absence, with or without pay; and
- (j) Such other rules not inconsistent with the provisions of Laws 1943, Chapter 381, as may be found necessary to secure the purpose of Laws 1943, Chapter 381.

Copies of such rules shall be kept posted in a conspicuous place at each police station house and no rules of general application with reference to employment, promotion, discharge, or suspension shall be effective until so posted.

[1943 c. 381 s. 7]

419.26 TENURE OF OFFICE. No officer or employee after six months' continuous employment shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense as in this chapter hereinafter provided. Such charges shall be investigated by or before such civil

service commission. The finding and decision of such commission shall be forthwith certified to the chief or other appointed or superior officer, and will be forthwith enforced by such officer. Nothing in Laws 1943, Chapter 381, shall limit the power of any officer to suspend a subordinate for a reasonable period not exceeding 60 days for the purpose of discipline, or pending investigation of charges when he deems such suspension advisable.

[1943 c. 381 s. 8]

419.27 COMMISSION SHALL PRESCRIBE STANDARDS. The commission shall ascertain the duties of each officer, position, and employment in the police protection service of such city, and designate by rule as well as may be practicable the grade of each office, employment, or position. The commission shall prescribe standards of fitness and efficiency for each office, position, and employment and for each grade, and adapt its examination thereto.

The civil service commission shall prescribe in its rules that all vacancies in any position, rank, or office of the police department, except that of patrolman, shall be filled by the promotion of a regular member of the police department after examination; that no person under 21 years of age or more than 35 years of age shall be eligible to take the examination for employment in said police department; that the retirement from the service of said police department shall be optional on the part of said police officers between 55 and 60 years of age; and such retirement shall be compulsory at 65 years of age; that any regular member of said police department who has heretofore been granted leave of absence from said police department by the police and fire commission now in control of the affairs of said police department, shall be granted an identical leave of absence by the civil service commission at its first meeting.

[1943 c. 381 s. 9]

419.28 EXAMINATIONS. All examinations shall be impartial, fair, and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust and responsibility shall be specially examined as to moral character, sobriety, and integrity, and all applicants for position requiring special experience, skill, and faithfulness shall be specially examined in respect to those qualities. It shall be the duty of the chief of the police department and of every employee to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission collectively or individually may act as examiners or assistant examiners.

[1943 c. 381 s. 10]

419.29 NOTICE OF EXAMINATION. Notice of the time, place, and scope of each examination shall be given by publication and posting as specified in section 419.25, and mailing such notice to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible upon examination, after giving credit for character and previous successful experience, shall be entered with their address and percentages on the eligible register. No name shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination. When a vacancy has been filled or a new appointment made, the names selected shall be stricken from the eligible register and transferred to the service register.

[1943 c. 381 s. 11]

419.30 CHARGES MAY BE FILED. Charges of inefficiency or misconduct may be filed with the secretary of the commission by a superior officer or by any member of the commission of his own motion, and thereupon the commission shall try the charges after no less than ten days' written notice to the accused. Such notice shall set forth the charges as filed. In the event that the charges are filed by a member of the commission the complaining commissioner shall not sit. The trial of said charges shall be open to the public and each commissioner shall have the power to issue subpoenas and to administer oaths to compel the attendance and testimony of witnesses and the production of books and papers relevant to the

investigation. The commission shall require by subpoena the attendance of any witness requested by the accused who can be found in the county in which such city is located. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent, or employee of said city who receives compensation for his services, shall not be entitled to fees or mileage.

[1943 c. 381 s. 12]

419.31 PROCEEDINGS AFTER INVESTIGATIONS. If, after investigation and trial by civil service commission as herein provided, an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board shall determine that the charges are not sustained, the accused if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings and determinations hereunder and orders of suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of such hearing with the secretary of the commission and it shall be the duty of the secretary to notify such employee of said decision in writing. Any person suspended, reduced, or removed by the commission after 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 said order or the receipt by said employee of written notice of said order as above provided.

Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where said city is located at the place nearest said city. The question to be determined by the court shall be: "Upon the evidence was the order of the commission reasonable?" After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other court cases.

[1943 c. 381 s. 13]

419.32 UNLAWFUL ACTS A MISDEMEANOR. Subdivision 1. An applicant for examination, appointment or promotion in the police department service of said city who shall give, render, or pay or promise to give, render, or pay any money, service, or other thing to any person, for or on account of or in connection with his examination, appointment or proposed appointment or promotion shall be guilty of misdemeanor and be subject to suspension or removal.

Subd. 2. Any member, officer, or employee of the police department, when operating under civil service in accordance with the provisions of Laws 1943, Chapter 381, who shall in any manner solicit, receive or pay, or be in any manner concerned in soliciting, receiving, or paying any assessment, subscription, or contribution for any party or political purpose, shall be guilty of a misdemeanor and subject to suspension or removal.

Subd. 3. Any person who shall solicit or receive, or be in any manner concerned in soliciting or receiving an assessment, contribution, or payment for any political purpose from any member, officer or employee in police department operated under civil service shall be guilty of misdemeanor.

[1943 c. 381 ss. 14, 15, 16]

419.33 CERTAIN OFFICERS TO CONTINUE WITHOUT EXAMINATION. Any police officer regularly employed at the time of the creation of the civil service commission shall come under the jurisdiction of the civil service commission without examination.

[1943 c. 381 s. 17]

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419.34 COMMISSIONS MAY BE ABOLISHED; HOW. Any police civil service commission hereafter created, pursuant to the provisions of Laws 1943, Chapter 381, may be discontinued and abolished as follows: A petition signed by ten per cent of the number of legal voters voting at the last general municipal election shall be filed with the governing body of such city and request that the following question be submitted to the voters: "Shall the police civil service commission be abolished?"

When such petition is filed, the governing body of such city shall cause this question to be submitted to the voters at the first following general municipal election.

Such commission shall be deemed to be abolished if five-eighths of the votes cast in this election be in favor of such abolishment; and the status of the police department and all employees thereof shall thereafter be deemed to be the same as if said commission had not been created.

[1943 c. 381 s. 18]